

STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 17TH JULY 2013

Price: £1.95

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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 17th July 2013. This will be preceded by the People's Meeting, which will be held on Wednesday 10th July 2013 at 7:00 pm in the Island Hall.

W Stuart Trought
President

Item I **The Housing (Exemptions) (Alderney) Ordinance, 2013**

The following letter has been received from Mr Birmingham, Chairman of the Building and Development Control Committee:-

“Alderney Housing Association Limited wishes to construct dwellings on land forming parcel AY 2332 at Le Sable d’Or, Rue de Beaumont, Braye, Alderney, GY9 3XU. In order for approval of any such development to be given by the Building and Development Control Committee, Alderney Housing Association Limited needs to be prescribed as a person exempted from Section 33 of the Building and Development Control (Alderney) Law, 2002, as amended. I attach, for this purpose, the proposed Housing (Exemptions) (Alderney) Ordinance, 2013.

I would be grateful if the Housing (Exemptions) (Alderney) Ordinance, 2013 could be placed before the States when it next meets together with an appropriate proposition.

*M Birmingham
Chairman”*

The States is asked to approve “The Housing (Exemptions) (Alderney) Ordinance, 2013”.

Item II **St Anne’s Church Repair Works**

The following letter has been received from Mr Jean, Chairman of the General Services Committee:-

“St Anne’s Church is a significant historic building on Alderney. Elements of it are failing resulting in ingress of water mainly through the roof and edge details of the eastern chapel roofs and the Tower. This water is causing internal damage and will damage the timber roof structure if unresolved.

In 2004, a quinquennial survey was commissioned from Lovell Ozanne to report on the condition of the church and advise on necessary repairs.

The repair work was phased over five years to fit within the States’ budget. Other major States’ projects were prioritised and in 2011, expressions of interest were invited from Alderney construction companies for the work on the church. Lovell Ozanne produced and issued tender documents on-island for the first year’s work. The preferred tenderer declined to enter into a contract and in 2012 the scheme was retendered on Alderney for two year’s work. Unfortunately, the preferred tenderer of this process withdrew the tender before a contract was signed.

In April 2013, the Estates and Services Committee reviewed the tender process to date and resolved that the tender for three years work be extended to include off-island contractors. Tendering was undertaken through the Channel Islands Tenders website and three tenders were issued to contractors who had registered an interest and satisfactorily completed a pre-qualification questionnaire. Two tenders were returned, both from Guernsey firms.

Lovell Ozanne undertook the tender evaluation work which included arithmetic checks, assessing the tender returns against the scope of works, and seeking clarification from tenderers of any unclear areas to ensure parity of tendering.

The tender returns were Apex Roofing and Maintenance at £237,772.00 and Vaudin Stonemasons at £271,215.28. Lovell Ozanne evaluated the two tenders, objectively assessing each on key criteria and discussing the planned work with both Apex and Vaudin.

Lovell Ozanne advised that the lower cost tender was not of adequate detail as Apex had not taken into account site conditions including the height of the Tower and access costs for that element of the work, having neither visited the site nor seen photographs of it.

Vaudin had returned a comprehensive tender which listed what had been allowed for in its pricing. Vaudin demonstrated a good understanding of the work required, had researched the supply of materials and shipping to Alderney in its bid preparation and advised that it planned to use Alderney labour and sub-contractors where possible.

Although only two tenders were returned in 2013, the same elements of work had been tendered in 2012, and the two tender returns were very similar in value to Vaudin's tender. In 2012, only some of the elements of work were approved to suit the budget available at that time.

The Estates and Services Committee (ESC) considered these factors and voted to appoint Vaudin Stonemasons to undertake the repair work on St Anne's Church. ESC considered the need for supervision and project management of this specialised work and resolved to appoint Lovell Ozanne to undertake this element. The tendering and supervision cost including the two retenders is £39,725. Incidental States costs have been included at £2,000.

The Finance Committee and Policy Committee subsequently unanimously approved the appointment of Vaudin Stonemasons and Lovell Ozanne.

*L Jean
Chairman"*

The States is asked to approve:

- a) the repair work at St Anne's Church is undertaken by the Vaudin Stonemasons.**
- b) the supervision and project management work is undertaken by Lovell Ozanne & Partners**
- c) a budget of £317,000 from Capital funding which includes the repair work, a small contingency, States costs and professional fees for the repair work to St Anne's Church.**

Item III The Alderney eGambling (Amendment) Ordinance, 2013

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

"The Alderney Gambling Control Commission, in line with its obligations under Section 2 of the Gambling (Alderney) Law, 1999 is seeking two minor amendments to the Alderney eGambling Ordinance, 2009.

Firstly, in anticipation of the forthcoming review of the Bailiwick's AML (Anti Money Laundering) /CFT (framework which is due to take place later this year, it strengthens the Commission's powers with regards to making Regulations and also the way in which licensees and certificate holders will be obliged to take notice of notices, instructions and guidance issued by the Commission. It also inserts a provision that the Commission and any Court shall take into account the notices, instructions and guidance issued by the Commission when determining whether any person (licensee, certificate holder or natural person) has complied with either the Alderney eGambling Ordinance, 2009 (as amended) or the Alderney eGambling Regulations, 2009 (as amended). This change harmonises the provisions imposed by the Commission with those of other regulators in the Bailiwick.

Secondly, it changes the name of the "foreign gambling associate certificate" to "Category 2 associate certificate". This change is considered appropriate to reflect the function of the certificate and its relationship with the Category 2 eGambling licence.

The Alderney eGambling (Amendment) Ordinance, 2013 was drafted by the Law Officers of the Crown in consultation with the Commission.

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

*F Simonet
Chairman"*

The States is asked to approve 'The Alderney eGambling (Amendment) Ordinance, 2013'.

Item IV The Myanmar/Burma (Restrictive Measures) (Alderney) Ordinance, 2013

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

"On 22 April 2013 the EU lifted most of the restrictive measures in place in respect of Myanmar (Burma) with the exception of the embargo on arms which remain in place. The EU is willing to open a new chapter in its relations with Myanmar/Burma building a lasting partnership and to promote closer engagement with the country as a whole.

The Myanmar sanctions were on investment applying to investment in enterprises owned or controlled by persons or entities associated with the military regime, and freezes funds and economic resources of all senior serving members of the Burmese military. Measures also provide for restrictive measures concerning certain imports from, exports to and investments in Myanmar/Burma, targeting its timber industry and certain extractive industries.

The European Council Regulation which repeals the relevant sanctions, EU Regulation 401/2013, and was agreed on 2 May 2013. It is proposed that domestic legislation is implemented repeal the relevant measures.

The Ordinance drafted and placed before the States would align the Island's sanctions regime with the EU legislation. This Ordinance would implement the EC Regulation using the European Communities Implementation (Bailiwick of Guernsey) Law, 1994.

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

F Simonet
Chairman”

The States is asked to approve “The Myanmar/Burma (Restrictive Measures) (Alderney) Ordinance, 2013”

Item V Alderney Commission for Renewable Energy: Appointment of Commissioner

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

“The Policy and Finance Committee is recommending the appointment of Mr Mark Wordsworth as a Commissioner and Mr Wordsworth has agreed, subject to States approval, to the appointment for a period of two years in the first instance (which may be extended).

Mr Wordsworth read law at Cambridge University and trained in accountancy with Price Waterhouse. He spent 20 years in venture capital and private equity latterly as a partner of Bridgepoint Capital, a leading European investment firm. He is currently Chairman of Andrew Lloyd Webber's ‘Really Useful Group’, a global live entertainment and music business.

Mr Wordsworth was one of the founding Commissioners of the Alderney Commission for Renewable Energy (‘ACRE’) in 2005 and was heavily involved in establishing the original legal, licensing and regulatory framework for the tidal power project. He served as Chairman of ACRE until 2007 and subsequently served as director and Chairman of Alderney Renewable Energy Limited from 2008 until 2011. Mr Wordsworth has also been Chairman of the Alderney Wildlife Trust and has a keen interest in the environmental aspects of the project.

The approval of the States to the appointment of Mr Wordsworth as a Member of the Commission is sought in accordance with the provisions of section 6 of the Renewable Energy (Alderney) Law, 2007. I will be obliged if this is placed before the States at its next meeting together with an appropriate proposition.

F Simonet
Chairman”

The States is asked 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 for a period of two years of Mr Mark Wordsworth as a Member of the Alderney Commission for Renewable Energy.

Item VI Reform of Electoral Roll

The following letter has been received from Mr Jean, Chairman of the General Services Committee:-

“In view of the long history of public dissatisfaction when some residents find that they are not included in the Register of Electors on Election day it is important to review the

way in which the Register of Electors is replaced every two years. However hard the Chief Executive tries, a not insignificant number of people think that they remain on the Register from one election to the next. They forget that the Register is renewed every two years and that they have to reapply every two years. It is not good for anyone who could have been included in the Register to be turned away on Polling Day.

I would be grateful if you could place the following proposition before the next meeting of the States of Alderney.

*L Jean
Chairman”*

The States directs the Chief Executive, as Registrar, to consider and consult as to the best options for changing the Government of Alderney Law, 2004 in order to achieve a system whereby electors who would otherwise qualify do not have to reapply for inclusion in successive registers of electors; AND bearing in mind the date of the next election to report by the end of September 2013.

Item VII The Alderney egambling (Amendment) (No 2) Regulations, 2013

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

“The Alderney eGambling (Amendment)(No.2) Regulations, 2013 have been made to introduce a revised method of assuring the solvency (capital adequacy) of Category 1 eGambling licensees. It moves to require licensees to report their capital adequacy having regard to their cost of operations and requires there to be sufficient capital in the licensee to cover three months of its operating costs. This is similar to the solvency requirements imposed by European and other regulators in the financial sector.

The revision arises from a change made in the previous year to assure the security of player funds; and of a related opportunity to simplify and focus the residual requirement for an effective on-going current solvency assurance.

The implementation of the Alderney eGambling (Amendment)(No.2) Regulations, 2013 has been discussed with licensees and the results of that consultation have been considered with regards to its implementation.

The Alderney eGambling (Amendment)(No.2) Regulations, 2013 have been prepared with assistance from the Law Officers of the Crown in Guernsey.

The Alderney eGambling (Amendment) Regulations were made by the Commission on 25th June, 2013 and come into force on 1st July, 2013.

I would be obliged if The Alderney eGambling (Amendment) (No.2) Regulations, 2013 is placed before the States at its next meeting together with an appropriate proposition.

*F Simonet
Chairman”*

The States is asked to resolve that “The Alderney eGambling (Amendment) (No.2) Regulations, 2013” not be annulled.

Item VIII Questions and Reports