



## **DELIBERATIONS OF 10-01-2007**

**Date: 10th January, 2007**

DELIBERATIONS OF THE MEETING HELD ON 10th JANUARY 2007 AT 17:30 HOURS

Present:

Sir Norman Browse

Mr R Cox

Mr B Pengilley

Mrs L Maurice

Mr R Willmott

Miss B Benfield

Mr B Walden

Mr C Main

Mr C Williams

Mr I Tugby

Mrs E Bennett

Reverend A Mignot represented His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey.

### **Item I Opening of the States Meeting**

Mr Richard Cox, Mrs Elizabeth Bennett, Mr Ian Tugby, Mr Colin Williams and Mr Richard Willmott took their Oath Of Office before the President.

### **Item II Presentation of Warrants**

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

### **Item III Election Procedure**

The States resolved that the subsequent elections be by open vote.

(Approved unanimously.)

## **Item IV Vice President**

The following names were put forward for Vice President for 2007: -

Mr Richard Cox

(Proposed by Mrs Maurice and seconded by Mr Pengilley.)

Mr Colin Williams

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

Following an open vote Mr Colin Williams was elected Vice President for 2007

(For Mr Williams, Messrs Willmott, Walden, Main, Williams, Miss Benfield and Mrs Bennett.)

## **Item V The mandate of the Policy and Finance Committee**

The States resolved to approve 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 and Building and Development Control Committees 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 Occupier's 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.

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.

## **Item VI The mandate of the General Services Committee**

The States resolved to approve 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 all matters relating to public assistance and welfare; and the allocation of States housing.

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

To be responsible for recreation, youth and sports activities.

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 VII The mandate of the Building and Development Control Committee**

The States resolved to approve 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 VIII Duration of Committee Service**

The States resolved not to approve of States Resolution VIII of 13th January 1988 that all Committee and Chairman appointments shall be for two years (unless decreed otherwise by Law) i.e. on this occasion, from 10th January 2007 until 31st December 2008.

(Proposed by Mr Main and seconded by Mrs Maurice.)

(The proposition failed. For: Messrs Willmott, Walden, Main and Mrs Maurice. Against: Messrs Cox, Pengilley, Williams, Tugby, Miss Benfield and Mrs Bennett.)

Committee elections will therefore in future occur annually.

## **Item IX The States resolved to elect the following Chairman:**

The following names were put forward for Chairman of the Policy and Finance Committee:

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

Mr Richard Cox (Proposed by Mrs Maurice and seconded by Mr Pengilley.)

Following an open vote Mr Richard Willmott was elected as Chairman of the Policy and Finance Committee.

(For Mr Willmott: Messrs Willmott, Walden, Main, Williams, Miss Benfield and Mrs Bennett.)

The following names were put forward for Chairman of the General Services Committee:-

Mr Ian Tugby (Proposed by Mr Pengilley and seconded by Mr Cox.)

Mr Bill Walden (Proposed by Mr Main and seconded by Miss Benfield.)

Following an open vote Mr Bill Walden was elected as Chairman of the General Services Committee.

(For Mr Walden: Messrs Willmott, Walden, Main, Williams, Miss Benfield and Mrs Bennett.)

The following names were put forward for Chairman of the Building and Development Control Committee:-

Mr Chris Main (Proposed by Mr Walden and seconded by Miss Benfield.)

Mrs Lin Maurice (Proposed by Mr Pengilley and seconded by Mr Cox.)

Following an open vote Mr Chris Main was elected Chairman of the Building and Development Control Committee.

(For Mr Main: Messrs Willmott, Walden, Main, Williams, Miss Benfield and Mrs Bennett.)

## **Item X The States resolved to elect the following Committees: -**

1. 9 Members to the Policy and Finance Committee.

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

Mr Richard Cox

Miss Barbara Benfield

Mr Bill Walden

Ms Elizabeth Bennett

Mr Barry Pengilley

Mr Lin Maurice

Mr Chris Main

Mr Ian Tugby

(Proposed by Mr Willmott and Mr Main, Seconded by Mrs Maurice)

(Approved unanimously.)

2. 5 Members to the General Services Committee.

The following names were put forward as members of the General Services Committee:-

Mr Barry Pengilley, Miss Barbara Benfield, Mrs Elizabeth Bennett, Mr Chris Main and Mr Colin Williams, (Proposed by Mr Walden and seconded by Mr Main.)

Mrs Lin Maurice (Proposed by Mr Cox and seconded by Mr Pengilley.)

Mr Ian Tugby (Proposed by Mr Pengilley and seconded by Mr Cox.)

Following an open vote the following members were elected to the General Services Committee:-

Mr Barry Pengilley

Miss Barbara Benfield

Mrs Elizabeth Bennett

Mr Chris Main

Mr Colin Williams

(For Mr Pengilley: Messrs Cox, Willmott, Walden, Pengilley, Main, Williams, Tugby, Mrs Maurice and Mrs Bennett.

For Miss Benfield: Messrs Willmott, Walden, Pengilley, Main, Williams, Tugby Mrs Maurice, Miss Benfield and Mrs Bennett.

For Mrs Bennett: Messrs Cox, Willmott, Walden, Main, Williams, Miss Benfield, Mrs Maurice and Mrs Bennett.

For Mr Main: Messrs Cox, Willmott, Walden, Main, Williams, Tugby, Miss Benfield and Mrs Bennett.

For Mr Williams: Messrs Willmott, Walden, Main, Williams, Miss Benfield and Mrs Bennett.)

3. 4 Members to the Building and Development Control Committee.

The following names were put forward as members of the Building and Development Control Committee:-

Mr Richard Willmott, Miss Barbara Benfield, Mr Richard Cox, Mr Colin Williams and Mrs Elizabeth Bennett.

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

(Mr Cox and Mrs Bennett then withdrew their names.)

Mrs Lin Maurice (Proposed by Mr Willmott and seconded by Mr Cox.)

Mr Ian Tugby (Proposed by Mr Tugby and seconded by Mr Cox.)

Following an open vote the following members were elected to the Building and Development Control Committee: -

Miss Barbara Benfield

Mr Richard Willmott

Mrs Lin Maurice

Mr Ian Tugby

(For Miss Benfield: unanimous.

For Mr Willmott: Messrs Cox, Willmott, Walden, Pengilley, Main, Williams, Mrs Maurice, Miss Benfield and Mrs Bennett.

For Mrs Maurice: Messrs Cox, Willmott, Walden, Pengilley, Tugby, Mrs Maurice, Miss Benfield and Mrs Bennett.

For Mr Tugby: Messrs Cox, Pengilley, Williams, Tugby, Mrs Maurice and Miss Benfield.)

## **Item XI Other Appointments**

Director on the Board of Alderney Electricity Limited.

Following an open vote the States resolved to appoint Mr Richard Willmott to serve as a Director of the Board of Alderney Electricity Limited.

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

(Approved Unanimously.)

Guernsey Cadastre Appeals Committee.

The following names were put forward to serve on the Cadastre Appeals Committee:-

Mrs Lin Maurice (Proposed by Mr Walden and seconded by Mr Cox.)

Mrs Elizabeth Bennett (Proposed by Mr Main and seconded by Miss Benfield.)

Following an open vote Mrs Lin Maurice was elected to serve on the Guernsey Cadastre Appeals Committee.

(For Mrs Maurice: Messrs Cox, Willmott, Walden, Pengilley, Williams, Tugby, Mrs Maurice and Mrs Bennett.)

Commonwealth Parliamentary Association.

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 Richard Willmott (Proposed by Mr Walden and seconded by Miss Benfield.)

Mr Chris Main (Proposed by Mr Walden and seconded by Miss Benfield.)

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

Mr Richard Cox (Proposed by Mr Willmott and seconded by Mr Pengilley.)

Mrs Lin Maurice (Proposed by Mr Pengilley and seconded by Mr Cox.)

Following an open vote Mr Richard Willmott, Mr Chris Main and Mr Bill Walden were elected to sit on the Management Committee in the affairs of the Alderney Branch of the Commonwealth Parliamentary Association (the President being Ex-officio Chairman).

(For Mr Willmott: Messrs Cox, Willmott, Walden, Pengilley, Main, Williams, Mrs Maurice, Miss Benfield and Mrs Bennett.

For Mr Main: Messrs Walden, Main, Williams, Tugby, Miss Benfield and Mrs Bennett.

For Mr Walden: Messrs Willmott, Walden, Main, Williams, Miss Benfield and Mrs Bennett. )

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

1. To appoint KPMG Channel Islands Limited to be the States Auditors for 2007.
2. 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.
3. 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.

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

(Approved unanimously.)

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

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

Mr Richard Willmott (Proposed by Miss Benfield and seconded by Mr Main.)

Mr Bill Walden (Proposed by Miss Benfield and seconded by Mr Main).

Following an open vote Mr Richard Willmott and Mr Bill Walden were elected.

(Approved unanimously.)

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

Mr Richard Cox (Proposed by Miss Benfield and seconded by Mr Main.)

Mr Chris Main (Proposed by Miss Benfield and seconded by Mr Main.)

Following an open vote Mr Richard Cox and Mr Main were elected.

(Approved unanimously.)

## **Item XIV Incinerator - Requite**

The States resolved to agree:

1. To annul the resolution of the States of 22 November 2006 to enter into a contract with Envikraft AS for the purchase of an incinerator.
2. To refer the matter of waste disposal to the General Services Committee for further consideration.
3. To direct the General Services Committee to seek a costed evaluation of all available options including those involving other suppliers of equipment and other waste reduction, recycling or disposal options not yet considered.
4. To direct the General Services Committee to report to the States with proposals for a waste strategy, which may or may not include those approved on 22 November 2006 no later than the June 2007 meeting of the States.

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

(Approved by a majority. For: Messrs Willmott, Walden, Williams, Tugby, Miss Benfield and Mrs Bennett. Against: Messrs Pengilley, Main and Mrs Maurice. Mr Cox abstained.)

## **Item XV Registration of Buildings and Conservation Areas under the Building and Development Control (Alderney) Law, 2002.**

The States resolved to take note of the list of properties appearing in the States Register of Historic Buildings and Ancient Monuments as required by The Building and Development Control (Alderney) Law, 2002.

(Proposed by Mr Main and seconded by Miss Benfield.)

## **Item XVI Questions and Reports**

Mr Main reported that a provisional date for a public meeting to present Verweij en Partners' proposals for Fort Tourgis had been set for Wednesday 31st January 2007. Confirmation of this date would be advertised locally.

The President hoped that all States Members would in future make certain that they obtain for themselves all available information regarding matters that they would be voting on in the States, therefore ensuring that resolute decisions were being made.

Meeting ended: 1910

Issued: 17th January 2007

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