



BILLET D'ETAT FOR 21-01-2005

Date: 12th January, 2005

STATES OF ALDERNEY

BILLET D'ETAT FOR 12TH JANUARY, 2005

Members of the States:

I have the honour to inform you that the Annual Meeting of the States will be held at 5.30 p.m. on Wednesday, 12th January, 2005.

Sir Norman Browse

President

Colonel P. F. Walter will take the Chair as Vice- President

Item I The newly elected President will take the oath of office.

Item II The swearing in of Mrs Sarah Kelly as Deputy Clerk.

Item III Opening of the States Meeting.

Item IV The Reverend A. Mignot will present his warrant of appointment as representative of His Excellency the Lieutenant-Governor of the Bailiwick of Guernsey.

Item V Presidential Address

Item VI To elect a Vice President for 2005.

Item VII The States is asked to appoint KPMG Channel Islands Limited to be the States Auditors for 2005.

Item VIII The States is asked to decide whether elections of Committees and Chairmen should be by open vote, otherwise Rule 20 of the Rules of Procedure of the States of Alderney, as amended in 2001, shall come into operation.

Item IX 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 and Building and Development Control Committees 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 Board of Industry 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.

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.

Item X 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 all matters relating to public assistance and welfare; and the allocation of States housing.

To be responsible for all official entertainments, liquor licensing and the Saye Camp site.

To be responsible for recreation, youth and sports activities.

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 XI 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 XII To elect the following Chairmen:

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

Item XIII To elect members to the following Committees:

1. 3 Members to the Policy and Finance Committee (the Chairman of the General Services Committee being an ex officio member of this Committee)
2. 5 Members to the General Services Committee
3. 4 Members to the Building and Development Control Committee.

Item XIV Guernsey/ Alderney Joint Consultative Council

1. To appoint a Chairman to the Alderney section of the Council;
2. To authorise the Chairman in consultation with the President to nominate members with appropriate knowledge and experience to attend meetings as and when necessary.

Item XV 1. EITHER to elect a person to serve as a Director on the Board of Alderney Electricity Limited; OR to direct the Policy and Finance Committee to do so from their members.

1. To elect a member to serve on the Guernsey Cadastre Appeals Committee.
2. EITHER to elect a member and his deputy to serve as a non-voting observer on the States of Guernsey Gambling Control Committee; OR to direct the Policy and Finance Committee to do so from their members.
3. 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 XVI 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 his deputy or the Chief Executive Officer and the States Treasurer or his deputy to operate the States Bank Accounts;
2. to empower any one member of the Policy and Finance Committee with the States Treasurer or his deputy, or the States Treasurer or his deputy with the Chief Executive Officer to operate the Water Board Bank Account.

Item XVII Policy and Finance Committee - Annual Report for 2004

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

"In accordance with States Resolution VII(1) of the 4th May, 1977, I attach hereto the Annual Report of the Policy and Finance Committee for 2004.

I should be glad if you would place this Report before the States with an appropriate proposition.

P. Walter

Chairman"

The States is asked to accept the Annual Report for 2004 of the Policy and Finance Committee.

Item XVIII General Services Committee - Annual Report for 2004

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

"In accordance with States Resolution VII(1) of the 4th May, 1977, I attach hereto the Annual Report of the General Services Committee for 2004.

I should be glad if you would place this Report before the States with an appropriate proposition.

B. Pengilley

Chairman"

The States is asked to accept the Annual Report for 2004 of the General Services Committee.

Item XIX Building and Development Control Committee - Annual Report, 2004

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

"In accordance with States Resolution VII(1) of the 4th May, 1977, I attach hereto the Annual Report of the Building and Development Control Committee for 2004.

I should be glad if you would place this Report before the States with an appropriate proposition.

R. BurrIDGE

Chairman"

The States is asked to accept the Annual Report for 2004 of the Building and Development Control Committee.

Item XX Appointment of Representatives to sit in the Guernsey States of Deliberation

The States is asked:-

1. To elect two Members to sit in the Guernsey States of Deliberation as representatives of Alderney; and
2. To elect two other Members to sit in the Guernsey States of Deliberation as alternative representatives of Alderney.

Item XXI Renovation of the Commercial Quay

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

"You will be aware from previous discussions/reports, that the Alderney Commercial Quay is in need of urgent works to maintain its ability to service the Island's bulk freight and oil import operations. The sheetpiling around the Lower and East berths is corroding rapidly with accelerated low water corrosion, rendering this section of the quay liable to collapse if not repaired. The Commercial Quay is the island's lifeline for importation of most of its foodstuffs needs, together with all fuels, building materials and vehicles etc. It also provides berthing for passenger ferries. Without a working quay the Island would cease to be viable for the majority of its residents

In October 2003 the Advisory and Finance Committee approved the first two phases of the design procedure for renovation of the Commercial Quay. This has culminated in a report from our consulting engineers, Beckett Rankine Partnership, giving recommended options and cost estimates for the remediation works.

At present the quay provides two main berths on its western side, the upper berth used for general cargo discharge measuring 61 metres and the lower berth used by tankers and ferries measuring 56 metres. The cargo vessels currently serving Alderney are 57 and 60 metres in length. The tankers are at present 80 metres in length, resulting in a significant amount of overhang of the tanker berth, making berthing difficult and sometimes impossible especially in strong North Easterly winds. We are aware that the present tanker fleet is to be replaced over the next few years by vessels of 95 metres length. The additional 15 metres overhang would render it impossible to accommodate these vessels in any weather conditions.

The comprehensive report produced by Beckett Rankine considers the key operational issues for the harbour and puts forward a range of solutions for renovation. Copies of this report have been circulated to Members of the States, and are available for perusal at the States Office and the Alderney Library. As a précis of this bulky report copies of the Introduction and the Conclusions and Recommendations are attached together with the drawings of the preferred options 1.6a and 1.6b. Schematic drawings of the proposal are displayed in the States Member's room and the States general office.

The recommended options 1.6a or 1.6b are broadly similar in scope and provide the following advantages over and above the minimum repair option:-

1. A 95m main berth, suitable for any vessels which, in the foreseeable future, will need to be berthed at the Quay. At present vessels of this length could not be accommodated.
2. A second smaller berth with low water landing stage which could be used by the present scheduled ferry, particularly during weekly cargo boat unloading. Fishing boats, local ferries, etc could also use this berth. It should be noted that the French operators of the ferry are hoping to substantially increase the frequency of the trips to and from Alderney next year, ultimately achieving a daily service, which would include expanding the inter-Island service.
3. Provides greater quay space for improved safety procedures on the loading/ unloading of cargo boats (approx. 25% greater), as required for Health & Safety reasons. The new area is also in the critical area for cargo unloading, being adjacent to the freight berth.

4. The provision of increased area for cargo unloading will allow greater segregation of freight/passenger operations and passenger transit. This will be particularly necessary to accommodate the new port security arrangements that have recently come into force.
5. The present cargo shed has been condemned and requires rebuilding. Its size and access arrangements are inadequate for the present amount of weekly freight.

It is impossible to extend the shed without further reducing the cargo handling area with the arrangements at present. The inadequacy of the present shed forces temporary container storage on the quay, leading to even greater congestion and Health & Safety risk. Infill of the triangular sector on the eastern side is also required to provide quay space for the staged works during the construction, as weekly cargo deliveries to the quay will need to be maintained.

6. The Customs service has expressed the need for extended facilities on the quay, due to changing legislation. These could be accommodated within the cargo-shed reconstruction in e).
7. The revetment and infill adjacent to the east berth will also reduce reflection of waves, which occurs at present from the existing vertical wall and make the berth more tenable for small craft and low draught craft, which presently utilise it (fishing vessels, landing craft, etc.).

It is the opinion of the Alderney Harbour Master that, due to unavoidable restrictions on passenger access during fuel unloading operations, option 1.6a is the more feasible of the two options. Because of the similarity in costs between these two options - both at around £3.9m - it is proposed to investigate both options further during the subsequent final design works, which with the preparation and seeking of tenders is the next stage of the scheme.

Attached also is a letter from Beckett Rankine Partnership outlining the company's offer for the further design work, tender preparation and review work necessary to bring the project to tender in the fixed sum of £95,000 plus disbursements. You will note the inclusion of a basic design and tender specification for a spur on the Breakwater as previously suggested and supported by the Board of Administration. (Most of the information required for the design of this spur is already available to Beckett Rankine.)

The construction of a spur would greatly improve the efficiency of the Quay and provide a potential for further development and associated increase in revenue to the harbour. As well as providing much improved shelter for shipping alongside the commercial Quay, it would open the possibility of laying three point pontoon moorings within the sheltered area created by the spur, which would enable a larger number of visiting yachts to be accommodated in much greater comfort than is possible with the existing swinging moorings. The economic benefit of visiting yachts to the economy of the island is well known.

The inclusion of the spur in a competitive tender would better define a cost for this structure which has by all been highlighted as the first stage of any future substantial development of the harbour. The documents will be constructed such that omission of the spur from any contract works would not affect the tender for the quay works in any way. The documents will also allow any interested tenderer to submit an alternative offer for either or both projects, based on his own strengths/ideas alongside a conforming tender for the exhibited works.

Supervision of the works on site is allowed for in the estimated cost, although the most cost- efficient way of carrying out this element of the works has yet to be resolved. This could involve Island-based persons.

It is the opinion of both my Committee and the States Engineer that the offer for design works, through to contract award, by Beckett Rankine Partnership represents outstanding value for money, which is unlikely to be bettered by consultants lacking the intimate knowledge of both this scheme and the general background of working in and around Alderney, - Beckett Rankine Partnership have advised the States of Alderney on marine/harbour matters for the last five years. We see no reason, therefore, why the award of this third phase should not be made to the company on the basis of their quotation.

Before the matter can be progressed to tender stage the States of Alderney will incur significant additional design and consultant's fees as set out above. It is therefore necessary to obtain the approval of the States of Guernsey in principle for this project prior to the project proceeding to the detailed design stage.

The estimated cost of the works at £4,000,000 is outside the scope of the States of Alderney's current capital resources and would require funding from Guernsey's Capital Reserve.

The Policy and Finance Committee has accordingly requested that the Treasury and Resources Department seek the approval of the States of Guernsey as follows:

1.

1. to approve the renovation of the Alderney Harbour Commercial quay as set out in this report.

(b) to authorise the Treasury and Resources Department to approve the acceptance of all tenders in connection with this project and to approve a capital vote, not exceeding £4,000,000, such sum to be charged to the capital allocation of the States of Alderney.

(c) to authorise the Treasury and Resources Department to transfer an appropriate sum from the Capital Reserve to the capital allocation of the States of Alderney in respect of this project.

1. To note the States of Alderney's intention to investigate further the cost of constructing a spur on the Alderney Breakwater.

This matter will be debated at the meeting of the States of Deliberation on 26th January 2005, and I would now ask the States of Alderney to approve this project, subject to the necessary funds being voted by the States of Guernsey.

P F Walter

Chairman"

The States is asked to agree, subject to the approval of the project by the States of Deliberation: -

1. To approve the renovation of the Commercial Quay as set out in the report.

2. To appoint Beckett Rankine Partnership as consultant engineers to prepare detailed specifications and tender documents through to award of contract.

3. To vote the sum of £4,000,000 for this project
4. To agree that further investigations be carried out into the cost of construction of a spur on the Breakwater

Item XXII The Building and Development Control (Alderney) Law, 2002

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

"In section 76 of The Building & Development Control (Alderney) Law, 2002 (the Interpretation Clause) a hotel is defined as follows :-

"hotel" means a hotel, guest house, lodging house or other premises in respect of which an accommodation permit is held under the Tourist (Alderney) Law, 1956".

This definition inadvertently included a bed and breakfast establishment providing accommodation for more than two persons and operated in a private dwelling within the definition of "hotel". This meant that a Bed and Breakfast establishment would require a change of use permit and would be prohibited in the designated area. This was not the intent of the Law.

The Law Officers were consulted and they drafted the necessary Ordinance to right the wrong. The draft Ordinance which amends the Building and Development Control (Alderney) Law, 2002 is entitled "The Building and Development Control (Alderney) (Amendment) Ordinance, 2005 and is enclosed herewith.

The effect of the Ordinance, is to re-define "hotel" and excludes from the definition a bed and breakfast establishment which may or may not hold a Tourist Permit provided its operation does not involve a material change of use of the premises. The new definition is somewhat wordy, but it does work.

I shall be obliged if you will place this matter before the States with an appropriate proposition.

R Burridge

Chairman"

The States is asked to approve of "The Building and Development Control (Alderney) (Amendment) Ordinance, 2005".

Item XXIII Sanctions against Burma

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

"At this year's September States (Item IV refers) there was approved an Ordinance entitled "The Burma (Sale, Supply, Export, Technical Assistance, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) (Alderney) Ordinance, 2004 (Ordinance No XIII of 2004) which gave effect in the island to the European Union's sanctions against Burma.

We are now informed that the Council to the European Union by means of Council Regulation (EC) No 1853/2004 of the 25 October introduced an additional restrictive measure against Burma. Consequently, our Ordinance No XIII of 2004 has to be amended. The new measure is a prohibition on making financial loans or credits to Burmese state-owned enterprises, and the appropriate amending Ordinance drafted by H M Procureur, is attached hereto and is entitled "The Burma (Sale, Supply, Export, Technical Assistance, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) (Alderney) (Amendment) Ordinance, 2004".

Similar legislation has been prepared for the States of Deliberation and other Crown Dependencies and, under our international obligations, we must approve of this piece of legislation.

I shall be obliged if you will place this matter before the States at its next meeting with an appropriate proposition.

P F Walter

Chairman"

The States is asked to approve of "The Burma (Sale, Supply, Export, Technical Assistance, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) (Alderney) (Amendment) Ordinance, 2004".

Item XXIV The Criminal Injuries Compensation (Bailiwick of Guernsey) Law, 2004

The following letter dated 8th December has been received from the Bailiff:-

"I enclose a copy of a letter dated the 8th November, 2001 to me as President of the States by the President of the then States Advisory and Finance Committee concerning Criminal Injuries Compensation.

On the 13th December, 2001, the States of Deliberation resolved as follows:-

"1. To agree to the introduction of a criminal injuries compensation scheme as detailed in paragraph 14 of that Report.

1. To agree the preparation of legislation in accordance with paragraph 15 of that Report.
1. To authorise the States Advisory and Finance Committee to appoint a Chairman and members of the Criminal Injuries Compensation Board as constituted under the proposed legislation.
2. That the costs of the above scheme shall be charged to the States Advisory and Finance Committee revenue budget as detailed in paragraph 19 of that Report.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions".

On the 24th November, 2004, the States of Deliberation approved a Projet de Loi entitled "The Criminal Injuries Compensation (Bailiwick of Guernsey) Law, 2004", which gives effect to the above Resolutions.

I enclose twenty-five copies of the Projet de Loi and shall be obliged if you will place it before the States of Alderney for their approval at their next meeting."

The States is asked to approve of "The Criminal Injuries Compensation (Bailiwick of Guernsey) Law, 2004".

(Note: A copy of the Projet de Loi may be seen in the Office of the Chief Executive Officer and the Alderney Library).

Item XXV School Management Committee

The States is asked to appoint a representative to the St Anne's School Management Committee, to hold office until the 31st December, 2007.

Item XXVI Questions and Reports

Issued: 31st December, 2004