



DELIBERATIONS OF 13-01-2010

Date: 13th January, 2010

Present: Sir Norman Browse

Mr R Willmott

Mr B Walden

Mr C Williams

Mr I Tugby

Mrs E Bennett

Mr T Llewellyn

Mr P Allen

Mr B Kelly

Mr G Sargent

Mr J Beaman

Mr J Richards represented His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey.

Item I Opening of the States

Item II Presentation of Warrant

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

Item III Election Procedure

Following Rule 20 of the Rules of Procedure of the States of Alderney, the subsequent elections took place by open vote.

(Proposed by Mr Sargent and seconded by Mr Kelly.)

Item IV Vice President

Mr Colin Williams was elected Vice President for 2010.

(Proposed by Mr Willmott and seconded by Mr Walden.)

Item V Appointment Of Auditors

The States resolved to appoint KPMG Channel Islands Limited to be the States Auditors for 2010.

Item VI Policy and Finance Committee Mandate

The States resolved to approve of the mandate of the Policy and Finance Committee as follows:

To formulate and make recommendations to the States on all policy matters.

To be accountable for the financial management of the States.

To operate within the policies, guidelines and resolutions of the States.

To liaise and negotiate with the States of Guernsey on all matters relating to the provision of transferred services and finance.

To be responsible for all external affairs.

To liaise with the General Services Committee and the Building and Development Committee in relation to their budget and legislative requirements.

To perform the following functions:

Finance:

To present to the States the annual budget and audited accounts and, where necessary, report to the States thereon.

To monitor the income and expenditure of the States, its Committees and Trust Funds and, where appropriate, to add comment and recommendation to all applications to the States for money, votes and/or submissions to the States where public income and expenditure is involved.

To deal with all borrowings as authorised by the States, loans and the administration of all monies accruing to the States for specific purposes under the terms of various Trusts and Funds.

To be responsible for recommending to the States, whether by Ordinance or otherwise, the fees, dues and charges levied by the States for the provision of any service required to be provided under legislation and to approve the rents payable for States land and properties.

To be responsible for recommending to the States the level of Occupiers Rates.

To advise on the rents, premiums (if any) and duration of leases to be granted by the General Services Committee for all other States properties.

To submit leases to the States for approval in accordance with the Budget Rules and Procedures.

To be responsible for all States insurances.

The Economy:

To initiate, pursue and report to the States upon matters relating to the economy of the Island, including immigration, population, social services (financial aspects only), the development of an economic plan, employment, industry and e-commerce.

To deal with external authorities in fiscal and commercial matters.

To be responsible for public relations and the promotion of the Tourist Industry.

To monitor the economic policy of the States and to report and make recommendations for such amendments as deemed necessary.

To liaise with the Commerce and Employment Department on matters relating to economic planning.

Constitution and Legal Matters:

To be responsible for all matters affecting the Constitution and all legislation (other than legislation falling specifically within the responsibility of the General Services and the Building and Development Control Committee).

To be responsible for all matters relating to International Conventions, Treaties, Agreements, EU Directives and extended legislation from the United Kingdom.

To liaise as necessary with the Court of Alderney.

To be responsible for and the leasing and use of all States-owned Forts.

To be responsible for matters affecting
Elections;
Census;
Import and Export Control;
Telecommunications;
Postal Services, Philately and Currency;
Gambling;
Emergency Fuel Control (The Energy (Bailiwick of Guernsey) Law, 1978);
Dangerous Weapons;
Civil Aviation; and
Youth Training and Adult Education. Youth Services and activities.

To be responsible for all matters relating to public assistance and welfare.

To be responsible for all matters not specifically falling within the mandate of the General Services Committee and the Building and Development Control Committee.

Staff and Offices:

To be the States Employment Board with responsibility for all matters relating to the employment of Civil Servants and Manual Staff; and the management of office accommodation; to be the Civil Service Board referred to in the Terms and Conditions of Service for Civil Servants and the Terms and Conditions of Employment for Manual Staff as agreed between the Board and the Transport and General Workers Union.

In particular to be responsible for the appointment of staff and the preparation and review of the Terms and Conditions of Service of all salaried staff (subject to the relevant provisions of the Government of Alderney Law) and to liaise with the Guernsey Civil Service Staff Association.

To control establishment numbers.

To be responsible for staff pensions.

To liaise with Trades Unions on matters relating to the Terms and Conditions of Employment for Manual Staff.

Sub-delegation of Executive Functions:

The following functions to be conferred on:-

1. The Employment, Legislation and Constitution Group (or any other sub-committee of the Policy and Finance Committee consisting of at least three of its members and appointed by it for the purpose) without requiring the prior approval of the committee to be obtained to any action proposed to be taken by it: -

All functions of the Policy and Finance Committee arising under the provisions of The Employment Permits (Alderney) Law, 1975 (as amended); and

2. The Finance Advisory Group (or any other sub-committee of the Policy and Finance Committee consisting of at least three of its members and appointed by it for the purpose) without requiring the prior approval of the committee to be obtained to any action proposed to be taken by it: -

- a. to deal with States borrowings authorised by the States for specific purposes
- b. to be responsible for States insurances
- c. to be responsible for postage stamp and coin issues and design approvals
- d. to deal with grants not exceeding £5000
- e. to deal with Hawkers Licences.

Item VII General Services Committee Mandate

The States resolved to approve of the mandate of the General Services Committee as follows:

To be accountable to the States for the provision and implementation of all Government services provided and/or required by legislation, resolution or policy of the States within agreed budgets.

To liaise with the Policy and Finance Committee in relation to budgetary and legislative requirements.

To operate within the policies, guidelines and resolutions of the States.

In particular, to perform the following functions:-

To be accountable for the administration of the harbour and its functions and to make recommendations to the Policy and Finance Committee on all fees, dues and charges required to be levied by legislation.

To deal with shipping and all matters relating to the sea.

To be responsible for the continuing investigations into a marina in Alderney.

To deal with all matters relating to the railway.

To administer and maintain all States buildings including offices; to be accountable for all public works; to place contracts for public works; to be responsible for refuse collection and its disposal.

To be responsible for the Fire Brigade; for emergency services; for sewage disposal; and for traffic control.

To be accountable for all States properties which are not the responsibility of the Policy and Finance Committee.

To be responsible for recreation and sports activities.

To be responsible for all official entertainments, and the Saye Camp site.

To be responsible for all matters relating to the allocation of States housing.

To be accountable as the Water Board for the provision of water supplies on the Island in accordance with the legislation applicable thereto.

To be responsible for the leasing of all States Properties, other than Forts, in the ownership of the States; to deal with all matters relating to agriculture, livestock, other animals, birds and vermin; to administer the Island of Burhou; to be responsible for afforestation and fencing and management of all States land including the consolidation of parcels and not to reduce the area of such land without the authority of the States; and administer the States Slaughterhouse.

To be responsible for all matters relating to sea fisheries.

To be responsible for environmental monitoring and for the co-ordination of public services in the event of a civil emergency.

To be responsible for the establishment of a working party to be known as the Civil Emergency Working Party which shall include amongst its members the following people:-

The President of the States, the Officer Commanding the Junior Militia, the States Analyst, the Chief Fire Officer, the Manager of the Water Board, the States Engineer, the General Manager of Alderney Electricity Limited, the resident Sergeant of the Police in Alderney, the Harbour Officer, a Medical Practitioner; a representative of St. John Ambulance (unless otherwise represented); a Communications adviser(s); and the person appointed as Co-ordinator of the emergency services.

The Working Party shall appoint a Chairman from amongst its members.

Item VIII Building and Development Control Committee Mandate

The States resolved to approve of the mandate of the Building and Development Control Committee as follows:

To be the Authority for approving plans in both the public and private sector; to be responsible for the Le Banquage Housing Scheme; to administer The Building and Development Control (Alderney) Law, 2002, as amended; to be the Committee to make recommendations to the States on the maximum number of dwellings to be permitted in any given period in accordance with Section 15 of The Building & Development Control (Alderney) Law, 2002; to administer Building Regulations made under the provisions of The Building & Development Control (Alderney) Law, 2002, and any other law or laws by which they may be replaced.

To be responsible for the preparation of a policy and strategy for environmental conservation and ecology on the Island.

Item IX The States resolved to appoint the following Chairman:

Mr Richard Willmott as Chairman of the Policy and Finance Committee.
(Proposed by Mr Williams and seconded by Mr Llewellyn.)

Mr Bill Walden as Chairman of the General Services Committee.
(Proposed by Mr Sargent and seconded by Mr Willmott.)

Mr Geoffrey Sargent as Chairman of the Building and Development Control Committee.
(Proposed by Mr Walden and seconded by Mrs Bennett.)

Item X The States resolved to appoint the following Committees:-

9 Members to the Policy and Finance Committee

The following members were appointed to the Policy and Finance Committee:-

Mr Peter Allen
Mr John Beaman
Mrs Elizabeth Bennett
Mr Boyd Kelly
Mr Tony Llewellyn
Mr Geoffrey Sargent
Mr Ian Tugby
Mr Bill Walden
Mr Colin Williams

That the Membership of the General Services Committee remains unchanged for 2010:-

Mr John Beaman
Mr Boyd Kelly
Mr Tony Llewellyn
Mr Ian Tugby
Mr Colin Williams

That the Membership of the Building and Development Control Committee remains unchanged for 2010:-

Mr Peter Allen
Mrs Elizabeth Bennett
Mr Tony Llewellyn
Mr Richard Willmott

Item XI Other Appointments

The States resolved to direct the Policy and Finance Committee to elect a person to serve as a Director of the Board of Alderney Electricity Limited.

(Proposed by Mr Sargent and seconded by Mr Llewellyn.)
(Approved unanimously.)

The following names were put forward to sit on the Management Committee in the affairs of the Alderney Branch of the Commonwealth Parliamentary Association:-

Mr Peter Allen (Proposed by Mr Willmott and seconded by Mr Kelly.) Mr Richard Willmott (Proposed by Mr Walden and seconded Mr Williams.) Mr Bill Walden (Proposed by Mr Tugby and seconded Mr Williams.)

Mr Peter Allen, Mr Richard Willmott and Mr Bill Walden were appointed to sit on the Management Committee in the affairs of the Alderney Branch of the Commonwealth Parliamentary Association (the President being Ex-officio Chairman).

Item XII The States resolved to approve of the following arrangements:

1. To empower any one member of the Policy and Finance Committee with the States Treasurer or her deputy; or the Chief Executive Officer and the States Treasurer or her deputy to operate the States Bank Accounts.
2. To empower any one member of the Policy and Finance Committee with the States Treasurer or her deputy; or the States Treasurer or her deputy with the Chief Executive Officer to operate the Water Board Bank Account.

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

Mr Richard Willmott and Mr Bill Walden were appointed to sit in the Guernsey States of Deliberation as representatives of Alderney for 2010.

The following names were put forward to sit in the Guernsey States of Deliberation as alternative representatives of Alderney:-

Mr Boyd Kelly (proposed by Mr Allen and seconded by Mr Beaman.) Mrs Elizabeth Bennett (proposed by Mr Williams and seconded by Mr Willmott).

Mr Boyd Kelly and Mrs Elizabeth Bennett were elected to sit in the Guernsey States of Deliberation as alternative representatives of Alderney for 2010.

Item XIV Policy and Finance Committee Quorum

The States resolved that the quorum for a meeting of the Policy and Finance Committee be 6 members.

(Proposed by Mr Beaman and seconded by Mr Willmott)
(Approved unanimously.)

Item XV The Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Alderney) Ordinance, 2010

The Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008 (Commencement) Ordinance, 2010

The following amendment was proposed by Mr Sargent and seconded by Mr Beaman:

That the draft Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Alderney) Ordinance, 2010 be amended as set out below.

Insert, after paragraph (d) of clause 1(1) (premises exempt from the provisions of the Law), the following paragraphs

"(e) any licensed premises in respect of which a Club Licence granted under Part IV of the Alderney Liquor Licensing Ordinance, 1994 is in force,

Amendment failed. (For Messrs Tugby, Llewellyn, Sargent and Beaman. Against Mrs Bennett, Messrs Willmott, Walden, Williams, Allen, and Kelly.)

(f) any licensed premises during the period between the 1st October of any year and the 31st March of the following year, inclusive of both dates."

Amendment failed. (For Messrs Sargent and Beaman. Against Mrs Bennett, Messrs Willmott, Walden, Williams, Tugby, Allen, and Kelly. Mr Llewellyn abstained.)

The following amendment was proposed by Mr Sargent and seconded by Mr Beaman:

That the draft Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Alderney) Ordinance, 2010 be amended as set out in Alternative A or, if that alternative is not approved by the States, Alternative B.

Alternative A

Insert, after paragraph (d) of clause 1(1) (premises exempt from the provisions of the Law), the following paragraphs

"(e) any licensed premises on which no cooked or prepared food is provided or consumed, or

(f) where cooked or prepared food is provided or consumed in one or more rooms on licensed premises, any other room on those premises

(i) that is physically separated from such rooms by walls and doors (excluding bar doors), and

(ii) in which intoxicating liquor is served."

Amendment failed. (For Messrs Tugby, Llewellyn, Allen, Sargent and Beaman. Against Mrs Bennett, Messrs Willmott, Walden, Williams and Kelly.)

Alternative B

Insert, after paragraph (d) of clause 1(1) (premises exempt from the provisions of the Law), the following paragraph

"(e) Any licensed premises on which no cooked or prepared food is provided or consumed."

Amendment failed. (For Messrs Tugby, Llewellyn, Allen, Sargent and Beaman. Against Mrs Bennett, Messrs Willmott, Walden, Williams and Kelly.)

The following amendment was proposed by Mr Beaman and seconded by Mr Allen:

That the draft Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Alderney) Ordinance, 2010 be amended as set out in Alternative A or, if that alternative is not approved by the States, Alternative B.

Alternative A

1. Substitute, for clause 2 (requirement to display notices), the following clause

"Requirement to display notices or signs.

2. (1) The designated person in respect of any room, workplace, area or premises exempt from the provisions of the Law under section 1 shall at all times display a notice or sign in the room, workplace, area or premises concerned indicating that smoking is permitted in that room, workplace, area or premises.

(2) A notice or sign under subsection (1) must be displayed in a place, manner, and form that ensures it can be easily seen and understood by the public.

(3) In subsection (1), "designated person" means

(a) in relation to a hotel bedroom exempt under section 1(1)(a), the hotel manager,

(b) in relation to an enclosed workplace on a vessel exempt under section 1(1)(b), the master or captain of the vessel,

(c) in relation to an enclosed workplace exempt under section 1(1)(c), the individual referred to in that provision, or

(d) in relation to an area exempt under section 1(1)(d), the Department or the person authorised under section 1(1)(d)(iii) to designate the area as a place where smoking is permitted"

And

2. Substitute, for the word "licensee" in clause 3(1) (contravention of section 2 to be an offence), the word "person".

And

3. Omit clause 4 (power of Committee to amend Schedule) and the Schedule to the Ordinance.

And

4. Renumber the clauses in the Ordinance accordingly.

Amendment failed. (For Messrs Tugby, Llewellyn, Allen, Sargent and Beaman. Against Mrs Bennett, Messrs Willmott, Walden, Williams and Kelly.)

Alternative B

1. Substitute, for clause 2 (requirement to display notices), the following clause

"Requirement to display notices.

2. (1) Subject to subsection (2), the licensee of any licensed premises to which section 1 of the Law applies shall at all times display a notice on those premises that states that no smoking is allowed on those premises.

(2) If any room in the licensed premises is exempt from the provisions of the Law under section 1 of this Ordinance, the licensee shall, instead of the notice referred to in subsection (1), display a notice in each room that is not so exempt stating that no smoking is allowed in that room.

(3) A notice under subsection (1) or (2) must be displayed in a place, manner, and form that ensures it can be easily read by the public."

And

2. Omit clause 4 (power of Committee to amend Schedule) and the Schedule to the Ordinance.

And

3. Renumber the clauses in the Ordinance accordingly.

Amendment failed. (For Messrs Tugby, Llewellyn, Allen, Sargent and Beaman. Against Mrs Bennett, Messrs Willmott, Walden, Williams and Kelly.)

The original proposition was then voted on.

The States resolved to approve of the The Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Alderney) Ordinance, 2010

(Proposed by Mr Willmott and seconded by Mr Walden.)

(Approved by the casting vote of the President. (For Mrs Bennett, Messrs Willmott, Walden, Williams and Kelly. Against Messrs Tugby, Llewellyn, Allen, Sargent and Beaman.)

The States resolved to approve of The Smoking (Prohibition in Public Places and Workplaces) (Alderney Law, 2008 (Commencement) Ordinance, 2010.

(Proposed by Mr Willmott and seconded by Mr Walden.)

(Approved by the casting vote of the President. (For Mrs Bennett, Messrs Willmott, Walden, Williams and Kelly. Against Messrs Tugby, Llewellyn, Allen, Sargent and Beaman.)

Item XVI The Government of Alderney (Amendment) Law, 2010

The States resolved to approve the Projet de Loi entitled The Government of Alderney (Amendment) Law, 2010 and requested the President to seek the Sanction of Her Most Excellent Majesty in Council for it to have the force of law in the Island of Alderney.

(Proposed by Mr Willmott and seconded by Mr Llewellyn.)
(Approved unanimously)

Item XVII The Housing (Exemptions) (No.6) (Alderney) Ordinance, 2009

Item Withdrawn.

Item XVIII Questions and Reports

Mr Willmott was pleased to announce the appointment of Mr Roy Burke as Chief Executive Officer with effect from 1st April 2010.

Mr Williams reported on the Commercial Quay.

Meeting closed 20:15

Issued 31st December 2009
