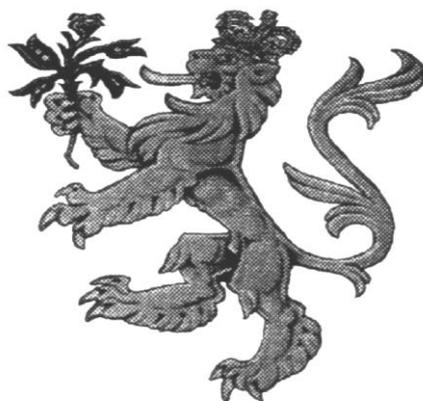


States of Alderney



DELIBERATIONS

WEDNESDAY 9TH DECEMBER 2020

STATES OF ALDERNEY
DELIBERATIONS
FOR THE STATES MEETING
ON WEDNESDAY 9TH DECEMBER 2020 AT 1730HRS

Present: Mr William Tate, President
Mr Bill Abel
Ms Annie Burgess
Mr Mike Dean
Mr James Dent
Mr Kevin Gentle
Mr Christian Harris
Mr Louis Jean
Mr Graham McKinley, OBE
Mr Steve Roberts
Mr Alex Snowdon

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

Vice President Mr James Dent opened the meeting.

Billet No 2 Administering the Oath of Office for the President of the States of Alderney in accordance with s. 36 The Government of Alderney Law, 2004

Mr William Tate took his Oath of Office for a term of office of four years commencing on the 1st January 2021.

President Tate then took the Chair and the meeting continued.

Item 1 The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.8) Regulations, 2020.

The States of Alderney resolved not to annul The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.8) Regulations, 2020.

Proposed by Mr James Dent
Seconded by Mr Alex Snowdon

Approved unanimously

Item II **Code of Conduct Amendment to reflect - Absolute Privilege**

The States of Alderney resolved to approve the consequential amendments to the Code of Conduct for States Members to refer to absolute instead of qualified privilege.

Proposed by Mr James Dent
Seconded by Mr Louis Jean

Approved unanimously

Item III **Alderney Commission for Renewable Energy: Appointment of Commissioner**

The States of Alderney resolved to approve, on the recommendation of the Policy and Finance Committee and in accordance with section 6 of the Renewable Energy (Alderney) Law, 2007, the appointment of Mr Stephen Taylor as a Member of the Alderney Commission for Renewable Energy.

Proposed by Mr James Dent
Seconded by Mr Kevin Gentle

Approved unanimously

Item IV **States of Alderney Revenue Budget 2021**

The States of Alderney resolved to approve a 3% increase to the combined 2020 yield of Occupiers Rate and TRP to enable rates to be set for Alderney Property Tax rates of charge in 2021 and to accept the amended States of Alderney Revenue Budget for 2021.

Proposed by Mr James Dent
Seconded by Mr Christian Harris

Approved by a majority, all in favour apart from Mr Jean, Mr Roberts and Mr Snowdon who voted against.

Item V **Alderney Property Tax Tariffs 2021**

The States of Alderney resolved to approve “The Alderney Property Tax (Amendment) Ordinance, 2020”

Proposed by Mr James Dent
Seconded by Mr Christian Harris

Approved by a majority, all in favour apart from Mr Jean who voted against.

Item VI **Occupier's Rate Tariffs 2021**

The States of Alderney resolved to approve “The Occupier’s Rate (Level for 2021) Ordinance, 2020”.

Proposed by Mr James Dent
Seconded by Mr Christian Harris

Approved unanimously

Item VII **Annual Reports of States Committees for 2020**

(i) Annual Report of the Policy and Finance Committee

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

“Mr President, the year has been dominated by three things:

- Coronavirus;
- Brexit and the defence of our marine assets; and
- Staff issues within our Civil service.

I will deal with each in turn:

- *Coronavirus*: the fight against coronavirus has, of course, dominated the year – and has impacted the operation of the P&F committee, not least because the pan-Bailiwick Civil Contingency Authority has driven coronavirus policy. For this reason, and because health is a transferred service, Alderney has been subject to a set of regulations largely common to the three Bailiwick jurisdictions. Having said this, there have been variations to accommodate the occasional different circumstances in Alderney. And in this regard, P&F has, sought advice from our medical professionals, our Chamber of Commerce and others and advised myself as the Alderney representative on the CCA.

The travel restrictions at the Bailiwick’s borders have caused a large number of Guernsey residents to discover the attractions of Alderney. Our Staycation promotion brought in many visitors from other parts of the Bailiwick, many of whom we believe will return. The staycation initiative was, in fact, a rather unexpected but, nonetheless, positive outcome from the otherwise very damaging coronavirus crisis

On the financial side, the coronavirus business support packages that were introduced by Guernsey have, of course, applied equally in Alderney and for this we are very grateful. As a consequence, we have fared financially much better than

many other jurisdictions and, although we have been prudent, our originally intended pre-covid spending programmes, although perhaps delayed, remain largely intact.

Post Covid, we are keen to partner Guernsey in the Bailiwick “Revive and Thrive” initiative and to this end we have been working on an Integrated Transport Strategy. We believe a successful pan-Bailiwick partnership will be contingent on an agreed common position on connectivity and a clear programme for working together on economic issues.

Coronavirus has also prompted a change in the Government of Alderney Law that should allow us to cope better should we again find ourselves in a similar situation. The change in the law also allowed us to replace our “qualified privilege” with “full privilege” and to provide the Alderney States members with protection similar to that enjoyed by other legislatures.

- *Brexit:* the UK’s withdrawal from the EU has caused us to have concerns over the long-term control of what we regard as our biggest asset – our seabed and the resources in, and above, it. We have noted the wider Bailiwick push to preserve our common previous positions in regard to both goods and fish and would thank Guernsey for their efforts on our behalf. While Guernsey has recognised that Alderney’s balance of interests may be different to those in Guernsey, Guernsey have clearly not shied away from representing our interests when talking to the UK. Alderney’s interests are, of course, focused more heavily on our marine resources than on our need to trade goods (that is other than products of the sea) with the EU.

Alderney would stress that, in common with Guernsey, we did not have a say in the UK’s decision to leave the EU. And in Alderney we believe that this should be better recognised by the UK Government.

- *Staff Issues within our civil service:* our CEO left the island in June and a number of important civil servant positions have also been left vacant. These staffing issues have compounded delays to a number of projects caused by coronavirus and added to the burden of work carried by our remaining civil servants. We are, of course, grateful to those staff carrying this additional burden.

Other 2020 initiatives have included:

- *Employment law* – in January P&F resolved to introduce this to Alderney – the new law would be based on the “*Guernsey Conditions of Employment Law, 1985*”. There would, therefore, be basic legislation entitling all employees to a contract of employment. Consideration of more detailed legislation such as might replicate the more comprehensive “*Guernsey Employment Protection Law, 1998*” would wait until an assessment of the success, or otherwise, of this first piece of legislation
- *Minimum wage* – in January P&F resolved to legislate that a minimum wage be introduced and the rate in Alderney set at the same rate as Guernsey
- *Partnership law* – in January P&F resolved that two pieces of legislation, one permitting ordinary partnerships and the second permitting limited liability partnerships be progressed – the latter would introduce the concept of administrative partners to the Bailiwick and, as such, might see persons wishing to take up residence in Alderney in order to take advantage of the new legislation.

The legislative progress of these three initiatives was hindered by Covid and the consequent diversion of the Bailiwick’s legal resources to Covid and Brexit issues. The legislative impetus has, however, now recommenced and it is hoped that these initiatives can soon be brought to a conclusion.

Other 2020 initiatives have include work in regard to legislation for:

- banning single use plastics; and
- environmental protection.

The drafting of an Integrated Transport Strategy has also been progressed.

On the economic front:

- The construction and housing sectors continue to do well – indeed it would appear that there may be something of a mini-boom as Guernsey residents have discovered real value-for-money in our on-island properties;
- A proposal to construct a marina has been revived;
- Our nascent cannabis/cannabis oil industry is progressing though there remain a number of import/export licensing issues that need to be resolved;
- Our ambulance service is being brought under States control;
- Work on the extension of our Connaught Care Home has restarted;
- Alderney week was able to go ahead, albeit in a reduced format; visitors continue to come attracted to our birds and wildlife and we have a newly refurbished hotel, La Ville. Some of our traditional annual events have had to be cancelled because of coronavirus – these included our annual Literary, Performing Arts and Chamber Music Festivals, the Fly-in and Air Races, and the archaeological Dig on Longis Common. However the Hill Climb and golf tournaments continued;
- We continue to monitor developments in the Tidal Energy market and watch particularly closely the developments in the Ras Blanchard on French side of the Alderney Race;
- We have finalised the work necessary to repatriate all property taxes, document and fuel duty and should shortly be able to set rates in a manner that most suits our economy.
- The Little Ferry although suffering because of the coronavirus restrictions at the beginning of the season was able to capitalise on the staycation initiatives – this service was, as you know, subsidised by the SoA.

Finally:

- work to progress the rehabilitation of our runway continues;
- our efforts to turn Fort Tourgis into an economic asset have been halted by coronavirus and uncertainty about our air links; and
- discussions concerning the 1948 agreement are on hold.

Mr President, as has been my habit, I have been brief. Next year it will be important to build our relations with the new Government in Guernsey.

I think you will note just how much of what I have talked about, requires that we can maintain good transport links.

And on that note, as I did last year, I will conclude.”

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

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

"With the Building and Development Control Committee (BDCC) welcoming Miss Burgess at the beginning of the year to replace Mr Earl to join Mr Dean, Mr Snowdon and myself the committee has dealt with 121 applications prior to the meeting of last week. In 2019 there were 117 applications. Miss Burgess has adapted very well to her role and has an excellent grasp of the planning process, a good understanding of the Land Use Plan (LUP) and how to deal with applications. I am sure that she will agree that when she joined the committee that she embarked on a steep learning curve.

I have found myself thrust to the forefront since the suspension of Mr Dean and I couldn't have done it without the guidance and support of Mr Snowdon, Miss Burgess, the Planning Officer Miss Roberts and the minute secretary Mrs Baines. I thank them all.

The LUP helps us get away from the short term solution over the long term goal mentality. The LUP has a five year lifespan and takes us up to the end of 2022, so work

will need to start on the next version in the next year. Using it allows people to see that decisions are made rationally and fairly.

All of the applications have been dealt with at the 6 weekly open planning meetings which took on a new turn earlier in the year when we met remotely. These open meetings continue to demonstrate, hopefully, the effectiveness of the meetings being open to all.

However, despite the LUP being the bible there are issues that still need resolving. We have a flexible system that can be scaled up for major projects, a solid foundation for working from, balancing the needs of the island whilst still preserving a lot of what makes this such a special place to live. The advent of the LUP helps improve the economy which is much called for at present but also improves protection. We still need more planning reform on two fronts. More power to protect important archaeological, historical or geological sites that are not traditionally covered by a conservation plan, and simplifying the appeals process. I stood here a year ago and seconded the report given by Mr Dean when I remarked that I looked forward to seeing something happen with an appeals process overhaul.

The BDCC has powers and procedures that oblige it to objectively determine facts and draw conclusions so as to provide a basis of official action. Pre-determined sets of guidelines and criteria can be challenged in a court of law. That is wrong. The LUP was a result of much consultation and much financial investment, but it doesn't stop me thinking that there may well be measures and solutions out there that could make the process even more efficient.

We could look at removing the need for using the BDCC on a daily planning level. We could give the job to a couple of suitably qualified civil servants, and use the BDCC for major projects and the Appeals process. It wouldn't even need to be the domain of purely States Members. There are members of the public co-opted onto various working groups throughout the States so why not use one or two with planning experience or knowledge? However, that is a discussion for another time. BDCC in its current form is enshrined in law so it is here to stay for now.

All that remains for me to say once again is thank you to all, and on behalf of the committee have a Merry Christmas. Let us hope that next year is better than this one"

(iii) Annual Report of the General Services Committee

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

"Mr. President Sir. Fellow States Members

The Covid-19 pandemic continues to have a significant impact on our island. The pandemic remains the key focus and continues to absorb resources. Projects have been re-prioritised, but continue to progress where possible.

Major projects are those with an estimated cost of over 150 thousand pounds.

Phase 1 of work on the Connaught Care Home, which was work largely inside the existing building, has been completed. The second Phase, which is work on the sub structure for the new extension, is ongoing and should be complete by Easter next year. Tender documents have been submitted for Phase 3, extension of the Care Home, estimated to cost 1.29 million pounds. Hopefully work will start after Easter next year.

Major works on the Old Connaught have been completed, but there are still some internal repairs required. These works have been delayed partly due to Covid-19 and partly due to weather. Decisions have yet to be made with regard to future usage.

The Harbour Crane replacement, which cost 850 thousand pounds, is due for delivery at the end of this month. We are currently seeking confirmation of progress from the manufacturer. I think that we would all agree that, as a lesson from recent events we should consider a maintenance and emergency repair contract with a relevant company, preferably one based in Guernsey or Jersey. We should also consider how best to protect the crane from the weather and sea air when not in use. Should we construct a large shelter And, if so, where?

The RNLI has confirmed that re structure of the harbour pontoon remains a priority. They have appointed Wallace and Stone to undertake the concept design work. They are due to visit before the end of the year, but this is likely to be delayed by Covid-19 restrictions.

We shall be considering a Harbour Review Plan next year. Work may include resurfacing and fencing of the Crusher and Glacis sites and possible relocation of the States Works Department and the Recycling area. Perhaps we should also consider a roll-on / roll-off facility.

Whilst on the subject of the harbour, I am not sure whether all present will know that during the first few months of Covid-19 the harbour office was open between 6am and 10pm every day, and there was always one staff member on the alert between 10pm and 6am. Each day, on average, they were able to stop at least 2 foreign based boats from entering the harbour. We owe them sincere thanks.

We continue to work with the States of Guernsey in respect of usage of Fort Grosnez. Some repair work is still required, and there is a requirement for an improved supply of electricity and water. The States of Guernsey will continue to use the fort for the Breakwater maintenance team, but It has been suggested that the offices of the States Works Department, currently located at the Butes, might be able to re-locate to the fort. Other possible uses are being considered.

The breakwater maintenance team, employed and funded by the States of Guernsey, have worked throughout the summer season. They have found no major breaches, but have carried out minor repairs both above and below the waterline.

The damaged crane at Mannez quarry has caused some concern regarding possible injury to children climbing on it. The crane belongs to the States of Guernsey, who have said that they are unable to accept responsibility for any injuries, and wish to see the crane removed. I believe that the crane should be removed and scrapped.

With regard to Fort Doyle, work has not yet commenced. We need to re-engage with interested contractors to undertake surface and sewage water data studies and analysis. There is a possibility that we may align under a larger programme with Mouriaux and Platte Saline connectivity and treatment.

Road repairs and resurfacing are normally scheduled for alternate years at a cost of 300 thousand pounds. Repairs due for this year have been delayed to coincide with the Runway repair scheduled for next year.

We continue to have concerns about coastal erosion. The Arsenal wall is of serious concern, but the building is privately owned - more about that later!

Repair to the Corblets wall are planned for next year, and I believe that we should also look at Crabby Bay. I have mentioned the risk to the road from Fort Tourgis to Fort Clonque in previous reports, and some of you may know about the recent storm damage to the road at the Tourgis end where the States Works Department have been undertaking repairs. There are other sections of this narrow road which are at risk to damage during poor weather and high spring tides. Although there has been little or no use of Fort Clonque this year I believe that repairs on this road will soon become a high priority.

The General Service Committee has discussed possible solutions to the Whitegates housing. Should it be repaired and brought back to use by the Alderney Housing Association? Should it be offered for sale to a private developer? Should it be used for visitor accommodation? Should it be demolished? I strongly believe that we should make a decision within the next few months.

Many of you will be aware of the damaged wall at the top end of La Vallee. It is a sad sight and if it remains untreated it could result in further collapse of the slope. I understand that it is private property. If this is so the owners should be contacted and ordered to complete repairs as soon as possible.

To more positive developments -

Braye Harbour Developments 2020 have been granted an exclusivity period of 18 months to present detailed plans and costs of a marina in the waters adjacent to the Arsenal. They will almost certainly wish to use part of the Arsenal, and may be considering purchasing part of, or all, of the property. They will wish to use some States land and are presently in discussion with the Planning Department, Mr. Chris Brock and Miss Cynthia Roberts, and will have to seek agreement from the Building Development and Control Committee before they can start building work. To date they have given no indication that they will be seeking financial support from the States.

On behalf of the Committee and other States Members I congratulate Visit Alderney, the Alderney Society, the States Works Department and others for the hard work that they put into the Nunnery during the early months of the year. The building, which is a unique feature of the island's history, has been greatly improved, and has attracted numerous visitors.

There remain 2 issues which have yet to be resolved – whether or not to remove the 2 trees inside the nunnery, and what should happen to the Sun Room, a feature of great importance to the Alderney Bird Observatory.

The Committee has agreed to support proposals from the Alderney Society to make Fort Doyle into a public heritage attraction similar to the Nunnery. We are seeking details regarding costs of repairs, ongoing maintenance and caretaking, and from where the finances for the project are to be funded. The Alderney Boxing Association will be allowed to continue use of part of the building.

One other major project on which we need to see some progress is the Swimming Pool. With a new government in Guernsey, some of whom are clearly supporters of Alderney, is it not a good opportunity for us to once again seek financial support? Perhaps our Alderney Representatives could ask the Chairman and members of the Education, Sports and Culture Committee to reconsider financial assistance.

And finally – town roads, pavements, parking, yellow lines and access for heavy vehicles. Once again, these important matters were due to have been reviewed by specialists from Guernsey, and once again they have been postponed due to “Covid-19, staff shortages and other priorities”. I sincerely hope that we shall be able to make progress on these important issues during 2021.

May I conclude by saying a genuine and sincere thank-you to my fellow committee members for their very useful contributions and hard work during this unique and difficult year. I also say thank you to the civil servants who contribute very positively before, during and after our monthly meetings and to the States Works Department, without whom much of critical work would never be completed. There are others – Alderney Electricity, the Water Board, the Post Office staff, the medical centre, the hospital staff, the airport staff and many more.

Thank you all – Happy Christmas and good wishes for 2021.”

Item VIII **Questions and Reports**

There were no questions or reports.

The President introduced the new Greffier, Mr Dave Knight, who takes up the post in January and had sat in the meeting with the Deputy Greffier, Mrs Sarah Kelly. The President also then thanked Mrs Kelly for her assistance for the past three meetings since the departure of Mr Anderson.

The President thanked the departing States members Mr Jean, Mr Dean and Mr Dent for their hard work and commitment to the States of Alderney during their terms.

Meeting Closed: 1930hrs