



## BILLET D'ETAT FOR 21-02-2006

**Date: 21st February, 2006**

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 5:30 pm on Tuesday 21ST February 2006. This will be preceded by the People's Meeting, which will be held on Wednesday 15th February 2006 at 7:00 p.m. in the Island Hall.

Sir Norman Browse  
President

### Item I Chief Pleas

### Item II Sale of States Land

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

"The following submission in respect of the sale of States land was included on the Billet d'Etat dated 21st September 2005: -

By virtue of section 1 of The Government of Alderney Law, 2004, all executive functions which may be exercised in Alderney are exercisable by the States of Alderney or, in the case of a function conferred by or under any resolution, by the committee of the States or other body on which, or by the person on whom, the function is conferred.

The General Services Committee's mandate includes responsibility for the leasing of all States properties, other than States owned Forts, but neither it nor the Policy and Finance Committee has any mandate to sell States land. In fact, there is a duty not to reduce the area of States land without the authority of the States. Accordingly, each and every sale of States land must be approved by the States unless and until a resolution of the States provides otherwise.

The General Services Committee is requesting a mandate to offer certain States land for sale at prices to be approved by the Policy and Finance Committee. (The Policy and Finance Committee already has the mandate to advise on the financial aspects of leases granted by the General Services Committee.) I attach a Schedule of the land, which it is proposed to offer for sale. None of it is required for any States purpose. However the item was subsequently withdrawn at the States Meeting in order to allow further review. My Committee is now in a position to re-submit this revised item, which includes the additional information required.

The attached schedule shows the six pieces of land in question, together with a map of each area. The other areas of land numbered 7 and 8 in the original submission have been withdrawn at this stage due to their potential development value.

In view of the time lapsed since the initial valuations, re-valuations have been carried out by two independent estate agents, and reserve sale prices approved by both the General Services and the Policy

and Finance Committees.

It is the intention to offer the areas of land for sale by sealed tender, with the exception of the areas already leased under a formal lease agreement, which will be offered to the existing tenants in the first instance. The income raised from these areas of land will be treated as capital income, with the intention that this may be used to offset the purchase of other areas of land.

I shall be obliged if you will place this matter before the States at its next meeting with appropriate propositions.

B. Pengilley

Chairman"

The States is asked to resolve that the properties appearing in the attached schedule, and listed individually below, may be disposed of by the General Services Committee by way of freehold sale, at prices to be approved by the Policy and Finance Committee: -

1. Land at Mannez - part parcel AY 1855 (7.75 perch)

Offer to current tenant in first instance

2. Land at Mannez - part parcel AY 1855 (20.5 perch)

Offer to current tenant in first instance

3. Land at York Hill - parcel no AY 7 (28 perch)

Offer to current tenant in first instance

4. Land at Braye - part parcel AY114a (6.8 perch)

Offer to current tenant in first instance

5. Small store Braye Street - opposite Sea View Hotel

Sale by sealed tender

6. Chemin du Meunier - parcel AY 1674 (6 perch)

Sale by sealed tender

## **Item III Chairmanship of The General Services Committee**

Under clause 45(4) of the Government of Alderney Law 2004, four members of the States of Alderney have signed the following Requete: -

" THE HUMBLE PETITION of the undersigned Members of the States of Alderney

SHEWETH:

1. THAT, at their meeting on 13th January 1988 the States resolved, on item VIII of the Billet d'Etat for that month, that, subject to States Members remaining on the States of Alderney, they be elected to hold office on Committees for a period of not more than two years.

2. THAT, at their meeting on 12th January 2005 the states resolved, on item XII of the Billet d'Etat for that month to elect Mr Barry Pengilley as Chairman of the General Services Committee.

3. THAT, section 49 of the Government of Alderney Law, dealing with the appointment, duration, membership and quorum of committees, provides, at subsection (4), that the States may at any time elect a person to a committee appointed under subsection (1) or, by resolution, remove a person from such a committee; and section 50(1) of that Law provides that the chairman of a committee is such persons as the States elect as chairman of that committee.

4. THAT, your Petitioners no longer have confidence in Mr Pengilley's chairmanship of the General Services Committee.

THESE PREMISES CONSIDERED , your Petitioners humbly pray that the States of Alderney may be pleased to resolve, pursuant to section 49(4) and 50(1) of the Government of Alderney Law, 2004:

a. To remove Mr Barry Pengilley from the General Services Committee; and

b. To elect a Member of the States to complete the unexpired portion of the term of office of Mr Pengilly as Chairman of the General Services Committee, namely until the annual meeting of the States in January 2007.

AND YOUR PETITIONERS WILL EVER PRAY

ALDERNEY, this 10th day of January, 2006."

Signed by the following Members: Messrs Main and Walden, Mrs Phillips and Miss Benfield.

## **Item IV Committee Elections**

Under clause 45(4) of the Government of Alderney Law 2004, five members of the States of Alderney have signed the following Requete: -

"THE HUMBLE PETITION of the undersigned Members of the States of Alderney  
SHEWETH:

1. THAT, in accordance with the usual practice theretofore, the Billet for January 2005 asked the States:

a. at items IX, X and XI, to approve the mandates of the Policy and Finance Committee, the General Services Committee and the Building and Development Control Committee respectively;

b. at item XII, to elect the Chairmen of each of those Committees;

c. at item XIII, to elect members 3 Members to the Policy and Finance Committee (the Chairman of General Services being an ex officio member of this Committee); 5 members to the General Services Committee; and 4 Members to the Building and Development Control Committee;

and, again in accordance with that usual practice, none of the resolutions passed in respect of items IX, X, XI XII or XIII defined the period for which the resolution would be in force.

2. THAT, in contrast with that usual practice whereby Committee mandates have been approved and Committee Chairmen and Members have (unless the States have been asked to resolve otherwise in special circumstances) been elected on an annual basis, the Billet for January 2006 contains no items asking the States to approve the mandates, or elect Chairmen and Members, of those Committees.

3. THAT, section 49 of the Government of Alderney Law, dealing with the appointment, duration, membership and quorum of committees, provides:-

a. at subsection (3), that a committee appointed under subsection (1) shall exercise the functions delegated to it by resolution of the States during such period not exceeding 3 years as the States by resolution determine;

b. at subsection (4), that the States may at any time elect a person to a committee appointed under subsection (1) or, by resolution, remove a person from such a committee;

but, in the opinion of your Petitioners, is unhelpful in giving no guidance as to what default period might apply, absent any period specified by resolution.

4. THAT, in the opinion of your Petitioners, whilst there are good reasons for not changing the membership of committees if there is no change in the membership of the States, such a decision to depart from the previous practice, should only be made by resolution of the States.

THESE PREMISES CONSIDERED , your Petitioners humbly pray that the States of Alderney may be pleased to resolve that the Resolutions passed in January 2005 shall be amended as follows:

At Items IX, X, XI after the words "approve the mandate", and at Items XII and XIII after the words "to elect", there shall in each case be inserted ", for a period ending at the annual meeting of the States in January 2007,"

AND YOUR PETITIONERS WILL EVER PRAY

ALDERNEY, this 4th day of January, 2006."

Signed by the following Members: Messrs Walden, Main and Willmott, Mrs Phillips and Miss Benfield.

## **Item V The Taxation of Real Property (Enabling Provisions) (Guernsey and Alderney) Law, 2005**

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

"The above item appeared on the January 2006 Billet d'État, along with a letter from the Bailiff and a letter from the Chief Minister. Further copies of these are attached. The item was withdrawn for further consideration.

I have enquired into the circumstances in which this draft Projet de Loi - approved by the States of Guernsey on 27 July 2005 - has come before the States of Alderney for approval. By virtue of section 2 of the Alderney (Application of Legislation) Law, 1948 ("the 1948 Law") all taxes leviable by the States of Guernsey in Guernsey shall be leviable by the States of Guernsey in Alderney at the rates from time to time operative in Guernsey. Furthermore, every Law and Ordinance relating to taxes and duties shall be operative in Guernsey and Alderney "as though those Islands were one", subject to the proviso that Guernsey legislation may provide for exceptions, adaptations and modifications to give them effect in Alderney.

Tax on rateable value is a tax to which section 2 of the 1948 Law applies. The present legislation relating to tax on rateable value is the Tax on Rateable Values (Guernsey) Law, 1976 ("the 1976 Law") which, because of section 2 of the 1948 Law, was not (and did not need to be) put to the States of Alderney for consideration and approval.

The letter from the Chief Minister identifies the need to replace the Cadastre Law, 1947 ("the 1947 Law") which provides the basis (the Cadastre) on which the tax on rateable value is assessed. The 1947 Law (unlike the 1976 Law - under which the tax is levied) is not a law relating to, or levying, a tax or duty; it provides for the preparation and maintenance of the Cadastre, i.e. the identification and classification of properties to which rateable values are ascribed.

The present Projet de Loi provides a mechanism by which both the 1947 Law and the 1976 Law may be repealed and replaced. It will be evident from the above that the consideration and approval of the States of Alderney is not necessary as far as the repeal and replacement of the 1976 Law is concerned. However, I am advised that the Procureur and the Director of Legislative Drafting concluded that it would be better, if only for the avoidance of doubt, that the States of Alderney be asked to consider and approve the Projet de Loi which will deal with matters going beyond the new tax on rateable values by replacing or modifying the basis upon which the tax may be levied: i.e. the Cadastre.

The Chief Minister's letter states (at page 1251) that the review of tax on rateable values will also assess the implications for Alderney, in consultation with the States of Alderney. The actual tax to be levied in due course does not require States of Alderney approval, because of section 2 of the 1948 Law.

I would be obliged if the Bailiff's request for approval of the Projet de Loi could now be placed before the States at its next meeting together with an appropriate proposition.

Colonel P Walter

Chairman"

The States is asked to approve "The Taxation of Real Property (Enabling Provisions) (Guernsey and Alderney) Law, 2005".

(Note: A copy of the Projet de Loi may be seen in the States Office, Island Hall and the Alderney Library.)

## **Item VI Building and Development Control (Alderney) Law, 2002 - "C" Permits**

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

"Section 15 of the Building and Development Control (Alderney) Law, 2002, provides that the States may by Resolution prescribe the maximum number of new dwellings for the construction of which, whether by building, conversion or alteration, development permission may be granted by the Committee during such period as may be specified in any such Resolution. At its meeting on 3 April 1991 the States resolved that the maximum number of "C" Permits to be issued shall, until further resolution of the States, not exceed five in any one calendar year. The resolution also referred to "D" Permits but this is not of any present relevance.

What are generally known as "C" Permits are grants of development permission to persons qualified under the provisions of section 33 (1) (a) or (b) of the Law to be given permission to construct a dwelling. The Building and Development Control Committee has become increasingly of the view that the "C" Permit system may not be properly fulfilling its original purpose and that it may even be open to abuse. The Committee proposes to conduct a review and report to the States in due course. In the meantime the States is asked to resolve that the maximum number of "C" permits to be granted during the present calendar year is zero (unless the States earlier resolves otherwise).

I should be obliged if this could be placed before the States at its next meeting with an appropriate proposition.

Mr C Main  
Chairman"

The States is asked to resolve that notwithstanding its resolution of 3rd April 1991 (Item VII(a)) the maximum number of "C" Permits to be granted during the present calendar year is zero (unless the States earlier otherwise resolves).

## **Item VII Questions and Reports**

Issued Friday 10th February 2006

---