



## BILLET D'ETAT FOR 17-12-2008

**Date: 17th December, 2008**

Members of the States:

I have the honour to inform you that a Meeting of the States will be held at 4:30pm on Wednesday 17th December 2008. This will be preceded by the People's Meeting, which will be held on Wednesday 10th December 2008 at 7:00pm in the Island Hall.

Sir Norman Browse  
President

### Item I New Connaught Care Home Purchase of Land

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

The States of Alderney own the two buildings which provide sheltered accommodation and non-nursing residential care for the elderly in Alderney. These are managed by the Royal Connaught Residential Home Ltd.

Due to increased demand for residential accommodation, in 2006 it was proposed that the Connaught should be extended at the rear of the property in order to provide additional units. However the high cost of building the extension coupled with the existing units becoming increasing unfit for purpose, the plans to extend the facilities were put on hold.

With the demand for accommodation increasing, it was agreed that rather than extend the Connaught, there was merit in locating both homes in the same area, thereby bringing all residents and staff together and gaining efficiency by sharing kitchen and laundry facilities etc. Furthermore any new building would be much more energy efficient as opposed to heating an existing older building. The change in location was endorsed, and the project was included in the Capital Income and Expenditure Forecast.

The Policy and Finance Committee agreed that in order to progress the project a small working party should be created, and in October 2007 the Connaught Advisory Group was formed, consisting of three States Members, and a senior Civil Servant, together with the Chairman of the Connaught Board, and a local Architect as co-opted members.

The Group have been successful in carrying out a demographic study, in order to establish future demand, investigating the requirements for a new building, and producing plans for the new development, which are currently being processed through the Building and Development Committee. (In this respect a public exhibition has been arranged for 10th December, from 2.00 to 4.30 in the Jubilee sunroom where plans will be on display. The new building will contain an extra eight rooms with the land available to add a further eight in the future).

In order to progress to the next stage it is now necessary to acquire a further area of land, at the rear

of the Jubilee Home, in order to provide the site for the New Connaught Care Home, together with an access road to service the building.

After negotiations with the landowner a purchase price of £117 per sqm has been agreed by Policy and Finance Committee. For comparison purposes valuations for building land have been sought from the three local Estate Agents whose valuations illustrate that the purchase price is extremely favourable.

The attached plan outlines the minimum area required which equates to 1,539.25sqm x £117 = £180,092 (rounded to £180,000). In addition the area required for a 4.3m wide access road equates to 227.5sqm x £117 = £26,600. The approved Capital Income and Expenditure Forecast allowed £250,000 in 2008 towards the project. The £206,600 requested above, plus Document Duty and Registration fees etc of £6,700 are therefore well within the forecast

The Policy and Finance Committee therefore recommend the purchase of the two areas of land, for a total sum of £214,000, subject to approval by Guernsey Treasury and Resources, and should be grateful if you would place this matter before the States with an appropriate proposition.

R. G Willmott  
Chairman

The States is asked to approve the purchase of two areas of land situated within parcel AY 1097, for the capital sum of £214,000.

## Item II States Members Pay

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

The current system of payments to States Members, in broad terms, has two components: - an allowance for attendance at approved meetings and fixed annual allowances for specified expenses. These arrangements (although the amounts of the payments have been revised from time to time) date from 2002.

There has been considerable interest this year in these arrangements, including in the media. At its meeting held on 29 July the Policy and Finance Committee resolved that the Treasurer and Chief Executive approach a suitable person to carry out an external review. Mr A.C.K. Day, a former Deputy Bailiff, very kindly undertook to conduct this review. I attach a copy of his report. This has already been made available to the media and copies may be seen at the Library and the office of the Chief Executive.

The recommendations in the report are as follows:-

- All Members should be entitled to a Standard Allowance. The rates of this Allowance should be £7,000 in 2009, £7,500 in 2010, £8,000 in 2011 and £8,500 in 2012;
- Details of the Committees on which Members serve and their attendance at meetings, including those of sub-committees or other working groups however described, should be published or made available to the public at intervals which are reasonably practical; and
- Chairmen should be entitled to a Chairmans Allowance, which should be set at £1,000 for 2009 and 2010 and at £1,500 for 2011 and 2012.

With regard to the Expenses Allowances no adjustments are proposed.

It will be evident that it is difficult to predict expenditure under the present system, depending as it does on the number of meetings held and attended. Overall provision (for Attendance/Expenses Allowances) of £48,000 was made for 2008 but the probable outturn for the year has been amended to £60,000. It will also be evident that the cost of implementing the recommendations in the report

will exceed that figure but, as is noted in the report, account must be taken of the likelihood that the number of meetings will continue to rise and, with it, if the present system is maintained, there will be a consequent increase in expenditure anyway.

I would be obliged if the report entitled States of Alderney Members Pay is placed before the States at its December Meeting together with appropriate propositions.

R G Willmott  
Chairman

The States is asked:

1. To accept the report entitled States of Alderney Members pay, dated 20 November 2008, and the recommendations contained therein with effect from 1 January 2009.
2. To authorise the States Treasurer to make administrative arrangements for the implementation of such recommendations.

### **Item III The Occupiers Rate (Level for 2009) Ordinance, 2008**

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

You will be aware that at the end of each year the States must, by Ordinance, set the level at which the Occupiers Rate is to be charged for the following year.

As I reported in the Budget report in October, Occupiers Rate now accounts for 30% of local revenue and with staff and other costs continuing to rise, a further increase in the region of 5% will be necessary in 2009. The additional income figure of £20,000 (an increase from £400K to £420K) was therefore included in the 2009 budget, which was approved by the States in October.

In 2009 we will also be amending the basis of calculating rates, from TRV to TRP, and although collecting an overall total of £20,000 will require further adjustments within the categories in order to reflect this. Property owners will already have received their first bill for TRP and will therefore be aware of the changes in the basis of assessment that the new regime of TRP has introduced. The system of TRV assessment was unnecessarily complicated and the move to TRP is designed to introduce a transparent and fair system of assessment. By adopting it as the basis for assessing Occupiers Rates the States is following a pragmatic and sensible course as there is no sense in having two different rating regimes in place. Using TRP as the basis will inevitably result in some winners and losers, as owners will already have discovered with their TRP bills. What it does do is create a more accurate base for calculating rates and for that reason a proportion of the 5% increased yield from occupiers rates this year is accounted for by that increased accuracy and wider base. For example some properties had not been previously assessed for TRV and others had extensions and other developments that had not been properly assessed. The new system is therefore fairer.

At its meeting held on 24th November 2008 the Policy and Finance Committee discussed the rate to apply for each category of occupiers rates. Instead of using each of the categories used for TRP the Committee decided to amalgamate tariffs as much as possible and keep rates simple. It was also very conscious of the impact of rates on the business community and the need to do everything possible to avoid placing yet further burdens on small businesses which are so essential to the continued existence of the Islands economy. Overall the burden of rates on the business community as a percentage of the total has reduced slightly and many small businesses in Victoria Street will in fact have a small reduction in occupiers rates in 2009 as compared with 2008. The rate for domestic

premises has been set at £1.08 per TRP unit, which will produce an increased yield in line with RPI, and for most business users it will be £1.30 per unit of TRP. There will be separate rates for finance businesses, utilities, government buildings, horticulture and agriculture. It must be stressed that as the underlying basis of assessing Occupiers rates has been changed from TRV to TRP it is quite possible that some ratepayers will incur increases or decreases above or below the average. In some isolated cases this variance might be material.

I therefore enclose a draft Ordinance entitled The Occupiers Rate (Level for 2009) Ordinance, 2008 and should be grateful if you would place this before the States with an appropriate proposition.

R.G. Willmott  
Chairman

The States is asked to approve The Occupiers Rate (Level for 2009) Ordinance, 2008.

## **Item IV Proposed Increase in Harbour Dues, Pilotage Dues and Mooring Charges**

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

The General Services Committee has recently carried out its annual review of fees and charges at the harbour and recommends, with minor exceptions, that all fees and charges should be increased with effect from 1st January 2009 in line with the latest Retail Prices Index figure of 5.8% as noted below.

### **1. Harbour and Pilotage Dues**

It is proposed that all harbour and pilotage charges are increased by 5.8% rounded to the nearest pence.

### **2. Mooring Charges**

The Committee is recommending that local mooring charges be increased by 5.8%, as detailed in the schedule to the Ordinance.

An increase of £2 per night on both the mooring charge and the anchoring charge for visiting yachts is proposed, in view of the increasing cost of maintaining the moorings, and collection of these charges. These fees have not been increased for several years.

My Committee agrees with these proposals and recommends their acceptance.

The three Statutory Instruments required to bring the new fees into force have been drafted and are enclosed herewith. They are as follows:-

Statutory Instrument No 7 of 2008 relating to Harbour Dues and Fees

Statutory Instrument No 8 of 2008 relating to Pilotage Dues and Fees

Statutory Instrument No 9 of 2008 relating to Mooring Charges

I would be grateful if you would place these Statutory Instruments before the States with appropriate propositions.

R G Willmott  
Chairman"

The States is asked to approve of: -

1. Statutory Instrument No 7 of 2008
2. Statutory Instrument No 8 of 2008
3. Statutory Instrument No 9 of 2008

## **Item V The Fees (Amendment)(Alderney) Ordinance, 2008**

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

The current Fees (Amendment) (Alderney) Ordinance, 2007 sets out the prescribed fees payable by virtue of a variety of Laws and Ordinances. The Policy and Finance Committee in consultation with the General Services Committee and the Building and Development Control Committee has recently reviewed the level of charges with the intention of introducing a new scale of fees to come into effect from 1st January 2009.

The increase in the Retail Price Index since the last increase was 5.8%, and the majority of fees have been increased, with some rounding, by that percentage. There are some exceptions to this general RPI increase, the most significant being a revision of the way in which vehicle import licences are to be charged. Licences will, if this Ordinance is passed, be charged by weight in three categories, namely private vehicles, commercial vehicles up to 40 cwt unladen, and heavy goods of more than 40 cwt unladen.

The changes proposed in the various sections are noted below: -

### **PART I**

#### **Employment Permits**

The present fees are still low and do not reflect the amount of administration involved. It is therefore proposed to increase first application and renewal fees by £2, and the grant of an indefinite permit by £5.

#### **Import and Export Control Law and Orders**

As mentioned above the proposed fees charged on the importation of motor vehicles have been set in three categories, with the fees on importation of private vehicles becoming increasingly higher on heavier vehicles. The current flat rate of £289 for goods vehicles over 40 cwt is replaced by a scale of fees rising from £390 at 2 tons to £790 at 10 tons.

These weight related charges are intended to reflect the additional wear and tear on our roads, and subsequently our sewers, caused by heavy vehicles and to discourage private motorists from importing the larger type of vehicle.

It is further proposed that on exportation a refund of fees paid will be restricted to 50% unless the export is within 28 days of importation when a 100% refund will remain payable.

A new definition of Commercial Vehicle has been included under the Interpretation section of the Ordinance.

The differential between licences issued for the import or export of flora and fauna for less than five, five or more species protected by CITES has been removed and the fee increased to £22 per item per licence.

#### **Building and Development Control Law**

A full review of the charging method in respect of building fees was been carried out during last year and increases for 2009 are therefore proposed in line with RPI

### **PART II**

#### **Hawkers Licences**

A less than PRI increase is proposed in respect of 12 month licences, but greater increase have been applied to shorter term licences to take account of the administration costs.

#### PART III

Fees payable under the Tourist (Alderney) Law

An increase of £1 per bed is proposed.

Liquor Licences ) An increase of approximately 10% is proposed

Dangerous Weapons )

Public Service Vehicles Increased by RPI with rounding.

Hired Motor Vehicles Increased by 20% to cover increased cost of inspection

Passenger Boats ) Increased by approximately 10%.

Water Boreholes and Wells )

#### PART IV

Marriage Fees

An increase in line with RPI is proposed, with the exception of the approved buildings category which not having been increased last year goes up from £100 to £120.

#### PART V

Residential and Nursing Homes

An increase of 5.8% is proposed.

The new Fees Ordinance entitled The Fees (Amendment) (Alderney) Ordinance, 2008 has been prepared and is attached. If approved this will come into force on 1st January 2009.

I would be grateful if you would place this before the States with an appropriate proposition.

R.G. Willmott

Chairman"

The States is asked to approve of "The Fees (Amendment) (Alderney) Ordinance, 2008".

## **Item VI The Companies (Alderney) Law, 1994 - Fees Ordinance, 2008**

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

The prescribed fees of the above law were comprehensively reviewed last year following an interval of several years. It was therefore agreed at that time that fees should be reviewed annually in order to avoid significant increases in any one year.

Sections 159 and 164 of The Companies (Alderney) Law 1994 deal with fees and any changes thereto. Section 159 is the section dealing with general fees. Section 164 gives the States the power to make Ordinances to amend certain fees elsewhere in the law and not covered by Section 159. The tables below highlight the current fees, together with the proposed increases of RPI (rounded), which have been considered in detail by the Company Registrar and the Policy and Finance Committee.

It is proposed that in future these fees are reviewed earlier each year, still effective from the following calendar year, in order to allow ample notice to be given to Companies.

Section 107(7) Late Filing Fees

Subsection	Current Fee	Proposed Fee
(a) First Month	£50	£53
(b) Second Month	£100	£106
(c) Every Month thereafter	£150	£159

#### Section 108(4)(b) Fee for Restoration to Register

Current Fee	Proposed Fee
£150	£159

#### Section 159 (1) - Fees

Subsection	Current Fee	Proposed Fee
(a) Application to Register	£100	£106
(b) Issue of certificate of registration	£30	£32
(c) Declaration of compliance by Public Company	£30	£32
(d) Notice of new registered office	£20	£21
(e) Order to remove company from Registered Office	£20	£21
(f) Full Annual Return	£50	£53
(g) Abbreviated Annual Return	£50	£53
(h) Special Resolution to change company name	£30	£32
(i) Notice of Strike Off	£30	£32
(j) Failure to comply with direction to change registered office	£20	£21
(k) Failure to comply with direction to change company name	£20	£21
(i) Service of written demand to pay a debt	£50	£53
(m) Issue Certificate of Good Standing	£35	£37

#### The Companies (Alderney) Law (Fees) Ordinance 1995

Section 2 of this Ordinance levies certain fees not covered in the above laws.

This includes a new fee, as recommended by the Company Registrar, to cover the registration of a change of Director or Company Secretary,

Subsection	Current Fee	Proposed Fee
(a) Return of Allotment	£25	£27
(b) Resolution altering share capital	£25	£27
(c) Redemption of redeemable preference shares	£25	£27
(d) Lodging Inspectors Report	£25	£27
(e) Directors Certificate of shares with no par value	£25	£27
(f) Filing of Court Order	£25	£27
(g) Filing of Special Resolution	£25	£27
(h) Company Search	£10	£10
(i) Photocopying	£1	£1
(j) Company Search by facsimile in addition to (h)	£10	£11
(k) Change of Director or Company Secretary	No fee	£21

I therefore enclose a draft Ordinance entitled The Companies (Alderney) Law (Fees) Ordinance 2008 and should be grateful if you would place this before the States with an appropriate proposition.

R.G. Willmott  
Chairman"

The States is asked to approve of "The Companies (Alderney) Law (Fees) Ordinance, 2008".

## **Item VII The States Water Supply (Rates Of Charge) (Alderney) (No. 2) Ordinance, 2008**

The following letter has been received from Mr Walden, Chairman of the General Services Committee/Alderney Water Board:-

The change in the method of assessment of property values from the old Rateable Value (RV) system to Tax on Real Property (TRP) has forced the Water Board to change the way in which non-metered water rates are calculated, as it can no longer use the Rateable Values which are not being updated and which are not available in respect of any new properties completed after January 1st 2007.

It is not the Boards intention to increase the overall amount collected from water rates at this time, having increased rates by 10% with effect from the September quarter. However, as the new TRP system is not directly comparable with the RV system, and includes all the latest additions to properties, some consumers may find their rates reduced under the new system whilst others may find them slightly increased. The overall effect of the proposed new Ordinance on the revenue of the Board is expected to be neutral.

For the purpose of clarity the proposed Ordinance sets out the rate per unit of TRP per quarter whereas previous Ordinances have expressed the charge as an annual rate per centum of the Rateable Value. The proposed quarterly rate of 27p per unit of TRP compares with 87p per £1 of Rateable

Value under the old system. No changes are proposed on minimum charges, metered charges or the various sundry charges which may be payable in addition to the TRP charge.

The Policy and Finance Committee agreed unanimously to this proposal at its meeting held on 24th November 2008.

The attached Ordinance entitled The States Water Supply (Rates of Charge) (Alderney) (No.2) Ordinance, 2008 has been prepared and if approved will bring the changes into effect from the quarter commencing 26th December 2008.

I would be grateful if you could lay this matter before the States with an appropriate proposition.

W Walden

Chairman

The States is asked to approve of "The States Water Supply (Rates of Charge) (Alderney) (No.2) Ordinance, 2008".

## **Item VIII The Housing (Exemptions) (No.4) (Alderney) Ordinance, 2008**

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

I attach a copy of the above. If approved the Ordinance will allow the Town House to be converted into three dwellings, one of these to be available for letting as residential accommodation to persons ordinarily resident in Alderney for a period of seven years from the completion of construction.

I would be grateful if The Housing (Exemptions) (No. 4) (Alderney) Ordinance, 2008 is placed before the States when it next meets together with an appropriate proposition.

B Benfield

Chairman"

The States is asked to approve of "The Housing (Exemptions) (No.4) (Alderney) Ordinance, 2008".

## **Item IX The Housing (Exemptions) (No.5) (Alderney) Ordinance, 2008**

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

I attach a copy of the above. If approved the Ordinance will allow the demolition of a barn at Verdun Farm and the construction of a two-bedroom dwelling to be available for letting as residential accommodation to persons ordinarily resident in Alderney for a period of seven years from the completion of construction and continuing thereafter unless the prior written consent of the Committee allows otherwise.

I would be grateful if The Housing (Exemptions) (No. 5) (Alderney) Ordinance, 2008 is placed before the States when it next meets together with an appropriate proposition.

B Benfield

Chairman"

The States is asked to approve of "The Housing (Exemptions) (No.5) (Alderney) Ordinance, 2008".

## **Item X Policy and Finance Committee Annual Report for 2008**

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

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In accordance with States Resolution VII(1) of the 4th May, 1977, I attach hereto the Annual Report of the Policy and Finance Committee for 2008.

I would be grateful if you would place this Report before the States with an appropriate proposition.

R G Willmott

Chairman

The States is asked to accept the Annual Report for 2008 of the Policy and Finance Committee.

## **Item XI General Services Committee Annual Report for 2008**

The following letter has been received from Mr Walden, Chairman of the General Services Committee: -

In accordance with States Resolution VII(1) of the 4th May, 1977, I attach hereto the Annual Report of the General Services Committee for 2008.

I would be grateful if you would place this Report before the States with an appropriate proposition.

W Walden

Chairman"

The States is asked to accept the Annual Report for 2008 of the General Services Committee.

## **Item XII Building and Development Control Committee Annual Report for 2008**

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

In accordance with States Resolution VII(1) of the 4th May, 1977, I attach hereto the Annual Report of the Building and Development Control Committee for 2008.

I would be glad if you would place this Report before the States with an appropriate proposition.

B Benfield

Chairman

The States is asked to accept the Annual Report for 2008 of the Building and Development Control Committee.

## **Item XIII The Building and Development Control Committee: Policy Guidelines**

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

The primary role of the Building and Development Control Committee (the Committee) is to administer the Building and Development Control (Alderney) Law, 2002 (the Law). The Committee is tasked with exercising the powers and perform the duties conferred or imposed upon it by the Law and any Ordinance or regulation made under it. It will be clear to any person reading the legal provisions that there are areas of discretion given to the Committee. The Policy Guidelines are intended to provide a framework within which the Committee will exercise its powers and perform its duties. The Policy Guidelines will be used when making decisions on planning applications, to encourage suitable development on appropriate sites, to protect the environment and assist in guiding public and private investment. The objective is to provide for the main development requirements of the Island in a way that conserves the special features of its environment, makes optimum use of its resources and offers a good quality of life for its people.

An important aim has been to provide a single document that contains all Committee policies, including those relating to the Land Use Plan but there are two components the Written Statements and Area Maps.

I attach a copy of the Policy Guidelines, which were approved by the Building and Development Control Committee at its meeting held on 2nd December 2008. Copies may also be inspected at the Library and the Planning Office.

I would be grateful if the Policy Guidelines are placed before the States when it next meets together with an appropriate proposition.

B Benfield  
Chairman"

The States is asked to receive and note the Building and Development Control Committee Policy Guidelines as approved by the Building and Development Control Committee at its meeting held on 2nd December 2008.

## **Item XIV The Alderney eGambling (Amendment) (No. 3) Regulations, 2008**

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

I attach a copy of the above, made by the Alderney Gambling Control Commission in exercise of powers conferred on it by sections 4(2), 14(3), 15(4), 20 and 25 of the Alderney eGambling Ordinance, 2006.

The Regulations were made and came into operation on 6 November 2008. They make provision for the Commissions address (previously a P.O. box number) for purposes of submitting application forms and the repeal of the now inapplicable (since the changes effected by the Alderney eGambling (Amendment) (No.2) Regulations, 2008) Part II of Schedule 6 of the 2006 Regulations.

As Members are aware, compliance with section 25(i)(c) of the Ordinance requires that the

Regulations be placed before the States at the first opportunity, i.e. the December meeting. It will then be open to the States to annul them at that or its next meeting (although I am not aware of any reason why it should do so and will recommend that the States resolves not to annul them).

In accordance with agreed practice the Chief Executive has informed the Department for Culture, Media and Sport of these Regulations and any observations from the Department will be circulated prior to the meeting.

I would be grateful if the Alderney eGambling (Amendment) (No.3) Regulations, 2008 are placed before the States when it next meets together with an appropriate proposition.

R G Willmott  
Chairman"

The States is asked to approve of "The Alderney eGambling (Amendment) (No.3) Regulations, 2008".

## **Item XV The Prescribed Businesses (Bailiwick of Guernsey) Law, 2008**

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

A prescribed business is any business which is a relevant business for the purposes of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, but does not include, for example, a small business. The Prescribed Businesses (Bailiwick of Guernsey) Law, 2008 (the Law) makes provision for the regulation, winding up, etc. of prescribed businesses.

Members have at all times supported measures intended to ensure robust financial regulation in the Bailiwick and will be aware of the general review which has been conducted in this regard. This legislation is one of the outcomes of that review.

A copy of the Law may be inspected at the Library or the States General Office, Island Hall.

I will be obliged if the above Law is placed before the States at its next meeting together with an appropriate proposition.

R G Willmott  
Chairman

The States is asked to approve "The Prescribed Businesses (Bailiwick of Guernsey) Law, 2008".

(Note A copy of the Law may be seen at the States General Office, Island Hall and the Library.)

## **Item XVI Questions and Reports**

Commercial Quay Project Report from Mr Williams.

Alderney Housing Association Report from Mr Willmott

Issued: Friday 5th December 2008