



## **BILLET D'ETAT FOR 13-01-2010**

**Date: 13th January, 2010**

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 13th January 2010. This will be preceded by the People's Meeting, which will be held on Wednesday 6th January 2010 at 7:00 p.m. in the Island Hall.

Sir Norman Browne  
President

### **Item I Opening of the States.**

### **Item II Presentation of Warrant**

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

### **Item III 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.

### **Item IV Vice President**

To elect a Vice President for 2010.

### **Item V Appointment Of Auditors**

The States is asked to appoint KPMG Channel Islands Limited to be the States Auditors for 2010.

### **Item VI 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 Occupiers 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 VII 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 VIII 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 IX 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 X 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 XI Other Appointments:**

1. The States is asked:

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

2. 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 XII 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 XIII 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 2010, and
- (b). To elect two other members to sit in the Guernsey States of Deliberation as Alternative Representatives for 2010.

**Item XIV Policy and Finance Committee Quorum**

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

The Government of Alderney Law, 2004 provides at section 49(6) that the quorum at a meeting of a committee is 3 members or such larger number of members as the States may, in respect of a particular committee, resolve.

You will be aware that the Policy and Finance Committee now comprises all 10 States Members. It is considered that a quorum of 3 is insufficient and that this should be increased to 6.

I would be obliged if this letter is placed before the States at its next meeting together with an appropriate proposition.

R. G. Willmott  
Chairman

**The States is asked to resolve that the quorum for a meeting of the Policy and Finance Committee be 6 members.**

**Item XV The Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008 (Commencement) Ordinance, 2010**

**The Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Alderney) Ordinance, 2010**

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

The Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008 (the Law) has received the Royal Assent and has been registered at the Royal Court. However, it cannot come into effect without an Ordinance providing for this. I attach a copy of the Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008 (Commencement) Ordinance, 2010. I would be grateful if you could place this before the next meeting of the States together with an appropriate proposition.

The Law contains a general prohibition against smoking in any enclosed public place or workplace. The States may by Ordinance exempt any premises, or class or description of premises, or any part of any such premises or class or description of premises, from that general prohibition. I attach a copy of the Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Alderney Ordinance), 2010 (the ordinance). The exemptions provided are as in the Guernsey equivalent, omitting those which could not apply here (in relation to the prison in Guernsey, for example). The Ordinance also provides for the display and form of notices prohibiting smoking under the Law. Again, I would be grateful if you could place this before the next meeting of the States together with an appropriate proposition. As Members may wish to determine the exemptions before voting on commencement I suggest that the propositions are taken in that order.

R. G. Willmott  
Chairman

**The States is asked to approve:**

**1. The Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Alderney) Ordinance, 2010.**

**2. The Smoking (Prohibition in Public Places and Workplaces) (Alderney Law, 2008 (Commencement) Ordinance, 2010.**

### **Item XVI The Government of Alderney (Amendment) Law, 2010**

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

The above item was withdrawn at last months meeting of the States when it became evident at a late stage that the proposed amendment of the definition of States Employee would have two unintended effects. Firstly, it would allow Guernsey States Employees (including some working in Island Hall) to serve on the States, as the definition which precedes it in the Government of Alderney Law, 2004 defines States only as the States of Alderney. Secondly, it would not extend the range of persons paid by the States of Alderney (but not, for example, in its full time/pensionable employment) who would be able to stand for office. The Policy and Finance Committee has found itself unable to recommend an alternative to the existing definition and, in the circumstances, I ask that the Government of Alderney (Amendment) Law, 2010 be restored for consideration by the States when it next meets, but with section 19(c) omitted, together with an appropriate proposition.

R. G. Willmott  
Chairman

**The States is asked to approve the Projet de Loi entitled The Government of Alderney (Amendment) Law, 2010 and to request the President to seek the Sanction of Her Most Excellent Majesty in Council for it to have the force of law in the Island of Alderney.**  
**Item XVII The Housing (Exemptions) (No.6) (Alderney) Ordinance, 2009**

The following letter has been received from Ms E Bennett, Chairman of Building and Development Control Committee:-

Mr Peter Arnold wishes to construct a new, single bedroom dwelling on land registered as entry number AY599. This will replace a stone outbuilding in the grounds of the Alderney Pottery. This will require an ordinance exempting him from the provisions of section 33 of the Building and Development Control (Alderney) Law, 2002 (the Law). I attach for this purpose the proposed Housing (Exemptions) (No.6) (Alderney) Ordinance, 2009.

Members will note that exemption will only apply in relation to Mr Arnolds application for development permission to construct a new dwelling as above and that this permission does not count towards the number of C permits for the time being prescribed for the purposes of section 15 of the Law.

I would be grateful if the Housing (Exemptions) (No.6) (Alderney) Ordinance, 2009 could be placed before the States when it next meets together with an appropriate proposition.

E. Bennett  
Chairman

**The States is asked to approve The Housing (Exemptions) (No.6) (Alderney) Ordinance, 2009.**

### **Item XVIII Questions and Reports**



a) Appointment of Chief Executive Officer.

Issued 31st December 2009

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