



BILLET D'ETAT FOR 20-12-2006

Date: 20th December, 2006

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 5:30pm on 20th December 2006. His Excellency Vice Admiral Sir Fabian Malbon, KBE, Lieutenant-Governor of the Bailiwick of Guernsey will be in attendance. This will be preceded by the People's Meeting, which will be held on Wednesday 13th December 2005 at 7:00 p.m. in the Island Hall.

Sir Norman Browse
President

Item I "C" Permits

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

"Section 15 of the Building and Development Control (Alderney) Law, 2002 provides that the States may by Resolution prescribe the maximum number of new dwellings for the construction of which, whether by building, conversion or alteration, development may be granted by the Committee during such period as may be specified in any such Resolution. At its meeting on 3rd April 1991 the States resolved that the maximum number of "C" permits to be issued shall, until further resolution of the States, not exceed five in any one calendar year. At its meeting held on 10th February 2006 the States resolved to approve that the maximum number of "C" permits granted in 2006 be zero.

What are generally known as "C" permits are grants for development permission to persons qualified under the provisions of section 33(1)(a) or (b) of the Building and Development Control (Alderney) Law, 2002 ("the Law") to be granted permission to construct a dwelling.

The 2006 Resolution was passed pending a review of the "C" permit system by the Building and Development Control Committee. This has been undertaken as part of a comprehensive review of the Law, which has proceeded with the assistance of the Law Officers but is not yet complete. The size of the task is such that it may not be possible to bring forward all proposed amendments in a single draft and the Committee is now of the view that priority should be given to the most pressing of them, including those relating to "C" permits. It is not possible to submit these to the States in time for the December meeting. In these circumstances, the Committee is seeking a further period during which the maximum number of "C" permits to be issued remains at zero. This can be re-addressed as soon as it becomes practicable to do so but, at this stage, the Committee asks that it be for the calendar year 2007.

I should be obliged if this could be placed before the States at its next meeting with an appropriate proposition.

C Main
Chairman"

The States is asked to resolve that the number of " permits to be granted during the calendar year 2007 is zero (unless the States earlier resolves otherwise).

Item II Rules of Procedure: Members' Interests

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

"The present Rules of Procedure ("the Rules"), made under what is now Section 45(1) of the Government of Alderney Law, 2004, make provision for declarations of interest by Members at meetings of the States and in Committee but not for there to be any register of interests. It is proposed to make provision in the Rules for such a register by adding the following section to the Rules:

22 . (1) The Greffier shall maintain a Register to be known as the Register of Members' Interests in which he shall enter all declarations of interests lodged with him in accordance with paragraphs (3) and (4).

(2) The Register of Members' Interests shall be available at the Courthouse for public inspection whenever the Courthouse is open for normal business.

(3) The President and all Members shall, within one month of the commencement of their term of office and by the 31st January in each year thereafter, make and lodge with the Greffier a declaration of all immovable property interests and business interests in Alderney owned by themselves or their spouse.

(4) The President and all Members shall make and lodge with the Greffier a declaration of any material change to their immovable property interests and business interests within one month of the change.

(5) The President and all Members may, upon ceasing to have an immovable property interest or business interest of which an entry has been made in the Register of Members' Interests, require the Greffier to delete the entry.

(6) The President and all Members need not, when making a declaration in respect of any immovable property interest or business interest, disclose the value of the interest.

(7) All declarations of immovable property interests and business interests required to be lodged with the Greffier under paragraphs (3) and (4) shall be in the form set out in Schedule 1 to these Rules.

I attach a copy of the proposed Schedule.

It follows from the above that all following sections in the Rules will be renumbered.

I would be grateful if the proposed amendment could be placed before the States at its next meeting together with an appropriate proposition.

P F Walter
Chairman"

The States is asked to resolve that in accordance with the powers vested in it by Section 45(1) of the Government of Alderney Law, 2006, the States of Alderney Rules of Procedure be amended by the insertion of the following section and that all following sections be renumbered accordingly: -

22. (1) The Greffier shall maintain a Register to be known as the Register of Members' Interests in which he shall enter all declarations of interests lodged with him in accordance with paragraphs (3) and (4).

(2) The Register of Members' Interests shall be available at the Courthouse for public inspection whenever the Courthouse is open for normal business.

(3) The President and all Members shall, within one month of the commencement of their term of office and by the 31st January in each year thereafter, make and lodge with the Greffier a declaration of all immovable property interests and business interests in Alderney owned by themselves or their spouse.

(4) The President and all Members shall make and lodge with the Greffier a declaration of any material change to their immovable property interests and business interests within one month of the change.

(5) The President and all Members may, upon ceasing to have an immovable property interest or business

interest of which an entry has been made in the Register of Members" Interests, require the Greffier to delete the entry.

(6) The President and all Members need not, when making a declaration in respect of any immovable property interest of business interest, disclose the value of the interest.

(7) All declarations of immovable property interests and business interests required to be lodged with the Greffier under paragraphs (3) and (4) shall be in the form set out in Schedule 1 to these Rules.

Item III The Alderney eGambling (Amendment) Regulations, 2006

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

"I attach a copy of the above, made by the Alderney Gambling Control Commission in exercise of its powers conferred on it by sections 4(2) and 25 of the Alderney eGambling Ordinance, 2006 ("the Ordinance").

You will see that the Regulations were made on 6th November 2006 and that they came into operation on that same day. Compliance with the provisions of section 25(i)(c) of the Ordinance requires that the Regulations be placed before the States at its December meeting. It will then be open to the States to annul them at this or its next Meeting (although I am not aware of any reason why it should do so and will recommend that the States resolves not to annul them).

These Regulations unlike those, which they amend, are quite short. Their purpose is to insert into the application form for a key individual certificate a further page containing a general form of authorisation for the release of information, which may be used by officers or servants of the Commission undertaking an investigation into an applicant for such a certificate.

I would be grateful if you place the Alderney eGambling (Amendment) Regulations, 2006 before the States at its December Meeting with an appropriate proposition.

P F Walter
Chairman"

The States is asked to resolve that the "Alderney eGambling (Amendment) Regulations, 2006" not be annulled.

Item IV Proposed Increase in Harbour Dues, Pilotage Dues and Mooring Charges

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

"1 Harbour and Pilotage Dues

The Policy and Finance Committee, having received recommendations from the General Services Committee on the level of charges to be imposed for the various services provided by the States at Braye Harbour, are agreed that with effect from 1st January 2007, the Harbour Dues and Pilotage Dues should be increased by 3.5% in line with the last published annual increase in the Guernsey Index of Retail Prices.

2 Mooring Charges

The General Services Committee is recommending that local mooring charges be increased by 5%, but recommends no increase in the mooring charge for visiting yachts in order to remain competitive with other harbours in the region which offer better facilities.

My Committee agrees with these proposals and recommends their acceptance.

The three Statutory Instruments required to bring the new fees into force have been drafted and are enclosed herewith. They are as follows: -

Statutory Instrument No 2 of 2006 relating to Harbour Dues and Fees

Statutory Instrument No 3 of 2006 relating to Pilotage Dues and Fees

Statutory Instrument No 4 of 2006 relating to Mooring Charges

I would be grateful if you would place these Statutory Instruments before the States with appropriate propositions.

P F Walter

Chairman"

The States is asked to approve: -

1. Statutory Instrument No 2 of 2006

2. Statutory Instrument No 3 of 2006

3. Statutory Instrument No 4 of 2006

Item V The Fees (Amendment)(Alderney) Ordinance, 2006

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

"The current Fees (Amendment)(Alderney) Ordinance, 2005 sets out the prescribed fees payable by virtue of a variety of Laws and Ordinances. As it has been in force since May 2005 my Committee in consultation with the General Services Committee and the Building and Development Control Committee has recently reviewed the level of charges with the intention of introducing a new scale of fees to come into effect from 1st January 2007.

As it will be twenty months since the current fees were set, and as the increase in the Retail Price Index in that time will be in the region of 5%, the majority of fees have been increased by that percentage. There are however some fees which are considered to be so low as to be insufficient to meet the administration costs, and in these cases a higher increase is proposed. In most cases fees have been rounded to the nearest 50p or £1.00. The separate sections and the increases proposed for each are listed below: -

Employment Permits

The present fees are very low and do not reflect the amount of administration involved. It is therefore proposed to increase first application and renewal fees by 33% and the grant of an indefinite permit from £14 to £25.

Import and Export Control Law and Orders

Fees charged on the importation of motor vehicles, together with the licences issued for the import or export of flora and fauna protected by CITES have all been increased by 5%.

Building and Development Control Law

Permit fees have all been increased by 5% in respect of the basic fees, and in the case of the square footage charge, by 11% for owner/occupier and commercial developments, and by 20% for commercial housing developments.

Hawkers Licences

A 5% increase is proposed.

Fees payable under the Tourist (Alderney) Law

The fee per bed does not cover administration costs and is increased from £7.00 to £8.00, a rise of 14.3%.

Liquor Licences

Current fees are considered low in comparison with other jurisdictions, and an increase of 10% is

proposed.

Dangerous Weapons)

Public Service Vehicles)

Hired Motor Vehicles) All fees under the relevant Ordinances are

Passenger Boats) increased by 5%.

Water Boreholes and Wells)

Marriage Fees

Existing fees are low when compared to other jurisdictions. With the States now having the ability to introduce an Ordinance in order to relax the residency qualifications, and the new possibility for civil marriages to be held in approved buildings, Alderney has the potential of becoming a popular location for non-residents to hold their weddings. My Committee, in consultation with the Greffier, has taken this opportunity to increase fees to a realistic but affordable level. A new item, namely an annual licence fee of £100.00 for approved buildings has been added to the list of fees as item 10.

Residential and Nursing Homes

Fees for registration have been increased by 5%.

A new Fees Ordinance entitled "The Fees (Amendment)(Alderney) Ordinance, 2006" has been prepared and is attached. If approved this will come into force on 1st January 2007.

I would be grateful if you would place this before the States with an appropriate proposition.

P F Walter

Chairman"

The States is asked to approve "The Fees (Amendment)(Alderney) Ordinance, 2006".

Item VI The Lebanon (Restrictive Measures) (Alderney) Ordinance, 2006

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

"I attach a copy of the above.

The Council of the European Union introduced restrictive measures in relation to Lebanon on 25 September 2006 (Council Regulation (EC) No. 1412/2006). In order to enforce these locally an Ordinance is required under the European Communities (Implementation) Law, 1994.

I should be grateful if the Lebanon (Restrictive Measures) (Alderney) Ordinance, 2006 could be laid before the States at its next meeting together with an appropriate proposition.

P F Walter

Chairman"

The States is asked to approve "The Lebanon (Restrictive Measures) (Alderney) Ordinance, 2006".

Item VII Policy and Finance Committee - Annual Report for 2006

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 2006.

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

P F Walter
Chairman"

The States is asked to accept the Annual Report for 2006 of the Policy and Finance Committee.

Item VIII General Services Committee - Annual Report for 2006

The following letter has been received from Mr B 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 2006.

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

B A E Pengilley
Chairman"

The States is asked to accept the Annual Report for 2006 of the General Services Committee.

Item IX Building and Development Control Committee - Annual Report for 2006

The following letter has been received from Mr C Main, 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 2006.

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

C Main
Chairman"

The States is asked to accept the Annual Report for 2006 of the Building and Development Control Committee.

Item X Questions and Reports

Issued Friday 8th December 2006