

BILLET D'ETAT FOR 24-05-2006

Date: 23rd May, 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 Wednesday 24th May 2006. This will be preceded by the People's Meeting, which will be held on Wednesday 17th May 2006 at 7:00 pm in the Island Hall.

Sir Norman Browse

President

Item I The Alderney Road Traffic and Public Highways (Amendment) Regulations, 2006

The following letter has been received from Mr Pengilley, Chairman of the General Services Committee:-
"I attach a copy of the above. Section 2(1) of The Alderney Road Traffic and Public Highways Ordinance, 1986 (the Ordinance), empowers the General Services Committee to make regulations, inter alia, requiring traffic to proceed in a specified direction or prohibiting its so proceeding. The current regulations are the Traffic Regulations 1986, as amended ("the Regulations"). The Regulations, at r. 2(a), provide that a person in charge of a vehicle shall comply with traffic signs erected, placed or marked on or near a public highway indicating one-way streets or roads. There is also provision (at r. 6(g)) for the placing of "No Entry" signs. A question has arisen as to whether the erection of a sign on the authority of the Committee is sufficient to designate a one-way street or road as such. To place the matter beyond doubt the Committee has decided to amend the Regulations so as to provide a Schedule of the various one-way streets and roads. In all but one case (Valongis) the Schedule reflects the signs already in place and the existing direction of traffic flow. In the case of Valongis the Committee (by a majority) has decided, in the interests of road safety, that the direction of traffic flow should be reversed. In so doing the Committee acknowledges the considerable opposition, which there has been to this but feels that it has a duty when determining an issue of road safety to act in accordance with its own judgement and the professional advice, including from the Police, which it has received.

Section 35(1) of the Ordinance provides that regulations (which includes any amendment thereof) shall be laid before a meeting of the States as soon as may be after the making thereof and, if at that meeting or at the next subsequent meeting, the States resolve that the regulations be annulled, the regulations shall cease to have effect. I would, therefore, be obliged if The Alderney Road Traffic and Public Highways (Amendment) Regulations, 2006, could be placed before the States at its next meeting with an appropriate proposition.

B A E Pengilley

Chairman"

The States is asked to resolve not to annul "The Alderney Road Traffic and Public Highways

(Amendment) Regulations, 2006".

Item II The Speed Trials (Alderney) Ordinance, 2006

The following letter has been received from Mr Pengilley, Chairman of the General Services Committee:-
"I am pleased to be able to report that the Guernsey Kart and Motor Club applied to the Committee for permission to organise a two-day Sprint and Hill Climb event on the 15th and 16th September this year at the Hammond Memorial/Lighthouse course and on Tourgis Hill. The Committee have granted the permission required and the necessary Ordinance has been prepared.

The Ordinance will allow competing vehicles to exceed the speed limit etc. and to permit the closure along the course (a) on the road extending from Whitegates to Mannez Lighthouse and (b) Tourgis Hill along the extent of the Hill Climb course, from the road junction of the Petit Val with Route de Picaterre to the junction of Tourgis Hill Road with the Grand Val.

As in past years, the Guernsey Kart and Motor Club has undertaken to put in place all necessary safety precautions and to liaise with the Police, Ambulance and Fire Service for these events.

The draft Ordinance is in the form approved by H M Procureur and I shall be obliged if you will place it before the States with an appropriate proposition.

B A E Pengilley
Chairman"

The States is asked to resolve to approve of "The Speed Trials (Alderney) Ordinance, 2006".

Item III Changes to Electoral System

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

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

1. THAT on the 20th October, 2004 the States resolved to approve the draft Projet de Loi entitled "The Government of Alderney Law, 2004".
2. Your Petitioners note that the system of electing members is now one of electing 5 members, biennially, for a term of office of four years.
3. Your Petitioners also note that recently there have been concerns regarding the way representatives are chosen to sit in the States of Alderney. There is a perception that sitting members encourage the support of new members by using a "vote swapping" procedure and criticism frequently surrounds the fact that the President is often obliged to use a casting vote when the votes are split evenly between the 10 members.
4. Your Petitioners consider that the states would function more effectively by holding one general election for ten members every four years.

THESE PREMISES CONSIDERED

YOUR PETITIONERS humbly pray that the States may be pleased to resolve as follows:-

- a. that Part III of the Government of Alderney Law, 2004 be amended; and
- b. that there be a general election for all ten Members of the States of Alderney every four years; and
- c. that the timing of the general election be not earlier than the 14th November and not later than the 14th December 2006; and
- d. that Her Majesty's Procureur be asked to draft the necessary legislation bringing this into effect with such other consequential amendments as will be required.

AND YOUR PETITIONERS WILL EVER PRAY

ALDERNEY, this 31st day of March, 2006."

Signed by the following Members: Messrs Main, Walden and Willmott, Mrs Phillips and Miss Benfield.
The States is asked to resolve to approve:-

- a. that Part III of the Government of Alderney Law, 2004 be amended; and
- b. that there be a general election for all ten Members of the States of Alderney every four years; and
- c. that the timing of the general election be not earlier than the 14th November and not later than the 14th December 2006; and
- d. that Her Majesty's Procureur be asked to draft the necessary legislation bringing this into effect with such other consequential amendments as will be required.

Item IV Alderney Community Sports and Health Charitable Trust

The following letter has been received from Colonel Walter, Chairman of the Policy and Finance Committee:-

"At last month's States Meeting I indicated that the assistance of the Law Officers had been sought in coming up with a formula in relation to the York Hill site which gives sufficient assurance to the Alderney Community Sports and Health Charitable Trust (and assists it in raising funds for the project) whilst protecting the position of the States. I further indicated that I expected, following the meeting of the Policy and Finance Committee on 4th May, to bring a proposition before the States at its meeting to be held on 24th May.

It is proposed that the Trust be granted an Agreement for a Lease. As this Agreement will have a draft lease annexed to it, and will give the Trust the right to be granted a lease on the terms of the draft once certain conditions are fulfilled, the States is asked to approve the main terms as follows:-

- (::) A term of 99 years.
- (::) A nominal ground rent of £1 per annum.
- (::) The lease will be granted on full repairing and insuring terms. The Trust will be responsible for both internal and external repairs and decoration, (including structure) and for insuring the building in its full replacement cost, with the interest of the States of Alderney noted on the policy.
- (::) A prohibition upon any structural or external additions or alterations without the consent of the States.
- (::) The building only to be used for the purposes of community facilities and in particular as a recreational and sports complex. No change of use will be permitted without the consent of the States, which may be withheld (since it is let on a long lease at a nominal rent).
- (::) No assignment or subletting of the building or the lease will be permitted without the consent of the States, which may be withheld.
- (::) The leased premises to be described by reference to a plan, and, if necessary, staked out on the ground.
- (::) The Tenant to be the Trust. The Trust not to change from or alter its charitable status without the consent of the States, which consent may be withheld.
- (::) The usual forfeiture provisions for breach of covenant.
- (::) A right for the Trust to offer a surrender of the lease to the States at any time. If the States does not wish to accept surrender, the Trust may then seek to assign or sublet the building notwithstanding the lease prohibition against assignment or underletting, but if assigned or underlet to a tenant that is a commercial (as opposed to a charitable or voluntary) organisation, the States shall be entitled to require a market review of the rent to be paid, and require regular rent reviews and such other variations to the lease as may be necessary to put it onto a commercial footing.
- (::) The Agreement for lease will oblige the States to grant and the Trust to take the lease subject to the satisfaction of the conditions set out below.

(::) The Trust being able to satisfy the States (acting reasonably) that it has raised sufficient money to construct the building. Such satisfaction to be determined by the Policy and Finance Committee but, in the event of refusal, being referred to the full States.

(::) The Trust being able to satisfy the States (acting reasonably) that it has sufficient revenue to operate the building for the first two years of operation. Such satisfaction to be determined by the Policy and Finance Committee but, in the event of refusal, being referred to the full States. This may be dealt with in the main by a business plan and projections but backed up by evidence of provisional applications for membership and evidence of other income generation from user groups.

(::) The Trust to obtain Development Permission.

(::) Completion of the construction of the building (the lease will be granted on or about practical completion).

(::) Provision for a long stop date, namely that if the conditions have not been satisfied by a certain date (3 years has been suggested, but the Trust has indicated a wish to negotiate on this) that the agreement may be terminated by notice in writing by either party.

(::) A licence may be granted within the Agreement to allow the Trust to undertake agreed activities on the land (surveying, works etc.) but not so far as to take possession.

The Trust has been informed of the above and is in the process of taking legal advice. The States is asked to approve an Agreement for a Lease based on the above but with the final terms to be agreed with the Trust. The Chief Executive to take instructions from the Policy and Finance Committee or the General Services Committee (in accordance with their respective mandates) in any area of doubt but without requirement to refer back to the full States before entering into the Agreement.

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

P F Walter
Chairman"

The States is asked to authorise the Chief Executive to enter into an Agreement for a Lease between the States of Alderney Community Sports and Health Charitable Trust based on the terms set out in the letter from the Chairman of the Policy and Finance Committee dated 8th May 2006, the Chief Executive to take instructions from the Policy and Finance Committee or the General Services Committee (in accordance with their respective mandates) in any area of doubt but without requirement to refer back to the full States before entering into the Agreement.

Item V Questions and Reports

Issued Friday 12th May 2006
