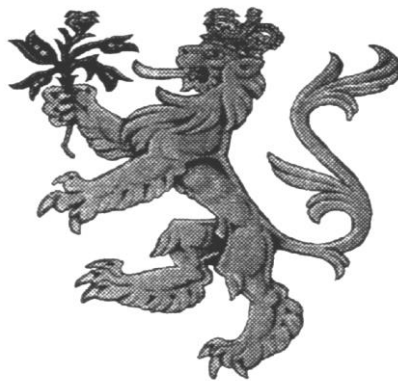


# STATES OF ALDERNEY



# BILLET D'ETAT

WEDNESDAY 11<sup>TH</sup> DECEMBER 2019

## **STATES OF ALDERNEY**

### **BILLET D'ETAT**

#### **FOR WEDNESDAY 11<sup>TH</sup> DECEMBER 2019**

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 11<sup>th</sup> December 2019. This will be preceded by the People's Meeting, which will be held on Wednesday 4<sup>th</sup> December 2019 at 7:00 pm in the Island Hall.

William Tate  
President

#### **Item I**      **Annual Reports of States Committees for 2019**

**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:-**

“The year has been dominated by efforts to protect our connectivity. At the beginning of the year we won a hard battle to ensure that the rehabilitation of our runway went ahead as planned. The months following have been dominated by the Public Service Obligation contracts for our air links and efforts to ensure that our island was properly protected. These efforts continued throughout the year. We have also had preliminary talks about a review of the 1948 Agreement. As of today we have, however still to agree a scope for this work.

On the wider front, we have been dealing with the outwash from Brexit and all the uncertainties that this has created. This has taken up much time. It has also taken up much of our civil servants time, including the law officers who might otherwise have been progressing a number of pressing legislative concerns - and here I will mention just one, our nascent, Partnership Law.

One useful spin-off has, however, been the increase in the limits to our territorial waters from 3 to 12 miles and the clear understanding that Alderney and Guernsey, and indeed Sark, all have the right to manage their marine resources in a manner that best benefits each jurisdiction.

There have been a number of good news stories, and I will highlight just a few:

- Improvements in our economy as measured by population, numbers of people in work and numbers of businesses established

- On the financial side, through good housekeeping, we have balanced our books and even produced a small surplus
- The construction and housing sectors are doing well
- We have established a nascent cannabis/cannabis oil industry
- We are moving forward with plans for the extension of our Connaught Care Home
- We have agreed to implement a minimum wage and legislation to mitigate discrimination against those with disabilities
- Alderney Electricity Ltd (AEL) has agreed Heads of Terms with SIMEC Atlantis Energy for a Power Purchase Agreement (PPA) that would see Alderney connected to France by an electric power cable
- We have reviewed our Governance and agreed to move towards a system that better separates our legislative and executive functions and we have a new Code of Conduct for our members that reflects Commonwealth Parliamentary Standards
- We have hosted a number of very successful international festivals – these have included the Wilder Island and Blue Islands Summit that resulted in the signing of the Blue Islands Charter – but there have also been our annual Literary, Performing Arts and Chamber Music Festivals, the Henry Euler Memorial Trust Symposium, the Annual Fly-In and Air Races, the Hill Climb, Golf Tournaments and of course the perennial Alderney Week – a growing number of visitors are arriving to observe our bird and wildlife and the built heritage and a new boutique hotel, the Blonde Hedgehog, has opened
- The dig on Longis Common near to the Nunnery revealed extraordinary finds about our Roman and pre-Roman past and there is clearly much scope for on-going work that can add to attractiveness of our island as a visitor destination – we are working on plans to exploit this
- We continue to monitor developments in the Tidal Energy market and are watching particularly closely developments in the Raz Blanchard on the French side of the Alderney Race.
- We have continued on the work necessary to repatriate all property taxes and look forward to a time when we will be able to set them in a manner that most suits our economy; and

Finally:

- The Little Ferry has had another successful year – this service is, as you know, subsidised by the States of Alderney.
- We continue to work with those who redevelop Fort Tourgis – Dutch Government guarantees remain on the table.

### **Finance Sub-Committee Annual Report 2019**

The Finance Committee's work is dominated each year by monitoring current budget performance, reviewing the Annual accounts and setting the Budget for the forthcoming year. Revenue support from Guernsey this year was maintained at the same level as in 2018 and we are budgeting an under-spend of £72k compared to the original budget forecast of £19k on our revenue accounts. The final accounts for 2018 also reported an under-spend when finalised during the year.

This is due to a number of variations from expenditure and income forecasts but also reflects the measures undertaken to improve financial stewardship and budget management which have contributed to better prioritisation and some efficiency savings.

Other matters of note in this year's budget were:

- some minor adjustments to occupiers' rate to take account of inflation and also to reflect Alderney's economic and other priorities. This should be the last year that Occupier's Rates will be set before the Single Property Tax is introduced from 2021.
- a small, above-inflation, increase in water rates was again agreed. Unlike most other States of Alderney businesses or enterprises supported, albeit only partially, by States of Alderney grants, the Water Board has little capital reserves therefore it was deemed appropriate to increase the charges by a rate just a little over inflation so that the capital reserve could, over time, develop.

As reported in previous years, we hold adequate capital reserves assisted by receipts from the Alderney Gambling Control Commission. Additional staff resources have been allocated to the capital programme in 2019 in order to improve programme and project management. As a result, much of the 2018 backlog has been addressed, some projects have been moved into subsequent years or removed altogether resulting in a more realistic and deliverable programme.

The Committee considered and recommended changes to the Financial Rules of capital projects this year which provide for approval of capital projects under £150,000 to be delegated to the Policy and Finance Committee.

Discussions between the States of Alderney and the States of Guernsey reached agreement this year that the new single Property Tax will be introduced in Alderney from 1st January 2021, which will replace the current Occupier's Rate. The States of Guernsey further agreed that following implementation of the new tax, it will not charge Tax on Real Property (TRP) in Alderney. Work is also underway to enable the States of Alderney to set its own rates for fuel duty and document duty from 2021. These measures will significantly reduce the financial dependency on the States of Guernsey and provide opportunities for greater freedom and flexibility in expenditure on delivering Alderney services.

The Committee has again been mindful of its role in the allocation of grants. After a review of current procedures and policies, it was agreed to introduce a new policy with standard criteria to provide greater clarity to grant recipients as well as improving accountability. The States of Alderney will continue to support the local voluntary and community sector by the award of grants to organisations or through a contribution to charitable events.

Swimming Pool – the Committee remains supportive of the project and continues to work with the Trustees on a solution that will be agreeable to all stakeholders. The Committee recognises the public desire to complete the pool and the unsatisfactory nature of the present position which has sadly not improved since last year.

Coins and Stamps – while these are a Committee responsibility, the Committee works within the framework of a contract and agreement with the Commonwealth Mint and Guernsey Post. It should be noted that the contract with the Commonwealth Mint is producing substantially more revenue than that of the previous contract with the Royal Mint.

Finally, changes to the States Treasury structure at the start of the year have been managed effectively. Improvements have been implemented and the transition has been seamless. We continue to liaise with the States of Guernsey Treasury to discuss what changes could be introduced to improve the function further.”

**Proposed: James Dent**  
**Seconded: David Earl**

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

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

“For 2019 the committee has dealt with 117 planning applications this total includes the open planning meeting held on the 28<sup>th</sup> November 2019 (2018 139 applications)

All of the applications were dealt with at the 6 weekly open planning meetings that continue to well-attended by applicants and members of our community. The open meetings continue to demonstrate the effectiveness of the meetings being open to all, and the openness and transparency of the planning decision process.

With the retirement from office of Mr Birmingham and Mr Roberts finally getting to escape from the committee, the new committee was formed with Mr Earl and Mr Gentle alongside Mr Snowden and myself. Both the new members have adapted well into their respective roles on the committee and have an excellent grasp of the planning process and getting to know and understand the current Land Use Plan and dealing with the applications. I am sure they will agree that in January they were on a considerably steep learning curve.

The Land Use Plan is a document that gets us away from the mentality that has been the weakness of the States for too many years. Short term solutions over long term goals. In this case we have a Land Use Plan of such quality that Arup themselves requested that the States of Alderney allow them to put it forward to the prestigious UK RTPI planning awards.

Whilst we didn't win an award, just being nominated and shortlisted to attend the RTPI awards was a huge honour for a small population such as ours and the LUP is something that we can all be proud of as it was shaped by the engagement of the whole community.

A housing needs assessment survey has been carried out and a report on that will be available in due course.

The Committee look forward to Economic Development bringing proposals in conjunction with BDCC assisting and achieving the criteria set out in the LUP for achieving much needed economic growth. Our policies allow those achievements to be met.

Dealing with planning applications did not come without some contentious issues and extensive time was consumed on litigious issues. Our appeal process continues to be an unsatisfactory way of dealing with them through the Alderney Court. The Committee is eager to change that and looks forward to 2020 when we hope to make some inroads in changing that process, although this will be no easy task as it will involve the Building and Development Control Alderney Law to be rewritten.

The Committee has formed a good working relationship with our Planning counterparts in our sister Island and look forward to that working and that collaboration continuing.

October saw the departure of Miss Osborne who left our planning department and Ms Roberts has stepped in to ensure the continuation within the planning department and assisting the Committee, a role that is much appreciated by the members.

I would like to thank all the members of the 2019 committee, Ms Roberts and Committee secretary Mrs Baines for all of their hard work throughout 2019.

Finally it leaves me to wish everybody a Merry Christmas.”

**Proposed: Mike Dean**  
**Seconded: Kevin Gentle**

**(iii) Annual Report of the General Services Committee**

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

“First of all I will cover Major Projects.

Phase One of work on the Connaught Care Home, the loft conversion, has begun with a planned completion date of February 2020. The total cost is £190,000 pounds covering the contractors, fees, project management, and for solar panels. A further sum has been set aside for a structural engineering survey for Phase Two.

A number of additional improvements made to the Connaught Care Home during the past year include the provision of a back-up generator, safety improvements to pathways and railings, and the installation of stair lifts.

The States agreed the replacement of the harbour crane at the October meeting. The crane, which is due to arrive in last quarter of 2020, was considered to be the best option - and is certainly the cheapest at £850,000. I am sure that you are all aware that the cost should be covered by an annual income from Harbour Fees of around £150,000 each year over the next six years.

Also in the harbour work continues with the RNLI and others towards a new pontoon for 2020, which is expected to be a shared venture between the States and the RNLI. The Harbour Office has been running the water taxi since August, and will continue to do so in 2020. A new Harbour Master, Mr John Taylor, has been appointed and started work on 21<sup>st</sup> November.

With regard to the Fort Doyle sewage system, the States has agreed to the purchase and installation of a screening unit. The unit will remove all solids larger than six millimeters square from the sewage outfall. The positive effects will be cleaner seas, but it will also help Alderney meet plastic free environmental targets.

You will all be aware of the occasional rock fall at the York Hill / Cuttings opposite the Le Coqs store. The committee has agreed to £20,000 preliminary cost to assess the options for preventing the possible impact of a serious rock fall. The options include possible alterations to traffic flow and / or the installation of a heavy duty blanket type metal net which could cover the entire rock face.

Coastal Erosion continues to be a problem in several areas around our island. £20,000 has been approved for preliminary work on coastal defences at Corblets Bay, where survey work is about to commence. There are also continuing concerns about Fort Clonque and the road from the fort to Platte Saline, which is privately owned in places. The walls of the Arsenal and the adjoining coast line are also in need of urgent repair, but are privately owned. The continuing possibility of a marina in that area may help to protect the coastline.

The Water Board is planning to install a Standby Filtration Plant. They have also installed a new water main at the foot of Water Lane and repaired the road surface. We are now awaiting quotations for work on the water supply system for La Marette to Little Street and for a replacement Water Board vehicle.

With regard to other vehicle and plant replacements, a new sewer tanker has been ordered and a business case is being compiled for replacement of a refuse collection vehicle.

The installation of a milk vending machine at Farm Shop, which had States support, has led to 10,000 fewer plastic milk bottles being used this year. Jeans Stores will also be installing a similar machine, so hopefully that figure will double next year. Another positive for our move towards a plastic free environment.

Work on the Old Connaught is progressing well and within the approved £95,000 cost. Mr Dean, who heads a subcommittee responsible for overseeing the project, will also be interacting with the public to consider further uses for the building, which he will bring back to the full committee and Policy and Finance.

Work to make the Old Fire Station safe has finished, and we shall also be discussing its further use at a future meeting.

With regard to the Nunnery, the States will continue to maintain the site as planned. The States has made progress this year in ensuring the site is open to the public and has installed some new interpretation boards. New entry gates have been fitted and work has been completed to ensure the ramparts can be safely accessed. There is more to do next year – particularly around the courtyard / entrance but these improvements are dependent on further work with the archaeologists about the potential for exposing and displaying some of the original Roman foundations. The ABO and a private tenant occupy buildings within the site which means that the buildings are well-utilised.

My Committee continues to be concerned about rumours circulating on the island about the Nunnery and the actions of some people to undermine the approach being taken. The site has gone from being closed to being open and accessible to the public. It houses the Alderney Bird Observatory which is an asset to the Island and its visitor economy. This is a success story for Alderney.

At Longis there have been improvements to the sewage plant, with work on the filtration units and the erection of a fence. This has improved the appearance of the site.

Telegraph Tower is back in the possession of the States and a recent condition report highlights a number of features which make the building unsafe and unsuitable for residential occupancy. They include unsafe water supply, damaged staircases and unsatisfactory electrical installation. The survey estimates a cost of about £109,000 to make the building safe and watertight, but that does not include a mains water supply. We shall be exploring the option of providing a mains water supply as a consequence of the runway extension. Possible options for further use include working with a partner such as Landmark Trust. Further research on future uses will continue with a report to the committee in due course.

Moving to Fort Grosnez, the States of Guernsey are funding the clean-up. A number of abandoned cars have been removed, as well as many unwanted items of scrap. The large yellow crane has been shipped off island, as have the CTU cranes. Once the fort has been cleared out, at the expense of the States of Guernsey, we shall make an assessment of its future use. But there is no water supply, and the electricity supply is intermittent. We shall report back to the Policy and Finance Committee in due course.

At Fort Albert the entry bridge was in need of replacement and, with the help of the Royal Engineers, a new bridge has been designed and is being installed.

In the town, a survey for town area pavement refurbishment is planned for 2020, and access for wheelchairs and push chairs / prams has been improved in many areas.

Delays over parking and traffic reports and mixed messages from the Building Development & Control Committee and the General Services Committee, has led to Mr Noel Hayes pulling out of the proposal to use the former Belle Vue Hotel site as a grocery store, bakery, bar and off-licence, and six apartments. I have written to Mr

Hayes to apologise for the unacceptable delays with the administration of his project in the hope that he may reconsider his decision to put the property back on the market.

May I conclude by saying a genuine thank you to my fellow committee members for their very useful contributions and hard work during the past year. I also say thank you to the civil servants who attend and contribute very positively before, during and after the meetings. My final thanks go to Mr Aaron Bray who has worked tirelessly during his four years in Alderney as Head of Estates, Environment and Infrastructure, not just for my Committee, but for the entire States and the people of Alderney. We are sorry to see you leaving, and Good Luck for the future."

**Proposed: Graham McKinley**  
**Seconded: Annie Burgess**

**Item II**      **The Matrimonial Causes (Guernsey) (Amendment) Law, 2019**

**The following letter was received from Mr William Tate, President of the States of Alderney:-**

*"Please find enclosed a letter from the Bailiff, dated 10<sup>th</sup> October 2019, seeking approval of the above law.*

*I would therefore be obliged if you would debate this matter at your meeting on 11<sup>th</sup> December 2019 and give your approval as set out in the letter.*

*William Tate, President"*

**The states is asked to approve "The Matrimonial Causes (Guernsey) (Amendment) Law, 2019" and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.**

Note; A copy of the Projet de Loi entitled "The Matrimonial Causes (Guernsey) (Amendment) Law, 2019" may be seen online, at the President's Office, Island Hall, and in the Library.

**Proposed: James Dent**  
**Seconded: Graham McKinley**

**Item III**      **Occupiers Rates 2020**

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

"By the end of each year, the States must, by way of Ordinance, set the level at which the Occupiers Rates will be charged for the forthcoming year.

At the October States Meeting, when the Budget for 2020 was debated, a 5% increase to all categories of Occupiers Rates was recommended and agreed by the States. This will provide an estimated £27k additional income to contribute to cost pressures from services funded from the revenue budget.

As previously reported, from 2021, a single Alderney Property Tax will replace Occupiers Rates and owners will no longer be invoiced separately for Tax on Real Property. To provide stability in the property tax system in advance of this no significant changes to



category rates are being recommended at this time with the 5% increase being proposed across all categories.

I would also highlight that as the Occupier's Rates categories are directly linked to those contained within the Taxation of Real Property legislation, the supplementary bandings for domestic properties agreed at the recent Guernsey States meeting have also been noted on the attached Schedule. Whilst these categories provide the means to achieve differential rates according to property sizes, this again is not being suggested for the final year of Occupiers Rates in 2020.

Recommending any increase to the financial burden on households and businesses is a decision that is not undertaken lightly. However, core services must be maintained and I can offer reassurance that my Committee remains committed to safeguarding efficient and cost effective services in order to reduce any increases to this burden as much as practicable.

I therefore enclose a draft Ordinance entitled "The Occupier's Rate (Level for 2020) Ordinance, 2019" and should be grateful if you would place this before the States with appropriate propositions.

James Dent, Chairman"

**Proposed: James Dent**

**Seconded: David Earl**

**Committee Members Present:-**

Mr J Dent, Chairman

Mr D Earl, Deputy Chair

Mr M Dean

Mr K Gentle

Mr L Jean

Mr G McKinley OBE

Mr S Roberts

Mr A Snowdon

**The States of Alderney is asked to approve "The Occupier's Rate (Level for 2020) Ordinance, 2019".**

**Item IV      Proposed Increase in Water Rates**

**The following letter was received from Mr McKinley, Chairman of the General Services Committee:-**

"As part of the budget process, the Water Rates charges are reviewed annually.

At the October States Meeting, when the Budget for 2020 was debated, a 5% increase to the Water Rates was recommended and agreed by the States. It was recognised that this increase would be necessary in order for the Board to continue to meet its operating expenses whilst also maintaining reserves equivalent to at least one year's operating costs. Whilst my Committee is mindful of the financial pressures on Island households and businesses, it is essential that our reliable and safe water supply be sustained and it is considered that the benefits of this relatively low percentage increase will far outweigh the small financial impact. By way of example, for the majority of households, the real effect of this proposed increase will be less than £5 per quarter.

Meanwhile, as mentioned in the October Budget report, the Water Board continues with its infrastructure programme, with an amount in the region of £2.8M already being invested to date, funded through capital grants from the States of Alderney. A further £880k of capital expenditure is planned in 2020, which includes an amount of £580k for the

proposed standby filtration plant and £275k towards further distribution works. An additional £25k has been allocated in 2020 for minor capital items which will be funded by Water Board reserves.

Whilst these developments have greatly improved water collection, filtration, treatment and distribution, we cannot be complacent. Works are ongoing and there remains much to be done to further improve our infrastructure. We should also recognise that although we currently have adequate water supplies to service the Island, it is essential that we do not waste this valuable resource. The cost of collecting and treating our supply remains high, with the consequential effect that these costs need to be met by the income from Water Rates.

Finally, I would also like to take the opportunity to publically thank the Water Board Manager and his staff for their dedicated service which they provide 7 days a week and 365 days of the year. It is much appreciated by us all.

A draft Ordinance entitled "The States Water Supply (Rates of Charge) (Alderney) Ordinance, 2019" is attached which, if approved, will bring the revised rates and charges into effect from the quarter commencing 26<sup>th</sup> December, 2019, and will be reflected in the March 2020 Water Rate accounts.

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

Graham McKinley OBE, Chairman"

**Proposed: Graham McKinley**  
**Seconded: Mike Dean**

**Committee Members present:-**

Mr G McKinley OBE, Chairman  
Ms A Burgess  
Mr M Dean  
Mr K Gentle  
Mr S Roberts

**The States of Alderney is asked to approve "The States Water Supply (Rates of Charge) (Alderney) Ordinance, 2019"**

**Item V      The Hired Motor Vehicles (Alderney) Law, 1989 (Commencement) Ordinance, 2019**

**The following letter was received from Mr McKinley, Chairman of the General Services Committee:-**

"The Hired Motor Vehicle (Alderney) Law, 1989 (the Law) was approved by resolutions of the States of the 10<sup>th</sup> February 1988 and 6<sup>th</sup> September 1989 and made provision for matters such as the licensing of hired vehicles; the regulation of Vehicle Hire business; and General & Supplementary provisions (such as offences and penalties and the ability to make ordinances under the Law).

It has recently come to the notice of the General Services Committee that the ordinance required under section 20 of the Law (to commence the Law) was not enacted. The General Services Committee at its meeting of 15<sup>th</sup> October resolved to rectify this matter and approved for a commencement ordinance to be drafted by Law Officers Chambers for submission to the full States for approval. The Hired Motor Vehicle (Alderney) Law, 1989 (Commencement) Ordinance, 2019 has been drafted and is attached for consideration.

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

Graham McKinley OBE, Chairman”

**Proposed: Graham McKinley**  
**Seconded: Kevin Gentle**

**Committee Members Present:-**

Ms A Burgess

Mr M Dean

Mr K Gentle

Mr C Harris

Mr S Roberts

**The States of Alderney is asked to approve “The Hired Motor Vehicles (Alderney) Law, 1989 (Commencement) Ordinance, 2019.**

**Item VI      Questions and Reports**

No Questions or Reports at time of publication.

**Issued:** 29<sup>th</sup> November 2019