

Date of Vote: 17 March, 2016

Billet d'État: VII of 2016

Article: 4

Department: Commerce and Employment Department

Subject: Financial Measures to Mitigate the Likely Adverse

Consequences Upon Existing Milk Distributors of the Dairy Being Free to Sell Milk and Milk Product to

Any Commercial Customer

Proposition: To suspend Rule 13(2) and any other provision of the

Rules of Procedure to the extent necessary to permit the amendment set out below to be debated and take

effect.

Proposed by: Deputy L B Queripel Seconded by: Deputy L C Queripel

To delete "not to approve the payment of financial mitigation to milk distributors" and substitute: ".

- To agree the payment of ex-gratia payments of financial mitigation to existing milk distributors as set out in the succeeding propositions.
- 2. To agree that the payments to existing milk distributors shall be determined on the basis of sub-paragraph (h) of paragraph 4.3 of that Policy Letter, namely: "The distribution mechanism proposed is based on total milk sales and the proportion of the total milk sales revenue that is made by each distributor. This approach weights the allocations, taking into account different business structures i.e. the proportion of milk sales conducted via doorstep or commercial and wholesale customers and the different revenues arising from each type of sale."
- 3. To agree that no existing Milk Distributors shall receive payments exceeding £60,000.
- 4. To note that, as is stated on the KPMG report entitled 'Financial mitigation for milk distributors' attached as Appendix 1 to that Policy Letter, the maximum difference between the current and future market valuation of existing Milk Distribution businesses is £1.1m; and to agree that the aggregate sum paid to all existing Milk Distributors shall be as close as is reasonably possible to, but in any event shall not exceed, £1.1m.
- To agree that the payments to be made to existing Milk Distributors shall be drawn from the existing cash balances of the States Dairy.
- 6. To note paragraphs 5.6 and 5.7 of that Policy Letter, namely: "Should a financial settlement payment be approved, the Department considers that it is essential that any payments paid to milk distributors are explicitly given on the basis that they are in full and final settlement of all claims in this matter. The Department is advised that distributors wishing to take a settlement should be required to sign an agreement by which they clearly waive their right to seek further damages through civil action."
- To direct the Treasury and Resources Department to administer the payments to existing Milk Distributors as set out in the
 preceding propositions; and further to direct that payments should be made by the 30th June 2016".



CARRIED: Pour: 25 Contre: 18 Ne vote pas: 0 Absent: 4

Deputy Peter A. Harwood C Deputy Jan Kuttelwascher C Deputy Barry L. Brehaut P Deputy Roger Domaille C Deputy Barry J. E. Paint Deputy Roger Domaille C Deputy Barry J. E. Paint Deputy Allister H. Langlois P Deputy Robert A. Jones P Deputy Sandra A. James, MBE Deputy A. Hunter Adam C St. Peter Port North Deputy Michelle K. Le Clerc Deputy John A. B. Gollop Deputy Reichard Conder Deputy Richard Conder Deputy Christopher J. Green P Deputy Mark H. Dorey P Deputy A. Hanter P Deputy Sandra A. James, MBE Deputy Roger A. Perrot C Deputy Roger A. Perrot Deputy Roger A. Perrot Deputy Richard Conder P Deputy Arrun M. Wilkie P Deputy Christopher J. Green P Deputy Roger A. Perrot C Deputy Roger A. Perrot Deputy Arrun M. Wilkie P Deputy Christopher J. Green P Deputy Romain R. Deputy Roger C Deputy Pavid A. Inglis P St. Sampson Deputy Gavin A. St. Pier C Deputy Robert W. Sillars C Deputy Peter L. Gillson C Deputy Paul R. Le Pelley P Deputy Michael G. O'Hara P
Deputy Barry L. Brehaut P Deputy Roger Domaille C Deputy Barry J. E. Paint P Deputy Allister H. Langlois P Deputy Robert A. Jones P Deputy Sandra A. James, MBE Deputy A. Hunter Adam C St. Peter Port North Deputy Michelle K. Le Clerc Deputy John A. B. Gollop Deputy Robert A. Sherbourne Deputy Richard Conder Deputy Richard Conder Deputy Charles Parkinson C Deputy Elis G. Bebb C Deputy Lester C. Queripel St. Sampson Deputy Robert W. Sillars Deputy Roger A. Stewart Deputy Roger A. Perrot C Deputy Peter A. Sherbourne Deputy Alvord H. Brouard C Deputy Barry J. E. Paint P Deputy Sandra A. James, MBE P Deputy Roger A. Perrot C Deputy Roger A. Perrot C Deputy Alvord H. Brouard C Deputy Arrun M. Wilkie Deputy David de G. De Lisle C Deputy Pavid A. Inglis C Deputy Robert W. Sillars C Deputy Robert W. Sillars C Deputy Paul A. Luxon C
Deputy Roger Domaille C Deputy Barry J. E. Paint P Deputy Allister H. Langlois P Deputy Sandra A. James, MBE Deputy Sandra A. James, MBE Deputy A. Hunter Adam C St. Peter Port North Deputy Michelle K. Le Clerc Deputy John A. B. Gollop Deputy Peter A. Sherbourne Deputy Richard Conder Deputy Richard Conder Deputy Charles Parkinson C Deputy Elis G. Bebb C Deputy Lester C. Queripel Deputy Roger A. Perrot Deputy Arrun M. Wilkie Deputy David de G. De Lisle Deputy Lester C. Queripel Deputy David A. Inglis Deputy Gavin A. St. Pier C Deputy Roger A. Perrot Deputy A. Perrot C Deputy Peter L. Gillson C Deputy Roger A. Perrot C Deputy A. Perro
Deputy Allister H. Langlois P Deputy Robert A. Jones P Deputy Sandra A. James, MBE Deputy A. Hunter Adam C St. Peter Port North Deputy Michelle K. Le Clerc Deputy John A. B. Gollop Deputy Peter A. Sherbourne Deputy Richard Conder Deputy Richard Conder Deputy Charles Parkinson Deputy Elis G. Bebb C Deputy Lester C. Queripel St. Sampson Deputy Gavin A. St. Pier Deputy Roger A. Perrot Deputy Alvord H. Brouard Deputy Arrun M. Wilkie P Deputy David de G. De Lisle C Deputy Peter A. Inglis P South-East Deputy Gavin A. St. Pier Deputy Robert W. Sillars Deputy Peter L. Gillson C Deputy Paul A. Luxon C
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Deputy A. Hunter Adam C St. Peter Port North Deputy Michelle K. Le Clerc Deputy John A. B. Gollop Deputy Peter A. Sherbourne Deputy Richard Conder Deputy Richard Conder Deputy Charles Parkinson Deputy Elis G. Bebb C Deputy Lester C. Queripel C St. Sampson Deputy Gavin A. St. Pier Deputy Roger A. Perrot Deputy Alvord H. Brouard C Deputy Arrun M. Wilkie P Deputy David de G. De Lisle C Deputy Peter L. Gillson C Deputy Beidi J. R. Soulsby C Deputy Roger A. Perrot C Deputy A. Hunter Adam C C Deputy Roger A. Perrot C Deputy Arrun M. Wilkie P Deputy Arrun M. Wilkie P Deputy Pavid A. Inglis C Deputy Beidi J. R. Soulsby C Deputy Robert W. Sillars C Deputy Paul A. Luxon C
St. Peter Port North Deputy Michelle K. Le Clerc P Deputy John A. B. Gollop P Deputy Peter A. Sherbourne P Deputy Richard Conder P Deputy Charles Parkinson C Deputy Elis G. Bebb C Deputy Lester C. Queripel P St. Sampson Deputy Gavin A. St. Pier C Deputy Roger A. Perrot C Deputy Alvord H. Brouard C Deputy Arrun M. Wilkie P Deputy David de G. De Lisle C Deputy Yvonne Burford A Deputy David A. Inglis P South-East Deputy Gavin A. St. Pier C Deputy Rejet J. R. Soulsby C Deputy Robert W. Sillars C Deputy Peter L. Gillson C
Deputy Michelle K. Le Clerc Deputy John A. B. Gollop P Deputy Roger A. Perrot C Deputy Peter A. Sherbourne P Deputy Alvord H. Brouard C Deputy Richard Conder P Deputy Arrun M. Wilkie P Deputy Charles Parkinson C Deputy Elis G. Bebb C Deputy Yvonne Burford A Deputy Lester C. Queripel P Deputy David A. Inglis P St. Sampson Deputy Gavin A. St. Pier C Deputy Reidi J. R. Soulsby Deputy Robert W. Sillars C Deputy Peter L. Gillson C Deputy Paul A. Luxon C
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Deputy Richard Conder P Deputy Arrun M. Wilkie P Deputy Charles Parkinson C Deputy David de G. De Lisle C Deputy Elis G. Bebb C Deputy Yvonne Burford A Deputy Lester C. Queripel P Deputy David A. Inglis P St. Sampson South-East Deputy Gavin A. St. Pier C Deputy Heidi J. R. Soulsby C Deputy Kevin A. Stewart C Deputy Robert W. Sillars C Deputy Peter L. Gillson C Deputy Paul A. Luxon C
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St. Sampson Deputy Gavin A. St. Pier Deputy Kevin A. Stewart Deputy Robert W. Sillars Deputy Peter L. Gillson C South-East Deputy Heidi J. R. Soulsby C Deputy Robert W. Sillars C Deputy Paul A. Luxon C
Deputy Gavin A. St. Pier C Deputy Heidi J. R. Soulsby C Deputy Kevin A. Stewart C Deputy Robert W. Sillars C Deputy Peter L. Gillson C Deputy Paul A. Luxon C
Deputy Kevin A. Stewart C Deputy Robert W. Sillars C Deputy Peter L. Gillson C Deputy Paul A. Luxon C
Deputy Peter L. Gillson C Deputy Paul A. Luxon C
Deputy Paul R. Le Pelley P Deputy Michael G. O'Hara P
Deputy Scott J. Ogier P Deputy Francis W. Quin C
Deputy Lyndon S. Trott C Deputy Michael P. J. Hadley P
Vale
Deputy Matthew J. Fallaize P Alderney Representative Louis E. Jean C
Deputy David B. Jones A Alderney Representative S. D. Graham McKinley, OBE P
Deputy Laurie B. Queripel P
Deputy Mary M. Lowe P
Deputy Andrew R. Le Lièvre P
Deputy Anthony Spruce A
Deputy Garry M. Collins P



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Subject: Financial Measures to Mitigate the Likely Adverse

Consequences Upon Existing Milk Distributors of the Dairy Being Free to Sell Milk and Milk Product to

Any Commercial Customer

Proposition: Amendment

Proposed by: Deputy L B Queripel Seconded by: Deputy L C Queripel

To delete "not to approve the payment of financial mitigation to milk distributors" and substitute: ".

- To agree the payment of ex-gratia payments of financial mitigation to existing milk distributors as set out in the succeeding propositions.
- 2. To agree that the payments to existing milk distributors shall be determined on the basis of sub-paragraph (h) of paragraph 4.3 of that Policy Letter, namely: "The distribution mechanism proposed is based on total milk sales and the proportion of the total milk sales revenue that is made by each distributor. This approach weights the allocations, taking into account different business structures i.e. the proportion of milk sales conducted via doorstep or commercial and wholesale customers and the different revenues arising from each type of sale."
- 3. To agree that no existing Milk Distributors shall receive payments exceeding £60,000.
- 4. To note that, as is stated on the KPMG report entitled 'Financial mitigation for milk distributors' attached as Appendix 1 to that Policy Letter, the maximum difference between the current and future market valuation of existing Milk Distribution businesses is £1.1m; and to agree that the aggregate sum paid to all existing Milk Distributors shall be as close as is reasonably possible to, but in any event shall not exceed, £1.1m.
- To agree that the payments to be made to existing Milk Distributors shall be drawn from the existing cash balances of the States Dairy.
- 6. To note paragraphs 5.6 and 5.7 of that Policy Letter, namely: "Should a financial settlement payment be approved, the Department considers that it is essential that any payments paid to milk distributors are explicitly given on the basis that they are in full and final settlement of all claims in this matter. The Department is advised that distributors wishing to take a settlement should be required to sign an agreement by which they clearly waive their right to seek further damages through civil action."
- 7. To direct the Treasury and Resources Department to administer the payments to existing Milk Distributors as set out in the preceding propositions; and further to direct that payments should be made by the 30th June 2016".



CARRIED: Pour: 13 Contre: 32 Ne vote pas: 0 Absent: 2

St. Peter Port South		Castel		
Deputy Peter A. Harwood	C	Deputy Darren J. Duquemin	C	
Deputy Jan Kuttelwascher	C	Deputy Christopher J. Green	P	
Deputy Barry L. Brehaut	C	Deputy Mark H. Dorey	$\overline{\mathbf{C}}$	
Deputy Roger Domaille	C	Deputy Barry J. E. Paint	P	
Deputy Allister H. Langlois	C	Deputy Jonathan P. Le Tocq	Ā	
Deputy Robert A. Jones	\mathbf{C}	Deputy Sandra A. James, MBE	P	
		Deputy A. Hunter Adam	C	
St. Peter Port North				
Deputy Michelle K. Le Clerc	C	West		
Deputy John A. B. Gollop	P	Deputy Roger A. Perrot	C	
Deputy Peter A. Sherbourne	P	Deputy Alvord H. Brouard	C	
Deputy Richard Conder	P	Deputy Arrun M. Wilkie	C	
Deputy Charles Parkinson	C	Deputy David de G. De Lisle	C	
Deputy Elis G. Bebb	C	Deputy Yvonne Burford	C	
Deputy Lester C. Queripel	P	Deputy David A. Inglis	C	
St. Sampson		South-East		
Deputy Gavin A. St. Pier	C	Deputy Heidi J. R. Soulsby	C	
Deputy Kevin A. Stewart	C	Deputy Robert W. Sillars	C	
Deputy Peter L. Gillson	C	Deputy Paul A. Luxon	C	
Deputy Paul R. Le Pelley	C	Deputy Michael G. O'Hara	P	
Deputy Scott J. Ogier	C	Deputy Francis W. Quin	C	
Deputy Lyndon S. Trott	C	Deputy Michael P. J. Hadley	P	
Vale				
Deputy Matthew J. Fallaize	C			C
Deputy David B. Jones	P	Alderney Representative S. D. Graham McKinley, OBE C		
Deputy Laurie B. Queripel	P			
Deputy Mary M. Lowe	P			
Deputy Andrew R. Le Lièvre	P			
Deputy Anthony Spruce	A			
Deputy Garry M. Collins	C			



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Proposition: Amendment

Proposed by: Deputy A R Le Lièvre Seconded by: Deputy A H Langlois

To delete "not to approve the payment of financial mitigation to milk distributors" and substitute:

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- To agree the payment of ex-gratia payments of financial mitigation to existing milk distributors as set out in the succeeding propositions.
- 2. To agree that the payments to existing milk distributors shall be determined on the basis of sub-paragraph (h) of paragraph 4.3 of that Policy Letter, namely: "The distribution mechanism proposed is based on total milk sales and the proportion of the total milk sales revenue that is made by each distributor. This approach weights the allocations, taking into account different business structures i.e. the proportion of milk sales conducted via doorstep or commercial and wholesale customers and the different revenues arising from each type of sale."
- 3. To agree that no existing Milk Distributors shall receive payments exceeding £40,000.
- 4. To note that, as is stated on the KPMG report entitled 'Financial mitigation for milk distributors' attached as Appendix 1 to that Policy Letter, the midway point of the difference between the current and future market valuation of existing Milk Distribution businesses is £750,000; and to agree that the aggregate sum paid to all existing Milk Distributors shall be as close as is reasonable possible to, but in any event shall not exceed, £750,000.
- To agree that the payments to be made to existing Milk Distributors shall be drawn from the existing cash balances of the States Dairy.
- 6. To note paragraphs 5.6 and 5.7 of that Policy Letter, namely: "Should a financial settlement payment be approved, the Department considers that it is essential that any payments paid to milk distributors are explicitly given on the basis that they are in full and final settlement of all claims in this matter. The Department is advised that distributors wishing to take a settlement should be required to sign an agreement by which they clearly waive their right to seek further damages through civil action."
- To direct the Treasury and Resources Department to administer the payments to existing Milk Distributors as set out in the
 preceding propositions; and further to direct that every effort must be made to make such payments by no later than 30th June
 2016".



CARRIED: Pour: 28 Contre: 16 Ne vote pas: 1 Absent: 2

St. Peter Port South		Castel		
Deputy Peter A. Harwood	C	Deputy Darren J. Duquemin	C	
Deputy Jan Kuttelwascher	P	Deputy Christopher J. Green	P	
Deputy Barry L. Brehaut	P	Deputy Mark H. Dorey	P	
Deputy Roger Domaille	C	Deputy Barry J. E. Paint	P	
Deputy Allister H. Langlois	P	Deputy Jonathan P. Le Tocq	\mathbf{A}	
Deputy Robert A. Jones	P	Deputy Sandra A. James, MBE	P	
		Deputy A. Hunter Adam	N	
St. Peter Port North				
Deputy Michelle K. Le Clerc	C	West		
Deputy John A. B. Gollop	P	Deputy Roger A. Perrot	P	
Deputy Peter A. Sherbourne	P	Deputy Alvord H. Brouard	C	
Deputy Richard Conder	P	Deputy Arrun M. Wilkie	P	
Deputy Charles Parkinson	P	Deputy David de G. De Lisle	C	
Deputy Elis G. Bebb	C	Deputy Yvonne Burford	P	
Deputy Lester C. Queripel	P	Deputy David A. Inglis	P	
St. Sampson		South-East		
Deputy Gavin A. St. Pier	C	Deputy Heidi J. R. Soulsby	\mathbf{C}	
Deputy Gavin A. St. Pier Deputy Kevin A. Stewart	C C	Deputy Heidi J. R. Soulsby Deputy Robert W. Sillars	C	
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Deputy Kevin A. Stewart	C	Deputy Robert W. Sillars	C	
Deputy Kevin A. Stewart Deputy Peter L. Gillson	C C	Deputy Robert W. Sillars Deputy Paul A. Luxon	C C	
Deputy Kevin A. Stewart Deputy Peter L. Gillson Deputy Paul R. Le Pelley	C C C	Deputy Robert W. Sillars Deputy Paul A. Luxon Deputy Michael G. O'Hara	C C P	
Deputy Kevin A. Stewart Deputy Peter L. Gillson Deputy Paul R. Le Pelley Deputy Scott J. Ogier	C C C P	Deputy Robert W. Sillars Deputy Paul A. Luxon Deputy Michael G. O'Hara Deputy Francis W. Quin	C C P C	
Deputy Kevin A. Stewart Deputy Peter L. Gillson Deputy Paul R. Le Pelley Deputy Scott J. Ogier Deputy Lyndon S. Trott	C C C P	Deputy Robert W. Sillars Deputy Paul A. Luxon Deputy Michael G. O'Hara Deputy Francis W. Quin	C C P C P	•
Deputy Kevin A. Stewart Deputy Peter L. Gillson Deputy Paul R. Le Pelley Deputy Scott J. Ogier Deputy Lyndon S. Trott Vale	C C C P C	Deputy Robert W. Sillars Deputy Paul A. Luxon Deputy Michael G. O'Hara Deputy Francis W. Quin Deputy Michael P. J. Hadley	C C P C P	
Deputy Kevin A. Stewart Deputy Peter L. Gillson Deputy Paul R. Le Pelley Deputy Scott J. Ogier Deputy Lyndon S. Trott Vale Deputy Matthew J. Fallaize	C C C P C	Deputy Robert W. Sillars Deputy Paul A. Luxon Deputy Michael G. O'Hara Deputy Francis W. Quin Deputy Michael P. J. Hadley Alderney Representative Louis E. J	C C P C P	
Deputy Kevin A. Stewart Deputy Peter L. Gillson Deputy Paul R. Le Pelley Deputy Scott J. Ogier Deputy Lyndon S. Trott Vale Deputy Matthew J. Fallaize Deputy David B. Jones	C C C P C	Deputy Robert W. Sillars Deputy Paul A. Luxon Deputy Michael G. O'Hara Deputy Francis W. Quin Deputy Michael P. J. Hadley Alderney Representative Louis E. J	C C P C P	
Deputy Kevin A. Stewart Deputy Peter L. Gillson Deputy Paul R. Le Pelley Deputy Scott J. Ogier Deputy Lyndon S. Trott Vale Deputy Matthew J. Fallaize Deputy David B. Jones Deputy Laurie B. Queripel	C C P C	Deputy Robert W. Sillars Deputy Paul A. Luxon Deputy Michael G. O'Hara Deputy Francis W. Quin Deputy Michael P. J. Hadley Alderney Representative Louis E. J	C C P C P	
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