



DELIBERATIONS OF 11-01-2012

Date: 11th January, 2012

STATES OF ALDERNEY DELIBERATIONS FOR THE MEETING OF WEDNESDAY 11TH
JANUARY 2012 AT 17:30

Present:

Mr Stuart Trought, President

Mr Bill Walden

Mr Ian Tugby

Mr Tony Llewellyn

Mr Peter Allen

Mr Boyd Kelly

Mr Geoff Sargent

Mr John Beaman

Mr Matt Birmingham

Mr Paul Arditti

Mr Ray Berry

Jurat George W Baron OBE represented His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey.

Item I Opening of the States.

Item II Presentation of Warrant

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

Item III Election Procedure

Following Rule 20 of the Rules of Procedure of the States of Alderney, the States resolved that the subsequent elections take place by verbal vote.

Proposed by Mr Arditti and seconded by Mr Allen

Approved unanimously.

Item IV Vice President

Mr Ian Tugby was elected Vice President for 2012
Proposed by Mr Sargent and seconded by Mr Allen
Approved unanimously.

Item V Appointment Of Auditors

The States resolved to appoint KPMG Channel Islands Limited to be the States Auditors for 2012.
Proposed by Mr Beaman and seconded by Mr Tugby
Approved unanimously.

Item VI 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.

Proposed by Mr Kelly and seconded by Mr Tugby

Approved unanimously.

Item VII 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 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); the person appointed as Co-ordinator of the emergency services, and if in existence the Officer Commanding the Junior Militia. The Working Party shall appoint a Chairman from amongst its members.

Proposed by Mr Kelly and seconded by Mr Tugby
Approved unanimously.

Item VIII 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.

Proposed by Mr Kelly and seconded by Mr Tugby
Approved unanimously.

Item IX Committee Chairmen

The States resolved to appoint the Chairmen of the following Committees:-

Mr John Beaman as Chairman of the Policy and Finance Committee.

Mr Bill Walden as Chairman of the General Services Committee.

Mr Geoffrey Sargent as Chairman of the Building and Development Control Committee.

All the above proposed by Mr Llewellyn and seconded by Mr Berry

Approved unanimously.

Item X Committee Members

The following amendment was proposed by Mr Kelly and seconded by Mr Beaman:-

In Proposal 2 of Item X:

Delete the word five and replace with six so that part of the proposition reads as follows:-

2. Six members to the General Services Committee

Dated 10th January 2012

Approved by a majority. All in favour except Mr Walden who abstained.

The proposition as amended was then voted on.

Nine Members to the Policy and Finance Committee

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

Mr B Walden
Mr I Tugby
Mr T Llewellyn
Mr P Allen
Mr B Kelly
Mr G Sargent
Mr M Birmingham
Mr P Arditti
Mr R Berry

Six Members to the General Services Committee

The following members were appointed to the General Services Committee:-

Mr I Tugby
Mr B Kelly
Mr J Beaman
Mr P Arditti
Mr R Berry
Mr P Allen

Four Members to the Building and Development Control Committee

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

Mr T Llewellyn
Mr M Birmingham
Mr R Berry
Mr P Arditti

All the above proposed by Mr Kelly and seconded by Mr Beaman

Approved unanimously.

Item XI Other Appointments:

The States resolved to appoint Mr Peter Allen, Mr Bill Walden and Mr Tony Llewellyn to sit on the Management Committee in the affairs of the Alderney Branch of the Commonwealth Parliamentary Association (the President being Ex-officio Chairman).

Proposed by Mr Arditti and seconded by Mr Allen

Approved unanimously.

Item XII The States Bank Accounts

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.

Proposed by Mr Berry and seconded by Mr Allen

Approved unanimously.

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

The States resolved to appoint Mr Boyd Kelly and Mr Paul Arditti to sit in the Guernsey States of Deliberation as representatives of Alderney for 2011.

The States resolved to appoint Mr Geoff Sargent and Mr Bill Walden to sit in the Guernsey States of Deliberation as alternative representatives of Alderney for 2011.

Proposed by Mr Birmingham and seconded by Mr Tugby

Approved unanimously.

Item XIV Rules of Procedure Points of Order and States Reports

The States resolved to approve the amendment to the Rules of Procedure for States Meetings to formally correct an error that occurred when drafting the amendment approved in July 2010, as follows:

18. The putting by a Member of any Question and an interruption by a Member under Rule 16, shall be permissible notwithstanding that that Member has already spoken on the matter then under debate, and shall not prejudice the right of a Member who has not exhausted his right to speak in that debate to speak therein.

Proposed by Mr Berry and seconded by Mr Tugby
Approved unanimously.

Item XV The Duty on Share Transfers (Alderney) Law, 1994 (Amendment) Ordinance, 2012

The States resolved to approve The Duty on Share transfers (Alderney) Law, 1994 (Amendment) Ordinance, 2012.

Proposed by Mr Beaman and seconded by Mr Birmingham

Approved by a majority, all in favour except Messrs Allen, Kelly and Sargent who abstained.

Item XVI Questions and Reports

Mr Birmingham made reference to the attached report on the Construction Industry.

The following report on the Alderney Gambling Control Committee was given by Mr Beaman:-

Alderney Gambling Control Commission: Independent Review

On 7th December 2011 the Alderney Gambling Control Commission (AGCC) announced that it is planning to undertake a review of the suspension and eventual revocation of licences belonging to Full Tilt Poker (FTP). The review is to be led by Peter Dean CBE who is the former Chairman of the Gambling Commission of Great Britain.

The States of Alderney, which established the AGCC in May 2000, welcomes the decision to conduct the review and fully supports the decision to appoint Mr Dean whose experience and credibility in the field of remote gambling is widely acknowledged. It is anticipated that the review will report in March 2012. The actions taken by the AGCC in its conduct of this matter are consistent with its international high standing as a regulatory authority.

The Policy and Finance Committee approves and supports the decision taken by the Alderney Gambling Control Commission to undertake the independent review and appoint Mr Peter Dean CBE to conduct the review.

Meeting Closed: 1800hrs

Issued: 13th January 2012

Attachments

[IMAGE]	Construction Industry - Consultation Report.docx Download this document in Microsoft Word format. [download]
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This report is also available in full on the Billet D'Etat.
