

DELIBERATIONS OF 14-01-2009

Date: 14th January, 2009

DELIBERATIONS OF THE MEETING HELD ON 14TH JANUARY 2009 AT 17:30 HOURS

Present:

Sir Norman Browse

Mr R Willmott

Mr B Walden

Mr C Williams

Mr I Tugby

Mr E Bennett

Mr T Llewellyn

Mr P Allen

Mr B Kelly

Mr G Sargent

Mr J Beaman

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

Mr Colin Williams took the Chair as Vice President.

The newly elected States Members took the oath of office before the Vice President.

Item I The States was formally opened by the Vice President.

Item II The newly elected President took the oath of office before the States.

Item III The representative of His Excellency the Lieutenant-Governor of the Bailiwick of Guernsey presented his warrant of appointment.

Item IV Presidential Address

The President thanked the electorate for their vote of confidence in allowing him to continue for a third term unopposed and he welcomed the recently elected members. The President then addressed matters concerning the island and the duty of the States.

The States held a one minute's silence in respect of States Member Mr Barry Pengilly.

Item V Election Procedure

Following Rule 20 of the Rules of Procedure of the States of Alderney, the subsequent elections took place by closed vote.

Item VI Vice President

Mr Colin Williams was appointed Vice President for 2009.
(Proposed by Mr Willmott and seconded by Mr Walden.)

Item VII Appointment Of Auditors

The States resolved to appoint KPMG Channel Islands Limited to be the States Auditors for 2009.
(Proposed by Mr Willmott and seconded by Mr Williams.)
(Approved unanimously.)

Item VIII Policy and Finance Committee Mandate

The States resolved to approve of 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.

(Approved unanimously.)

Item IX General Services Committee Mandate

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 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.
(Approved unanimously.)

Item X Building and Development Control Committee Mandate

The States resolved to approve of 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.

(Approved unanimously.)

Item XI The States resolved to appoint the following Chairman:

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

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

Mr Bill Walden as Chairman of General Services Committee.

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

Mrs Elizabeth Bennett of the Building and Development Control Committee.

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

Item XII The States resolved to appoint the following Committees: -

1. 9 Members to the Policy and Finance Committee.

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

Mr Peter Allen

Mr John Beaman

Mrs Elizabeth Bennett

Mr Boyd Kelly

Mr Tony Llewellyn

Mr Geoffrey Sargent

Mr Ian Tugby
Mr Bill 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 Ian Tugby, Mr Colin Williams, Mr Tony Llewellyn, Mr John Beaman, Mr Boyd Kelly and Mr Geoffrey Sargent (Proposed by Mr Walden and seconded by Mr Willmott.)

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

Mr John Beaman
Mr Boyd Kelly
Mr Tony Llewellyn
Mr Ian Tugby
Mr Colin Williams

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 Geoffrey Sargent (Proposed by Mr Williams and Seconded by Mrs Bennett.) Mr Peter Allen, Mr Tony Llewellyn, and Mr Richard Willmott (Proposed by Mrs Bennett and seconded by Mr Walden.)

The following members were appointed to the Building and Development Control Committee:

Mr Peter Allen
Mr Tony Llewellyn
Mr Geoffrey Sargent
Mr Richard Willmott

Item XIII Other Appointments

Director on the Board of Alderney Electricity Limited.

The States resolved to elect a person to serve as Director of the Board of Alderney Electricity.

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

(Approved unanimously.)

The following name was put forward: Mr Richard Willmott.

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

Mr Richard Willmott was appointed to serve as a Director of the Board of Alderney Electricity Limited.

(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 Richard Willmott and Mr Peter Allen (Proposed by Mr Walden and seconded by Mr Kelly.) Mr Bill Walden (Proposed by Mr Willmott and seconded by Mrs Bennett.)

Mr Peter Allen, Mr Bill Walden and Mr Richard Willmott were appointed 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 XIV 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 XV 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 and Mr Bill Walden (Proposed by Sir Norman Browse and seconded by Mr Williams.)

Mr Richard Willmott and Mr Bill Walden were appointed to sit in the Guernsey States of Deliberation as representatives of Alderney.

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

Mrs Elizabeth Bennett and Mr Boyd Kelly (proposed by Mr Allen and seconded by Mr Walden.) Mr Peter Allen (proposed by Mrs Bennett and seconded by Mr Walden).

Following a closed vote Mr Peter Allen and Mrs Elizabeth Bennett were elected to sit in the Guernsey States of Deliberation as alternative representatives of Alderney.

Item XVI Alderney Housing Association

The following amendment was proposed by Mr Willmott and seconded by Mr Walden:-

"That Item XVI be amended by deleting the words "AHA to be subsidiary of the GHA and for the"
(Approved unanimously.)

The proposition as amended was then voted on.

The States resolved to:

1. To approve the formation of the Alderney Housing Association Limited (the AHA) and to instruct the Chief Executive to take all necessary steps to enable its formation.
 2. To receive as soon as practicable a detailed business plan for the future of Alderneys social housing, including the modernisation/rebuilding of existing stock and the development of new homes, for approval by the States.
 3. To enter into formal discussions with the Boards of the Guernsey Housing Association Limited (the GHA), the Guernsey Housing Department and Treasury and Resources Department with a view to obtaining the necessary agreement for the involvement of the GHA in the project.
- (Proposed by Mr Willmott and seconded by Mr Walden.)

(Approved by a majority all in favour except Mr Beaman who voted against.)

Item XVII Lease for Sorting Office at Alderney Airport

The States resolved to approve that a lease to be entered into for a term of 99 years from 1 June 2007 between the States of Alderney and Guernsey Post Limited on the terms agreed in accordance with the resolution (Minute 145.7) of the General Services Committee dated 12 December 2006 and in the form circulated to all States Members.

(Proposed by Mr Walden and seconded by Mr Llewellyn.)

(Approved unanimously.)

Item XVIII Alderney Electricity Limited, Sub-Station at Battery Quarry

The States resolved to approve that a lease to be entered into for an initial term of sixteen years but extendable by option thereafter between the States of Alderney and Alderney Electricity Limited on terms to be reported to and approved by the Policy and Finance Committee of land at Battery Quarry for the purpose of erecting a Sub-Station.

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

(Approved unanimously.)

Item XIX Questions and Reports

No questions or reports.

Meeting ended: 19:05

Issued: 20th January 2009