



OFFICIAL REPORT
OF THE
STATES OF THE
ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 15th January 2014

*All published Official Reports can be found on the
official States of Alderney website www.alderney.gov.gg*

Volume 2, No. 1

Present:

Mr Stuart Trought, President

Members

Mr Paul Arditti
Mr Raymond Berry
Mr Matthew Birmingham
Mr Neil Harvey
Mr Louis Jean
Mr Robert McDowall
Mr Steve Roberts
Mr Chris Rowley
Mr Francis Simonet
Mr Ian Tugby

Representative of the Lieutenant Governor:

Colonel Colin Mason

The Greffier of the Court

Mrs Sarah Kelly

Business transacted

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States of Alderney

*The States met at 5.25 p.m. in the presence of
Colonel Colin Mason, a representative of His Excellency Air Marshal Peter Walker, C.B., C.B.E.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE PRESIDENT *in the Chair*]

PRAYERS

The Greffier

ROLL CALL

The Greffier

Billet d'État for Wednesday, 15th January 2014

I. Opening of the States

II. Presentation of Warrant

Item II.

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

The Greffier: Sir, the first Item today is the presentation of the Warrant of His Excellency the Lieutenant-Governor's Representative.

5

The Representative of His Excellency the Lieutenant-Governor (Colonel C Mason): The Warrant comes from the office of the Lieutenant-Governor in Guernsey. It is a Warrant to provide for the attendance of the Representative of His Excellency the Lieutenant-Governor in the States of Alderney.

'I, Air Marshal Peter Walker, CB, CBE, Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey and its dependencies hereby authorise Colonel Colin Rees Mason OBE TD to represent me at meetings of the States of Alderney when I am unable to be present at such meetings in person. This authority is valid only for the purpose of my being represented at meetings of the States of Alderney until further notice and for no other purpose or occasion whatsoever.

This authority is personal to Colin Rees Mason and is revocable at any time on my order. In the event of his being unable to represent me at any meeting of the States of Alderney, Colonel Mason will notify the Secretary to the Lieutenant Governor of the Guernsey and Alderney's Greffier. In that event I have authorised Mr Geoffrey Thomas Workman to deputise for Colonel Mason.'

10

Signed P Walker Marshall, Air Marshall, Lieutenant Governor and Commander-in-Chief, and dated 8th January, 2014.

III. Election Procedure – Decision made to be by verbal vote

Item III.

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, i.e. voting shall, unless the States otherwise resolves, be carried out by written ballot.

The President: Madam Greffier, if we could move on to Item III on the Billet, please.

15 **The Greffier:** Sir, Item III is the 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, i.e., voting shall, unless the States otherwise resolves, be carried out by written ballot.

20 **The President:** Thank you very much.

Mr Birmingham as Convener, were there any comments on this at the People's Meeting, please?

Mr Birmingham: Thank you, Mr President.

25 At the People's Meeting, the President attended. There were six States Members, excluding myself; public, 17; and press, two.

On Item I, which was the Item opening the States, there were no comments; neither were there on the Presentation of the Warrant, Item II.

On Item III, Election Procedure, there were no comments.

30 And if I may, there were no comments either on Items IV, V or VI. The first comments relate to Item VII, General Services Committee Mandate.

The President: Thank you very much, Mr Birmingham.

35 Gentlemen, this Item III is so you can decide whether you want to vote in the procedures that follow, either openly in front of everybody or if you do not want to do that, then we move to the other options. Does anybody have any objections to a verbal vote being taken during this evening? No, no objections.

Very well, Madam Greffier, if you will make a note of that please. The voting tonight will be open and verbal.

The Greffier: Thank you, sir.

IV. Vice President – Mr Tugby elected

Item IV.

The States is asked to elect a Vice President for 2014.

40

The President: We move to Item IV, please, Madam Greffier.

The Greffier: Item IV, sir, is the Vice President.

45 The States is asked to elect a Vice President for 2014.

The President: Thank you very much indeed.

Mr Simonet: Mr President, I would like to propose Mr Tugby.

50 **The President:** Thank you very much.

Mr Rowley: I would like to second it, thank you.

The President: You would like to second Mr Tugby.

55 Do we have any other nominations for this position?

Mr Arditti: I rise to propose Mr Jean.

The President: Thank you very much. Do we have a seconder for Mr Jean?

60

Mr Birmingham: I will second Mr Jean.

The President: Thank you very much indeed. Do we have any other nominations for this position?

65 There being no other nominations, Madam Greffier, would you please call the vote for the position of Vice President of the States for 2014?

A vote was taken and the results were as follows:

In favour of Mr Tugby:

Mr Tugby
Mr Birmingham
Mr Berry
Mr Harvey
Mr Simonet
Mr McDowall
Mr Rowley

In favour of Mr Jean:

Mr Arditti
Mr Jean
Mr Roberts

70

The Greffier: Then, sir, the Vice President is Mr Tugby for 2014.

The President: Thank you very much indeed.

**V. Appointment of Auditors –
KPMG Channel Islands Limited appointed**

Item V.

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

The President: We will move on to Item V, please.

75

The Greffier: Item V, sir, is the appointment of Auditors.

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

The President: Thank you very much indeed.

80

Mr Birmingham has already confirmed there were no comments on this at the People's Meeting, so we would like a proposer, please. Mr McDowall, do you wish to propose this?

Mr McDowall: Yes, indeed, I would like to propose KPMG Channel Islands, with just one comment. I think we should look for the longer term at revolving the audit amongst the larger audit firms. But for tonight, I nominate KPMG.

85

The President: Thank you very much.

Mr Birmingham, I believe you wish to second this?

Mr Birmingham: Yes, I would second this Item and I reserve my right to speak.

90

The President: Thank you.

Does any other Member wish to speak on this subject this evening?

Madam Greffier, you can take the appointment of the Auditors as approved, please.

95

The Greffier: Thank you.

**VI. Policy and Finance Committee Mandate –
Item approved**

Item VI.

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.'

The President: We move on to Item VI, please.

The Greffier: Sir, Item VI is the Policy and Finance Committee Mandate.

100 The States is asked to approve that mandate as set out in the Billet for 2014.

The President: Thank you very much indeed.

Mr Birmingham as Convener has already confirmed there were no comments on this Item at the People's Meeting.

105 Mr Simonet, I believe you wish to propose this.

Mr Simonet: Yes, I would like to propose this Item, Mr President.

The President: Mr Roberts, I believe you wish to second this?

110

Mr Roberts: Yes, sir. I do, sir.

The President: Thank you, very much.

Does any Member wish to speak on this matter?

115

Madam Greffier, would you take the Policy and Finance Committee Mandate as approved, please?

The Greffier: Sir.

VII. General Services Committee Mandate – Item approved

Item VII.

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.'

The President: We now move to Item VII, I believe.

120 **The Greffier:** Yes, sir, Item VII is the General Services Committee Mandate.
The States is asked to approve the mandate as set out in the Billet for 2014.

The President: Thank you very much.

Mr Birmingham as Convener, were there any comments on this Item?

125 **Mr Birmingham:** On Item VII, yes. One person asked whether there were any changes to the mandate. It was confirmed that there were not.

Mr President: Thank you very much, Mr Birmingham

130 Mr Berry, I believe you wish to propose this.

Mr Berry: I wish to propose this Item and reserve my right to speak, if needed.

The President: Thank you, Mr Berry.

135 Mr Tugby, I believe you wish to second this?

Mr Tugby: Yes, sir, I second it, and reserve...

The President: Thank you very much.

140 Does any other Member wish to speak on the General Services Committee Mandate?

Thank you very much. Madam Greffier, if you would take Item VII, the General Services Committee Mandate as approved, please.

The Greffier: Sir.

VIII. Building and Development Control Committee Mandate – Item approved

Item VIII.

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.'

145

The President: We move to Item VIII.

The Greffier: Item VIII, sir, is the Building and Development Control Committee Mandate. The States is asked to approve that mandate for 2014 as set out in the Billet.

150

The President: Thank you very much.
Mr Birmingham, as Convener?

155

Mr Birmingham: Yes, it was queried whether the final sentence of the mandate was new. That is to be responsible for the preparation of a policy and strategy for environmental conservation and ecology on the Island. It was confirmed that it was not.

The President: Thank you very much.
Mr Birmingham, I wish I believe you wish to propose the Building and Development Control...?

160

Mr Birmingham: Yes, I would like to propose the mandate.

The President: Thank you very much.
Mr Rowley, I believe you wish to second this?

165

Mr Rowley: Yes, I would like to second it.

The President: Does any Member wish to speak on the mandate of the BDCC?
Madam Greffier, if you will take the mandate as approved, please.

170

The Greffier: Sir.

IX. Committee Chairmen – Five Chairmen elected

Item IX.

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*

The President: And then we will move to Item IX, please.

175

The Greffier: Item IX, sir, has five parts.

The States is asked to elect the Chairmen of the following Committees: Policy and Finance Committee; General Services Committee; Building and Development Control Committee; Business Development, Tourism and Marketing Committee; and Finance Committee.

180

The President: Thank you very much, Madam Greffier.
Mr Birmingham, as Convener, were there any comments on this?

Mr Birmingham: Yes, thank you, Mr President.

185

Under this Item, one contributor queried why the Finance Committee and Business Development, Tourism and Marketing Committee had been included in this Item, as only three Committees were established by the Government of Alderney law. The Convener said that the Finance and BDTM

Committees were subcommittees of the Policy and Finance Committees,, but States Members had previously agreed that the election of these Chairmen should be made in public.

190 **The President:** Thank you very much.

We move on to Item IX 1. and to elect the Chairman for the Policy and Finance Committee. Do I have any nominations for this position, please?

195 **Mr McDowall:** Yes, I would like to nominate Mr Simonet.

The President: Do we have a seconder, please?

Mr Harvey: I second Mr Simonet, sir.

200 **The President:** Thank you very much. Do we have any other nominations for this position?

Mr Arditti: I wish to nominate Mr Jean.

205 **The President:** Do we have any seconder for Mr Jean as Chairman of the Policy and Finance Committee?

Mr Birmingham: I am happy to second Mr Jean for a vote.

210 **The President:** Thank you very much.

Do we have any other nominations for this position?

Madam Greffier, there being no other nominations, would you please call the vote for this position?

The Greffier: Sorry, sir. You wish me to take a vote?

215 **The President:** Yes, please.

A vote was taken and the results were as follows:

In favour of Mr Simonet:

Mr Tugby
Mr Birmingham
Mr Berry
Mr Harvey
Mr Simonet
Mr McDowall
Mr Rowley
Mr Roberts

In favour of Mr Jean:

Mr Arditti
Mr Jean

220 **The Greffier:** Sir, Mr Simonet is the Chair of the Policy and Finance Committee, 8 votes to 2.

The President: Thank you very much.

We move to item 2 of the Committee Chairmen, which is to elect the Chairman for the General Services Committee.

225 **Mr Berry:** I wish to propose Mr Rowley, sir.

The President: Do we have a seconder?

230 **Mr Tugby:** I second.

The President: Do we have any other nominations for Chairman of the General Services Committee?

There being other nominees for this position, that means, I believe, that Mr Rowley is elected as Chairman of the General Services Committee.

235 We move to item 3, to elect the Chairman of the Building and Development Control Committee.

Mr Berry: I propose Mr Birmingham, sir.

The President: Mr Birmingham. Do we have a seconder?

240

Mr Rowley: I would like to second.

The President: Do we have any other nominations for the Chairman of the Building and Development Control Committee?

245 There being no other nominees, then Mr Birmingham is duly elected.

We move to item 4, which is the Business Development, Tourism and Marketing Committee. Do we have any nominations? Yes, Mr Jean.

Mr Simonet: Mr President, I am pleased to propose Mr Harvey.

250

The President: Do we have a seconder?

Mr Rowley: I would like to second Mr Harvey.

255

The President: Do we have any other nominations for this position?

here being no other nominations, Mr Harvey is duly elected as the Chairman of that Committee.

We move to section 5 of Item IX, to elect the Chairman for the Finance Committee. Do I have any nominations for this position?

260

Mr Harvey: I would like to nominate Mr McDowall.

The President: Do we have a seconder for Mr McDowall?

Mr Tugby: I will second Mr McDowall.

265

The President: Thank you very much, Mr Tugby.

Do we have any other nominations to this position?

There being no other nominations to this position, Mr McDowall is duly elected.

X. Members of the Policy and Finance Committee – Ten Members elected

Item X.

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

270

The President: Could we move to Item X, please, Madam Greffier?

The Greffier: Sir, Item X is the members of the Policy and Finance Committee.

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

275

The President: Thank you very much.

Mr Birmingham, as Convener.

Mr Birmingham: Yes, thank you.

280

One contributor asked whether it was still the intention to elect all 10 States Members to the Policy and Finance Committee and the Convener stated that it was.

Shall I deal with the addendum, Item X(a)?

The President: No, we will deal with that when we get to it, if we may. Thank you.

285

As you heard Mr Birmingham say, it was announced at the People's Meeting that at the time it was the intention for all the States Members to be members of the Policy and Finance Committee. Do any States Members object to that?

Mr Jean: I do object to that, if I may.

290

The President: Yes, that is fine.

Mr Arditti: Yes, I do as well.

295 **The President:** You do as well? In that case, we will need to have a vote, to vote on the members of the Policy and Finance Committee.

Do we have any nominations for members of the Policy and Finance Committee?

300 **Mr Birmingham:** Is it possible for me to state my support for all Members to be members of the Committee?

The President: It is.

Mr Birmingham: That is what I shall propose.

305 **The President:** Do we have a seconder for that proposition?

Mr Tugby: I will second that proposition.

310 **The President:** In that case, I think we need to put that to the vote, as we have people objecting to that. So, Madam Greffier, if you please call the vote, the vote being that it is for all 10 States Members to be members of the Policy and Finance Committee.

A vote was taken and the results were as follows:

FOR	AGAINST
Mr Tugby	Mr Arditti
Mr Birmingham	Mr Jean
Mr Berry	
Mr Harvey	
Mr Simonet	
Mr McDowall	
Mr Rowley	
Mr Roberts	

315

The Greffier: That is passed, sir, 8 to 2.

The President: Thank you very much indeed.

X(a). Committee members of other Committees – Members elected

Item X(a).

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*

320

The President: Can we move to Item X(a), which is for the Committee members of the other Committees. Madam Greffier, if you could announce that correctly, please.

325 **The Greffier:** Sir, Item X(a), is the Committee members of other Committees.

The States is asked to appoint the members of the following Committees, and this is four parts, sir: three members to the General Services Committee; four members to the Building and Development Control Committee; three members to the Finance Committee; and three members to the Business Development, Tourism and Marketing Committee.

330 **The President:** Thank you very much, Madam Greffier.
Mr Birmingham, as Convener.

Mr Birmingham: Thank you.

335 One contributor stated that he hoped that there would be an election this time, as it appeared that at last year's meeting the positions had already been agreed by States Members in advance of the meeting.

The President: Thank you very much indeed.

In that case, we move to section 1, which is to elect three members to the General Services Committee. Do you have any nominations for the membership of the General Services Committee, please?

340

Mr Berry: I propose Mr Tugby, sir.

The President: Do we have a seconder for that position?

345

Mr Birmingham: I will second Mr Tugby.

The President: Thank you very much.

350

Mr Rowley: I propose Mr Berry.

The President: You propose Mr Berry. Do I have a seconder for Mr Berry?

Mr McDowall: I will second Mr Berry.

355

Mr Rowley: I also propose Mr Roberts.

The President: You propose Mr Roberts. Do I have a seconder for Mr Roberts?

360

Mr Tugby: I second Mr Roberts.

The President: Secunder for Mr Roberts. Do I have any other nominations for members of the General Services Committee?

365

Mr Jean: I would rather not be nominated, but I do thank you for that, Mr Birmingham.

The President: Thank you very much

Madam Greffier, if you can just confirm that those three members have been proposed and seconded correctly, and there being no other nominations, those three people are elected as members of the General Services Committee.

370

The Greffier: Yes, sir. We have three members nominated: Mr Tugby, Mr Roberts and Mr Berry.

Sir, as there are no other members nominated, then those three places stand. They are elected to the General Services Committee.

375

The President: Thank you very much indeed.

We move to section 2, which is to elect four members to the Building and Development Control Committee. Does anybody wish to nominate or propose for these members?

380

Mr Birmingham: Thank you.
I would like to propose Mr Berry.

The President: Mr Berry. Can I have a seconder for Mr Berry, please?

385

Mr Tugby: I will second it, sir.

The President: Thank you very much indeed.

Mr Tugby: Could I propose Mr Roberts?

390

The President: Mr Roberts.

Mr Rowley: I will second that, sir.

The President: And a third member?

395

Mr Birmingham: If I may, I would like to propose Mr Rowley.

The President: Can I have a seconder for Mr Rowley?

400 **Mr Harvey:** I will second.

The President: Thank you very much. A fourth member?

405 **Mr Birmingham:** If I may propose Mr Simonet.

The President: Mr Simonet. Do I have a seconder for Mr Simonet?

Mr McDowall: I will second that.

410 **The President:** Do I have any other nominations for members of the Building and Development Control Committee?

No. Madam Greffier, if you would please announce the result.

415 **The Greffier:** Yes, sir. The four members being nominated are: Mr Roberts, Mr Berry, Mr Simonet and Mr Rowley. Therefore, sir, no other nominations being received, they are now appointed to the Building and Development Control Committee.

The President: Thank you very much.

420 We move to section 3, which is to elect three members to the Finance Committee. Would anybody like to start the nominations?

Mr McDowall: I would like to propose Mr Birmingham.

425 **The President:** Mr Birmingham. Do I have a seconder for Mr Birmingham?

Mr Tugby: I will second that.

The President: Can I have a second nomination?

430 **Mr Birmingham:** I would like to propose Mr Tugby.

The President: Do we have a seconder for Mr Tugby, please?

Mr McDowall: I will second that.

435 **The President:** Thank you very much. Do I have a third nomination?

Mr McDowall: I will propose Mr Roberts, if I may.

440 **The President:** Mr Roberts. Do I have a seconder?

Mr Tugby: I will second him, sir.

445 **The President:** Thank you very much. Do I have any other nominations for members of this Committee, the Finance Committee?

Madam Greffier, there have been three members. Would you please announce the result?

450 **The Greffier:** Yes, sir. Three nominations received – that is, Mr Tugby, Mr Birmingham and Mr Roberts. No other nominations – those Members are therefore appointed to the Finance Committee.

The President: Thank you very much.

In which case, we will move to section 4 of Item X(a), which is to elect three members to the Business Development, Tourism and Marketing Committee. Can I have nominations for these positions, please?

455 **Mr Harvey:** I would like to nominate Mr Birmingham.

The President: Do I have a seconder, please?

Mr McDowall: I will second.

460

The President: Seconded.

Mr Tugby: I recommend Mr Berry.

465

The President: You are proposing Mr Berry. Do I have a seconder for Mr Berry?

Mr Birmingham: I will second Mr Berry.

470

The President: You will second Mr Berry. Do I have a third nomination?

Mr Harvey: I would like to nominate Mr Rowley.

The President: You propose Mr Rowley. Do I have a seconder for Mr Rowley?

475

Mr Birmingham: Yes, I will second Mr Rowley.

The President: Do I have any other nominations for this Committee?

Madam Greffier, if you would please announce the result.

480

The Greffier: Sir, three Members being nominated – that is, Mr Birmingham, Mr Berry and Mr Rowley. No other Members being put forward, those Members are then elected to the Business Development, Tourism and Marketing Committee.

The President: Thank you very much indeed, Madam Greffier.

XI. Other Appointments: Commonwealth Parliamentary Association – Three members elected

Item XI.

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).

485

The President: Could we move on to Item XI, please?

The Greffier: Item XI, sir, is the Commonwealth Parliamentary Association.

490

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 – you sir, as President being the *ex-officio* Chairman.

The President: Thank you very much, Madam Greffier.

Mr Birmingham, as Convener, were there any comments on this Item?

495

Mr Birmingham: There were no comments on this Item.

The President: Thank you very much indeed.

Does anybody want to nominate...?

500

Mr Berry: I wish to propose Mr Jean, Mr President.

The President: Mr Jean. Do I have a seconder for Mr Jean?

505

Mr Birmingham: I am happy to second Mr Jean.

The President: Thank you very much. Do I have any other nominations for these positions?

Mr Roberts: I propose Mr Arditti.

510 **Mr Jean:** I will second that.

The President: A seconder for Mr Arditti. Do I have a third nomination?

515 **Mr Rowley:** If no one else is saying, sir, I would propose Mr McDowall.

The President: Mr McDowall. Do I have a seconder for Mr McDowall?

Mr Tugby: I will second him, Mr President.

520 **The President:** Thank you very much. Do we have any other nominations for the CPA?
Madam Greffier, if you would please...

The Greffier: Yes, sir. Three nominations have been received: Mr Arditti, Mr Jean and Mr McDowall.
No other Members being out forward, those Members are appointed to the Alderney Branch of the CPA.

525 **The President:** Thank you very much indeed.

**XII. Other Appointments: St Anne's School Management Committee –
Mr Jean elected**

Item XII.

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 31st January 2017.

The President: Can we move to Item XII, please?

530 **The Greffier:** Item XII, sir, is the 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 31st January 2017.

535 **The President:** Thank you very much indeed.
Do I have a proposer for...?

Mr Birmingham: A States Member stated that he had not been consulted on this matter and suggested it should not be on the Billet. He suggested he might have been away when the matter was discussed.

540 **The President:** Thank you very much indeed.
Do I have any nominations for this position, please?

Mr Berry: I propose Mr Jean, sir.

545 **The President:** Do I have a seconder for Mr Jean?

Mr Tugby: I second Mr Jean, sir.

550 **The President:** We have a seconder for Mr Jean.
Do I have any other nominations for this position?
Madam Greffier, there being no other nominations, would you please announced the result.

The Greffier: Sir, then Mr Jean is the representative on St Anne's School Management Committee.

555 **The President:** For a period of three years.

The Greffier: For a period of three years expiring on 31st January 2017.

560 **Mr Jean:** Thank you, sir.

The President: Thank you very much.

**XIII. The States of Alderney Bank Accounts –
Operational arrangements –
Item approved**

Item XIII.

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.

The President: We move to Item XIII, please.

The Greffier: Item XIII, sir, is the States of Alderney Bank Accounts.

565 The States is asked to make the following arrangements relating to the operation of the States of Alderney Bank Accounts: 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; and 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 Account.

570

The President: Thank you very much indeed.
Mr Birmingham, as Convener?

575 **Mr Birmingham:** Thank you, Mr President.
On Item XIII, there were no comments.

The President: Thank you very much indeed.
Mr McDowall, I believe you wish to propose... What I will do here, I will take these as one, unless anybody objects? So, Mr McDowall.

580

Mr McDowall: Yes, I would like to propose both, Mr President. Thank you.

The President: Thank you very much.
Do I have a seconder for that then?

585

Mr Berry: Yes, I will second that.

The President: Thank you very much.
Does any Member wish to speak on Item XIII?
Madam Greffier, there being no Member wishing to speak against that, which you please announced the result?

590

The Greffier: Sir, then Item XIII is carried unanimously.

595

The President: Thank you very much indeed.

**XIV. Election of Alderney Representatives to sit in the Guernsey States of Deliberation –
Two Representatives and two Alternative Representatives elected**

Item XIV.

Following the procedure as laid out in the Resolution of The States of Alderney dated 18th October 2006 and the Plebiscite election of 1st 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.

The President: We move to Item XIV, please.

The Greffier: Sir, Item XIV is the Election of Alderney Representatives to sit in the Guernsey States of Deliberation.

600 Following the procedure as laid out in the Resolution of The States of Alderney dated 18th October 2006 and the Plebiscite election of 1st December 2012, the States is asked: to elect two Members to sit in the Guernsey States of Deliberation for 2014; and to elect two other Members to sit in the Guernsey States of Deliberation as Alternative Representatives for 2014.

605 **The President:** Thank you very much indeed.
Mr Birmingham, as Convener.

Mr Birmingham: Yes, thank you.

610 One person said that they were under the impression that there were already two Members elected to these positions. The Convenor said that the convention was that the States followed the procedure in the Plebiscite for the appointment of Alderney Representatives to sit in the Guernsey States of Deliberation, but there may need to be an election for alternative Members.

The President: Thank you very much indeed.
615 So we will take this as two parts for the two Members to sit in the Guernsey States of Deliberation. Can I have a proposer for the nominations, please? Yes.

Mr Harvey: I am pleased to propose Messrs Arditti and Jean for this.

620 **The President:** Thank you very much indeed.
Do I have a seconder for those two positions?

Mr Simonet: I would like to second that, Mr President.

625 **The President:** Thank you very much, Mr Simonet.
Do I have any other nominations? No?
Madam Greffier, if you would read out the result of Item XIV(a), please, for the two Members.

The Greffier: Yes, sir. The two Members appointed to sit in the Guernsey States of Deliberation are Mr
630 Arditti and Mr Jean.

The President: Thank you very much.
We move to part (b), which is to elect the Alternative Representatives for those positions. Do I have a
635 proposer for...?

Mr Simonet: Yes, I would like to propose Mr Harvey and Mr Rowley.

The President: Mr Harvey and Mr Rowley. Do I have a seconder for Mr Harvey and Mr Rowley?

640 **Mr Birmingham:** Yes, I will second Mr Harvey and Mr Rowley.

The President: Thank you. I take it we have no other nominations for these positions?
There being no further nominations, Madam Greffier, if you would read out the results for Item XIV(b),
645 please.

The Greffier: Yes, sir. The Alternative Alderney Representatives in the Guernsey States of Deliberation are Mr Harvey and Mr Rowley.

The President: Thank you very much indeed.
650

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

Item XV.

The States is asked to approve:

'The European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Alderney) Ordinance, 2014'0;

and

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

The President: We move to Item XV, please.

655 **The Greffier:** Item XV is the Regulation on Nutrition and Health claims and Implementation of Food Supplements Directive. This matter, sir, was deferred from the December Billet, and 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.

660 **The President:** Thank you very much indeed.
Mr Birmingham, as Convener.

Mr Birmingham: Thank you, Mr President.

665 One person said that it made sense to adopt everything in this Item. He pointed out that there was no reference to genetically modified foods, however.

The President: Thank you very much.
Mr Simonet, I believe you wish to propose this.

670 **Mr Simonet:** Yes, I do, Mr president.

This Item was deferred from the last meeting. I think it states itself quite clearly, and I propose that we accept it.

The President: Mr Harvey, I believe you wish to second this.

675

Mr Harvey: Thank you, Mr President.
Yes, I am pleased to second this motion.

680 **The President:** Thank you. Does any Member wish to speak on Item XV?
Mr McDowall.

Mr McDowall: Mr President, I reluctantly support these things. These are the sort of initiatives which the European Commission spends millions of pounds on in terms of the sledgehammer to crack a nut. But I do, slightly reluctantly, support it.

685

The President: Does any Member wish to speak on Item XV?

There being nobody speaking against Item XV, Madam Greffier, if you would please announce the result.

690 **The Greffier:** Sir, that is carried unanimously.

The President: Thank you very much indeed.

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

Item XVI.

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

695 **The President:** We move to Item XVI.

The Greffier: Sir, Item XVI is the Building and Development Control (Alderney) (Amendment and Fees) Ordinance, 2014.

The States is asked to approve that Ordinance.

700

The President: Thank you very much, Madam Greffier.
Mr Birmingham, as Convener.

Mr Birmingham: Thank you, Mr President.

705 One person objected to the fact that two different laws were being amended by this Item. The Convener stated that the primary amendments were to the Building and Development Control legislation but there were consequential amendments needed for the water regulations.

The Convener was asked to clarify the difference between section 2(a) and 2(b). If I may, I can proceed on to that slightly later.

710 It was stated that the amendments were pre-judging the outcome of the review of the Building and Development Control Law which was currently underway. It was further stated that this section needed to be clarified in view of the concern about subdivision of dwellings and the potential for a significant number of dwellings being created with no reference to the full States. This person stated that the Building Regulation changes were long overdue.

715 The Convener agreed to provide answers to the questions posed, following discussion with the Law Officers.

There were three questions relating to technical aspects of the amendment.

The first question was: if approved, where in the Law will section 2 onwards appear? I have the advice from the Law Officers, if you would like me to give it?

720

The President: Please do.

Mr Birmingham: The answer is that it will not appear under the BDC Law. These are free standing provisions made by Ordinance under the fee powers in sections 5(1)(b) and 39 of the Law as amended by the preceding sections 1(3) and (5) of the Ordinance – see new section 39(3) for the building control fees – and under the relevant power in the States Water Supply (Prevention of Pollution) (Alderney) Law, 1972.

When new fees are set in the future, they will also be set by Ordinance. This can be in a separate free standing Ordinance or in the main Fees Ordinance, providing that the Fees Ordinance is also made under the fees powers under the BDC Law.

730 The second question was: amendment to the States Water Supply Ordinance – is this normal that an Ordinance amending one Law can also amend another Law or Ordinance?

The answer is: yes, provided the Ordinance is also made under a power to amend that other Ordinance. In the recitals at the beginning of the Ordinance, it is also made under the powers in sections 2 and 12 of the States Water Supply (Prevention of Pollution) (Alderney) Law, 1972. It is therefore sensible to include the amendment in this Ordinance in this case, as the new Building Regulations made under the BDC Law necessitate a change to the reference in the Water Supply Ordinance.

And the third question was: what is the difference between section 1(c), 2(a) and (b) – this refers to the new subsection (2) inserted by section 1(4)(c) of the Ordinance in relation to construction of a dwelling?

740 The answer is: this provision reflects wording already in section 38(b) and (d) of the Law. The difference is that conversion or alteration in (a) covers actual operational development, whereas (b) covers a change of use, which may not also involve such operational development.

I hope that clarifies those issues. *(Laughter)*

The President: Thank you very much, Mr Birmingham.

745

Mr Birmingham: Furthermore, it was stated that any decisions at this stage could pre-empt the review currently being undertaken by ARUP, and suggested that the Item should be withdrawn if there is no urgency.

750 One person said that the requirement to go to the Court of Alderney to appeal a decision on building regulations was inappropriate and expensive, and that a tribunal should be established to rule on such matters. This was supported by two other people.

Finally, it was stated by one person that the 2002 Law was fit for purpose and did not need to be changed.

755 And that was the final comment relating to this Item.

The President: Thank you very much.

Would you like to stay on your feet or all would you like to sit down and have a drink of water?

760 **Mr Birmingham:** I may as well stay on my feet.

The President: Very well. In that case Mr Birmingham, would you like to propose Item XVI?

Mr Birmingham: Thank you, Mr President, fellow States Members, Ladies and Gentlemen.

765 As many are aware, the Building and Development Control Committee is currently undertaking a review of the planning process in Alderney, in association with the planning advisory company, ARUP. So it is a valid question to ask why the BDCC wishes to amend the Law at this time.

The amendment Law that has been brought before the States today is a piece of work that has been ongoing for about three years. Planning law can be complex. There are many inter-relationships between one part of the law and the other, and between the Law itself and other Laws and ordinances.

770 Here we are looking at three areas of change.

The first is a minor terminological change relating to what constitutes ‘construction of a dwelling’; second, the alteration of Part 6 of the Law, allowing for the adoption of modern building regulations and a simpler method for the adoption of new regulations in the future; and thirdly, the addition of a new phased charging structure to allow for ease of use, in line with changes made to other States of Alderney related ordinances associated with the 1993 Fees Alderney Ordinance.

775 Sir, I shall change with each change first and then answer the question about timing.

780 Firstly, the change of terminology relating to ‘construction of a dwelling’: the changes here relate to subdivision of an existing dwelling to create an additional dwelling or dwellings and also the demolish and rebuild of an existing dwelling. The keyword here is *existing*. By many, it has been widely felt that the whole tenor of the 2002 Building and Development Control Law, particularly the need for exemption ordinances, has been based on the idea of conservation of the Island’s land stock – that is to say, the control and of construction of new habitations on greenfield sites.

785 However, the Law deals with the construction of dwellings, not buildings. This is due to the terminological needs of the planning Law to separate the idea of a building used for habitation, rather than for other purposes – hence the use of the term ‘dwelling’.

However, this then creates problem that when a house is subdivided into two habitations from an existing single habitation, an additional dwelling would be created, and so under section 33 of the Law, an exemption ordinance must be sought by the applicant, for the planning application to be considered. The same situation occurs with a house that requires demolishing and rebuilding.

790 Despite the fact that in this situation, an existing dwelling is being replaced with another dwelling, which may be identical, the terminology still means that this is classed as construction of a new dwelling, not the replacement of the existing one. Again, this means the requirement for an exemption ordinance to be sought under section 33 of the Law.

795 Now, in my view, both these situations are the unintended consequence of the terminology and not the intention of the Law when it was drafted. In practical terms, this creates an unnecessary level of red tape for the applicant to have to meet, whilst for the BDCC, it causes delay and increased cost in the need for the drafting of an exemption ordinance by the Law Officers, whilst adding no significant protection to the Island’s land stock.

800 In certain circumstances, due to timing of Committee meetings and all the breaks in the political year, an application could take up to six months. Let us look at a demolish-and-rebuild situation, where a house has been badly damaged in a fire or by subsidence. In these circumstances, the last thing that the owner of such a property needs is unnecessary delay created by red tape in order to rebuild their house, just because of the unintended consequences of the terminology.

805 For me, this change merely removes an unnecessary level of red tape caused unintentionally by the current wording of the Law.

Additionally, there is an argument that the current wording regarding subdivision directly conflicts with the intention of the Law to protect Island land stock. If you wish to protect greenfield sites, then the ability to maximise the use of the existing housing stock is paramount. Therefore, the ability to convert the existing housing stock for alternative usage is not only desirable, it is essential.

810 The current definition of construction of a dwelling, in my view, actually makes this *more* difficult and conflicts with the whole concept of reducing pressure on the use of the Island's greenfield sites.

Now, one concern that was raised at the People's Meeting and needs addressing here would be the situation regarding a development such as Fort Tourgis. It was suggested that the change to the terminology would mean that the exemption ordinance would not be required and therefore there would be no control
815 over the number of flats that any proposed development of that site would allow. That is totally incorrect.

The change to the Law refers to subdivision of an *existing dwelling*, which for Fort Tourgis is not. Such development as Fort Tourgis, or for that matter Fort Albert, still requires an exemption ordinance. Exemption ordinances are about who can develop and not the technical detail of what the development is. In fact, in the past there have been many demands placed on exemption ordinances to include planning
820 detail in them that should not be in there.

The 'what' of a planning application is the responsibility of the BDCC, as the independent arbiters of the planning law, and it is important to realise that the BDCC already has a series of policy guidelines that specifically deal with the planning requirements of subdivision dwellings. This deals with subjects such as parking, floor area, utilities provision and many other guidelines that any developer will have to adhere to
825 for planning permission. It is here that the oversight of any development takes place legally, not as part of an exemption ordinance.

So the outcome of this change of terminology, in my view, means reduced red tape, speeding up of the planning process, reduction in cost to the public and the States and the removal of a roadblock to the best utilisation of the Island's existing housing stock, taking pressure off the Island's greenfield sites.

830 Additionally, it will simplify the process for the conversion of houses for the elderly, which allows them to downsize their property and still remain in their own home, and will give them the ability to create accommodation within their existing home for carers, for the same purpose.

In my view, these are all valid reasons for the change to the terminology.

Moving on, secondly, to building regulations: it has been widely agreed for some considerable time that
835 the States need to adopt up-to-date building regulations. This was acknowledged at the People's Meeting, and in fact, questions have been asked at previous People's Meetings about this matter on issues, such as the heating water tanks.

Now, some may have a concern that the introduction of new building regulations may have a detrimental effect on the building trade, introducing red tape. Now, in reality, this situation is that it is the States playing catch-up with the building industry. Why is that? The law currently uses the 1978 building
840 regulations as the legal standard. However, most contractors in fact use more modern standards than those currently within the law.

Take the example of electricians. They may be a member of an industry body such as NAPIT. As members of such an organisation, a contractor is often protected by the body for insurance purposes. If the
845 contacted then produces work below the modern industry standards, then they may well be in contravention of the insurance that those bodies provide. So in the case of electricians, most will have to use 2002 UK building regulations to cover their work. This is the case for nearly all building contractors who are members of professional building associations.

Adopting modern regulations will only affect cowboy building. One of the concerns raised in the
850 housing surveys of the Island has been the quality of the ordinary housing stock. This change to the law will help maintain the standard of work on the Island provided by the Island's contractors and at the same time help to protect the public, who may not fully understand the technical aspects of work that is being undertaken on their property by a contractor.

Third and finally, this Ordinance makes technical changes to the Law in respect of in relation to the
855 charging of fees. Over the last few years, there have been structural changes made, relating to the way the States charge fees. These charges have been across the board relating to many different areas of States fees, in many cases relating to the Fees Ordinance or from 1990. The changes proposed here will make the future alteration of the fees structure for building regulations and planning fees more straightforward and place such charging on a clear legal footing, though those changes will still have to be brought to the States
860 through an ordinance.

As part of the process, the BDCC have also reviewed the existing schedule of charges and its structure and have taken measures to simplify the charging regime, making it more transparent and also to modernise the charging structure through such methods as metrification.

The fees themselves have not been reviewed since 2009 and as part of the restructuring, an increase had
865 been factored into the review of the charges. However, the restructuring of the fees means that in many cases, categories of work have dropped into lower charging categories, some small works have been removed from charging entirely, whilst in the case of the building regulations, there are substantial reductions in charge in some areas, particularly relating to floor area.

It is therefore vital to assess the overall effect that these changes will make on the terms of fees and
870 levies, as there are winners and losers out of this process, depending on the nature of the work to be

progressed. Also, the current depressed state of the Island economy demands that, where possible, the States should avoid levying additional cost on the Island's construction industry. At this time, the Committee has been mindful of that in considering the charges.

875 Now, as part of the work relating to these charges, the staff of the BDCC have taken the proposed new charging regime in this Ordinance and tested it against the previous three years of charges levied. The analysis has shown the following: taking into consideration the overall effect on total fees charged, this analysis shows a reduction in the level of total fees levied by the planning department – so that is a *reduction* in total fees levied – in other words, a cut in the total cost levied on development charged by the States. This means the changes are primarily about a fairer redistribution of the charges, due to the level of
880 work that may be incorporated in the preparing them, and are not an exercise in the increase of States income.

So in summary, this Ordinance reduces the level of red tape, removes the need for exemption ordinances in two specific circumstances, allows for the introduction of modern building regulations, and a simplified structure for their adoption, the introduction of a clear structure for the charging of fees and a simplified
885 schedule that leads to a reduction in the total amount of fees levied. In my view, these are all positive changes to the law.

So reverting back to the initial question of why introduce these changes now, instead of waiting for the outcome of the planning review, rather than ask 'why', in my view the question should be 'why not?'. Will the current review of the planning law suggest that a modern planning process should increase the level of
890 red tape? The answer to that is no.

Will the review suggest that the Island should not have a simpler method for the adoption of new building regulations? The answer to that is no.

Will the review suggest that we should use out-of-date regulations? The answer is no.

895 Will the review suggest that we should not have a simpler and transparent structure for the charging of fees? The answer is no.

So if the answer to these questions is no, then should the States delay the adoption of these changes? In my view, the simple answer to that question is also no.

The review of the planning process covers huge areas, such as the appeal system, the land use plan and its enquiry system, the use of the exemption ordinance system, the level of provision of protection of the green belt, amongst many, many other issues. These recommendations will no doubt inspire huge debate and will require further public input before any proposed changes to the law can be processed. These legal changes will be complex and may take considerable time, not only to draft, but also to conduct the due diligence required of any changes that the review proposes.
900

It may take considerable time for a new Law to be formulated, even if that is the outcome of the review, and as I pointed out, these amendments to the Law have been in the pipeline for around three years and are mostly technical in nature. Kicking these changes into the long grass for potentially a similar length of time is therefore simply not an option, in my view.
905

The adoption of these changes is purely a matter of good governance and is in no way detrimental to the review that is taking place. In fact, it may help that process. Preparing the ground by addressing some of the technical aspects of the Law, such as building regulations and the charging of fees, which will help to speed up this pace of the creation and adoption of the new Law, if that is what to happen.
910

So after full consideration of all these points, I conclude that now *is* the time to adopt these changes and I fully support this Ordinance and it aims. As Chairman of the BDCC, I am content to propose it, and I recommend its adoption to Members of the States.
915

The President: Thank you, Mr Birmingham.

Mr Rowley, I believe you wish to second this?

Mr Rowley: Yes, that is right, sir.

920 If we can remove unnecessary red tape, ensure modern building standards, and provide transparency for fees as well, actually reducing them, then I think that has got to be a good thing.

Thank you.

The President: Thank you, Mr Rowley.

925 Any other Members? Mr Arditti, do you wish to speak?

Mr Arditti: Thank you, sir.

I am puzzled by these amendments and, sadly, Mr Birmingham, I am afraid I am still none the clearer!

930 What is so urgent that we have to make an important decision about transferring an important power from the full 10-Member States to this small Committee of four on the BDCC?

Mr Birmingham, the Chairman of the BDCC assured the People's Meeting that neither he nor his Committee are aware of any particular one-for-one development or subdivision development to which this amendment might relate. So what is the hurry – even if it has been on the Building Control Committee's to-do list for some three years?

935 Surely the point is that while this has been on their to do-list, the ARUP review was not underway. Now it is underway and we do not yet know the result. ARUP are engaged in reviewing our development law and I have seen no evidence from them to suggest that they have yet formed any view about these amendments or what their view might be when they report back.

940 In my own discussions with ARUP, I have expressed the view that under our existing 2002 Law, exemption ordinances are very important, and it is very important that they come to the full States.

I sat on the Building Development Control Committee in the last States and there was always a feeling there that exemption ordinances are tiresome and unnecessary, full of red tape. Nothing could be further from the truth, in my submission. They are an important protection for the Island and can be processed very simply.

945 Under the 2002 Law, there is a blanket ban on the creation of dwellings, with only two exceptions: C permits and exemption ordinances granted by the full States. In *this* way, control of the housing stock is kept separate from other planning considerations. Ordinary planning considerations are supposed to meet objective criteria, which should be capable of delegation to a small committee. However, strategic issues about whether the Island needs more or less dwellings of a particular category should come to a public hearing of the full States, and I am not happy about signing away that responsibility of the full States to a small committee – at least, not until I see a full report from ARUP, and I can see where this change fits in with the rest of any other proposals they may make.

955 I disagree with Mr Birmingham. I do not think this is good governance; I think this is bad governance. I think good governance says there is a comprehensive and expensive review underway and we should pause and see where this will fit in with the new regime that is proposed to us.

I have no problem with the building regulations, but unfortunately we cannot cherry pick because it is just one proposal before us, so unfortunately when I vote against the amendments, I have to vote against them all. But I would urge... It is no disaster. I would urge the Building Development Control Committee to come back separately with the building regulations as soon as they can.

960 With regard to the fees, I am nervous. We are in the middle of a recession and this is not the time to put up fees, in my view. On the contrary, we should be looking for ways bring to bring them down.

Now, I heard Mr Birmingham tell us that although this proposition does include fee increases, it is his belief that the overall effect is to result in a reduction of fee income, but I am not concerned about that. I am concerned about the bill to the individual applicant. I think what Mr Birmingham was saying was that...

965 Well, I think what he was saying did not take into account the very large reduction in the number of planning applications, and when he says the overall effect on fee income will be lower –

Mr Birmingham: I was going to say, if I can make a point of clarification –

970 **The President:** Point of order.

Mr Birmingham: Yes, the analysis that was done by the staff of the BDCC listed the previous three years' applications to the Building Control Committee, of which there is a total of what the amount is of fees charged. Staff then took the new list, applied that to those situations, right the way down the board, and the total level of fees levied at the bottom line – so over exactly the same number of applications – showed a reduction.

The President: Thank you, Mr Birmingham.

Mr Arditti, do you care to continue?

980 **Mr Arditti:** Well, I thank you for that and I accept entirely what you say. It obviously raises questions as to whether the applications were like for like, and whether anything to do with the recession had any effect on that.

985 I just do not know. I have got no information before me, to be able to judge the likelihood of an individual applicant, or applicants, finding the cost of initiating new work on the Island going up. I just do not know. In a 'do not know' situation, I find it difficult to decide how to vote! So that is my position on fees.

990 I suppose the answer is, if I was satisfied that there was no increase facing an individual applicant, then I would be very happy to place my confidence in the Building Control Committee to juggle around with those fees in the way they see fit.

But again, it really is really secondary for me. The most important thing in doing this amendment is the exemption ordinance, which I actually think is not some technical nuisance. I think it is actually a very important role that *must* remain with the full States and must not be delegated to any committee.

Thank you, sir.

995

The President: Mr Arditti.

Does any other Member...? Mr Jean, do you wish to speak on this?

Mr Jean: I would like to, if I may, sir.

1000

Since the fees are all part of the amendment, I will start with the fees.

Sir, fellow Members of the States, now is the wrong time to raise these fees. Amazing, for most of the year, there have been four to five applications a month and most of these need not even involve the Committee: a garden shed, a satellite dish, a fence planned on a wooden back storm porch.

1005

Lists years ago of 20 to 30 applications each month, and I would like to see the Finance Committee examine these scales of fees. We have no information here in this Billet at all to relate to. We do not know how much it costs for any single item.

There is little information in the Billet. The increase is to help cover the costs of reading plans: States of Guernsey planning department, Campbell and Bloese? I am not sure. I do not know.

1010

We should not raise these fees. Instead, we should try to reduce that cost and bring our reading of plans on Island, using perhaps a retired architect, or somebody that could read a plan. I believe the fees may well be too high and act as a retardant in this Island. A view to a reduction in fees. I think is more important.

My concerns about this part of the Ordinance: the Chairman of Building and Development assures us, there is a review being conducted by ARUP. These items will not be detrimental to that process, he says. I do not agree. In fact, I am amazed that both are placed together on this Billet.

1015

These amendments are dangerous for the following reasons: I question the knowledge and ability of such a new Committee to be placing such amendments in the first place. I believe these proposals have never been discussed at Policy Committee, or at least, I do not remember any discussion. I am not being critical, but if that is the case, then we at Policy have not discussed these items and they should not have been signed on to any Billet.

1020

I will speak... I have already said that, I have spoken about the fees.

First, let me address the single and multiple construction amendment part of this legislation, which have always been placed before all 10 Members of our States in the form of the exemption ordinance. My view of this process is that it is the right way to do this. The States of Alderney is in control. By voting for this amendment, which will allow the Building and Development Control Committee to vote for the demolition of a property, with a possible single or multiple application, with no ceiling or capping of the amount of dwellings allowed on any one site that I can see, the States would effectively be abrogating its own power and responsibilities to a relatively – and I am sorry to say this, but I have to – inexperienced Building and Development Control Committee, consisting of four Members and an almost brand-new Chairman.

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I asked the States to listen and help by voting this out for the time being.

Consideration must as well be given to the public. Good representation of views were clearly expressed at the last People's Meeting, I believe they do not want this item passed.

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Another part of our legislation that could be affected is the Historic Buildings and Ancient Monuments Law. If an application to take down a large town property were received of historic importance and part of the Historic Buildings Register, we would then be weakening our ability to both control and maintain the Historic Buildings Register by abrogation of the power of our 10-man States to the four-man Building and Development Control Committee, consisting of four men who have not been there for very long at all, I am afraid.

1035

Another concern over multiple development – I notice there is no suggestion of any capping or limitation to the amount of permits which, if we pass this item, could be passed – is a marina scheme. Has any interest been declared from the Committee? Both these marina schemes should come to the full States. Any multiple application should always and *only* come to the full States. I cannot emphasise this enough.

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The Alderney States always... Sorry, I have got something wrong here... To advise and help on behalf of its membership... Sorry.

1045

The Alderney Society, always so willing to advise and help on behalf of its membership and for the people of Alderney, whose views were placed so well at our People's Meeting by the spokesman who was there: their authority would be severely weakened if this were passed this evening. Could the Chairman consider the suggestion made more than once at that Meeting and withdraw this Item?

1050

Then there is the ARUP inquiry and their report. I feel we should *not* pre-empt that report. The Building and Development Committee is premature, ill-prepared and I am most unhappy. Wake up, Members of the States and vote against this Item!

In finishing, I would just like to, if I may, check my notes, sir. We are effectively here, if we pass this tonight, eroding the authority of the full States. I believe we are actually flouting public wishes and I believe most of all – most *serious* of all – we are taking away safeguards given by the full States in debate and we are also not giving... There is the possibility that some of these large projects will not be given the second and third airing that they would receive by coming to this States for debate.

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I really do urge the States Members to vote this out and vote the fees out as well. I cannot emphasise enough that this abrogation of power is really serious.

Thank you, sir.

1060

The President: Thank you, Mr Jean.

Does any other Member wish to speak on this? Mr Berry.

Mr Berry: As a member of the Building and Development Control Committee, sir, we have given due concern with this, but I would say this, sir, to this meeting: I am under the guidance of the whole States, and if the whole States wish to defer this, then it is down to individual conscience and I will be directed by that vote, sir.

1065

It will come back at some later stage if it is voted out. It will go forward, if it is voted in, sir.

The President: Thank you, Mr Berry.

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Does any other Member...? Mr McDowall.

Mr McDowall: Yes, thank you, Mr President.

I have quite a lot of sympathy with Mr Arditti and Mr Jean's comments. I find this mind-bogglingly complex. I do not really understand it, and if this is simplicity, I do not see simplicity here.

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I think we should wait for the ARUP review and therefore I am going to vote against it.

The President: Thank you very much.

Does any other Member wish to speak on this subject?

Mr Birmingham, if you would care to sum up.

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Mr Birmingham: Yes, thank you very much, Mr President.

I would like to address some of the points that have been raised in debate.

Mr Arditti is right: the exemption ordinance system is very, very important. It gives a lot of protection to, particularly as I stated in my speech, the land stock of the Island and that is absolutely key.

1085

But the reality is that, in a lot of cases, there have been informal subdivisions of properties on the Island happening for a long period of time, and it tends to be that, quite a lot of the time, it is almost at a later date that we actually have to pursue an exemption ordinance for work that is sort of undertaken as a casual situation. Now, quite rightly, that should not abrogate people from complying with the law, but in a practical manner, I cannot think of an occasion where a subdivision has been thought to this body and it has not been passed straight off the bat. I cannot think of a situation relating to the demolish and rebuild. I think the situation there is luckily a situation that does not often happen, and the difficult situation that I put of perhaps having to rebuild after a fire or subsidence has not happened that I am aware of.

1090

But pretty much as a matter of course, when subdivisions of the type we are talking about here are brought to the BDCC, it is pretty much a matter of course, a matter of policy that there they are brought straight to the States for the exemption ordinance and then they are voted on.

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It is just, in my view, the situation here, because it deals only with existing buildings, it is not a threat to the Island's overall development plan in a way that removal of exemption ordinances may be when you are dealing with greenfield sites. That is a completely different issue: the issue of new build compared to conversion.

1100

Now, Mr Jean mentioned a couple of examples. He specifically talked about marina development, as one example. Again, I stress, the change here in the Law is about existing buildings. So in the case of a marina development, that is all going to be new build. Exemption ordinances will have to come forward. There is no change to the Law here to threaten that. Those types of development are not what this technical change in the Law actually means.

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Now, the other issue he brought up: historic buildings. We have policy documents within the BDCC and some of them are very, very strict and particularly one area that we have some very strict guidance over is historic buildings. Admittedly, in those circumstances, yes, there would not be maybe a second back-up of coming to the States in terms of the exemption ordinance, but I can say that the BDCC take control of historic buildings very, very seriously and, as I say, as the independent arbiters of the law, that is not going to change when it deals with historic buildings.

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Mr Jean: Sir, on a point of information.

The President: Point of...

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Mr Jean: It is not that I am arguing with. What I am arguing about with you is the fact that it weakens the Historic Buildings and Ancient Monuments Law and puts that Law and the Alderney Society's views in the hands of four men, not 10.

Thank you very much.

1120

The President: Carry on, Mr Birmingham.

Mr Birmingham: Just ticking through some of the other notes that I had here, and I will refer quickly to [*Inaudible*] fees that were brought up, it is certainly not my intention at any point to look at raising fees for the States – quite rightly, at the moment. We are not in a position where we should be putting unnecessary burden on the development issues in the Island.

1125

Now, some of the changes in here are actually going to lead to some considerable reductions, particularly in the building regulation fees. We are talking that, potentially, there are some substantial reductions. I can give an example of a development that is potentially on the books that involves commercial development, where there is potentially a halving of the fees from the building regulation by the adoption of these new fees.

1130

As I stated it is rather difficult to do like with like here, because we are dealing with changes to the bands, the removal of some options into other bands, and it has been quite a long and complex procedure. In fact, that is partially the reason why it has taken so long for this issue to come to the States.

1135

Mr Jean: Sir.

The President: Do you wish to make a point of order?

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Mr Jean: A point of order, if I may.

The President: Go ahead.

Mr Jean: On that point, Mr Birmingham, I wish to point out that in the Billet, it mentions that some of these fees will rise as much as 5%. That is a very serious rise in fees. It is above of the cost of living index. You may say that some of the other fees will go down, and I believe that they may go down by yet a further reduction in applications to your Committee – very serious.

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The President: Thank you very much, Mr Jean.

1150

Mr Birmingham.

Mr Jean: Thank you, sir.

Mr Birmingham: Just as a quick point to that, as I said, the Building and Development Control Committee have been looking very closely at these changes and certainly, it has definitely been my intention all the way through – and that is from three years of being on the Building and Development Control Committee – that we should have no significant increases in this matter.

1155

Now, he mentions that there are some increases, and I will give you an example of where that does take place here, and it is right at the bottom end, on minor works. Currently, if I am correct in thinking, the bottom fee for minor works is £31.50. This rounds the figure up to £35.

1160

Now, you can look at that figure as an example of one where the overall impact in total fees charged: you are talking about, of last year, 197 applications, an increase of only £350 overall to the States, in terms of the fee.

But one of the things that was looked at here was that despite the fact that these are minor works, there is still a certain level of work that still has to be undertaken by the States and the officers that needs coverage and payment, whereas actually some other places, such as building regulations, the larger premises were being overcharged, in the opinion of the BDCC, purely because it was a floor area calculation, rather than necessarily the amount of work was going in.

1165

The intent here, with this restructure, has actually been to try and keep as much of a *status quo* as possible. In your point that you said that the 5% is above the rate of inflation, well it is not, because this is a rise from 2009. So if you took that 5% rise over a five-year period, it is substantially under what RPIX would have been over that period.

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All I can say, as a member of the BDCC, is these predominantly are technical changes, particularly on the building regulations and the fees, and they do require amendment.

1175 In terms of the terminological change, relating to the construction of a dwelling, I have to again stress, it is about existing dwellings. It is not going to affect any new build and certainly, until the review comes back from ARUP relating to that particular nut, there will be no way that myself as BDCC Chairman will be going anywhere near it.

1180 However, I will say that again, these technical changes to terminology have been under review by the BDCC for at least three years.

I hope I have been able to at least calm some of the fears relating to these changes. But all I can do is say that I support this Ordinance and I hope that the other Members will support it too.

The President: Thank you, Mr Birmingham.

1185 Madam Greffier, if you would put Item XVI to the vote, please.

A vote was taken and the results were as follows:

FOR

Mr Tugby
Mr Birmingham
Mr Berry
Mr Harvey
Mr Simonet
Mr Rowley
Mr Roberts

AGAINST

Mr Arditti
Mr Jean
Mr McDowall

1190 **The Greffier:** Sir, that is carried, 7 votes to 3.

The President: Thank you very much indeed.

XVII. Questions and Reports – States of Alderney Strategic Plan 2014

Item XVII.

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

The President: We will move on to Item XVII, if we may please, Madam Greffier.

1195

The Greffier: Yes, sir, Item XVII are Questions and Reports. We have received one Report from Mr Simonet.

The President: Thank you very much indeed.

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Mr Birmingham, as Convener, were there any comments on this Item?

Mr Birmingham: One person queried who was involved in the Alderney Enterprise Group. The Chief Executive explained how the group had been established and stated that Chamber of Commerce had been involved, as well as subject matter experts from off-Island, including Aurigny, Sure, and the Commerce and Employment Department.

1205

The President: Thank you very much.

Mr Simonet, I believe you wish to place this Report?

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Mr Simonet: Yes, I do, sir, and I would like this to be put on the Deliberations.

The President: Thank you very much indeed.

Do any Members have any questions for Mr Simonet on the Report?

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Mr Arditti: I do not need to say this...

The President: Is this a question for Mr Simonet? Thank you.

There being no questions for Mr Simonet on this Item, Madam Greffier, I believe that concludes today's business. If you would close, please.

1220

The Greffier: Thank you.

PRAYERS

The Greffier

The Assembly adjourned at 6.42 p.m.