



DELIBERATIONS OF 19-03-2008

Date: 19th March, 2008

DELIBERATIONS OF THE MEETING HELD ON 19TH MARCH 2008
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 Williams

Mr I Tugby

Mrs E Bennett

Mr F Dean

His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey was in attendance.

Item I Chief Pleas

The Greffier reported that no Chief Pleas had been received.

Item II Government of Alderney Law, 2004

The States resolved to approve of the following proposals and to request the Law Officers to prepare such legislation as would be necessary to bring them into effect, for final approval by the States and subsequent submission to the Privy Council:-

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

Proposal 1.

Add a new section (c) to Section 1. The States of Alderney to provide facilities for the Court and Executive.

(Approved unanimously.)

Proposal 2.

Change to the Lieutenant Governor, rather than the Secretary of State being the person giving final approval for the appointment of a Jurat and Chairman of the Court.

(Approved unanimously.)

Proposal 3.

Change to increase the 6 months maximum term of imprisonment to 12 months.

(Approved unanimously.)

Proposal 4.

Add a requirement (c) to Section 24(2)(b) that the statement of proposed expenditure prepared by the Treasurer and Greffier, referred to in section 58, be included in the following year's statement of expenditure required by section 58.

(Approved unanimously.)

Proposal 6a.

Include in Section 28(3) permission to hold a second or further by-elections until the Membership is full

(Approved unanimously.)

Proposal 6b.

Include in Section 28(3) a provision for a special election should, as a result of a disaster the Membership fall below 7 and the States become non-quorate and unable to legislate.

(Approved unanimously.)

Proposal 7.

Change Section 31(1)(f) to Level 5 (£10,000).

(Approved unanimously.)

Proposal 8.

Change Section 33(1) to allow a person to be included on the electoral roll, if entitled to have his name inscribed, at any time (except 14 days before an election) and vote at any subsequent election.

(Approved unanimously.)

Proposal 9a.

Change Section 33(2)(b) concerning eligibility to be elected as President or a Member to:-

(b). add after reaching the age of 21 years

(Approved unanimously.)

Proposal 9b.

Expand the list of reasons in Section 33(2)(b) that allow a person to stand as President or a Member and the list of those reasons that prohibit a person standing so that they include the list of reasons that requires the resignation of the President or a Member as set out in section 38(3).

(Approved unanimously.)

Proposal 11.

Introduce in to Section 34(1) a requirement to revise the electoral roll by 15th October before each bi-annual election.

(Approved unanimously.)

Proposal 12.

Remove the requirement that the appointment of a qualified auditor at the Annual Meeting should come "before any other business is transacted".

(Approved unanimously.)

Proposal 14.

In Section 44(2) change the words "discussion" to "debate" and the words "to be exercised" to "which may be exercised".

(Approved by majority. All in favour except Mr Walden who abstained and Mr Pengilly who voted against.)

Proposal 15.

Change the quorum referred to in Section 45(2) at a States Meeting, from 7 Members in addition to the person presiding to 2/3rd of the total number of elected Members at the time, (in addition to the person presiding) i.e. if 10 Members are present the quorum is 7, if 9 are present-6, if 8 are present-5, if 7 are

present-5. If less than 7 are present the States will be non quorate.

(Approved by majority. All in favour except Mrs Maurice and Mr Pengilley who voted against.)

Proposal 16.

Prescribe if possible which matters referred to in Section 46(3), related to good rule and government may be enacted by Ordinance and which by Projet de Loi.

(Approved unanimously.)

Proposal 17.

In Section 50(4) after the words "casting vote" add the words "which he may use, or refer the matter to the Policy and Finance committee".

(Approved unanimously.)

Proposal 18.

In Section 58(2) change "during October" to "no later than the end of October in each year".

(Approved unanimously.)

Proposal 19.

Add to Section 62 Interpretation, a definition of Ordinarily Resident identical to that included in the Building and Development Control Law, 2002.

In Section 62 Interpretation, define "States Employee" to ensure that it only covers full time or a proportion of full time of established staff of the States of Alderney.

(Approved unanimously.)

The following proposals were disapproved having failed to attain seven votes, as required under Section 45(3) of the Government of Alderney Law:-

Proposal 5a.

Change Section 28(1) to enable an election of all members to be held every four years rather than half the members every two years.

(Proposal failed. For Messrs Walden, Williams and Mrs Bennett. Against Messrs Cox, Willmott, Pengilley Tugby, Dean, Miss Benfield and Mrs Maurice.)

Proposal 5b.

Change Section 28(1) to enable the elections to be held in April/May rather than November/December.

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

Proposal 9a.

Change Section 33(2)(b) concerning eligibility to be elected as President or a Member to:-

(a). has been ordinarily resident, after the age of 16 years, for at least 3 years in the preceding 20 years.

(Proposal failed. For Mr Willmott, Miss Benfield and Mrs Bennett. Against: Messrs Cox, Walden Pengilley, Williams, Tugby Dean and Mrs Maurice.)

Proposal 10.

Reduce the age of eligibility for entry on to the electoral roll from 18 to 16 years.

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

Proposal 13.

Add to section 42(2) "and such other persons at the discretion of the convenor".

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

Item III The States Water Supply (Rates of Charge) (Amendment) (Alderney) Ordinance, 2008

The States resolved to approve of "The States Water Supply (Rates of Charge) (Amendment) (Alderney) Ordinance, 2008.

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

(Approved unanimously.)

Item IV The Alderney eGambling (Amendment) (No 2) Regulations, 2007

The States resolved not to annul "The Alderney eGambling (Amendment) (No2) Regulations, 2007.

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

(Approved unanimously.)

Item V The Children (Guernsey and Alderney) Law, 2008

The States resolved to approve of "The Children (Guernsey and Alderney)

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

(Approved unanimously.)

Item VI The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008

The States resolved to approve of "The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008.

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

(Approved unanimously.)

Item VII The Magistrate's Court (Guernsey) Law, 2008

The States resolved to approve of "The Magistrate's Court (Guernsey) Law, 2008".

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

(Approved unanimously.)

Item VIII Questions and Reports

A verbal question regarding the publishing of States Members attendance allowance and their attendance at States Committees and other meetings during the year, was asked of the Chairman of Policy and Finance by Mr Cox.

Mr Williams reported on Waste Strategy advising that in June 2007 the States resolved to negotiate a contract with EHS to process Alderney's waste at a fixed gate price, where EHS provided the capital for the plant and took full responsibility for removal of all the materials arising from the process from the island, and provided a bond to finance the removal of the plant should it fail to meet expectations, this

being one of the principle clauses. EHS secured the promise of £2.5m funding for the plant from the well respected Dutch recycling equipment maker Bollegraff. Unfortunately Bollegraff do not make steam sterilisation equipment and were unable to provide the guarantee that they, Bollegraff, would remove the entire plant should it fail to meet expectations. Thus while Bollegraff would guarantee their own equipment and provide funds to EHS under a contract between them, a failure in the steam sterilisation equipment to meet performance guarantees would have left Alderney states negotiating with EHS for its removal, the funding for which would have been far from certain under the EHS/Bollegraff contract. Hence at the end of January 2008 negotiations with EHS were terminated. Mr Williams advised that there was a greater awareness of general activity in the use of steam sterilisation equipment for waste treatment and a second approach has been made to Alderney by another consortium with satisfactory credentials who are installing a major plant in Bridgend in Wales. The Waste Advisory Group would be considering this latest proposal.

Mr Williams was pleased to report that at the meeting of the Commercial Quay Project Board and Treasury and Resources in Guernsey yesterday, approval to agree the Commercial Quay Contract was given and the Contract was signed in Alderney earlier today. Mr Williams stated that this was Alderney's biggest capital project of modern times by a large margin, and reported that work would commence in May 2008.

Mr Williams advised that the Vallee Sewer was due for completion early in June 2008. Noting that as one project ended another started, therefore providing a continuous construction programme and dovetailing with the capital income stream from Gambling Commission surpluses and Conge.

Mr Williams expressed his thanks to the Commercial Quay Project Board team of Civil Servants, including two members from Guernsey, Politicians, a Law Officer, the Consultant and the Contractor for not only achieving a robust design, but for getting it through the approvals process in time for a Spring start.

The President reported that he had attended two celebratory events to mark the 40th Anniversary of Aurigny Air Services at which he had expressed his thanks to them, on behalf of everyone, for all that Aurigny had done for the island over the years.

The President congratulated the Commercial Quay Project Board on the speed at which they had progressed through to Contract stage.

The President welcomed His Excellency and Lady Malbon to the States Meeting.

Meeting ended: 19:10

Issued: 26th March 2008