

DELIBERATIONS OF 24-05-2006

Date: 23rd May, 2006

DELIBERATIONS OF THE MEETING HELD ON 24TH MAY 2006 AT 17:30

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

Mr G. W. Baron, O.B.E. represented His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey.

Item I The Alderney Road Traffic and Public Highways (Amendment) Regulations, 2006

The States resolved to annul "The Alderney Road Traffic and Public Highways (Amendment) Regulations, 2006".

(Proposed by Mr B Pengilley and seconded by Mr Walden.)

(Annulled by a majority.)

(For annulment: Colonel Walter, Messrs Cox, Postlethwaite, Pengilley and Main, Mrs Phillips and Miss Benfield. Against annulment: Messrs Willmott, Walden, and Mrs Maurice.)

Item II The Speed Trials (Alderney) Ordinance, 2006

The States resolved to approve of "The Speed Trials (Alderney) Ordinance, 2006".

(Proposed by Mr B Pengilley and seconded by Mrs Maurice.)

(Approved unanimously.)

Item III Changes to Electoral System - Requirement

The following proposition was proposed by Mr Postlethwaite and seconded by Mr Cox.

"That Item III (the requirement) be withdrawn in order to accommodate a full review of the Government of Alderney Law, taking into account the views of the Electorate and States Members."

(Approved by the casting vote of the President.)

(For: Colonel Walter, Messrs Cox, Postlethwaite, Pengilley and Mrs Maurice. Against: Messrs Willmott, Walden, and Main, Mrs Phillips and Miss Benfield.)

The original proposition was then withdrawn.

Item IV Alderney Community Sports and Health Charitable Trust

The States resolved to approve that "The Chief Executive be authorised to enter into an Agreement for a Lease between the States of Alderney Community Sports and Health Charitable Trust based on the terms set out in the letter from the Chairman of the Policy and Finance Committee dated 8th May 2006, that the Chief Executive to take instructions from the Policy and Finance Committee or the General Services Committee (in accordance with their respective mandates) in any area of doubt but without requirement to refer back to the full States before entering into the Agreement".

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

(Approved unanimously.)

Item V Questions and Reports

The following questions for verbal and written reply from Mr Willmott were asked of the Chairman of the General Services Committee: -

The Chairman of GSC gave an update on the incinerator at the last States meeting citing Guernsey landfill gate prices, and the risk of the free shipping of recycled materials to the mainland coming to an end, as being key factors influencing the decision to procure an on island incinerator.

1. Will the Chairman please confirm what attempts have been made to find alternative destinations to which our waste could be shipped - including France, Germany, Jersey and mainland UK, pending a final decision of either Jersey or Guernsey on their new waste strategies.
2. Will he please confirm the legal position of temporary exports of waste to the EU, Jersey and Guernsey.
3. Will he please confirm whether his committee has contemplated amending or repealing Alderney's transshipment of waste regulations.
4. Will he please confirm whether or not his Committee has considered providing their own shipping as part of a waste strategy.
5. Will he please state what the anticipated costs per ton of waste shipped to Guernsey will be over the next five years and how this compares with cost of incineration per ton over the next five years.
6. Will he please indicate how these figures would change if Alderney were to adopt an aggressive policy of Reducing, Reusing and Recycling waste - which resulted in the Island achieving recycling rates of at least 50% of MSW and lower overall tonnages.
7. Will he please say what approaches have been made to Alderney Shipping to negotiate a binding agreement for shipment of recycled materials to the mainland.
8. Will he please confirm how much per ton the cost of shipping recycled materials to the mainland

actually costs.

9. Will he please explain whether or not the proposed incinerator will be operated continuously 24 hours a day, 7 days a week.

10. Will he say whether adopting a policy of maximum recycling and purchasing a smaller incinerator is financially viable and if considered not to be so why not.

11. Will he state which members of his committee are presently involved in detailed discussions for the procurement of an incinerator.

The following questions for verbal reply from Mr Willmott were asked of the Chairman of the General Services Committee: -

1. Last November the consultants Ramboll produced revised waste treatment life cycle costs for on island and off island treatment of our waste. In their report Ramboll dismissed the option of converting green waste into compost as, in their opinion, there was "no specific need for compost" on the Island. Could the Chairman please explain how Ramboll came to this conclusion.

2. The proposed incinerator is likely to be similar to that proposed by Envikraft in February 2004 which has a capacity of 7 tons per day and a capital cost of £1.44 m. Can the Chairman please state whether Envikraft, or any other possible suppliers, are able to provide a non hospital reference site, where their incinerators are being used by small isolated communities of a similar size to Alderney? If so does his Committee plan to communicate with the operators of such plants

Reply:

In reply to your questions dated 8th May 2006 numbering 1-11 and also your questions dated 17th May 2006 1-2. First of all I find it unusual that you are asking these questions when you have had written reply to most of them from the States Engineer Mr Price dated 7th February 2006, after the Policy and Finance meeting.

The General Services Committee during 2005 have unanimously approved further exploration in allowing Ramboll to produce updated documentation and advice relating to the for and against of on Island waste disposal, you actually refer to their last report of November 2005 in your 17th May questions so you must be aware of the contents.

I do not feel it appropriate at this moment in time to give specific answers to your 13 individual questions. Ramboll have already researched alternative methods of waste disposal and indicated their views in their report of November 2005, which has been available to States Members since that date. They have already agreed to research the market of manufacturers and produce their written recommendations initially to the General Services Committee in the month of June 2006. If the General Services accept these recommendations I presume it will then be proposed to invite Ramboll to Alderney to make a full presentation of their recommendations to the full States of Alderney and possibly the people.

The following questions for verbal and written reply from Mr Willmott were asked of the Chairman of the Policy and Finance Committee: -

1. Will the Chairman of P&F please confirm that as a Crown Dependency citizens of Alderney are not bound by Colonial Regulations in their communications with the Crown and UK Government, as is the case for the Overseas Territories.

2. Could the Chairman also state what written protocols do govern the communications between, The Crown, The Lieutenant Governor, the Department for Constitutional Affairs on the one hand and Alderney citizens, States members, and Court officers on the other.

Reply:

As the President stated in a recent memorandum to all States Members there has been an agreed protocol for communications between the UK, the Crown Dependencies and the Overseas Territories for many years. This is not set out in a single document. It is largely a matter of convention. In the Overseas Territories, communication with which is largely through the Foreign and Commonwealth Office, the

convention is reflected in what are termed "Colonial Regulations". The Crown Dependencies are not and never have been colonies and communication with them is through the Department of Constitutional Affairs. There is no equivalent of Colonial Regulations but the same need to observe protocol arises. The precise terms may vary (in Jersey, for example, official communication is through the Bailiff or, in some instances, given its ministerial system of government, the Chief Minister's Office) but the underlying convention is simple to state - there must be defined lines of communication. The President has set these out for States Members in his recent memorandum and the Department for Constitutional Affairs, in relation to Alderney, recognises the protocol there set out. The Department for Constitutional Affairs will not enter into communication with States Members on any aspect of States business other than in accordance with that protocol. As the President has observed, failure to adhere to this protocol can cause embarrassing misunderstandings.

The following question for verbal and written reply from Mr Willmott was asked of the Chairman of the Building and Development Control Committee: -

1. Could the Chairman please state how many dwellings were created on the Island in each of the five years 2000-2005 and how many in each year were created by C permits and how many otherwise (e.g. by Ordinance).

Reply:

Total New Dwellings 2000-2005

Note re allocation of C Permits

5 Permits were previously allocated per year. C Permit is allocated and then when plans are received, a building permit is issued. Therefore, where more than 5 building permits have been issued in a year, the C Permits were allocated in a previous year.

2000 Total

7 building permits under C Permit system

1 permit issued by Exemption Ordinance

18 permits issued by Exemption Ordinance (Penguin Site) 26

2001

6 building permits under C Permit system 6

2002

7 building permits under C Permit system

1 permit issued by Exemption Ordinance 8

2003

5 building permits under C Permit system

1 permit issued by Exemption Ordinance 6

2004

3 building permits under C Permit system

1 permit issued by Exemption Ordinance

21 permits issued by Exemption Ordinance (Brickfields) 25

2005

4 building permits under C Permit system

18 permits issued by Exemption Ordinance (Braye Street) 22

Total Dwellings

Constructed in the year 2000 to 2006 inclusive (6 years) 93

A question for verbal reply from Mr Postlethwaite regarding the Quinquennial inspection of St Anne's Church was asked of the Chairman of the General Services Committee

A question for verbal reply from Mr Willmott regarding the recently commissioned water treatment feasibility study was asked of the Chairman of the General Services Committee.

A question for verbal reply from Mr Main regarding the Land Use Plan Inquiry was asked of the Chairman of the General Services Committee.

The President expressed his thanks, on behalf of the States, to the Land Use Plan Inspector for conducting the Public Inquiry in a pleasant, kind and thoughtful manner and stated that we awaited his report with interest. Mr Main confirmed that the report would be available during the first week of June 2006, allowing plenty of time for submission to the July Sates Meeting.

Meeting ended 19:20

Issued: 31st May 2006
