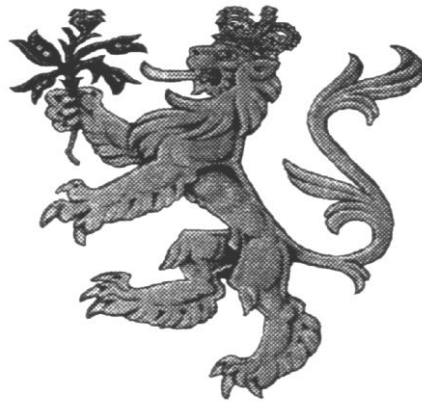


States of Alderney



DELIBERATIONS

WEDNESDAY 20TH JULY 2016

STATES OF ALDERNEY
DELIBERATIONS FOR THE MEETING
ON WEDNESDAY 20TH JULY 2016 AT 17:30

Present: Mr Stuart Trought, President
Mr Ian Tugby
Mr Matt Birmingham
Mr Louis Jean
Mr Francis Simonet
Mr Robert McDowall
Mr Chris Rowley
Mr Steve Roberts
Mrs Norma Paris
Mr Graham McKinley

Lieutenant G T Workman RN (Rtd) represented His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey.

The following Statement was placed on the Billet by the President:-

Statement from the President re Brexit:-

The decision for the UK to leave the European Union, which has yet to be made by Parliament but is heralded by the result of the referendum on 23 June, has ramifications for the Channel Islands and the Isle of Man. The most obvious issue which will need addressing is deciding what will replace 'Protocol 3' - the existing mechanism by which those living in the Channel Islands and the Isle of Man avail of free movement within the EU together with access to markets.

The reality for us is that the pace and overall agenda will be set primarily by the UK, together with the European Commission. Certainly it is highly unlikely that the UK Government will enter into detailed negotiations prior to the election of a new Prime Minister, currently scheduled for September.

Both the States of Guernsey and Jersey have made initial statements, largely designed to register the interests of the Channel Islands with the UK. Some preliminary discussions have taken place between representatives of the Policy and Finance Committee of the States of Alderney and representatives of the Guernsey Policy and Resources Committee. Assurances were given by the latter that there would be detailed consultations across the 3 governments within the Bailiwick of Guernsey.

As negotiations progress regular updates will be provided through the Policy and Finance Committee and debates will be held in the full States as and when required.

It is sensible for the Channel Islands to work collectively, where common cause can be made. It is also appropriate for the individual governments to seek to protect and advance the interests of their citizens. I would therefore expect that the States of Alderney will co-operate with colleagues within the Bailiwick of Guernsey and with our fellow Channel Islanders in Jersey. However, I expect also that our States will remember that its first duty is to the people of our island and will act always in their interest.

Item I **Amendment to Section 59 of The Government of Alderney Law, 2004**

The States of Alderney resolved to approve the “Government of Alderney Law, 2004, (Amendment) Ordinance 2016”, substituting the date of 7th May with 30th June.

*Proposed by Mr McDowall, seconded by Mr Roberts
Approved unanimously*

Item II **Land Use Plan Review 2016 Phase 1**

The States of Alderney resolved:-

1. In pursuance of Section 30 (1) of the Building and Development Control (Alderney) Law 2002, as amended, to approve the undermentioned documents (i-iii), as the Land Use Plan prepared under Part IV of the Building and Development Control (Alderney) Law 2002, in replacement of the Land Use Plan (as amended) approved by the States on 16th November 2011;

(i) Alderney Land Use Plan 2016 Section 1: Policies;

(ii) Alderney Land Use Plan 2016 Section 2: Sites;

(iii) Alderney Phase 1 Housing Land Use Plan 2016 (Map)

and

2. In pursuance of Section 30 (2) of the Building and Development Control (Alderney) Law 2002, as amended, to authorise the President of the States of Alderney to sign and date the approved Land Use Plan documents (i), (ii) and (iii) for the purposes of identification.

*Proposed by Mr Birmingham, seconded by Mr Simonet
Items 1 and 2 above were voted on separately.
Both were approved by a majority, all in favour except Messrs Tugby and Jean who voted against on both items.*

Item III **Building and Development Control (Alderney) (Amendment) Ordinance, 2016**

The States of Alderney resolved to approve the Building and Development Control (Alderney) (Amendment) Ordinance, 2016.

*Proposed by Mr Birmingham, seconded by Mr Simonet
Approved by a majority, all in favour except Messrs Tugby and Jean who voted against*

Item IV **Elections 2016**

The States of Alderney resolved to approve that:

- (i) **The date for the Presidential Ordinary Election be Saturday, 12th November 2016;**
- (ii) **The date of the Ordinary Election be Saturday, 26th November 2016; and**
- (iii) **That the Plebiscite be held on Saturday, 10th December 2016.**

*Proposed by Mr McDowall, seconded by Mr Rowley
Approved unanimously*

Item V **Independent Health Review**

The States of Alderney resolved to approve the report attached to the Billet containing the Terms of Reference for the Independent Review of Health and Social Care need, provision and governance in Alderney.

*Proposed by Mr McDowall, seconded by Mr McKinley
Approved unanimously*

Item VI **The Speed Trials (Alderney) Ordinance, 2016**

The States of Alderney resolved to approve “The Speed Trials (Alderney) Ordinance, 2016”.

*Proposed by Mr Tugby, seconded by Mrs Paris
Approved unanimously*

Item VII **Air Transport Licensing (Alderney) Law, 1996 - Policy Statement**

The States of Alderney resolved to approve the modified policy in relation to the licensing of Alderney’s air transport services as approved by the States of Deliberation, and for this policy statement to replace the previous policy. The approved policy is attached.

*Proposed by Mr McDowall, seconded by Mr Roberts
Approved unanimously*

Item VIII **Questions and Reports**

No Questions or Reports were received

Meeting Closed: 1845hrs

Issued: 22nd July 2016

AIR TRANSPORT LICENSING (ALDERNEY) LAW, 1996

POLICY STATEMENT

This policy statement is the States of Alderney's published policy in relation to the licensing of Alderney's air transport services as approved by the States of Deliberation and as amended by Resolution of the States Alderney. This policy statement replaces the previous policy.

1. Services between Alderney and another point in the British Isles, where the aircraft is carrying passengers or cargo for hire or reward, will be subject to a Alderney air transport licence being granted – in addition to the appropriate licence(s) or permission(s) required from the State of the Operator. However, some aircraft or classes of aircraft may be exempt from the need to obtain such a licence (e.g. emergency flights, technical stops, and air taxis). For absolute clarity, the British Isles (in this context) comprises the United Kingdom, the Isle of Man, and the Channel Islands.
2. Under these arrangements, the State of the Operator's licensing procedures will be accepted for determining the financial fitness and technical capabilities of individual airlines, and for determining when an airline is engaged in anti-competitive behaviour. Applicants will be required to provide evidence of meeting the minimum insurance cover requirements, as stipulated from time to time by the State of the Operator. Holders of air transport licences are required to provide such evidence annually to the Alderney Airport Director.
3. When applications for a licence are considered, in accordance with the requirements of Insular legislation, a view will be taken as to the extent to which what is proposed will, or will not, be in the best interests of the users of the Island's air transport services and thereby also the best interests of the Island.
4. Every air transport licence application is considered on its own merits.
5. Certain benefits, particularly with regard to cost and consumer choice, can result from appropriate competition between different destinations and/or carriers. Competition could, therefore, be inter-route or intra-route.
6. Competition, however, is not the sole determining factor and the potential benefits of lower costs and more consumer choice will need to be balanced against the requirement for regulation to safeguard the interests of the users of the air transport services and, where appropriate, Island residents.
7. Consideration will be given to the likely short-term and long-term advantages and disadvantages that would result from the provision of the proposed services.
8. The interests of the users of passenger air transport services may be summarised as follows:-
 - (i) for locally-based leisure and business travellers, the requirement is for sufficient capacity on a daily year-round basis to provide for on-demand travel at reasonable cost on services linking the Island with a centre of population in the British Isles, and in particular with an airport able to provide interlining links with European, Intercontinental and United Kingdom domestic air services. ;

- (ii) for tourists to Alderney, the need is for sufficient capacity at the lowest possible fare on direct services from multiple points of origin within the British Isles. The available air transport services should, wherever possible, allow tourists to make the choice between their own independent travel arrangements or packages offered by tour operators or agents.
9. The interests of the users of cargo air transport services may be summarised as follows:- the requirement is for sufficient capacity on a daily year-round basis to provide for on-demand transport of cargo at reasonable cost on services linking the Island with a number of points in the British Isles, and in particular with airports able to provide interlining links with European, Intercontinental and United Kingdom domestic air services.
10. The best interests of users, particularly in regard to cost and consumer choice, are generally enabled by active competition between air transport operators. Where such competition is intra-route, it should be able to stimulate the route in question. However, it should not discourage active, long-term development of that route. Where such competition is inter-route, it should be able to generate lower fares on those routes and would offer consumers a choice of route. Each route should be provided with a suitable standard of service, by the airline(s) operating on it, to satisfy all main categories of user throughout the year. The services provided should also have continuity over a period of time.
11. There is particular concern to ensure that scheduled air services are maintained at a sufficient level, throughout the year, to ensure the economic and social sustainability of the Island. Air transport links with the United Kingdom are particularly important in this regard. Additionally, scheduled services are important for health/medical, educational and business requirements. Charter air services, or other short-term operations, could be detrimental to the provision of scheduled air services on any particular route and that year-round scheduled services are generally of paramount importance.

Scheduled Air Services

12. The main aims, in respect of scheduled air services, are to:-
- (i) maintain year-round scheduled services of sufficient capacity to cater for all user categories;
 - (ii) secure the provision of sufficient capacity throughout the year to cater for the needs of the tourism industry;
 - (iii) secure the lowest fare structure consistent with viable operations;
 - (iv) obtain continuity of service from year to year, with the airline or airlines operating on a route being in a position to develop the service for the benefit of all categories of user;
 - (v) facilitate point-to-point travel and interlining opportunities;
 - (vi) secure the highest possible standard of service.
13. Certain applications could have a potential impact on the incumbent operator. There may be occasions when more than one airline applies to operate the same route. In considering such applications, particular reference will be made to :-

- (i) the number and nature of aircraft in an airline's fleet, with particular concern for the back up arrangements that could apply to the route;
- (ii) the ability of an airline to replace the capacity provided by an incumbent operator, should the introduction of further competition lead to the withdrawal of the latter from the route, in part or in whole;
- (iii) an airline's performance on other routes (e.g. punctuality, customer service);
- (iv) evidence of an ability to maintain continuity of service from year to year (i.e. the ability to withstand difficult trading conditions that might occur);
- (v) an ability to expand operations through a successful marketing campaign and to cope with the traffic growth generated thereby; and
- (vi) the fare structure and level.

Charter Air Services

14. Charter services can be beneficial, particularly for the tourism industry. The interests of the tourism industry and tour operators can be served by continuity of those services from year to year.
15. For routes that do not have a year-round scheduled service, charter licence applications will normally be granted.
16. Year-round scheduled services are important. Summer-only, or other short-term, services on any particular route could adversely impact or totally eliminate regular year-round services on that route or nearby routes.
17. The extent to which charter flights or other short-term operations would impact on scheduled services will be considered. Charter flights can impact on scheduled services –
 - (i) by reducing the profitability of the scheduled services to such an extent that the latter becomes reduced in scope, particularly during less-profitable or off-season months;
 - (ii) by discouraging the development of air services provided by the scheduled operator(s) on the route.