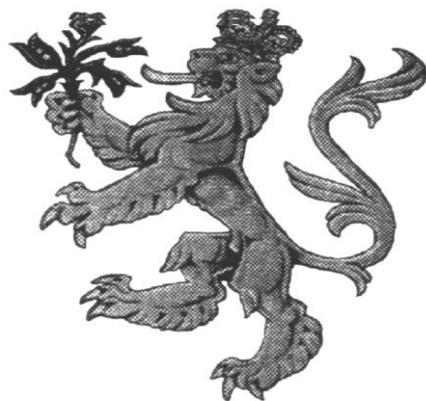


# **States of Alderney**



## **DELIBERATIONS**

WEDNESDAY 14<sup>TH</sup> JUNE 2017

**STATES OF ALDERNEY**  
**DELIBERATIONS FOR THE MEETING**  
**ON WEDNESDAY 14<sup>TH</sup> JUNE 2017 AT 17:30**

Present: Mr Stuart Trought, President  
Mr Matt Birmingham  
Mr Louis Jean  
Mr Steve Roberts  
Mrs Norma Paris  
Mr Graham McKinley  
Mr James Dent  
Mr Alex Snowdon  
Mr Mike Dean  
Mr Tony Barnes

Colonel Colin Mason represented His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey.

Apologies were received from Mr Ian Tugby

**Item I**      **The Building and Development Control (Alderney) (Amendment) Ordinance, 2017**

**The States of Alderney resolved to approve the “Building and Development Control (Alderney) (Amendment) Ordinance, 2017”.**

*Proposed by Mr Birmingham and Seconded by Mr Dean*

*Approved by a majority:*

*FOR: Messrs Birmingham, Roberts, McKinley, Dent, Snowdon, Dean, Barnes and Mrs Paris*

*AGAINST: Mr Jean*

**Item II**      **Audited Accounts 2016**

**The States of Alderney resolved to approve:-**

- (a) The States of Alderney 2016 Accounts, and**
- (b) The States of Alderney Water Board 2016 Financial Statements**

*Proposed by Mr Dent and Seconded by Mr Barnes*

*Approved unanimously*

**Item III**      **Wire Transfers legislation**

**The States of Alderney resolved to approve the Transfer of Funds (Alderney) Ordinance, 2017, which will also repeal the Transfer of Funds (Alderney) Ordinance, 2007.**

*Proposed by Mr Dent and Seconded by Mr Barnes  
Approved unanimously*

**Item IV**      **Capital Funding (Revised) - Refurbishment of the Nunnery**

**The following amendment was received from Mrs Paris and Mr Dent:-**

*"I propose the deletion of the proposition and its substitution as follows:-*

*The States of Alderney is asked to approve the capital expenditure of up to*

*(a) £235,000 (two hundred and thirty five thousand pounds) for the refurbishment of the Nunnery buildings including sufficient works to ensure it is wind and watertight;*

*and*

*(b) £45,000 (forty five thousand pounds) for additional works to ensure the complete refurbishment of the roof, if necessary*

*Proposed by Mrs Paris and seconded by Mr Dent*

***Explanatory Note***

*Following the last States debate the advice of an independent surveyor has been obtained primarily to assess whether the scope of works for this project were reasonable. The surveyor has provided very helpful guidance in a range of areas.*

*The key point however relates to the merits or otherwise of doing all the roof repairs now, or whether some elements could be deferred, potentially for another 10 years.*

*The surveyor highlights that there is no absolute right or wrong and that there are advantages and disadvantages to both options.*

*The proposers of this amendment believe it would be more cost effective to do both the general renovation and the full roof works at one time. However, the amendment is placed to give Members the option to approve separately (a) the renovation of the building to include sufficient works to ensure it is wind and water-tight and (b) the complete refurbishment of the roof."*

*Amendment Proposed by Mrs Paris and seconded by Mr Dent*

*Approved by a majority*

*FOR: Messrs Birmingham, Roberts, McKinley, Dent, Barnes and Mrs Paris*

*AGAINST: Mr Jean, Snowdon and Dean*

**The item, as amended, was then debated and the States of Alderney resolved to approve the capital expenditure of up to**

**(a) £235,000 (two hundred and thirty five thousand pounds) for the refurbishment of the Nunnery buildings including sufficient works to ensure it is wind and watertight;**

and

- (b) £45,000 (forty five thousand pounds) for additional works to ensure the complete refurbishment of the roof, if necessary**

*Proposed by Mrs Paris and Seconded by Mr Dent*

*Item (a) Approved by a majority:*

*FOR: Messrs Birmingham, Jean, Roberts, McKinley, Dent, Barnes and Mrs Paris*

*AGAINST: Messrs Snowdon and Dean*

*Item (b) Approved by a majority:*

*FOR: Messrs Birmingham, Roberts, McKinley, Dent, Snowdon and Mrs Paris*

*AGAINST: Messrs Jean, Snowdon and Dean*

**Item V      Questions and Reports**

- (i) The following questions were received from Mr Dent for the Chairman of Building and Development Control Committee:-**

*“Can the Chairman of BDCC clarify:*

- *In what circumstances, if any, the SoA are required to obtain planning permission for States-owned developments on property they own themselves, or on property owned by others, that they may have obtained way-leave rights over?*
- *Whether the SoA ought to be required, always, to obtain planning permission for their sponsored developments, and:*
  - *if so, what sanctions might be applied if the SoA failed to obtain permission but went ahead, anyway, with a development?; and*
  - *if not, how the public interest might erstwhile be protected from a States-sponsored development not conforming to planning guidelines?*
- *Whether any changes to existing procedures in regard to these matters are currently proposed?”*

- (ii) The following report was received from Mr Dent, Chairman of the Policy and Finance Committee:-**

***“Report to the States – Policy and Finance Committee Initiatives this year.***

*Mr President, colleagues, I want to bring to your attention some of the important work that your Policy and Finance Committee has been doing this year. Much of the work, though not everything I am reporting to you this evening, might best be described under the heading ‘economic enablers’.*

*This evening I am going very briefly to summarise our initiatives this year on:*

- *Air transport*
- *Sea transport*
- *FAB (ARE, ACRE, and FAB)*
- *Health*
- *Digital Connectivity*
- *Brexit*
- *Immigration/Investment Visas*
- *Implications of new financial relationship (TRP/Occupiers Rates)*
- *Governance*

- *Replacement CEO/Supplementary Commercial Manager*
- *Taxation Law*
- *Company Law*
- *Partnership Law*
- *Same Sex Marriage*

*You will note that I have listed fourteen foci – fourteen foci, and we have a complement of just five senior officers in our civil service. I haven't touched on all the work of the General Services Committee. And I haven't touched on the work that Mr Snowdon is doing with tourism – and a growing realisation that we need to engage more with the School and Guernsey's Department of Education. And I haven't touched on the work that Mr Birmingham is doing in regard to the Land Use Plan and our Planning laws and regulations.*

*Let me now very briefly summarise where we are on each of the initiatives I have just listed.*

***Air transport:***

- *We now have the Aurigny Review and are debating and liaising with Guernsey for action in line with the main recommendation – which is that Aurigny should from now on operate as economic enabler rather than as a commercial enterprise – indeed this has been accepted as the only justification for allowing it to continue on its current loss making trajectory*
- *We are simultaneously lobbying for the transformation of the current MoU into a competitively let Public Service Agreement, with specified levels of service, penalties for non-performance, incentives for growing the market and a competition amongst providers based on the amount of subsidy required to operate the service – the details of the PSA have yet to be set out either by Guernsey or ourselves, though it is my view that the Scottish model whereby operators are invited to operate a Government fleet for a fixed period of time has a number of merits – this view has been shared with P&F.*
- *We are working with Air Alderney and Air Taxi operators in order that Alderney has access to a wider range of aviation services*
- *We have been seeking to solve the problems of supply of Aviation Fuel – balancing the needs of our economy with the financial constraints*
- *We have been fighting to resolve the problems around Medevac and the issues that Aurigny and HSS seem to have, one with the other – with us in the middle*

***Sea transport (separate initiatives)***

- *We have been looking for solutions that do not pose open-ended financial risks that could be disastrous for our finances, and looking for solutions that maximise private-sector involvement – to this end we are now asking for expressions of interests for services based on a fixed amount of financial support*
- *We have been following Guernsey and Jersey's initiative to set up an inter-island services with a view to seeing if there were synergies between their and our own needs and consequently ways to minimise cost to ourselves*
- *For this year we have agreed financial support for the Bumblebee and at a lower cost than was agreed last year*

***FAB:***

- *At the last States I presented a report on the actions we have been taking with ARE, ACRE, and FAB - I do not intend to repeat this*
- *Since then work has continued – and further reports will be given as and when it is appropriate*

***Health:***

- *The Wilson Report has brought to our attention the need for closer liaison with HSS in Guernsey – largely to progress initiatives in secondary health care*
- *Professor Wilson also reported on a number of options for our primary health care services that required further deliberation and we have been seeking to progress these*

- *We have been working with HSS on both fronts and in particular seeking to have Alderney's position understood and incorporated into a new sector-wide initiative by Guernsey's HSS into the direction and sustainability of health care services throughout the Bailiwick*
- *We have been working with HSS on Bailiwick initiatives to develop an Equality and Rights Programme and Disability Discrimination Legislation – though it should be noted that Alderney will face particular challenges in this regard*

**Digital Connectivity:**

- *Faster and higher capacity links are seen as essential if we want to expand facilities such as the PWC Know-Your-Client facility*

**Brexit:**

- *We have defined a new approach more compatible with our resources and have set up a framework for liaison with others*
- *We need to maintain a watching brief in order to protect ourselves and in order to seek out and secure niches*
- *Brexit and our own relationship with the EU and wider financial world is leading to our having to scrutinise a raft of new Bailiwick-wide Financial legislation*
- *A number of items have been brought before this Chamber already this year and a number of others are in the pipeline – our resources for undertaking examinations of this type are particularly weak and there is much danger in the haste that is frequently being demanded of us by the UK and Guernsey. I will, here give one example: there is now a call for new wire transfer legislation and there have been requests for the use of emergency procedures to have it enacted. Those making this call, tell us the island's ability to continue BACS payments may be in jeopardy by the end of June if we don't enact the legislation. Clearly we don't want this to happen, but we are nervous about what we are being asked to do – and in order to assuage our nervousness we and our civil servants are putting much time into scrutiny*

**Immigration/Investment Visas:**

- *We have been re-opening an initiative that would allow persons making substantial investments in the Alderney economy to obtain immigration rights – this is a new scheme that builds on the work started by the previous States*

**Implications of new financial relationship (TRP/Occupiers Rates):**

- *We are working on the procedures for combining TRP and Occupiers Rates into a single levy that can be adjusted to Alderney's own perceived needs and which doesn't follow Guernsey*
- *And we are working on the implications of a wide range of other options that could make us fiscally different to Guernsey*

**Governance:**

- *Under the guidance of our President, we have a working group putting together a White Paper for further discussion – we all know that there is a need for reform*

**Replacement CEO/Supplementary Commercial Manager:**

- *We have been working with Guernsey to establish a framework for the top roles in our civil service – balancing the need for expertise in civil service procedures with a need for expertise in commercial economic development*

**Taxation Law:**

- *We have been lobbying to allow those paying UK tax to visit Alderney for up to 180 days per year without paying Bailiwick taxes and seeking to find ways this privilege might be extended to other Europeans*

**Company Law:**

- *We have reviewed the work undertaken by the last states into how change might sit with some of the other on-going initiatives*
- *We have put further work on hold until the outcome of other initiatives are more clear – in particular we are concerned that: the Beneficial Ownership disclosure*

- rules should be suited to our Gambling industry needs; that Multi-Distribution Ledger/Blockchain Technology; that electronic contracts and that General Data Protection Regulation are all catered for and properly incorporated*
- *We are also aware that we have overloaded the Law Officers and that there is only so much they can do simultaneously for us,*

*but at the same time*

- *We have requested that the law officers draft enabling legislation such that detailed revisions of Alderney Company Law can be made at a later date, subject to the will of the States*

**Partnership Law:**

- *We have not progressed this – largely for the same reason that we have put on hold the company law review – Alderney does not however have any partnership law and it could be useful if we did – we understand that there are potential new residents who would need it*

**Same Sex Marriage:**

- *We are seeking to bring legislation on this subject as soon as possible*

*There has however been one other large matter - the frustrating reviews of the activities and spending of the States last year. As I have noted on other occasions, while I see the value of these reviews, we do need to learn from the past, it is more important that we secure our future.*

*Before I finish, I have been asked to inform you that driving these initiatives forward is putting great pressure on our small civil service. Some matters may, consequently, progress more slowly than we would desire.*

*However, many of you, my colleagues, have been assisting with these initiatives – often going beyond the normal roles for politicians in other jurisdictions. For this, I need to thank you.*

*Finally, as permitted by Clause 19 (f) of the Rules of Procedure, I request that this report is published in the Deliberations for today.”*

**Meeting Closed: 1918hrs**

**Issued: 16<sup>th</sup> June 2017**