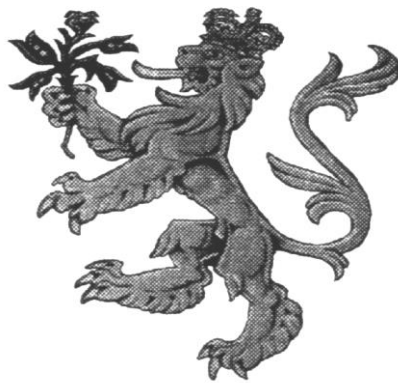


STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 17TH MARCH 2021

Price: £2.35

BILLET D'ETAT

FOR WEDNESDAY 17TH MARCH 2021

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 2.30 pm on Wednesday 17th March 2021. This will be preceded by the People's Meeting, which will be held on Wednesday 10th March 2021 at 7.00 pm in the Island Hall.

**William Tate
President**

Item I **Chief Pleas**

Persons whose names are included on the Register of Voters and who have given due notice will address the States on matters of public interest.

Item II **Appointment of Chief Executive**

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

"In accordance with Section 52 of the Government of Alderney Law, 2004, as amended, the States shall with the approval of the Lieutenant Governor, appoint a person to act generally as the Chief Executive of the States (of Alderney) to carry out under the general direction of the States the functions assigned to the Chief Executive by law and by Standing Order or resolution of the States.

The previous Chief Executive stepped down from position mid November 2020, and Mr Adrian Lewis who was appointed as Interim Chief Executive to support the States, headed the recruitment process for a successor. An advertisement was issued through the States of Guernsey recruitment portal, with a closing date for applications in early December. At the time the aim was to hold interviews a few days prior to Christmas but as a result of further discussion and consideration it was agreed that this could be problematic due to the seasonal break and the fact that a number of elected members were stepping down and new members were commencing their role with the States in January 2021. It was therefore agreed to hold the process over until the New Year.

On 19th January 2021 a meeting of Policy and Finance Committee, in its capacity as the States Employment Board (SEB), met to discuss the recruitment process. At that meeting it was agreed:-

1. to create a Chief Executive Appointment Board (CEAB) and to give it full delegated authority to make the appointment, subject to the necessary statutory approvals, and
2. to appoint Ian Carter, Bill Abel, Alex Snowdon and Annie Burgess as members of the CEAB, with Ian Carter as the chair; and
3. that the President of the States be invited to be a member of the CEAB; and
4. that the President have equal voting rights on the CEAB to the other members: and
5. that the CEAB be supported in its deliberations by Mr Lewis and the HR director from Guernsey: and
6. that the interviews be held over two days, the first being the equivalent of a meet and greet between candidates and those members of the States who were not part of the CEAB, and the second being the formal interviews with the CEAB.

The interviews were held on 8th and 9th February, 2021.

The CEAB was satisfied that all four candidates were suitably qualified for the role and noted that each had their own particular skills, strengths and talents. After extensive deliberation by the CEAB the consensus was reached to appoint Kathryn Jones as the next Chief Executive.

This decision was shared with Policy and Finance Committee in its capacity as the States Employment Board, on 10th February 2021, on the understanding that the matter be kept confidential pending the President securing the necessary approval of the appointment from H E Lieutenant Governor.

On 18th February, His Excellency formally confirmed his approval of the appointment.

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

Bill Abel, Chairman”

The States of Alderney is asked to confirm the appointment of Kathryn Jones as Chief Executive of the States of Alderney.

Proposed by Mr Bill Abel
Seconded by Mr Ian Carter.

Item III **Appointment of States Treasurer**

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

“In accordance with Section 54 of the Government of Alderney Law (2004) the States shall, with the approval of the Lieutenant Governor, appoint a person to act generally as Treasurer of the States of Alderney.

Upon the retirement of the Treasurer at the end of 2018, Mrs Elizabeth (Liz) Maurice was appointed Acting Head of Finance whilst consideration was given to as to whether further staffing restructuring should take place in the Treasury department. In conjunction with the senior officers of the States of Guernsey

Treasury it has been concluded that the position is not going to be changed and Mrs Maurice should be confirmed in post as Head of Finance/Treasurer of the States of Alderney.

Mrs Maurice will hold the title Head of Finance/Treasurer of the States of Alderney as this reflects the dual nature of the role. On the one hand it is the principal civil service representative of the States of Guernsey providing the on-Island financial face of services such as Social Security, Revenue Services, Vehicle Registration and Driver Licensing. It is also the Treasurer for the States of Alderney to manage the accounts, budgets, fees and charges and serve as trustee on various bodies including the States of Alderney Pension Scheme.

The Policy and Finance Committee, which is also the States' Employment Board, approved the appointment of Elizabeth (Liz) Maurice as Head of Finance/Treasurer of the States of Alderney at a meeting held on the 18th November 2020 subject to the approval of H.E. Lieutenant Governor. His Excellency granted his approval of the appointment on the 26th November 2020.

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

Bill Abel, Chairman"

The States of Alderney is asked to confirm the appointment of Elizabeth Maurice as Treasurer to the States of Alderney.

Proposed by Mr Bill Abel
Seconded by Mr Christian Harris

Item IV **Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.2) Regulations, 2021**

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

"These Regulations are emergency regulations made by the Civil Contingencies Authority under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 ("the Law"). They are made on the occurrence of an emergency, within the meaning of the Law, in the Bailiwick arising from the urgent need to prevent, control or mitigate the spread of the virus Severe Acute Respiratory Syndrome Coronavirus 2 and the disease caused thereby, COVID-19 (referred to together in these regulations as coronavirus). They are prefaced with a statement by the Civil Contingencies Authority, as required by section 12(2) of the Law. COVID-19 was made a notifiable disease for the purposes of the Public Health Ordinance, 1936 on 10th February 2020.

These Regulations revoke and re-enact (with minor modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations came into force on the 5th February, 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

Part I - screening, assessment and powers to detain etc.

This Part places a requirement to self-isolate on persons arriving in the Bailiwick, enables the Medical Officer of Health to place restrictions and requirements on other persons who are or who may be infected with coronavirus, and makes provision in respect of related matters, including powers for the Medical Officer of Health to impose screening requirements, to detain people and to require people to self-isolate. The provisions also create criminal offences and confer powers of enforcement on police officers, and provide for applications to vary or revoke requirements or restrictions imposed under this part to be made to the Royal Court.

This Part also prohibits non-essential travel into the Bailiwick. Further provision in respect of essential travel, and the granting of Essential Travel Permits, is set out in Schedule 1. The effect of this prohibition is that it is unlawful for a person to travel into the Bailiwick from outside unless he or she has been granted either an Essential Travel Permit or a Critical Worker Exemption. A person who has been granted an Essential Travel Permit will have to self-isolate on arrival in accordance with regulations 5 and 6, and a person who has been granted a Critical Worker Exemption will have to self-isolate in accordance with, and otherwise comply with, the provisions of Schedule 2.

Finally, this Part also provides that a person of 12 years or over who chooses not to take both a day of arrival test for COVID-19 and a test on day 13 after arrival will have to self-isolate for 21 days; otherwise, a person who does undergo those tests is required to self-isolate until receipt of a negative result for the day 13 test. A child under 12 has to self-isolate for 14 days after arrival.

Part II - control of premises, gatherings etc., and movement of persons

This Part enables the Civil Contingencies Authority to impose restrictions in relation to licensed (and other non-residential) premises, and empower the Committee to impose restrictions in relation to events, gatherings and meetings, and the movement of people outside their homes. The regulations in this Part also create criminal offences, and confer powers of enforcement on police officers. The Authority must consult the Medical Officer of Health before exercising the powers under the regulations, and in addition must consult Her Majesty's Procureur when issuing a direction imposing restrictions in relation to the movement of persons outside their homes; and when exercising powers in relation to premises in Alderney and Sark, the relevant Committees on those islands must also be consulted.

Parts III and IV - registration of deaths and still-births, and cremations in Guernsey

These Parts temporarily modify procedures in relation to registration of deaths and still births in Guernsey and Sark and in Alderney (Part III) and in relation to cremations in Guernsey (Part IV). These amendments are to remove requirements for things to be done in person and to simplify procedures relating to registration of deaths and still-births and cremations during the current emergency situation.

The modifications in relation to registration of deaths and still-births are to remove requirements to make declarations of death in person, for a doctor signing a medical certificate of death to certify that he or she had attended the deceased during his or her last illness and to disapply requirements limiting the time a body is kept provided it is in the custody of the States of Guernsey (where the body is in Guernsey), the States of Alderney (where the body is in Alderney) or the relevant funeral director.

The modifications in relation to cremations are to remove the requirements for an application for cremation to be verified by being countersigned or by the applicant giving a declaration made on oath and for a confirmatory medical certificate to be given (Form C in the Cremation Ordinance, 1972).

Part V - the States of Deliberation and the Chief Pleas of Sark

The regulations relating to the States of Deliberation provide that the Reform (Guernsey) Law, 1948 shall apply as if modified by the insertion of a new Article enabling the States of Deliberation to meet remotely. It also empowers the States' Assembly & Constitution Committee to make Rules of Procedure governing remote meetings of the States held pursuant to the inserted Article. The regulations relating to the Chief Pleas of Sark temporarily modify the application of the Sark (Reform) Law, 2008 to allow Committees of the Chief Pleas to meet remotely.

Part VI - schools

Part VI empowers the Medical Officer of Health to exercise her powers to require schools to take measures to prevent the spread of infection in Sark, and provide, for the avoidance of doubt, that such measures may include the immediate closure of any school.

Part VII – miscellaneous and final

Schedule 3 to these Regulations, which is given effect by regulation 30, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraph 4 modifies the Mental Health (Bailiwick of Guernsey) Law, 2010 to permit an approved medical practitioner (rather than only a second opinion approved doctor) to provide a certificate for the purposes of section 56 where the practitioner is of the opinion that it is not reasonably practicable or would involve unreasonable delay to comply with the unmodified requirement of that section. Paragraphs 5 to 6 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal may properly be constituted according to specified criteria.

Regulation 31 provides for the deemed variance of Long Term Employment Permits, Medium Term Employment Permits and Short Term Employment Permits, to allow the holder to be resident without being employed and to be employed by a different employer from that specified in the Permit; and for the modification of the Population Management (Guernsey) Law, 2016 and other legislation to the extent necessary to give effect to this. It also amends the Population Management (Guernsey) Law, 2016 to impose a duty on the Administrator of Population Management to consult a determining officer appointed under Schedule 1 before granting an Employment Permit.

Regulation 32 makes provision in relation to Senior Decision Makers ("SDMs") appointed by the Guernsey Financial Services Commission, including providing for SDMs to hold oral hearings remotely. Regulation 33 enables the Court of Appeal to conduct its proceedings remotely.

Regulation 34 permits the holder of a Category C or C1 driving licence which is restricted to automatic transmission to drive a vehicle with manual transmission which is approved for use as an ambulance under the Driving Licences (Amendment) Regulations, 2020 where (a) that licence holder also holds a category B licence which is not restricted to automatic transmission and (b) the Committee for the Environment and Infrastructure approves that licence holder to do so.

I would be grateful if "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.2) Regulations, 2021" are placed before the next meeting of the States of Alderney with an appropriate proposition.

Bill Abel, Chairman"

The States of Alderney is asked not to annul "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.2) Regulations, 2021"

Proposed by Mr Bill Abel
Seconded by Mr Alex Snowdon

Item V **Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.2) (Amendment) Regulations, 2021**

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

"These Regulations are emergency regulations made by the Civil Contingencies Authority under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 ("the Law"). They are made on the occurrence of an emergency, within the meaning of the Law, in the Bailiwick arising from the urgent need to prevent, control or mitigate the spread of the virus Severe Acute Respiratory Syndrome Coronavirus 2 and the disease caused thereby, COVID-19 (referred to together in these regulations as coronavirus). They are prefaced with a statement by the Civil Contingencies Authority, as required by section 12(2) of the Law. COVID-19 was made a notifiable disease for the purposes of the Public Health Ordinance, 1936 on 10th February 2020.

These Regulations revoke and re-enact (with minor modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations are made in response to evidence of community transmission of Severe Acute Respiratory Syndrome Coronavirus 2 within the Bailiwick. They amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021 ("the 2021 Regulations").

The primary purpose of the amendments made is to insert provision to enable the making of a direction or requirement relating to the wearing of face coverings by persons using any public transport service. The amendments augment the existing power under the 2021 Regulations to enable the making of a direction or requirement relating to the wearing of face coverings by persons entering or remaining on premises.

The Regulations also insert a new regulation 22A into the 2021 Regulations. The new regulation temporarily modifies the Offences (Fixed Penalties) (Guernsey) Law, 2009. The modification enables fixed penalty notices in the sum of £100 to be issued by police officers to persons who fail, without reasonable excuse, to comply with a direction or requirement of a police officer to wear a face covering, where the 2021 Regulations and any Direction made under those Regulations, require the wearing of a face covering.

These Regulations came into force on the 13th February, 2021, and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

I would be grateful if "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.2) (Amendment) Regulations, 2021" are placed before the next meeting of the States of Alderney with an appropriate proposition.

Bill Abel, Chairman"

The States of Alderney is asked not to annul "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.2) (Amendment) Regulations, 2021"

Proposed by Mr Bill Abel
Seconded by Mr Alex Snowdon

Item VI **Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (Bailiwick of Guernsey) (No.2) Regulations, 2021**

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

"These Regulations are emergency regulations made by the Civil Contingencies Authority under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 ("the Law"). They are made on the occurrence of an emergency, within the meaning of the Law, in the Bailiwick arising from the urgent need to prevent, control or mitigate the spread of the virus Severe Acute Respiratory Syndrome Coronavirus 2 and the disease caused thereby, COVID-19 (referred to together in these regulations as coronavirus). They are prefaced with a statement by the Civil Contingencies Authority, as required by section 12(2) of the Law. COVID-19 was made a notifiable disease for the purposes of the Public Health Ordinance, 1936 on 10th February 2020.

These Regulations apply where a vaccine against the coronavirus has been temporarily authorised under the UK's Human Medicines Regulations, 2012 and designated under regulations made under the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, and the vaccine is sold, supplied or administered in accordance with a Patient Group Direction or protocol approved or consented to by the States of Guernsey Committee for Health & Social Care. They only apply to a vaccine administered on or after the 15th December, 2020 (the date on which the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (Bailiwick of Guernsey) Regulations, 2020 came into force) and before the vaccine receives either a UK marketing authorisation or a European Medicines Agency marketing authorisation for administration in the circumstances concerned.

Where these Regulations apply they will limit the aggregate amount of damages and costs that may be awarded by any court in respect of death or personal injury suffered by any one person receiving the vaccine administered in accordance with the Patient Group Direction or protocol.

These Regulations revoke (and replace) the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (Bailiwick of Guernsey) Regulations, 2021.

These Regulations came into force on the 5th February, 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

I would be grateful if "The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (Bailiwick of Guernsey) (No.2) Regulations, 2021" are placed before the next meeting of the States of Alderney with an appropriate proposition.

Bill Abel, Chairman"

The States of Alderney is asked not to annul "The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (Bailiwick of Guernsey) (No.2) Regulations, 2021"

Proposed by Mr Bill Abel
Seconded by Mr Alex Snowdon

Item VII **The Conditions of Employment (Alderney) Law, 2021**

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

"Alderney currently has only a limited range of employment legislation which covers employment permits and employer's liability. Guernsey and other jurisdictions typically have a wider range of laws which are more extensive, such as conditions of employment, working hours, minimum wage levels, benefits, dispute resolution.

Following the approval of "The Conditions of Employment (Alderney) Law, 2021", further consultation on amendments may be needed if Alderney is to be recognised as a preferred place to work and bring up a family.

Following a debate in the States in September 2017 it was recorded that there was unanimous support for employees having the basic right to have a written contract setting out the terms of their employment.

In May 2019, the Policy and Finance Committee were minded to reconsider both the States' previously-stated position and the wider issues that were now perceived as problematic inconsistencies in Guernsey and the Committee agreed to further debate the introduction of legislation in the States. In June 2019 this matter was debated and the States resolved to develop basic employment legislation.

The legislation being placed before the States (see document), in summary requires:

- 1) A written statement providing particulars of terms of employment; covering remuneration; weekly or monthly periods for pay; working hours; holidays; sickness and injury; pension; term of employment; notice periods and other provisions;
- 2) A statement of pay with applicable details (pay slip);
- 3) Its applicability if an equivalent contract of employment is or will be in place.

The legislation does not prescribe minimum or maximum levels but only that a written statement of particulars is provided.

The legislation being placed before the States (see document), in summary, also covers:

- 1) Changes in terms of employment;
- 2) Its non-applicability in terms of employment outside Alderney, for Mariners and other areas;
- 3) Powers of Enforcement;
- 4) Period for the provision of the 'statement of particulars', on employment or when the legislation commences.

I would be grateful if "The Conditions of Employment (Alderney) Law, 2021" is placed before the next meeting of the States of Alderney with an appropriate proposition.

Bill Abel, Chairman"

The States of Alderney is asked to approve "The Conditions of Employment (Alderney) Law, 2021" and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

Proposed by Mr Bill Abel
Seconded by Mr Kevin Gentle.

Item VIII **Questions and Reports**

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

"Fellow members in my first report to this Assembly from the General Service Committee I will refer to two matters, The Nunnery and Alderney Bird Observatory and The Harbour Crane

The Alderney Bird Observatory (ABO) and The Nunnery

The committee discussed the demolition or not of the 'sunroom'. This being the 'building' purported to have been built by a former occupier on a date unknown but of no historic or cultural importance. It is located at the upper corner of the site less, than 1m from both corner boundary walls in close proximity to the Southern Roman wall, which is exhibiting signs of cracking and displacement which are more likely than not to be partially caused by the sunroom structure. The room itself has been inspected by a structural engineer who describes the condition as being "quite poor" and "unlikely that it would be considered safe in the long term for public access". The room is presently used by the ABO as a viewing room and bird ringing room. The proposition considered by General Service Committee was to whether or not to make a request to the Building and Development Control Committee for the removal of this building.

Following a substantive discussion by members, a vote took place with States Members McKinley and Roberts opposing the demolition and States Member Burgess and myself voting for demolition. States Member Jenkins being unavoidably detained at work. I therefore used my casting vote to demolish this room. The Manager of Estates Environment and Infrastructure was therefore instructed to make an application to the Building and Development Committee for

permission to demolish this room. This application has been made and a decision is awaited.

At a subsequently adjourned meeting the Temporary Deputy Chief Executive Officer submitted a report on the Alderney Bird Observatory its use of the Nunnery and States funding to that organisation.

Following a lengthy discussion it was resolved, (in some cases by a majority decision) to:

- Agree to a time limited period of discussion with the ABO to seek to establish a new relationship with the States and such financial and other support that is necessary to create a 3 year agreement to enable it to continue in operation.
- Consider and agree the policy framework that it wishes to adopt in relation to support for the future work with the observatory.
- That the opportunity for further discussions is offered to the ABO with regard to the future relationship and based on the policy framework adopted.
- The Committee to be represented by a designated Committee member (Mr Kelly) and by representation from the Chief Executive's Office. (Unanimous)
- The ABO are advised that the States will terminate the (temporary) employment of the Bird Warden from 31st March 2021, but that an application will be made to The Finance Committee for an interim grant to be made to the ABO to cover the second quarter of the year while discussions take place.
- The Committee should advise the Finance Committee immediately of the situation and the interim grant proposal and request that funding is found to cover this period.

The Crane

As members and the public will be aware the new crane arrived just over three weeks ago but due to the travel arrangements of the fitters being by sea, adverse weather conditions delayed their arrival and therefore the assembly of the new machine. At the time of writing this report the four fitters are en route to Alderney. Arrangements are in hand for them to be isolated both at work and at rest, with meals being provided and supplied in a Covid safe manner. The vehicle they will be using was shipped over from the UK mainland in advance and hence no concern regarding transport from the harbour to their temporary accommodation.

We are then left with the old crane. There are four options. Firstly to send it back to the UK in an attempt to sell. Secondly to consider refurbishing it to sufficient standard that it could be used as a substitute crane when the new one is being serviced or should a break down occur. Thirdly to retain it without refurbishment. Finally to purchase a basic crane to operate as a standby.

A request for expressions of interest will be sent out to ascertain if there is a market on and off island to purchase the old crane, the supplier of the new crane, Hasells will be asked for an estimate on refurbishment and finally the Harbour Master will research the cost and availability of a more basic crane to act as a reserve.”

Billet d'Etat for 17th March 2021

Note:- The legislation referred to in this Billet d'Etat may be viewed online at www.GuernseyLegalResources.gg and www.alderney.gov.gg

Issued: 5 March 2021