

DELIBERATIONS OF 09-01-2008

Date: 9th January, 2008

DELIBERATIONS OF THE MEETING HELD ON 9th JANUARY 2008 AT 17:30 HOURS

Present:

Sir Norman Browse

Mr R Cox

Mr B Pengilley

Mrs L Maurice

Mr R Willmott

Miss B Benfield

Mr B Walden

Mr C Williams

Mr I Tugby

Mrs E Bennett

Mr F Dean

Mr J Richards represented His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey.

Item I Opening of the States Meeting

Mr Frank Dean took his Oath of Office before the President.

Item II Presentation of Warrants

Mr John Richards presented his warrant of appointment as Representative of His Excellency the Lieutenant-Governor of the Bailiwick of Guernsey.

Item III Election Procedure

Open voting proposed by Mr Pengilley and seconded by Mrs Maurice.

The States resolved that the subsequent elections be by closed vote.

(Approved by a majority.)

Item IV Vice President

The following names were put forward for Vice President for 2008: -

Mr Colin Williams (Proposed by Mr Willmott and seconded by Mr Walden.)

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

Following a closed vote Mr Colin Williams was elected Vice President for 2008.

Item V Appointment Of Auditors

The States resolved to appoint KPMG Channel Islands Limited to be the States Auditors for 2008.
(Approved unanimously.)

Item VI The mandate of the Policy and Finance Committee

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.

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.

(Proposed by Mr Willmott and seconded by Mr Williams.)

(Approved unanimously.)

Item VII The mandate of the General Services Committee

The States resolved 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.
(Proposed by Mr Walden and seconded by Miss Benfield.)
(Approved unanimously.)

Item VIII The mandate of the Building and Development Control Committee

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 Miss Benfield and seconded by Mrs Maurice.)

(Approved unanimously.)

Item IX The States resolved to elect the following Chairman:

Mr Richard Willmott as Chairman of the Policy and Finance Committee:

(Proposed by Mr Williams and seconded by Mr Tugby.)

Mr William Walden as Chairman of the General Services Committee.

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

Miss Barbara Benfield as Chairman of the Building and Development Control Committee.

(Proposed by Mr Tugby and seconded by Mrs Maurice.)

Item X The States resolved to elect the following Committees: -

1. 9 Members to the Policy and Finance Committee.

The following members were elected to the Policy and Finance Committee:-

Miss Barbara Benfield

Mrs Elizabeth Bennett

Mr Richard Cox

Mr Frank Dean

Mr Lin Maurice

Mr Barry Pengilley

Mr Ian Tugby

Mr William Walden

Mr Colin Williams

2. 5 Members to the General Services Committee.

The following names were put forward as members of the General Services Committee:-

Mr Barry Pengilley, Miss Barbara Benfield, Mrs Elizabeth Bennett, Mr Colin Williams and Mr Ian Tugby
(Proposed by Mr Walden and seconded by Miss Benfield.)

Mr Frank Dean (Proposed by Mr Willmott and seconded by Mr Cox.)

Following a closed vote the following members were elected to the General Services Committee:-

Mr Colin Williams

Mr Ian Tugby

Mr Frank Dean

Miss Barbara Benfield

Mrs Elizabeth Bennett

3. 4 Members to the Building and Development Control Committee.

The following names were put forward as members of the Building and Development Control Committee:-

Mr Frank Dean (Proposed by Mr Walden and seconded by Mr Willmott.)

Mrs Lin Maurice (Proposed by Mr Cox and Seconded by Mr Willmott.)

Mr Ian Tugby (Proposed by Mrs Bennett and seconded by Miss Benfield.)

Mrs Elizabeth Bennett (Proposed by Mr Willmott and seconded by Miss Benfield.)

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

Following a closed vote the following members were elected to the Building and Development Control Committee:

Mrs Lin Maurice

Mrs Elizabeth Bennett

Mr Frank Dean

Mr Ian Tugby

Item XI Other Appointments

Director on the Board of Alderney Electricity Limited.

Following an open vote the States resolved to elect a person to serve as Director of the Board of Alderney Electricity Limited.

The following name was put forward: Mr Richard Willmott.

(Proposed by Mr Williams and seconded by Miss Benfield.)

States resolved to appoint Mr Richard Willmott to serve as a Director of the Board of Alderney Electricity Limited.

(Approved unanimously.)

Guernsey Cadastre Appeals Committee.

The States resolved to elect Mr Barry Pengilley to serve on the Guernsey Cadastre Appeals Committee.

(Proposed by Mr Willmott and seconded by Mrs Maurice.)

(Approved unanimously.)

Commonwealth Parliamentary Association.

The following names were put forward to sit on the Management Committee in the affairs of the Alderney Branch of the Commonwealth Parliamentary Association:-

Mr William Walden (Proposed by Mr Willmott and seconded by Mr Williams.)

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

Mrs Lin Maurice (Proposed by Mr Willmott and seconded by Mr Walden.)

Mr Richard Cox (Proposed by Mrs Maurice and seconded by Mr Dean.)

Following a closed vote Mr Richard Willmott, Mr Richard Cox and Mr William Walden were elected to sit on the Management Committee in the affairs of the Alderney Branch of the Commonwealth Parliamentary Association (the President being Ex-officio Chairman).

St Anne"s School Management Committee.

The States resolved to elect Mrs Elizabeth Bennett as Representative on the Management Committee of St Anne"s School until 31st January 2011.

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

(Approved unanimously.)

Item XII The States resolved to approve of 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.

(Approved unanimously.)

Item XIII Election of Alderney Representatives to sit in the Guernsey States of Deliberation

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

Mr Richard Willmott

Mr William Walden

(Approved unanimously.)

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

Mr Richard Cox

Mrs Lin Maurice

(Approved unanimously.)

Item XIV The Electricity Concession (Rates of Charge) (Alderney) Ordinance, 2008

The following amendment to The Electricity Concession (Rates of Charge) (Alderney) Ordinance, 2008 was proposed by Mr Dean and seconded by Mr Cox.

"To reject the Electricity Concession (Rates of Charge) (Alderney) Ordinance, 2008 and refer the item back to the Policy and Finance Committee for further deliberation".

(Amendment failed. All against the amendment except for Messrs Dean and Cox who voted in favour.)

The original proposition was then voted on.

The States resolved to approve of "The Electricity Concession (Rates of Charge) (Alderney) Ordinance, 2008".

(Proposed by Mr Willmott and seconded by Mr Williams.)

(Approved by a majority. For Messrs Willmott, Walden, Pengilley, Williams, Tugby, Miss Benfield, Mrs Maurice and Mrs Bennett, Mr Cox abstained and Mr Dean against.)

Item XV Alderney Works Department - Replacement Dustcart

The States resolved to approve of:-

1. The purchase of the new refuse collection vehicle and ancillary equipment as set out in the letter from the Chairman of the General Services Committee, and
2. The allocation of a sum not exceeding £70,000 for this purpose, this being subject to the further approval of the Treasury and Resources Department.

(Proposed by Mr Willmott and seconded by Mr Williams.)

(Approved Unanimously.)

Item XVI The Evidence in Civil Proceedings (Bailiwick of Guernsey) Law, 2007

The States resolved to approve of "The Evidence in Civil Proceedings (Bailiwick of Guernsey) Law, 2007.

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

(Approved unanimously.)

Item XVII Financial Services Legislation

The States resolved to approve of the following legislation:-

"The Protection of Investors (Bailiwick of Guernsey) (Amendment) Law, 2007";

"The Banking Supervision (Bailiwick of Guernsey) (Amendment) Law, 2008";

"The Financial Services Commission (Enforcement Powers) (Bailiwick of Guernsey) Law, 2008";

"The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) (Amendment) Law, 2008";

"The Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008";
and

"The Guernsey Bar (Bailiwick of Guernsey) Law, 2007".

(Proposed by Mr Willmott and seconded by Mr Williams.)

(Approved unanimously.)

Item XVIII Questions and Reports

There were no questions or reports.

Meeting ended: 19:10

Issued: 15th January 2008