

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

REQUÊTE

AMENDMENT TO THE CONSTITUTION OF
 THE STATES' TRADING SUPERVISORY BOARD

THE HUMBLE PETITION of the undersigned Members of the States of Deliberation SHEWETH THAT:

1. The States' Trading Supervisory Board ("STSB") is the committee of the States having responsibility for valuable trading assets of the States of Guernsey. Amongst other things, it has responsibility for the operation of Guernsey's Harbours and Guernsey's and Alderney's Airports, it is the waste disposal authority for Guernsey, it is responsible as shareholder for Aurigny, Guernsey Electricity, Guernsey Water and the Dairy and it manages and administers all States-owned property. According to the States Accounts for 2016, as at 31 December 2016 the Reserves of the STSB amounted to almost £250,000,000.
2. The constitution of the STSB as set out in the Rules of Procedure of the States of Deliberation and their Committees ("Rules") is as follows:

"The constitution of the Board shall be determined by the States on a recommendation made by the Policy & Resources Committee: provided that the President of the Board shall be a member of the States, at least one other member of the Board shall be a member of the States and at least two other members of the Board shall not be members of the States and also provided that neither the President nor any member of the States' Trading Supervisory Board shall be the President or a member of the Transport Licensing Authority."
3. Your Petitioners note that under its current constitution the STSB has 2 members who are members of the States and 2 members who are not members of the States. All members are voting members and there is therefore no majority of voting members who are also elected members of the States. This is different from the position in relation to the Policy & Resources Committee and the 6 Principal Committees, all of which are constituted in a manner which ensures that voting rights are conferred only on members who are elected.
4. Appreciating that, as bodies which together have responsibility for most matters of States' policy, it is right that the Policy & Resources Committee and the 6 Principal Committees are constituted by voting members, all of whom are elected members of the States. Also, recognising the valuable contribution that members of those (and

other) committees of the States who are not also elected members of the States make to the work of the States and those committees; your Petitioners are concerned that the STSB is not also ultimately controlled by elected members of the States.

5. They believe that in relation to a committee such as the STSB, which has responsibility for valuable States assets some of which are referred to in paragraph 1 above, the relevant constitution should ensure that majority control is exercised by elected members. This is a matter of particular concern in those instances where current elected members of the STSB may have an interest in business under consideration by the STSB and are obliged not to participate in discussion or vote on the business concerned. In those circumstances the majority voting power rests with the 2 members of the STSB who are not elected.
6. Your Petitioners have no criticism of the work undertaken by the non-States members of the STSB and value the contribution made by them. However your Petitioners believe that democratically elected members of the States should be in a position to exercise control as it is the democratically elected members who carry responsibility for the STSB in the final analysis. On the basis of that principle, they propose that the STSB shall be constituted by 5 elected members and 2 members who are not elected members of the States. Your Petitioners believe that the issue of whether or not the 2 members who are not elected should be voting (as is the case at the moment) or non-voting members should be a matter for the States to decide as it thinks fit and the first Proposition in the Prayer to this Requête reflects that.
7. It is also noted that under the current constitution, it is only the Policy & Resources Committee that can determine who is to be proposed to the States as President of the STSB. Whilst your Petitioners have no objection to the Policy & Resources Committee having that privilege, they do not believe that it should have the exclusive privilege of proposing the President. There are several members of the current States and will be members of future States who have, or will have, the necessary skills and experience to be effective as President of the STSB. On that basis your Petitioners believe that it should be possible for any member to propose an alternative candidate for election as President of the STSB in order that members of the States may have a choice of candidates for election to the office of President.

THESE PREMISES CONSIDERED, YOUR PETITIONERS humbly pray that the States may be pleased to resolve:

1. To amend the Mandate of the States' Trading Supervisory Board by substituting the Constitution set out in the Mandate with -

Option A :

"A President and four members who shall be sitting members of the States; and up to two voting members appointed by the Board and who shall not be members of the States; provided that neither the President nor any member of the Board shall be the President or a member of the Transport Licensing Authority.",

OR, only if Option A shall have been defeated,

Option B:

"A President and four members who shall be sitting members of the States; and up to two non-voting members appointed by the Board and who shall not be members of the States; provided that neither the President nor any member of the Board shall be the President or a member of the Transport Licensing Authority."

2. To amend the Rules of Procedure –

(a) by inserting immediately after the words "propose eligible candidates" in paragraph (a) of Rule 16(4) –

"; provided that where the proposition is to elect a President of the States' Trading Supervisory Board, he shall first invite the President of the Policy & Resources Committee to propose an eligible candidate, and thereafter other Members to propose eligible candidates", and

(b) by deleting Rule 40(4) and replacing it with the following –

"(4) The members forming the quorum of the States' Trading Supervisory Board shall include at least 3 members who are Members of the States."

3. To agree, in the event that the above Propositions are approved, that –

(a) until such time as elections have been held to fill the offices created under Proposition 1, the States' Trading Supervisory Board shall continue to function as constituted immediately before the approval of that Proposition,

(b) when elections are first held to fill the offices created under Proposition 1 –

(i) any member of the States' Trading Supervisory Board as constituted immediately before those elections who is a sitting member of the States, may elect to fill one of the vacancies (including that of President) to be filled by a sitting member of the States, in which event the member shall fill the vacancy in question without the need for further election, and

- (ii) any member of the States' Trading Supervisory Board as constituted immediately before those elections who is not a sitting member of the States and has not resigned from office, shall be deemed to have been appointed to fill one of the vacancies to be filled by a person who is not a sitting member of the States, without the need for further appointment, and
- (c) the amendments to the Rules of Procedure under Proposition 2 –
 - (i) shall have no effect until such time as elections are first held to fill the offices created for sitting members of the States under Proposition 1, and
 - (ii) shall apply immediately following any election under paragraph (b)(i) above.

AND YOUR PETITIONERS WILL EVER PRAY
GUERNSEY

This 18th day of May 2018

Deputy P T R Ferbrache



Deputy R G Prow



Deputy J I Mooney



Deputy M P Leadbeater



Deputy Laurie B Queripel



Deputy A C Dudley-Owen



Deputy J Kuttelwascher

