

STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 9TH JANUARY 2013

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FOR WEDNESDAY 9TH JANUARY 2013

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 5:30 pm on Wednesday 9th January 2013. This will be preceded by the People's Meeting, which will be held on Thursday 3rd January 2013 at 7:00 p.m. in the Island Hall.

W Stuart Trought
President

Item I **Opening of the States.**

Item II **Presentation of Warrant**

The representative of His Excellency the Lieutenant-Governor of the Bailiwick of Guernsey will present his warrant of appointment

Item III **Election Procedure**

The States is asked to decide whether the following elections should be by verbal vote, otherwise Rule 20 of the Rules of Procedure of the States Alderney, shall come into operation, ie., voting shall, unless the States otherwise resolves, be carried out by written ballot.

Item IV **Vice President**

The States is asked to elect a Vice President for 2013

Item V **Appointment Of Auditors**

The States is asked to appoint KPMG Channel Islands Limited to be the States Auditors for 2013.

Item VI **Policy and Finance Committee Mandate**

The States is asked to approve the mandate of the Policy and Finance Committee (The Policy 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 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:-

- a. dealing with States borrowings authorised by the States for specific purposes*
- b. all States insurances*
- c. postage stamp and coin issues and design approvals*
- d. dealing with grants not exceeding £5000*
- e. dealing with Hawkers Licences.*

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 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 Established Staff and Public Service Employees (PSE's); 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 Public Service Employees as agreed between the Board and Unite, the 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 Association of Guernsey Civil Servants.

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 Public Service Employees."

Item VII **General Services Committee Mandate**

The States is asked to approve the mandate of the General Services Committee, which in future will be known as “The Estates and 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 the Saye Beach 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 forestation 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 be responsible for the 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."

Item VIII **Building and Development Control Committee Mandate**

The States is asked 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."

Item IX **Committee Chairmen**

The States is asked to elect the Chairmen of the following Committees:

- 1. Policy and Finance Committee**
- 2. General Services Committee**
- 3. Building and Development Control Committee**

Item X **Two additional Committees**

The States is asked:-

- 1. To approve two additional committees which shall be sub-committees of the Policy and Finance Committee and whose mandates shall be determined from time to time by the Policy and Finance Committee; namely:-**
 - i. Finance Committee**
 - ii. Business Development, Tourism and Marketing Committee**
- 2. To elect the Chairman of the Finance Committee**

3. To elect the Chairman of the Business Development, Tourism and Marketing Committee

Item XI **Members of the Policy and Finance Committee**

The States is asked to appoint the Chairmen of the following Committees:-

1. General Services Committee
2. Building and Development Control Committee
3. Finance Committee
4. Business Development, Tourism and Marketing Committee,

to be members of the Policy & Finance Committee

Item XII **Committee Members of other Committees**

The States is asked to appoint the members of the following committees:-

1. Three members to the General Services Committee
2. Four members to the Building and Development Control Committee
3. Three members to the Finance Committee
4. Three members to the Business Development, Tourism and Marketing Committee

Item XII **Other Appointments:**

The States is asked 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).

Item XIII **The States Bank Accounts**

The States is asked to make the following arrangements relating to the operation of the States Bank Accounts:-

1. To empower any one member of the Policy and Finance Committee with the States Treasurer or her deputy; or the Chief Executive 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 to operate the Water Board Bank Account.

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

The States is asked:-

- (a) To elect two members to sit in the Guernsey States of Deliberation for 2013, and
- (b) To elect two other members to sit in the Guernsey States of Deliberation as Alternative Representatives for 2013.

Item XV **Maritime Labour Convention – Enabling Legislation proposals**

The following letter has been received from Mr Stuart Trought, President of the States of Alderney:-

“Please find enclosed a letter from the Bailiff, dated 5th December 2012, seeking approval of the above proposals.

I would therefore be obliged if you would debate this matter at your meeting on 9th January 2012 and give your approval as set out in the letter.

*W Stuart Trought
President”*

The States is asked to approve:-

- 1. The proposals set out in Section 3 of that Report
- 2. The Project de Loi entitled “The Employment Agencies (Enabling Provisions) (Bailiwick of Guernsey) Law, 2012” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

Note; A copy of the Projet de Loi entitled “The Employment Agencies (Enabling Provisions) (Bailiwick of Guernsey) Law, 2012” may be seen at the States Office, Island Hall, and in the Library.

Item XVI **The Air Navigation (Bailiwick of Guernsey) Law, 2012**
and
The Aviation (Amendment) (Bailiwick of Guernsey) Law, 2012

The following letter has been received from Mr Stuart Trought, President of the States of Alderney:-

“Please find enclosed a letter from the Bailiff, dated 14th December 2012, seeking approval of the above Projets de Loi.

I would therefore be obliged if you would debate this matter at your meeting on 9th January 2012 and give your approval as set out in the letter.

*W Stuart Trought
President”*

The States is asked to approve:-

- 1. The Air Navigation (Bailiwick of Guernsey) Law, 2012
- 2. The Aviation (Amendment) (Bailiwick of Guernsey) Law, 2012

Note; Copies of the Projets de Loi entitled “The Air Navigation (Bailiwick of Guernsey) Law, 2012” and “The Aviation (Amendment) (Bailiwick of Guernsey) Law, 2012” may be seen at the States Office, Island Hall, and in the Library.

Item XVII **Commercial Quay Revetment Renovation**

The following letter has been received from Mr John Beaman, Chairman of the Policy and Finance Committee:-

"The Commercial Quay is a strategic asset to the Island of Alderney in that it is the only location on the Island for the handling of heavy cargo and oil products. Its continued utilisation is therefore essential. The Commercial Quay was renovated in the period 2008 – 2011 and involved widening and strengthening of the quay structure. To accommodate changes to the quay structure, the works also included construction of a rock revetment. Problems with the revetment, principally a slumping of the revetment profile and loss of some armour stones, were observed soon after completion of the works. Having completed a series of investigations and having had a redesign of the revetment produced the States of Alderney now wish to proceed with renovation works to a section of the revetment.

The Scope of the Project includes:

- *Breaking out and disposal of an approx. 10m long, 5m high section of retaining wall;*
- *Removal and disposal of primary rock armour layer, secondary rock underlayer and 400mm of core material from an approx. 25m long section of curved rock armoured revetment approx. 9.5m high;*
- *Re-establishing a new three layered revetment section and additional toe;*
- *Reinstating the 10m long, 5m high retaining wall using existing T Blocks available on the Island and supplemented as necessary;*

Tender Process

Invitations to Tender were issued on 4 September 2012 to the following five pre-qualified

Tenderers:

- *Geomarine Ltd*
- *Mackley Construction*
- *Raymond Brown Construction Ltd*
- *Trant Construction Ltd*
- *Dean & Dyball*

On receipt of Tender Document Dean & Dyball declined to tender.

Priced Tender Documents were received by the States of Alderney from the following Tenderers on Monday 29th October 2012:

- *Geomarine Ltd*
- *Mackley Construction*
- *Raymond Brown Construction Ltd*
- *Trant Construction Ltd*

Digital copies of Priced Tender Documents were received by Mouchel on Friday 2nd November and hard copies were received on Monday 5th November 2012.

The Tenderers were asked to provide costs for the following options:

- *Option A specified reuse of rock arising from the existing revetment and from other locations on the island, sorted, broken and graded by the*

Contractor as necessary and supplemented by a quantity of larger primary armour rocks.

- *Option B specified that all required rock is imported and rock arising from the existing revetment is simply removed and transported to storage on the island.*

Tender Clarification Procedure

Mouchel undertook a preliminary evaluation and tailored Requests for Clarification were issued on 8 November 2012 to each Tenderer during the appraisal process.

Clarifications concentrated on the following aspects:

- *Items that appear to be omitted from the submission;*
- *Technical and commercial clarifications.*

Following the receipt of the responses, the preliminary scorings were re-evaluated and finalised as uncertainties were reduced or removed.

Tender Evaluation

Arithmetical errors were found in two of the tenders and the totals were corrected as required. In accordance with the Instructions to Tenderers both Options were reviewed. Option B was determined as the most beneficial and is therefore the Preferred Option.

Conclusion

The four tenders were evaluated and scored in accordance with the Tender Document. Mouchel then provided a full tender evaluation report and that report was considered by P&F on 27th November 2012. Mouchel recommended that P&F approved the appointment of Mackley Construction as the preferred bidder subject to agreement with them of the amount of liquidated damages and third party liability, and agreement of the proposed lead time for mobilisation. It is anticipated that the contract will be let by 31st January 2013.

*John Beaman
Chairman, Policy and Finance Committee"*

The States is asked to approve:-

- a) That Mackley Construction be awarded the contract for the renovation of the Commercial Quay Revetment**
- b) A budget of £700,000 from Capital Funding, to be offset by any recoveries from any litigation claim.**

Item XVIII Questions and Reports

Issued: 28th December 2012