

STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 22ND MAY 2013

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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 22nd May 2013. This will be preceded by the People's Meeting, which will be held on Wednesday 15th May 2013 at 7:00 pm in the Island Hall.

W Stuart Trought
President

His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey will be in attendance.

Item I The Housing (Exemptions) (Alderney) Ordinance, 2013

The following letter has been received from Mr Simonet, Chairman of the Building and Development Control Committee:-

"In 2009 the Alderney Housing Association (AHA) was formed. Much of the States' owned housing at that time was deemed to be badly in need of repair and not fit for purpose. The States approved the formation of a housing association because it considered that it could achieve more than the States alone in modernising existing social housing and creating new affordable housing. AHA's proposals for the modernisation and rebuilding of existing stock and the building of new homes was subsequently approved by the States, and the States' social housing stock was then transferred to AHA. In effect, the States' social housing function was passed to the AHA.

Presently, every time that the Association applies for planning permission to construct new social housing, it is required to also apply for an Ordinance from the States exempting it from the provisions of Section 33 of the Building and Development Control (Alderney) Law, 2002. The drafting of individual ordinances for each development is resource-intensive, and the practice is unnecessary because the Association's mandate and business plan already has States' approval.

Rather than having a separate Exemption Ordinance in relation to each individual development, the States has the power, under section 33(1)(c) of the Building and Development Control (Alderney) Law, 2002, to prescribe classes of person (i.e. AHA) as being persons to whom the Building and Development Control Committee may grant permission to construct a new dwelling (subject to the granting of planning permission). The attached Ordinance exempts AHA from the provisions of section 33 of the Building and Development Control (Alderney) Law for all future applications it makes.

I would be grateful if the Housing (Exemptions) (Alderney) Ordinance, 2013 is placed before the States when it next meets together with an appropriate proposition.

F Simonet
Chairman"

The States is asked to approve "The Housing (Exemptions) (Alderney) Ordinance, 2013".

Item II **The Alderney eGambling (Amendment) Regulations, 2013**

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

“Members of the States of Alderney may be aware that the Bailiwick of Guernsey has joined Moneyval (Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism, a monitoring body of the Council of Europe) and as part of this process Moneyval will be undertaking a follow-up inspection of the Bailiwick. This will involve looking at the findings from the IMF’s inspection of the Bailiwick in 2010.

The Alderney Gambling Control Commission (the Commission) will be one of the bodies whose AML/CFT (Anti Money Laundering and Countering the financing of terrorism) framework will be subject to scrutiny in conjunction with an examination of the way in which the Commission’s AML/CFT procedures are implemented.

In order to prepare for this it has been necessary to make a number of changes to the Alderney eGambling Regulations, 2009 (as amended) to strengthen the AML/CFT framework under which eGambling licensees and certificate holders must operate.

In addition, as part of this exercise, the Commission has taken the opportunity to re-organise certain parts of the Alderney eGambling Regulations, (as amended) in order to place the provisions relating to AML/CFT matters in a more logical sequence.

The Alderney eGambling (Amendment) Regulations, 2013 have been prepared with assistance from the Law Officers of the Crown in Guernsey and the Guernsey Financial Services Commission are aware of and support the changes being made in order to harmonise legislation within the Bailiwick.

The Alderney eGambling (Amendment) Regulations were made by the Commission on 1st May, 2013 and come into force on 15th May, 2013.

As required under the provisions of Section 27(1)(c) of the Alderney eGambling Ordinance, 2009 (as amended) the Alderney eGambling (Amendment) Regulations, 2013 are to be laid before a meeting of the States of Alderney as soon as possible.

I would be obliged if The Alderney eGambling (Amendment) Regulations, 2013 is placed before the States at its next meeting together with an appropriate proposition.

*Paul Arditti
Chairman”*

The States is asked to resolve that “The Alderney eGambling (Amendment) Regulations, 2013” not be annulled.

Item III **Motion of No Confidence in the Chairman of the Policy and Finance Committee, Mr Paul Arditti**

The following letter has been received from Mr Simonet, Chairman of the Building and Development Control Committee:-

“On 3 May 2013 seven of the nine members of the States of Alderney sent a letter to the Chairman of the Policy Committee, Mr Paul Arditti, to the effect that they noted with sadness and concern the Policy Committee’s motion of censure against its Chairman which was supported by a clear majority at its meeting on Monday

29th April 2013. The seven States Members noted the background and supporting information particularly email correspondence in respect of Alderney Electricity Ltd. (AEL), which led the committee to support this resolution.

States Members carefully considered those matters and the majority concluded that this censure against Mr Arditti made his continuing as Chairman of the Policy Committee untenable: Mr Arditti has clearly lost the confidence of the majority of his committee members. His actions and conduct in respect of the matters concerning AEL were inappropriate, falling short of the standard to be reasonably expected of the Chairman of a States of Alderney committee. This is clearly the case when taking into account the general principles of conduct for holders of public office as set out in the code of conduct for States Members: selflessness; integrity; objectivity; accountability; openness; honesty; and, leadership. The code of conduct also states that Members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States and never undertake any action which would bring the States, or its Members generally, into disrepute.

While accepting that the Code of Conduct is not legally enforceable, but is persuasive, the majority of States Members concluded that, in the interests of the States of Alderney, the best course of action was for Mr Arditti to immediately resign his position as Chairman of the Policy Committee.

Mr Arditti has chosen not to resign, and this matter must now be brought for debate to a full States meeting.

*Francis Simonet
Chairman"*

The States is asked to resolve:

- (a) under Section 49(4) of the Government of Alderney Law, 2004 to remove Mr Paul Arditti as member of the States of Alderney Policy and Finance Committee (the Policy Committee); and**
- (b) under Section 50(1) of that Law to elect a Chairman of that Committee."**

Item IV **Questions and Reports**

The following report has been received from The President:-

Hansard for States meetings

The following was placed before the Policy and Finance Committee:-

A memo from the President Stuart Trought dated 2nd April 2013 and a memo from the States Greffier, Mrs Sarah Kelly, dated 29th January 2013 were tabled and considered by the Policy and Finance Committee.

The Policy and Finance Committee (Policy Committee) RESOLVED unanimously to approve Hansard Reports for States meetings at a cost of £1,250 to be taken from the Court budget.

Issued: **Friday 10th May 2013**