



BILLET D'ETAT FOR 22-07-2009

Date: 22nd July, 2009

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 5:30pm on Wednesday 22nd July 2009. This will be preceded by the People's Meeting, which will be held on Wednesday 15th July 2009 at 7:00 p.m. in the Island Hall.

Sir Norman Browse
President

Item 1 Commercial Quay Upper Berth Survey

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

As you are aware work is progressing on the refurbishment of the Commercial Quay and is due for completion in October/November 2009.

The Lower Berth project already voted at £9.5 million has only two items relating to the Upper Berth, the deck linking the two and minor works to the Upper Berth West Wall.

Whilst preparing the foundations for the new Lower Berth West Wall, the contractors identified a significant hole at foundation level where the two berths meet. Repair of this hole forms part of the Lower Berth project.

However this hole, coupled with a crack and depression observed in the deck, gave rise to a fear that the Upper Berth might be unstable, putting operations on the Lower Berth and indeed the Harbour at risk. A limited examination of the Upper Berth West Wall foundations by the dive team gave weight to the fear and it was recommended that an immediate survey be made to confirm it was safe to continue with the ongoing works, and with Harbour operations.

Urgent action was therefore essential as the dive team, and their associated equipment, were scheduled to be decommissioned within a few days. Therefore Halcrow Group Ltd was requested to visit urgently on 23rd June, in order to carry out an initial survey and make recommendations. Their initial view was that whilst the wall was not unstable an immediate detailed survey should be carried out.

Historically, reports by Inta-Sea [who carried out the last sea bed survey in 1982] and Coode Blizard [who in 1989 recommended an immediate underwater engineering inspection, which was not carried out] supported the view that a survey was long overdue and should be carried out now.

Halcrow proposed a Phase 1 non intrusive survey of the Upper Berth West Wall comprising a report on deformation and voids, general condition, settlement of the surface and a sea bed foundation survey. Included is laser scanning above water level that will provide a record against which any changes with time can easily be checked in future. The estimated cost for the survey, including contingencies is £68,000. Depending on the results of the Phase 1 work, a further Phase 2 intrusive survey may be necessary at an additional cost estimated at up to £100,000.

As major work to the Upper Berth West Wall is not within the existing refurbishment contract, it has been agreed that this should be treated as a separate project with an initial preliminary capital vote, and in order to avoid unnecessary expenditure, delays, and risk, urgent approval of £68,000 has been requested. This has been approved by the Policy and Finance Committee and the Treasury and Resources Department, subject to approval by the States of Alderney.

This item has highlighted the outdated financial restrictions [agreed in 1999] placed upon the States when faced with urgent decisions that must be made. Had the existing Lower Berth project not been in place, it would have been necessary to seek all the approvals including that from the States of Alderney whilst stopping work on the quay and in the Harbour. It is therefore proposed to increase the financial approval limit for capital items requiring approval by the full States of Alderney from £50,000 to £100,000 in order to give the States the required flexibility and avoid unnecessary delays. It is proposed that projects up to £100,000 would still require the approval of Treasury and Resources as at present.

I would be grateful if you would place this matter before the States of Alderney with appropriate propositions.

R. G. Willmott
Chairman

The States is asked to approve:-

The appointment of Halcrow Group Limited to carry out an initial survey on the Commercial Quay Upper Berth at a capital cost of £68,000.

The increase in financial approval limit by the States of Alderney in respect of Capital expenditure from £50,000 to £100,000

Item II Fort Quesnard Battery

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

Fort Quesnard Battery is presently leased to the owner of Fort Quesnard for £768 per annum. Its use is restricted to that of a pleasure garden and public access is available one day a year (between 10.00 a.m. and 5.00 p.m. on the first Sunday in July). The Battery has been well maintained by the lessee.

The States has received an offer by a prospective purchaser of the Fort to also purchase the Battery, at a price of £400,000. The Battery has been valued on behalf of the States and this is considered to be an acceptable offer. If this proceeds to a sale it is also considered appropriate that the terms include that the Fort and Battery be maintained in common ownership, that the use of the Battery continue to be limited to a pleasure garden and that the existing annual right of public access be maintained. It should also be noted that the existing right of way does not provide access to the Battery. Provision should be made for the annual right of access to be exercised through the garden of the Fort and over the bridge.

I attach a plan of the Fort and Battery.

A decision to sell the Battery can only be made by resolution of the States. I will be grateful if this letter could be placed before the States together with an appropriate resolution.

R. G. Willmott
Chairman

The States is asked to resolve that the Fort Quesnard Battery be sold for the sum of £400,000 and that the Chief Executive be instructed to negotiate terms, including as to the use of the Battery and public access, based on those in the existing lease, to be approved by the Policy and Finance Committee.

Item III The Alderney Road Traffic and Public Highways (Amendment) Regulations, 2009

The following letter has been received from Mr Walden, Chairman of the General Services Committee:

I attach a copy of the above, which were made on 5th March 2009 and came into force on 15th June 2009. The Regulations amend regulation 12 of the Traffic Regulations 1986, as amended, to insert a new obligation that requires every vehicle to have working brake lights and two sets of indicators, conditional upon such brake lights and indicators having been fitted to the vehicle.

Section 35(2) of the Alderney Road Traffic and Public Highways Ordinance, 1966 provides that regulations made under the Ordinance be laid before the States as soon as may be after the making thereof and, if at that meeting or the next subsequent meeting, the States resolve that the regulations be annulled, the regulations shall cease to have effect. I will recommend that the States resolves not to annul them.

I would be obliged if the Alderney Road Traffic and Public Highways (Amendment) Regulations, 2009 are placed before the States at its next Meeting together with an appropriate proposition.

W Walden
Chairman

The States is asked to resolve that The Alderney Road Traffic and Public Highways (Amendment) Regulations, 2009 not be annulled.

Item IV The Housing (Exemptions) (No.4) (Alderney) Ordinance, 2009

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

Miss Alexandra Fiske Harrison wishes to construct a new dwelling on land adjoining 15 Little Street, registered as entry number AY1603. This will require an ordinance exempting her from the provisions of section 33 of the Building and Development Control (Alderney) Law, 2002. I attach, for this purpose, the proposed Housing (Exemptions) (No.4) (Alderney) Ordinance, 2009.

Members will note that exemption will apply only in relation to Miss Harrison's application for planning permission to construct a new dwelling and that this permission does not count towards the number of C permits for the time being prescribed for purposes of section 15 of the 2002 Law.

I would be grateful if the Housing (Exemptions) (No.4) (Alderney) Ordinance, 2009 is placed before the States when it next meets together with an appropriate resolution.

E Bennett
Chairman

The States is asked to approve of The Housing (Exemptions) (No.4) (Alderney) Ordinance, 2009.

Item V The Housing (Exemptions) (No.5) (Alderney) Ordinance, 2009

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

Mr James MacFarlane and Mr Christopher Cauvain wish to subdivide their property, 37 High Street, into two separate dwellings. This will require an ordinance exempting them from the provisions of section 33 of the Building and Development Control (Alderney) Law, 2002. I attach, for this purpose, the proposed Housing (Exemptions) (No.5) (Alderney) Ordinance, 2009.

Members will note that exemption will apply only in relation to Mr MacFarlane's and Mr Cauvain's application for planning permission to subdivide the property and that this permission does not count towards the number of C permits for the time being prescribed for purposes of section 15 of the 2002 Law.

I would be grateful if the Housing (Exemptions) (No.5) (Alderney) Ordinance, 2009 is placed before the States when it next meets together with an appropriate resolution.

E Bennett
Chairman

The States is asked to approve of The Housing (Exemptions) (No.5) (Alderney) Ordinance, 2009.

Item VI The Digital Switchover (Disclosure of Information) (Guernsey and Alderney) Law, 2009

The following letter has been received from the President:-

Please find enclosed a letter from the Bailiff, dated 25th June 2009 seeking approval of the above law.

I would therefore be obliged if you would debate this matter at your meeting on 22nd July 2009 and give your approval as set out in the letter.

Sir Norman Browne
President

The States is asked to approve of The Digital Switchover (Disclosure of Information) (Guernsey and Alderney) Law, 2009.

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

Item VII Questions and Reports

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