



OFFICIAL REPORT
OF THE
STATES OF THE
ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 18th September 2013

*All published Official Reports can be found on the
official States of Alderney website www.alderney.gov.gg*

Volume 1, No. 4

Present:

*Published by the Greffier of the Court of Alderney,
Queen Elizabeth II Street, Alderney GY9 3TB. © States of Alderney, 2013*

Mr Stuart Trought, President

Members

Mr Paul Arditti
Mr Raymond Berry
Mr Matthew Birmingham
Mr Neil Harvey
Mr Louis Jean
Mr Robert McDowall
Mr Chris Rowley
Mr Steve Roberts
Mr Francis Simonet
Mr Ian Tugby

Representative of the Lieutenant Governor:

Colonel Colin Mason

The Greffier of the Court

Mrs Sarah Kelly

Business Transacted

Page

Billet for Wednesday, 18th September 2013	
I. Chief Pleas – Mrs Rosemary Hanbury: Olympic legacy – Mr S Hanbury: accountability of States Members to the public – Mr C Murfitt: cancelling the Committee system – Mr M O’Gorman: Good governance in Alderney since 1970.....	67
II. Alderney Electricity Limited – Law Officers’ opinion – Amendment carried, Item withdrawn	74
III. The Debt Relief (Developing Countries) (Guernsey and Alderney) Law, 2013 approved.....	86
IV. Royal Connaught Care Home – States appointed board member – Amendment carried, Item withdrawn	88
V. Request for Referendum on States Members and President – Amendment carried, Item withdrawn	97
VI. Code of Conduct – Projet de Loi: ‘The Government of Alderney (Amendment) Law, 2013’ – Item approved.....	105
VII. States of Alderney Rules of Procedure – Amendment to Rules 4 and 8 – Item approved	109
VIII. The Housing (Exemptions) (No. 2) (Alderney) Ordinance, 2013 approved	115
IX. The Alderney Road Traffic and Public Highways (Amendment) (No. 2) Regulations, 2013 – not to annual Regulations – Item approved.	116
X. The Libya (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2013 approved.....	117
XI. Alderney eGambling (Amendment) (No 3) Regulations, 2013 – Request not to annul – Item approved.....	118
XII. Requête – Membership of Policy and Finance Committee – Appointment of all 10 States Members – Item approved.....	119
XIII. Questions and Report – None	125

The Assembly adjourned at 9.31 p.m.

States of Alderney

*The States met at 5.30 p.m. in the presence of
Colonel Colin Mason, a representative of His Excellency Air Marshal Peter Walker, C.B., C.B.E.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE PRESIDENT *in the Chair*]

PRAYERS *The Greffier*

The Greffier: Sir, perhaps just before I call the roll, there will be a photograph for the *Journal*.

The President: Thank you.

ROLL CALL *The Greffier*

Billet d'État for Wednesday, 18th September 2013

Order of the Day

CHIEF PLEAS

Mrs Rosemary Hanbury: Olympic legacy
Mr S Hanbury: accountability of States Members to the public
Mr C Murfitt: cancelling the Committee system
Mr M O'Gorman: Good governance in Alderney since 1970

Item I

Persons whose names are included on the Register of Voters and who have given due notice will address the States on matters of public interest.

5 **The Greffier:** Sir, Item I is the Chief Pleas and we have received four Chief Pleas for today.

The President: Thank you very much, Madam Greffier.

10 Before we move on to Chief Pleas, I would just like to mention a few words about them. Chief Pleas is an opportunity for an individual to bring personally before the States a matter of public interest which he requests shall be considered, and he may address the States in support of his request. It is an opportunity to address the States as a whole. It is not a platform from which to opine on the merits or otherwise of individual States Members.

15 I must add that nothing in this section confers on a person who addresses the States any other right, privilege or immunity. What that means, in effect, is anyone who states anything as a fact which is untrue or makes false allegations may be subject to whatever remedy is available in law.

Now we have cleared that up for everybody, we would like to move on to the first one, please.

The Greffier: Sir, do you wish to hear from the Convener? I know there were no comments, but I do not know if you want to start with Item I.

20

Mr Jean: There were no comments, sir.

The Greffier: Mrs Hanbury, please come forward.

The President: Mrs Hanbury, would you care to tell everybody what it is you wish to address the States about, please.

25

Mrs Hanbury: I want to talk to them about last year's Olympic legacy.

30

The President: Very good. Thank you.

Mrs Hanbury: Mr President and Members of the States of Alderney, last September I had a dream. In it, I saw Alderney leading the parade of athletes at the Commonwealth Games in Glasgow. The States of Alderney was kind enough to approve of this idea as our Olympic legacy.

35

However, in January I was told that the Commonwealth Games Federation in Glasgow alleged that Alderney could only enter as part of a Bailiwick team.

As Guernsey and Alderney are separate jurisdictions within the Commonwealth, it would not be appropriate or constitutional for an athlete from Alderney to be included among the proposed 40 Guernsey participants who would be representing their Island.

40

It is a unique privilege for this small Island to be a member of the Commonwealth in its own right. Alderney's position is recognised by the Commonwealth Parliamentary Association, in which all delegates are of equal status, and by the direct communication between Westminster and the States of Alderney on Government business, such as the sanctions concerning Libya which are in the Billet today. Another example: when the Good Friday Agreement was signed in Northern Ireland, every Alderney States Member was sent a personal copy.

45

The ruling of the Commonwealth Games Federation is clearly wrong and today I am asking the States to clarify the situation. Our virtual exclusion from the Games in July might well be used as a catalyst to seek the clarification of Alderney's constitutional position. With the recent introspective turmoil within the States during this year, it has perhaps not been an appropriate time to pursue this matter. However, I believe it is necessary to resolve it during this period before the Games begin, although I fear the opportunity for us to send an Alderney athlete to Glasgow in 2014 is now too late.

50

But this was not a dream; it was our Olympic legacy and the legacy is substantial and extends into the future. In another five years, there might well be a suitable candidate to hold that flag for Alderney.

55

So that there is no obstacle next time, I am asking the President, the Chief Executive Officer and Members of the States to determine that Alderney's place as an independent member of the Commonwealth is fully accepted and ratified, especially by the Commonwealth Games Federation.

60

Thank you, sir.

The President: Thank you very much.

I do not know if any of the States Members would just like to throw any light on that, as I believe there has been a considerable amount of work done.

65

Mr Birmingham: I can quickly –

The President: If you would.

70

Mr Birmingham: I would be happy to.

Yes, the Commonwealth Games Federation is obviously the body that is tasked with organising the Commonwealth Games. The way it is structured, in terms of their constitution, is that you have to be an affiliated Commonwealth Games Association to be able to take part in the Commonwealth Games.

75

What has actually happened in the past is Alderney has been included, as you quite rightly said, under the whole Bailiwick situation. I believe there might be a way that we could progress this, which may be going down the route of Alderney finding a way of forming its own affiliated Commonwealth Games Association. By that route, then we may be able to send our own athletes to the Commonwealth Games, but there are a number of obstacles.

80 Some of the problems are relating to the inter-relationships between the sports governing bodies and how they actually relate to the Commonwealth Games and there are certain problems involving things like having to sign up to the international anti-doping legislation and areas like that, but it is possible that they may be possible to overcome.

85 But I think the first step that we probably need to do locally may well be forming some form of sports council or beefing up the Island Games Committee. I think there are routes we can take, but I think it might be a long hard road.

The President: Thank you very much, Mr Birmingham.

Would any other States Member wish to make any further response? Thank you very much.

90 We move on to... I think it is Mr Hanbury. Mr Hanbury, would you care to tell everybody what the matter is that you wish to address the States about, please.

Mr Hanbury: Accountability of States Members to the public.

95 **The President:** Thank you.

Mr Hanbury: Mr President, Members of the States, this subject has the potential to be boring, but I shall endeavour to make it anything but.

100 'Accountability' is a simple word, unambiguous, and carries also with it responsibility. Harking back to the elections in December, we, the people, removed what was perceived as some dead wood: the saga of the harbour crane is an expensive case in point. Who ultimately paid the £20,000 fine? I am afraid it is the usual lender of last resort: the taxpayer.

105 Fresh elections were held and new faces voted onto the States. Over the past nine months, disappointment and, I am afraid, annoyance have reigned supreme. By early August, the dust seemed to have settled and my wife and I were happy to go on holiday. Returning last week and reading three back numbers of *The Press*, we found, on the contrary, the rumblings of discontent had reached volcanic proportions.

Let me now shine a light into some dark corners.

110 Much has been said and written about the May People's Meeting and the now infamous States Meeting a week later; it behoves me *not* to rake over these coals further. Suffice it to say, I believe the damage done to Alderney/Guernsey relations has been catastrophic. The responsibility and accountability rests solely on your shoulders, gentlemen. I will return to this in a minute.

115 At this point and to be fair to the 'newbie' on the block, he remains blameless. All along, the people have been treated with an unacceptable degree of disdain and, dare I say it, even contempt. The underlying problem was, and still is in my mind, the festering and unresolved sore of AEL. This company, vital to the Island, is a commercial disgrace. With over 50 years' business and investment experience, Mr President, I feel entitled to make this observation.

120 **The President:** Mr Hanbury, I must make this clear: this is your opinion you are talking about.

Mr Hanbury: Oh, yes, absolutely, sir.

125 **The President:** It would probably be just as well if you made it clear that this was your opinion and not a fact.

Mr Hanbury: This is my opinion all the way through.

The President: Thank you.

130 **Mr Hanbury:** The July meeting in the Island hall, called by AEL itself, was a PR disaster. Unanswered questions and self-satisfied obfuscation was the order of the day. Unless the directors are blind and deaf, they, and you, must be aware of the total lack of trust in respect of the public. Were AEL ever a share quoted on the London Stock Exchange, institutions, and widows and orphans alike, would have bombed the shares onto the 'defunct companies' list.

135 The matter of AEL must be addressed as an item of considerable urgency. A root-and-branch reappraisal is demanded. Resolution, I feel, must be a priority. Remember: you are responsible; you are accountable in the cold light of day. Think dramatic cost reduction and radical reorganisation. Question the morale of the lower staff – the indians, not the chiefs – who make that company tick.

140 We come now to yet another major problem, the new Connaught Care Home. Dr Clive Twentyman *et al* have in *The Press* waxed eloquent and rightly gone nuclear. *If* the worthy unpaired

management board are placed in an untenable position and resign, the end result *may* be an assumption of control by the States. Bear in mind an apt Churchillian quote: ‘There is no situation so dire that Government interference cannot make worse.’

145 Inevitably the States of Guernsey will withdraw vital funding with all the consequences to follow –

The President: Mr Hanbury, I am sorry to interrupt again. You do not know that for a fact. This is your opinion and you must make that very clear.

150

Mr Hanbury: Well, I have heard it said that that is probably the case.

The President: Well, ‘probably the case’ is not what you were saying.

155

Mr Hanbury: Alright, well, I shall *allege* then, Mr President.

The President: Thank you very much.

Mr Hanbury: Referring briefly to the harbour crane saga, I would have thought £20,000 would come in rather handy on the credit side of Connaught’s accounts.

160

Finally, there are two equally important entrances to and exits from this Island. The Harbour has benefited from a major rebuild and refit to achieve serious modernisation; notwithstanding a cost overrun, this is an achievement worthy of note.

165

I fear the Airport is a different matter. Following the palace revolution in May, the States, I feel, have lost the plot. The May debacle, I believe, caused Guernsey to view that episode as bad governance of the worst kind and I ask: what a way to pursue a request for serious funds to update and modernise our Airport? I fear, too, that we lost that serious funding and acquired only sufficient monies to keep the Airport on a care and maintenance basis only, little more.

170

Whatever you may think and whatever I may think, Alderney still has trusted and loyal friends in Guernsey – friends with influence and much goodwill.

In a press release in mid-August, item 2 deals with transportation. I suggest everybody re-reads it. Do you achieve its objectives by killing off airport modernisation by what I think is sheer thoughtlessness? Accountable, you are.

175

Sadly the damage is done. I ask: will our two elected representatives be able to salvage this situation? Who knows? I think it is time for serious fence mending.

You will be glad to know, Mr President, that I now intend to conclude my critique. Sadly, I fear some of you are asleep on watch, while some of you act as if you are test batsman playing in a greenhouse instead of the nets. Others, quite plainly, carry on plotting with an efficacy which I think would meet with the approval of John le Carré himself. This political philandering I feel has to stop. Alter course, gentlemen. You are forgetting you are not only accountable to *us*, the people, but to each other as an elected States.

180

I think now my message is clear. I also feel I am speaking on behalf of a fair number of the people of Alderney. In the quiet of your homes tonight, contemplate this: the electorate has an elephantine memory – one year, three years, five years, ten years and beyond. The electorate can and will be very unforgiving at the ballot box.

185

Mr President, my chief and urgent plea is this: let tomorrow bring a new dawn. Engage with us in a renewed spirit of openness, honesty and sincerity. Act in unison for the good of this, our Island home.

Thank you, Mr President.

190

The President: Thank you, Mr Hanbury.

The next one is Mr Murfitt. Mr Murfitt, would you care to start by telling everybody what it is you wish to address the States about and what it is you are requesting them to do.

195

Mr Murfitt: Yes, Mr President, Members – friends, I might say.

A Committee of the States of Guernsey illegally authorised the compulsory purchase of my former home, Braye Lodge.

200

The President: Mr Murfitt, I believe that you wish to address the States on cancelling the Committee system. That is the Item which you put forward and which you said you wished to speak about.

I would remind you to stick to that subject which you put forward to address the States on, if you would be so kind.

205 **Mr Murfitt:** Yes, sir, it is the Committee of the States of Guernsey –

The President: Your Item here, Mr Murfitt, says, ‘cancelling the Committee system’.

Mr Murfitt: Well, to cancel the Committee system of the States of Guernsey, sir.

210 **The President:** So how... just please enlighten me. Why are you addressing the States? How can the States of Alderney cancel a Committee system in Guernsey?

215 **Mr Murfitt:** Well, the fang farrier, Mr Cranford-Smith, backed up by the now deceased Edwin Sebire he gave a famous speech about, ‘We must now grasp the nettle...’ – the nettle being me.

The President: Mr Murfitt, I am afraid this has nothing to do with cancelling the Committee system, which is the subject you requested to address the States on. I am going to have to ask you speak on the subject that you asked to speak to the States about or to finish your speech – one or the other.

220 **Mr Murfitt:** Well, I would like to have the States of Alderney to reverse the decision of the Committee of the States of Guernsey.

225 **The President:** And that is your request to the States of Alderney?

Mr Murfitt: Yes, because I would like my former home back. I mean, the cheeky man sitting to your right –

230 **The President:** Mr Murfitt, I said at the beginning, this is not a platform on which to opine on individual States Members and I will not allow that.

Mr Murfitt: No, he is not a States Member, sir. He is –

235 **The President:** Mr Murfitt, you will stand down.
Right, can we call the next Chief Plea, please, which is Mr Michael O’Gorman.
Mr O’Gorman, would you care to commence by telling the people and the States what the matter is you wish to address the States on.

240 **Mr O’Gorman:** Yes, the title of it is, ‘Good Governance in Alderney’ (**The President:** Thank you) and it goes from 1970.

I arrived on the Island in 1970 on about 17th June. I walked down Victoria Street. It was a lovely sunny day and probably within a few hours, I decided that this would be the place where I would like to live. I had been living in Jersey for three months before that.

245 Nothing has changed to this day, except there have been some damaging episodes, which have not only damaged the infrastructure of Alderney, but periods of good government in the early days in the 1970s, and periods of not such good government, and during the times of good government in the 1970s, there were even times when things did not go quite rightly and the infrastructure of Alderney was damaged. So I would like to talk about that.

250 **The President:** If you want to address the States on good governance, please remember that you are here to make a request to the States.

255 **Mr O’Gorman:** Yes, that is right. I would like to make a few points, which really basically mean we can learn... all of you can relax, States Members and President, because you can learn from previous mistakes. That is what I wish to point out and I will be as brief as I can.

Mr Hanbury, thank you very much, because I do not have to say any of that. Mr Hanbury has said it for me and better than I can.

260 When I first came here, it was 25 years after the war, but it was very obvious that the Island was still suffering, even after all those years – not only the Island, but the people. The German bunkers that are there today were there then and I was quite enthusiastic about exploring them and I had never seen anything like it before, like many other people. Today they are a great tourist attraction, but then it was slightly different because when I enthusiastically spoke to Island people that I had met who had been evacuated and returned to the Island, they were not all that enthusiastic – *they* were damaged.

265 The Gauvains – Mr and Mrs Wally Gauvain from Little Street, who a lot of you will know, related to me a story about how, when they were evacuated from the Island at short notice, their cows followed them down to the end of the breakwater and bellowed as they went on a ship. So although I found these things interesting, I then realised why the Islanders did not find it quite so great. Sorry, I am just taking bits out that I was going to say to you all, perhaps you will be pleased to hear.

270 One of the first people I met... and I will get to the point right now about good government/bad government. Good government in those days in the 1970s: you did not have to worry about anything. It was very quiet. There were one or two controversial things, but if a hole came in the street outside the Rose and Crown – which still happens – you could bump into somebody, maybe Mr Shade and say, ‘Oh, I have just seen a hole coming.’ ‘Right. Okay, Michael – next meeting I will get that sorted out’, and it was done. You did not have to go around telling everybody everything all the time, but it was regarded as helpful if you did.

275 I met Mr Henry Allan, the late Henry Allan, and I helped him with his cattle on Les Rochers because he was getting on. He had been evacuated to England. He had worked in the foundries, where he did not want to go because he was a farmer, and he came back to the Island and carried on his farming. Up on Les Rochers there was a vast array of stones and in a book that I read enthusiastically at the time, it said it was only second in importance – you can remember this, Mr Rowley... you were there.

285 **Mr Rowley:** That’s right.

The President: Please address the States as the States as a whole and not individually.

Mr O’Gorman: Sorry, yes. Sorry, I just happen to know him.

290 The stones that were there were on a 16th/17th century map by a Hydrographer to His Majesty’s Navy at the time. It was not that they just arrived there randomly. They were there for tens of thousands of years before and there they stood. Owing to someone who had recently come on to the then States, who was experienced with beef cattle and so on, he had an idea which he pushed forward forcefully that all the stones should be cleared away, or a large number of them, and the late Mr Welland who had a great big power shovel, was commissioned by the States to clear away a large number of these stones. These are the stones that are in the sand pit now, which geologists are scratching their heads over and saying, ‘Well, we don’t really know how they got like that.’ I do. I was there. There were lots of other people. I am just here to tell you, as States Members, that *damage* was done to Alderney.

300 Unfortunately the Government was good, but somebody had a good idea. They forced it through and some of those stones disappeared. In 1972, exactly the same thing happened and stones were again cleared into corners.

305 More recently – now I will jump ahead – those stones were taken from where they have been pushed to on Les Rochers and they were pushed over the inflow and lost. How did that happen? It is not your current States now and I do not think any of you were there... maybe one of you was there. Just recently, but not this current States, that happened. That damaged infrastructure of Alderney.

I will just go and throw another one in about that damage –

310 **The President:** This is very interesting –

Mr O’Gorman: I know. I know it is. I accept that.

The President: – but we are trying to lead to your request for good governance of the Island.

315 **Mr O’Gorman:** Well, three times the rest of the stones were, if you would forgive me going back a bit to another States... A person who leased land that Mr Henry Allen used to lease on the north side where there were great alignments of stones, he asked if he could get them out of the way because he wanted to plough the land and the States at that time said, ‘Yes, go ahead.’ So a big hole was dug and the stones were pushed in and there they are with some of them still sticking up – quite big ones. Consequently, recently when people came from Guernsey to look at this, they could not find any evidence of a Neolithic settlement or anything like a bit of Carnac. They could not find it. How did this happen?

325 I am gradually getting to good government/bad government. So those are the things that can happen when you are not looking because possibly you are doing something else. That could be good things, like building a new quay or building a harbour office. Those are good, but there are

other things where good government/bad government, a lot of money has been wasted on pursuing and pushing cases against members of the public, where the States have lost arguments about pieces of land, where the person concerned at the time has his deeds and everything and it was an
330 open-and-shut case, but it was forced through by the States against a member of the public and the States on that occasion lost about £30,000.

There are other cases, which I am sure a lot of you will be aware of, where almost exactly the same thing has happened because of incompetence – just out-and-out incompetence.

335 **The President:** Mr O’Gorman, if you are going to... I mentioned this right at the beginning –

Mr O’Gorman: Yes, I heard your warning, Mr President.

340 **The President:** If you are going to give your opinion (**Mr O’Gorman:** Yes.) and anybody who states anything which is a fact which is untrue (**Mr O’Gorman:** Yes.) or makes false allegations (**Mr O’Gorman:** Yes.) they will be or may be subject to remedy in law. So I am just saying –

345 **Mr O’Gorman:** I fully understand it.

The President: – be very careful of what you are saying.

Mr O’Gorman: Yes, I fully understand it and the Greffier will confirm that what I have just said took place.

350 The other thing I would like to ask you is: have you ever said that before to anyone at Chief Pleas?

The President: Have I said what before?

355 **Mr O’Gorman:** The statement –

The President: That they should be very careful about what they say?

Mr O’Gorman: The statement you have just made.

360 **The President:** It is taken directly from the Statute, 43(7) and it is like everything else that a lot of people in the general public understand *some* of the law –

Mr O’Gorman: They do not realise –

365 **The President:** – and they do not realise that they may not be... So I think it is only wise to let people know.

Mr O’Gorman: Yes, thank you very much indeed. That is fine.

370 So recently – taking out bits – by inaction or action, damage can be caused – that is what I was getting at there – and a lot of it can be accidental. Some of it can be negligent.

375 The good things recently, I believe, are the Harbour Office. A lot of people say, ‘It is too grand and you are spending too much money. It has gone over budget’, but I believe it is one of the things that has to happen. The same with the Quay and the problems that are encountered with the Quay, but with those sorts of engineering problems you cannot foresee everything. If you encounter a problem, you have to solve it and it costs money. The States were badly advised and they should... the States have a case against the people... the engineering company, which I hope is progressing well. I am not asking the question, I am just hoping it is so that we can recover the money where we were badly advised. We are only a village. We cannot have all the expert opinion
380 in the world.

I will never be a States Member because when I came to Alderney I said that after a few years you get round a few social events and you express an opinion, and people say, ‘Why don’t you be a States Member?’ I said, ‘No. I have only expressed an opinion. I came here. It is not my Island. I live here.’ But after living here for a number of years and paying into the system and investing in
385 the system and now I actually get a Guernsey pension, which proves it, I reserve the right to have my say anywhere in any forum. That is what this is for. This is the first time I have spoken. I hope it will be the last in here. (*Interjections*)

The Connaught Home, what I would like to ask the States –

390 **The President:** You are here to make a request to the States.

Mr O’Gorman: The request –

The President: Yes, and whilst, as you say, you are obviously leading up to something –

395 **Mr O’Gorman:** As an example.

The President: Well, if you make your example, then make your request.

Mr O’Gorman: Yes, this is one of things... I am just coming to the end of it now.
400 Listen to the electorate. I know that I am one person here who has the public behind me, or a large number of them. I am not electioneering, but one of the things I would like to ask is that, for your good governance, will you please give the Connaught Home what they want and apply that to a lot of other things, instead of this constant, constant wrangling, which I will not go on about – Mr Hanbury explained all that and I have cut all that out in what I am going to say.

405 Listen to the electorate. Apply some individual thinking, I would like to ask some of you States Members, instead of what I see as you being corralled and perhaps that is blinding your view of things. Think for yourselves. Think what is good for the general public and the electorate on the Island, which I am sure you will all say, ‘That’s why we’re here’ – of course you are.

Stop wasting time by scheming. That is another thing I would like you to do. Sometimes you will have disagreements obviously, otherwise there would not be any debate, but when you are debating, I was going to ask if I could affirm, so that... here. I said this the other day – I am not religious – but you say a prayer at your States Meeting, and I said this at the People’s Meeting the other day: ‘Thou shalt not bear false witness against thy neighbour.’ That says it all. I never thought I would quote the Eighth Commandment, but I have to say it.

415 Think about the electorate. Think about what you are doing, because in three years’ time, if you do not do something, you will be voted out. It is as simple as that.

So I thank you for your time and listening. Thank you.

The President: Thank you, Mr O’Gorman.

420 I would just like to say it is quite pleasing to see so many members of the public being interested enough to express their views to the States, for which I thank them for their interest. Thank you.

425

**Alderney Electricity Limited
Law Officers’ opinion
Amendment carried, Item withdrawn**

Item II

The States is asked to direct the Chief Executive to consult the Law Officers and obtain their written advice on the best way to achieve each of the following:

- 430
- 1. The formation of a new Electricity Board of the States of Alderney (“the Board”); and*
 - 2. The transfer of the monopoly for the generation and distribution of electricity in Alderney from AEL to the Board; and*
 - 3. The transfer of the monopoly for the sale of oil products in Alderney to the Board.*

435 **The President:** Right, Madam Greffier, if we can move on to the next Item on the Billet, please.

The Greffier: Sir, that is Item II, that is Alderney Electricity Limited.

440 The States is asked to direct the Chief Executive to consult the Law Officers and obtain their written advice on the best way to achieve each of the following: the formation of a new Electricity Board of the States of Alderney, called ‘the Board’; and the transfer of the monopoly for the generation and distribution of electricity in Alderney from AEL to the Board; and the transfer of the monopoly for the sale of oil products in Alderney to the Board.

445 **Mr Jean:** May I, sir, give my account of the People’s Meeting?

The President: I would like you, as Convener, to do that, please, Mr Jean.

Mr Jean: May I also ask, sir, why did you actually ask me to convene the People's Meeting this evening because, as you know, I have got quite a lot of Items on my plate this evening?

450

The President: Because it is normal that the person who is asked to convene the meeting is somebody who has some of the most interesting or complex Items on the Billet so they have a chance, as chairman of their committee, to explain to the public why their committee has brought it forward as a Billet Item.

455

Mr Jean: I will accept that, sir. Thank you.

The President: Thank you.

460

Mr Jean: Comments on this Item included the public remain dissatisfied with the current board of AEL, unlike the Water Board, whom in recent years has transformed the quality and quantity of Alderney water supply. It is hoped that this Item is rationally debated in the States Meeting.

465

It was queried what the effect of this proposal would be on the minority shareholders of AEL. The Convener advised that the advice would have to be sought from the Law Officers.

One contributor stated that it would not be appropriate to make structural changes to the board at AEL as it is believed to be a clash of personality between the board and some Members of the States or the public, rather than anything substantially wrong.

470

Furthermore, as much improved as the Water Board has been over the past few years, there is still criticism from the public, especially with regard to – I must say I did not write this report, but I am going to have to go with it – the discharging of sewage into the sea. The Convener advised that he wishes to address the issues surrounding expensive directors' fees, which he believes adds cost to the consumer, as well as to the cost of electricity and oil, from which the results of the recent shopping basket survey is 48% more expensive than in Guernsey. The Convener advised that the extension of the sewage outfall at Fort Doyle is in the 2014 capital budget.

475

AEL is a limited company and therefore it may be difficult to restructure the board and stop it functioning.

480

It was queried if it is proposed to form an entirely new board of AEL with only the manager and technical manager remaining and have the States run AEL. The Convener advised that the States, as majority shareholder, have the right to assess the issues surrounding AEL. He further added that the board is entirely cost driven and it is due to a decision of the States two or three years ago to increase the remuneration of directors over the last two years.

485

It is not accurate to use the Water Board as a comparison and the States, should this Item be approved, may find it will cost more and there will be a backlash to this decision. The contributor suggested recruiting a person to act as both manager and technical manager, which would combine the roll currently held by two directors on the board and furthermore encourage the Convener to co-ordinate the States to obtain more information about AEL, and thus not disbanding the board in the way being proposed.

490

It was queried why AEL accounts, currently available to view in the library, show the directors' remuneration as £27K... as stated by the Convener. The Convener advised that he believes that that is not the full and correct figure as he has been unsuccessful in obtaining the figures from AEL.

495

A query was raised whether the harbour dues have an impact on the amount being charged for electricity and oil. The Chief Executive advised that the dues did impact on the cost and there was a due payable per tonne on fuel landed, as opposed to the harbour due paid on the gross registered tonnage of the ship. The recent independent review of the harbour estimated that the cost to the consumer for heating oil is relatively small – £12 per annum, based on 1,000 litres used – and further advised that a review of locally raised fees is already underway.

500

The States have the right as majority shareholder to investigate the ongoings of AEL and they should look at assembling a group of local qualified individuals to do so. The Convener did not agree that such an investigation should be undertaken by people in Alderney and felt it more appropriate to consult with the Law Officers.

The technical abilities of the Law Officers were questioned.

505

A number of contributors agreed that the proposal seems radical; however, did feel an investigation into AEL would be sufficient to address most of the issues.

Thank you, sir.

The President: Thank you very much, Mr Jean.

510 **Mr Simonet:** A point of order, Mr President.

The President: Mr Simonet.

515 **Mr Simonet:** Usually, sir, it is usual for the Convener to read out the Report of the People's Meeting as compiled by the Civil Service. I notice Mr Jean has decided to omit two parts of the summary and I assume that he has done this... because I can see them highlighted on his pad. So I would like him to correct those Items.

The President: I will speak for him on that Mr Simonet.

520 The Rules of the People's Meeting state quite clearly that the Convener is not supposed to express his own opinion and on various occasions, through the intensity of the evening, Mr Jean did on occasion express his own opinion. When I spoke to him about that, he very kindly, and rightly, agreed that he would not express his own views to the States Members.

525 **Mr Simonet:** Thank you, Mr President. I accept that.

The Greffier: Perhaps, sir, I could just assist Mr Jean by reading out that present at the People's Meeting was, obviously, Mr Jean as Convener, who was assisted by the Chief Executive and Treasurer, there was a Minute Secretary, nine States Members, excluding the Convener, approximately 70 members of the public and three members of the press.

Mr Simonet: Thank you.

535 **The President:** Thank you very much. So everybody... helping to clarify the situation. Mr Jean, would you care to propose Item II now, please?

Mr Jean: Well, indeed. I take it I may speak on the Item as well at the same time?

The President: Of course.

540

Mr Jean: Thank you.

I would like to propose the Item, Alderney Electricity Limited and in speaking on the Item, I am asking the States to give its support to a proposition for the public good.

545 Three years ago, the board at AEL, in combination with the States representative on the board, raised the remunerations for directors quite considerably. After raising points in ensuing AGMs over the last three to four years, it is quite clear to me the public were never consulted in any way, nor was any permission sought.

550 In January, I made the Estates and Services Committee aware of my own concerns regarding price structuring and Alderney's own peripheral tax and extra charge system, the States of Alderney oil tax and of course the rising costs at AEL to what I regard as excessive remuneration being paid to directors and the oil tax – a combination of both.

555 Taking the chairmanship of the ESC Committee and with the Committee's support, I commissioned a shopping basket survey. This took many months before the results came back. While I waited, I continued to push to generate the interest that would get AEL looked at, as I had promised in my election manifesto the previous year.

Running true to form for me is a habit, especially when I know and sense all is not well with the public and business sector in our Island and I know these things are all part of it and I must look to take apart what has been going wrong in Alderney since I left office some 13 years ago.

560 Leaving the shopping basket survey on the back burner, I turned up the heat on AEL, and you all know the result of that. A chairman lost his seat on the Policy Committee and I was invited before that to attend a special meeting at AEL with Mr Simonet, who by the time of that meeting had for some reason turned against me and performed his legendary U-turn. He came to my home shouting at me – very hostile.

565 **Mr Simonet:** I have a point of order, Mr President.

This is quite... this sort of language about myself cannot be substantiated and is completely wrong.

570 **The President:** Thank you very much. So we come down to a matter of opinion here with the feud. The point is taken, Mr Simonet.

If you would carry on, Mr Jean.

Mr Jean: Telling me how welcome my efforts were and who would run AEL if the board resigned. Still the Chairman of the Policy Committee then, Mr Arditti, wrote to stop Mr Simonet attending that meeting with me – that did not work out – specially convened to allay my concerns.
575 While after that meeting, a censure motion signed by all in meetings with the President and written confirmation that I was not invited because of my different views and all this –

The President: I will make a point of order here, Mr Jean.
That meeting and the signing of that document did not take place in my office.

580 **Mr Jean:** Thank you.

The President: Thank you.

585 **Mr Jean:** And all this taking place in the absence of Mr Arditti, who was on holiday. How bad is that?

Then Mr Simonet gets the chairmanship of the Policy Committee, to gasps of shock –

590 **The President:** Mr Jean, can I draw your attention, please, to Item II, which is about Alderney Electricity, and what you wish to do or what your recommendations are for the States to debate. If you could stick to the matters for debate, I would very much appreciate it.

Mr Jean: I will try if I can and see.

595 When you look at what has gone before tonight – I have dropped out a section – is it any wonder the only way I can find to address this matter is to bring it to a wider audience?

I have been rebuked for my activities and yet the public clearly can see why I continue on and on and on. The recent publication of the shopping basket survey – my, wasn't I right! Forty eight per cent higher than Guernsey. Now, more than ever, I know I was right.

600 And what an amazing Chairman I had. No one else could understand me on that Committee, but he did, and that 48% shows he most certainly backed the right course of action. Thank you very much for that, Mr Chairman. Thank you. I say that on behalf of the public as well as for myself.

605 I have pushed this issue for some eight to nine months now and on the way, I have conducted a demurrage inquiry. Whilst I was doing that, the board at AEL's answer, knowing that there was going to be cost increase, put the price of oil up by 3.41 of a penny. By the time I arrived at AEL for the special meeting, my inquiry had been successful and the price had gone back down by 3.41 of a penny.

610 I know all this because I was one of the customers who received a letter from AEL outlining the price increase. I have achieved and done a lot lately for the public and yet here in this States I sense the hostility which keeps on emanating from you. I ask myself: why did I return? And then, I remember: to help the public. In other words, I am not here for various personalities to quarrel with me. I am back here for the public. They keep telling me of the expense and the difficulty and they say to me, 'Don't give up. We support you. Thank you for your efforts.'

615 Later I will give you my views on the amendment, as I reserve my right to speak again.
Thank you, sir.

The President: Thank you very much.
Mr Arditti, I believe you wish to second this motion?

620 **Mr Arditti:** Thank you, sir.

Sir, there is a common thread running through all the major Items on the Billet this evening: this Item on AEL; the next one about the new Connaught Care Home; the rules changes; the request for a referendum; and the Requête to increase the Policy Committee to include all 10 States Members. The thread which links them together is that they all involve States Members and
625 the public. In each Item, Mr Jean and I will endeavour to champion the public, and the question is: which of you Members, if any, will help us?

630 As we heard in Chief Pleas at the beginning of this meeting, the public will mark our cards as to how we vote today, and they have long memories. AEL is the first Item of concern of the public on the Billet today. The board of directors of AEL are not trusted by the public. There is good reason for this: the directors are self-satisfied and self-important. Far from improving their reputation with the public at the meeting on 23rd July, they confirmed it. They *refused* to disclose how much they take from the company by way of salary, expenses and fees. They *refused* to disclose a copy of the letter used to silence their staff and they were unable to give one good

635 reason for refusing the States of Alderney, their majority shareholder with responsibility for holding the public's shares, a mere one-month delay to their AGM. Somewhat impertinently they said that *they* could not see sufficient reason for the delay. The public interest: not a sufficient reason for a mere one-month delay in their judgement.

640 The previous board of directors failed to win over the public and the one before that. This problem with AEL boards appears to be endemic. 'Let's have an accountant investigate us', they say. This does not come within the competence of an accountant. Board after board fails to win the trust of the public. Are we, the public's States Members, listening to them or not?

645 The public are not stupid. They know what the suggested independent investigation is for and what the answer will be and at the end of the investigation after more of their money has been spent telling them that they should trust the directors of AEL, they will not do so, and we shall be no further forward. Why? Because the public rightly see a tiny utility company serving a tiny community and successive boards of directors which are unnecessary and overblown.

650 The Water Board does not need directors; nor does our Electricity Company. We even have a board of directors of AEL which contains no high-level electrical expertise. The public do not have to suffer board after board which are arrogant and which they do not trust. We can dispense with directors – they add nothing. They do not generate the electricity, and as for Mr McDowall's preoccupation with the banks, the institutions which brought the world to its knees by their self-interest and incompetence, mercifully the Chairman of AEL has already confirmed that there is no intention to borrow. Directors are not required if the structure of AEL is changed. The only questions are: which is the best way to do this; and, what would it cost? This is what the motion before you is intended to find out.

655 The 1953 Concession Law contains the process for the States to acquire AEL and the times at which we can do this, but I feel sure that Members would rather hear this from the Law Officers than from me. Once we have acquired the AEL business activities, we can dust AEL down and keep it as a board of the States or establish a new and different board of directors. The current direction and senior management of AEL is way over the top for what is a tiny public utility company. The money saved by downsizing the top structure at AEL would help to pay for a high-level technical manager to run the operation. There is also considerable on-Island expertise available *if* we want to establish a new board of directors who would not wish to charge for their services.

665 Some people say, 'Keep the board and instruct them to do what you say.' What for? Successive boards have a long history of arrogance towards their majority shareholder and the public. Having threatened to resign over a mere one-month delay to their AGM, I cannot see that an agreement with this board to comply with States instructions would last very long, and I repeat: why hang on to them? What for?

670 When we get to Item IV on today's Billet, the care home, we will see a very different board of directors, which enjoys the confidence of the public and which is made up of unpaid volunteers. I ask you to vote for this motion and bring peace to years of strife with successive AEL boards.

Thank you, sir.

675 **The President:** Thank you very much.
Madam Greffier, I believe we received an amendment to this Item.

The Greffier: Yes, sir. We received an amendment proposed by Mr Rowley, seconded by Mr Berry, that the Item be withdrawn.

680 **The President:** Mr Rowley, would you care to put forward your amendment?

Mr Rowley: Yes, Mr President.

685 Actually having listened to Mr Arditti and Mr Jean, I have to say I actually fully sympathise with the sentiments of the Item that Mr Jean has proposed; however, it is the means of going about it that I am not in agreement with.

690 First of all, I would like to have this withdrawn because at the People's Meeting there was quite significant criticism of the wording of the Item and there was some thoughtful and level headed... some fresh faces there at that meeting, which was refreshing to say the least. I listened carefully to what they had to say and I think we should take that into account.

695 The other reason is that Mr Jean actually... and I think he is running amuck here because he is putting Items on the Billet when he should not be. I think he is abusing his position as a Committee Chairman. His job is to deal with Items that come within the mandate of his Committee and neither this one or Items – is it IV and V? – to which we have also put forward an amendment, have anything to do with the mandate of his Committee. When those Items come

before the Committee, then they are supposed to be discussed and debated within the Committee and Mr Jean has not mentioned these to the Committee at any time. There has been no discussion.

Mr Jean: On a point of information, sir, if I may?

700 The Committee had little or no regard for my opinion when they went and signed the censure motion. Thank you. That is all I have to say.

The President: Mr Jean.

Carry on, Mr Rowley.

705

Mr Rowley: Well, I am always very concerned about Mr Jean's opinion and when that censure motion was signed, I was actually away in France and so I did not know. Although if I had £20 for every person who has come up to me and told me how he was frogmarched into the President's office and made to sign it, I would be more financially secure than I am at the moment. (*Laughter*)

710 But anyway, to get back to this, at no time has Mr Jean discussed this with us and we had a meeting last week and there was not a peep out of him about it and by then we knew it was on the Billet. So from that point of view, what can I say? What he has done is within the letter of the law, but certainly not the spirit of it and if he continues to put things at will on the Billet and abuse his position as a Committee Chairman, then (a) it will become undemocratic... He could go around putting whatever he wants on and he could suggest that we all wear bowler hats on a Sunday or something, and I would not have the right to do that because I am not a committee chairman.

715 The whole thing is supposed to be the result of sensible level-headed discussions with the Committee, within the Committee, and then he is supposed to put it forward for inclusion in the Billet and he has not done this for any of these. I think he is actually pursuing his own agenda and that of a third party and this is bang out of order, if you pardon the expression. He is trying to drive a truck through the whole thing.

720 If he does want to put something that is not relevant to his Committee on the Billet, there is a correct way to do that by means of a Requête, which involves four people signing it in total and that shows that (a) there is some support for it and (b) it is not going to be wasting everybody's time when it gets there. He has not done that. We have done it with the last Item on this evening's Agenda and he could have approached me because, as I said, I am fully sympathetic to the sentiment.

I think AEL should be properly examined and all the options properly looked at –

730 **Mr Jean:** Sir, on another point of information –

The President: Is this a point of order or to correct him?

Mr Jean: It is a point of order, yes.

735 I have been challenged that I did not use... and I was going to reveal quite considerably later on, and I have had a discussion with Mr Rowley –

The President: Mr Rowley –

740 **Mr Jean:** – and I am surprised that he would say that about me because I came to you and I told you that I have tried the Requête route. I could not get the signatures. Thank you.

The President: Thank you.

745 Mr Rowley, if you would carry on.

Mr Rowley: Yes, I will carry on because at no time has he made any... you certainly did not approach me. Mr Jean was having coffee with me the other night and... anyway –

750 **The President:** Can you continue with the reason for your –

Mr Rowley: Yes, with what I was saying. He needs to seek a Requête and try and get four signatures, including his own, and had he done it and had it been properly relayed, he probably would have succeeded. I would have signed it had it been properly worded and properly thought out, but at the moment we have not had any opportunity to discuss this at length at all.

755

So that is why I am asking for it to be withdrawn, so it can be properly discussed, and we cannot actually allow Mr Jean to set a precedent in this way because he will be popping whatever he wants on left, right and centre.

760 **The President:** Thank you very much, Mr Rowley.

Mr Rowley: Okay. Thank you.

The President: Mr Berry, I believe you wish to second this.

765

Mr Berry: Yes, sir, just one point I wish to make. I sympathise with Mr Jean for the problems he had with AEL, but listening to what was said at the People's Meeting, I do think the formation of a new committee... or, I should say, a new board, is going to cause any more problems than what they have had before.

770

There is too much rumour and innuendo, too much fact overridden by fiction and until we have a clear insight of what is involved, I think we should... I would support the withdrawal of the Item. I am not supporting the removal of this Item from public discussion. I am saying the withdrawal and further discussion within committee as to have we go forward. I do not think it would be fair on anybody to put them onto a board of AEL if they are going to be pilloried by the public in the future as the past boards have been.

775

The President: Thank you very much, Mr Berry.

Does any other States Member wish to comment on this amendment?

Mr McDowall.

780

Mr McDowall: Yes, please, Mr President. Thank you very much.

There is shortly an energy policy going to be published for public consultation being worked on over the summer that will certainly put AEL well into the spotlight. I think after publication of that and public consultation, that I think is the appropriate time to evaluate Mr Jean's proposition.

785

Thank you.

The President: So are you speaking in support of the amendment to withdraw it or –

Mr McDowall: No. I am supporting the amendment. I just –

790

The President: Supporting the amendment. Thank you.

Does any other Member wish to speak on this?

Mr Tugby.

795

Mr Tugby: I support the amendment purely because I think the present board has not been in position long enough to sort things out basically. It is a relatively new board. There are problems. They have had problems with Alderney Electricity caused by previous boards, a lot of it, and now we have a board and I think it is time we had a period of stabilisation to actually let them get things sorted out. There are problems and I believe they are sorted now.

800

The problems are that you have got a declining market for electricity and the cost is going up and that really has an effect on any business. Also, when the States brought in the fuel charge on the ships coming into the harbour, it was purely to help the deficit at the harbour and if we did not pass on that charge towards the electricity, well then we would have had to raise that money from elsewhere. So it did not matter where the charge came from as it has to come from somewhere, whether it was from the rates or anything else, but we had a deficit at the Harbour and we had to address it. So we cannot blame the board for the price of oil because the States is partly to blame for it.

805

So I will support the amendment purely to actually give the board a chance to sort something out. The chairman has only been in position for just under 12 months, I believe, and that is not enough to sort it out.

810

Thank you.

The President: Thank you very much, Mr Tugby.

Does anyone...? Mr Roberts.

815

Mr Roberts: Yes, I have got great sympathy on Louis's Item here, but I think it is a step too far. The public overwhelmingly really, in my view, did not support the taking over of Alderney Electricity by the States, but I would like to see an independent view.

820 Taken over 48%, as Louis said, is a scandalous thing and I would like to see an independent review first and then we decide.

The President: So you are supporting... speaking for or against?

825 **Mr Roberts:** I am supporting the amendment.

The President: Thank you very much, Mr Roberts.
Mr Jean.

830 **Mr Jean:** I am disappointed, *very* disappointed in hearing what I have just heard. The States of Alderney, by the look of it, is going to fail to do its job; but let's go ahead.

Addressing the amendment to withdraw my proposition on AEL, this is amazing. Talk about flying in the face of public opinion. Mr Berry, who always talks about the old age pensioner, and families and how they are going to afford the cost of living –

835 **Mr Berry:** A point of order, sir.

I have not changed my views. I have just changed views on how it is being done on this proposition. Thank you, sir.

840 **The President:** Thank you very much, Mr Berry.
Please carry on, Mr Jean.

Mr Jean: We will never be able to talk about those subjects any more.

This amendment from Messrs Rowley and Berry shows a lack of care in the community and without doubt, little or no interest in the public, but not to debate –

845 **Mr Berry:** A point of order, sir.

The President: Yes, Mr Berry.

850 **Mr Berry:** I have never lost interest in the public. I concur with what Mr Jean is trying to do, but not the way it is being done. My concerns are, as always, with the public of this Island, sir.

The President: I am sure the public will draw their own opinion.

855 **Mr Rowley:** Yes, well, I have exactly the same –

The President: Mr Rowley, do you wish to address the Chair?

860 **Mr Rowley:** Yes, on a point of order.
I have not lost any concern for the public either.

The President: Thank you.
Right, please carry on, Mr Jean.

865 **Mr Jean:** Not to debate and make a decision on the issue of AEL which, let us face it, I have brought to you gift wrapped at last ready to be debated, and that alone is a massive achievement – the result of eight months' work. This should have been done a long time ago. It is just that no one cared enough to bring it to you. Here it is. No one was prepared to work as I have. Everything you are doing to stop this day coming, it has come. Let us vote this amendment out and get on with what the public need us to do.

870 With bated breath the public await the outcome of tonight's debate and this amendment is not good. Forget about anything to do with personality. Forget about anybody's involvement and only think about that 48%. That is what counts. That is what is not helping this Island. Forty eight per cent more than Guernsey, Alderney pays for its oil and electricity: every man, woman and child,
875 the families, the old age pensioners and those people who need your help now. Mr Rowley and Mr Berry, you know I am right. This is a once-in-a-lifetime offer. The population shows for me no evidence yet that we have halted the decline. The school role is now at 129 children. I still hear of

people and families leaving Alderney. This is only part of the journey I would like to take you all on with me.

880 This is a vital company which is crucial to Alderney's recovery. AEL needs its 83% public shareholding vested in you, the States of Alderney. You must not run away from this work. Stay here and lend your support for the public. If not for me, do it because you know it must be done. In order to start to work on the 48% and to take the necessary steps to cut that figure by taking back the directors' remuneration, so high no one dare reveal the true cost or at least not to this date.

885 Vote to obtain the Law Officers' opinion on how best we may be able to do this.

You must also realise quite a price has been paid for this day, which has been a long time coming. Remember, Mr Rowley and Mr Berry, there is nowhere to run. The public are watching what you both do tonight and also they watch the actions of each and every one of the States Members, still hoping each of you will do the right thing.

890 I appeal to the States to vote against this amendment. It is clearly against the public good and I am really sorry to hear what has been said tonight on the amendment. I am really distressed.

Thank you.

The President: Thank you, Mr Jean.

895 Does any other Member wish to speak?

Mr Arditti.

Mr Arditti: Thank you, sir.

900 I think it might be worth reminding Members that we are debating the withdrawal amendment at this stage. We have left the debate on Mr Jean's proposition and what we are debating is a withdrawal amendment – highly unusual. I am going to talk a lot more about these amendments, which I think are very bad, later on in the Billet tonight.

905 But if we are... Mr Rowley, in support of this silencing amendment, an amendment designed to stop – an amendment, which if passed will stop debate upon Mr Jean's proposal – the only real attempt at a justification was that he was, 'running amuck' and that the way he is doing it has set a precedent. He has not set a precedent. He is following exactly what was done previously. He is not creating a precedent at all.

910 He cannot be running amuck because there is an Item on this Agenda which recognises that this is the position under the Rules and wants to change it, and I will have a lot more to say about that at the appropriate time. So with respect, Mr Rowley, your justification just does not work. What we have got are excuses for not debating Mr Jean's proposition.

915 Mr McDowall makes a very valid point. He says there is an energy policy consultation on its way. He believes that this might be relevant. I do not. I welcome the energy policy consultation, but the document I have seen says nothing about whether the public want to see AEL with a board of directors or not. Perhaps, as a result of Mr Jean's motion tonight, something might be done about that, but that is a very valid point. I just do not happen to agree with it, but that is a point, with respect to Mr McDowall, that should have been made during the debate on Mr Jean's proposition.

920 Withdrawal motions usually – the Rules do not say that they have to – but those I have experienced have been withdrawal motions by agreement. Something happens during a States Meeting – I can remember two occasions in the last States – and we all think, 'Whoops, we want time to think.' We all agree on a withdrawal amendment and that is the machinery for going away and coming back at a later date. I object most strongly to these amendments and, as I say, I will speak more later.

925 I do urge Members to vote against them and at least to have some sort of debate on proposals, which without any doubt reflect wide and deep concerns that the public have had about successive boards of AEL and which they continue to have.

Thank you, sir.

930 **The President:** Thank you, Mr Arditti.

Mr Birmingham.

Mr Birmingham: Thank you.

935 I think it is quite important to mention the IPA report on AEL, which is a very important document. Within it there were recommendations relating to the role of the States of Alderney in relation to AEL, and the most important of those were that it identifies the real problem with Alderney's energy sector, and that is the lack of a proper co-ordinated energy policy for the Island. In fact, section 5.2.1 of the IPA report stated that in order to play an effective role and to position

940 itself appropriately in relation to AEL, it suggested that the States clarify and prioritise the States objectives in relation to the energy sector, and AEL in particular.

945 Over the last five years since the independent IPA report into the operation of AEL's commission, the Policy Committee of the States have been directing the States nominated director to undergo the reforms of the management structure as recommended by that report's findings. It has not been a smooth process and I think there have been some errors along the way, but that particular report set out its suggested conclusions and recommendations of how AEL should be structured. I have a copy of the conclusions and recommendations here and that relates to –

The President: Excuse me, but I believe Mr Arditti wants to make a point of order.

950 **Mr Arditti:** A point of order.

I have no recollection of any minute of the Policy Committee recording these deliberations. I wonder if Mr Birmingham could tell me whether I am right or wrong.

955 **Mr Birmingham:** What I would say is that that is *my* recollection of discussions in the Policy Committee; however, as to whether they are minuted, I am unsure.

Mr Arditti: Sorry, can I just be clear, sir, and then I will not interrupt Mr Birmingham any longer? Is he saying that he is relying on *unminuted* resolutions of the Policy Committee?

960 **The President:** I shall put that to him.

Mr Birmingham: As to whether it was a resolution, I do not believe that would be the case. My understanding of the discussions that we held within the Policy Committee at that time was that the aim was to implement the recommendations of the report and I would have to check what the minutes are. So I thank him for his correction on that.

965 I believe that the current board are making strides to deal with some of the current and previous management problems. Does Mr Jean's proposition do that? In my opinion, no, it does not. What it does is it presupposes an outcome without any consultation on any of the issues, such as infrastructure demand, site management, interconnectivity, diversified supply, energy security, price stabilisation, micro-generation, the company's future relationship with ARE and ACRE and above all, the capital expenditure that would be required to improve the energy distribution and production capability of the Island as a whole.

970 Mr Jean glosses over, when extolling the virtues of the Water Board as a shining example of States management of a utility, the minor detail of over £1.2 million in capital investment that has been required in our water system to rectify the chronic, decades-long mismanagement of previous States of the Island's water resource. His solution to address the Island's energy sector problem is to bring AEL even further into States hands –

980 **Mr Jean:** On a point of order.

The President: A point of order.

Mr Jean: I am sorry to interrupt you on that. Thank you, sir. Thank you very much.

985 What I want to do is establish and try to get this issue dealt with. We have never been able to deal with it and what I am aiming for is to bring the company into the States, then we can make further decisions. Nothing is fixed in stone. Mr Arditti himself –

The President: Your point of order is...?

990 **Mr Jean:** My point of order is, if we can, to carry on, to debate, get the motion done and to bring AEL into the States. Then we can make, if we want to, further resolutions to the States. Nothing is fixed in stone.

995 **The President:** Mr Jean, I appreciate your concern, but that is not exactly a point of order. Thank you. Carry on.

Mr Birmingham: Thank you.

1000 Personally, I believe the less the States, and particularly Island politicians, have to do with the operation and day-to-day running of something as important as the Island's energy utility, the better.

1005 In previous States, Mr Beaman, the then Head of Policy and Finance repeated stated the need for an Island energy policy. In the drafting of the Island Strategic Plan road map, I stressed the need for an Island energy policy and the current States has started on the process of creating one. Currently, I, the Chief Executive, Mr McDowall and others, along with the help of the UK Energy Savings Trust, which I believe was the body that assisted the States of Jersey in forming its energy policy, are in the process of drafting a consultation document in order to form an Island energy strategy. This is the starting point for decision-making of how we progress the problems of energy supply on a small island; not the way that Mr Jean is proposing.

1010 A problem of energy supply is one that is shared by all small islands and even some medium sized ones and is recognised by the work undertaken by the UN in addressing the problems of small island development in the States. These are problems that are universal, not just for Alderney, but putting Island energy production in the States hands, as is proposed... or as this proposal would take us forward, is putting the cart before the horse. In my view, it does not just put the cart before horse, it puts the cart in a barn in a different field on another farm in another parish across the river from the horse.

1015 I support the amendment to withdraw the Item so that all relevant facts can be considered around the formation of a proper energy policy for the Island, not just AEL's isolated role within it, not just for now, but also for the future.

1020 **The President:** Thank you very much, Mr Birmingham.
Does any other...? Yes, Mr Harvey.

Mr Harvey: Thank you, Mr President.

1025 The amendment of course is not about AEL and whether AEL is a well-run company or not. I suspect there is such a groundswell of opinion and feeling on this that in a sense the door is already half open, in terms of looking at AEL, who should own it and how it should be run. This is about the committee structure and the apparent abuse of power by a committee chairman.

1030 Chairing a committee is a privilege, not a right. Chairmen are only there as long as their committee wish them to be in place and on that particular point I would just refer to the so-called precedent mentioned earlier. The precedent, of course, relates to the former Chairman of Policy Committee. What Members may not be aware of is that a member of the Policy Committee, in Mr Arditti's presence, tried to raise a vote of no confidence. Mr Arditti refused and closed the meeting. So it is totally untrue to say he was not aware that there was a potential vote of no confidence against him.

1035 However, we are talking about the present situation and I totally understand the views of the Members of Mr Jean's Committee that they feel, shall we say, affronted that they were not consulted about and had no opportunity to discuss this proposition. Therefore, whilst I share concerns about AEL – and I have no doubt that there will be further discussion, considerable discussion and hopefully some action, which ultimately Mr Jean might even approve of – I support the amendment.

1040 Thank you.

The President: Thank you, Mr Harvey.
Mr Arditti.

1045 **Mr Arditti:** Sir, I waited until Mr Harvey had finished.

The President: Is this a point of order?

1050 **Mr Arditti:** It is a point of order.

I wonder if he could state *very* clearly what he alleges? What vote of no confidence he alleges was ever put, when I was Chair of the Policy Committee?

1055 **The President:** Mr Arditti, with all due respect, interruptions on a point of order are for breach of Rules to correct an inaccurate or misleading statement, which is what I presume you are trying to do or to explain a previously made statement which has been misconstrued.

Mr Arditti: I am 95% sure that what Mr Harvey said, if I understood him correctly, was untrue.

1060 **The President:** So you are saying he is making an inaccurate statement.

1065 **Mr Arditti:** I have just got to have clarification of exactly... I do not want to falsely accuse him. I just want clarification of exactly –

The President: He is ready to respond.

Mr Arditti: – what he alleges was ever put to me as a vote of no confidence.

1070 **The President:** Mr Harvey is ready to respond.

Mr Harvey: Thank you, Mr Arditti, Mr President.

1075 It was at a meeting in the Braye Beach, in the downstairs session of Braye Beach, which became extremely heated and embarrassing to some of us there. At that meeting my colleague, Mr McDowall, said, ‘In that case I wish to raise a vote of no confidence in the Chairman’, and the Chairman immediately closed the meeting.

Thank you.

1080 **The President:** Thank you.
Right –

Mr Jean: I am sorry, but I have got to rise on that one. That certainly is not –

1085 **The President:** Is this a point of order?

Mr Jean: It is a point of order.
That is not true. That remark is untrue.

1090 **The President:** So you are saying that to correct an inaccurate statement.

Mr Jean: Indeed, I am.

1095 **The President:** Thank you, Mr Jean.
Does anybody else wish to speak on this amendment? I believe we have one Member who has not spoken. I have got nine on my list here.

Mr Simonet: Yes, that is my good self. Much has already been said, Mr President, so I will not bore everybody.

1100 I totally support what Mr Harvey and Mr Birmingham said, who went through the detail, but the important thing is that to bring a proposal of this magnitude without first discussing it in the appropriate committee, where the States Members would be given the opportunity to evaluate the feasibility of the proposal, with the assistance of whatever specialist advice they require, displays a complete disregard for the established procedures and good practice.

1105 That is the basic reason why I am voting with this amendment.

The President: Thank you very much.

Mr Rowley, would you like to make your summation, please, for this amendment.

1110 **Mr Rowley:** Yes, Mr President.

Not only does it demonstrate a disregard for the procedure, it demonstrates a contempt for it, in my view.

All I have to say to Mr Jean is had he behaved himself in trying to put forward a Requête, then had it been properly worded, I would have very likely signed it and I am sure he could have got some support.

1115 **The President:** A point of order.

Mr Jean: Yes, a point of order.

1120 If we are talking about correct behaviour, why did my Committee not behave correctly when signing the censure motion and inform me and let me join in?

The President: Thank you very much.
Right –

1125 **Mr Rowley:** Do we need an answer to that?

The President: No.

1130 **Mr Rowley:** No. Thank you. (*Laughter*)

The President: Madam Greffier, if you could like to put the amendment to the vote, please.

The Greffier: Yes, sir.

1135 *A vote was taken and the results were as follows:*

FOR	AGAINST
Mr Tugby	Mr Arditti
Mr Birmingham	Mr Jean
Mr Berry	
Mr Harvey	
Mr Simonet	
Mr McDowall	
Mr Rowley	
Mr Roberts	

The Greffier: The amendment carries, sir, and therefore the Item is withdrawn.

**The Debt Relief (Developing Countries)
(Guernsey and Alderney) Law, 2013 approved**

Item III.

1140 *The States is asked to approve "The Debt Relief (Developing Countries) (Guernsey and Alderney) Law, 2013".*

The President: Mr Jean, as Convener on Item III, please.

1145 **Mr Jean:** A contributor queried the Item and the Chief Executive read the executive summary at the attachment of the Billet.

Mr McDowall explained his knowledge of the situation and advised that he would not be supporting the Item at the States Meeting as he believes that it will encourage poor and heavily indebted countries to continue borrowing.

1150 Another contributor queried whether it was known how many 'vulture funds' there currently are in the Bailiwick. The Convener invited Mr McDowall to answer and he advised that there were approximately six such funds.

The President: Thank you very much, Mr Jean as Convener.

1155 Mr Harvey, I believe you wish to propose Item III.

Mr Harvey: Thank you, Mr President.

I am sure Members will forgive me if I wipe a tear from my eye, but with 40 years as a banker, to talk about a Proposition forgiving debt does not come terribly naturally.

1160 However, this is a particularly significant one. The initiative is entitled the Heavily Indebted Poor Countries Initiative. Very briefly, it aims to ensure that no poor country faces a debt burden it cannot manage.

1165 The origins were back in 1996, when the IMF and the World Bank calculated the proportionate reduction required in a country's external debt in order to return to them 150% of the value of the country's annual exports.

So basically, it is about forgiving debt in extremely poor countries and when I mention the list of countries concerned, many of which will be of no surprise are in Africa, it includes Benin, Burkina Faso, Côte d'Ivoire, Ethiopia, many of the world's most grindingly poor countries.

1170 I propose this motion with slight misgivings, as I say I do understand the view of those who would say that they borrowed the money and they should take responsibility for their debt. Unfortunately, in some of these countries, the people suffer the consequences are not the people who borrow the money, and we could discuss all day the rights and wrongs of that situation.

1175 The legislation has been passed in many countries around the world and in June 2011 was discussed in the Guernsey legislature. In August 2011, the Policy Council issued a consultation inviting comments from businesses for the enactment of legislation. Only one business responded, so it clearly did not raise too many concerns in our neighbouring island.

Jersey has passed similar legislation, including legislation to stop creditors, including so-called ‘vulture funds’, from pursuing inequitable payments through Jersey’s courts.

1180 The Isle of Man has announced it intends also to pass legislation similarly. These countries involved where debt forgiveness is a feature do not entirely escape scot-free. Applicant countries must meet certain criteria, commit to poverty reduction through policy changes and demonstrate a good track record over time. So there is another side to the coin which is that, essentially, they are asked to reform their ways. Now, whether that is enforceable is another matter.

1185 But I think on balance, it is right and proper that we in Alderney should have regard to the situation in these countries, because as I say they have grinding poverty and frankly to expect them to make repayments at a level above that which they can sustain is unreasonable, and therefore I propose that we adopt this motion.

1190 **The President:** Thank you very much, Mr Harvey.
Mr Arditti, I believe you wish to second this.

Mr Arditti: Thank you, sir.

1195 We are beset by a steady stream of Ordinances, for the imposing or lifting of various measures which the international community believe will help to starve despots, terrorists and other criminals of funds. The need to vote for these Ordinances is usually obvious and I rarely see the need to speak before doing so.

1200 However, I would like to say just a few words about this Proposition. It goes a lot further than Mr Harvey has said. This is intended to clip the wings of ‘vulture funds’, a particularly nasty sport of so-called financial experts and investors.

The People’s Meeting was told that there are six such funds in Guernsey. These investment platforms, aptly called ‘vulture funds’, feed off the vulnerability of third world countries. They buy Third World debt with the object of foreclosing and enforcing it – shylock – and these financiers know no shame.

1205 Mr McDowall informed the People’s Meeting that he would vote against this Law for personal reasons, which he described as setting a bad precedent and encouraging bad borrowing. I *fundamentally* disagree with him. There can be no bad borrowing without bad lending.

1210 Stamp on the financiers and financial experts – the vultures of these funds – who do the bad lending, who prey off people who cannot afford to borrow in the commercial markets. Hit them where it hurts, in their pockets. That will set a good precedent, not a bad one.

I am pleased that Alderney has this opportunity to stand alongside the rest of the British Isles and say not to these vulture funds. In essence, by this Law, the justice dispensed by our courts shall not be available to these funds. When they try and use the courts of Alderney or Guernsey to enforce the debt, the courts will be denied to them.

1215 Outlaws is what these financiers should be. We have our own problems to attend to here in Alderney, and we are a tiny voice in the international community. But I feel that it is important that we give the largest possible vote for this Law and against the vultures.

Thank you, sir.

1220 **The President:** Thank you very much, Mr Arditti.
Does any other Member of the States wish to speak on this? Mr McDowall.

Mr McDowall: Yes if I may, Mr President, ladies and gentleman.

1225 First of all, I do not own and am not a member of a vulture fund – just for some clarification. (*Laughter*) I merely just wish to register the point that this is the umpteenth instance in which there has been debt relief. They never work. I do not think they ever will work and the only solution is 21st century re-colonisation and that is probably going to be done by the Chinese.

Thank you. (*Laughter*)

1230 **The President:** Thank you, Mr McDowall.
Does any other Member wish to speak on this? Mr Birmingham.

Mr Birmingham: Yes, thank you.

1235 A comment that Mr Arditti made in his speech is actually very relevant, which is the amount of bad lending. I recommend to everybody to read a particular book by the renowned economist, Joseph Stiglitz, called *Globalisation and its Discontents*. Much of the unsustainable debt that you have in the Third World is actually quite often related to some very, very poor policy by the IMF in the 1970s.

1240 So I am fully in support of debt relief of this kind and particularly, as Mr Arditti was saying, the clipping the wings of the vulture funds.

The President: Thank you very much, Mr Birmingham.
Does any other Member wish to speak? Mr Rowley.

1245 **Mr Rowley:** Yes, I would just like to say I was very impressed by what Mr Harvey and Mr Arditti particularly had to say, and Mr Birmingham, and I am convinced by it.

The President: Thank you very much, Mr Rowley.
Does any other Member wish to speak on this Item? No.
1250 Madam Greffier, if you could put that to the vote, please.

A vote was taken and the results were as follows:

FOR	AGAINST
Mr Roberts	Mr McDowall
Mr Rowley	
Mr Simonet	
Mr Harvey	
Mr Jean	
Mr Berry	
Mr Birmingham	
Mr Arditti	
Mr Tugby	

1255 **The Greffier:** That is carried, sir.

The President: Thank you very much, Madam Greffier.

1260

**Royal Connaught Care Home
States appointed board member
Amendment carried, Item withdrawn**

Item IV.

The States is asked to approve the appointment of Mr Louis Jean to the board of NCCH in place of Mr McDowall.

1265

The President: Can we move on to Item IV, please.

The Greffier: Sir, Item IV is the States appointed board member of the Royal Connaught Care Home . The States is asked to approve the appointment of Mr Louis Jean to the board of NCCH in place of Mr McDowall.
1270

The President: Thank you very much, Madam Greffier. Mr Jean as Convener.

Mr Jean: Item IV, States appointed board member of the Royal Connaught Care Home.
1275 Comments on this item included:

It was queried why the Policy Committee remain insistent on supporting Mr McDowall to be the States appointed Board member when the RCCH Board has made it clear that they do not approve the appointment.

1280 The Chairman invited Mr Simonet, as Chairman of the Policy Committee, to respond to the question. Mr Simonet advised that the matter has been debated on numerous occasions and the Policy Committee voted by a majority of four to one for Mr McDowall to be the States appointed board member due to his financial expertise, which is what the Committee identified as an area in which the board requires assistance.

1285 The former Chairman of the Royal Connaught board explained that the States could severely compromise the funding of the care home, should it get involved in the running of the care home. He further added that the Royal Connaught Care Home board have no obligation to have a States Member on the board.

1290 It was stated that it is necessary to have a States Member on the board of the RCCH, as the care home is currently operating on half occupancy and the States are being asked to cover the cost, without questioning what the money is being spent on.

As with the issues surrounding AEL, the States should arrange for a review, rather than get involved in matters relating to the board.

1295 A contributor, although supportive of the service provided, suggested the Home Help Service is wound down in order to assist with the low occupancy levels at the Connaught.

That is it, sir.

The President: Thank you very much, Mr Jean. After you have had a sip of water or whatever, if you would like to stand up and propose this Item.

1300 **Mr Jean:** Thank you.

In proposing this Item, I would like to say that I have brought this matter to the States for four or five reasons.

1305 The first one is because it is quite clear to me that the Policy Committee has failed, with four of its membership voting against myself, to rail against the Connaught board's decision, who do not Mr McDowall as their States representative. They do not agree with his ideas and have said so.

This stalemate has gone on long enough. It is at the very least unsettling for the residents who place a great deal of strength on the board at the Connaught, involving them in extra meetings and generally increasing their workload, while all the time this matter remains unresolved.

1310 Then, of course, there is the public view. They have heard all the information on the radio and in our magazines. A recently retired director and chairman of the Connaught board wrote two revealing letters, shedding light into all corners of the issue, and in my opinion, it is time this matter was resolved.

1315 Nowhere more clearly was the stalemate of four against one clearly exposed to the public than at last Wednesday's People's Meeting, with a brief explanation of how I have made an offer to take up a vacant seat on the Connaught board, as Mr McDowall informed the Policy Committee he was no longer a member of the board.

Two days later after that meeting –

1320 **The President:** Excuse me, Mr Jean. A point of order.

Mr McDowall: Point of order. I was never appointed to the board. They rejected my...

Mr Jean: Oh fine. I am sorry, I made a mistake, okay then.

1325 **The President:** Mr Jean carry on, please.

Mr Jean: I am very sorry.

1330 Mr McDowall informs us he was not appointed to the board. So I will take that back and apologise.

Two days later, after that meeting, I made the offer in order to bring peace to what I felt was becoming a difficult situation. By the time the special meeting together with the Connaught board took place, the views seemed to have changed somewhat – the Chairman, Mr Simonet, in quite an aggressive manner, telling the board they had not produced a financial summary and plan and that, in his opinion, Mr McDowall was the preferred choice of the Policy Committee, as States representative on the board.

1335 At this point, I mentioned that I had put my name forward for what I understood to be a vacant seat, now actually confirmed by Mr McDowall. I was told by Mr Simonet, 'That's quite true, Louis, but that is not for discussion at this meeting'.

1340 Mr Simonet then told the board, 'If you do not accept Mr McDowall as the candidate of choice, with his financial and business expertise, you will no longer have the support of this committee.'

Mr Simonet: Point of order, Mr President.

1345 That is completely untrue, that last comment.

The President: Thank you. That is a matter of opinion, obviously.

Mr Jean: That is a matter of opinion. It will have to stay that way, I am afraid, because I cannot back up on that.

1350 I cannot understand how such a statement drew no other interest from any other Member of this States or even our President. Only myself and Mr Arditti were prepared to try to resolve this situation, with this Billet Item.

1355 Back to the People's Meeting last Wednesday. Mr Simonet in firm manner told the assembled public that Mr McDowall was still the committee's candidate, with all the business and financial expertise and then Mr McDowall confirmed, as he has tonight, that he is no longer a member of the board, and he has been dismissed.

Several Members: No. Point of order.

1360 **The President:** Well, one at a time. Can we let Mr McDowall reply?

Mr Simonet: No, no, I am happy for Mr McDowall to take it.

1365 **Mr McDowall:** Yes, I was never, Mr President, ever appointed to the board.

Mr Jean: Sorry yes, but why did you say 'dismissed' at the People's Meeting? I do not understand. I am sorry.

1370 **Mr McDowall:** The submission was dismissed.

Mr Jean: Okay, thank you. You did say something about dismissal.

Mr McDowall: Yes I did, but...

1375 **The President:** Excuse me, Mr Jean.
Do you still wish to make a point of order?

1380 **Mr Simonet:** No, sir, no that has been covered now by Mr McDowall. (*Interjection by Mr Jean*)

The President: Thank you very much indeed, Mr Jean.

1385 **Mr Jean:** I think that says everything. I reserve my right to speak on the amendment.
Thank you, sir.

The President: Thank you very much, Mr Jean.
Mr Arditti, I believe you wish to second this?

1390 **Mr Arditti:** Thank you, sir.
The new Connaught Care Home is the second item of concern to the public on the Billet today. Mr Harvey, Mr Simonet and Mr McDowall are behaving in a high-handed way and I am pleased to second this Proposition.

1395 The care home asked for a temporary reduction in the very large rent which it pays to the States because of reduced occupancy. Mr Harvey, Mr Simonet and Mr McDowall, in the name of the Policy Committee, served the directors of the care home with an ultimatum: 'Unless you accept Mr McDowall as a director on your board, we will not assist you.'

1400 **Mr Simonet:** A point of order there, Mr President.
That was not an ultimatum.

The President: Thank you very much.

Mr Arditti: I will send you a copy of the minute tomorrow in the post –

1405 **Mr Simonet:** I have a copy myself, thank you, Mr Arditti.

Mr Arditti: I will highlight it for you.

The President: Gentlemen, if you can continue with the debate, thank you.

1410 **Mr Arditti:** After listening to Mr McDowall, the directors of the care home rejected the ultimatum and dismissed... sorry – the trouble is you used the word ‘dismissed’ – and rejected the ultimatum and did not want Mr McDowall.

1415 Messrs Harvey, Simonet and McDowall have now repeated their ultimatum and rejected Mr Jean’s offer to take Mr McDowall’s place on the board – an offer with which the directors of the care home can concur.

At the People’s Meeting, Mr Simonet was asked why he, Mr Harvey and Mr McDowall were willing to jeopardise the care home by insisting that their ultimatum is met. Mr Simonet’s reply was that the care home is in financial trouble and Mr McDowall’s financial expertise is needed.

1420 Just pausing, sir, in case Mr Simonet wants to...

The President: I am sure he is quite capable – (*Laughter*)

1425 **Mr Simonet:** No, sir. Given the inaccuracy that Mr Arditti actually said on a number of points, I think I have given up now making a protest!

The President: I am sure that Mr Simonet is quite capable of making his own points of order, Mr Arditti. (**Mr Arditti:** Indeed, sir.) Thank you.

1430 **Mr Arditti:** Mr Simonet’s reply was that the care home is in financial trouble and Mr McDowall’s financial expertise is needed.

No, it is not.

First, the care home is *not* in financial trouble. They have reserves and they already have an accountant to advise them. The accountant is not responsible for the reduced occupancy nor are the directors. Nothing could be simpler.

1435 The care home was built to match a level of occupancy agreed with a previous States, but the care home is not immune to the footfall problems which have beset the Island.

The President: Mr Arditti, could you tell us why you think that Mr Jean should be approved to this position? That is what the motion is that we are talking about:

1440 ‘The States is asked to approve the appointment of Mr Louis Jean to the board in place of Mr McDowall.’

(**Mr Arditti:** Yes.) So can you please tell us why you think that should be taking place.

1445 **Mr Arditti:** Well, I thought – but maybe I am failing – I was explaining why Mr McDowall should not be put forward any further as the director of the care home –

The President: Okay, in that case carry on.

1450 **Mr Arditti:** – and then in a minute, I am going to say why Mr Jean should be.

The President: Fine. Okay, fine.

1455 **Mr Arditti:** Nothing could be simpler. The care home was built to match a level of occupancy agreed with a previous States, but the care home is not immune to the footfall problems which have beset the Island.

In addition, happily, our wonderful home care service has been a great success and this too has had a temporary effect on occupancy at the care home. No financial expertise required here.

1460 What tenant on the Island is not asking his landlord for a reduction in rent at this time of reduced footfall? The care home is *not* in financial trouble and they do not need financial expertise beyond that which they have already got.

1465 Lastly, Mr McDowall has proved to be the wrong person for the job. Mr McDowall is a member of and supports the AEL board, which does *not* enjoy the confidence of the public, and for this reason alone he is disqualified from joining the board of the care home, which *is* trusted by the public.

The objective is not to re-habilitate Mr McDowall. The objective is to support the board of the care home. No one knows and understands the Island better than Mr Jean, and he is a successful businessman. He is ideally suited to support the efforts of the care home. They do not need to be lectured by Mr McDowall, whose strictures have proved again and again to be superficial and un-

1470 researched. They need support. Mr McDowall calls it, somewhat disparagingly, ‘Mr Jean’s bedside manner’. Okay, call it that if you wish.

This resolution is important, because if Mr Harvey, Mr Simonet and Mr McDowall persist with their high-handed behaviour the board of directors will be forced to resign. If this were the paid board of directors of AEL, it would not matter. But this is a trusted board of unpaid volunteers.

1475 Also, we would not only lose a good board, but responsibility for the care home would fall upon the States, and Mr Jean and I would have to rush to Guernsey to rescue the Guernsey grant on which the care home depends.

I urge you to vote for this Proposition.

1480 **The President:** Thank you very much, Mr Arditti.
Madam Greffier, I believe we have an amendment on this motion.

The Greffier: Yes, sir, we have an amendment proposed by Mr Rowley and seconded by Mr Berry that the Item be withdrawn.

1485 **The President:** Mr Rowley, would you care to put forward your amendment, please.

Mr Rowley: Yes, Mr President, I am putting forward an amendment basically for the same reasons I put forward the one for Item II, and that is that there was a certain amount of criticism from the public during the People’s Meeting for the Item as it stands, and also there has been absolutely no consultation with Mr Jean’s committee.

So, as I have said before, his job is to reflect the views of his committee, not to put whatever he wants forward for inclusion in the Billets as he seems fit. We actually have to stand up to this nonsense at some point.

1495 **The President:** Thank you, Mr Rowley.
Mr Berry, I believe you wish to second this.

Mr Berry: Reluctantly, sir. I do not think the matter of a member of the board of the Royal Connaught is the crucial matter for the people – and I must say to you, sir, I do have two vested interests. I have a member of my former family, who is a member of... who is being cared for, quite successfully and quite well, in Connaught Care Home. I do not want to see Connaught Care Home closed. I do not want to see it become part of the States of Alderney. I do not wish to see anything happen to the care home. I have spent this morning in my other vested interest, talking about matters of social security and how the funds for the Connaught Care Home can be strengthened.

How this goes forward is of concern, yes, but for myself personally, I think we should concern ourselves more with the running of the care home and not for the personalities of States Members who go on the board, other than the fact that if this amendment is turned down, then it is turned down, but it is put forward to open a little more discussion. Thank you.

1510 **The President:** Thank you very much, Mr Berry.
Does any other Member of the States...? Mr Simonet.

1515 **Mr Simonet:** Yes, I would like to say a few words on this, just let me say that the Royal Connaught Residential Home is a separate legal entity from the States. It is a company which is responsible for the operational aspects of the care home. The role of the States is to facilitate the services for the community and therefore sets the strategy as to the scope, and identifies the resources required for those services. The Royal Connaught Residential Home provides those services in respect of a care home at arm’s length from the States. The States maintains a regulatory oversight.

The States has asked the company to provide sufficient information for it to perform its regulatory function. And what has it requested? Financial accounts and other financial information. An audit, although there is no legal obligation to do so, the company spends public money and it is good practice to have assurance from a qualified auditor in relation to matters of internal control, communication, a free flow of information, building trust and confidence between the company and the States.

1525 Just let me pause here to highlight what I mean. You heard Mr Arditti and Mr Jean and others say the Connaught is run by volunteers. Well, let me tell you what the Director’s get as fees, which
1530 may come as a surprise to some.

1535 First six months of this year, the Director's fees amounted to £4,659. In 2012, they amounted to £18,205. In 2011, £28,872. My understanding is that part of these sums were paid as director's fees and part to some of the director's for additional services. This is not to say there is anything inappropriate about these payments, but the States has to examine these payments as part of their regulatory responsibilities.

1540 I will continue. The Royal Connaught Home has asked the States to re-consider fees and charges within its control in respect of the premises. Occupancy of the facility has fallen in recent months to a point where the business is barely breaking even. It follows that the States has a duty to ensure the company is operating effectively and is on the right track to improve its financial position. To that end, the States, as the only shareholder, is entitled to ask the company to provide information which assists in this objective and to invite the board to consider a States appointed director. Although it is recognised that the board appoints directors, the States as sole shareholder can appoint directors at an AGM. The needs of the residents are paramount in all respects.

1545 There has been some incorrect information passed to the public – and we have heard some tonight – in respect of the way the Social Security Department provide funds for the residents of the home. The Social Security Department have confirmed that the Connaught may receive States funding in the form of long-term care benefit for individual residents from the long-term care insurance fund administered by the Social Security Department, on the same basis as any Guernsey-based private sector care home. That is, if residents are assessed by the Needs Assessment Panel as having a certain level of care need, the home does not need to be operated by a privately owned company, and indeed, in Alderney, it clearly is not.

1550 As with all Guernsey-based care homes, the Connaught is routinely inspected by the Health and Social Services Department Registrations and Inspections Officer. The reason why homes run by the States are excluded from the long-term insurance scheme is simply to avoid circular payment of monies.

1560 The Connaught is not run or managed by the States. It is run by the separate company, the Royal Connaught Residential Home Ltd. The presence of one or more directors nominated by the States does not change that position. Neither does the fact that the shares are wholly owned by the States mean that the home is run by the States. The company collects the full amount of the cost of the resident that is offset for qualifying residents by payments from the Social Security Department. The home is run by the company through its board of directors. It is not owned by the States of Alderney, nor is there any intention of the States stepping in to run the home.

1565 There are two residential homes in Guernsey run by the Housing Department and payment is arranged direct through budget transfers between Housing and the Social Security Department. The Long-term Care Insurance Law expressly provides that a designated home can be owned by the States.

1570 Both Dr Twentyman and Mr Arditti were mistaken when they informed the People's Meeting that funding from the Long-Term Care Insurance Fund was in jeopardy because of the actions of the Policy Committee in this case.

1575 The Royal Connaught Company owns the assets of the nursing home. The benefit of the lease of the building, fixtures, fittings and goodwill associated with the business. The shares of that company are owned by the States. If the States were to sell those shares, the company would change hands and the value of the assets owned by the company would come to the States as part of the share sale. Accordingly the States, by owning the company, ultimately owned the assets.

So far as the free-holding building is concerned, that is in the ownership of the States, hence the grant of a lease to the company.

1580 The Policy Committee's view on this matter is passed by a majority of four to one. Mr Arditti, of course, keeps mentioning only three Members. It was passed by four to one. However, the Chief Executive and Martin Thornton, Director of Commercial Law at the Law Officers' Chambers have met with the board of the company and made a number of proposals as to how the matter can be resolved. We await the board's considered response.

Thank you, Mr President.

1585 **The President:** Thank you. Does any other Member wish to speak on this?

I would remind people that this is about whether we are going to have Mr Louis Jean or Mr McDowall in place.

Mr Harvey: Thank you, Mr President.

1590 This Billet Item – the original Billet Item not the amendment – is one of a number that we have received over recent months and there are two common themes. They are undemocratic, which was the reason why the Chairman of the Policy Committee was removed. For a member of Policy Committee to say that I –

The President: Mr Harvey, with all due respect, we are debating the amendment at the moment.

1595

Mr Harvey: Indeed, that is why I am supporting the amendment, sir. (**The President:** Thank you.) The amendment must be supported because of the nature of the Billet Item.

For a member of the Policy Committee to say, 'I did not like the way the vote went, therefore I will call everybody high-handed, I will insist on trying to overthrow it' is absolutely nonsensical.

1600

It also plays on people's fears. You have heard various reports both tonight and in the People's Meeting that the Connaught Home is in some way in jeopardy. It is *not* in jeopardy.

The Policy Committee, in fact the I am sure the whole of this States, is fully supportive of the Connaught Care Home. Many of us have visited it and seen a very high standard of care there and we have absolutely no interest in seeing that not continue.

1605

However, if I was in the Connaught and I was lying in a bed there and Mr Jean came round, I should be delighted to see him as ever, because he is a kind man who means well, and we would have a lovely conversation about times past and he would make me feel a lot better.

If I was worrying about the rent being paid, I would welcome Mr McDowall because of his knowledge.

1610

I will support the amendment sir.

The President: Thank you very much.
Mr Arditti, you wish to speak on this matter?

1615

Mr Arditti: Yes, we are talking on the amendment and therefore I would just say this: a reason for voting for the amendment was put forward by Mr Simonet. He said that the Policy Committee has no intention of the States stepping in. If the board continue to receive these demands, that they accept a director that they do not want, then he may *have* to step in. The States may *have* to step in. If the board resigns, the States has no choice.

1620

Mr Simonet: Just a point of order there.

If the board resigned, one would expect that a new board would be appointed. It is a simple process.

1625

The President: Thank you very much, Mr Simonet.

Mr Arditti: I think that is naïve. I think that is naïve *in the extreme*. What sane minded person is going to step in where the board has resigned in those circumstances? Dream on, Mr Simonet!

1630

'Undemocratic': I did not say that the care home is in jeopardy. Mr Simonet did, at the People's Meeting. He said that the care home is in financial trouble and the expertise of Mr McDowall is needed.

My answer to that was there is no complicated financial problem at the Connaught. We all know that they have an occupancy problem. They cannot at the moment achieve the occupancy which was agreed with the States when the new Connaught was commissioned. It is a temporary problem, aggravated by the wonderful success of our Home Care Service.

1635

The President: Thank you, Mr Arditti. Is that it?
Mr Jean, you wish to speak.

1640

Mr Jean: I must say, very disappointing to hear all that. Little regard for a situation that needs resolving.

Speaking on the amendment, I shall say this again. It is a bad amendment. It serves no purpose. All it will achieve is to leave this situation in Policy Committee unresolved. I urge you all to vote against this amendment and do the work. Help myself and my colleague to tidy up this mess and give the Connaught residents and its board some peace, which after all they deserve.

1645

Throw out this amendment. Stop avoiding the issue, and let's do the job we are supposed to and in the manner and the way the public expect us to do our work. And remember, the public are watching this as well and they will watch how we deal with this issue too. My goodness, won't they!

1650

The President: Thank you, Mr Jean. Does any other Member wish to speak?
Mr Birmingham.

Mr Birmingham: Thank you.

1655 Firstly, I would like to thank Mr Arditti. He let me off by not mentioning that I also voted for the Policy Committee decision for Mr McDowall and he let me off and avoided my name being brought into it.

1660 The shortfall in funding that the Royal Connaught Care Home is experiencing is not a new problem. It is an issue that started to appear during the last States, as the home's business reserves began to get eroded. Why is it happening? It is actually because of the success story, one that Mr Arditti mentioned, and that is the fantastic work that is undertaken by Barbara Benfield and her team in enabling more elderly people to stay in their homes. That work is fantastic, it should be applauded by all and I am sure that all of us would agree that that is a much better situation for the Island's elderly, being able to stay in their own homes for as long as possible, than to move into care.

1665 The downside, however, is that it led to a reduction in the numbers of long-term residents in the care home. Some might say this is only a short-term problem and that the States should just bite the bullet, fund the deficit, until the occupancy rises back to a level where the home is back in the black; but I believe that is a very dangerous assumption. What if more people are able to remain in their own home? What if the current low occupancy rate continues or worsens?

1670 The management of the care home have been doing their best to control costs, while at the same time maintaining the service, and I really applaud them for their effort, but the problem may be that the whole business model that the care home operates under has been drastically altered by the success of home help. It is because of that the business model that the care home operates under has to be drastically reviewed, in my opinion. Now, options including new income streams such as respite care, letting the rooms to UK or even Guernsey residents are being pursued. I know that management of RCCH are looking into those aspects of the care home and I wish them good luck in their endeavours.

1680 But to me it makes sense that if the States is going to help, then the obvious and best solution is for the head of the States Finance Committee to be the man to aid them in developing a new business model, because let us remember, if the Royal Connaught Care Home runs at a deficit it is the ordinary taxpayer who will end up funding it, and it is the Finance Committee that will then have to find a way to balance the books.

1685 Mr Jean says that the other members of the Policy Committee acted in a high-handed manner and he is entitled to his opinion. I have no doubt of his sincerity and his wish to aid the care home, and I commend him for it. But I do not believe, in making my decision, I was acting in a high-handed way. I believe I am being pragmatic, as I believe that, at this juncture, what the home needs is some hard headed business advice, not necessarily a shoulder to cry on.

1690 In support of the amendment –

Mr Jean: I am sorry –

The President: This is a point of order?

1695 **Mr Jean:** A point of order.

I am no shoulder to cry on and I object to that, I really do. I am a business man, not a shoulder to cry on.

1700 **The President:** So you are correcting a misleading statement?

Mr Jean: I am indeed.

The President: Thank you very much. Carry on.

1705 **Mr Birmingham:** Well, I will withdraw that statement, then, as it has caused you so much offence.

Mr Jean: Thank you very much.

1710 **Mr Birmingham:** In terms of the withdrawal, I just realised, while we have been debating matters, that is there not also a problem with the resolution at the bottom of this Item anyway? As it is saying:

1715 'The States is asked to approve the appointment of Mr Louis Jean to the board in place of Mr McDowall.'

But we have already heard that Mr McDowall actually is not on the board, so the resolution at the bottom is incorrect, so it should be withdrawn just for that reason.

1720 **The President:** Thank you. Is this a point of order?

Mr Arditti: Yes, a point of order.

1725 I can answer that question. I can say the same thing as Mr McDowall said, in explaining his position at the People's Meeting, that Mr Jean replaced the nomination in place of Mr McDowall. Mr McDowall said at the People's Meeting that he had been dismissed, but he has explained that what he meant was that the application, that the paperwork had been dismissed. Well, in place of Mr Jean should be nominated in place of Mr McDowall. It is the same thing.

The President: Thank you, Mr Arditti.

1730 There are three Members left to speak, if they wish to speak on this. Mr Tugby, do you wish to say anything?

Mr Tugby: No, sir, because it is just dragging on...

1735 **The President:** Thank you. Mr McDowall, Mr Roberts

Mr Roberts: I am tired of this argument now, Mr President. I think we should move on –

The President: Well, we have to give everybody the chance to speak, Mr Roberts.

1740 **Mr Roberts:** Yes, okay.

The President: Mr McDowall, do you wish to speak? (**Mr McDowall:** No.) Nobody else wishes to speak on this?

1745 In which case, if no-one wishes to, I would like you to summate on your amendment, please.

Mr Rowley: Well, I stand by what I said. I would like to say, which I forgot earlier on to say, that I have got nothing against Mr Jean being on the board of the Connaught. It is his way of putting forward the Item, and I think it would... Why can they both not be on the board of the Connaught? I think that would only have one to deal with –

1750 **The President:** Mr Rowley, you are making an amendment to withdraw this Item, not put a new one in. (*Laughter*)

1755 **Mr Rowley:** Well, maybe at a later date, because there is a possibility that, before too long, we will have a 10-member Policy Committee again and then...

The President: Thank you very much, Mr Rowley.
Madam Greffier, would you call the vote on the amendment, please.

1760 *A vote was taken and the results were as follows:*

FOR	AGAINST
Mr Rowley	Mr Jean
Mr Simonet	Mr Arditti
Mr Birmingham	
Mr Tugby	
Mr Berry	
Mr Harvey	
Mr McDowall	
Mr Roberts	

The Greffier: Thank you, sir. That amendment is carried and therefore the Item is withdrawn.

1765 **The President:** Thank you very much.

**Request for Referendum on States Members and President
Amendment carried, Item withdrawn**

1770

Item V.

The States is asked to resolve:

1. That the public shall be asked by referendum in October, the following questions:

1775

a. Do you want five members of the States instead of ten Members of the States? Yes/No

b. Do you want to shorten the term of office of Members of the States from four years to two years? Yes/No

c. Do you want to shorten the term of office of the President of the States from four years to two years? Yes/No

1780

d. Do you want to terminate the terms of office of all ten of the existing members of the States and hold ordinary elections in April 2014 (or as soon thereafter as the necessary legislative changes can be completed) instead of October 2014? Yes/No

2. That the Chief Executive shall take all steps necessary to implement the above resolutions.

1785

3. That Mr Arditti shall replace Mr Simonet as Chair of Policy & Finance Committee with immediate effect.

The President: In which case, we will move on to our next Item, which is Item V.

1790

The Greffier: Sir, Item V is the request for Referendum on States Members and President.

The States is asked to resolve: (1) That the public shall be asked by referendum in October, the following questions: (a) Do you want five members of the States instead of ten Members of the States? Yes/No; (b) Do you want to shorten the term of office of Members of the States from four years to two years? Yes/No; (c) Do you want to shorten the term of office of the President of the States from four years to two years? Yes/No; (d) Do you want to terminate the terms of office of

1795

all ten of the existing members of the States and hold ordinary elections in April 2014, or as soon thereafter as the necessary legislative changes can be completed, instead of October 2014? Yes/No; (2) That the Chief Executive shall take all steps necessary to implement the above resolutions; (3) That Mr Arditti shall replace Mr Simonet as Chair of Policy & Finance Committee

1800

with immediate effect.

The President: Thank you very much.

Mr Jean, as Convener, would you care to give the comments from the People's Meeting, please?

1805

Mr Jean: A majority of contributors, who commented on this item, agreed that: five Members are too few to represent the people with the work load involved. There was a concern that democracy will suffer because decisions taken by a small number will inevitably lead to a position where only three people could decide policy for the States.

1810

Shortening the term of office from four to two years would not assist with continuity of the States and is too short a time to get a suitable understanding of how the States work.

No change is necessary in the term of office for the President and one contributor suggested an extension of the current four-year term.

1815

It is unlikely that Privy Council would agree to the termination of the terms of office for all ten Members.

One contributor agreed with the proposal to reinstate Mr Arditti as the Chairman of the Policy Committee, as he believed the actions taken to remove Mr Arditti from the Committee were unlawful.

1820

Another contributor stated that it is hoped that each point on this Item will be voted on separately and urged the States Members to consider the public in their decision-making, rather than themselves.

Thank you, sir.

1825

The President: Thank you very much, Mr Jean.

As before, if you care to take a drink of water, before you propose your next Item.

Mr Jean: Most kind.

1830 This Item is a request for a referendum on States Members and its President. At the time of placing this Item, I was somewhat reluctant about letting it run, but after what I have seen here tonight...

1835 What happened that made me decide to change my mind? The most amazing things which have happened, like the AEL story and the ability that this whole States shows in not being able to address this item; a lost chairmanship for no good reason, done in his absence, with myself not invited because I had a different view; the debacle over the Connaught board.

1840 Now let us get to the section where I update you on some of the other events, which various meetings have taken place, called at short notice – no agenda, no minutes secretary, meaning no trail of minutes to be placed in the public domain.

1840 There is more. On 8th August, a special meeting of Policy was called to discuss, according to the Rules, one Item only. I arrived about ten minutes before that meeting and made my way upstairs, and was presented with an extra agenda item, at the request of the Chairman, Mr Simonet – Rules already broken.

At the meeting, the permit was discussed, along with two others about which we were not told – Rules broken again.

1845 Now we have established that, let me quote from the paperwork and the e-mails emanating from that meeting. The paperwork although signed by Mr Simonet came from or at the bequest of a letter from the President, Mr Trought, dated two days earlier. That letter was dated 6th August and addressed to me.

1850 **The President:** Mr Jean, point of order.

Could you explain how the letter that was sent to you was asking for this to be put on the agenda?

Mr Jean: Well, it contains all of the suggested Items that were in the –

1855 **The President:** Would you care to read that letter to the public?

Mr Jean: I would. I would be quite happy to read that letter. Have I got it with me? I have, yes, I know I have. Wait a moment.

1860 I will read the whole of it as well... except I have not got the second page of it, that is on my iPad, but I have got the main part of it:

‘At the last States and Committee...’

1865 **The President:** I do not think it is...

Mr Jean: This is from the President to me dated 6th August 2013:

1870 ‘At the last Sates and Committee I pointed out that whilst the letter of the law allows Chairmen to present Items for the Billet as they wish, it is nonsensical under normal circumstances for them to put items forward for inclusion in the Billet on matters which are not within the mandate or remit of their particular Committee. At no time during this discussion did you voice an opinion.’

I also will be covering this in my summary here.

1875 ‘At no point during this discussion did you voice an opinion that this was not the case. You have, however, now put forward for inclusion in the September Billet several Items which are outwith the mandate of your Committee.

1880 While you are at liberty to ignore advice, you are not assisting the good cause of good governance in Alderney by doing so. To blatantly ignore many years of established custom shows both a lack of respect for or understanding of those established customs, which have grown into their present form for good reason, and lack of realisation.

As to the negative impact of what ignoring them may have upon the effective Government, I am surprised that you have not asked yourself the following questions: why Committees are given particular mandates to deal with; what do you think the effect on efficient governance would be if every Committee is dabbling in the business of others; why do you think it has become established custom for Committees not to do so.

1885 If you seriously disagree with the way others are running the business of their Committees and you cannot persuade them to change through reasoned argument, then mechanisms exist for you to make your political objections known, within the Rules of Procedure. These include the ability to put forward an amendment to a Billet Item; if you have sufficient support to bring forward a Requête concerning matters which have not been placed on the Billet. You also have the right to ask questions, both written and oral, of Committee Chairmen.

1890 Whilst you may choose to put forward matters which you see fit for inclusion, I would ask you to seriously consider the correlation between the mandate of your Committee and the matters you have put forward for inclusion in the Billet.’

The very small amount which is on the second page, I do not have it with me, sir.

- 1895 **The President:** I shall just remind you of it.
- Mr Jean:** If you would, yes, please.
- 1900 **The President:** I said I will be sending a copy of this to the Chairmen of the other Committees –
- Mr Jean:** That is correct.
- 1905 **The President:** – in the hope that they will take note of what I have written to you.
- Mr Jean:** Thank you very much. May I continue?
- The President:** Please do.
- 1910 **Mr Jean:** Thank you.
I have given a précis. As for the rest here in this speech, I have given the main points. If this Item is successful, then the public will have the chance to decide on (a), (b), (c) and (d). The explanation in the Billet will, so far as I am concerned, suffice and if the States is unafraid, as I am, then they will vote for the referendum in the interest of a return to a more democratic way of getting things done – and a return to the use of the Rules we are all to be guided by and wish to have extended to all of us.
- 1915 I commend this Item to the House and I ask you to vote for the referendum and give the public a chance to have their say and my goodness, especially after tonight's performance!
- 1920 As the Chairman of the Policy Committee was not removed in a fair and proper way, I propose he should be re-instated forthwith if this Item is successful. Thank you, sir.
- The President:** Thank you Mr Jean.
Mr Arditti I believe you wish to second this motion?
- 1925 **Mr Arditti:** Thank you, sir.
So far Mr Rowley and Mr Berry have twice tried, with their withdrawal of amendments, to stifle public debate of Items on this Billet which are important to the public, and they threaten to try again with this Item, which is designed to let the public have their say.
- 1930 Not content with denying the public a referendum, they even wanted to silence the *one* opportunity for a public debate on the subject here tonight. What clearer illustration can there be of the need to reduce the size of the States?
- 1935 There is more. Their withdrawal amendments are a procedural nonsense and cannot possibly work. We are looking at bad motives and ineptitude. The Rules of Procedure are clear. Mr Jean has been allowed to propose his motions and I have been allowed to second them *before* the withdrawal amendments are laid. Then comes debate on Mr Rowley's and Mr Berry's silencing amendments, but the arguments and speeches on their motions and ours are the same. Indeed, the votes are the same too. Those voting in favour of Mr Rowley's and Mr Berry's withdrawal amendments are clearly against Mr Jean's motions.
- 1940 So, these withdrawal amendments actually achieve nothing at all. How stupid is that!
The incompetence is bad enough, but I come back to the motive, albeit it has failed. The motive was to silence debate. This shows a cohesive, mutual support between States Members, and contempt for the public.
- 1945 **Mr Berry:** Point of order, sir.
- The President:** Go ahead, Mr Berry.
- Mr Berry:** I have never held Members of this House in contempt or any member of the public in contempt. I am voting, sir, and supporting because I do not believe in what is being put forward, and for no other reason, sir.
- 1950 **The President:** Thank you very much, Mr Berry.
- 1955 **Mr Arditti:** Now, what happens when our constitution provides for 10 States Members but 10 good candidates will not stand? The short answer is that the public can only vote for the candidates who agree to stand and therefore they end up with 10 States Members regardless.

On polling day, there is no box to say, 'Just five, six or seven Members this time, please.' Some electors vote only for the two or three candidates who they consider worth voting for, but of course the electorate end up with 10 regardless.

1960 The point is that there are at best only 1,900 in the Island, probably in reality nearer 1,600, and the numbers are falling. This is simply not a big enough pool to produce 10 sound candidates who are willing to stand.

1965 The last States was labelled 'the worst States ever' and when it came to the elections, the public voted out anyone who stood for re-election. This States is now called 'the worst States ever' and the same is likely to happen again. The system is not working.

1970 One former President told me that it had never worked and never would, and left me in no doubt that I was a fool for trying to improve the system. Another former President has written extensively in the *Journal* and the *Press* that anything less than 10 States Members would lead to dictatorship – a favourite word of his. He says that the Privy Council would not allow it. I do not know why. The Falkland Islands has a population of 2,900 souls, reserves of some £100 million, a revenue of £30 million per year, yet it has seven elected members and five elected members is on the cards. With five members, no committees would be needed. The five would work as one committee, setting policy and acting as a check on the civil service and a check on each other, and *crucially* for the public, five are far more accountable between elections than ten.

1975 The reduced term of office from four years to two years would also ensure a higher focus on the public between elections.

1980 So far this evening the public are 30-love down on the Items which concern them. Since May, we have seen States Members show a contemptuous disregard for the public anger at the way in which they have flouted the rules and rubbished the good governance of the Island – such contempt for the public that they do not even acknowledge that this anger exists.

1985 The public now have the person they least wanted as Chairman of the Policy Committee. Mr Birmingham says the Chairman of the Policy Committee should be the person the Committee wants as their Chair, not the public. He has not read the Constitution. The Committees do not elect their Chairs. The full States are charged with this responsibility, in the expectation that they will have regard to the public. The Chairman of the Policy Committee is not supposed to be 'one of the boys' – the one that will help the Committee to become a cosy clique.

1990 The trouble is that the four-year term and the 10-Member States breeds a culture of disregard for the public. A number of unscheduled meetings in the name of the Policy Committee at which decisions are made but the public have no prior notice – no agendas are published and no minutes are published – *contempt* for the public.

1995 I can go on, but instead I think I shall conclude with this point. Mr Jean's Proposition this evening is not to change *anything*. No, his Proposition is simply to give the public their say. It is not too late to alter the questions by agreement. Indeed, it is a pity that Mr Rowley and Mr Berry did not submit some useful amendment, with a view to assisting the public to have their say. Perhaps they are frightened what verdict the public might reach in a referendum.

Mr Berry: Point of order, sir.

2000 **The President:** Mr Berry.

Mr Berry: I will speak to any member of the public. I have no fear of anybody whether they liked me or not. Their point of view is respected by me, whether I agree or I do not agree, sir.

2005 **The President:** Thank you very much, Mr Berry.

Mr Arditti: The public could still be consulted about other reforms but the benefit of this resolution is to ensure that the public is *asked*.

2010 As for the Proposition to re-instate myself as Chairman of the Policy Committee, the point is a simple one, and I can be very brief. It matters not a jot that Arditti chairs the Policy Committee. Let me repeat that. *It matters not at all* that Arditti chairs the Policy Committee.

What matters is that the chair, whoever he is, has legitimacy. Good governance is all about doing things properly. The end does not justify the means. This has caused a serious reputational damage which has to be put right quickly. The Island cannot wait until the next election.

2015 I ask you to support the motion.

The President: Thank you, Mr Arditti.
Madam Greffier, I believe we have an amendment.

2020 **The Greffier:** We do, sir. It is an amendment proposed by Mr Rowley and seconded by Mr Berry that the Item be withdrawn.

The President: Mr Rowley, would you care to propose your amendment, please?

2025 **Mr Rowley:** Yes I would, Mr President.
This Item has got Mr Arditti's paw-prints all over it. I suspect it was written by him. I do not know whether Mr Jean could shed some light on that, but it is, to my mind, just a case of Mr Jean using his position as a committee chairman to put forward a third-party Item, and that is not on. He is now behaving like some sort of freshly dug up zombie –

2030 **The President:** Could you moderate your language, please, Mr Rowley?

Mr Rowley: – oh, I beg your pardon – putting forward the Items given to him by manipulative third-party people. It is not something we can accept.

2035 I can deal with the various... We have heard a lot about trying to stifle democracy. You cannot go around having a manifesto every time the school bully does not get his way. You cannot do that and there is no mechanism for having a manifesto here, as far as I am aware.

2040 Having 10 Members of the States has shown quite conclusively that it actually protects us from a dictatorship, and had we only had five at the time, I daresay we would have succeeded. It is far easier to manipulate five people than it is 10, and that is what is crucial to this sort of thing. That is why I just propose that it be withdrawn, along with everything else.

Mr Jean and Mr Arditti's assertions that he was removed illegally in some way... it does not carry weight. Had Mr Jean consulted his Committee like he was supposed to do, I would have been able to tell him that I have read a number of –

2045 **Mr Jean:** On a point of information, sir.

The President: Can we just wait? We will take it in a minute.

2050 **Mr Rowley:** – that I have read a considerable amount of legal correspondence – private legal correspondence. I might say that it has put my mind completely at rest on this issue, and if it is to go any further, it should happen in a court, not in... We have had this up to our eyeballs, quite frankly. It has wasted a lot of time and a lot of energy and a lot of work has been put into trying to deal with this endless nonsense.

2055 **The President:** Mr Jean, your point of order.

Mr Jean: I cannot be bothered now.

2060 **The President:** Okay, thank you very much, Mr Jean.
Right, we will move on to Mr Berry, you wish to second this?

Mr Berry: Yes, I wish to second it.

I was not going to speak on this, but having heard what Mr Arditti said, I have got to correct something.

2065 With regard to the public, my history tells me that I can do nothing but regard the public. If people want to know what my background is, I would quite willingly tell them so. Disregard to the public – I do not disregard the public – I speak to the public, they know my telephone number, they know where I live, they can stop me in the street and I can call into their house and speak to them. I regard the public with the greatest of interest. If I did not get information from the public, I could not do my job.

2070 As for trying to do this with the number of people you are suggesting, if I had to do my job as a Member of a five-Member House, I could not do half of what I need to do and do the main things that need to be done as well. It is not a workable situation.

2075 Caring for the people's every day needs – the mundane things that do not come out in committee but have to be dealt with outside – we would not have the time to do. I do, sir, from the depth of my soul, care for the people of Alderney, for their everyday concerns, not just the main Billet Items, but their everyday concerns. That is what I was elected for and that is what I will stay elected for until the people decide next year what they wish to do with me.

2080 **The President:** Thank you, Mr Berry.

Mr Berry: I support the amendment, sir.

The President: Thank you.
Does anybody else wish to speak on this motion? Mr Roberts.

2085

Mr Roberts: It would make it totally undemocratic at five. Three Members could totally control Alderney. It could turn us into a banana republic, I believe.
I support the amendment.

2090

The President: Thank you very much.
Mr Arditti.

Mr Arditti: Thank you, sir.

2095

All I would say to Mr Berry is actions speak louder than words.
Mr Rowley in support of his amendment referred to correspondence that he has read which shows that the events in May were legal. Six Rules were broken and it was not legal.
I have not seen the correspondence that Mr Rowley has seen. I have seen *no* correspondence from the Law Officers saying that the six breaches of the Rules in May were lawful. I am afraid Mr Rowley is confused.

2100

Because I have not seen it, I do not know therefore whether any such opinion exists, but I suspect that their opinions are Alderney rumour.

2105

However, it is perhaps worthwhile reminding Members that the Law Officers are far from fallow. As recently as last year they gave legal advice to the then General Services Committee in the Keith Barker/Water Lane case, as a result of which the Committee was condemned by the Alderney Court as having acted, and I quote, 'illegally, and irrationally'.

Former States Members in Alderney and former and current Deputies in Guernsey will tell you that the Law Officers are not to be relied upon slavishly.

2110

Mr Rowley: May I make a point of order?

The President: You may, yes.

2115

Mr Rowley: Well, I can only check my guidance from people who are qualified to practise law in the Channel Islands. That is all I can do.

The President: Mr Rowley, that is not a point of order.

2120

Mr Rowley: Oh, is it not? I beg your pardon.

The President: No, it is not. A point of order is a breach of the Rules, to correct an inaccurate or misleading statement.

2125

Mr Rowley: Oh, sorry, in that case, it is a comment. Okay.

Mr Arditti: You do not have to be a Channel Island lawyer, to be a former or current Deputy in Guernsey or a former States Member in Alderney who will tell you – who will teach you – from their experience, that the Law Officers can get it wrong. And they clearly did so in that case –

2130

The President: Thank you. Mr Arditti –

Mr Arditti: – because their advice resulted in a condemnation of the Committee for acting illegally and irrationally.

2135

The President: With all due respect, Mr Arditti, you have finished your speech. He has... Have you finished your speech?

Mr Arditti: No, I sat down, because he –

2140

The President: Oh, you sat down, you gave way? Forgive me, I thought you gave way.

Mr Arditti: So... Why don't I give us all a treat and sit down, sir? *(Laughter)*

The President: Thank you very much.

2145 Right, does anybody else wish to speak with regard to the amendment?
Mr Jean – I recognise you, Mr Jean.

Mr Jean: Thank you.

2150 Addressing the amendment to withdraw the Item, a public referendum, I am not under the current circumstances worried about the public having their chance to have a say. I have nothing to hide and the best thing about my suggestion, along with my colleague, Mr Arditti, is that it would be a good way of resolving all the differences. It would come back to a new start, having settled our differences at the polls – and my, can you see those differences so clearly here tonight!

2155 Ask yourself, is it the amendment or more of this difficult style of politics, secretive in its very nature, or a vote for being more open and accountable?

I fought hard against a four-year term. Our States was changed then in, I think, 1996, after the Home Office and Policy Constitutional Review was published. Two Members gone, 12 to 10. There has been change before here. An extra year added to the term, which I felt was not good.

2160 I explained that our forefathers knew what they were doing when they cut the cake up into smaller slices. Nearly half a decade was too long.

I was involved in the lottery for two of the seats in the States at that time, one of the mighty 12, to lose a year in their term, and I protested that the only people who had the right to interfere with my term of office was the public. I refused to take part in that lottery and a straw was drawn for me. I lost one year of my term.

2165 Little did I realise, I was only four years left and that was my last run at that time, at the end of 2000. I left politics, I thought for good, but here I am, urging you all to vote against this amendment and let the public have their say.

Democracy is what is needed here to sweep away the cobwebs and begin anew. Never be afraid of change. You hear, I made my views known back then in 1996.

2170 I ask you to vote against the amendment tonight. Thank you, sir.

The President: Thank you very much, Mr Jean.

Does anybody else wish to speak to the amendment?

Mr Harvey: Thank you, Mr President.

2175 I will try and keep my comments very brief in view of the hour.

I am intrigued by Mr Arditti's sudden conversion to Swiss style politics with a referendum at the drop of a hat. I do not remember mentioning it in two years previously in the States or in the four months that he was Chairman of the Policy Committee, but obviously he has had a late conversion and one can only wonder at the reasons for that.

2180 The Proposition I am afraid is entirely without merit. It is constitutional codswallop. There is no provision for a referendum in our Constitution, nor needs there to be one. Sadly, it is also full of a number of untruths and distortions, and we all know what it is really about. This is becoming like *Groundhog Day*. We are re-running every States Meeting, the May States Meeting when seven Members voted a vote of no confidence in the Chairman of the Policy Committee. End of story really, but we keep on re-hashing it.

2185 Mr Arditti – and I saw him on Channel TV website today, I was impressed with that – claims omniscience. I thought it was only God, (*Laughter*) but he obviously knows what the people believe and what the people want.

2190 **The President:** Can we...?

Mr Harvey: I do not claim his omniscience and I will be brief. I know what the people wanted last year, at the end of last year: they wanted me and four other Members here to represent them, and to get on with the job of trying to pull round this Island – a job which many of us have been working hard at and using our best endeavours, even though clearly Mr Arditti's view is they are inadequate.

2200 Frankly, Mr Arditti is not important, nor is Mr Jean, nor am I, nor is anybody at this end of the room. The people who are important are the pensioners wondering whether they will be able to keep their homes this year, or eat, or do both. They are the guesthouse owners who are wondering where their next guests are coming from and they are the teachers in the school who are wondering who will be next to get the chop. We should never forget that and we should get on with sorting out their problems. (**A Member:** Hear, hear.)

2205 It is time to stop all this nonsense. It has gone on long enough, we are all getting fed up with it. It is two and a half hours, two and three quarter hours into this meeting and will it be six hours next time?

2210 So how do we stop it? Mr Arditti has complained that he is not on any Committees. So tonight I would like to make him an offer – an offer which he may refuse, he may consider it beneath him – but I would like to invite him to join my Business Development, Tourism and Marketing Committee, and if he agrees I shall bring a formal Proposition to that effect to the next States Meeting. I think it would be very good for the Committee, he is an energetic man, we would love to have him on it and he could do something really positive and useful.

The President: Mr Harvey, I must ask you to constrain your comments to the –

2215 **Mr Harvey:** I shall close now. But I will just say that there is a lot of work going on in the committees and in the Island as a whole, and I would like to throw my own committee, the Business Development, Tourism and Marketing Committee, open to the public on 14th October so you can find out what is really going on here.

2220 I support the amendment. Thank you.

The President: Thank you, Mr Harvey.

2225 **Mr Arditti:** I have waited until Mr Harvey had finished. Just a point of order. I wonder if he could point to me where I have ever complained about not being on a Committee?

Mr Harvey: My apologies, I referred to the *Press*. I was clearly misinformed.

2230 **The President:** Thank you very much. Does any other Member wish to speak on this amendment?

Mr Birmingham: If I could quickly?

2235 **The President:** Yes, you can.

Mr Birmingham: I have only a few words on the Item. I think it is ill-conceived and ill-considered. All you had to do was listen to the comments at the People's Meeting regarding this Item and I think it showed there has been a considerable lack of consideration over many constitutional issues that are involved in the proposal.

2240 Conversations I have held with many members of the public about this have shown me that Mr Jean's claim that there is an overwhelming public support for change in the Government structure does not hold any water. In fact I have found there seems to be more of an overwhelming support for actually maintaining the 10 States Members structure.

2245 In fact, the response I have been getting is more along the lines of 'Have you not got better things to be doing, like fixing the Island's economy, rather than this naval gazing exercise?' which is a position that I fully sympathise with. (**A Member:** Hear, hear.)

2250 Constitutional changes need a proper constitutional panel and it needs a requisite amount of public and Government consideration. Before you ask for a referendum you really need proper discussion as to what the question is going to be and that has not happened in this case. All we need to do is look at rushed changes made to the Committee structure earlier this year, that did not undergo proper scrutiny, the subsequent problems that have arisen from that relating to the Policy Committee and the problems that we see in the States at this time.

So I support the withdrawal of this Item.

2255 **The President:** Thank you very much. Does anybody else wish to speak on this amendment? In that case, Mr Rowley, if you would care to sum up.

2260 **Mr Rowley:** I do not think I have got anything further to say, actually.

The President: Sir, thank you very much. Madam Greffier, if you would put the amendment to the vote, please.

A vote was taken and the results were as follows:

FOR
Mr Tugby
Mr Birmingham
Mr Simonet
Mr Rowley
Mr Roberts
Mr McDowall
Mr Harvey
Mr Berry

AGAINST
Mr Jean
Mr Arditti

2265

The Greffier: Sir, that is carried and therefore the Item is withdrawn.

The President: Thank you very much.

2270

Code of Conduct
Projet de Loi: ‘The Government of Alderney (Amendment) Law, 2013’
Item approved

2275

Item VI

The States is asked to approve the Projet de Loi entitled “The Government of Alderney (Amendment) Law, 2013” and to request the President to seek the Sanction of Her Most Excellent Majesty in Council for it to have the force of Law in the Island of Alderney.

2280

The President: Could we move on to Item VI, please.

2285

The Greffier: Item VI, sir, is the Code of Conduct. The States is asked to approve the Projet de Loi entitled ‘The Government of Alderney (Amendment) Law, 2013’ and to request the President to seek the Sanction of Her Most Excellent Majesty in Council for it to have the force of Law in the Island of Alderney.

2290

The President: Thank you.
Mr Jean as Convener, please.

Mr Rowley: Could I please make a visit to the...?

The President: Of course you can.

2295

Mr Jean: Would you like me to wait for his return?

The President: He was at the People’s Meeting. If you would just care to give the Convener’s comments.

2300

You can go out through that door, Mr Rowley.

Mr Jean: I may continue, then.

Item VI, Code of Conduct – comments on this Item included:

2305

It was queried whether this Code of Conduct was the same as the States of Guernsey, which was presented to Members and rejected. The Chief Executive advised that this is an Alderney-specific Code of Conduct. However, it is not enforceable in law. Therefore this amendment to the Government of Alderney Law is being proposed.

The Code of Conduct has always been voluntary. The Convener expressed the view that it should remain that way.

2310

The inclusion in the Code of Conduct of the provision for a Member to be reprimanded, cautioned, suspended or expelled was queried as it was felt that States Members are voted in by the public and therefore it should not be in the power of other States Members to expel another States Member. The Convener agreed and the Chief Executive advised that it is a matter for the President to appoint an independent panel to assess such matters.

2315

There is no need for the amendment to the law to enable the enforcement of the Code of Conduct, as Members will act honestly or dishonestly regardless of the law.

A number of comments were made with regards to the public perception that the States Members are not getting along and working together, and the dangers of introducing an enforceable Code of Conduct.

2320 The Convener advised that States Members in Guernsey abide by a voluntary Code of Conduct which is not enforceable by law. The President stated that he normally refrains from making comment at a People's Meetings. However, he felt the need to correct the Convener that the necessary changes to the Guernsey Law were made in 2006 and this was recently put into use in the States of Guernsey.

2325 A contributor stated that Members should take note of the comments raised and felt that this matter had not had sufficient debate, or backing from the States of Guernsey or legal advice.
That is it, sir.

2330 **The President:** Thank you very much indeed.
Mr Simonet, would you care to...?

Mr Simonet: Do you want me to continue before Mr Rowley returns, sir?

2335 **The President:** I do not know how long he is going to be gone for. *(Laughter)* If you would care to make your opening statement.

Mr Simonet: Thank you, sir. I will continue, yes.

2340 In proposing this Item, sir, most developed democracies expect standards of behaviour from those elected to serve the people. It is normal practice that a Code of Conduct is in place to ensure all parties are fully familiar with the requirements placed on those who operate in public life. The Code of Conduct referred to in this submission assists all Members in the discharge of their obligation to the States of Alderney and the public at large, by: establishing the standards and principles of conduct expected of all Members in undertaking their duties; setting the rules of conduct which underpin the standards and principles to which all Members must adhere and in so doing, ensuring public confidence in the standards expected of all Members in the commitment to the States of Alderney Rules.

2345 It is always regrettable that the measures set out in any code of conduct must be used to deal with the behaviour of those who step out of line. However, without the code, there can be no real controls and a wayward Member can behave in a most unstatesmanlike manner with impunity. States Members are elected through due process to serve the people of Alderney. They do so in accordance with the well-established principles of public life, often referred to as the 'Nolan principles' – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

2350 The States of Alderney have adopted these principles in the Code of Conduct for States Members. Some of the Members believe the Code should be made voluntary; however there remains a fundamental flaw in that suggestion – anyone whose behaviour is found to be in breach of the Code of Conduct is unlikely to succumb to a voluntary sanction if a group of his peers deem his behaviour to be unacceptable.

2355 The Code as it is currently written needs little change, although it is clearly open to debate and change, should States Members so desire. What is missing is the force of law to impose an appropriate sanction. What possible objection can States Members have to this proposed change?

2360 Nothing in this proposal changes the Code of Conduct itself. The Code is currently non-statutory. If the proposal is accepted and the law changed, the Code will be given statutory recognition, on a statutory basis, meaning that the Code and therefore the sanctions, powers and privileges arising under or in consequence of it will have a statutory basis and are thus enforceable as a matter of law.

2365 It is not clear why the States omitted to take this action in 2009. However, it is clear that action is now required to ensure that States Members behave in a way which restores credibility and dignity with the people of Alderney.

2370 It is often said by some States Members that the position in Guernsey is different to the proposed position for Alderney. That is not true. Law Officers have confirmed that if the States agree to this proposal, the status of our Code will correspond with Guernsey's and the underlying enabling legislation in both Islands will similarly correspond.

An important part of our Code of Conduct states:

2375 '7. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States and never undertake any action which would bring the States, or its Members generally, into disrepute.

2380 8. Members shall at all times treat other Members, civil servants and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process.'

2385 We have all received correspondence from a Member of the Public which questions whether States Members are behaving in an appropriate manner. I have to say I agree with the points being made. It is time for States Members to stop bickering and throwing stones at each other and get behind the many initiatives which have been started over the past 12 months, for all of us to work for a common goal, which is to create a better quality of life for the people of Alderney.

The President: Thank you, Mr Simonet.
Mr McDowall, I believe you wish to second this?

2390 **Mr McDowall:** Yes I do indeed. I have nothing to add, but fully endorse Mr Simonet's comments.
Thank you.

2395 **The President:** Thank you very much, Mr McDowall.
Does any Member wish to speak on this?

Mr Berry: Yes, sir, if I may.

2400 **The President:** Okay, go ahead.

Mr Berry: Since becoming a Member of the States, sir, as you are well aware, I have read this Code of Conduct and I see no problem with a voluntary code of conduct. I can see the problem if I was in a situation where I would not accept the rulings. When I have had difficulties, I have come sir, and with grateful thanks to you, for clarification and also to Sir Norman Browse. If the members of the public believe that a code of conduct legally enforced is the only way to have reliable people with integrity in the States, then I have to disagree with that, sir.

2405 My integrity is not in question. It never has been in question and if, as I have said to you, sir, and I have said to others, if I am not fit for the job that I am doing and my fellow Members say enough to me, then I will react to that commitment.

2410 I am not here to cause problems; I am here to serve the public, sir.

The President: Thank you very much.
Mr Jean.

2415 **Mr Jean:** I believe that this is only being placed before the States to cover their tracks. I cannot believe all this is necessary. You pledge an oath of allegiance to Her Majesty the Queen, in our inception. In our inception package for new States Members, we are given the Code of Conduct. These are the Rules we sign up to and they do not need to be cast in stone.

2420 I urge you all to vote against this Item.

The President: Thank you very much, Mr Jean.
Does any other Member wish to speak? Mr Rowley.

2425 **Mr Rowley:** Thank you, Mr President.
I would like to support it actually because where, in a perfect world, we could have abided by a sort of gentleman's agreement and a voluntary code of conduct, every so often into our lives comes somebody who is unreasonable and transcends normal behaviour. I think we have to take action against that. We have to have the means of dealing with it.

2430 That is all I have got to say. Thank you.

The President: Thank you very much.
Does any other Member wish to speak? Mr Arditti.

2435 **Mr Arditti:** Thank you, sir. The answer to Mr Simonet is that we already have a voluntary code of conduct. Messrs Harvey, Simonet and McDowall want to make it compulsory. They refused to comply with the Code in May and now they want to make it compulsory. Is this the result of some shining light experience on the road to Damascus? No. Not a bit of it.

2440 Mr Jean calls it covering their tracks. Mr Harvey is tired of hearing about May, hearing about the May Meeting. He said so. But in the immortal words of Mandy Rice-Davies (*Laughter*) 'He would say that, wouldn't he?'. (**A Member:** Absolutely.)

In 2009, when the States before last introduced the voluntary code, they had the option to make it compulsory but did not do so. Mr Simonet asks what possible objection could there be to

2445 making it compulsory? Well, they foresaw all sorts of problems. Not least that a compulsory code would likely result in a constant stream of complaints *between* Members. The public do not need to have a compulsory code.

A States Member would be a fool to ignore a decision on a complaint made by the public against him or her. What they foresaw in 2009 was a constant stream of complaints between Members and even playing into the hands of strong Members wishing to intimidate weaker ones. Something akin to the point which Mr Rowley has just made. Their reaction to that point was *not* 2450 to have a compulsory code, so that a strong Member could not intimidate weaker Members.

So what has changed? What is this Rule change for? Well, it is not difficult to guess. But above all else, allow me to put this point. It is a shameful admission by those who vote for this compulsory code that they cannot be trusted to comply with the existing voluntary code. I agree with Mr Berry, it is a reflection. 2455

I am in no doubt that the electorate will remember this and I urge you to vote in the way that the States who introduced the Code did in 2009 and in the way that the last States on which I sat and others here, voted on two occasions, on *two* occasions in the last States we had the opportunity to vote to turn the voluntary code into a compulsory one and we rejected it. 2460

So former States Members have looked at this *three* times and seen the problems which a compulsory code would bring in a small States like this one.

The President: Thank you very much.
Yes, Mr Harvey.

2465 **Mr Harvey:** Thank you, Mr President.

Once again, we have an occasion – I hate to keep mentioning this – where Mr Arditti’s black is everybody else’s white. Not to have a code because of risk of having bullying Members if we had a code seems to be exactly the reason to have one.

2470 **Mr Arditti:** Sir, I have got to – I am so sorry, I cannot even wait! I did not say not to have a code. Nothing in my speech suggested not to have a code.

Mr Harvey: Sorry, a legally binding code, sir.

2475 **Mr Arditti:** The issue in case Mr Harvey is not aware, is whether we retain the voluntary code or whether we take the step, the serious step, of making it a compulsory code.

The President: Thank you very much.
Mr Harvey.

2480 **Mr Harvey:** I have nothing further to add, sir.

The President: Anybody else wish to speak?
Yes, Mr Tugby.

2485 **Mr Tugby:** I have no problem with following the voluntary code, so I have got nothing to fear about having one in law and it is absolutely ridiculous what is going on here tonight. Purely by a certain Member, he knows who I am talking about, causing nothing but trouble, and there is no problem. If you are not frightened of abiding by the law, why are afraid of having it? 2490

The President: Thank you, Mr Tugby.
Does any other Member wish to speak on this Item? Please go ahead.

2495 **Mr Birmingham:** Just quickly. This is merely enabling legislation. You just have to read the section in the Projet de Loi:

‘The States may by resolution adopt (and subsequently amend, revoke or replace)...’

2500 It *may* adopt. This is just giving the legal ability for the States to adopt one if it so wishes. The decision about whether the current Code of Conduct is right or whether it should be adopted – that is still a discussion that has to be made. All this does is allow a States or a future States the ability to adopt it if it so wishes. It does not even necessarily mean that the current Code of Conduct may be the one that we might adopt.

I am quite happy for it to be in law that the States or a future States has the ability to adopt.

2505

The President: Thank you very much, Mr Birmingham.
Does anybody else wish to speak on this? Mr Simonet, would you care to sum up.

2510

Mr Simonet: Yes, you will be pleased that I have not got a one-hour speech here. So I will say little more. In fact, I support the motion for the reasons that I stated earlier

The President: Thank you very much, Mr Simonet.
Madam Greffier, would you put this to the vote, please.

2515

The Greffier: Sir, I just to remind Members, this is an amendment to the Government of Alderney Law and therefore it needs at least seven Members present to vote in favour of the resolution for it to be passed.

A vote was taken and the results were as follows:

FOR	AGAINST
Mr Tugby	Mr Arditti
Mr Birmingham	Mr Jean
Mr Berry	
Mr Harvey	
Mr Simonet	
Mr McDowall	
Mr Rowley	
Mr Roberts	

2520

The Greffier: Sir that is carried, eight Members voting for the resolution, sir.

The President: Thank you very much indeed, Madam Greffier.

2525

**States of Alderney Rules of Procedure
Amendment to Rules 4 and 8
Item approved**

2530

Item VII.

The States is asked to approve the amendment of Rules 4 and 8 of the Rules of Procedure for States Meetings as follows:

'Matters for inclusion in the Billet

4. The matters to be included in a Billet d'État for a meeting of the States are:-

(a) (i) any letter to the President signed by the Chairman of a Committee of the States and referring to a matter which falls within the mandate of that Committee and which has been approved by a quorate meeting of that Committee (whether unanimously or by a majority), and received by the President at least 16 days before that meeting or within such other lesser time as the President may notify to Members of the States.

Naming of a Member

8. (e) If, on any occasion, the President considers that his powers under the previous paragraph of this Standing Order is inadequate to deal with a States Member, having regard to the nature of the offence, he may forthwith put the question in relation to the offending Member of the States "That Mr/Mrs....(naming him/her) be suspended from the service of the States", no debate or amendment being allowed but (for the avoidance of doubt) subject to an affirmative vote of members to that question. A Member suspended under this paragraph shall be forthwith directed to withdraw from the precincts of the States and his suspension shall last for the remainder of that meeting and the next following meeting of the States.'

2535

The President: Could we now move on to Item VII, please, Madam Greffier.

The Greffier: Thank you, sir.

2540 Sir, Item VII is Amendment to the States of Alderney Rules of Procedure. The States is asked to approve the amendment of Rules 4 and 8 of the Rules of Procedure for States Meetings as follows.

2545 Matters for inclusion in the Billet: 4. The matters to be included in a Billet d'État for a meeting of the States are: (a)(i) any letter to the President signed by the Chairman of a Committee of the States and referring to a matter which falls within the mandate of that Committee and which has been approved by a quorate meeting of that Committee, whether unanimously or by a majority, and received by the President at least 16 days before that meeting or within such other lesser time as the President may notify to Members of the States.

2550 Naming of a Member: 8. (e) If, on any occasion, the President considers that his powers under the previous paragraph of this Standing Order is inadequate to deal with a States Member, having regard to the nature of the offence, he may forthwith put the question in relation to the offending Member of the States, 'That Mr/Mrs....' – naming him or her – 'be suspended from the service of the States', no debate or amendment being allowed, but for the avoidance of doubt, subject to an affirmative vote of Members to that question. A Member suspended under this paragraph shall be forthwith directed to withdraw from the precincts of the States and his suspension shall last for the remainder of that meeting and the next following meeting of the States.

2555

The President: Thank you very much, Madam Greffier.
Mr Jean as Convener.

Mr Jean: Thank you.

2560 Comments on this Item included:

The President determines what matters are to be placed on the Billet, therefore nonsensical Items will not be placed on the Billet. The Chief Executive advised that currently the President is obliged to put all matters on the Billet which are brought to him by a Chairman of a Committee.

2565 It was queried whether Mr Simonet had the full backing of the Committee when he brought a vote of no confidence in Mr Arditti to the President to place on the Billet. Mr Simonet advised that the matter was discussed by the Policy Committee and the majority of three to one voted in favour, and himself, as a Chairman of a Committee. Then the Building and Development Control Committee submitted the Item onto the Billet.

2570 Members should consider reintroducing the Green Paper, which allows Members to debate matters at a States Meeting, and should there be sufficient support, a White Paper can be introduced.

A contributor did not agree with the changes proposed with the naming of a Member as it was felt the power of the President during a States Meeting will be removed.

2575 Another contributor felt that this was an attempt by Members to close the loophole which allowed for the removal of Mr Arditti as Chairman and Member of the Policy Committee.

It was strongly recommended that Members consider withdrawing Items V, VI and VII from the Billet.

Thank you, sir.

2580 **The President:** Thank you very much, Mr Jean.
Mr Simonet, I believe you wish to propose this.

Mr Simonet: Yes, sir, I am pleased to do so.

2585 Mr President, there have been Rules of Procedure for States Meetings in place for many years. The current Rules of Procedure for States Meetings have been in place since 2010 and have been amended since that date. They are, of course, Rules of Procedure, rather than the Law. It is often the case that such Rules are perfectly adequate for the conduct of business until someone decides that they will apply the Rules to achieve an aim or ambition for which the Rules were never really designed.

2590 This proposed amendment to the Rules of Procedure seeks to close a loophole which has been exploited on this Billet and at the same time to deal with an anomaly which had been identified some time ago.

2595 Firstly, Rule 4: no Rules of Procedure can cover every eventuality. Common sense has to apply to the way in which we all bring business to the States of Alderney. It is, of course, difficult to understand what was in the minds of those who drafted the Rules some years ago; however, we can look at custom and practice over the intervening years to see whether the Rules work to meet the needs of this Assembly and to compare the practice over those years with what looks now to be an omission in the original drafting.

2600 It makes very little sense to start policy consideration at the States Meeting. Propositions II, IV and V in the Billet have been submitted by the Chairman of the Estates and Services Committee, without reference to any States Committee, to other Members of the States or without seeking the views of our advisers. That is not to say that the proposals have no merit – they might. It is just that we have not had the chance to think through the policy implications or work out whether there are any unintended consequences.

2605 It is the process which is nonsensical, rather than the Propositions. It is clear that these proposals are brought for political, rather than practical reasons. Take a look at Rule 4(a)(ii), for example, which makes provision for a Billet Item. For any policy proposal on which a Committee requires debate and consultation prior to a final decision without the need for formal resolutions thereon, it is clear from this Rule alone that the States Meeting can be used for the purposes of debate, but it is inherently implicit in the Rule that the discussion should first take place at Committee because it says:

‘proposals on which a committee requires debate...’

2615 And then to the States to widen the debate.

I need to make one matter absolutely clear. There were statements made at the People’s Meeting on Wednesday last week in relation to the process followed in the past, which was simply not true and I take this opportunity to put this matter right. These relate to the Item on the Billet in May seeking a vote of no confidence in Mr Arditti as Chairman of the Policy Committee and his subsequent removal as Chairman. It is quite clear that the Policy Committee meeting on 29th April was properly convened. That meeting discussed the proposition of the then Chairman of the Policy Committee be censured and asked to consider his position. That proposal was passed by a majority of the Committee – one Member voting against. The matter *was* therefore considered by the appropriate Committee, with a mandate to do so.

2620 The Item on the Billet in May was therefore proposed by me, as the Chairman of Estates Committee, as set out in the Procedural Rules, but with a majority backing of the relevant Committee with the appropriate mandate.

2625 If we choose not to change the Rules of Procedure today, the process followed in April and May was correct. If we do choose to change the Rules today, then the process followed in May was in accordance with these proposed changes. Whatever some States Members have said on this matter and no matter what some members of the public have been told, there was no lie, and the procedure followed *was* and *is* correct. Let us stop now these arguments on the matter and get on with building the economy of Alderney.

2630 Rule 8: this Rule, as written, does not require any vote to be taken on the action proposed by the President. The reasons behind this proposed change is to limit the powers of the President when it comes to naming of a Member and the potential serious consequences of that action. All that is changed here is the need to take a vote on the naming of a Member. This does not seem unreasonable to me and brings a democratic element to this procedure.

2635 Thank you, Mr President.

The President: Thank you, Mr Simonet.

Mr Harvey, I believe you wish to second this.

Mr Harvey: Thank you, Mr President.

2640 Yes, I am prepared to second this. I think it is unfortunate this amendment for Procedures has become necessary, but I think tonight demonstrates absolutely precisely why this amendment is necessary and I fully support it.

2645 I would concur that as regards item 8(e), it has been suggested to me, both in the People’s Meeting and elsewhere, that this amendment in some way curtails the President’s authority. I hope though it does not. I hope it merely clarifies it. So I very pleased to support this amendment.

Thank you.

The President: Thank you, Mr Harvey.

Does any Member wish to speak on this? Mr Arditti.

2650 **Mr Arditti:** I make no apologies for speaking on this Item. Mr Harvey gets tired after two-and-a-half hours, he says. I think these matters are important. I think public debate is important and I, for one, am prepared to stay here for as long as it takes.

2655 Well, I predicted in an interview with the *Alderney Journal* that after the claims that they are the misunderstood victims, they would next introduce Rule changes, and here they are. It is what

those who break rules and conventions, in order to obtain control, do. Because they have no legitimacy as a Policy Committee, they are defensive and uncertain of their future – understandably so.

2665 Mr Simonet's angry reaction at the People's Meeting to the contribution of former States Member, David Thornburrow was illuminating. The explanation he has just given is wrong – factually wrong – and I shall explain, stage by stage, why he cannot rewrite history.

2670 Mr Thornburrow asked if the first of these Rule changes, Rule 4, the submit, which Mr Jean has relied on with his various letters and motions... Mr Thornburrow asked if this Rule change was intended to close the loophole which Mr Simonet, Mr Harvey and Mr McDowall had used to remove the Chair of the Policy Committee in May. Mr Simonet angrily denied it; but the truth is that he was indeed the first Chairman to bring a letter and motion to the States which was *not* within the mandate of his Committee – *not* within the mandate of the Committee he was chairing. He may have forgotten that he was not chairing the Policy Committee at the time. He was chairing the Building Development Control Committee and if you look at the minutes of the Building Development Control Committee, it is quite clear that no authority was given to him. There is no resolution for any vote of no confidence in any Chair of any Committee. The Building Development Control Committee minutes therefore show that Mr Thornburrow was right and that Mr Simonet owes him an apology.

2680 Also, the explanation which Mr Simonet gave to the people's meeting, and which he has just given now, is plainly wrong and misleading. According to the notes of the meeting, he said that the Policy Committee had passed a resolution to bring the no confidence motion to the States in May. The published minutes contain no such resolution and Mr Simonet has just confirmed that. It was a censor motion asking the Chair to consider his position. There was no resolution in those minutes of a decision by the Policy Committee to bring a vote of no confidence in its Chairman. 2685 As I say, there was a resolution of censure asking the Chair to reflect on certain erroneous allegations, but no motion or resolution for his removal, and even if there had been the resolution which Mr Simonet has just described – a vote of no confidence motion – he was not the Chair of that Committee and therefore, under the Rule which he proposing, unable to bring such a resolution. Therefore, Mr Simonet also owes the public a correction and an apology for the 2690 explanation he gave at the people's meeting.

The truth of the matter is this proposed Rule change is a case of, 'I am on board. Pull up the drawbridge.' Mr Jean, at whom this Rule change is directed, has simply followed their example in there. Do you, Members, want to be associated with this? How will you justify your vote to the public?

2695 With regard to Rule 8, I would simply say, *of course* this reduces the authority of the President. I just do not understand how Mr Harvey can stand up and say that it confirms his authority when his ability –

2700 **Mr Harvey:** A point of order, Mr President.

The President: Mr Harvey.

Mr Harvey: I did not say it confirms the President's authority, I said it clarifies it because it was unclear.

2705 **The President:** Thank you very much, Mr Harvey.

2710 **Mr Arditti:** Mr Harvey is quite right. He did say 'clarify', and I stand corrected. I do not understand how Mr Harvey can stand up and say that this merely clarifies the President's authority, when it strips him of his ability to name a Member – full stop. What this amendment is saying is that his ability to name a Member is then transferred over to the States Members for them to decide. The ultimate decision at the moment is with the President. Under this proposal, the ultimate decision will shift to the Members and the whole point... and I agree. I agree with the former President. He made the same point at the People's Meeting, that this reduces the 2715 President's control of *these* meetings. His control is supposed to be outside of politics and the States Members are the *last* people who should vote.

Thank you.

2720 **The President:** Thank you, Mr Arditti.
Does any other Member wish to speak on this? Mr Jean.

Mr Jean: This all started for me on 8th August at that meeting for the Work Permit for the fisherman, two o'clock on 8th August. I complained about the short notice and I asked for 14 days and was told I could only have seven by the Chairman of Policy, Mr Simonet.

2725 This was the first breach of the Rules by tucking this Item in behind a special meeting with no advance notice. It was somewhat of a shock because I had no time to look at what had been handed to me, almost as the meeting started and could only look at it properly as Mr Simonet called up the extra Item for discussion. If that Committee could have, it would have made the decision there and then; but as and when I have to be, I can be fairly forceful, which resulted in the meeting taking place proper on 15th August. Needless to say, I lost that vote and they won. What's new?

2730 Mr Simonet opened the Item up for debate. I said, 'No, Mr Simonet, that won't do. Let me hear why you are proposing to take this Item forward. I want to hear from you.' He replied, telling me, 'Well, you know, Louis, I have to sign the Item, but that is all...' and seemed to admit that the ownership of it or authorship of it was not his.

2735 It was of course right, that two days earlier before on 6th August I had received the letter from the President, which I read out to you, which indicated that this was coming. I will say he questions my ability to place Items on the Billet, if they are not within my mandate and seriously gave that advice of States and Committee... I cannot remember. The President also says that I do not speak up. Did I have to?

2740 With my answer I was in the process of replying to this letter, when the Policy Committee decided to tack on the special meeting and the amendment on the 8th to the States of Alderney Rules of Procedure, breaking all the Rules. I stopped and thought that all I am doing is helping these people by forewarning and forearming them in a letter. So I stopped. I held over my reply.

2745 Why have I not brought Questions to the House and why had I not tried for a Requête? Mr Rowley also made that point of 'not tried for a Requête' – someone had asked. I have already tried by means of a Requête and Mr Tugby will confirm that. He said he would like to sign the Requête on AEL, but AEL was a good provider of work for his firm, so he could not.

2750 Another Member of the States was approached and he declined.

Placing written questions will not, in my opinion, get the job done and so with two signatures on the Requête, we gave up on that idea.

2755 At the People's Meeting, the public expressed serious concern about these alterations to the Laws and Rules that guide us. They are the very pillars of our Government and because you have used them and then wish to alter them to suit yourself – all regimes when under pressure do this and change the rules – it does not mean it is right. Let us take the sensible route and discuss this further and defer it for the time being. That is my advice.

Thank you, sir.

2760 **The President:** Thank you, Mr Jean.
Does any other Member wish to speak on Item VII?

Mr Rowley: Yes, I do, Mr President.

2765 **The President:** Mr Rowley.

Mr Rowley: I am amazed to hear both Mr Arditti and Mr Jean complain about the relatively minor change in the Rules when they have just put forward a motion resolving to bring about four of some of the biggest changes to the constitution since the formulation of the 1948 Agreement and –

2770 **The President:** Is there a point of order?

Mr Arditti: Yes. We did not. We suggested a *referendum* on the subject. We did not propose those changes.

2775 **The President:** Thank you very much.
Mr Rowley, please carry on.

2780 **Mr Rowley:** Well, that is all I have got to say on that.

As for Mr Jean's Requête, he certainly did not approach me. I know he approached Mr Roberts, or somebody approached Mr Roberts when he was brand new in the States and he wanted time to think about it, which any sensible person would do. Other than Mr Tugby, I do not think

Mr Jean approached anyone as far as I am aware. Maybe he did, I do not know. So he could have tried harder, let us put it that way.

2785 Thank you.

The President: Thank you very much. (*Interjections*)
Does any other Member wish to speak on this Item?

2790 Mr Birmingham.

Mr Birmingham: Thank you.

2795 As a Committee Chairman, I can say unequivocally that at no point would I consider bringing forward any Item to full States without the approval of the Committee that I Chair. To do so, in my opinion, would show scandalous regard for the President and complete disrespect for Members of the Committee that I represent.

2800 If a Committee Chairman wishes to bring forward another Item that is not under the remit of his Committee, he should act in the same way that every other States Member must act by gaining support of three other Members and bringing a Requête to the States. To do so otherwise, in my opinion, is the introduction of a one-man Requête and nothing but an abuse of the Committee Chairman's position. Therefore I support the change to Rule 4, which clarifies the situation on the matter.

2805 Secondly, regarding Rule 8, this seems to be a simple matter of clarification of the Rule and it seems to be one that arguably gives more protection to a States Member in the naming process. I also understand that the previous precedent has been that the vote of the Members has been taken and so in this case I am happy to support the minor alteration to allow for clarity.

The President: Thank you very much, Mr Birmingham.
Does any other Member wish to speak on this? Mr Tugby?
Madam Greffier... hang on. Excuse me. Mr Simonet, would you care to sum up, please?

2810

Mr Simonet: Just to say, sir, I think these changes to these procedures will be a great help to running the States and will help to prevent this mare's nest of problems that we have seen tonight.
Thank you.

2815 **The President:** Thank you very much, Mr Simonet.

Mr Arditti: Could I ask for a separate vote on each of the two?

2820 **The President:** That lies with me, Mr Arditti. It is something I intend to do anyway. You do not have to request it.

Mr Arditti: I was just asking, that was all.

2825 **The President:** The answer is yes.
Madam Greffier, I would like to put this to a vote, but I would like it to be separated so they are voting on section 4 and section 8 separately. So if you make your first vote on section 4 and the second on section 8, I would appreciate that.

2830 **The Greffier:** Thank you, sir.
On the change to Rule 4.

A vote was taken and the results were as follows:

FOR	AGAINST
Mr Tugby	Mr Arditti
Mr Birmingham	Mr Jean
Mr Berry	
Mr Harvey	
Mr Simonet	
Mr McDowall	
Mr Roberts	
Mr Rowley	

2835 **The Greffier:** Thank you.
Then the change to Rule 8.

A vote was taken and the results were as follows:

FOR	AGAINST
Mr Roberts	Mr Jean
Mr Rowley	Mr Arditti
Mr McDowall	Mr Tugby
Mr Simonet	
Mr Harvey	
Mr Berry	
Mr Birmingham	

2840 **The Greffier:** Sir, both are carried.

The President: Thank you very much, Madam Greffier.

2845

The Housing (Exemptions) (No. 2) (Alderney) Ordinance, 2013 approved

Item VIII.

2850 *The States is asked to approve "The Housing (Exemptions) (No.2) (Alderney) Ordinance, 2013".*

The President: Can we move on to Item VIII, please.

2855 **The Greffier:** Sir, Item VIII is The Housing (Exemptions) (No.2) (Alderney) Ordinance, 2013. The States is asked to approve that Ordinance.

The President: Thank you very much.
Mr Jean as Convener, please.

2860 **Mr Jean:** A query was raised as to who the owner of the building was. Mr Simonet advised that the information is publically available, that Mr Jackie Main is the owner of Island Land and Properties Limited.
Thank you, sir.

2865 **The President:** That is all... yes?

Mr Jean: That is all.

2870 **The President:** Thank you very much indeed.
Mr Birmingham, I believe you wish to propose this.

Mr Birmingham: Yes, thank you very much.
As the Law currently stands, any subdivision of an existing property to more than one dwelling requires a passage of an Exemption Ordinance through the full States under section 33 of the Law.
2875 In this case, Island Land and Properties Limited are seeking permission for the conversion of an existing dwelling above the old Riduna Stores into three smaller one-bedroom bedsits. The Ordinance will enable the company to develop property in the manner that they wish, obviously subject to the usual planning process. I commend the Ordinance to the States.

2880 **The President:** Thank you, Mr Birmingham.
Mr Simonet, I believe you wish to second this?

Mr Simonet: Yes, I would like to second this one, Mr President.
2885 This is, of course, the Riduna Stores as we know it. Mr Main, one of the guys on the Alderney Land and Properties Limited, has spent an enormous amount of money at a time when very few people are spending money, renovating property. He has done a magnificent job with the building and the bottom floor is now occupied. He is applying for these additional dwellings, which according to the AHA and the other housing body are in fact needed on the Island. So therefore, I would recommend this to all the States Members.

2890 **The President:** Thank you, Mr Simonet.

Does any Member wish to comment on Item VIII, please?
Mr Arditti.

2895 **Mr Arditti:** Thank you, sir.

I would just like to say how pleased I am that finally we have a Housing Exemption Ordinance which complies with the Law, in my view. We have not been presented with much of a case, but I am grateful to Mr Simonet, who has expanded slightly just now, to justify the requested Exemption; but perhaps this one is a simple application and it speaks for itself.

2900 I have been forced repeatedly in relation to the poor old Housing Association to complain and even vote against Exemption Ordinances over the past three years because they did not say what they meant and therefore did not comply with the Law. I earnestly hope that this is a sign of a new beginning.

2905 **The President:** Thank you, Mr Arditti.

Does any other Member wish to comment on Item VIII?

Madam Greffier, could you put that to the vote... quickly, please? *(Laughter)*

A vote was taken and the results were as follows:

2910

FOR	AGAINST
Mr Tugby	None
Mr Arditti	
Mr Birmingham	
Mr Berry	
Mr Jean	
Mr Harvey	
Mr Simonet	
Mr McDowall	
Mr Rowley	
Mr Roberts	

The Greffier: That is carried, sir.

2915 **The President:** Thank you very much.

Alderney Road Traffic and Public Highways (Amendment) (No. 2) Regulations, 2013
Not to annul Regulations
Item approved

2920

Item IX.

The States is asked to resolve that "The Alderney Road Traffic and Public Highways (Amendment) (No. 2) Regulations, 2013" not be annulled.

2925 **The President:** Can we move on to Item IX, please.

The Greffier: Item IX, the Alderney Road Traffic and Public Highways (Amendment) (No. 2) Regulations, 2013. The States is asked not to annul that Regulation.

2930 **The President:** Mr Jean as Convener, please.

Mr Jean: No comment.

2935 **The President:** Thank you very much.
Mr Jean, as proposer of this Item, please.

Mr Jean: As proposer of this Item, I would like to say thank you to my Committee for their support, and I can be fairly brief and say that I hope this goes through and that I think it is going to make things much better up at the Airport.

2940

The President: Thank you very much, Mr Jean.
Mr Berry, I believe you wish to speak on this.

2945 **Mr Berry:** Yes, sir, I have to agree entirely with Mr Jean. The number of comments we have had over the years of the problems with the parking at the Airport will be simplified by this measure and I ask the Members to support it.

2950 **The President:** Thank you very much, Mr Berry.
Does any Member wish to speak on this Item?

Mr Simonet: Mr President, just to congratulate Mr Jean's Committee for dealing with this in a very prompt manner.

2955 **The President:** Thank you very much, Mr Simonet.
Does any other Member wish to comment on this Item? Then, Mr Jean, would you like to sum up, please.

2960 **Mr Jean:** There really is not a great deal of summing up to do. Just to say thank you for the support from my Committee again and I am grateful that the public are going to have a much easier time using the Airport car park and be able to go away for four-day breaks and it makes life a little less expensive for them. I am grateful and glad.
Thank you.

2965 **The President:** Thank you.
Madam Greffier, nobody has expressed an opinion against this motion, please read it as carried.

The Greffier: Yes, sir.
2970

**The Libya (Restrictive Measures) (Alderney)
(Amendment) Ordinance, 2013 approved**

2975 *Item X*
The States is asked to approve "The Libya (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2013".

2980 **The President:** We move to Item X, please.

The Greffier: Item X is the Libya (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2013 and the States is asked to approve that Ordinance.

2985 **The President:** Mr Jean, as Convener, were there any comments on this Item?

Mr Jean: No comments at the People's Meeting, sir.

2990 **The President:** Thank you very much, Mr Jean.
Mr McDowall, I believe you wish to propose this.

2995 **Mr McDowall:** Yes, indeed, Mr President.
Thank you very much. I will be extremely brief.
I am proposing this in the hope and expectation that those who now govern Libya will put the funds to good use for the recovery of the economy.

The President: Thank you very much, Mr McDowall.
Mr Simonet, I believe you wish to second this.

3000 **Mr Simonet:** Yes, I am pleased to second that, Mr President, and I have nothing further to add to Mr McDowall.

3005 **The President:** Thank you very much indeed.
Does any Member of the States wish to comment upon this Item?
Mr McDowall, would you care to sum up on this Item.

Mr McDowall: Yes, I just commend this to the meeting.
Thank you.

3010 **The President:** Madam Greffier, please take Item X as passed.

The Greffier: Yes, sir.

3015 **Alderney eGambling (Amendment) (No 3) Regulations, 2013**
Request not to annul
Item approved

3020 *Item XI.*
The States of Alderney are requested not to annul "The Alderney eGambling (Amendment) (No. 3) Regulations, 2013".

The President: We move on to Item XI, please.

3025 **The Greffier:** Item XI is the Alderney eGambling (Amendment) (No. 3) Regulations, 2013 and the States is requested not to annul that Regulation.

The President: Thank you very much.
Mr Jean as Convener.

3030 **Mr Jean:** There were no comments at the People's Meeting, sir.

The President: Thank you.
Mr Simonet, would you care to propose this Item.

3035 **Mr Simonet:** Yes, sir. I am pleased to propose. It is one of the regular Items we get from the Alderney Gambling Commission from time to time. It is self-explanatory and I do recommend it to the House.

3040 **The President:** Thank you, Mr Simonet.
Mr Birmingham, I believe you wish to second this.

Mr Birmingham: Yes, thank you.
This Item deals with the ratification of a number of changes within the e-gaming regulations, including the renaming of an existing certificate and the updating of the references within the Regulations to relevant legislation relating to anti-terrorism money laundering. As always, I take this opportunity to express my full support for the Gambling Commission in the work that they do and stress the importance of legislation such as this in maintaining Alderney's reputation as a well-regulated jurisdiction and I commend this to the States.

3050 **The President:** Mr Birmingham, thank you very much.
Does any other Member wish to speak on Item XI? No? Very well. Mr Simonet, would you care to sum up on this?

3055 **Mr Simonet:** No, I have nothing further to add, sir.

The President: Thank you very much Mr Simonet.
Madam Greffier, please take that as passed, pleased.

3060 **The Greffier:** Yes, sir.

3065

Requête
Membership of Policy and Finance Committee
Appointment of all 10 States Members
Item approved

3070

Item XII.

Under clause 45(4) of the Government of Alderney Law 2004, four Members of the States of Alderney have signed the following Requête:

3075

'THE HUMBLE PETITION of the undersigned Members of the States of Alderney

SHEWETH:

We the undersigned are of the opinion that all States Members should be included on the Policy and Finance Committee (Policy Council) with immediate effect.

THESE PREMISES CONSIDERED, your Petitioners humbly pray that the States of Alderney may be pleased to resolve, pursuant to section 49(4) and 50(1) of the Government of Alderney Law, 2004 to appoint all ten States Members to the Policy & Finance Committee (Policy Council).

3080

AND YOUR PETITIONERS WILL EVER PRAY

ALDERNEY, this 30th day of August, 2013'

Signed by Messrs Tugby, Berry, Roberts & Rowley

3085

The President: We now move on to Item XII, please, Madam Greffier.

3090

The Greffier: Item XII is the Requête about the membership of the Policy and Finance Committee. The four Members who signed that Requête, sir – which is Messrs Tugby, Berry, Roberts and Rowley – are of the opinion that all States Members should be included on the Policy and Finance Committee (Policy Council) with immediate effect.

The President: Thank you very much, Madam Greffier.

Mr Jean, as Convener.

3095

Mr Jean: Thank you.

Comments on this Item included:

States Members should support this proposal, as currently Members are being excluded from a key decision-making process.

3100

When there was a selected number on the Policy and Finance Committee in previous years, it did not work and there was not good governance. All elected Members should be on the Policy and Finance Committee in order to be well informed on all States matters.

When all Members were on the Policy and Finance Committee, all views would be expressed, rather than those of the select few.

3105

Mr Harvey explained the reasoning behind the decision to reduce the number of Members on Policy and Finance Committee as it would allow for greater debate at States Meetings. However, he would be supporting this proposal.

Thank you, sir. I think that is it. Let me just check the other page.

3110

The President: There was a little bit over the page, I think.

Mr Jean: Yes, I am so sorry.

Two members of the public stated that Members present at the People's Meeting are not allowed to speak unless invited by the Convener to do so. I apologised at that point for the oversight, sir.

3115

The President: Thank you very much, Mr Jean.

Mr Tugby, I believe you wish to introduced this Requête.

3120

Mr Tugby: Yes, I do. I would like to introduce this Requête in order to enable the States to be open to all.

The reason I am bringing it forward is because the public seem to think that we have three running the States, and this would bring an end to that perception, whether it is right or wrong; and I think we should be all involved.

3125

The other Members who are not on the Policy Council and Committee have got some good ideas, in my opinion, and we would like to put them forward. We do not always get the opportunity and this would enable us to put our ideas forward. I think it would have eliminated a

lot of the problems that have gone on this evening, so I hope that the rest of the States will vote for it.

3130

The President: Thank you very much, Mr Tugby.
Mr Rowley, I believe you wish to second this.

Mr Rowley: Yes, that is right, Mr President.

3135

I am seconding it, really, pretty much for the reasons that were stated at the People's Meeting. Like it or not, there is an element of exclusivity about having a limited Policy Committee and also having 10 Members will protect us from one or two or three – or a small *junta*, if you like – taking charge of the five-Member Committee. It gives an opportunity for all voices to be heard – the quieter and more thoughtful ones perhaps as well as the louder and more bombastic ones.

3140

The system we have got now – although I have great faith in the people on it – is the rump of the experiment at the beginning of the year which has proved not to work. Rather than actually provide for more debate in public, it has actually suppressed the option for some, I understand.

Those are really my main ones. Thank you.

3145

The President: Thank you, Mr Rowley.
Does any...? Mr Jean.

Mr Jean: I cannot resist!

3150

Membership of the Finance Committee or... It is a Policy Committee. It is down here as the wrong thing, I think – membership of the Finance Committee.

I am against this Item. Unanimity of togetherness, or the herd syndrome... There is safety in a number and also more comfort that when a decision is made it is harder to find out who voted for what, when, where, why and how.

3155

There are people who should be on the Policy Committee and there are others States Members who should not. I am no elitist. I listened to Sir Norman Browse most closely. In his endeavours to encourage a happy and a contented States, the 10-man Finance Committee was born. I think, if I heard correctly – and I do stand to be corrected – in 2006 he also stated that there were more arguments and things took longer to resolve. But the decider for me is the fact that I believe we should do some internal research as to the decisions taken and those which came out in the Billet Items from the beginning of the 10-man Finance Committee.

3160

I would like this Item deferred for more proper research. If my suspicions are right, some of the decisions made over that period by the 10-man Finance Committee may be what we are looking at now in trying to put things right. There is comfort in number, and as I said before, the difficult decisions become easier, but that is not necessarily good. Please can we research this more thoroughly?

3165

At the moment, I am completely against this and remain to be convinced. I would like to be convinced, but I believe that this 10-man Finance Committee, from its inception and bringing it back now, may have been a period where quite a lot of Items came through and did quite a bit of harm on this Island and I remain to be convinced.

3170

The President: Thank you very much, Mr Jean.
Does any other Member wish to speak on this Item? Oh, right. One at a time!
Mr Berry.

3175

Mr Berry: I will say this, sir: first, that I am supporting this Requête; and during my time on the Policy and Finance Committee I did a great deal – or tried to do a great deal – to make people aware of what was happening in Guernsey regarding the various surveys going on in regard to people who are on low and fixed incomes. It has taken us two years to get to that point, but I do not think, sir, if I had not been on that Committee, that I would have had as much voice in saying it. I have copies of the letter here, if anybody wants to see it. I fought hard to be listened and I thank Mr Jean for carrying on and getting something done, but if I had not been there on that Committee, any points that I could have raised would have been lost in the ether. I think having 10 Members on that Committee – what Mr Tugby is proposing in his Requête – I support fully.

3180

3185

The President: Thank you very much, Mr Berry.
Mr McDowall.

Mr McDowall: Yes, just a point of clarification for the Policy and Finance Committee. It is difficult enough getting people to serve on the Finance Committee – (*Laughter*)

3190 **The President:** Is that a point of order, or is that your speech?

Mr McDowall: A point of clarification.

The President: Point of order, okay, thank you.

3195

Mr Birmingham: Thank you, Mr President, fellow States Members.

I find myself in an unusual position of being one of the few Members of this States who has had the privilege of serving on both the 10-man and five-man versions of the Policy Committee, so I suppose that gives me a slightly unique position of being able to assess the merits of both.

3200

During the last States I had come to the view that the 10-man Policy Committee created a number of problems. It seemed to me that in many circumstances the larger Policy Committee at times created situations where too many opinions led to poor decision making. At times, it led to too many diverse views on certain subjects, many of them minor and procedural that could equally be dealt with quicker and more effectively by a smaller Committee.

3205

Another problem was that the 10-man Committee effectively became a decision-making body that undermined the primacy of the full States as the proper body for debate. One of the major criticisms of the previous States was that it was secretive and the public did not see the decision-making process because this 10-man Committee had effectively made a decision before the Item came to full States.

3210

So the introduction of the five-man Committee has definitely led to more open debate in the States Chamber and in public, but now the States are accused of being disunited and at war. This is no doubt what I call the 'Kobayashi Maru syndrome'. For those of you who are unfamiliar with *Star Trek*, that is a no-win scenario under which Capt. Kirk cheated by reprogramming the parameters of the test, as he did not believe in the no-win scenario. However, I do not think Capt. James Tiberius Kirk ever had to serve on the States of Alderney, so I am pretty sure that even he could not have found a solution to our problems.

3215

I still believe that the five-man Policy Committee structure can work, but unfortunately, in this States its operation has been fatally undermined from the start due to the way the decision to reduce the size of the Committee came about. I think a lack of proper scrutiny in the way it was to operate and the fact there was such a dramatic turnaround in personnel with five completely new States Members... Those incoming States Members – and this is no disrespect to them – had no experience of the current States and how it operates, and so were not necessarily in a good position to judge how the changes might impinge upon the operation of the States. In fact, they had a vision of a bright new world, which no doubt sounded reasonable. But the existing States Members were not really fully consulted. It was no longer a consultation by the time it came around; it was more of a *fait accompli*. To some of us at that time – Mr Tugby may agree with me on this – the new Committee structure, when it was presented to the full States, felt more like a *coup d'état* than a Billet d'État. In fact, this unnecessary and ill-considered rush to change, I believe, partially became responsible for some of the later problems that occurred relating to the Chairman's position on the Policy Committee.

3220

3225

3230

Could a five-man Committee still work? I believe it could, but it requires careful thought. Especially important is the role of the States and Committee meeting in any such structure. This needs proper consideration, especially in the matter of informing Members by reports from committee chairmen to improve communication between States Members. But I think for this States it is too late. The poor management of the transition poisoned the well. For me, the only solution, in my view, is to return to the 10-man Committee, which I hope will allow an introduction of some political stability at an important time for the Island. I look forward to the next policy meeting, where I hope to see all 10 States Members taking a full and active role in an inclusive and robust policy meeting, allowing us to get on with trying to solve the problems of the Island.

3235

3240

I fully support the Requête put forward by my fellow States Members.

The President: Thank you, Mr Birmingham.
Mr Harvey.

3245

Mr Harvey: Thank you, Mr President.

Yes, I too, like all the Members here, voted in favour of a five-man Policy Committee earlier this year. Having said that, I totally agree with Mr Birmingham: I think that in the present climate it is probably essential that we do include the 10, but I would put a rider on that, which is that I hope that the Chairman of the Policy Committee, at a very early stage, will clarify the role,

3250

authority and limitation of the Policy Committee's powers so we do not stifle debate in this Chamber.

Thank you.

3255 **The President:** Thank you very much, Mr Harvey.
Does anybody else wish to speak? Mr Arditti.

Mr Arditti: Thank you, sir.

3260 Where else do you find the entire body sitting on a committee of the body? This is not what was envisaged by the Government of Alderney Law 2004. The idea of all 10 States Members sitting on the Policy Committee was introduced in 2006. The President at the time has written extensively about this innovation and is very protective of it. Former States Member, Tony Llewellyn and I concluded that it was a failure. At the January States Meeting Members, with the exception of Mr Tugby, voted for the resolutions necessary to revert to a proper Policy Committee of five Members.

3265 Mr Birmingham has just referred to a *coup d'état*. A *coup d'état* in an open States Meeting? Or is he saying that Mr Tugby was the only one who had the strength of character to resist this huge pressure, no doubt coming from me? I am flattered. I did not know I had that sort of influence over people. The necessary changes to revert to a five-man, five-Member Policy Committee were voted through at the January States Meeting and Mr Tugby quite clearly voted against and I respect him for it.

3270 The former President justifies the entire States sitting on the Policy Committee as being more democratic. I respectfully disagree. I believe that this disagreement between us is because he and I have a different definition of democracy. His focus is on States Members and how they feel. While my definition of democracy is about the public and what benefits them. I agree with him. I agree with him that the Island's problems have not come about suddenly, but the Island's footfall, economy and airfield, to mention just three, have been sliding since at least 2006.

3275 Public criticism of its States has been louder and louder – rightly in my view – culminating in the departure of all five States Members whose terms of office ended nine months ago. The innovation whereby the entire body of States Members sat on the Policy Committee has been shown to have failed. Yes, it was popular with States Members, but it has failed the public badly. Why was it a failure? Well, to those watching us from Guernsey and beyond, it was a joke. Here in Alderney it protects States Members with a cloak of unaccountability. The public do not get a look-in because on a Committee of all the States Members, the expectation of most Members is that they can escape personal accountability. Debate is pointless.

3280 Tony Llewellyn and I modelled the current system on Guernsey. The current Policy Committee, like the Policy Council in Guernsey comprises the Chairs of the other Committees and the Chair of the Committee itself, but some argue that this has not worked either. They point to the shenanigans in May as a result of which we are where we are. We are now again a laughing stock in Guernsey and beyond and we now have a Policy Committee with no legitimacy, credibility, no public respect or authority. True. True, but this is the work of those who did these things and those who condone it, not the system, and the crucial thing is that Members cannot hide in a five member Committee. They are exposed for the public to see and judge. They are accountable.

3285 I have little doubt that those who are not on the current Policy Committee will wish to vote themselves onto it by voting for this motion. May I remind you that Tony Llewellyn worked hard to help us revert to a proper Committee on which he would not sit and he would still be on the States now if he had not needed to attend to his health. He was solely motivated by his ambitions for the public; not himself. I shall follow Mr Llewellyn's example and vote to retain the five-Member Policy Committee from which I am excluded. I hope that I am proved wrong and that perhaps one other non-Policy Committee Member will join me and vote for the public interest.

3290 What puzzles me is Mr Harvey's speech to the People's Meeting in defence of the five-Member Policy Committee. I agreed with everything he said up to the point where he performed his amazing somersault and said he would vote against it. Is he positioning himself with non-Policy Committee Members to replace Mr Simonet in the Chair of the Policy Committee in January? Time will tell.

3305 There is no doubt that the current system requires good communication between States Members and until May the Policy Committee introduced several new initiatives. However, I do not recall Mr Tugby ever availing himself of any of these initiatives. He complains that he does not –

3310 **Mr Tugby:** Sir, a point of order.

The President: Mr Tugby. Yes, sir.

3315 **Mr Tugby:** I was never offered any.

The President: Thank you very much indeed.
Carry on Mr Arditti.

3320 **Mr Arditti:** He complains that he does not know what is going on, but he does not attend the meetings in order to find out what is going on *unless* he is a Member of the Committee. What he is *really* complaining about is that he has no automatic right to speak at a Policy Committee meeting, but he does not ask to speak. Several –

3325 **Mr Tugby:** Sir, a point of order.

The President: Of course.

3330 **Mr Tugby:** I did ask and I was refused.

The President: Thank you very much, Mr Tugby.

Mr Arditti: Well, he asked Mr Simonet and was refused by Mr Simonet.

3335 **Mr Simonet:** He did not ask me. He did not. I do not remember you asking me. (*Laughter*)

Mr Tugby: I shall do it in my standing up, sir.

3340 **The President:** Okay. Thank you very much.

Mr Arditti: I recall very clearly Mr Tugby asking the new Policy Committee Chair if he could speak about the marina and he was refused. I then encouraged Mr Tugby, again and again, to ask again and again, and he declined. Several times I encouraged him to speak about his ideas for a marina, but he would rather complain that he should not have to ask.

3345 I repeat: where else would you find the entire body sitting on a committee of the body? Only in the States of Alderney if you vote for this Requête. I urge you to vote against the Proposition.

The President: Thank you very much, Mr Arditti.
There are two Members still left to speak.

3350 **Mr Roberts:** Just that I am look forward to an end to the two-tier States that we have at the moment as always five Members miss out a little bit. We do not get a vote on the Policy Committee. I felt I was elected and I deserve a vote on the Policy Committee.

3355 **The President:** Thank you, Mr Roberts.
There is one person left to speak.

Mr Simonet: Yes, that is me, Mr President. Thank you.

3360 Listening to the debate it is quite clear that it is a win-win situation! There are merits for both and I can remember Mr Tugby saying at the first January meeting that this would not work. What has happened? You have heard the comments earlier in this meeting that now the Policy Committee is dominated by three Members. You cannot win. You really cannot win and that sort of comment gets out into the community, totally untrue.

3365 When I have been Chairman for the last two regular ones, I have just had a look up to see the resolutions. Six resolutions were passed, four unanimously and the other two were voted four to one. In the July meeting with eight resolutions, six were unanimous and the other two were voted four to one. Now, come on, you know... who is dominating the Committee? I have been outvoted on my other Committee on a regular basis and I do not have an issue with that – it is called ‘democracy’.

3370 As regards this issue on the Policy Committee and extending it to all Members, the difficulty is that some of our States Members feel disenfranchised, and that is very important because all the States Members here are voted by the electorate as equal. We are all equal. I do think that the balance of the feeling of the States Members and the resentment that is felt means that we do need to change and change back and that is the way I would vote tonight.

3375 I would just up the point of Mr Tugby asking me if he could speak at the meeting and the
confusion came because – I think I am correct in saying – I asked Mr Tugby to put in a paper so
that it could get on the Agenda as that is the way to do it. This did not happen. You cannot have
someone just storming into a meeting... not storming – I do apologise for that – walking into the
meeting then raising a subject for which the other Committee Members are not prepared, and that
was the only issue. I welcome Mr Tugby on the Policy Committee. He has a lot of good ideas. He
3380 has a lot to say on matters and I look forward to seeing him at the next meeting.

The President: Thank you.

Mr McDowall, you made a point of order. Do you wish to actually say anything at all?

3385 **Mr McDowall:** I have nothing more to say.

The President: Thank you.

Mr Tugby, if you would care to sum up, please.

3390 **Mr Tugby:** Sir, I know why Mr Arditti is so against it: purely because it was his idea in the
first place with Mr Llewellyn. Mr Llewellyn said it is not working how we envisioned it working,
when I spoke to him last, and that is one of the reasons it has got to be changed. I said at the start
of the year that I have been in the States longer than any of the others and that it would not work
because I was in the States many years ago when there was just the Finance Committee and the
3395 other Committees and there was argument all the time then.

In the last couple of years, since I have been in this time and everybody has been on the Policy
Committee. Alright, we did have disagreements, but at the end of the day if anybody was against
anything, when it came to this House those Members would speak out against it. Everything was
never agreed in the Policy Committee. Anything important was always decided in this House and
3400 that is why me, Mr Kelly and Mr Arditti have had many disagreements in the Policy meeting and
when I have come to this meeting I would vote the way I thought it should go, and I have lost my
vote many a time. In fact one person said, ‘You always vote against everything.’ Well, I do not
vote against everything. I vote in what I feel and what I think the public want me to vote for. I
know, after speaking to the public, that they think that we should all be on it. We are all equal and
3405 at the end of the day we can all put our views forward and discuss them, wherefore at the moment
it seems that things do get passed in the Policy Council which the rest of us never get involved in.

Alright, I do not go to the Policy meetings surely because I find it very difficult to sit in a
meeting and listen to people carrying on about something, which sometimes they know nothing
about, and not being able to put my point across. So that is why I do not go.

3410 As regards the speaking about the marina that I put in the paper, I understood it was going to
be on the Agenda. I did ask for it to be put on the Agenda and it was not. I was told that I could
bring it up in any other business and to that I was informed that I could not. I did take the hump
with that and I did get rather annoyed and that is one of the reasons that if we were all on the
Policy Council that that would not happen and hopefully what I was elected for was to try and
3415 push this Island forward instead of all the arguments and bickering that is going on. I think if we
had all been on the Policy Council, some of these issues that we have debated here tonight would
not have been necessary to be debated because it would have all been resolved... this outpour, this
nonsense that is going on and making us look a load of idiots quite frankly to the public because
we are adults. We were elected to represent the people and that is what we are doing. If they do
3420 not like us, at the end of the four years they will vote us out. They did not vote the previous five
out as there were two or three who did not even want to stand because they had had enough
basically and they were tired of the thing. I was debating whether I would stand again and I was
persuaded to stand. I am glad I did, but much to the annoyance of my wife may I add. *(Laughter)*
But still, that is how it is.

3425 Hopefully we will vote in favour of my Requête and return to being a calm elected group of
people which can attempt to take this Island forward.

The President: Thank you very much, Mr Dudley.

Madam Greffier, would you please put Item 12 to the vote.

3430

The Greffier: Thank you.

A vote was taken and the results were as follows:

3435

FOR

Mr Berry
Mr Harvey
Mr McDowall
Mr Roberts
Mr Rowley
Mr Simonet
Mr Birmingham
Mr Tugby

AGAINST

Mr Arditti
Mr Jean

The Greffier: Sir, that is carried.

The President: Thank you very much indeed.

3440

QUESTIONS AND REPORTS

The President: We move on to Item XIII, please, Madam Greffier.

3445

The Greffier: Sir, that is Questions and Reports: I have received neither.

The President: Thank you very much indeed.

3450

Before we close, I would just like to thank everybody for their patience this evening and I extend that to the States Members as well for standing or sitting for so long.
Thank you very much, Madam Greffier, if you would be kind enough to close the meeting.

The Greffier: Yes, sir.

3455

PRAYERS

The Greffier

The Assembly adjourned at 9.31 p.m.