



States of Alderney
Office of the President

BILLET D'ÉTAT

THURSDAY 16TH DECEMBER 2021

£2.40

Billet d'État

Thursday 16th December 2021

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 2.30pm on Thursday 16th December 2021.

This will be preceded by the People's Meeting, which will be held on Wednesday 8th December 2021 at 7.00pm in the Island Hall, convened by Mr Rhys Jenkins.

William Tate
President

Item I Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.13) Regulations, 2021

The following letter was received from Mr Bill Abel, Chairman of the Policy and Finance Committee:-

“These Regulations are emergency regulations made by the Civil Contingencies Authority under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 (“the Law”). They are made on the occurrence of an emergency, within the meaning of the Law, in the Bailiwick arising from the urgent need to prevent, control or mitigate the spread of the virus Severe Acute Respiratory Syndrome Coronavirus 2 and the disease caused thereby, COVID-19 (referred to together in these regulations as coronavirus). They are prefaced with a statement by the Civil Contingencies Authority, as required by section 12(2) of the Law. COVID-19 was made a notifiable disease for the purposes of the Public Health Ordinance, 1936 on 10th February 2020.

These Regulations revoke and re-enact (with modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations came into force on the 24th November 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

Part I - screening, assessment and powers to detain etc.

This Part places a requirement to self-isolate on persons arriving in the Bailiwick, enables the Medical Officer of Health to place restrictions and requirements on other persons who are or who may be infected with coronavirus, and makes provision in respect of related matters, including powers for the Medical Officer of Health to impose screening requirements, to detain people and to require people to self-isolate. The provisions also create criminal offences and confer powers of enforcement on police officers, and provide for appeals against requirements or restrictions imposed under this Part by the Medical Officer of Health (as well as in respect of determinations concerning vaccination status and decisions in respect of specific conditions imposed on Critical Workers) to be made to the Royal Court.

Regulation 4 gives effect to Schedule 1, which makes provision in respect of Critical Workers. A person who has been granted a Critical Worker Exemption will have to self-isolate in accordance with, and otherwise comply with, the provisions of Schedule 1.

Schedule 2 to these regulations, which is given effect by regulation 5, provides for reduced, or no, self-isolation to be undertaken by persons who arrive from a place specified as a Green List Country or a Red List Country on the States of Guernsey website, and who elect to comply with the testing requirements set out therein.

Arrivals from Green List Countries are treated differently depending on whether they have a full vaccination history within the meaning of the Regulations. It imposes a requirement on arrivals from Green List Countries with a full vaccination history to take on their day of arrival a self-administered lateral flow test for COVID 19 provided to them on arrival; to report any positive test results to Public Health; and to comply with any direction given to them on so doing. It makes a failure (without reasonable excuse) to comply with these requirements a criminal offence. The Regulations also impose a requirement to pay a fee for the provided tests before travel.

This Part also provides for 'Blue Arrivals' — that is, persons (including children) arriving in the Bailiwick from within the Common Travel Area - to be free from self-isolation on arrival.

Finally, this Part provides that a person (other than a child under 5) who does not wish to undergo any testing on arrival has to self-isolate for 10 days on arrival.

Part II — miscellaneous and final

Schedule 3 to these Regulations, which is given effect by regulation 20, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraphs 4 and 5 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal may properly be constituted according to specified criteria.

I would be grateful if "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.13) Regulations, 2021" are placed before the next meeting of the States of Alderney with an appropriate proposition.

Bill Abel, Chairman

The States of Alderney is asked not to annul "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.13) Regulations, 2021"

Proposed by Mr Bill Abel
Seconded by Mr Alex Snowdon

Item II Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.13) (Amendment) Regulations, 2021

The following letter was received from Mr Bill Abel, Chairman of the Policy and Finance Committee:-

"These Regulations are emergency regulations made by the Civil Contingencies Authority under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012

(“the Law”). They are made on the occurrence of an emergency, within the meaning of the Law, in the Bailiwick arising from the urgent need to prevent, control or mitigate the spread of the virus Severe Acute Respiratory Syndrome Coronavirus 2 and the disease caused thereby, COVID-19 (referred to together in these regulations as coronavirus). They are prefaced with a statement by the Civil Contingencies Authority, as required by section 12(2) of the Law. COVID-19 was made a notifiable disease for the purposes of the Public Health Ordinance, 1936 on 10th February 2020.

These Regulations amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 13) Regulations, 2021. The amendments impose a requirement on Blue Arrivals of 5 years of age and over to take self-administered lateral flow tests for COVID-19 provided to them on arrival, to report any positive test results to Public Health, and to comply with any direction given to them on so doing. It makes a failure (without reasonable excuse) to comply with these requirements a criminal offence. The Regulations also impose a requirement to pay a fee for the provided tests before travel.

The amendments also require fully vaccinated arrivals from Green List Countries to take a day of arrival test, and to self-isolate until a negative result is received, and for all arrivals from Green List Countries of between 5 and 11 years of age to take lateral flow tests in the same way as Blue Arrivals, in addition to the existing isolation requirements in respect of such children. Finally, the amendments make the wearing of face-coverings mandatory (subject to certain specified exceptions) for persons of 12 years and over in shops, pharmacies, banks, and post offices, on public transport, and in the parts of government-owned premises, such as Beau Sejour and Sir Charles Frossard House, to which the public have a right of access.

These Regulations came into force on 1st December, 2021, and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

I would be grateful if “The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.13) (Amendment) Regulations, 2021” are placed before the next meeting of the States of Alderney with an appropriate proposition.

Bill Abel, Chairman”

The States of Alderney is asked not to annul “The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.13) (Amendment) Regulations, 2021”

Proposed by Mr Bill Abel
Seconded by Mr Alex Snowdon

Item III **The Companies (Alderney) (Amendment) Ordinance, 2021**

The following letter was received from Mr Bill Abel, Chairman of the Policy and Finance Committee:-

“In advance of the MONEYVAL evaluation, the Greffier has been working with the Director of Financial Crime Policy in the States of Guernsey, in relation to what information the Alderney Registry should obtain from Alderney Companies. Considering changes to the Guernsey framework which came into effect earlier this year, it has been apparent that the Alderney framework should also be updated. The

Ordinance will revise the annual validation requirements for Alderney companies from 2022 in two respects.

Firstly, the registry does not know enough about the activities of companies on the register; registry officers have to rely on their own knowledge of what companies do as there is no requirement for companies to advise us of this. This is a gap in being able to administer the register effectively in line with MONEYVAL's expectations. No authority in Alderney can form a view of the totality of risks to the jurisdiction of the companies formed here. This understanding of risk and effectiveness of administration of the accuracy of information on the register will be important themes of the MONEYVAL evaluation. The Greffier's aim is to provide guidance for completion of this information so that each company is provided with something useful from rather than an overarching and general response.

Secondly, of the other changes to the Guernsey framework, one more is included in the Ordinance, namely confirmation as to whether the resident agent of the company has needed to check, by the issue of a notice, whether or not a particular person actually is a beneficial owner of a company. Clearly, if a notice has been issued, then this will trigger a follow-up question as to why it was needed.

Overall, the amendment ordinance is reduced from what has been put in place in Guernsey. This is because the Greffier would like to make sure that developments in Alderney are manageable for all concerned. It should be easy for those administering companies to provide the registry with the additional information, it will be reasonably easy for the registry to deal with the additional data and it will significantly boost the registry's ability to emerge well from the MONEYVAL evaluation.

It is important that this Ordinance is considered by the States of Alderney at its December meeting to enable the changes to be made in time for the additional information to be requested on the Annual Returns which will be filed in January 2022.

I would be grateful if the "Companies (Alderney) (Amendment) Ordinance, 2021" is placed before the next meeting of the States of Alderney with an appropriate proposition.

Bill Abel, Chairman"

The States of Alderney is asked to approve "The Companies (Alderney) (Amendment) Ordinance, 2021".

Proposed by Mr Bill Abel
Seconded by Mr Kevin Gentle

Item IV Alderney Property Tax (Amendment) Ordinance 2021

The following letter was received from Mr Bill Abel, Chairman of the Policy and Finance Committee:-

The States must, by way of Ordinance, set the level at which the Alderney Property Tax will be charged for the calendar year.

A 2.3% increase to all categories of Alderney Property Tax, based on the Guernsey RPIX increase as at June 2021, was agreed by the States at its meeting on 20th

October 2021. The tariffs to apply from 1st January 2022, are set out in the attached Ordinance which was agreed by the Policy and Finance Committee at its meeting on 25th November 2021.

I would be grateful if “The Alderney Property Tax (Amendment) Ordinance, 2021” would be placed before the next meeting of the States of Alderney with an appropriate proposition.

Bill Abel, Chairman

The States of Alderney is asked to approve “The Alderney Property Tax (Amendment) Ordinance, 2021”.

Proposed by Mr Bill Abel
Seconded by Mr Christian Harris

Item V **Occupier’s Rate (Level for 2022) Ordinance, 2021**

The following letter was received from Mr Bill Abel, Chairman of the Policy and Finance Committee:-

“The States moved to a new system of Property Tax from 2021 which replaced the Occupier’s Rate. The enabling legislation for the Occupier’s Rate remains in force and a zero rate has been agreed for 2022.

I enclose a draft Ordinance entitled “The Occupier’s Rate (Level for 2022) Ordinance, 2021” which was considered by the Policy and Finance Committee at their meeting on the 25th November, 2021.

I would be grateful if “The Occupier’s Rate (Level for 2022), Ordinance, 2021” would be placed before the next meeting of the States of Alderney with an appropriate proposition.

Bill Abel, Chairman”

The States of Alderney is asked to approve “The Occupier’s Rate (Level for 2022) Ordinance, 2021”.

Proposed by Mr Bill Abel
Seconded by Mr Christian Harris

Item VI **The Investigation of Air Accidents & Incidents Legislation**

The following letter was received from Mr Bill Abel, Chairman of the Policy and Finance Committee:-

"The UK has requested the Bailiwick of Guernsey to update its legislation regarding air accident investigations in advance of the International Civil Aviation Organization (ICAO) investigation taking place in mid-2022.

The Strategy and Policy Function in Guernsey is working in conjunction with St James' Chambers in order to achieve this.

This process will necessitate:

- the introduction of the latest UK legislation relating to air accidents and incident investigation,
- the implementation of Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation ("Regulation 996/2010"), as subsequently amended by EU Regulations and as modified by the UK due to its exit from the EU,
- the implementation of requirements set out in Annex 13 to the Chicago Convention (which applies to the Bailiwick).

and would be achieved by way of an Order in Council and an Ordinance made under the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994.

The proposed Order in Council would extend the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2018/321 ("the 2018 Regulations") to the Bailiwick with modifications; and revoke and replace the previous Order in Council which extended the previous regulations.

The 2018 Regulations, as extended with modifications, would principally:

- designate the Air Accident Investigation Bureau ("AAIB") as the safety investigation authority for the Bailiwick of Guernsey,
- state that the sole objective of a safety investigation is the prevention of accidents and incidents (without the apportionment of blame or liability),
- give effect to the appointment of the UK Chief Inspector of Air Accidents and other Inspectors in the Bailiwick for the purposes of these Regulations,
- confer powers and duties on the Chief Inspector and other Inspectors in relation to safety investigations (including providing any person whose reputation could be adversely affected by a safety investigation report with relevant information to permit that person to make written representations on the report), and
- implement the relevant requirements of the Chicago Convention.

The Ordinance would implement Regulation 996/2010 for the purposes of the Bailiwick, with suitable modifications, which makes provision to ensure high quality civil aviation safety investigations. It also includes rules concerning the timely availability of information relating to all persons and dangerous goods on board an aircraft involved in an accident and aims to improve the assistance to the victims of air accidents and their relatives.

Following further discussion with St James' Chambers, we now understand that it will be necessary for the three legislative assemblies of the Bailiwick to each make an Ordinance under the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994, as amended, so that the EU Regulation might be implemented throughout the Bailiwick. Law Officers Chambers advise that this will essentially be the same Ordinance amended to read 'Guernsey', or 'Alderney', or 'Sark, as necessary; however, it would require the matter to be considered by the States of Alderney in a Billet d'État prior to the Ordinance being drafted.

Following the approval of the Policy & Resources Committee and the Committee for Economic Development, the Policy Letter and Propositions relating to 'The Investigation of Air Accidents and Incidents' has been lodged with H.M. Greffier for debate by the States of Deliberation. It is intended that the item will be debated at the States' meeting commencing 15th December 2021.

The Policy Letter and Propositions have been drafted in such a way as to enable the same Policy Letter to be presented to the parliaments of Alderney and Sark, as well as Guernsey.

I would be grateful if this matter is placed before the next meeting of the States of Alderney with an appropriate proposition.

Bill Abel, Chairman

The States of Alderney is asked to decide:-

Whether, after consideration of the Policy Letter entitled "The Investigation of Air Accidents and Incidents" dated 28th October 2021 they are of the opinion:-

1. to agree that the legislation which currently applies to the Bailiwick of Guernsey regarding the investigation of air accidents and incidents is updated, in particular to implement: (a) Annex 13 to the Chicago Convention as required; and (b) Regulation (EU) 996/2010 on the investigation and prevention of accidents and incidents in civil aviation.
2. to signify their agreement to the substance of the proposed Order in Council (set out in paragraphs 4.2 and 4.3 of the Policy Letter dated 28th October 2021) for the purposes of Article 72A of the Reform (Guernsey) Law, 1948, as amended.
3. to direct the preparation of such legislation as may be necessary to give effect of the above decisions.

Proposed by Mr Bill Abel
Seconded by Mr Ian Carter

Item VII **Annual Reports of States Committees for 2021**

On 4 May 1977, the States resolved to instruct all committees to prepare an annual report, and for that report to be debated at the December States Meeting.

(i) Annual Report of the Policy and Finance Committee

The following report was received from Mr Abel, Chairman of the Policy and Finance Committee:-

"This year has been a start of a new term for States Members with the addition of 3 new members and the re-election of 2 previous members. Outgoing members are thanked for their hard work and many years of service.

Although we have had a difficult year there have still been many positives:

- The appointments of Ms Kathryn Jones as our Chief Executive, and Mrs Liz Maurice as our States Treasurer;
- The continuing level of Staycations;
- Increased property sales;

- Excellent Relationships and support from the new Guernsey States members and Civil Service;
- New Aurigny Management;
- The Conclusion of the Public Service Obligation (the PSO) agreement with Aurigny;
- Approval of funds for the Connaught Extension;
- The Economic Development Sub- Committee position has been consolidated and non-voting members added;
- The first step in the introduction of Employment Law for Alderney;

This year we have continued with:

- Managing the impacts and effects of the Covid pandemic;
- Brexit and Free Trade Agreement issues and related legislation;
- Transport links with the Little Ferry service, the PSO, and the re-introduction of Southampton flights;
- Bailiwick and Alderney Legislation
- Developing a fit-for-purpose civil service structure;
- Support to smaller businesses and Island events.

In addition, the following key issues are being progressed:

- Housing;
- Health and Social Care and the required facilities;
- Community/Education Sports Facilities - Pool and Sports Hall;
- Early years and Nursery facilities;
- Formation of Working Groups to progress the work;
- Improved Communication and Openness.

The continuing Covid pandemic

In January 2021, the Island went into lockdown again and although it was shorter than that of 2020 it still had a major impact on the Community with the application of isolation requirements, and travel restrictions both in and out, and between the Islands of the Bailiwick.

With Alderney's lower risk profile, we were able to exit this lockdown earlier than Guernsey, with travel restrictions and isolation requirements having been reduced in phases, from May onwards, such that these are now limited.

The continued Guernsey support to Alderney's businesses and working people throughout the year is recognised and they are to be thanked.

The significant step in the fight against Covid, was the introduction of the vaccination programme from April with the majority of our over 18-year-olds having received the vaccine by the end of August. The vaccination programmes continue with 'boosters'; and the vaccination of 16- and 17-year-olds and now 12- to 15-year-olds.

As part of the restrictions and controls on travel, Welcome Teams have been set up at the harbour and the airport to determine the origin and status of people arriving on the Island via the Travel Tracker app; and to assist and advise on the required Covid tests and isolation levels. The role of the Welcome Teams continues as the Bailiwick travel restrictions remain in place; and their responsibilities now include the issuing of Lateral Flow Tests that are being used by the Community in 'Living Responsibly' with Covid. The Welcome Teams are to be congratulated for their enthusiasm and patience when dealing with travellers.

Covid will continue to be with us well into the future and we will have to adapt in many ways to minimise its impact. Sadly this has now been underlined by the identification of the Omicron variant and the rapid global response!

Legislation

Extensive Bailiwick legislation has been required in terms of the Emergency Powers Regulations; Brexit; Trade Agreements; Medicines and Vaccines; and other more Bailiwick focused laws and Ordinances. Successfully finalising Fishing Licensing Legislation for vessels using Bailiwick Waters is currently a priority for the Bailiwick and the more consultative process with France and Normandy, should minimise any possibility of 'push-back'.

For Alderney, we have finalised our first step in the introduction of employment law with The Conditions of Employment (Alderney) Law 2021 and, after further input by the Guernsey Financial Services Commission, the States of Alderney has passed the Partnership & Limited Partnership Laws which have now been forwarded for approval to the UK's Privy Council.

In the coming year, the following Legislation will be progressed:

- To meet our Environmental commitments - Single Use Plastics; and
- Employment legislation such as minimum wage and contracts of employment to align with Bailiwick and Global standards and to attract and retain working people.

Transport links

As we all know Aurigny is under 'new management' and from our dealings with the new CEO, Nico Bezuidenhout, this is a very welcome step. He is focused on the ongoing profitability of Aurigny and as part of this to maintain Alderney service levels to both Guernsey and Southampton.

The PSO between the States of Guernsey (STSB) and Aurigny, on behalf of Alderney, has been concluded and is in place for 5 years with a subsidy of £2 million/year. Aurigny are confident that they can maintain service levels and operate successfully within this subsidy level.

A concern is whether service levels can be maintained during the winter period when aircraft are unavailable for some weeks on maintenance. However, Aurigny have indicated that if there is a major outage during these periods that they will bring in another aircraft; which has recently been confirmed by the introduction of a Twin Otter.

The project on both the refurbishment and lengthening of the runway has continued for longer than anticipated. As has been discussed, the longer runway will allow Aurigny to standardise on an ATR72 fleet and contain costs such that no further subsidies are required on the Alderney routes. However, the longer runway is seen as 'future-proofing' transport links for Alderney and is key for critical Medivac services; and for the economy as it will allow access by business jets and planes. Meetings are to be held, in December, with members of the Guernsey STSB and Ports Authority; the CEO of Aurigny; Alderney States Members; and the Chamber of Commerce to discuss the refurbishment and lengthening of the runway. Following these meetings a Community presentation and question and answer session is also planned.

The Little Ferry, after a late start and with a continued subsidy from the States, again ran for the summer season and proved to be well utilised by all.

The Economic Development Committee has already invited expressions of interest for the provision of ferry services for 2022 and this, in terms of the PSO, will require discussions with Aurigny.

Economy

As per the Annual Financial report to the States in October expenditure has been contained and with the continued Staycations the Island's revenues have been bolstered by significant amounts from Property taxes. With the ability of Alderney to

now retain the duties it collects, this excess will be held in a General Reserve which would cover the States against a range of risks to its annual expenditure and income. In the hospitality side it is reported that, although there have been many challenges, the sustained visitor numbers has achieved creditable outcomes.

Sadly, the Covid risks facing the Alderney Week team and insufficient volunteers meant that Alderney week was cancelled. In addition, similar risks also meant that the Hill Climb and related events were also cancelled.

The Tourist office has done an excellent job with the continued development of the visitor experience at the Nunnery; opening up the Odeon and, together with the Alderney Wildlife Trust and the Alderney Bird Observatory, have provided many themes of interest for our visitors. They are working on the production of a dateless visitor brochure and digital marketing for the forthcoming season.

Guernsey Relations

We were delighted to welcome so many of our Guernsey Committees and colleagues to Alderney in the last year.

In June the Chief Minister, Deputy Peter Ferbrache met with Members to discuss several common goals on the political level; and this was followed by a public engagement session in the Island Hall.

Guernsey Committees of Economic Development; Health & Social Care; Education, Sport & Culture; and the President of Overseas Aid & Development Commission visited the Island to get a better understanding of our Island; to discuss areas where we can work together to progress Alderney and Bailiwick issues; and to strengthen relationships between the islands during these challenging times.

A number of deputies and Committee Presidents have been interviewed, and have talked on Quay FM, the Island Community radio.

Deputy Mark Helyar, the Alderney representative of Guernsey Policy and Resources, has visited the Island on a number of occasions and has met with States Members, the Chamber of Commerce and the Community. It is also encouraging that he, like many other people from Guernsey, has bought a house in Alderney.

Alderney Issues

Community Issues

The Connaught Care Home – approval of funds for the extension to the Connaught has been agreed and it is planned that it will be occupied in the latter half of next year. Costs for the extension have escalated based on a conceptual estimate and Covid supply related impacts.

World War 2 and Holocaust Project - During the year we have engaged with Lord Pickles and the envoy for the International Holocaust Remembrance Alliance (IHRA) Dr. Gilly Carr on World War 2 and Holocaust issues. The Island has compiled a questionnaire to assess the Community's opinions on these issues.

Community Sports Facilities – the Alderney Sports Foundation are to be thanked for their proposal and justification for an education and community use swimming pool and Sports Hall. Meetings will be held with the Guernsey Education Committee to determine the strategy to advance the project.

Marina – following Covid delays and a poor start the States is in preliminary discussions with an interested party to advance this project.

Communication - The States continues with its campaign to improve communications and openness, such as, media briefings and relevant press releases; and member 'Surgeries' - thanks to Annie Burgess – have been introduced. In other areas, we still have work to do regarding the timely publication of minutes and agendas on the States' website.

In the coming year we intend to trial open Policy and Finance committee meetings and also progress changes to States Rules of Procedures to allow more questions and debate by members.

The Civil Service

Following last year's departure of the Chief Executive, Andrew Muter, we welcome Ms Kathryn Jones as our new Chief Executive. She is settling in but is faced with many critical issues that need addressing urgently, as well as, focusing on the needs of a fit-for-purpose Alderney Civil Service.

Mrs Liz Maurice has been appointed as Alderney States Treasurer and is to be congratulated and thanked for her hard work in her previous acting role.

The Alderney and Guernsey Joint Working Initiatives have been agreed in terms of where support or shared services can be utilised by the Alderney Civil Service to improve efficiencies and to avoid duplication. The current focus is in the Human Resources area.

The Civil Service is developing policy proposals for:

- Health and Care to discuss with the Guernsey Health and Social Care Committee in the coming year;
- Early years and Nursery Provision - an essential service for children and for working families.

Working Groups

To offset the limited civil service staff various States Member working groups have been set up, with delegated responsibilities, determined by agreed terms of reference. The Group membership also includes non-States members to utilise the expertise on the Island.

- **The Island Plan Group** – key to setting policy/objectives, strategy and priorities for the States and the Civil Service;
- **Good Governance Group** - reviewing the current government system to assess potential changes to make the States more effective and responsive as a government;
- **The Energy Group** – considering renewable energy options; reducing our carbon footprint; sustainability; and cost minimisation.
- **The Housing Group** – considering requirements and opportunities for Care Home infrastructure; sheltered housing; affordable housing for our younger demographics; and in conjunction with the Alderney Housing Association – social and essential worker housing. The Group will also consider the use of States assets of land and its existing building stock.

The amount of critical work that needs to be progressed, and the limited time to progress them, will require the States and the Civil Service to engage with professional service providers not only to execute projects but also to assist in the development and implementation of Strategies and action plans.

Conclusion

In conclusion I would like to thank

- The Bailiwicks' Public Health and Guernsey's Civil Service, including the Police and Border Agencies, and all their staff for their hard work and dedication over many months.
- Staff and volunteers of the Island Medical Centre; the Mignot Hospital; and the Alderney Civil Service, Ambulance Service, and the Welcome teams.
- My colleagues for their hard work and support throughout this challenging year;

Looking ahead to next year we need to continue:

- to develop the Island Plan and strategies and action plans to deliver solutions for the priorities of the Island;
- to develop a 'fit-for-purpose civil service to deliver the priorities from the Island Plan.
- to strengthen political and working relationships with Guernsey politicians and the Civil Service."

(ii) Annual Report of the Building and Development Control Committee

The following report was received from Mr Gentle, Deputy Chairman of the Building and Development Control Committee:-

"At the turn of the year the 10 current members of the States met to discuss committee membership and it was agreed that the Building and Development Control Committee (BDCC) would have 5 members, which was an excellent decision. Mr Carter and Mr Harris both joined to augment the committee of myself, Mr Snowdon and Ms Burgess.

They have both been invaluable this past year and have adapted very well to their role, showing an excellent grasp of the planning process, a good understanding of the Land Use Plan (LUP) and how to deal with applications.

The first meeting of the year needed to be postponed as a result of entering lockdown and the legal problems of enabling an Open Planning Meeting online were unable to be dealt with in time. Suffice to say that we had caught up before the second scheduled meeting and we will have had seven meetings by the end of this year, along with associated policy meetings where we have dealt amongst other things with progressing the updating of current tree and window policies.

In August the BDCC had the pleasure of visiting our colleagues in Guernsey who serve on the Development & Planning Authority (DPA). We exchanged guidance and thoughts around open planning meetings and greater working together relationships with items such as appeals and housing strategy. Guernsey's DPA committee will hopefully visit us in the new year to progress areas of common interest on the political level.

For 2021, at the time of writing, the Committee had dealt with 129 applications, with the final meeting of the year to come. In 2020 there were 137.

The full LUP was a long and complex process consisting of over four years work, two public inquiries, two call for sites, the creation of and consultation on five different areas of policy, Vision, Housing, Economic Development, and both Built and Natural Environment, along with numerous workshops into all these strands. It is a Plan that consistently helps get over short term solutions with a longer-term view. The current plan covers the 5-year period up until March 2023, with a longer-term vision of 20 years establishing aspirations for the Island. Work has started on the review which will continue throughout 2022. The introduction of Sites of Special Scientific Interest which can protect the habitat, the geology, the archaeology, and generally anything underground and is a conservation designation will be part of that review.

While the current planning application process in Alderney is not without its flaws, its aim has always been to enable the public to see the decision-making process transparently and have their say through Open Planning Meetings. So, using the LUP in conjunction with the Open Planning Meetings hopefully allows people to see that decisions are made rationally and fairly. We are a policy driven committee, but as in all things in life, there are occasions when a party is not happy with a decision taken. The meetings are as open and consultative as reasonably possible, providing a forum for third parties to input their views and concerns.

There have been occasions in the past where somebody has made representation against particular plans but they are not directly affected.

Third party appeals, while perhaps bringing some additional opportunities for aggrieved neighbours to formally object to an application or a decision, have been discussed and it is the view of the current committee that it could bring some potentially adverse consequences.

We believe that a third-party appeal process could be susceptible to misuse, as it would allow potentially frivolous objections not based on material planning considerations, or even vexatious objections. Spending time and money on these types of appeals would be wrong.

On a larger scale, the increased costs of defending appeals and the delays to construction has the possibility to not only affect private residential, commercial and industrial development, but also infrastructure developments, bringing wider economic and social implications which affect islanders' lives.

It is a tricky balancing act. What is in the best interests of the island?

Unless a third party right of appeal can be filtered swiftly at the outset to weed out inappropriate, without merit, or malicious appeals or there is a fast-track way of dealing with them, we remain concerned that they will surely extend the whole planning process to unacceptable timelines that will do nothing for our economy and the wider construction industry.

That said though the appeal process still needs changing and dialogue has been opened, and is ongoing, with relevant authorities in Guernsey both on a political and civil service level as part of the Working Together initiative.

I would like to thank all members of the Committee, the Planning Officer Ms Roberts, Mr Llewellyn for when he stepped in to assist, and last but certainly not least our secretary Mrs Baines. It remains for me to say that I hope that everybody has a good Christmas."

(iii) Annual Report of the General Services Committee

The following report was received from Mr Kelly, Chairman of the General Services Committee:-

"This has been a busy year for the General Service Committee in both new projects, combating challenges that have arisen and undertaking reviews of some of the services that the States as a government provide. All of these have been undertaken under the constant added factor of the pandemic.

I will firstly deal with the combined Fire and Rescue and Ambulance Service. I am grateful to all the members of service be they volunteers, the part time maintenance employee and the supposedly part time lead staff of both 'arms' of the Service (Messrs Gaudion and McLean). I say supposedly part time as both work beyond their allocated hours to supply the essential service for which the committee is extremely grateful.

At present the Fire and Rescue service consists of 10 operational Firefighters and 2 prospective crew members who are undergoing training which is scheduled to be completed by the end of November.

On 1st October, Crew Commander Letitia Flatres completed 20 years of service with the Alderney Fire Brigade and will be presented with the 'Fire Services Long Service and Good Conduct Medal'. A total of 4 crew members currently serving have completed in excess of 20 years and have been awarded that medal. This is testament to the commitment of the volunteers for which the community should be grateful, the service responding to 20 calls so far this year.

The Ambulance 'wing' has a total of eleven volunteers, three of whom are off island pursuing careers in the medical profession and provide voluntary cover when they are home on leave. Two of the volunteers provide dual cover for both Fire and Ambulance services.

All 'In house' training is provided by the Mr. McLean and all crew have completed the 'First Response Emergency Care, (FREC) Level 3 Course which was delivered by Training Officers from Guernsey Ambulance and Rescue. Six of the crew will have completed FREC level 4 by the end of 2021.

To the end of October, the service has carried out a total of 250 calls for assistance 136 being the number of responses to 999 calls and 114 for local transport and Medevac moves.

In October of this year, as a result of a request from this Committee, Joe Garcia MBE and Cathryn James QAM from the Association of Ambulance Chief Executives conducted a review into the provision of the ambulance service in Alderney. The reviewers interviewed a wide range of stakeholders and presented a comprehensive report which at the time of writing was being considered by this Committee who will report to the Policy and Finance Committee with recommendations.

Finally in relation to these services on behalf of the Committee I would like to thank all volunteers in both Services for their commitment and dedication, to their families for their support and to the employers who continue to release their staff to provide the vital emergency cover for the Island.

As members will remember, in August this year The States agreed to spend an extra £737,000 to complete the extension of Connaught Care Home to finish the final phase of the project, which will see extra accommodation and supporting rooms added to the building. The works were originally budgeted at £1,290,000, which was approved at a meeting in March 2020 and then by Guernsey's Policy and Resources Committee. However, this was based on a 'best estimate' at the time and unfortunately due to the impacts of Brexit and the coronavirus pandemic costs were affected, taking the overall total budget to £2,617,000. (£190,000 for the loft, £400,000 for the substructure and £2,027,000 for the work above ground). The work on the extension is continuing on time and although this is a GSC project I am grateful for the help of my colleague Mr. Gentle who although not a member of GSC has continued to be the elected member responsible for the project continuing from 2020 when he was a GSC member.

As part of our continuing drive to ensure the island's heritage is preserved, I am pleased to report that with the enormous help of the Alderney Society and one of its visiting members the grounds inside Fort Doyle and its surrounding area have been 'refurbished' with this Committee offering financial assistance for this project. In addition to preserving the heritage aspect it also provides an added tourist attraction in the same way as The Nunnery and Odeon. The latter being refurbished again by volunteers for which I and my colleagues are grateful.

In addition to help provided by the Alderney Society we are fortunate that the island has an active Wildlife Trust whose volunteers help to maintain and conserve the islands wildlife and environment and maintain our RAMSAR site. Their help and advice is invaluable.

The internal part of Fort Doyle is still being leased to the Alderney Boxing Club and internal decoration and refurbishment works to the building and toilet have also been approved.

Improvement works to the Nunnery Heritage Site have been successfully undertaken with a new roof to the Carriage Store and the removal of the Sunroom. Further archaeological digs are scheduled for next year. The tenancy agreement between the Alderney Bird Observatory and the States was terminated in May of this year and following the notice period members of Policy and Finance Committee have been tasked with finding suitable tenants for the residential part of the site.

In relation to States properties a scheduled program of works has been approved for energy efficiency improvements to States properties over the next few years. Public buildings will be having all lighting changed to energy efficient replacements which will significantly reduce operational energy costs and lower our carbon footprint. The Island Hall kitchen is now fully operational, and we hope to see the facility hired on a more regular basis as a revenue stream for the States of Alderney I am grateful for the assistance of the small group of people who offered their services to advise on how to improve the facility.

The States Works Dept continues with road remedial work whilst a suitable programme of works is being defined. During November a States of Guernsey highways manager visited Alderney to review identified priority roads and provide some guidance to enable the States to appoint a suitable contractor. A third party has also visited Alderney and submitted their assessment earlier this month, which was also delayed due to the Pandemic restrictions. Due to the size of the contract the procurement process will begin shortly with works expected to start in 2022.

Access Improvements at the railway station and various locations around the Island have been completed with further improvements being scoped for 2022. The various sewerage screening systems that have been integrated into the network in 2021 to remove plastics and other non-biodegradable materials have enabled the States Works Department to capture pollutants before entering the sea. Screening requirements are being incorporated into the Sewerage Programme (which incorporates Mouriaux to Platte Saline) as on further investigation the first solution proposed for Fort Doyle was not going to deliver the proposed benefits.

It has been a busy year for the waste and recycling department. An increase in house sales and a busy tourism season has meant a significant increase in the volume of waste and recycling requiring processing. Although this has put an added strain on the department, we have been able to remain on budget by making efficiencies elsewhere. Furthermore, additional protocols on exporting waste have led to an increase in administrative demands. Works to improve the islands waste facility at the Impot continue. 130 cars have been exported in 2021 and various other waste which has accumulated over many decades have been processed and exported.

It has been a very productive year for the Water Board Capital Projects with a number of completed distribution phases. La Heche - additional section, Little Street, Venelle du Val du Sud, Simons Place at the time of writing two further phases underway and Stoney Lane Improvements to the water infrastructure have progressed better than anticipated in 2021. A full audit of the filtration plant was undertaken and I am pleased to report that the plant was in as good a condition as when it was installed. A new water catchment strategy has resulted in less expenditure on pumping costs. It has also meant PFOS levels in the water are almost non-existent and are significantly below the Tier 3 UK Drinking Water Inspectorate Guideline Values for the first time since records on sampling PFOS levels in Alderney began.

Digital mapping of the Water Boards infrastructure is underway. Currently there are minimal records available, however digital mapping will improve project planning, the availability of supply, emergency diversion of water and recording keeping. I am grateful to Alderney Electricity for their co-operation of in the sharing of mapping information.

An order for an additional automatic chlorination system has been placed. This is to replace the current manual dosing system which has come to the end of its life and is inefficient to run. The new state-of art system will automate the manufacture of chlorine on site and is the most energy system out there. It is also a move to mirror Guernsey Water systems which will greatly improve continuity for Alderney Water and enable us to combine servicing contracts and have access to a large supply of critical spares at ease.

The water board team have been undertaking scheduled maintenance in house, which was previously reliant on external maintenance contracts. Efficiency's similar to this will continue next year and the closer working relationship with Guernsey Water will allow us to integrate new systems to mirror theirs. This will make us less reliant on expensive UK contracts.

Again, due to the ongoing global pandemic it has been a challenging year for all the Harbour Staff. Whilst key services have been maintained, the added responsibilities have stretched the Harbour team. Additional duties added to the role of harbour staff, have included extended watch keeping hours to allow increased policing of borders whilst travel restrictions were in place and the staffing of a patrol vessel to repel unexpected vessels from countries outside of permitted travel zones.

In addition the harbour staff have been tasked with liaising with the welcome team and Covid taxi boat to ensure safe transition of personnel from isolation mooring to the welcome centre. Prior to the loosening of the border restrictions on the 1st of July the passenger waiting room was retrofitted to house a welcome/processing centre to allow visiting yachtsmen to comply with Covid protocol and be permitted to travel within the Bailiwick unhindered. Whilst this generally worked efficiently with over 700 people being processed, it is a very laborious process which requires a tremendous amount of administration and organization to implement.

These additional duties have inevitably had an impact on expenditure due to the work undertaken by staff being non-revenue raising. Indeed, it was also necessary to draft in more personnel at times to make sure that these duties could be carried out effectively to protect the community from the Covid 19 virus for as long as possible. Despite the implementation of processes to allow the visiting of "blue channel" travellers, it has still been a quiet year regarding visiting yachts.

The States took possession of the new Sennebogen Harbour Mobile Crane at the end of January. However, it was not commissioned for use until several weeks later due to the relevant travel permissions for the assembly engineers being difficult to obtain during the second lockdown. However, in July an electrical fault caused by an error during its construction, the crane was rendered unusable for a period of 2 weeks. Whilst the fault was being traced and repaired, a temporary machine was imported from Jersey to carry out the discharge of essential cargo from the MV Trinity. The States are at present liaising with the Crown Law Officers about compensation from the manufacturers and their agents.

The old crane was sold to a buyer in London and shipped to Poole. The option of keeping this as a spare was debated by the Committee and in view of the cost of refurbishing the machine together with the sum obtained from its sale, it was decided that selling the machine was the better choice. The Harbour Authority once again undertook the running of the water taxi service which started on Good Friday as usual and ceased at the end of September. Expressions of interest have been sought for a third party to carry out the service from 2022 and beyond.

At the request of this Committee, Guernsey's Harbourmaster Captain David Barker was tasked to undertake a peer review of the harbour operations. This was carried out over a two-day period in October, with the results due to be presented to the committee before the end of the year.

In addition to that review the Harbour Authority was audited by the Department of Transport (DFT- UK). The audit covered port security and the international shipping and port security plan (ISPS). At the time of writing I await sight of that audit.

In November of last year the then GSC took the decision that due to issues with the pile structure of the pontoon, for this year's season the dinghy pontoon would be shortened. Unfortunately, this system failed, causing the whole of the pontoon to be removed pending further work. Subsequent to this work the full pontoon system was able to be re-installed. However, to try and prevent a repeat of this, the Committee

have commissioned a full structural survey in order that any remedial work can be carried out prior to the 2022 season. However, it must be stressed that the pontoon is purely for tenders of visiting yachts and not for larger craft.

Prior to the outbreak of the pandemic, the RNLI had expressed an interest in joint funding with The States a new multi-purpose pontoon that would enable them to moor a different class of lifeboat alongside the quay, provide space for visiting dinghies and larger commercial craft such as the twelve-passenger ferry. As part of their planning the Institute commissioned a study by marine engineers. However, the subsequent findings of the study into this potential joint venture ended, due to the harbours unfavorable wave climate. Fortunately, the documentation provided by these engineers has been handed over to the States of Alderney. A second engineering firm has been appointed to carry out an additional feasibility study on behalf of the States of Alderney. A paper to include options and costings and advice on how best to go ahead will be presented to GSC for consideration once it has been received.

May I conclude by saying a huge thank-you to my fellow committee members for their help and co-operation this year, to the civil servants who have aided the committee, for their endeavors and patience and to the many volunteers who have worked hard helping the committee in providing the services to the island. I wish you all a Happy Christmas and health and happiness for 2022."

Item VIII Intellectual Property Regulations

The following letter was received from Mr Bill Abel, Chairman of the Policy and Finance Committee:-

"The Bailiwick wide Intellectual Property (IP) regulations and a Copyright Ordinance and Regulations (listed below) were urgently enacted to comply with the UK timescales in order to extend various international IP conventions to the Bailiwick, to enable the Bailiwick to accede to Free Trade Agreements in relation to IP to the extent that may be necessary.

- The European Union (Performers' Rights) (WPPT) (Brexit) (Bailiwick of Guernsey) Regulations, 2020
- The European Union (Copyright) (Marrakesh Treaty) (Brexit) (Bailiwick of Guernsey) Regulations, 2020
- The European Union (Patent Co-operation Treaty) (Brexit) (Bailiwick of Guernsey) Regulations, 2020
- The European Union (Registered Designs) (Hague Agreement) (Brexit) (Bailiwick of Guernsey) Regulations, 2020
- The Copyright (Bailiwick of Guernsey) (Amendment) Ordinance, 2021
- The Copyright (Prescribed Libraries, Archives, Museums and Galleries and Copying of Copyright Material) (Bailiwick of Guernsey) Regulations, 2021

The regulations are all quite short as they amend existing Bailiwick wide IP legislation to ensure that it meets the requirements of the respective treaties.

In accordance with s.11(1) of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, (the Law) where Brexit regulations are made by the Policy & Resource Committee, they need to be laid before the States of Deliberation, but do not need to be laid before the States of Alderney or Chief Pleas of Sark, even if they have effect there.

Bill Abel, Chairman"

The States of Alderney is asked to note:

- **The European Union (Performers' Rights) (WPPT) (Brexit) (Bailiwick of Guernsey) Regulations, 2020**
- **The European Union (Copyright) (Marrakesh Treaty) (Brexit) (Bailiwick of Guernsey) Regulations, 2020**
- **The European Union (Patent Co-operation Treaty) (Brexit) (Bailiwick of Guernsey) Regulations, 2020**
- **The European Union (Registered Designs) (Hague Agreement) (Brexit) (Bailiwick of Guernsey) Regulations, 2020**
- **The Copyright (Bailiwick of Guernsey) (Amendment) Ordinance, 2021**
- **The Copyright (Prescribed Libraries, Archives, Museums and Galleries and Copying of Copyright Material) (Bailiwick of Guernsey) Regulations, 2021.**

Item IX **The European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 2) Regulations, 2021**

The following letter was received from Mr Bill Abel, Chairman of the Policy and Finance Committee:-

“The Policy and Resources Committee, in exercise of the powers conferred on it by sections 5(1) and 11 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018a, and upon receipt of the certificate required under section 5(3) of that Law, made the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No.2) Regulations, 2021 on 1st November 2021, and they came into force on 2nd November 2021.

These Regulations make amendment to the principle Regulations and are made in consequence of the withdrawal of the United Kingdom from the European Union.

The European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020 (the principal Regulations) modified and extended the Police Force (Guernsey) Law, 1986 (the 1986 Law) to permit officers of a UK police force or the States of Jersey Police Force to exercise the powers of a Guernsey police officer across the Bailiwick (including their territorial waters). These Regulations state that the modification and extension of the 1986 Law made by the principal Regulations shall apply until 31st March 2022.

In accordance with s.11(1) of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, (the Law) where Brexit regulations are made by the Policy & Resource Committee, they need to be laid before the States of Deliberation, but do not need to be laid before the States of Alderney or Chief Pleas of Sark, even if they have effect there.

Bill Abel, Chairman”

The States of Alderney is asked to note “The European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No.2) Regulations, 2021.”

Item X **Questions and Reports**

The following Report on Environment Policy Objectives 2020-2025 was received from Mr Ian Carter:-

“In June 2019 the Policy and Finance committee directed staff to develop a set of draft environmental policy objectives. These policy objectives were subsequently developed and approved by States Members in January 2020 and November 2021. In September 2019 the States of Alderney signed the Blue Islands Charter with several other Crown Dependencies and British Overseas Territories. The Charter underpins Alderney’s commitment to a range of environmental issues, focussing on controlling the impact of the Island’s activities upon the terrestrial and marine environment. The policy objectives outlined provide a strategic framework around which the island can maintain its commitment to the Blue Islands Charter and develop its response to the ongoing issues of worldwide environmental sustainability highlighted at the recent COP 26 conference in Glasgow earlier this year.

Alderney Environment Policy Objectives 2020 - 25

We will protect and value our environment

We will do this by protecting the natural environment through conservation, protection, education, sustainable resource use and by improving the built environment, to retain the sense of place, culture and distinctive local identity.

What we will achieve

As a result of our actions, we will:

1. Continue to use and when necessary, update the Island Land Use Plan for the benefit of current and future generations including developing the biodiversity theme initiated under section 5.3.
2. Establish our policy on renewable energy, with the intention of creating a more sustainable energy supply with a reduced carbon footprint.
3. Decrease the amount of waste we produce, especially plastics and dispose of what we have responsibly and in line with best practice for similar island communities.
4. Review options for a more coordinated and consistent Island-wide recycling programme
5. Protect land and marine habitats and species of significant conservation value, including establishing and maintaining legal protections
6. Continue to improve water quality
7. Ensure the values of the Blue Islands Charter are achieved*

***Blue Islands Charter**

- To control and reduce the negative impacts of the Island’s activities on the environment
- To control the risks associated with activities on the Island
- To promote a rationale of continuous environmental improvement
- To factor the environment into every day practices
- To move towards a complete ban on single-use plastic entering the Island and in particular the marine environment.
- To increase knowledge in order to improve and communicate
- To contribute to the development of scientific knowledge with regards to Island Marine Environments
- To support other Islands through open communication and education
- To protect native, terrestrial and marine species and habitats and enhance biodiversity
- To enhance terrestrial and marine natural environments”

Billet d'Etat for Thursday 16 December 2021

Note:- The legislation referred to in this Billet d'Etat may be viewed online at www.GuernseyLegalResources.gg and www.alderney.gov.gg

Issued: 3 December 2021