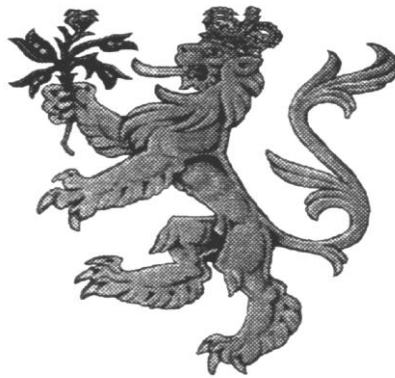


# STATES OF ALDERNEY



# BILLET D'ETAT

WEDNESDAY 15<sup>TH</sup> JANUARY 2014

Price: £1.95

**STATES OF ALDERNEY**  
**BILLET D'ETAT**  
**FOR WEDNESDAY 15<sup>TH</sup> JANUARY 2014**

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 15<sup>th</sup> January 2014. This will be preceded by the People's Meeting, which will be held on Wednesday 8<sup>th</sup> January 2014 at 7:00 pm 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 2014.

**Item V**      **Appointment Of Auditors**

The States is asked to appoint KPMG Channel Islands Limited to be the States Auditors for 2014.

**Item VI**      **Policy and Finance Committee Mandate**

The States is asked 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 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, 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**
- 4. Business Development, Tourism and Marketing Committee**
- 5. Finance Committee**

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

**The States is asked to elect the Members of the Policy and Finance Committee.**

**Item XI**      **Other Appointments:- Commonwealth Parliamentary Association**

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 XII**      **Other Appointments:- St Anne's School Management Committee**

The States is asked to elect one member as a Representative on the Management Committee of St Anne's School for a period of three years expiring on 31<sup>st</sup> January 2017.

**Item XIII**      **The States of Alderney Bank Accounts**

The States is asked to make the following arrangements relating to the operation of the States of Alderney 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 of Alderney Bank Accounts.
2. 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 of Alderney Water Board Bank Accounts.

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

Following the procedure as laid out in the Resolution of The States of Alderney dated 18<sup>th</sup> October 2006 and the Plebiscite election of 1<sup>st</sup> December 2012, the States is asked:-

- (a) To elect two members to sit in the Guernsey States of Deliberation for 2014, and
- (b) To elect two other members to sit in the Guernsey States of Deliberation as Alternative Representatives for 2014.

**Item XV**      **Regulation on Nutrition and Health claims and Implementation of Food Supplements Directive – deferred from December Billet**

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

*“On 30 December 2006 a Regulation of the European Parliament and of the Council of the European Union on nutrition and health claims made on foods was published as Regulation (EC) 1924/2006. For the first time, this Regulation lays down harmonised rules across the European Union for the use of nutrition claims such as “low fat”, “high fibre” or health claims such as “reducing blood cholesterol”.*

*This Regulation foresees implementing measures to ensure that any claim made on foods' labelling, presentation or marketing in the European Union is clear, accurate and based on evidence accepted by the whole scientific community. Consequently foods bearing claims that could mislead consumers will be eliminated from the market. In addition, in order to bear claims, foods will have to have appropriate nutrient profiles which will be set. This will enhance the consumers' ability to make informed and meaningful choices.*

*"The European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Alderney) Ordinance, 2014" brings regulation (EC) 1924/2006 into force in the Island of Alderney subject to modifications as laid out in the Ordinance.*

*The Directive 2002/46/EC of the European Parliament and Council of 10 June 2002 on the approximation of the laws of Member States relating to food supplements establishes harmonised rules for the labelling of food supplements and introduces specific rules on vitamins and minerals in food supplements. The aim being to harmonise the legislation and to ensure that these products are safe and appropriately labelled so that consumers can make informed choices. The purpose of "The European Communities (Implementation of Food Supplements Directive) (Alderney) Ordinance, 2014" is to implement in respect of the Island of Alderney certain provisions in the Food Supplements Directive (2002/46/EC).*

*"The European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Alderney) Ordinance, 2014" and "The European Communities (Implementation of Food Supplements Directive) (Alderney) Ordinance, 2014" have been drafted by Law Officers Chambers and I would be grateful if you would place this matter before the next meeting of the States of Alderney with an appropriate proposition.*

*Francis Simonet  
Chairman"*

**The States is asked to approve:**

**"The European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Alderney) Ordinance, 2014";**

**and**

**"The European Communities (Implementation of Food Supplements Directive) (Alderney) Ordinance, 2014".**

**Item XVI    The Building and Development Control (Alderney) (Amendment and Fees) Ordinance, 2014**

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

*"The Building and Development Control Committee is proposing to make certain amendments to the Building and Development Control (Alderney) Law, 2002. Although a review of the building and development control process on the Island is in progress, the amendments that the Committee is hereby proposing have been pending for some time, and are considered not to be detrimental to the review.*



*The proposed amendments cover three areas: Control of construction of dwellings, Building Regulations and Fees. The proposed amendments are explained further below: -*

### **Construction of a dwelling**

*Presently, planning permission can only be granted by the Committee for the construction of a dwelling if the applicant is a local resident who has not previously owned property, or is a person that the States has exempted from the provisions of the Law by Ordinance. Currently, the legal interpretation of construction of a dwelling includes the construction of a dwelling to replace an existing dwelling. The Committee is proposing that the Law is amended to exclude from the provisions of Section 33 of the Law, the demolition and re-construction of a dwelling on the same site.*

*The other proposed amendment to this area of the Law is to facilitate the subdivision of existing dwellings to provide one or more additional dwellings without the restrictions contained within Section 33. The Committee is proposing that the Law is amended to exclude from the provisions of Section 33 of the Law, the conversion of an existing dwelling to provide additional dwellings.*

*Both of the proposed amendments will not obviate the requirement for planning permission in such circumstances; all relevant planning policies and considerations will still be taken into account by the Building and Development Control Committee when considering such proposals.*

### **Building Regulations**

*Building Regulations are concerned with the technical requirements associated with the construction process including the way in which the building is constructed, its structural stability, means of escape and fire precautions, weather resistance, energy conservation, sound insulation and access and facilities for all users.*

*Building Regulations in Alderney have not been updated since 1978. Up-to-date Building Regulations have been drafted, but before they can be legally implemented, the Building and Development Control (Alderney) Law, 2002 needs to be amended in order to give clear powers to reflect the requirements of modern regulations, with regards to both the practical and administrative requirements of the Regulations.*

### **Fees**

*Fees for planning and building regulation applications are currently charged under the Fees (Alderney) Ordinance, 1990, and these fees have not been increased since 2009.*

*The Ordinance being proposed provides clearer provisions for planning application and building regulation fees, and sets out the charges for both types of application in separate schedules. The Ordinance will repeal the planning and building regulation fees payable under the Fees (Alderney) Ordinance, 1990.*

*The First Schedule contains fees payable for planning applications. The main differences between the proposed fees and the current fees are: a change in format to better cover the type of works applied for, metrification, an approximate increase of 5% on current fees, and a double fee chargeable on retrospective applications.*

*The Second Schedule contains fees payable for Building Regulation applications. Fees for these applications are currently calculated on the floor area of the works. This is not always considered to be a fair or practical way of calculating the fee. The new format is intended to better cover the types of*

*works applied for, and the fee levels are proposed to better reflect the costs involved in administering the Building Regulations.*

*I would be grateful if The Building and Development Control (Alderney) (Amendment and Fees) Ordinance, 2014 could be placed before the States when it next meets, together with an appropriate proposition.*

*Matt Birmingham  
Chairman”*

**The States is asked to approve “The Building and Development Control (Alderney) (Amendment and Fees) Ordinance, 2014**

**Item XVII    Questions and Reports**

**A report entitled “States of Alderney Strategic Plan 2014” has been received from Mr Francis Simonet, Chairman of the Policy and Finance Committee.**

**Issued: 3<sup>rd</sup> January 2014**