

DELIBERATIONS OF 12-01-2005

Date: 12th January, 2005

DELIBERATIONS OF THE MEETING HELD ON 12th January 2005 at 1730 HOURS

Present:

Sir Norman Browse
Colonel P. F. Walter
Mr. J. Postlethwaite
Mr. R. Cox
Mr. B. Pengilley
Mr. R. Willmott
Mrs. S. Phillips
Mrs. L. Maurice
Miss. B. Benfield
Mr. W. Walden
Mr. C. Main

Reverend A. Mignot representing the Lieutenant Governor was present.

Colonel P. F. Walter took the Chair as Vice-President.

Item I Opening of the States Meeting

Item II The newly elected President, Professor Sir Norman Browse M.D., F.R.C.S., F.R.C.P., took the oath of office and took the Chair.

Item III Mrs Sarah Kelly was sworn in as Deputy Clerk.

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

Item V Presidential Address

Sir Norman Browse congratulated the recently elected Members. It was noted that they had taken their Oath of Office earlier in the month. Mrs Kelly and Mr Jeremiah were welcomed to the meeting.

The President thanked the Islanders for their vote of confidence in allowing him to serve for a second term.

The President asked that all Members respect the will of the majority and always act as individuals and do the best that they can for the Island, during their term of office.

Item VI Colonel Walter was elected Vice President for 2005.

(Proposed by Mr Postlethwaite and seconded by Mr Pengilley)

(Approved unanimously)

Item VII The States appointed KPMG Channel Islands Limited to be the States Auditors for 2005.

(Proposed by Colonel Walter and seconded by Mr Postlethwaite)

(Approved unanimously)

Item VIII The States decided elections of Committees and Chairmen should be by closed vote.

This was following a vote on the proposition from Colonel Walter, which was seconded by Mr Main, that elections of Committees and Chairmen should be by open vote.

(Closed Vote: Messrs Cox; Willmott; Walden; Postlethwaite; Mrs Phillips and Miss Benfield

Open Vote: Colonel Walter; Messrs Pengilley and Main; and Mrs Maurice.)

Item IX The States resolved 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 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.

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.

(Proposed by Colonel Walter and seconded by Mr Postlethwaite.)

(Approved unanimously)

Item X The States resolved to approve of 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.

(Proposed by Mr Pengilley and seconded by Mr Willmott)

(Approved unanimously)

N.B. It was noted that any proposed revisions to the mandate would primarily be discussed by the relevant Committee and then, if necessary, would be re-submitted to the States for approval.

Item XI The States resolved 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.

(Proposed by Mr Cox and seconded by Mrs Maurice)

(Approved unanimously)

Item XII The States resolved to elect the following Chairmen:-

COLONEL PETER WALTER as Chairman of the Policy and Finance Committee

(Proposed by Mr Pengilley and seconded by Mr Postlethwaite)

The following names were put forward for Chairmanship of the General Services Committee:-

Mr Barry Pengilley (Proposed by Mr Cox and seconded by Colonel Walter).

Mr Richard Willmott (Proposed by Mr Walden and seconded by Miss Benfield).

Following a closed vote and the casting vote of the President MR BARRY PENGILLEY was elected as Chairman of the General Services Committee.

MR CHRIS MAIN as Chairman of the Building and Development Control Committee.

(Proposed by Mr Cox and seconded by Colonel Walter)

Item XIII The States resolved to elect Members to the following Committees:-

The following names were put forward to serve on the Policy and Finance Committee:-

Mr Richard Willmott (Proposed by Mr Walden and seconded by Mr Postlethwaite).

Mr John Postlethwaite (Proposed by Colonel Walter and seconded by Mr Cox).

Mr Bill Walden (Proposed by Mr Willmott and seconded by Mrs Phillips).

Mr Richard Cox (Proposed by Mr Postlethwaite and seconded by Colonel Walter).

Mrs Lin Maurice (Proposed by Colonel Walter and seconded by Mr Pengilley)

Following a closed vote, the following 3 Members were elected to serve on the Policy and Finance Committee (the Chairman of the General Services Committee being an ex-officio member of this Committee) :-

Mr John Postlethwaite

Mr Richard Willmott

Mr Richard Cox

The following 5 Members were elected to serve on the General Services Committee following a proposition from Mr Main, which was seconded by Mr Cox, that all remaining Members should serve on the General Services Committee:

Mr Chris Main

Mrs Sue Phillips

Mrs Lin Maurice

Ms Barbara Benfield

Mr Bill Walden

The following 4 Members were elected to serve on the Building and Development Control Committee:

Mr Richard Cox

Mr Richard Willmott

Mrs Lin Maurice

Ms Barbara Benfield

Item XIV The States resolved :-

1. To appoint Colonel Peter Walter as Chairman of the Alderney section of the Guernsey/Alderney Joint Consultative Council;

(Proposed by Mr Postlethwaite and seconded by Mr Cox)

(Approved unanimously)

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.

(Proposed by Mr Postlethwaite and seconded by Mr Cox)

(Approved unanimously)

Item XV The States resolved :-

1. To direct the Policy and Finance Committee to elect a person from their members to serve as a Director on the Board of Alderney Electricity Limited.

(Proposed by Colonel Walter and seconded by Mr Pengilley)

(Approved by a majority, with the casting vote of the President)

For: Colonel Walter; Messrs Willmott; Postlethwaite; Pengilley and Mrs Maurice. Against: Messrs Cox; Walden; Main; Mrs Phillips and Ms Benfield).

1. That Ms Barbara Benfield be elected to serve on the Guernsey Cadastre Appeals Committee.

(Proposed by Colonel Walter and seconded by Mr Main)

(Approved unanimously)

3. This item was withdrawn due to there no longer being the requirement for a Member to serve on the States of Guernsey Gambling Control Committee.

1. 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). The following names were put forward:-

Mr Richard Cox (Proposed by Colonel Walter and seconded by Mr Main).

Mr Richard Willmott (Proposed by Mrs Phillips and seconded by Mr Walden).

Mrs Lin Maurice (Proposed by Mr Pengilley and seconded by Mr Cox).

Mr Bill Walden (Proposed by Ms Benfield and seconded by Mrs Phillips.)

Following a closed vote the following were elected :-

Mr Richard Cox

Mr Richard Willmott

Mrs Lin Maurice

Item XVI The States resolved to approve 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.

(Proposed by Colonel Walter and seconded by Mr Postlethwaite)

(Approved unanimously)

Item XVII The States resolved to accept the Annual Report for 2004 of the Policy and Finance Committee.

(Proposed by Colonel Walter and seconded by Mr Postlethwaite)

(Approved unanimously)

Item XVIII The States resolved to accept the Annual Report for 2004 of the General Services Committee.

(Proposed by Mr Pengilley and seconded by Mr Willmott)

(Approved unanimously)

Item XIX The States resolved to accept the Annual Report for 2004 of the Building and Development Control Committee.

(Proposed by Mr Cox and seconded by Mrs Maurice)

(Approved unanimously)

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

The following names were put forward to sit in the Guernsey States of Deliberation:-

Colonel Peter Walter (Proposed by Mr Postlethwaite and seconded by Mr Pengilley).

Mr Richard Cox (Proposed by Colonel Walter and seconded by Mr Pengilley).

Mr Chris Main (Proposed by Mr Willmott and seconded by Mr Walden).

After a closed vote the following were elected :-

Colonel Peter Walter

Mr Richard Cox

The following names were put forward to sit in the Guernsey States of Deliberation as alternative representatives of Alderney:-

Mr Chris Main (Proposed by Colonel Walter and seconded by Mr Cox)

Mr Bill Walden (Proposed by Mr Main and seconded by Mrs Phillips)

Mr Richard Willmott (Proposed by Mrs Phillips and seconded by Mr Walden).

After a closed vote the following were elected :-

Mr Chris Main

Mr Richard Willmott

Item XXI Renovation of the Commercial Quay

The States resolved 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.

(Proposed by Colonel Walter and seconded by Mr Pengilley)

(Approved unanimously)

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

(Proposed by Colonel Walter and seconded by Mr Pengilley)

(Approved unanimously)

3. To vote the sum of £4,000,000 for this project

(Proposed by Colonel Walter and seconded by Mr Pengilley)

(Approved unanimously)

4. To agree that further investigations be carried out into the cost of construction of a spur on the Breakwater

(Proposed by Colonel Walter and seconded by Mr Pengilley)

(Approved by a majority - all in favour except Mr Main and Ms Benfield who voted against).

Item XXII The Building and Development Control (Alderney) (Amendment) Ordinance, 2005

This item was withdrawn for further consideration.

Item XXIII Sanctions against Burma

The States resolved 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".

(Proposed by Colonel Walter and seconded by Mr Cox)

(Approved unanimously)

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

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

(Proposed by Colonel Walter and seconded by Mr Postlethwaite)

(Approved unanimously)

Item XXV School Management Committee

This item was withdrawn until the March States Meeting.

Item XXVI Questions and Reports

The President advised of the efforts of the Islanders in raising funds for the Tsunami Appeal and offered the Islands relief that Deputies Roffey and Pritchard were safe and well.

Congratulations were offered to Mr Peter Arnold, M.B.E. and Mr David Jeremiah, O.B.E., on their recent honours and also to Mr Mark Gaudion, who had recently been awarded a Long Service Medal for 20 years service on the Alderney Fire Brigade.

The President stated that a Tidal Energy Progress Report was expected in 4 - 6 months time.

The meeting concluded with the President offering the Island a very Prosperous and Happy New Year.

Meeting Closed : 1940hrs
Issued : 24th January, 2005

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