



DELIBERATIONS OF 21-07-2010

Date: 21st July, 2010

STATES OF ALDERNEY
DELIBERATIONS FOR THE MEETING OF
WEDNESDAY 21ST JULY 2010 AT 17:30

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

Item I The Licensing of Vessels (Alderney) Law, 2010

The States resolved to approve the Projet de Loi entitled The Licensing of Vessels (Alderney) Law, 2010 and to request 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 Sargent.)

(Approved unanimously.)

Item II General Sales Tax (Enabling Provisions) (Guernsey and Alderney) Law, 2009

The following amendment was proposed by Mr Willmott and seconded by Mr Kelly:-

To amend the proposition by deleting the word approve and to replace with the word note and to insert after The General Sales Tax (Enabling Provisions) (Guernsey and Alderney) Law, 2009 the words was approved by the Guernsey States of Deliberation at their meeting on 24th June 2009, pursuant to the powers vested in them under section 2 of The Alderney (Application of Legislation) Law, 1948 with regards to taxation..

(Approved by majority. In favour of the amendment Messrs Willmott, Williams, Llewellyn, Kelly, Sargent Beaman and Mrs Bennett. Against Messrs Walden, Tugby and Allen.)

During the noting of the proposition it became apparent that Members wished, through its Policy and Finance Committee, to engage in discussions with Guernseys Treasury and Resources Department, The External Relations Group and the Law Officers to ensure that the States of Alderney as stakeholder is consulted during the drafting process in circumstances where new pieces of taxation legislation are being considered that will be applied to Alderney under section 2 of the Alderney (Application of Legislation) Law, 1948.

And

To engage with the States of Guernsey, in the event of a General Sales Tax being implemented, to ensure that the States of Guernsey fully takes into account the material economic differences between the Islands and the lower level of per capita income in Alderney and takes into account the submissions made to it by the States of Alderney in 2005 during the Zero 10 consultation process. In particular to take into account the unfair impact on the less well off and the lower paid that a General Sales Tax will entail.

The proposition as amended was then voted on.

The States resolved to note The General Sales Tax (Enabling Provisions) (Guernsey and Alderney) Law, 2009 was approved by the Guernsey States of Deliberation at their meeting on 24th June 2009, pursuant to the powers vested in them under section 2 of The Alderney (Application of Legislation) Law, 1948 with regards to taxation.

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

(Approved by a majority. In favour Messrs Willmott, Williams, Kelly, Sargent, Beaman and Mrs Bennett. Mr Walden voted against and Messrs Tugby and Llewellyn abstained.)

Item III The Housing (Exemptions) (No.2) (Alderney) Ordinance, 2010

The States resolved to approve The Housing (Exemptions) (No.2) (Alderney) Ordinance, 2010.

(Proposed by Mr Sargent and seconded by Mrs Bennett.)

(Approved unanimously.)

Item IV The Alderney eGambling (Amendment) Ordinance, 2010

The States resolved to approve The Alderney eGambling (Amendment) Ordinance, 2010.

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

(Approved unanimously.)

Item V Rules of Procedure Points of Order and States Reports

The following amendment was proposed by Mr Allen and seconded by Mr Kelly:-

In the proposed new paragraph 19(d), delete the words of the proposition and replace with:-

After a report, any member may ask a question relating to the content of that report.

(Approved by a majority. All in favour except Messrs Walden and Tugby who voted against.)

The proposition as amended was then voted on:

1. To combine paragraphs 16 and 17 into one heading as follows:

16. Points of Order and Interruption of a speaker A Member may interrupt another Member who is addressing the States by rising and stating A point of order Mr President only for the following purposes:
(a) to draw attention to a breach of any of these rules (including those for questions and reports); or
(b) to correct an inaccurate or misleading statement made by that speaker; or
(c) to explain any statement previously made by him (the Interrupter) in the course of the debate, which is being misconstrued.

The Presidents decision on the validity of and any action on the points raised shall be final.

2. Renumber the subsequent paragraphs.

3. Add a new paragraph as follows:-

19. Reports A report may be presented to the States by a Committee Chairman, Vice-Chairman or a Member with a designated area of responsibility for the purpose of informing the States of the progress of a project or as an introduction to a project which may require future consideration. Reports must be:

- (a) Factual, not contentious or express political opinions
- (b) Succinct and to the point
- (c) As reports are statements not proposals they may not be debated
- (d) After a report, any member may ask a question relating to the content of that report
- (e) Whenever possible, reports should be submitted in writing to the President and Greffier 4 days before the States meeting
- (f) Reports may be published in Deliberations.

The States resolved to approve of the proposed changes to the Rules of Procedure concerning Points of Order and Reports as amended and to amend the current Rules of Procedure as appropriate.

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

(Approved by a majority. All in favour except Messrs Walden and Tugby who voted against.)

Item VI Questions & Reports

Mr Beaman reported on Work Permits:-

During the last six months 198 applications were made for work permits. Of these 192 were approved by the Chief Executives Office and 6 were sent to the Employment and Legislation Committee for approval. Of the 6 sent to ELC for approval 4 were approved.

Simply put, 198 were applied for and 196 approved. In other words approximately 99% of all applications were approved.

Delays in the issuing of work permits are caused mainly by

- 1. The failure of the applicant to complete the form accurately by not disclosing all offences. This results in the applicant having to apply for a standard disclosure.*
- 2. The failure of the employer to comply with the advertising requirements.*

Mr Williams gave an overview on the Capital Expenditure Approval Process.

Mr Williams reported on the New Connaught Care Home Project, Groundworks and Timber Frame:-

As a reminder, the site was chosen for its proximity to the Jubilee home, allowing the creation of a care complex with a seamless transition for residents, together with efficiency and cost benefits.

The New Connaught Project Boards task is to monitor the Management and progress of the project. It comprises the CEO, Treasurer, States Engineer, Dr Twentymen who represents the user, and myself as Chairman. The Board is supported by a management team of professional contractors.

When the building contractor mobilised on site in January 2010, he found it so badly waterlogged that his equipment could not operate.

For reference, the site had been subject to pit surveys in March 2009, at the end of the wet Winter period. No problems were found.

Further pit inspections were made in June 2009 with similar results, and the use of normal foundations was confirmed. However, the high water table found in January 2010 caused liquefaction of the sub-soil, and the structural engineers advised that alternative foundations were needed.

Piling was recommended, and this major change in construction had very significant consequences. Tenders were sought based on the structural engineers assumption that 6 metre, or 20 ft deep piles, would be required to pass through the upper levels of water softened sub-soil into the stiffer lower levels required to take the design loadings. A contractor was appointed and in practice, around ~140 piles, typically 6 to 8 metre [i.e. 20 to 27 feet] deep, were driven, some up to 10 metres or 33 feet deep. The professional view is that the work had to be done.

However, the need to pile meant that the drainage scheme had to be revised.

All this work was not completed until the end of May. The time lost was substantial and the cost was high ~£160K.

The main items were:

Piling and associated costs for the new 24 resident building: ~£70K.

Whilst the piling contractor was on site, we decided to carry out the additional piling for the 12 room extension planned for 2014. This unbudgeted work cost ~£30K.

It was also found necessary to pile the North wall adjacent to the Jubilee as it was found to have no foundations and would have been undermined by lowering the ground level for the main site works. This unbudgeted extra piling cost ~£30K.

The drainage changes and engineers fees added ~£30K.

Meanwhile, the contractor advised that there was insufficient room on the North side of the building to take the braced scaffolding necessary for timber frame erection and the large crane required. Leasing the extra strip of land was not possible and had to be acquired.

Finally, there have been problems getting the design elements of the timber frame signed off and hence the shutdown that ended on Monday.

The Board is determined that value engineering be maximised to reduce the additional costs outlined. In addition, it has made changes to the management control structure.

On a positive note, so far local sub-contractors have been lined up for the blockwork, plaster and render work, scaffolding, material transport and site general duties. The next report in September/October will show major progress.

The President reported on the recent Twinning celebration weekend hosted in Baumont-Hauge, everyone from Alderney who took part fully enjoyed the festivities and wonderful hospitality.

The President announced that a public Land Use Plan Inquiry would to be held on 10th August 2010. Five changes to the Plan had been put forward and comments should be submitted to the Land Use Plan Inspector by 30th July 2010.

The President advised that States Member Mrs Bennett would be resigning her post at the end of August. The President gave his thanks on behalf of everyone for all Mrs Bennetts had work, during the past three and a half years, in enormously improving the Islands social services and for her contributions as a member and Chairman of the Building and Development Control Committee.

Meeting closed: 19:20

Issued: 29th July 2010