

STATES OF ALDERNEY
BILLET D'ETAT
FOR WEDNESDAY 12TH JANUARY 2011

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 12th January 2011. This will be preceded by the People's Meeting, which will be held on Wednesday 5th January 2011 at 7:00 p.m. in the Island Hall.

Sir Norman Browse
President

Item I The 4 newly elected Members will take their Oaths of Office and then take their seats. Mr Arditti was sworn in on Tuesday 21st December 2010.

Item II **Opening of the States**

Item III **Presentation of Warrant**

The representative of His Excellency the Lieutenant-Governor of the Bailiwick of Guernsey will present his warrant of appointment.

Item IV **Election Procedure**

The States is asked to decide whether the following elections should be by open 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.

Item V **Vice President**

To elect a Vice President for 2011

Item VI **Appointment Of Auditors**

The States is asked to appoint KPMG Channel Islands Limited to be the States Auditors for 2011.

Item VII **To approve 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 all States' insurances.

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 public assistance and 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 Civil Servants and Manual Staff; 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 Manual Staff as agreed between the Board and the Transport and General Workers 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 Guernsey Civil Service Staff Association.

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 Manual Staff.

Sub-delegation of Executive Functions:

The following functions to be conferred on:-

1. The Employment, Legislation and Constitution Group (or any other sub-committee of the Policy and Finance Committee consisting of at least three of its members and appointed by it for the purpose) without requiring the prior approval of the committee to be obtained to any action proposed to be taken by it: -

All functions of the Policy and Finance Committee arising under the provisions of The Employment Permits (Alderney) Law, 1975 (as amended); and

2. The Finance Advisory Group (or any other sub-committee of the Policy and Finance Committee consisting of at least three of its members and appointed by it for the purpose) without requiring the prior approval of the committee to be obtained to any action proposed to be taken by it: -

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

Item VIII **To approve 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 all official entertainments, and the Saye 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 afforestation 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 administer the States 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 Officer Commanding the Junior Militia, 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); and the person appointed as Co-ordinator of the emergency services.

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

Item IX **To approve 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.

Item X **The States is asked to elect the Chairmen of the following Committees:**

1. Policy and Finance Committee
2. General Services Committee
3. Building and Development Control Committee

Item XI **The States is asked to elect the following Committees: -**

1. 9 Members to the Policy and Finance Committee
2. 5 Members to the General Services Committee,
3. 4 Members to the Building and Development Control Committee.

Item XII **Other Appointments:**

The States is asked to elect 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).

Item XIII **The States is asked to make the following arrangements: -**

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

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

The States is asked:-

- (a). To elect two members to sit in the Guernsey States of Deliberation for 2011, and
- (b). To elect two other members to sit in the Guernsey States of Deliberation as Alternative Representatives for 2011.

Item XV **The Companies (Alderney) (Amendment) Ordinance, 2010**

The following letter has been received from Mr Willmott, Chairman of the Policy and Finance Committee:-

“The Companies (Alderney) Law, 1994 requires that any application to register a company be signed by an Advocate. Subsequently in 2001, all ‘Trust’ companies in the Bailiwick were required to register under The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2000 (The “Fiduciary Law”), and only those that were registered were permitted to register companies.

In 2008, Guernsey amended its own company law, removing the necessity for an Advocate to be involved, but required that any such application must be made by a ‘corporate service provider’, who must be registered under the Fiduciary Law and therefore removed from the exemptions which had previously permitted Advocates to form companies in Guernsey and Alderney.

In Alderney Corporate Service Providers performed all the due diligence required on any proposed company incorporations, and used a local Advocate to sign the applications to the Law Officers and the Guernsey Financial Services Commission. However, after the IMF visit in May, the Guernsey Financial Services Commission have now made it a requirement that Alderney Corporate Service Providers use an Advocate who is himself registered as a Licensed Fiduciary. The Guernsey Advocates who are Licensed Fiduciaries, are themselves members of Licensed Service Providers and therefore in direct competition with the Alderney based Corporate Service Providers, the effect that this has on the Alderney Corporate Service Providers is that they find themselves in the position of being unable to form Alderney companies as cheaply as the Guernsey Service Providers can. Alderney registered companies provide a significant revenue to the Island, and in particular it should be noted that all new gaming companies are required to be registered in Alderney.

To rectify this matter an amendment is required to the Companies (Alderney) Law, 1994. The Law Officers have been consulted and have drafted the attached ordinance amending the 1994 Companies Law to remove the requirement for

incorporation by an advocate and to refer instead to a corporate services provider.

I will be obliged if The Companies (Alderney) (Amendment) Ordinance, 2010 is placed before the States at its next Meeting together with an appropriate proposition.

R G Willmott
Chairman”

The States is asked to approve “The Companies (Alderney) (Amendment) Ordinance, 2010”.

Item XVI Public Holidays – Royal Wedding

The following letter has been received from Mr Willmott, Chairman of the Policy and Finance Committee:-

“All will be aware of the announcement that the wedding of Prince William and Miss Catherine Middleton will take place on 29th April 2011 and that this will be celebrated by a public holiday in the United Kingdom.

It is therefore proposed that the Royal Wedding should also be celebrated in Alderney (and likewise in Guernsey) by a public holiday, which will mean that there would be an additional public holiday in 2011. The Law Officers have been consulted and the attached ordinance “The Public Holidays (Alderney) (Royal Wedding) Ordinance, 2011”, has been prepared.

I will be obliged if The Public Holidays (Alderney) (Royal Wedding) Ordinance, 2011 is placed before the States at its next Meeting together with an appropriate proposition.

R G Willmott
Chairman”

The States is asked to approve:

- (i) the proposal that 29th April 2011 shall be a public holiday, and**
- (ii) “The Public Holidays (Alderney) (Royal Wedding) Ordinance, 2011”.**

Item XVII Questions and Reports