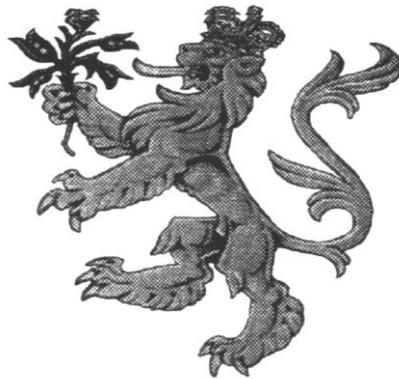


**STATES OF ALDERNEY**



**BILLET D'ETAT**

WEDNESDAY 6<sup>TH</sup> DECEMBER 2017

Price: £2.20

## **STATES OF ALDERNEY**

### **BILLET D'ETAT**

### **FOR WEDNESDAY 6<sup>TH</sup> DECEMBER 2017**

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 5:30 pm on Wednesday 6<sup>th</sup> December 2017. This will be preceded by the People's Meeting, which will be held on Wednesday 29<sup>th</sup> November 2017 at 7:00 pm in the Island Hall.

W Stuart Trought  
President

#### **Item I**      **Voluntary Assisted Dying**

**The following letter was received from Mr Dent, Chairman of the Policy and Finance Committee for debate without resolution:-**

*"The Policy and Finance Committee considered a paper at its meeting on 14<sup>th</sup> November 2017 which set out a framework for debate in respect of voluntary assisted dying.*

*The Committee acknowledges that this is a complex and highly sensitive subject with strong opinions on both sides of the debate. There are significant legal and professional challenges to be considered and it is also an issue that would warrant extensive public consultation.*

*Within this context, the Committee agreed to propose to initiate a debate on the question of whether Alderney as a community is minded to explore further the possibility of legalising voluntary assisted dying. The framework for debate provided to the Committee is attached. The Committee noted that this is also a subject which is likely to be debated by the States of Guernsey at some point in the future and considered that there may be merit in a common approach to any deliberations.*

*I would be grateful if you would put this paper before the States for debate without resolution.*

*James Dent, Chairman"*

**The States of Alderney is asked to debate the subject of voluntary assisted dying using the attached framework; including consideration of:**

- a) a potential common approach to take with the States of Guernsey; and**
- b) potential steps to be taken to initiate a public debate on the matter.**

**Item II**      **Review of Governance – Consultation Feedback**

**The following letter was received from Mr Dent, Chairman of the Policy and Finance Committee for debate without resolution:-**

*“The Policy and Finance Committee considered a report from the Governance Committee at its meeting on 14 November 2017. The report summarised the feedback from the recent public consultation exercise on potential changes to the way the States is governed and managed.*

*Governance arrangements in Alderney have been reviewed by third parties in recent years and a series of recommendations for change and improvement have been proposed. Whilst many of these recommendations have been accepted by States Members and other stakeholders at the time, little has changed. Barriers to change include capacity of States Members and civil servants, affordability, political continuity and complexity but consensus remains that change is required.*

*The consultation paper to all households reflected on these earlier reviews and invited responses to a series of 18 questions in seven sections related to:*

- *Improving scrutiny of States decision making processes;*
- *Vision and strategy;*
- *Remuneration of States Members;*
- *Providing more political stability;*
- *Representation in Guernsey;*
- *Openness and transparency in decision making; and*
- *Ethics and conduct.*

*A total of 170 responses were received which represents a small sample from the total distribution. The majority response for every question was in favour of the changes proposed but the Policy and Finance Committee acknowledges that the low return rate means that this may not be representative of the wider community view.*

*Residents were also invited to submit comments on each question as well as general comments and these comments represent useful feedback for the States to reflect on. A number of respondents commented positively on the consultation process and the document provided, and these outweighed those who were negative about the process.*

*The feedback in respect of each question is provided in the attached detailed report which is structured to consider each area of consultation in turn. This also includes a sample of the comments provided by respondents.*

*I would be grateful if you would put this report before the States for debate without resolution on each of the seven areas subject to consultation.*

*James Dent, Chairman*

**The States of Alderney is asked to discuss the feedback from the Review of Governance consultation, following the structure set out in the attached report, in order that the Policy and Finance Committee can subsequently reflect on the States debate in agreeing next steps.**

**Item III**      **Mali Sanctions**

**The following letter was received from Mr Dent, Chairman of the Policy and Finance Committee:-**

*“As part of the international response to recent developments in Mali, and to target those who may be undermining the peace process, the EU has published Council Regulation (EU) 2017/1770 which sets out restrictive measures applicable to individuals or entities engaged in actions or policies that threaten Mali’s peace, security or stability.*

*The measures implement corresponding measures taken by the UN and comprise a travel ban and financial sanctions, including an asset freeze, targeted at listed persons. These are the first measures taken by the UN and EU against Mali. To date nobody has been listed/designated.*

*Alderney does not have legislation in place to implement the EU measures, but could do so by enacting an Ordinance under the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994. The absence of any implementing legislation will not present a problem for as long as there are no designations in place under the EU Regulation. However, this position may change at any time as the sanctions frameworks in the UN and the EU will have been put in place in anticipation of designations being made.*

*I would be grateful if you would put the ‘Mali (Restrictive Measures) (Alderney) Ordinance, 2017’ before the States for approval with an appropriate proposition.*

*J. Dent, Chairman”*

**The States of Alderney is asked to approve the ‘Mali (Restrictive Measures) (Alderney) Ordinance, 2017’.**

**Item IV**      **The Data Protection (Bailiwick of Guernsey) Law, 2017**

**The following letter was received from Mr Dent, Chairman of the Policy and Finance Committee:-**

*“The Data Protection (Bailiwick of Guernsey) Law, 2017 replaces the current Data Protection (Bailiwick of Guernsey) Law, 2001 with provisions to implement the General Data Protection Regulation (Regulation (EU) 2016/679) and the Law Enforcement Directive (Directive (EU) 2016/680) of the European Parliament.*

*This Law brings data protection legislation up to date and strengthens the rights for individuals. It includes tougher rules on consent, rights to access, rights to data portability and rights to amend incorrect personal data. In addition, it provides for increased transparency around how personal data is used.*

*The Law also provides the assurance that data is safeguarded as we progress within an ever-evolving digital world, based on a system with more accountability. Enforcement is enhanced, with the Data Protection Commissioner given the powers to ensure residents of the Islands are provided with appropriate levels of protection.*

*For ease of reference there is attached an explanatory memorandum which provides a more in-depth explanation of each section of the Law.*

I would be grateful if you would place this matter before the States of Alderney with an appropriate proposition.

James Dent, Chairman”

**The States of Alderney is asked to approve the Project de Loi entitled “The Data Protection (Bailiwick of Guernsey) Law, 2017”, and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.**

***Note: A copy of the Projet de Loi entitled “The Data Protection (Bailiwick of Guernsey) (Amendment) Law, 2017” may be seen at the President’s Office, Island Hall, and in the Alderney Library.***

**Item V      Beneficial Ownership Legislation**

**The following letter was received from Mr Dent, Chairman of the Policy and Finance Committee:-**

***“Beneficial Ownership Legislation***

*The Beneficial Ownership of Legal Persons (Alderney) Law, 2017 (the Beneficial Ownership Law), which was approved by the States of Alderney on 19 April 2017, is now in force. The Beneficial Ownership (Alderney) (Definition) Regulations, 2017, which define beneficial owner for the purposes of the Beneficial Ownership Law, are also in force. As part of the phased process for enhancing transparency of beneficial ownership standards further subordinate legislation is necessary for the effective implementation of various matters under the Beneficial Ownership Law, as well as to give effect to another aspect of the Financial Action Task Force (FATF) standards relevant to the ownership of legal persons.*

***Ordinances to be made by the States of Alderney***

*Under the Beneficial Ownership Law, the States of Alderney may by Ordinance make provision about information on nominee relationships in relation to a company that must be obtained by resident agents and provided to the Registrar of Beneficial Ownership. Provision of this kind is necessary to meet a requirement under the FATF standards for specific mechanisms to ensure that nominee relationships in respect of legal persons are not misused.*

*In addition, some amendments to the Beneficial Ownership Law are necessary to give effect to discussions that have taken place in respect of two matters in relation to the obtaining and disclosing of information by the Registrar. At the same time, the opportunity may be taken to amend the Beneficial Ownership Law to address a small typographical error. These amendments may be made by Ordinance.*

*The proposed additions are aligned with those being made or to be made in the Guernsey framework.*

*Two draft Ordinances to deal with these issues have therefore been prepared by Law Officers Chambers for the States of Alderney for approval.*

***Beneficial Ownership of Legal Persons (Alderney) (Amendment) Ordinance, 2017***

*This Ordinance covers the following matters:*

- 1. It introduces into the Beneficial Ownership Law a provision to make it clear that, when deciding whether or not to disclose information to a third party, the Registrar may take into account any relevant procedure or agreement. This might for example be a Memorandum of Understanding between the Registrar and other*

authorities in the Bailiwick about how to deal with requests for information from foreign counterparts;

2. It gives the Policy and Finance Committee the power to make transitional provisions by regulation in respect of companies that were already incorporated when the Beneficial Ownership Law came into force; and
3. It amends an inaccurate reference in section 16 of the Beneficial Ownership Law.

**Beneficial Ownership of Legal Persons (Alderney) (Nominee Relationships) Ordinance, 2017**

1. Every company must have a resident agent. The Ordinance imposes obligations on resident agents to take reasonable steps to obtain, verify and provide to the Registrar of Beneficial Ownership information about any nominee relationships that there may be in the ownership structure of a company. A nominee is defined for these purposes as a legal or natural person who is registered as the legal owner of a share or right in a company which is held on behalf of a beneficial owner of the company. The information that must be provided includes information about the relationship itself and about the parties to it, i.e. the nominee and the nominator. These obligations broadly mirror those in relation to beneficial owners under the Beneficial Ownership Law, and in order to avoid duplication there is no obligation to provide information about the nominator if that is the beneficial owner or about the nominee if that is the resident agent;
2. In addition, where the nominee or nominator holds a fiduciary licence from the Guernsey Financial Services Commission, essentially all that will need to be recorded at the registry about that nominee relationship is the fact that it exists and the name of the relevant licensee (unless the licensee is also the resident agent, in which case its name does not need to be given again). This is on the basis that licensees are subject to an explicit requirement under the Ordinance to maintain documents evidencing all the necessary details about the nominee relationship. Although the maintaining of information of this kind is largely covered already through practice and/or the AML/CFT framework, making it a specific obligation in this context will make it easier to demonstrate to external evaluators that the FATF standards on this point are met; and
3. It is intended that the Registrar will issue guidance on the effect of the Ordinance in order to assist resident agents in discharging their obligations.

**Regulations by the Policy and Finance Committee  
Beneficial Ownership of Legal Persons (Provision of Information) (Transitional Provisions) (Alderney) Regulations, 2017**

These regulations are made under the power to be introduced in the 'Beneficial Ownership of Legal Persons (Alderney) (Nominee Relationships) Ordinance, 2017'. They specify that companies that were already incorporated when the Beneficial Ownership Law came into force must provide beneficial ownership information to the Registrar by the date on which the next annual return is due (31 January 2018). These regulations will come into force on the 7<sup>th</sup> December 2017.

I would be grateful if you would place the 'Beneficial Ownership of Legal Persons (Alderney) (Amendment) Ordinance, 2017'; the 'Beneficial Ownership of Legal Persons (Alderney) (Nominee Relationships) Ordinance, 2017' and the 'Beneficial Ownership of Legal Persons (Provision of Information) (Transitional Provisions) (Alderney) Regulations, 2017' before the States for approval with an appropriate proposition.

James Dent"

**The States of Alderney is asked to approve:**

1. **Beneficial Ownership of Legal Persons (Alderney) (Amendment) Ordinance, 2017**

2. **Beneficial Ownership of Legal Persons (Alderney) (Nominee Relationships) Ordinance, 2017; and**
3. **Beneficial Ownership of Legal Persons (Provision of Information) (Transitional Provisions) (Alderney) Regulations, 2017.**

**Item VI**      **The European Communities (Food and Feed Controls) (Alderney) Ordinance, 2017**

**The following letter was received from Mr Dent, Chairman of the Policy and Finance Committee:-**

*“The European Communities (Food and Feed Controls) (Alderney) Ordinance. 2017 implements several EU Regulations and Directives which concern food safety and food hygiene. It repeals, revokes or consolidates numerous pieces of legislation relating to food and feedstuffs in force in Alderney (primarily milk related).*

*There are currently multiple pieces of food safety legislation which apply to Alderney and most of these link back to the 1947 Guernsey Food Law.*

*Due to the age of the legislation and changes in food safety and public expectations in the intervening years, it is no longer fit for purpose and it does not align with UK or EU legislation which, as will be explained, is particularly important in the context of Alderney grown meat and other animal products.*

*What is proposed will consolidate existing, out-dated food legislation and update terminology in line with modern business practices. A key focus of the legislation is to introduce specific controls for high risk foods i.e. foods of animal origin. This provides greater levels of protection to customers and consumers and it also provides a robust legislative system to provide EU ‘health marks’ which allow the export of products of animal origin.*

*Without the proposed changes it has been assessed that there could be significant complications for any Alderney farmer wishing to export animal products as the EU ‘health marks’ requirement is likely to prevent them from exporting animal products to the UK or EU. Within Guernsey’s legislation, it would be possible to define that Guernsey could accept such products subject to any necessary conditions. It clearly would be cleaner for any Alderney based farmer if there was parity between Guernsey and Alderney (within the Bailiwick) and beyond as this is a positive aspect of being seen to facilitate trade.*

*This is not however solely about farm produce but also deals with food outlets. At present it can be challenging for these establishments which range from shops to restaurants to know they are complying with all the food safety legislation because there is so much of it spread over so many years, and what is proposed is set to simplify matters into a consolidated law.*

*The implementation of this legislation is not expected to introduce any additional regulatory pressure and Environmental Health Officers have been working for many years with businesses across Alderney and Guernsey to ensure they are already working to compliance levels which are in line with the proposed legislation.*

*The introduction of this legislation will ensure parity with UK and EU legislation which facilitates the ongoing free trade of food (notably products of animal origin) under current Protocol 3 arrangements and moving towards the post-Brexit position, where such standards will still be required.*

*A detailed summary of the content of the proposed Ordinance is attached.*

*This Ordinance will be brought into force in due course by regulations made by the Committee for Health and Social Care, it should be noted that it is the intention of the Committee for Health and Social Care to bring all the related legislation on this issue into force at the same time in both islands.*

*I would be grateful if you would place this matter before the next meeting of the States of Alderney with an appropriate proposition.*

*James Dent*

**The States of Alderney is asked to approve “The European Communities (Food and Feed Controls) (Alderney) Ordinance, 2017”**

**Note: A copy of the draft ordinance entitled “The European Communities (Food and Feed Controls) (Alderney) Ordinance, 2017” may be seen at the President’s Office, Island Hall, and in the Alderney Library.**

**Item VII Annual Reports of States Committees for 2017**

**On 4 May 1977, the States resolved to instruct all committees to prepare an annual report, and for that report to be debated at the December States Meeting.**

**(i) Annual Report of the Policy and Finance Committee**

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

**“Report: Policy and Finance Committee Initiatives this Year**

*Mr President, colleagues, in June I presented a report outlining the important work that the Policy and Finance Committee had been progressing. It is now the end of the year and the traditional time for reflection. The list of initiatives has grown not shrunk.*

*Two main issues, transport and the FABlink have dominated our agendas, but we have tried not to neglect other important matters that will impact our futures – usefully, we have progressed a number of social issues and also a number of opportunities that we believe may provide future niche markets for our island.*

*In this report I very briefly to summarise our activity this year on:*

- *FAB (ARE, ACRE and FAB)*
- *Air transport*
- *Sea transport*
- *Health*
- *Digital Connectivity*
- *Brexit*
- *Immigration/Investment Visas*
- *Governance*
- *Partnership Law*
- *Big Data Opportunities (KYC Regulation and Ethical Handling of Data)*
- *Taxation Law*
- *Company Law*
- *Numismatics and Philately*

- *Implication of new financial relationship (TRP/Occupiers Rates)*
- *Same Sex Marriage*
- *Assisted Dying*
- *Code of Practice for Archaeological Activity*
- *Relationships with our French Neighbours*
- *Environmental Law*
- *Replacement CEO/Supplementary Commercial Manager*

*You will note that I now have 20 foci my list – in June we only had fourteen. In October we held a workshop to prioritise this work and while everyone agreed we had to give priority to the two main 'issues-of-the-day' transport and FAB we couldn't ignore the other matters. We had a duty to progress all those things that would stand us in good stead for our futures.*

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

### **FAB**

- *At the beginning of the year we resolved to seek a better commercial deal from the promoters of the FABlink – and we have been working through consultants PWC to obtain a deal that we might be able to put to the people via a plebiscite – while some substantial progress has been made, progress has been much slower than we initially anticipated or hoped*
- *The commercial and seabed licences held by ARE were terminated and ACRE is now seeking to recover the outstanding moneys owed by ARE*
- *As soon as current legal proceedings are resolved we hope to revisit the market and negotiate new deals for our renewable energy resources*

### **Air transport:**

- *the major points of the Aurigny Review were accepted by Guernsey's Policy & Resources Committee and by the States Trading Supervisory Board and was passed to Guernsey's Committee for Economic Development (CfED). At the end of October we however learned that CfED were rewriting Guernsey's transport policy and proposing that the previously accepted Public Service Obligation (PSO) approach would be applied only to Guernsey-Alderney and that Alderney-Southampton would no longer receive any commercial support. This was devastating news and we have since been responding appropriately with reasoned argument and evidence. These are however matters that I reported to the States in November and, so, I do not intend to repeat in this report.*
- *we continue to work with Air Alderney and Air Taxi operators in order that Alderney has access to the widest possible range of aviation services*
- *we have competitively tendered the supply of Aviation Fuel – and soon hope to have in place a continuous supply provided by a commercial third party and at no, or minimal, cost to the States of Alderney*
- *we continue negotiating strongly to resolve the problems around Medevac and the issues that the States of Guernsey face to ensure emergency medical transfers between the Mignot Memorial Hospital and the hospitals in Southampton or Guernsey*

### **Sea transport**

- *Throughout the year we have looked at a number of solutions for obtaining a regular ferry service – most were considered high risk and/or likely to be financial unsustainable*
- *More recently 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 with a bolt-on extension to Alderney and consequently a way for minimising overheads and administrations costs*
- *For this year's Summer season we agreed continued financial support for the Bumblebee - though at a lower cost than was agreed last year*

### **Health**

- *the Wilson Report has brought to our attention the need for closer liaison with the Committee for Health & Social Care (HSC) 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 - though largely through a new initiative of the States of Guernsey HSC that has involved consultants KPMG and is titled the “Target Operating Model for Health and Social Care in the Bailiwick of Guernsey*
- *we have liaised with HSC on the KPMG initiative so that Alderney obtains a bespoke solution suited to its smaller population and more isolated position – we now wait to see the outcome of this work*
- *we have liaised with the Committee for Employment and Social Services (ESS) on Bailiwick initiatives to develop an Equality and Rights Programme and Disability Discrimination Legislation – and again noted our need for bespoke Alderney solution – one size will not fit all.*

### **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*
- *we have been working with Sure and JT to progress these*
- *we have also liaised with the promoters of FABlink to try and understand what they too might be offering*

### **Brexit**

- *we have defined a new approach more compatible with our resources, using Guernsey resources wherever we can and have set up a framework for liaison with others*
- *the main areas where we are adopting a slightly different line to Guernsey are centred on fisheries and territorial waters, and this includes access to French ports;*
- *we need to maintain a watching brief in order to safeguard Alderney’s interests 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*

### **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*

### **Governance**

- *Under the guidance of our President, a working group has put together a Green Paper for further discussion – the recommendations have proven controversial and indeed one of the items in the December Billet concerns an open debate of these matters*
- *We have concluded that it might be difficult to implement all the recommendations of the Governance Committee, we hope that these recommendations can be taken item-by-item and some initial reforms will be achieved*

### **Partnership Law**

- *Alderney does not currently have any partnership law and it might be useful if we did – we have been approached by a group who would come to live in Alderney were we to introduce it – though there are conditions on the type of legislation they are seeking – we have passed their concept to the Law*

*Officers. Early indications are that this could be an important niche market for Alderney*

- *We are however working closely with the Law Officers and other key bodies to ensure that there would be no significant reputational risks associated with this new initiative.*

#### **Big Data Opportunities (KYC Regulation and Ethical Handling of Data)**

- *We already have a small Know-Your-Client (KYC) operation and there are opportunities to build on it, particularly in regard to offering a world-recognised regulatory regime – presently KYC operations are unregulated – a small jurisdiction operating outside the main world financial markets and with an already highly regarded role as the regulator of other services might be an ideal location*
- *Big data is now handled without reference to the wishes of those who have supplied that data – we believe there is a niche opportunity here for regulating the handling of this data in an ethical manner – using what some have described as a ‘data hypocratic oath’*

#### **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 – we understand that (at least the first part of this initiative) is progressing – though we will probably have to wait another year before anything concrete is achieved*

#### **Company Law**

- *As reported in June, 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*

#### **Numismatics and Philately**

- *Early indications are that the new numismatic contract with the Commonwealth Mint is likely to generate substantially increased revenues.*
- *Discussions also continue with Guernsey Post on a new policy for Alderney stamp revenues*
- *It is accepted that there are those who decry the more commercial approach of the Commonwealth mint – these others would have a greater concentration on aesthetics and traditional values in regard to both numismatics and philately – the approach adopted by the States is nonetheless centred on attempts to maximise revenue while, at the same time, ensuring that Alderney themes are wherever possible given prominence in the designs.*

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

- *We continue to 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 necessarily follow Guernsey*

- *And we continue to work on the implications of a wide range of other options that could make us fiscally different to Guernsey – progress has however not been as rapid as initially expected – there have been a number of matters that require resolution before the TRP/Occupiers Rates issue can be finalised and a number of other matters have been put on hold – often because of human resource problems but also because of a need to ensure a full appreciation of the implications of such changes and the current economic climate, which suggest that the need for haste is no longer imperative.*

#### **Same Sex Marriage**

- *I am pleased to report that this matter has now been legislated and we now await Privy Council approval for the new legislation*

#### **Assisted Dying**

- *We propose working with Guernsey on a joint initiative and are currently sounding opinions*

#### **Code of practice for Archaeological Activities**

- *The Committee will be working in concert with the General Services Committee to develop and is in the early stages of putting in place a proper code of practice. Currently this does not exist.*

#### **Relationships with our French Neighbours**

- *We need to build good relations with our nearest neighbours – and I refer here not to the good people in Guernsey but those to the East in France. France presents many opportunities: for exploiting our tidal energy; for almost everything post-brexite and as a simple source of visitors.*
- *We need to build on the already-started efforts of those involved in the twinning and bring in the important decision makers of the region.*

#### **Environmental Law**

- *In September Chief Pleas heard from Mr Michael Maunder on the potential problems associated with our lack of attention to environmental issues. We need to protect ourselves and to debate whether or not we need the legislative tools that others have. P&F is seeking to initiate this debate.*

#### **Replacement CEO**

- *We have completed the process for appointing a new CEO and hope to have him on board by early February 2018.*

*Before I finish, I need to reiterate my June message - driving these initiatives forward is putting great pressure on our small civil service. Some matters may, consequently, progress more slowly than we would desire.*

*As I did in June I need again to thank you, my colleagues, who have been assisting with these initiatives –often going beyond the normal roles for politicians in other jurisdictions.”*

## **(ii) Annual Report of the General Services Committee Committee**

**The following report was received from Mrs Paris, Chairman of the General Services Committee:-**

### **“General Services Committee Report 2017**

*The General Services Committee has had a busy year.*

*The major capital project work on the exterior of St Anne's Church has been finished and the Church looks magnificent.*

*The Water Board has made further improvements to the water distribution network. This has been achieved by trench sharing with AEL's work to update the electricity grid. It has given the work greater impetus, been more economic and caused less disruption. Phase 8 of the Water Board's work (Braye Road) came in under budget and within time, Phase 10 is nearing completion and work has begun on Phase 11, which continues directly on from Phase 10 around the Arsenal, Coastguards and Essex area.*

*The trench-work has resulted in the discovery of some important Roman remains near the Nunnery and we are working closely with Guernsey to conserve the finds with a view to their return to Alderney for permanent display. We anticipate bringing an Artefacts Policy to the States in the near future.*

*Understandably all this trench-work has hindered the implementation of the road resurfacing programme, but much has been done behind the scenes so that work can commence in 2018.*

*After a few delays, the renovation work on the Nunnery is underway and we anticipate that the Alderney Bird Observatory will be up and running there early in 2018. The programme of work on the second site at the Cambridge Battery has now been completed. With the Asset Management Register now in place it will help us to better manage and use some of the other heritage buildings we have in our care.*

*Under the new operating arrangement work continues on improvements and maintenance at the Connaught and Jubilee Homes. A working party has been set up to consider expansion plans for the Connaught and the provision of new sheltered housing.*

*We have started to get to grip with medium term strategies for both waste management and traffic management. There has been some helpful guidance to be obtained from the Land Use Plan.*

*As part of the ongoing draft Traffic Strategy the GSC sent out a questionnaire with regard to various issues that the public were raising about traffic in the town centre. Nearly 500 responses were received. We are in dialogue with the police to ascertain how best education and enforcement of our current legislation can help us to address some of the issues. Our thanks go to the members of the public who took the time to complete the questionnaire.*

*Shipping waste off island for disposal grows ever more expensive and easy wins can be achieved by helping everyone to reuse and recycle more. Public information and cooperation are essential and recently a guide has been published illustrating what can and cannot be recycled. Further press releases will follow.*

*Green waste continues to be a problem and we hope to encourage more home composting. However, 2017 has seen the purchase of a shredder which should help to bring the green waste at Mannez Quarry under better control.*

*Having the right tools for the job is obviously important. In line with a policy of buying new and then replacing equipment whilst it still has some residual value other equipment has also been purchased in the course of the year. This has included a new curtain burner at the Impot, a baler for the recycling department and a boat hoist for the harbour. Under the same criteria we are considering the replacement of the harbour crane in 2018, as the downtime required by unexpected repairs to equipment such as the crane can severely impact island life.*

*We have been working closely with the Department for Environment and Infrastructure in Guernsey over how best to help them oversee their work on the maintenance of the Breakwater. They have given us their reassurances that they are well aware of the importance of the Breakwater to the ongoing existence of our harbour facilities.*

*We are also discussing the possibilities of taking back some parts of Fort Grosnez with a view to having shelter from the weather for some of our large machinery and enabling some of the buildings to be used as work-shops.*

*Coastal defence work continues at Longis Bay, Braye Bay, Clonque, Bibette Head and Crabby.*

*The inter-island freight contract comes up for renewal at the end of 2017. Tender documents were issued and two responses were received. Negotiations have been completed and arrangements are in place for a new five year contract starting 1st January 2018.*

*The States Works Department, amongst their many diverse roles, has been called upon to destroy four Asian Hornets nests on Island in the past few months and we remain vigilant to this threat to our bee population.*

*I would like to thank the committee for their dedication and enthusiasm over the past year. I am sure they will join me in thanking the Technical Services Officer, the Water Board, the States Works Department and the Wildlife Trust for all the hours and hard work that goes into implementing policy to maintain and improve our island infrastructure and environment. A special mention must go to the Fire Brigade and especially to Paul Moore who retired as Chief Fire Officer earlier this year after 37 years of service.*

*Given the small size of our pool of human resources, 2017 has been a very constructive year. There has been some capital slippage on the budget but not as much as in previous years and we are already well ahead with some of the preliminary work required for projects earmarked for 2018."*

**(iii) Annual Report of the Building and Development Control Committee**

**The following report was received from Mr Birmingham, Chairman of the Building and Development Control Committee:-**

**"BDCC Annual Report.**

*2017 has been a busy year for the BDCC. The start of the year saw the formation of a new committee and one of its first decisions was to trial open planning meetings. This was a first for Alderney and whilst a sharp learning curve for the public, the planning department and politicians alike, I believe it has been well received and has proved to be a success.*

*The committee subsequently adopted the open planning meeting procedure, which should help remove any previous concerns expressed about the transparency of the decision making process. Additionally, the publishing of the officer reports on the States website and the ability for both applicants and objectors to make representations directly to the committee will, I hope, enable the public to follow the reasons why certain planning decisions are made and that the principles of a decision will be easier to understand, based on matters of policy, not personality, as has often been the accusation.*

*The 1<sup>st</sup> of January saw the implementation date for the removal of Part V of the BDC law relating to what had come to known as the "C" permit and a new fees structure to accompany it.*

*As had been expected this saw a rise in the number of applications for new dwellings in the year as pent up demand was released. This has led to a boost in the island economy as the effects of cheap money and the looser planning regime have led to developers bringing forward plans for new dwellings. Whilst not a fix for the long term economic ills of the island, such a boost at this current time should be welcomed. However it is important that the effects of the change are carefully monitored and that more consideration is given to future social housing policy for the island as the market changes.*

*As of the 8<sup>th</sup> November, the BDCC has dealt with 106 planning applications of which 99 have been processed. Of those 86 were approved, only 6 were refused, 2 are currently deferred and are ongoing and 5 were withdrawn by the applicant. In total 37 of those approved applications were dealt with by the planning office as part of the fast track process for minor and uncontroversial works.*

*There have also been 43 Building Control applications, 36 have had permits issued and 7 are still under process.*

*Of the 106 applications 61 were minor applications, 25 were for more extensive works and 14 were for new dwellings. The other 6 were re-advertisements of existing applications.*

*However, the BDCC year has been dominated by the development of the second phase of the Land Use Plan, started in August 2016.*

*The start of the year saw the publication of 3 strategic documents for consultation to help inform the formation of the full plan. Those were an Economic Development Strategy, a Natural Environment Strategy and a Built Environment and Heritage Strategy. These documents have helped form the evidence base for the formation of the full plan. I would like to express my gratitude to the all those that assisted in the formation of these strategies, particularly the assistance of both the Alderney Society and The Alderney Wildlife Trust.*

*While these documents were somewhat intimidating on first glance, they have helped put in place the foundations of proper evidence based policy for the plan itself.*

*Some may ask the question why that is necessary?*

*One of the biggest criticisms of the planning process in Alderney has been that it has lacked transparency and consistency, that decisions were variable and ad hoc and that it was about whom you were, not the merits of the application. Whilst I have never found that to be the case, the lack of clear policy on which to judge an application did leave the BDCC open to such criticism. The new plan, once adopted, will banish that accusation for good. It will contain clear, well balanced policy that the BDCC can use to assess an application, it will help guide an applicant in the formation of their planning proposal so that they will have a better understanding of what the committee will be considering in their adjudication. It will also help guide the planning officer in the preparation of the officer reports and will also help those with concerns about an application.*

*The draft plan was published for public consultation and was presented to the 10 day public enquiry, chaired by an independent inspector, Mr Michael Hurley, in September.*

*The BDCC also put out a call for sites where members of the public could make representations to the public enquiry for inclusion into the land use plan. In total 82 submissions were made. To put this into context this is roughly a 200%*

*increase in the number of submissions from previous LUP enquiries and showed the level of public engagement in the process. However, it put a considerable strain on the resources available to the committee in preparation of the plan.*

*Mr Hurley has subsequently reported his findings to the BDCC, which have been published, and the committee has noted his recommendations and will take them into consideration in the formation of the final plan. On the whole his comments were positive, particularly in relation to the Major Projects Policy which had attracted concern. Unfortunately they were less so in relation to the Committee proposals for unregistered heritage assets.*

*At the time of writing this report the final consolidated Land Use Plan is being brought together and will shortly be due for release. It will then be brought to the full states for debate in the first quarter of 2018.*

*In parallel to the LUP process the BDCC has had to progress legal reform in order to modernise planning office process and allow for the creation of new powers. In June the States passed an amending ordinance that allowed for the creation of statutory and supplementary planning guidance. Importantly this enabled the committee to deal properly with the issues of environmental impact assessment with the issuing of statutory guidance on that subject. The committee hope to be able to help applicants further in future by issuing supplementary planning guidance that deals with some of the more practical issues that an applicant may need to consider in forming their application. All of which will be based on the sound policy structure that underpins the LUP.*

*The committee is continuing with the parallel legal reform necessary for the implementation of the Land Use Plan, and will be bringing forward further amending ordinances which will include amendments to the exceptions allowable under section 12 of the 2002 BDCC law,( currently out for consultation) and the reworking of the exemptions allowable under the 2007 Exempt Development Ordinance.*

*To be clear many of these changes, but not all, are legal necessities required to address conflicts that currently exist within the law.*

*Furthermore, the committee will be seeking the removal of the states blanket exemption from making planning applications under section 67 of the 2002 law. This has been a long term aim of the states since the GSC resolved to make planning applications for development work in 2008. However, it had not been properly tackled or the consequences of how the law should operate dealt with until now. These changes will be brought forward in parallel to the adoption of the full LUP and I look forward to debating them in the first quarter of 2018. This change will see a significant strengthening of the additional controls of the designated area, not as many would claim, a weakening of them.*

*Also the committee has commenced the process for registering Lager Sylt as a Conservation Area as laid out in the 2002 law. The committee has waited until the LUP process had concluded before starting this process in order to assess the most appropriate method for protecting this historic and internationally important site.*

*Finally, I would like to express my thanks to the Arup team in their expert assistance over the year, to Sam Osborne for her hard work especially in the introduction of the open planning meetings and the able assistance of the other members of the committee.*

*I would also like to put on record my thanks to John Young who has acted as the States senior planner over the last 2 years. Without his expertise and enthusiasm I doubt that the BDCC would have been able to progress the modernisation of the Alderney Planning regime anywhere near as effectively as*

*we have and I wish him well in his endeavours in seeking election to the States of Jersey.”*

**(iv) Annual Report of the Finance Committee**

**The following report was received from Mr Barnes, Chairman of the Finance Committee:-**

**“States of Alderney Finance Committee Chairman's Report 2017**

The committee has met 6 times and initiated some positive thoughts and discussions.

The committee is currently responsible for Approval of Grants to various charities and new business start-ups and has been a success.

The budget meeting was very comprehensive and produced a very thoughtful budget initially which was mainly approved by Policy & Finance and finally by the States.

The one area I personally am disappointed about was the issue of controlling our own T R P along with Occupier's Rate as one tax in future. This still leaves us with no ability for adjustment within our own community and at the vagaries of States of Guernsey who cannot distinguish the operational differences of the two Islands. It is noted that TRP for 2018 is an increase of 7.5% above RPI.

The Philately discussion with Guernsey Post Ltd is nearing conclusion with we anticipate a good improvement on the current situation. On the coinage side we are very pleased with the new supplier Commonwealth Mint approved by the previous States and we anticipate a good return both now and in the future. The presentation of the £5 coin relating to The Queen and Duke of Edinburgh's Platinum Wedding Anniversary to all the children on the island was especially well received.

Our main objective in future will be to have a better closer relationship with our friends over the water so we can understand each other's difficulties better and reduce unnecessary problems between ourselves.

Finally I should personally like to thank Kerry and all the Treasury team along with our Strategic Adviser Stephan Taylor for their help throughout the year.”

**Item VIII Questions and Reports**

**Issued: 24<sup>th</sup> November 2017**