

States of Alderney



DELIBERATIONS

WEDNESDAY 9TH JANUARY 2013

STATES OF ALDERNEY
DELIBERATIONS FOR THE MEETING OF
WEDNESDAY 9TH JANUARY 2013 AT 17:30

Present: Mr Stuart Trought, President
Mr Ian Tugby
Mr Paul Arditti
Mr Matt Birmingham
Mr Tony Llewellyn
Mr Ray Berry
Mr Louis Jean
Mr Neil Harvey
Mr Francis Simonet
Mr Robert McDowall
Mr Chris Rowley

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

Item I **Opening of the States.**

Item II **Presentation of Warrant**

The representative of His Excellency the Lieutenant-Governor of the Bailiwick of Guernsey, Mr Geoffrey Workman, presented his warrant of appointment.

Item III **Election Procedure**

The following amendment was proposed by Mr Arditti and seconded by Mr Llewellyn:-

“Add the words “... recorded and published...” between the words **verbal** and **vote** so that Item III shall read as follows:-

The States is asked to decide whether the following elections should be by verbal, recorded and published vote, otherwise Rule 20 of the Rules of Procedure of the States Alderney, shall come into operation, ie., voting shall, unless the States otherwise resolves, be carried out by written ballot.

Dated 8th January 2013”

Approved unanimously

The proposition as amended was then voted on.

Following Rule 20 of the Rules of Procedure of the States of Alderney, the States resolved that the subsequent elections take place by verbal, recorded and published vote.

Proposed by Mr Arditti and seconded by Mr Llewellyn
Approved unanimously.

Item IV **Vice President**

Mr Ian Tugby was elected Vice President for 2013.

Proposed by Mr Arditti and seconded by Mr Llewellyn
Approved unanimously.

Item V **Appointment Of Auditors**

The States resolved to appoint KPMG Channel Islands Limited to be the States' Auditors for 2013.

Proposed by Mr Arditti and seconded by Mr Llewellyn
Approved unanimously.

Item VI **Policy and Finance Committee Mandate**

The States resolved to approve of the mandate of the Policy and Finance Committee as follows:-

"To formulate and make recommendations to the States on all policy matters.

To be accountable for the financial management of the States.

To operate within the policies, guidelines and resolutions of the States.

To liaise and negotiate with the States of Guernsey on all matters relating to the provision of transferred services and finance.

To be responsible for all external affairs.

To liaise with the General Services Committee and the Building and Development Committee in relation to their budget and legislative requirements.

To perform the following functions:

Finance:

To present to the States the annual budget and audited accounts and, where necessary, report to the States thereon.

To monitor the income and expenditure of the States, its Committees and Trust Funds and, where appropriate, to add comment and recommendation to all applications to the States for money, votes and/or submissions to the States where public income and expenditure is involved.

To deal with all borrowings as authorised by the States, loans and the administration of all monies accruing to the States for specific purposes under the terms of various Trusts and Funds.

To be responsible for recommending to the States, whether by Ordinance or otherwise, the fees, dues and charges levied by the States for the provision of any service required to be provided under legislation and to approve the rents payable for States' land and properties.

To be responsible for recommending to the States the level of Occupier's Rates.

To advise on the rents, premiums (if any) and duration of leases to be granted by the General Services Committee for all other States properties.

To submit leases to the States for approval in accordance with the Budget Rules and Procedures.

To be responsible for:-.

- a. dealing with States borrowings authorised by the States for specific purposes*
- b. all States insurances*
- c. postage stamp and coin issues and design approvals*
- d. dealing with grants not exceeding £5000*
- e. dealing with Hawkers Licences.*

The Economy:

To initiate, pursue and report to the States upon matters relating to the economy of the Island, including immigration, population, social services (financial aspects only), the development of an economic plan, employment, industry and e-commerce.

To deal with external authorities in fiscal and commercial matters.

To be responsible for public relations and the promotion of the Tourist Industry.

To monitor the economic policy of the States and to report and make recommendations for such amendments as deemed necessary.

To liaise with the Commerce and Employment Department on matters relating to economic planning.

Constitution and Legal Matters:

To be responsible for all matters affecting the Constitution and all legislation (other than legislation falling specifically within the responsibility of the General Services and the Building and Development Control Committee).

To be responsible for all matters relating to International Conventions, Treaties, Agreements, EU Directives and extended legislation from the United Kingdom.

To liaise as necessary with the Court of Alderney.

To be responsible for and the leasing and use of all States-owned Forts.

*To be responsible for matters affecting:-
Elections;*

*Census;
Import and Export Control;
Telecommunications;
Postal Services, Philately and Currency;
Gambling;
Emergency Fuel Control (The Energy (Bailiwick of Guernsey) Law, 1978);
Dangerous Weapons;
Civil Aviation; and
Youth Training and Adult Education. Youth Services and activities.*

To be responsible for all matters relating to welfare.

To be responsible for all matters not specifically falling within the mandate of the General Services Committee and the Building and Development Control Committee.

Staff and Offices:

To be the States Employment Board with responsibility for all matters relating to the employment of Established Staff and Public Service Employees (PSE's); and the management of office accommodation; to be the Civil Service Board referred to in the Terms and Conditions of Service for Civil Servants and the Terms and Conditions of Employment for Public Service Employees as agreed between the Board and Unite, the Union.

In particular to be responsible for the appointment of staff and the preparation and review of the Terms and Conditions of Service of all salaried staff (subject to the relevant provisions of the Government of Alderney Law) and to liaise with the Association of Guernsey Civil Servants.

To control establishment numbers.

To be responsible for staff pensions.

To liaise with Trades Unions on matters relating to the Terms and Conditions of Employment for Public Service Employees.”

Proposed by Mr Arditti and seconded by Mr Llewellyn
Approved unanimously.

Item VII **General Services Committee Mandate**

The States resolved to approve of the mandate of the General Services Committee as follows:-

“To be accountable to the States for the provision and implementation of all Government services provided and/or required by legislation, resolution or policy of the States within agreed budgets.

To liaise with the Policy and Finance Committee in relation to budgetary and legislative requirements.

To operate within the policies, guidelines and resolutions of the States.

In particular, to perform the following functions:-

To be accountable for the administration of the harbour and its functions and to make recommendations to the Policy and Finance Committee on all fees, dues and charges required to be levied by legislation.

To deal with shipping and all matters relating to the sea.

To be responsible for the continuing investigations into a marina in Alderney.

To deal with all matters relating to the railway.

To administer and maintain all States' buildings including offices; to be accountable for all public works; to place contracts for public works; to be responsible for refuse collection and its disposal.

To be responsible for the Fire Brigade; for emergency services; for sewage disposal; and for traffic control.

To be accountable for all States' properties which are not the responsibility of the Policy and Finance Committee.

To be responsible for recreation and sports activities.

To be responsible for the Saye Beach Camp site.

To be responsible for all matters relating to the allocation of States housing.

To be accountable as the Water Board for the provision of water supplies on the Island in accordance with the legislation applicable thereto.

To be responsible for the leasing of all States Properties, other than Forts, in the ownership of the States; to deal with all matters relating to agriculture, livestock, other animals, birds and vermin; to administer the Island of Burhou; to be responsible for forestation and fencing and management of all States land including the consolidation of parcels and not to reduce the area of such land without the authority of the States; and be responsible for the slaughterhouse.

To be responsible for all matters relating to sea fisheries.

To be responsible for environmental monitoring and for the co-ordination of public services in the event of a civil emergency.

To be responsible for the establishment of a working party to be known as the Civil Emergency Working Party which shall include amongst its members the following people:-

The President of the States, the States Analyst, the Chief Fire Officer, the Manager of the Water Board, the States Engineer, the General Manager of Alderney Electricity Limited, the resident Sergeant of the Police in Alderney, the Harbour Officer, a Medical Practitioner; a representative of St. John Ambulance (unless otherwise represented); a Communications adviser(s); the person appointed as Co-ordinator of the emergency services, and if in existence the Officer Commanding the Junior Militia.

The Working Party shall appoint a Chairman from amongst its members."

Proposed by Mr Arditti and seconded by Mr Llewellyn
Approved unanimously.

Item VIII **Building and Development Control Committee Mandate**

The States resolved to approve of the mandate of the Building and Development Control Committee as follows:-

"To be the Authority for approving plans in both the public and private sector; to

be responsible for the Le Banquage Housing Scheme; to administer The Building and Development Control (Alderney) Law, 2002, as amended; to be the Committee to make recommendations to the States on the maximum number of dwellings to be permitted in any given period in accordance with Section 15 of The Building & Development Control (Alderney) Law, 2002; to administer Building Regulations made under the provisions of The Building & Development Control (Alderney) Law, 2002, and any other law or laws by which they may be replaced.

To be responsible for the preparation of a policy and strategy for environmental conservation and ecology on the Island.”

Proposed by Mr Arditti and seconded by Mr Llewellyn
Approved unanimously.

Item IX **Committee Chairmen**

The States resolved to appoint the Chairmen of the following Committees:-

Mr Paul Arditti as Chairman of the Policy and Finance Committee

Proposed by Mr Llewellyn and seconded by Mr Berry
Approved unanimously.

Mr Louis Jean as Chairman of the General Services Committee

Proposed by Mr Simonet and seconded by Mr Berry
Approved unanimously.

Mr Francis Simonet as Chairman of the Building and Development Control Committee.

Proposed by Mr McDowall and seconded by Mr Llewellyn
Approved unanimously.

Item X **Two additional Committees**

The States resolved:-

- 1. To approve two additional committees which shall be sub-committees of the Policy and Finance Committee and whose mandates shall be determined from time to time by the Policy and Finance Committee; namely:-**

- i. Finance Committee**

- ii. Business Development, Tourism and Marketing Committee**

Proposed by Mr Arditti and seconded by Mr Llewellyn

Approved by a majority, all in favour except Mr Tugby who abstained

- 2. To elect Mr Robert McDowall as Chairman of the Finance Committee**

Proposed by Mr Jean and seconded by Mr Llewellyn

Approved unanimously.

- 3. To elect Mr Neil Harvey as Chairman of the Business Development, Tourism and Marketing Committee**

Proposed by Mr Arditti and seconded by Mr Birmingham

Approved unanimously.

Item XI **Members of the Policy and Finance Committee**

The States resolved to appoint the Chairmen of the following Committees:-

- 1. General Services Committee**
- 2. Building and Development Control Committee**
- 3. Finance Committee**
- 4. Business Development, Tourism and Marketing Committee,**

to be members of the Policy & Finance Committee

Proposed by Mr Arditti and seconded by Mr Llewellyn

Approved by a majority, all in favour except Mr Tugby who voted against

Item XII (a) **Committee Members of other Committees**

The States resolved to appoint the members of the following committees:-

- 1. Three members to the General Services Committee:-**

**Mr Ian Tugby
Mr Ray Berry
Mr Chris Rowley**

All the above proposed by Mr Jean and seconded by Mr Llewellyn
Approved unanimously

- 2. Four members to the Building and Development Control Committee**

**Mr Matt Birmingham
Mr Tony Llewellyn
Mr Ray Berry
Mr Chris Rowley**

All the above proposed by Mr Simonet and seconded by Mr Jean
Approved unanimously

- 3. Three members to the Finance Committee**

**Mr Ian Tugby
Mr Matt Birmingham
Mr Tony Llewellyn**

All the above proposed by Mr McDowall and seconded by Mr Arditti
Approved unanimously

- 4. Three members to the Business Development, Tourism and Marketing Committee**

**Mr Matt Birmingham
Mr Ray Berry
Mr Chris Rowley**

All the above proposed by Mr Harvey and seconded by Mr Simonet
Approved unanimously

Item XII (b) Other Appointments:

The States resolved to elect the following three members to sit on the Management Committee in the affairs of the Alderney Branch of the Commonwealth Parliamentary Association (the President being Ex-officio Chairman):-

**Mr Paul Arditti
Mr Ray Berry
Mr Chris Rowley**

All the above proposed by Mr Llewellyn and seconded by Mr Jean
Approved unanimously

Item XIII The States Bank Accounts

The States resolved to make the following arrangements relating to the operation of the States Bank Accounts:-

- 1. To empower any one member of the Policy and Finance Committee with the States Treasurer or her deputy; or the Chief Executive and the States Treasurer or her deputy to operate the States Bank Accounts.**
- 2. To empower any one member of the Policy and Finance Committee with the States Treasurer or her deputy; or the States Treasurer or her deputy with the Chief Executive to operate the Water Board Bank Account.**

Proposed by Mr Arditti and seconded by Mr Llewellyn
Approved unanimously

Item XIV Election of Alderney Representatives to sit in the Guernsey States of Deliberation

The States resolved:-

- (a) **To elect the following two members to sit in the Guernsey States of Deliberation for 2013:-**

**Mr Paul Arditti
Mr Louis Jean**

Proposed by Mr Simonet and seconded by Mr McDowall
Approved unanimously

and

- (b) **To elect the following two members to sit in the Guernsey States of Deliberation as Alternative Representatives for 2013:-**

**Mr Neil Harvey
Mr Chris Rowley**

Proposed by Mr Llewellyn and seconded by Mr Arditti
Approved unanimously

Item XV Maritime Labour Convention – Enabling Legislation proposals

The States resolved to approve:-

- 1. The proposals set out in Section 3 of the Report**
- 2. The Project de Loi entitled “The Employment Agencies (Enabling Provisions) (Bailiwick of Guernsey) Law, 2012” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.**

Note; A copy of the Projet de Loi entitled “The Employment Agencies (Enabling Provisions) (Bailiwick of Guernsey) Law, 2012” may be seen at the States Office, Island Hall, and in the Library.

Proposed by Mr Arditti and seconded by Mr Birmingham
Approved unanimously

Item XVI The Air Navigation (Bailiwick of Guernsey) Law, 2012 and The Aviation (Amendment) (Bailiwick of Guernsey) Law, 2012

The States resolved to approve:-

- 1. The Air Navigation (Bailiwick of Guernsey) Law, 2012**
- 2. The Aviation (Amendment) (Bailiwick of Guernsey) Law, 2012**

Note; Copies of the Projets de Loi entitled “The Air Navigation (Bailiwick of Guernsey) Law, 2012” and “The Aviation (Amendment) (Bailiwick of Guernsey) Law, 2012” may be seen at the States Office, Island Hall, and in the Library.

Proposed by Mr Arditti and seconded by Mr Harvey
Approved unanimously

Item XVII Commercial Quay Revetment Renovation

The States resolved to approve:-

- a) That Mackley Construction be awarded the contract for the renovation of the Commercial Quay Revetment**
- b) A budget of £700,000 from Capital Funding, to be offset by any recoveries from any litigation claim.**

Proposed by Mr Arditti and seconded by Mr Berry
Approved by a majority, all in favour except Mr Tugby who declared an interest and abstained

Item XVIII Questions and Reports

No Questions or Reports were received

Meeting Closed: 1850hrs

Issued: 11th January 2013