



OFFICIAL REPORT
OF THE
STATES OF THE
ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 17th July 2013

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

Volume 1, No. 3

Present:

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

Representative of the Lieutenant Governor:

Colonel Colin Mason

The Greffier of the Court

Mrs Sarah Kelly

Business Transacted

	<i>Page</i>
Billet for Wednesday, 17th July 2013	
I. The Housing (Exemptions) (Alderney) Ordinance, 2013 approved.....	45
II. St Anne's Church – Repair works approved.....	49
III. Alderney eGambling (Amendment) Ordinance, 2013 approved	51
IV. The Myanmar/Burma (Restrictive Measures) (Alderney) Ordinance, 2013 approved.....	52
V. Alderney Commission for Renewable Energy: Appointment of Commissioner – Mr Mark Wordsworth appointed	53
VI. Reform of Electoral Roll – Options for change.....	55
VII. The Alderney eGambling (Amendment) (No. 2) Regulations, 2013 approved.....	60
VIII. Questions and Reports – Policy Committee Report on Alderney Community and Sports Centre	60

The Assembly adjourned at 6.34 p.m.

States of Alderney

*The States met at 5.30 p.m. in the presence of
Colonel Colin Mason, 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

ROLL CALL
The Greffier

The Greffier: Mr Tugby?

Sir, I have received apologies from Mr Tugby for this evening's meeting.

The President: Thank you very much.

Billet d'État for Wednesday, 17th July 2013

Order of the Day

The Housing (Exemptions) (Alderney) Ordinance, 2013 approved

5 *Item I.*
The States is asked:
to approve the Housing (Exemptions) (Alderney) Ordinance, 2013.

10 **The President:** Thank you very much, Madam Greffier.
If you could move on to Item I, please.

The Greffier: Sir, Item I is the Housing (Exemptions) (Alderney) Ordinance 2013.
The States is asked to approve that Ordinance.

15 **The President:** Thank you very much.
Mr Harvey, as Convener, could you please give us any comments from the People's Meeting,
please?

20 **Mr Harvey:** Thank you, Mr President.
The People's Meeting took place on 10th July with 40 members of the public there.
Comments on this Item included can it be confirmed that the dwellings proposed to be
constructed will be two chalet-type houses and in keeping with the surrounding area as per BDCC
law. The Convener advised that he understood there would be two houses and all aspects of the
design and look will be taken into consideration by the Building Development Control Committee
when the planning application is considered.

25 It was queried if a planning application for the proposed development had been submitted and
subsequently established that the planning application had not yet been submitted. The contributor
stated that BDCC would be minded to pass the application, seeing that the Ordinance has been
brought to the States for approval. The Chief Executive advised that this is not the case and this
30 has been the practice for the Alderney Housing Association, for some time now, that Exemption
Ordinance is passed or approved prior to the planning application being considered. The law is
silent on which comes first – the planning application or the Exemption Ordinance.

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

35 **Mr Birmingham:** Yes, thank you, Mr President, fellow Members.
Perhaps you will excuse me – I am a little bit hoarse today.

This Exemption Ordinance will allow the AHA to consider options for the redevelopment of
the area of land known as Le Sable d’Or. For those who are unaware as to the location, it is a
40 parcel of land north of the railway line to the east of the northerly gate of St Anne’s School, where
the school bus unloads.

The land itself currently has a small bungalow sited on it – and for those of us who are
St Anne’s School alumni and of a certain age, it is the one where Pearl used to live. The parcel
also consists of an area of land to the rear of the house that may be deemed suitable for infill
45 development.

For clarification, the Exemption Ordinance is for the AHA of Platte Saline and the Grand site
development – *were* approved before the planning approval process was undertaken, and this
approval was before plans were advertised for the requisite number of days and before planning
permission was considered and granted.

50 This has been said before, but I will repeat it: Exemption Ordinances are *not* planning
permission. They are the device by which an individual or body is exempt from section 33 of the
Building and Development Control Law 2002, which covers the control of construction of
dwellings. It merely gives the Committee the ability to grant permission once the application has
been through the usual planning process.

55 I commend this Ordinance to the States.

The President: Thank you very much, Mr Birmingham.
Mr Simonet, I believe you wish to second this.

60 **Mr Simonet:** I do indeed, sir.

The President: Thank you very much indeed.
Does any Member wish to comment on Item I?
Mr Arditti.

65 **Mr Arditti:** Sir, I note former States Member, Mr Sargent, in the Public Gallery, and I do not
think he is going to like what I am about to say.

I support the Alderney Housing Association, but this proposition is defective. Even more than
we need the Alderney Housing Association, we need sound, reliable, competent Government.

70 Under section 33 of our Building and Development Control Law, the Building and
Development Control Committee can *only* grant planning permission for new dwellings to
applicants who are often described as ‘C Permit holders’ – that is to say a person who has been
ordinarily resident in Alderney for at least 10 years in a period of 15. Under section 33, any
attempt by the Committee to grant planning permission to any other person, company or
75 association would be unlawful, null and void. This is the limit of the Building and Development
Committee’s powers.

Under section 34, however, the full States has power to suspend section 33 and so empower the
Committee to grant planning permission – in this case to the Alderney Housing Association, or
indeed any other applicant – in relation to, and I quote:

80 ‘the construction of dwellings of the description specified in the Ordinance.’

Unless the applicant is a C Permit holder, the full States decides the number and type of any
new dwellings which the Island requires at any particular time, *not* the Committee. If there is a

85 good reason to add a new dwelling of the specified description to the Island's housing stock, the full States will pass an Exemption Ordinance.

The necessary information should appear in the Billet so that the public can express their view at the People's Meeting and in consultation with individual States Members in readiness for this meeting, but where is the information? It is not here. Worse, we know from the People's Meeting
90 that the application is intended to encompass two dwellings, although the draft Ordinance refers to only one dwelling.

There is another power vested in the full States under section 33 to create other categories of person in addition C Permit holders for whom no Exemption Ordinance would be required, but no such categories have ever been created.

95 We are being asked today to grant an Exemption Ordinance for the construction of a specific dwelling by a specific applicant which is not a person. We are *not* being asked to dispense with the need for an Exemption Ordinance.

Where is the case made by the Alderney Housing Association, or by the Committee on behalf of the Alderney Housing Association, justifying the requested Exemption Ordinance for this
100 dwelling at Le Sable d'Or? Does it fulfil some need? Will the Island benefit from this dwelling? Why should the public want us to suspend section 33 of the Law by granting this Ordinance? None of this has been aired with you, let alone the public, because Mr Birmingham's report – and I sympathise with him for his hoarse voice today, but his written report is silent. His report in the Billet tells the public and us *nothing* on which we can base a decision.

105 The planning process is very different. The public can raise objections to the detailed application, but the decision is in the hands of the Committee alone and their decision is based on other planning criteria, such as style, positioning, height, mass and even density of dwellings within the limit imposed by the Exemption Ordinance.

In answer to the contributor at the People's Meeting, if done properly it can make sense for the
110 full States to deal with the Exemption Ordinance before the Committee considers the detailed application. I ask Mr Birmingham what opportunity did his report give the public for proper discussion of this proposed exemption before, during and after the People's Meeting? This is sloppy, low-calibre government and the public expectation in January was for better. None of this is rocket science, but it comes up time and again that it is about including the public, not excluding
115 the public.

You can see that sections 33 and 34 of the Law confer on the public a far greater involvement when the full States are considering the broader political question of whether the Island will benefit from the construction of another dwelling of this type in this location than can be conferred
120 on the public when the Committee alone has to determine the planning criteria which apply to the detailed application. The applicant should have been asked to present a case for exemption and this should have been summarised in Mr Birmingham's letter in the Billet, with all the implications this has for an informed public, an informed People's Meeting and, dare I say, informed States Members.

125 What are the pros and cons for the construction of *this* dwelling in *this* location by *this* applicant? I have not got a clue, and nor have you. We are not here to vote by guesswork.

I shall vote against this Ordinance in the hope that it will come back redrafted, with a proper report containing reasons why the public and the States Members should support it.

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

Just as a point of order, I would ask you to refrain from addressing or referring to members of the audience and I would ask that all other States Members respect that. You are here to address the other States Members, not the general Gallery.

135 **Mr Arditti:** I apologise.

The President: Thank you very much.

Does anybody else wish to comment on this Item?

140 **Mr Simonet:** Yes, Mr President, I will just say a few words, actually.

If this Ordinance is approved, it gives Alderney Housing Association the appropriate qualification, under section 33 of the Building and Development Control Law, to build on the site, subject to planning.

145 The planning process is well established. It will be advertised in the usual way and all representations from the public will be considered by the Building and Development Control Committee before any decision is made.

I will say, on the points that Mr Arditti has brought up – which are, as always, interesting – this method of dealing with our States business has been debated in the States almost *ad nauseam*, and the States in the past have always approved the Ordinance in this manner.

150 Thank you.

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

155 **Mr Jean:** I am concerned enough with the detail that my colleague, Mr Arditti, has gone into tonight to say that it might be a sensible thing to defer this until September. I cannot see that it does any harm as it is certainly not against the interests of the Housing Association or its future development of that property, but I think if there are problems with what we brought forward tonight, we should recognise them and put it right and bring it properly to the States again. A delay of two months is not enough to really worry about and it could be dealt with in September. I think
160 that might be sensible under the circumstances.

The President: Thank you, Mr Jean.
Does anybody else wish to speak on this Item? Absolutely certain about that? Nobody wishes
165 to speak on this?
Mr Birmingham, would you care to sum up?

Mr Birmingham: Yes, thank you very much.
I am interested, again, in Mr Arditti's points. I believe that they are points he has made before
170 in relation to... If memory serves me correctly, I think it might have been the Platte Saline exemption. I think it was, but certainly the Platte Saline or the Grand Hotel with an Exemption Ordinance. So I am going a little on memory here in terms of some of the points he raised.

There is one point he raised about the term 'dwelling' – as opposed to 'dwelling' as in terms of
175 'dwelling' or 'dwellings'. At that time, I believe we took advice from the Law Officers in Guernsey and they were satisfied that in the usage of the word 'dwelling' it covers the plural as well, and that was the advice that we received from the Law Officers in Guernsey.

In terms of the Exemption Ordinance itself, again the advice from the Law Officers is that this is a properly constituted Ordinance subject to the Law.

In terms of a little background, in terms of how Exemption Ordinances and planning
180 applications have worked for previous developments that are related to the AHA, the situation regarding the Platte Saline development was that the Exemption Ordinance was passed by the States at the meeting on 17th October, 2012. The planning application was subsequently advertised in the *Alderney Gazette* on 2nd November afterwards, and planning permission then was subsequently considered at the 4th December 2012 BDCC meeting. In referring back to that
185 Exemption Ordinance, Mr Arditti makes the point that there is no further detail, in terms of plans etc, that are within the Exemption Ordinance that is brought here, but that was exactly the same at that meeting as well.

In terms of the Law, the Law is silent on whether Exemption Ordinances should be sought first
190 or planning, but it has been pretty much the procedure that has been followed for time... the precedent that has been followed, that this method is the way that we deal with Exemption Ordinances.

All I can say is the advice, when we go to the Law Officers, is that this is a properly constructed Exemption Ordinance, and as I say, I will just add that to the States comments.

195 **The President:** Thank you very much, Mr Birmingham.
Madam Greffier –

Mr Arditti: Sir, may I ask, through you, whether Mr Birmingham will make his advice available to States Members at some stage?

200 **The President:** I think that is entirely up to Mr Birmingham. I do not think it is relevant to the vote which we are about to take.

Mr Arditti: Well, only in the sense that some of the advice that he referred to, I am not sure
205 exists.

The President: Every States Member is entitled to his opinion. We are not lawyers, and if we

go for advice, we go for advice, amongst others, to the Law Officers and people who are qualified to practise Guernsey law. This is not a court of law; this is an Assembly of the States of Alderney. If people wish to dispute issues of law, this is not the correct forum in which to do it.

210

Mr Arditti: I merely asked whether we were going to see the opinion.

The President: I do not think it is relevant if we are going to take the vote now. Do you have something new to say?

215

Mr Birmingham: If I may. If we can maybe just, please, for clarification?

The President: Yes, please do.

220

Mr Birmingham: When I am saying the advice in terms of these being correctly constituted, I am not referring to specific advice taken on this particular Exemption Ordinance; it is a general advice in terms of how Exemption Ordinances are brought forward. I hope that is a matter of clarification for you.

225

Mr Arditti: Thank you, I am grateful.

The President: Happy with that?

230

Mr Arditti: Yes.

The President: Thank you. Madam Greffier, would you please put this Item to the vote?

235

A vote was taken and the results were as follows:

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

The Greffier: That is carried, sir.

The President: Thank you very much, Madam Greffier.

240

St Anne's Church Repair Works approved

245

Item II.

The States is asked to approve:

a) the repair work at St Anne's Church is undertaken by the Vaudin Stonemasons.

b) the supervision and project management work is undertaken by Lovell Ozanne & Partners

250

c) a budget of £317,000 from Capital funding which includes the repair work, a small contingency, States costs and professional fees for the repair work to St Anne's Church.

The President: Could you move to Item II, please.

255

The Greffier: Sir, Item II is St Anne's Church repair works.

The States is asked to approve the repair work at St Anne's is undertaken by the Vaudin Stonemasons; the supervision and project management work is undertaken by Lovell Ozanne & Partners; a budget of £317,000 from Capital funding, which includes the repair work, a small contingency, States costs and professional fees for the repair work to St Anne's Church.

260 **The President:** Thank you very much.
Mr Harvey, as Convener.

Mr Harvey: Thank you, Mr President.

265 A contributor, having been supportive of local builders carrying out the works, was pleased to see that works would finally get underway on the church. It was queried when the works would commence, and the Chief Executive advised early August 2013.

270 Apart from these repair works, which are vital and necessary to the church, those responsible for clearing the gullies, gutters and drains should be carrying out clearance more regularly and this should include the vicarage. The contributor queried who was responsible for such works at the vicarage, and the Chief Executive said he would investigate.

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

275 **Mr Jean:** I do, indeed, sir.

The President: Thank you.

280 **Mr Jean:** I am very pleased, at last, to see this work in in such an important public building of ours, which is much enjoyed by the population and all of us. It has been a long time coming.

I, too, in many ways am sorry the contract could not be awarded locally, but that was not the way of things and it is being awarded to Vaudin's and I am sure that they will do a good job.

285 The correct and necessary steps have been taken in this report to show that we are going to have it properly supervised and the work will be done. There are more than two or three stages of the work taking place because it has been on a roll-up, and the sad thing is that we really could not get there earlier.

290 I think afterwards the important thing for us to do is to make sure that there is a proper maintenance programme to the gutters and the gullies. To take the points raised at the People's Meeting, those points are points that, from time to time, I have raise myself at People's Meetings, so therefore I think we should abide by that and be grateful that this Item is at last with us to look after this mighty and magnificent building.

Thank you, sir.

295 **The President:** Thank you very much.
Madam Greffier, do you have a problem with the recording equipment?

The Greffier: Yes, sir.

300 **The President:** Do you wish to have a short break in proceedings to see if you can rectify that?

The Greffier: I would be grateful, sir, thank you.

305 **The President:** Mr Jean, unfortunately the last piece of your opening speech might well have been missed from *Hansard*.

The Greffier: I think it is still recording, sir. I do not think there is an issue. The recording has not stopped, sir.

310 **Mr Jean:** If there is, I am willing to do a repeat.

The Greffier: It has not stopped, sir. It was the signal to the screen.

315 **The President:** Thank you very much.
In that case, I think you are fully recorded, Mr Jean.

Mr Jean: Jolly good!

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

320 **Mr Berry:** Yes, sir.

I also noted the remarks by the people at the People's Meeting regarding ongoing maintenance and I can add nothing more to what Mr Jean has said most eloquently and look forward to the working commencing, sir. I support this fully.

325 **The President:** Thank you very much, Mr Berry.
Does any Member wish to comment on Item II, St Anne's Church repair works?

Mr McDowall: Yes, if I may, Mr President.

330 **The President:** Mr McDowall.

Mr McDowall: Fellow States Members, I fully support and endorse this proposal, and I certainly echo Mr Jean's comments that it was a shame it was not done earlier. I would suspect – and this is just a back-of-the-envelope calculation – that if this had been done in 2006 or 2007,
335 when it first manifested itself, it would have been about £250,000.

I certainly endorse the point that, going forward, in my view there should be a five-year low-key capital maintenance approach to the church and that would save a lot of money in the future.

Thank you.

340 **The President:** Thank you, Mr McDowall.
Does any other Member wish to speak on Item II? No?
In that case, Madam Greffier, if you would just take the vote on that, please.

345 **The Greffier:** Yes, sir.

A vote was taken and the results were as follows:

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

The Greffier: Thank you.

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

The Alderney eGambling (Amendment) Ordinance, 2013 approved

355 *Item III.*
The States is asked:
to approve The Alderney eGambling (Amendment) Ordinance, 2013.

360 **The President:** We move to Item III, please, Madam Greffier.

The Greffier: Item III is the Alderney eGambling (Amendment) Ordinance 2013.
The States is asked to approve that Ordinance.

365 **The President:** Thank you very much.
Mr Harvey, as Convener, were there any comments at the People's Meeting?

Mr Harvey: There were no comments on this Item, Mr President.

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

Mr Simonet: Thank you, Mr President.

375 This is, again, just one of the amendments we get through from time to time for Alderney publication and elsewhere. It is self-explanatory and I would recommend it to the States.

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

380 **Mr Harvey:** I am pleased to second this proposal, thank you.

The President: Thank you very much, Mr Harvey.
Does any Member wish to speak on this particular Item?
Mr Simonet, are you happy to waive your right to sum up?

385

Mr Simonet: Yes.

The President: Thank you.
In that case, Madam Greffier, if you would take that as passed, please.

390

The Greffier: Thank you, sir.

395

The Myanmar/Burma (Restrictive Measures) (Alderney) Ordinance, 2013 approved

Item IV.

The States is asked:

to approve the Myanmar/Burma (Restrictive Measures) (Alderney) Ordinance, 2013.

400

The President: Move to Item IV.

The Greffier: Item IV is The Myanmar/Burma (Restrictive Measures) (Alderney) Ordinance, 2013.

405

The States is asked to approve that Ordinance.

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

410

Mr Harvey: Thank you, Mr President.
Perhaps not surprisingly, there were no comments on this, sir.

The President: Thank you.
Mr Simonet, I believe you wish to propose this.

415

Mr Simonet: Yes, sir.

I am pleased to propose it. Again, this is another one of the Items we get through on a regular basis. Again, it is self-explanatory and I do not think you can find... or I cannot find any reason to oppose it.

420

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

425 **Mr Harvey:** I am pleased to second this proposal, Mr President.

The President: Thank you very much, Mr Harvey.
Does any Member wish to speak on this subject?

430

Mr Rowley: I would like to say something, Mr President, if I may.

Not that I am a great expert on the subject, but I have done a little bit of research and it seems that sanctions were imposed against the Burmese government in 1990 after the military regime annulled the election which was won by Aung San Suu Kyi, and in 2011 the military handed over power to a semi-civilian government – it is 25% military still.

435 Since then, as a result of the sanctions, the government has embarked on a programme of democratic reforms. This programme of reform is nowhere near complete, and by permanently lifting sanctions the EU has given away its only real control over the guaranteed progress of the democratic reforms.

440 Aung San Suu Kyi herself was against the permanent lifting of sanctions, but is understood to have agreed to it in exchange for maintaining the ban on armed service. There was a move to actually lift the ban on armed service as well.

445 There has been widespread opposition from Burma support groups and Human Rights organisations who claim that lifting the ban completely ignores a set of benchmarks laid out for permanent removal of the sanctions. These include an end to ethnic cleansing of the Rohingya Muslims; freedom for all political prisoners; reduced restrictions on the media; and guaranteed access for the delivery of human assistance.

That has not happened, and it seems that the European Union... well, to my mind, they have acted prematurely by completely lifting the sanctions. So I am going to vote against it.

450 **The President:** Thank you very much.
Does anybody else wish to speak on Item IV?
Mr Simonet, would you care to sum up?

455 **Mr Simonet:** I have nothing further to add, sir. I am very interested in what Mr Rowley had to say; however, I do think we probably need to vote this through.

The President: Thank you very much.
Madam Greffier, if you would call the vote, please.

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

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

The Greffier: That is carried, sir.

465 **The President:** Thank you very much indeed.

**Alderney Commission for Renewable Energy: Appointment of Commissioner
Mr Mark Wordsworth appointed**

470 *Item V.*
The States is asked to approve:
on the recommendation of the Policy and Finance Committee and in accordance with section 6 of the Renewable Energy (Alderney) Law, 2007, the appointment for a period of two years of Mr Mark Wordsworth as a Member of the Alderney Commission for Renewable Energy.

475 **The President:** Could we move to Item V, please?

480 **The Greffier:** Sir, Item V is the Alderney Commission for Renewable Energy: Appointment of Commissioner.

The States is asked to approve, on the recommendation of the Policy and Finance Committee and in accordance with section 6 of the Renewable Energy (Alderney) Law 2007, the appointment for a period of two years of Mr Mark Wordsworth as a Member of the Alderney Commission for Renewable Energy.

485 **The President:** Thank you very much.
Mr Harvey, as Convener.

Mr Harvey: Thank you, Mr President.
490 One contributor queried if the appointment was to fill a vacancy on the Board, and we confirmed it was.

Another contributor queried if the new Commissioner would be receiving remuneration. The Convener advised he believed the new Commissioner has waived the remuneration associated with the post.

495 There were no other comments.

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

500 **Mr Simonet:** Yes, indeed, Mr President.
As we can see, this concerns a Commissioner now coming to the end of a term of office in September. Mr Wordsworth's appointment will enable a smooth transition to take place. I think we are all well aware of Mr Wordsworth's credentials and the requirements will in fact boost ACRE's... Commission, and it will be in best interests of the Commission. I do think that, given his obvious capabilities, he will be in a position to take ACRE forward over these next critical few
505 years.

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

510 **Mr McDowall:** Yes, indeed, I would like to second this.
I would also like to emphasise that Mr Wordsworth would be focusing on some of the short-to-medium-term challenges and issues which we have with bringing alternative energies to this Island, and I would just endorse that he is well equipped, very experienced, and I think will bring a new dynamic to the post.

515 Thank you.

The President: Thank you, Mr McDowall.
Does any other Member wish to speak on Item V?

520 **Mr Arditti:** Yes.

The President: I think Mr Harvey was just there before you.

525 **Mr Harvey:** Thank you, Mr President.
I think, really, just to say that, from the meetings we have had with various people in Europe, it is quite clear that ACRE has an excellent reputation and I think we should pay tribute to the work of the Chairman and the Commissioners there at the moment, who have done a very good job in raising the profile and we can be thoroughly pleased with what they have done.

530 I have known Mr Wordsworth for some years and I think he is an excellent person to be coming back to ACRE. I think he is absolutely the right man for the replacement Commissioner.
Thank you.

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

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

This Item was a priority for the previous Policy Committee at the beginning of the year. We are indeed fortunate that Mr Wordsworth is willing to help out by taking up the reins of the Alderney Commission for Renewable Energy. He was one of the founding Commissioners and has
540 a clear idea about how to scale down the work of the Commission to that which is necessary at this time.

The public should be in no doubt that the work of the Commission is important and that without an internationally respected Commission we cannot exploit our tidal energy resource – our
545 *only* natural resource – with all that means for the crucial F.A.B. link connecting Alderney to nuclear power in France and ultimately the UK and limitless internet connectivity.

The Commission is as important to Alderney's future as our Gambling Control Commission, but that does not mean that the Commission cannot be lean and focused – it can be, and I am confident that it will be with Mr Wordsworth at the helm.

550 I am very grateful to Mr Wordsworth for taking on this important role.

The President: Thank you very much, Mr Arditti.
Does anybody else wish to speak on this issue? No?
Mr Simonet, would you care to sum up?

555 **Mr Simonet:** Simply to thank my fellow States Members, Mr Harvey and Mr Arditti, for their eloquent responses, and I fully support what they had to say.
Thank you.

560 **The President:** Thank you very much.
For the sake of the record, Madam Greffier, would you please put that to the vote?

The Greffier: Yes, sir.

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

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

The Greffier: Thank you.

The President: Thank you very much.

570

Reform of Electoral Roll Options for change

575 *Item VI.*
The States directs the Chief Executive, as Registrar, to consider and consult as to the best options for changing the Government of Alderney Law, 2004 in order to achieve a system whereby electors who would otherwise qualify do not have to reapply for inclusion in successive registers of electors; AND bearing in mind the date of the next election to report by the end of September 2013.

580

The President: Item VI, please.

The Greffier: Sir, Item VI is the Reform of the Electoral Roll.

585 The States directs the Chief Executive, as Registrar, to consider and consult as to the best options for changing the Government of Alderney Law, 2004 in order to achieve a system whereby electors who would otherwise qualify do not have to reapply for inclusion in successive registers of electors; and bearing in mind the date of the next election, to report by the end of September 2013.

590

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

Mr Harvey: Thank you, Mr President.
There were one or two comments on this Item.
595 One contributor said this was a matter that is long overdue and Mr Jean should be applauded for bringing it forward.

Another person said the problem is not a legal matter and appears to be a communication problem; therefore a change in the law should not be necessary.

600

The law states that the electoral roll is to be reviewed and not renewed every two years; therefore it seems unnecessary to ask for a re-registration every two years.

Thank you, Mr President.

605

The President: Thank you very much, Mr Harvey.

Mr Jean, I believe you wish to propose this.

Mr Jean: Sir, Members of the States, I am glad to bring this Item before you all.

610

For so many years, I have taken note of the unnecessary disturbance in people's lives. Quote: 'Oh, I must not forget to check whether I am on the electoral roll.' 'Why do we have to reregister all the time?' 'I am sorry, I went to vote for you and I could not: my name was not on the electoral roll.'

Some people are very emotional about this kind of thing, they feel so upset, and they have told me on past occasions, 'I was so embarrassed, I am not going to bother to register again anymore. I wanted to vote for you.'

615

If we can change the way this is done, it surely must be a good thing to do – one less worry for us all. There are so many things to be done for the good of Alderney, and being a Member of the States of Alderney can be good and it can be frustrating.

If my fellow Members will join with me now to help straighten this long-running matter out and enjoy taking your part in this matter, then place your vote along with mine to reform the way we deal with the electoral roll.

620

By taking an easier approach to an Item like the electoral roll, we start to make Alderney a better place to be, with people on the electoral roll feeling that they are included as part of the community in which they live without having to look over their shoulder every two years, saying the words, 'Am I still on the electoral roll?'

625

You ask what is my aim. When this matter is reviewed and we receive the report back in September, I am hoping the electoral roll will be reviewed and updated on a rolling basis – if it is necessary, perhaps every 10 years, like the census, a major review or full review, and left to run with a manual review to subtract the names of those who no longer reside in Alderney and those who have died, sadly; truly the necessary basic attention, enough to keep the roll in good order and no more.

630

Sir, Members of the States, thank you. I ask you to support this Item for it is an Item that will bring all of us great satisfaction, as over the years it has caused much debate.

May I, sir, reserve my right to sum up and answer questions placed in the debate?

Thank you.

635

The President: Mr Jean, I can assure you that you will be allowed to sum up at the end.

Mr Jean: Thank you.

640

The President: Mr Roberts, would you care to second this.

Mr Roberts: Yes, I would like to second Mr Jean, Mr President.

645

I think, with all of our States Members, we must have all at some time experienced the same things you were describing, where people come up to you and say, 'I am not on the electoral roll.' Local people who have lived in the same house for 30 years are taken off. I think it is wrong and I would ask everybody to support this.

The President: Thank you very much, Mr Roberts.

650

Does any other Member wish to comment on the reform of the electoral roll?

Mr McDowall.

655

Mr McDowall: Yes, Mr President, fellow States Members, I certainly support Mr Jean's motives – well intentioned, and I am fully supportive of them – but I see this more as an administrative issue, rather than a legal issue, which perhaps could well have been sorted out directly through the Chief Executive. So, while I endorse what you are trying to do, I feel it is an administrative issue rather than a legal issue.

Thank you.

660 **The President:** Thank you very much, Mr McDowall.
Does any other Member wish to speak?
Mr Harvey.

Mr Harvey: Thank you, Mr President.
I would support my colleague, Mr McDowall. Nobody wishes to see voters, or potential voters,
665 disenfranchised; however, there are one or two issues.

I think it is important that the register is reasonably accurate, or as accurate as it can be made.
The census showed recently that there is a turnover of around 50% in the population over an 11 or
12-year period, so quite clearly we cannot just leave the thing unamended.

670 A precedent in other jurisdictions is not always a good guide, but in Jersey, Guernsey and the
UK there is an annual register compiled. I am not sure that every two years is quite as onerous as
all that.

I would like to have had some information on how many people appear to have been turned
away at elections. I do not think that information is captured. It might be useful, at least in a
675 numeric sense, if it was captured in the future so we know the extent of the problem. The general
perception is that it is an administrative problem and maybe we need to review the advertising of
the registration rather better than we have in the past.

Thank you, Mr President.

680 **The President:** Thank you, Mr Harvey.
Does anybody else wish...?
Mr Rowley.

Mr Rowley: Thank you, Mr President, fellow Members.
While I support Mr Jean, I think I agree with Mr McDowall. I do not really see that it is a legal
685 matter, but more of a simple administrative one. Perhaps if the Chief Executive's office could be
persuaded to send out a reminder every two years...

As I remember, in England, when I was voting there, every year or every second year they
send a notice out asking for any changes that might have happened; otherwise you stay on the roll.
690 If you are dead, you do not turn up to vote; or if you move, you do not turn up to vote, so
eventually... Perhaps a copy of that could be put in with the water rates or something like that, just
to remind people every... It should not be rocket science.

The President: Just so that the Chief Executive's office does not feel disenfranchised, I can
695 assure you that there is a notice put out every year in both the press and the journal and on the
notice boards at the moment.

Mr Rowley: Thank you.

700 **The President:** Does anybody else...?
Mr Berry.

Mr Berry: Sir, I quite understand Mr Jean's concerns. When I turned 18, I was not given a
form to fill in; I just turned up to the election and my name was on the roll. I think a lot of the
705 older people on this Island are under the perception that they are on the roll continually and they
have been for a long time.

I will support Mr Jean, but I think it is a matter of advertising and making people realise that
things have changed and moved on. I do appreciate the concerns of people who turn up and are not
allowed to vote. I also wonder if people who are not on the roll perhaps might, at some time, wish
710 to put their name on the register of possible candidates.

Thank you, sir.

The President: Thank you, Mr Berry.
Does anybody else wish to...?
715 Yes, Mr Birmingham.

Mr Birmingham: Thank you, Mr President, fellow Members.
The issue that Mr Jean raises regarding electoral registration is one that I find regularly crops
up in conversations with members of the public, and quite often when I am having a relaxing
libation.

720 I believe that it is important that as many people as possible who are entitled to vote are registered to vote, and it can only be helpful if the process of registration is made as easy as possible. This States, I believe, is one that firmly believes in better public engagement, as shown, for example, by the new format of people's meetings.

725 I believe that a review of how the electoral roll is compiled may be helpful in that process. It may be that something as simple as additional advertising, which is obviously an administrative function, might be a simple way forward; but it also might be that we might require the ability to register later than the 15th October cut-off date that is listed as the registration day in the Government of Alderney Law. So I do believe there are perhaps some legal aspects relating to the Government of Alderney Law that might require review, rather than just perhaps administrative ones.

730 However, I have full confidence in our Chief Executive to investigate the various options and in his ability to find some creative solutions that would ensure a higher level of voter registration, and I am happy to support the proposals of Mr Jean.

735 **The President:** Thank you very much, Mr Birmingham.
Mr Arditti.

Mr Arditti: Thank you, sir.

740 We are a tiny community, but under current rules the register of electors is jettisoned every two years. What for? Residents have to re-register every two years, even though their circumstances have not changed, and if they fail to do so they lose their right to vote.

745 It is a source of continuing public dissatisfaction that, each polling day, some residents find that they are not on the register of electors, for whatever reason. This may or may not be their own mistake and their numbers may vary, but it is important that a resident is not denied his or her vote. Certainly, their right to vote is more important than renewing the register every two years.

750 As Chair of Policy Committee, I have not quite reached the point where I could ask you to start considering various resolutions such as this one, designed to roll back some of the unpleasant and unwelcome rules and regulations which have accumulated in Alderney over the years. We need to do this for the public in these difficult times and in order to assist our efforts to attract new residents.

755 For example, what do we mean when we cultivate our reputation as an English village 40 years ago? One thing that the English think we mean is a refuge from the unfriendly bureaucracy of the mainland. We are a friendly Island and we do not need unfriendly rules – no matter that other jurisdictions may have them; no matter that some may think they can derive statistics from the current regime; no matter how long we have lived with this rule in the past, or that the Swiss amongst us think that rules are good for the soul.

760 I note that the one contributor to the People's Meeting who spoke against this Item and who subsequently wrote to each of us was unable to suggest any benefit that the public might derive from continuing to renew our register of electors from scratch every two years. I am sure that the Chief Executive can think of better things to do with his time. As far as advertising is concerned, he tears his hair out trying to communicate to everybody. We have all said tonight that the problem is not with the Chief Executive; the problem is that the consequence of not getting your name on the register is too great. Allow me to say one more time it is more important that the person has the vote than that the register is renewed every two years.

765 This proposition asks the Chief Executive, who is the Electoral Registrar, to consider and report back on the best options for changing the law. I am afraid, Mr McDowall, it is not an administrative matter; it *is* a legal... It is our Constitution. The Chief Executive and ourselves have no option: we have to jettison this register every two years under the Law. It would require a change to the Constitution.

770 All this proposition from Mr Jean is suggesting is that the Chief Executive be asked to consider what options there are for changing the Law. He may consider that a new register every 10 years is sufficient for a tiny community of our size. That would help, especially if the register remains open between elections. We may end up with some dead wood on the register. So what? My concern is for residents who are turned away on polling day; not the dead wood on the register who do not turn up to vote.

775 I hope you support this proposition so that the options are reviewed.

The President: Thank you, Mr Arditti.

780 Mr Simonet, do you wish to comment on this Item?

Mr Simonet: No, I do not think I have anything further to add. It has been quite a good debate and I think all the points have been made.

785 **The President:** Thank you very much, Mr Simonet.
I think that means that everybody who wants to speak has spoken.
Madam Greffier, would you please call...
Sorry, Mr Jean, would you like to sum up?

790 **Mr Jean:** Just briefly. Despite what Mr McDowall said, I never really looked at it in that way. I looked at the problem itself and, to me, it has been a long-running problem and it is an uncomfortable one. I have myself seen people turned away and unable to vote. There might be another satisfactory outcome to this – that if anybody is standing in front of the people to vote, they can be registered there and then. Couldn't it be as easy as that in a small community and a friendly community?

795 I also liked what Mr Arditti said, which is something that I feel very strongly we need to bring back into our politics: bring back all the time that Alderney approach, that special approach, that friendly approach. I have talked to you all and you have heard me talk about the welcome mat, and that is what I want to do, and part of this and part of the whole exercise that I am undertaking today is partly that.

800 Some of you worry about the admin aspects of it. I do not; it is not that complicated to me. I just look at it, that it needs dealing with, and we can have this review and deal with it.

Some of the older people do not cope with it very well at all, and Mr Birmingham is quite correct when he says that when he is out for his libation – which I hope you enjoy! – people talk about the register. It is a topic that does crop up from time to time.

805 What we want to do is to make it easier for people to register, and I too have full confidence in the Chief Executive. I am sure that when he looks at this for and on our behalf, providing it receives the support this evening, he will look at it in the right way and do everything that he can.

810 Again here it crops up that we are a friendly Island. That, I would say, is quite correct. I more than agree with that, and that the Chief Executive has better things to do with his time than have to continually advertise this and keep on upgrading it so regularly that it is frustrating. Of course, the Chief Executive may say do it every 10 years.

I think that concludes what I have to say. This is a piece of legislation that I hope can be looked at for the benefit of everyone, to make life generally happier, and for this continual topic and people's frustration with it to go away

815 I place this legislation before you and hope that you will each accept it and join me in this process.

Thank you, sir.

820 **The President:** Thank you, Mr Jean.
Madam Greffier, would you please put that to the vote.

A vote was taken and the results were as follows:

FOR

Mr Jean
Mr Harvey
Mr Simonet
Mr Rowley
Mr Roberts
Mr Berry
Mr Birmingham
Mr Arditti

AGAINST

Mr McDowall

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

The President: Thank you very much, Madam Greffier.

The Alderney eGambling (Amendment) (No. 2) Regulations, 2013 approved

830

Item VII.

The States is asked:

to resolve that 'The Alderney eGambling (Amendment) (No.2) Regulations, 2013' not be annulled.

835

The President: Could we move to Item VII, please.

The Greffier: Item VII, sir, is the Alderney eGambling (Amendment) (No. 2) Regulations, 2013.

840

The States is asked to resolve not to annul those Regulations.

The President: Mr Harvey as Convener.

845

Mr Harvey: Thank you, Mr President.

There were no comments on this Item.

The President: Thank you very much.

Mr Simonet, I believe you wish to propose this.

850

Mr Simonet: Yes, sir, thank you.

Again, this is one of the many amendments we receive from the Gambling Commission from time to time and I can see no reason other than to recommend it to the States.

855

The President: Thank you very much.

Mr Rowley, I believe you wish to second this.

Mr Rowley: Yes, that is right, sir.

I would like to second this.

860

The President: Thank you very much.

Does any Member wish to speak on Item VII? Nobody wishes to speak on Item VII?

Madam Greffier, if you would take that as carried, please.

865

The Greffier: Thank you, sir.

QUESTIONS AND REPORTS

870

Policy Committee Report on Alderney Community and Sports Centre

The President: Madam Greffier, if we could move on to Item VIII, please.

875

The Greffier: That is Questions and Reports, sir.

We have received a Report from the Chairman of the Policy Committee on the Alderney Community and Sports Centre.

The President: You wish to say, sir?

880

Mr Arditti: Is this the Report, sir, that we saw at States and Committee?

885

The President: That is correct, but so that everybody understands where Mr Arditti is coming from, at States and Committee Mr Arditti raised an objection to this Report being placed on the Billet, as a result of which advice has been taken as to whether or not this is a fit and proper Report to go forward. I am convinced that it is a correct and proper Report to go on, and therefore it is on the Billet.

Mr Arditti, do you want to add anything to that?

Mr Arditti: Yes, sir, if I may. I am sorry, I have not received your...

890

The President: I sent you an e-mail today.

Mr Arditti: I did not check my e-mails after noon, so maybe –

895

The President: It was this morning.

Mr Arditti: This morning, then it has not arrived.
Does the advice state that this is not controversial and not political?

900

The President: It states that it is perfectly alright to go in as a Report; it meets the requirements of the Report.

Mr Arditti: Can it be debated?

905

The President: No, it is not a debate; it is a Report.

Mr Arditti: Not for debate.

910

The President: You may ask a question after the Report has been put forward. You might want to explain to people why you do not want this Report to be put before the public.

Mr Arditti: I can do that, can I?

The President: If you feel that you want to, I have no objection to that.

915

Mr Arditti: Thank you, sir.
I will wait until we have had the Report.

The President: Would you like to do it before?

920

Mr Arditti: No, I will wait until the Report, sir. I have not heard the Report yet.

The President: You have read it, though: this is why you objected to it.

925

Mr Arditti: I do not know whether it is the Report I saw previously, or not.

The President: It is exactly the same Report that you objected to and if you would like to make your objections clear to the public, then please go ahead.

930

Mr Arditti: Yes, sir.
I wonder if I may borrow your copy.

The President: You would like to borrow my copy of the Report?

935

Mr Arditti: If I may, sir, thank you.

The President: There you are.

940

Mr Arditti: Thank you. I am sorry I was not prepared, but this has taken me rather by surprise. Thinking that it was not to be included, I did not bring mine with me.

Under Rule 19, a report may be presented, provided the report is factual, not contentious and does not express any political opinions. The reason for that is because normally when reports are brought to this Chamber, Members have an opportunity to debate them.

945

The President: That is not correct. Reports are never debated. Reports are read out and then questions may be asked.

Mr Arditti: Sorry, *letters* are normally debated. They contain propositions.

950

The President: Which, of course, a report does not.

Mr Arditti: I stand corrected, sir. I used the expression 'report', when I should have used the expression 'letter'.

955 It is normally letters that come before this Chamber, and letters are subject to debate. Reports debate is stifled. All we can do is listen to a report. We are not allowed to say whether we agree with it or whether we disagree with it; we can only ask for clarification.

960 Without having seen the advice, the reports that one would expect in other jurisdictions would be factual reports about how many yachts have arrived in the harbour in the previous month and how many days of sunshine there were – that sort of thing, how successful the fly-in was. But this Report is about a reversal of a Policy Committee decision made earlier this year and it is telling the Chamber that the Policy Committee has said to the trustees of the swimming pool and Sports Centre that they can advertise to would-be contributors to their fundraising. They can advertise to these people that the States might very well contribute up to £250,000 by way of match funding.

965 I am very grateful for the opportunity to say this, sir: I am *extremely* worried about the Report that Mr Simonet is about to read out. I am very worried about anybody who contributes to the fundraising efforts of the Trust – which I support – if they do so on the basis of any sort of suggestion in this Report that their funds might possibly be matched, because the truth of the matter is that when it is debated here one day the answer may be that the States decides not to match, but the money will have already been collected, and the States may even want to match but find that it is in no position to do so because of other demands on their money.

970

The President: Mr Arditti, thank you.
Can I have the Report back, please?

975 **Mr Arditti:** Yes, thank you, sir.

The President: Thank you.

Having listened to Mr Arditti's objections as to why the Report is put to the public, Mr Simonet, would you please read you Report.

980 **Mr Simonet:** Thank you, Mr President.

985 This is a Report about the Alderney Community and Sports Centre. This Report is presented to the July States meeting because the Policy Committee believe this matter to be of significant interest to the public. In this way, all States Members will be able to hear the view of the Policy Committee when reaching their recent decision on funding for the Alderney Community and Sports Centre.

Members and the public will be aware of the long history of this matter. Inevitably, there has been and continues to be considerable public interest and the States have received many approaches by various trustees over the years.

990 The trustees of the centre have prepared a feasibility study and an outline business plan and initially asked the States to fund up to £400,000 of capital investment to assist in the construction of the centre, which will be on the school premises and will replace the existing school pool. It is anticipated by the trustees that the Education Department will use the pool for pupils at the school and that HSSD will also use the centre to assist in their work in ensuring people are healthier and that patients can recover more quickly from surgery. As yet, there is no formal agreement with either the Education Department or the HSSD, and this is a prerequisite for the centre to be viable.

995 The Policy Committee, having taken into account the views of the Business Development, Tourism and Marketing Committee and the Finance Committee, have agreed in principle to match any capital funding raised by the trustees up to a maximum of £250,000. This is conditional on a series of matters being solved by the trustees. These include, but are not limited to, getting approval for admin funding from Education and HSSD in Guernsey; planning permission; establishment of the legal framework for ownership, tenancy etc; preparation and acceptance of a credible three-year cashflow forecast.

1000 This expenditure will need the approval of the full States in due course and Members will be able to fully debate the matter before deciding on whether to fund the capital as proposed by the Policy Committee.

1005 That is the end of the Report, Mr President.

The President: Thank you very much.

1010 Before we go any further, do you wish that to be placed on the deliberations?

Mr Simonet: Yes, sir.

The President: Thank you.

1015 Does anybody wish to ask any questions on this Report? I must remind you that these must be questions. This is not a debate.

Mr Jean: What I am asking, because of the conflict with the decision made by the Policy Committee in January, is should we, or could we, take this back?

1020 **The President:** Are you addressing the –

Mr Jean: I am asking a question.

1025 **The President:** Questions are addressed to the Chairman who has made the Report.

Mr Jean: If you wish me to turn to the Chairman, that is fine. I am addressing you in the Chair, but the Chairman can hear me.

1030 **The President:** Yes. Questions with regard to reports are addressed to the Chairman who has made the report, Mr Jean.

Mr Jean: Then fine, I will turn towards the Chairman. I am sorry. I apologise.

1035 **The President:** That is quite alright.

Mr Jean: Can we not take this back, because of the conflict in the decision which we took in January, and decide this part of it again – get it right and come back with this and deal with it that way?

1040 I think enough information has been made available to show that we may be making a mistake here, and I would rather not make that mistake, Mr Chairman.

The President: Can you limit yourself to questions, please, Mr Jean.

1045 **Mr Jean:** Well, I am; that is exactly what I am doing.

The President: Thank you, well ask the question; not –

Mr Jean: I have just asked the question.

1050 **The President:** Good, thank you.
Do you care to reply, Mr Simonet?

1055 **Mr Simonet:** On this matter, I do not see that there is a conflict. There was a different decision taken by the early Policy Committee about the funding. This present Policy Committee have now made a different decision.

1060 **The President:** Thank you very much.
Does anybody else...?
Mr Harvey.

Mr Harvey: Thank you, Mr President.
Mr Simonet, can I ask two questions: firstly, is this a different request from the one that was declined by the Policy Committee in January 2013, in terms of capital and revenue?

1065 **Mr Simonet:** Yes, it is. It is quite different, Mr Harvey.

1070 **Mr Harvey:** Thank you.
Just as a second question, may I ask is it that this agreement in principle will unlock the potential for the trust to raise the other portion of the funds that are needed?

Mr Simonet: Yes, that is one of the objectives, Mr Harvey, that it will do that. Of course, we

have established a strict criterion for the trust to meet, and this will enable them to carry on with their fundraising in the hope – I am fairly confident – that they will reach the figures they are talking about.

1075

Mr Harvey: Thank you.

The President: Thank you.

Does anybody else wish to ask any questions?

1080

Mr Arditti, you can ask a question.

Mr Arditti: I wonder if Mr Simonet would list the differences between this request and the previous one in January.

1085

The President: Because of these questions, if the Chairman wishes for more time... He is not obligated to answer at this moment, but if he wishes to he may; if he wishes not to, he may not. It is up to you.

1090

Mr Simonet: Certainly, I cannot list them all – how can you? – but if he wants that list, I am quite willing to give it to him. In fact, he is probably aware of it himself; he was at the meeting.

The President: Thank you very much, Mr Simonet.

Does anybody else wish to ask a question on this Report?

Thank you very much. That is the States meeting completed.

1095

Madam Greffier, if you would close the meeting, please.

The Greffier: Yes, sir.

PRAYERS

The Greffier

1100

The Assembly adjourned at 6.34 p.m.