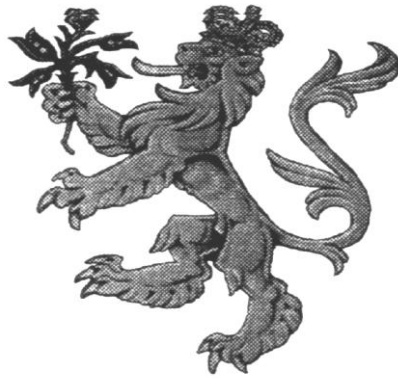


# STATES OF ALDERNEY



WEDNESDAY 23<sup>RD</sup> OCTOBER 2013

# STATES OF ALDERNEY

## BILLET D'ETAT

### FOR WEDNESDAY 23<sup>RD</sup> OCTOBER 2013

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 23<sup>rd</sup> October 2013. This will be preceded by the People's Meeting, which will be held on Wednesday 16<sup>th</sup> October 2013 at 7:00 pm in the Island Hall.

W Stuart Trought  
President

#### Item I      Register of Historic Buildings & Ancient Monuments

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

*“Under the provisions contained in Section 50(2) of the Building and Development Control (Alderney) Law, 2002, as amended, the Building and Development Control Committee is required to publish in a Billet d'État, at least once every three years, a list of all buildings and conservation areas appearing in the Register of Historic Buildings and Ancient Monuments. The list was last published in a Billet D'Etat on 20<sup>th</sup> October 2010, and there have been no amendments made to the list since then. The list is attached.*

*I would be obliged if you could place this matter before the States with an appropriate proposition.*

*Matthew Birmingham  
Chairman, Building & Development Control Committee”*

**The States is asked to take note of the list of properties appearing in the States Register of Historic Buildings and Ancient Monuments as required by The Building and Development Control (Alderney) Law, 2002.**

#### Item II      Budgets for 2014 and Revised Budgets 2013

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

*“Under Section 58 of the Government of Alderney Law the Policy & Finance Committee is required to publish the proposed budgets for 2014 and report on the budget for 2013.*

*The attached Budget Report provides a full explanation relating to the States of Alderney and the States of Alderney Water Board.*

*I would be grateful if you would lay this matter before the States with appropriate propositions.*

*Francis Simonet  
Chairman, Policy & Finance Committee”*

**The States is asked, after consideration of the Budget Report:-**

**to accept the States of Alderney Revenue and Capital Budgets for 2014**

**to accept the States of Alderney Water Board Revenue and Capital Budgets for 2014**

**Item III**      **Occupiers' Rate 2014**

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

*"You will be aware that at the end of each year the States must, by Ordinance, set the level at which the Occupiers' Rate is to be charged for the following year.*

*As mentioned earlier in the Budget Report, the Policy & Finance Committee has resolved that in general no increase in rates should be applied in 2014, with the exceptions as outlined below. This follows a review of the rates by the Finance Committee and will be the third year in which no increase has been applied to domestic rates.*

*Mindful of the current pressure on local businesses, and following representation from the Business Development Tourism & Marketing Committee to examine reduced rates for local businesses, it is proposed that a 10% reduction should be applied to those categories relating to Commercial premises.*

*In addition, it is proposed that the category relating to publically owned non-domestic properties (e) and (f) (charities and non-profit making organisations) should be reduced to zero, following the initial reduction in 2012.*

*Consideration was also given to reducing recreational & sporting premises, however it was noted that eligible sporting clubs could apply to the Income Tax Office for charitable/non-profit making status, which would reduce their liability to nil.*

*It is also proposed to set the tariff relating to development buildings i.e. buildings in the course of construction, at a similar amount to outbuildings (approx 50% of the domestic rate). Although this only relates to a handful of properties it is compatible with current BDCC initiatives relating to the completion of partially constructed properties.*

*The overall effect of the above proposals will result in a reduction in revenue collected of £7.5K compared to 2013, which has been ameliorated by other savings throughout the budget.*

*I therefore enclose a draft Ordinance entitled "The Occupiers' Rate (Level for 2014) Ordinance, 2013" and should be grateful if you would place this before the States with appropriate propositions.*

*Francis Simonet  
Chairman, Policy and Finance Committee"*

**The States is asked to approve "The Occupiers' Rate (Level for 2014) Ordinance, 2013".**

**Item IV**      **Proposed increase in Water Rates**

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

*"The States is requested to review the Water Rate charges annually, as part of the budget process, taking into account anticipated expenditure as predicted by the Water Board Management.*

*Following several years of above RPI increases at 10%, in order to eliminate the deficit which in 2006 had reached £105K, in 2011 and 2012 the increase was reduced to 5%.*

*In considering the Budget for 2014, it has been agreed that going forwards the Water Board should aim to meet its operating costs in any given year to avoid a continuing deficit, which amounted to £23,547 in 2012, and is predicted at £35,710 for 2013. Balanced against this the Water Board is conscious of other pressures on rate payers, and is therefore proposing an RPIX only increase of 2.1%. This increase together with significant reductions in expenditure, to the minimum level required to operate the service, has achieved a balanced operating budget for 2014.*

*Meanwhile, as mentioned in the earlier Budget Report, I am pleased to advise that the substantial capital investment program continues to be carried out in order to improve the Board's infrastructure and to ensure that the island's water supply can be maintained at an acceptable standard. As the Board has minimal reserves this investment has been funded by way of grants from the States of Alderney, totalling in excess of £1.9 million since 2008.*

*However it should be noted that although we now have adequate water supplies to service the Island that this resource should not be wasted. The cost of collecting and treating the supply continues to rise, with the consequential effect that the increased operating costs need to be met by the income from rates.*

*A draft Ordinance entitled "The States Water Supply (Rates of Charge)(Alderney) Ordinance 2013" is attached, which if approved will bring the revised rates and charges into effect from the quarter commencing 26th December 2013, and will be reflected in the March 2014 Water Rate accounts, as rates are charged in arrears.*

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

*Louis Jean  
Chairman, General Services Committee"*

**The States is asked to approve "The States Water Supply (Rates of Charge) (Alderney) Ordinance 2013".**

**Item V**      **The Companies (Alderney) Law 1994 - Fees Ordinance 2013**

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

*"The prescribed fees of The Companies (Alderney) Law 1994 have been reviewed on an annual basis since they were comprehensively reviewed in 2007 following an interval of several years. Although any revised fees are not effective until the following calendar year, fees are now reviewed earlier in the year to allow maximum notice for Company Administrators.*

*At its meeting held on 24<sup>th</sup> September the Policy and Finance Committee considered the increase for 2014. Rather than an overall RPIX increase for 2014 relating to all*

*routine fees, the Committee recommends that they should remain at current levels with the exception of the penalty fees relating to late filing/restoration etc, which should be significantly increased to act as a deterrent. In order to achieve the 2014 budgeted figure, an increase of £2K, the changes required to Section 107(7), and 108(4)(b), are listed below. All other fees remain unchanged, as per the 2012 Ordinance.*

**Section 107(7) – Late Filing Fees**

Subsection	Current Fee	Proposed Fee
(a) First Month	£61	£80
(b) Second Month	£120	£160
(c) Every Month thereafter	£180	£240

**Section 108(4)(b) – Fee for Restoration to Register**

Current Fee	Proposed Fee
£180	£240

*I therefore enclose a draft Ordinance entitled “The Companies (Alderney) Law (Fees) Ordinance 2013” and should be grateful if you would place this before the States with appropriate propositions.*

*Francis Simonet  
Chairman, Policy and Finance Committee”*

**The States is asked to approve “The Companies (Alderney) Law (Fees) Ordinance 2013”.**

**Item VI The Al-Qaida (Restrictive Measures) (Alderney) Ordinance, 2013**

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

*“In 1999, the UN imposed sanctions against designated individuals and entities associated with Al-Qaida, the Taliban and Osama Bin Laden (UNSCR 1267). This was initially implemented in the Bailiwick by the Al-Qaida and Taliban (United Nations Measures) (Channel Islands) Order 2002 and at the same time the EU implemented the UN Order through Council Regulation (EU) No 881/2002. Following a successful legal challenge in 2010 to the UK equivalent of the 2002 Order in Council, the decision was taken to implement UNSCR 1267 in the Bailiwick by enacting an Ordinance under the European Communities Implementation (Bailiwick of Guernsey) Law, 1994 to implement Council Regulation (EU) No 881/2002. This was done by the Al-Qaida and Taliban (Freezing of Funds) (Guernsey) Ordinance, 2011 with corresponding Ordinances being enacted for Alderney and Sark.*

*Shortly after the enactment of these Ordinances, following the death of Osama Bin Laden and certain changes to the situation with regard to the Taliban, the UN adopted resolutions which effectively split the existing Al-Qaida and Taliban regime into two groups (UNSCR 1988 (2011) and (UNSCR 1989(2011) by removing the Taliban-related listings from UNSCR 1267 and introducing a new country-specific Afghanistan regime. The European Council subsequently adopted Council Regulation 753/2011 (EU) No 754 and Council Regulation (EU) No 754/2011 to reflect these changes. There was no need to amend the 2011 Ordinance to give effect to the removal of the Taliban-related names from the relevant listings, as this was automatically covered by the ambulatory references in the Ordinance. However, an Ordinance was required in order to give effect to the new Afghanistan-specific regime and this was dealt with by the introduction of the Afghanistan (Restrictive Measures) (Guernsey) Ordinance, 2011 with corresponding Ordinances being enacted for Alderney and Sark.*

*In June 2013, the European Union (EU) relisted Osama Bin Laden in such a way as to allow his assets to be freed through Council Regulation (EU) No 596/2013.*

*The funds can only be freed provided the UN Sanctions Committee is satisfied the funds will not be made available to a listed entity or use for the purposes of terrorism. The ambulatory references in the Al-Qaida and Taliban (Freezing of Funds) (Alderney) Ordinance, 2011 would not cover the amendments of the new Council Regulation.*

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

*Francis Simonet  
Chairman, Policy & Finance Committee"*

**The States is asked to approve "The Al-Qaida (Restrictive Measures) (Alderney) Ordinance, 2013"**

**Item VII Alderney Commission for Renewable Energy: Appointment of Chairman**

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

*"The Policy and Finance Committee is recommending the re-appointment of Ms Pamela Dixon as Chairman of the Alderney Commission for Renewable Energy for a further period of six months, subject to States approval.*

*Ms Dixon's 2 year term of office as Chairman of ACRE ends on the 24<sup>th</sup> October 2013, and in recognition of the need to appoint a Chairman the existing Commissioners were invited to consider the future appointment of a Chairman for the Commission. It was noted that due the complicated nature of the tidal project that it was extremely difficult to predict the future work requirements of each Commissioner and in particular the Chairman's workload. The current Commissioners made it clear that they would not wish to take on the role of Chairman at this time due to their other commitments. It was the unanimous view of the Commissioners that Ms Dixon's role as Chairman should be extended.*

*The approval of the States to the appointment of Ms Pamela Dixon as Chairman 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."*

*Francis Simonet  
Chairman, Policy & Finance Committee"*

**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 6 months, the term ending on 24<sup>th</sup> April 2014, of Ms Pamela Dixon as Chairman of the Alderney Commission for Renewable Energy.**

**Item VIII Questions and Reports**

Issued: **Friday 11<sup>th</sup> October 2013**