

**POLICY COMMITTEE MEETING
ANNE FRENCH ROOM
22nd APRIL 2013**

0915 hours

Mr P Arditti, Chairman
Mr N Harvey
Mr L Jean
Mr R McDowall
Mr F Simonet

Mr R Burke, Chief Executive
Mrs K A Hatcher-Gaudion, Treasurer
Mrs S Pengilly-Price, EA to the Chief Executive
Mrs E O'Toole, Minute Secretary

ACTION

- 38/2013** **Minutes of the previous meeting** of the 25th February 2013 tabled and **approved** subject to the following items being moved from the confidential annexure:-
- Item 32/2013 – Alderney Electricity Chairman Presentation - paragraph 1 of the minute to remain confidential; and
- Item 30.7 – Pension Scheme

39/2013 **Matters Arising****39.1 Matters arising from the minutes**

39.1.1 Airport Improvements Mr Jean requested notes from the visit to the Scilly Isles from the Chairman in order to prepare a proposal on potential improvements to the airport to the next meeting of the Committee.

PA/LJ/AGENDA ITEM

39.1.2 Confidentiality in minutes States of Alderney Rules of Procedure for States Committees and Policy Document regarding Written Recording of the Minutes of States Committee Meetings, approved by the Policy and Finance Committee on the 25th July 2011, tabled and discussed. Members agreed that the following matters, when discussed during Committee meetings, should remain confidential:-

- Matters relating to human resources (including personal affairs) affecting named individuals or groups or employees.
- Personal information regarding named staff/employees.
- Commercial company information the disclosure of which may lead to an advantage or disadvantage.
- Legal or other expert advice the disclosure of which would compromise the States interests in future negotiations.
- Tenders for the supply of goods and services where the disclosure could prejudice the States competitiveness in those activities.
- Matters deemed confidential by legislation (Data Protection etc.)
- Advice provided by the Law Officers of the Crown or their Chambers – the disclosure of which would compromise the States interests in future negotiations or could harm the proper, safe and efficient conduct of the operations of the States.
- Information whose disclosure could harm the proper, safe and efficient conduct of the operations of the States.

The Chairman further stated that the Committee wishes to place less emphasis on keeping matters confidential. **Noted.**

Mr Simonet requested that the matter of Policy Committee Members being mandated by their Committees when voting in Policy Committee meetings, be debated at the next meeting.

AGENDA ITEM

39.1.3 Alderney Property Report Memo from the Greffier, Mrs S Kelly, dated 8th April 2013 tabled and discussed. Members were very disappointed that the basic information being requested from the Land Register could not be supplied yet is already made available to the public for a fee.

The Chairman to respond to the Greffier.

PA

39.1.4 Alderney Electricity Limited Letter from Chairman of AEL, Mr Mike Richards, dated 27th March 2013 tabled and discussed. Mr McDowall, States Nominated Director of AEL, briefly updated the Committee on the Annual Review carried out recently.

The Committee discussed the potential financial involvement of the States in upgrading the electricity infrastructure of the Island and the Chairman stated that he would respond to Mr Richards' letter to advise that the States would consider a formal proposal from AEL.

PA

Mr Jean, supported by Mr Simonet, wished to bring a paper for debate at the next meeting of the Committee regarding various issues, current and historic, relating to AEL. The Chairman agreed for this to be on the agenda for the next meeting.

LJ/AGENDA ITEM

Annual General Meeting

The notice of the AGM of AEL scheduled to take place 2nd May 2013 had been received Friday 19th April. The Chairman stated that the notice had been issued too late for inclusion on the agenda, in his view the Committee was not in a position to neither consider the matters on the agenda of the AGM nor able to mandate the Chief Executive to vote on behalf of the States as majority shareholder, apart from the previously agreed decision by the Committee to ratify the appointment of Mr N B Harris as a new non-executive director on the Board of AEL.

The Chairman stated that AEL AGM would need to be adjourned until the Committee has considered the matters on the agenda at the May meeting. Mr McDowall advised that the AEL's accounts had been signed off on the 18th April therefore the notice was released the next day. It was noted that in accordance with AEL Memorandum and Articles, 14 days notice of AGM had been given to all shareholders.

The Chief Executive requested clarification of the Committee's instruction given that AEL have given appropriate notice of the AGM. He said he did not know whether the Committee could mandate him to request an adjournment of the AGM. Mr McDowall agreed however the Chairman advised that the Committee can mandate the Chief Executive to vote for an adjournment of the AGM.

39.1.5 Future of Business on Alderney Paper from Mr McDowall dated 2nd April 2013 tabled and discussed. Sandpiper CI, owner of Jean's Stores, had applied for an off-sales license citing the income from an off sales license were the only means of maintaining the financial viability of the shop in Alderney.

The Chairman declared an interest as the owner of a public house.

Mr McDowall stated that extending a license to Sandpiper CI would open up the off-sales market to all reputable retail outlets, add to competition and sharpen pricing but may force some public houses and bars out of business. He further stated that the Committee should be aware that Sandpiper CI may close Jean's Stores with the loss of business and employment to the Island but equally there was no guarantee that changing the licensing law would prevent Jean's Stores from closing down. **Noted.**

The Chief Executive advised that the current legislation only permits public houses and hotels with liquor licenses to hold an off-sales license.

Members considered that without facts, figures and consultations with hotels, public houses, retail outlets and the public, that there cannot be an informed debate by the full States.

RESOLVED by a majority (Mr McDowall against) to refer the matter to the Business Development, Tourism and Marketing Committee to

conduct a consultation with hotels, public houses, retail outlets and the public.

BDTM

39.2 Employment Permit report – April tabled and it was noted that more off Island workers is being recruited by local contractors. **Noted.**

39.3 Committee feedback from Chairmen (B&DCC and ESC) and Guernsey Representatives

BDCC Nothing to report – next meeting scheduled for 23rd April 2013.

ESC – Nothing to report.

Guernsey Representatives Nothing to report.

40/2013

Finance Committee Matters

40.1 Closed Defined Benefits Scheme - Trustee Bank Account Paper from Mr McDowall dated 12th April 2013 tabled and considered.

RESOLVED unanimously to agree to approve the Trustees of the Pension Scheme to open a Trustee Bank Account for additional pensions contributions and for paying pensions when the connection with the existing Pensions Provider has ceased.

PENSIONS TRUSTEES

40.2 Commercial Quay – Revetment Paper from the Finance Committee dated 17th April 2013 tabled and considered. It was noted that discussions with the Law Officers regarding the failure of the existing revetment with a view to recovering these and other reconstruction costs, remain ongoing.

RESOLVED unanimously to approve the appointment of Mouchel as site supervisors for the revetment rebuild project at a cost of £88,360.00. Chief Executive and Treasurer to deal.

CE/TREASURER

41/2013

New Connaught Care Home Board Member The Chairman advised that following the resignation of Mr Llewellyn a vacancy exists for a States appointed Board Member on the Royal Connaught Care Home (RCCH) Board of Directors.

The Committee approved the appointment of Mr McDowall as States Nominated Director on the Board of the RCCH.

The Chairman stated that a number of issues need to be addressed with regards to the RCCH and advised that he would be writing to the Board.

PA

42/2013

Business Development, Tourism & Marketing Matters

42.1 Alderney Community Sports Centre Paper from Mr McDowall dated 12th April 2013 tabled and discussed. Mr McDowall advised that the ACSC Trust have put together a revised feasibility study and the Committee commended the Trustees for new approach and the support they have received.

Following the comments at the Peoples Meeting, the Treasurer wished to clarify the figure of £400k as budgeted and advised that this represents 40% of the budgeted income from the sale of Fort Tourgis to Verweij and Partners at £1M as originally agreed. However formal States approval of the capital expenditure is still required.

The Chairman stated that the Committee recognised that there is a desire for from the Trustees and the public for a pool and gym however the Committee did not consider the project a capital priority at this time. Chairman/Chief Executive to deal.

PA/CE

42.2 T H White Memorial Email from Mr Conor Mark Jameson dated 9th April 2013 tabled and considered.

The Committee approved in principle for Mr Jameson to commemorate the 50th Anniversary of the death of author T H White by way of a small memorial on the island, in a location to be determined. Chief Executive's Office to deal.

CE OFFICE

10:40 Mr McDowall left the meeting

43/2013

Budgetary Matters

43.1 Management Accounts summary dated March 2013 tabled and the following were noted:-

- AGCC receipts for Q1 are lower than originally anticipated due to the increase in the retained working capital as agreed.
- Capital Reprioritisation – ESC agreed that a list of priorities should be drawn up at officer and departmental level following which a special ESC meeting will be scheduled to consider these
- The 2014 budget process will commence in the next coming months.

43.2 Fire Brigade Capital expenditure Paper from the Alderney Fire Brigade tabled and considered.

RESOLVED unanimously to endorse the decision of the Estates and Services Committee to approve the capital purchase of a replacement Godiva Light Portable Pump and trailer pump at a cost of £23k. Treasury to deal.

TREASURY

43.3 Vehicle Import Fees Review Paper from the Chief Executive's Office dated 3rd April 2013 tabled and discussed. It was noted that there have been no increases in fees charges for vehicle imports since 2009 and the review will not focus solely on increasing fees but a more simplified method of charging.

RESOLVED unanimously to endorse the decision of the Estates and Services Committee to direct the Chief Executive's office, in liaison with the Treasury department, to commence a review of the vehicle import fees particularly with regards the import of larger vehicles for private use.

CE OFFICE

43.4 Hansard for States meetings Memo from the President Stuart Trought dated 2nd April 2013 and memo from the States Greffier, Mrs Sarah Kelly, dated 29th January 2013 tabled and considered.

RESOLVED unanimously to approve Hansard Reports for States meetings at a cost of £1,250 to be taken from the Court budget. Chief Executive's Office to deal.

CE OFFICE

43.5 Clerk's House Paper from Treasury dated 20th February 2013 tabled and discussed. The Treasurer advised that on 11th April the Royal Connaught gave notification that the Manager no longer wishes to rent the property as per the Committee's resolution at the February meeting.

It was noted that no other key workers had expressed interest to rent the property and therefore the Committee were requested to consider extending the rental to non-qualifying tenants, marketed through the local estate agents, on similar terms and conditions as previously.

RESOLVED unanimously to agree to market the Clerks House for rental to non-qualifying tenants, through local estate agents on similar terms and conditions as previously. Treasury to deal.

TREASURY

43.6 CONFIDENTIAL ITEM See Confidential Annexure.

43.7 90 Day Tax Rule The Chairman advised that the recent changes to the Income Tax (Guernsey) Law, 1975 has proven, in his opinion, damaging to the economy of the Island.

Mr Simonet stated that he considered that any potential changes to the charges for second/holiday homes should be debated by the Committee as he was of the opinion that the Island receives only minimal contribution from second/holiday home owners.

The Chairman requested Mr Simonet obtain further information on the issue for debate at a future meeting of the Committee.

FS/AGENDA ITEM

40/2013

Finance Committee Matters (continue)

40.3 Alderney Foundation Paper from President Stuart Trought tabled and considered.

RESOLVED unanimously to approve in principle works are undertaken to establish an Alderney Foundation subject to necessary legal and constitutional advice being sought. Chief Executive's Office to deal.

CE OFFICE

42/2013 Business Development, Tourism & Marketing Matters (continue)

42.3 Business Development Strategy Paper from Mr Harvey, Chairman Business Development, Tourism and Marketing Committee (BDTM), dated 17th April 2013 tabled and discussed. Mr Harvey explained that following the production of "Future Economic Planning for the Island of Alderney: A Roadmap", further work is required on marketing and public relations strategies which will include areas of business development which will form part of States' economic development strategy. It was noted that consultations with the Islands' business industry will be the start of the process and Mr Jean suggested that previous documents produced are taken into account.

The Chairman advised that Mr Derek Coates have expressed interest in assisting to formulate and resource a Business Development Strategy. A special meeting of the Committee was arranged for a presentation by Mr Coates and to discuss the proposal on the 27th April 2013.

RESOLVED unanimously to approve, in principle, for Be A Tiger to undertake works to produce a Business Development Strategy at a cost of £6,100. BDTM to deal.

BDTM

42.4 Aurigny schedule Emails from Mr Harvey dated 12th April 2013 and Mr Malcolm Coupar, Commercial Director Aurigny Air Services, dated 15th April 2013 tabled and discussed. Members noted the issues and difficulty relating to the Alderney Southampton route and was of the opinion that Aurigny must be more innovative with the marketing of seats in order for the route to be more popular and profitable. **Noted.**

42.5 Transport statistics – February 2013 tabled and **noted.** Members noted that the monthly passenger figures did not give an adequate indication of the percentages related to tourism/visitors and that of obligatory trade i.e. business and medical appointments etc.

44/2013 Legislation and Conventions

44.1 Prioritisation of Legislation The Chairman suggested in the absence of other pressing legislation the new Inheritance Law, relating to testamentary freedom, as a priority for the Committee to review with a view of adopting the law.

BDCC Law review – the Chairman requested that Mr Simonet update the Committee on the progress of the review at the next meeting of the Committee.

FS/AGENDA ITEM

44.2 MLAT Treaty with UAE Email from Mr Jo Reeve, Principle External Affairs Officer Policy Council, dated 26th March 2013 tabled and noted.

The Committee authorised the Alderney External Relations Group to request the States of Guernsey External Relations Group to advise the UK that Alderney has no objection to the extension of the UK-UEA Mutual Legal Assistance Treaty with the UAE for the Bailiwick of Guernsey. Chief Executive's Office to deal.

AERG/CE OFFICE

44.3 Mental Health (Misc Provisions) (Guernsey & Alderney) Ordinance 2013 tabled and it was noted that the item will be put before the May States of Deliberation should it be approved by the Legislation Select Committee. **Noted.**

44.4 Civil Contingencies & Emergency Powers Letter from Mr Paul Whitfield, Chair Civil Contingencies Advisory Group, dated 26th March 2013 tabled and it was noted that the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 was formally registered in Guernsey Law on the 4th February 2013. The legislation, following extensive consultation, will provide significant support in coordinating the islands resilience arrangements and make best use of limited resources to ensure it is a joined up and effective response to any island emergency or major incident. **Noted.**

45/2013 **Guernsey Financial Services Commission - Draft Code of Practice for Foundation Service Providers** tabled and the Chairman requested that it is circulated to on island corporate service providers for comment, in case they are considering offering foundation services. Chief Executive's Office to deal.

CE OFFICE

46/2013 **Crown Dependencies – Developments since 2010** Email from the Justice Committee tabled and discussed. The Justice Committee is carrying out an enquiry into Crown Dependencies regarding the extent to which the Ministry of Justice (MOJ) has implemented the recommendations of the 2010 Report on Crown Dependencies.

The Committee's views were as follows:-

1. Scrutiny of insular legislation by the MOJ – Significant improvement and now down to 18 days.
2. Consultation of the Dependencies by Government Departments on UK legislation where there is an interest – This has not progressed and the Committee will be supporting a complaint being made by the States of Guernsey.
3. Issues relating to good government – It was noted that this issue relates mainly to Sark Chief Pleas.
The Committee agreed that a meeting should be arranged between the Alderney External Relations Group and Sark Chief Pleas. **Chairman to deal.**
4. International representation of the Dependencies by the UK Government – Noted.

PA

47/2013 **Any Other Business**

47.1 St Anne's Church Repairs – Contract Paper from the States Engineer, discussed at the April ESC meeting, dated 4th April 2013 tabled and considered. **The Committee agreed with the recommendation of the Estates and Services Committee to retender for the work to the St Anne's Church roof to contractors from the Bailiwick and the UK mainland. States Engineer to deal.**

ENGINEER

47.2 Census The Committee approved the Chief Executive as Chief Registrar for the Census being carried out on the 28th/29th April 2013.

47.3 Alderney Liaison Group The Chairman briefly updated the Committee regarding the first meeting between the Alderney and Guernsey contingents of the ALG where matters relating to the airport were discussed. It was noted that a further meeting will be arranged between the Chief Executive's of Guernsey and Alderney to discuss details of what a full upgrade of the airport would involve. **Noted.**

47.4 Up Close and Personal It was noted that Mr Harvey will meet with Mr Watts of UCP in early May. **Noted.**

47.5 Mouriaux to Platte Saline Drainage Scheme – Policy Item submitted too late for inclusion on the agenda and the Chairman deferred it the next meeting of the Committee.

AGENDA ITEM

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Meeting closed: 12:35pm

Signed:

Date: