

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

27th November, 2019

Proposition No. P.2019/88

POLICY & RESOURCES COMMITTEE

COMMITTEE OPERATIONAL RESPONSIBILITIES
AND
THE ORGANISATION OF STATES' AFFAIRS (TRANSFER OF FUNCTIONS AND
CONSEQUENTIAL MATTERS) ORDINANCE, 2019

AMENDMENT

Proposed by: Deputy G A St Pier

Seconded by: Deputy L S Trott

For Proposition 1, substitute the following proposition:-

"1. To note the contents and to agree the schedules of operational responsibilities for the various States' Committees as set out in the Appendix to this Proposition"

Explanatory note

Since publication of the policy letter, a few amendments and corrections to the Schedule of Operational Responsibilities for the Committee *for* Economic Development, the Committee *for the* Environment & Infrastructure and the Development & Planning Authority have been requested. The Policy & Resources Committee considers that the submission of a single Amendment which addresses all these matters by reference to an Appendix, which in effect replaces the Appendix as published in the policy letter, is the simplest approach and so avoids the need for multiple individual Amendments to be laid.

The substantive amendments to the Appendix as annexed to the policy letter are as follows:

- (a) **Committee for the Environment & Infrastructure** -
- (i) To amend footnote 4 linked to item 7 of the Schedule of Operational Responsibilities to include reference to two additional pieces of legislation under which the Office for Environmental Health & Pollution Regulation derives statutory responsibilities;
 - (ii) To delete item 10 concerning the provision of advice and administrative support relating to land planning and renumber the subsequent items;
 - (iii) To delete item 23 and its associated footnote 11 in respect of operational responsibilities for sea fisheries, as the statutory responsibilities for regulating fisheries under the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012 and the Fishing (Licensing and Protection of Fisheries) Ordinance, 1987 rest with the Committee for Economic Development.
- (b) **Development & Planning Authority** -
- (i) To delete the word “administering” from item 2;
 - (ii) To amend and combine items 3 and 4 in one item 3 which describes functions under legislation relating to salles publiques,; and
 - (iii) To insert a new item 4: “Providing advice and administrative support relating to land planning other than in relation to the certification of the States’ Strategic Land Use Plan.”
- and
- (c) **Committee for Economic Development** - to delete footnote 8 linked to item 5 given the statutory responsibilities under the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012 and the Fishing (Licensing and Protection of Fisheries) Ordinance, 1987 rest with the Committee for Economic Development .

In relation to sea fisheries it should be noted that operational responsibilities for sea fisheries rest with the Committee for Economic Development. However, the Committee for the Environment & Infrastructure holds a wide and important responsibility for the environment and biodiversity, a responsibility that encompasses the marine as well as the terrestrial environment. The Committee for Economic Development has the statutory responsibility for the sustainable exploitation of living marine resources, which is closely aligned to that Committee’s responsibility for the Sea Fisheries operational function. As a result of these responsibilities there are synergies and complimentary roles requiring close working between the two committees at political and officer level.

APPENDIX

"ANNEX TWO TO THE MANDATES OF COMMITTEES OF THE STATES SCHEDULE OF COMMITTEES' OPERATIONAL FUNCTIONS"

Policy & Resources Committee – Operational Functions

The Policy & Resources Committee shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
1. External relations
 2. Providing administrative support for independent tribunals
 3. Public Sector Remuneration
 4. Revenue Service
 5. Government policy function
 6. Treasury
 7. Provision of corporate services including:
 - a. Business continuity
 - b. Communications
 - c. Data and analysis services
 - d. Data protection
 - e. Finance services
 - f. Health and safety
 - g. Information and support services
 - h. Insurance services
 - i. Internal Audit
 - j. OneHR
 - k. Payments to States' Members
 - l. Procurement services
 - m. Risk management
 - n. Shared services
 8. Providing advice and administrative support for the Island's Douzaines through the Douzaine Liaison Group
 9. Prioritisation of legislation
 10. Alderney Liaison Group
 11. Sark Liaison Group
 12. The Bailiwick Council
 13. Oversight and co-ordination of the Channel Islands Public Service Board
 14. Studying and reporting on Schemes for the application of certain General Synod measures¹.

¹ See Resolution 3(a) of Billet d'État XXI of 27th November 2015 (<https://www.gov.gg/CHttpHandler.ashx?id=99231&p=0>)

- (b) Any other operational functions for which the Policy & Resources Committee was responsible for delivering or overseeing immediately before 13th August 2019.

Committee *for* Economic Development – Operational Functions

The Committee *for* Economic Development shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
 - 1. Promoting and attracting economic activity to Guernsey through the implementation of the States of Guernsey's economic development strategy
 - 2. Visit Guernsey
 - 3. Locate Guernsey
 - 4. Digital Greenhouse
 - 5. Sea Fisheries
 - 6. Providing advice and administrative support for the Guernsey Registry (Companies Registry and Intellectual Property Office)
 - 7. Providing advice and administrative support for the Office of the Director of Civil Aviation Office
 - 8. Providing advice and administrative support for the Aircraft Registry (2-Reg)
 - 9. Broadcasting services
 - 10. Providing advice and administrative support for the Office of the Public Trustee
 - 11. Providing advice and administrative support for regulated sectors under the Committee's mandate

- (b) Any other operational functions for which the Committee *for* Economic Development was responsible for delivering or overseeing immediately before 13th August 2019.

Committee for Education, Sport & Culture – Operational Functions

The Committee for Education, Sport & Culture shall deliver or oversee the delivery of

–

(a) Operational functions relating to -

Sport & Culture

1. The management of Beau Sèjour Leisure Centre
2. The management of outdoor sporting and recreational facilities excluding public parks (but including Delancey Park)
3. The management of the States of Guernsey museums and galleries
4. The management of States of Guernsey historical and archaeological sites
5. The planning and implementing of appropriate arrangements to mark the Island's celebrations of Liberation Day including religious services

Education

6. Oversight of the Guernsey Training Agency
7. The management of the Institute of Health & Social Care Studies
8. Pre-school places, funding and quality standards
9. The management of mainstream and special schools, St Anne's Alderney and Herm School
10. Post 16 education
11. Governance of schools
12. Professional Standards in teaching
13. Providing advice and administrative support in respect of the Grant-Aided Colleges, including but not limited to financial support for special place holders and fee payers at the Grant-Aided Colleges
14. Higher education and further education on and off-Island, including student finance

Services

15. Island Archives
16. Library Services, including the Schools' Library Service, and grant support for the Guille Allès Library and Priaulx Library
17. Guernsey Music Service
18. Careers Guernsey - all-age careers service
19. GWEx – Guernsey Work Experience for school children
20. Providing grant-aid, liaison with, and oversight of the:
 - Youth Commission, including the Holiday Playscheme and the Duke of Edinburgh Awards Scheme
 - Sports Commission
 - Arts Commission
21. States Apprenticeship Scheme – grant aid
22. Support to third party providers of services including grant aiding organisations e.g. Dyslexia Day Service, Sailing Trust

Special Education Needs Support Services; Safeguarding; Health and Well-being

23. Health and relationship advisory services
24. Co-ordination and quality assurance of support agencies and external providers supporting schools
25. Support services for children with learning and communication difficulties, including behavioural, visual and sensory needs
26. Formal Assessment and Determination of Need and SEN Code of Practice
27. Special Education Equipment Grants
28. English as an additional language
29. Communication and Autism Service
30. Education Psychology Service
31. School Attendance Service
32. Home education and education other than at school
33. Multi-agency support e.g. ASET and MASH; mental health and well-being; child-protection
34. Serious Case Reviews and Islands Safeguarding Children Partnership
35. Critical Incident Support for schools including Child Protection and Business Continuity

Education Authority, Policy and Quality Assurance

36. Strategy, Policy & Quality Assurance of Education Authority functions and Education Policy
37. SACRE – School Advisory Council for Religious Education
38. Inspection of all Schools and College of Further Education
39. Inspection of Education Services/Audit of Sport & Culture Services
40. Standards and learning effectiveness
41. Summer Schools and transition days

Admissions

42. School Admissions including pre-school, special school, primary, secondary and post-16
43. Catchment areas; planning and management

Training

44. Education Development Centre: Professional Development
45. Initial Teacher Training and QTS training programmes training. Progression pathways for Learning Support Assistants
46. In-service training (INSET) and CPD

Resources & Communication

47. Outdoor Learning and off-site visits –advice and compliance with safety procedures and trip planning
48. School Transport Services (in conjunction with the Office of the Committee for the Environment & Infrastructure)
49. School facilities hire
50. Building maintenance for education controlled premises
51. Health and Safety / Risk Management

- 52. Education Building Programmes (development and maintenance of the Education real estate)
- 53. Parents' open events and forums
- 54. Guernsey Prison Partnership Agreement

(b) Any other operational functions for which the Committee *for* Education, Sport & Culture was responsible for delivering or overseeing immediately before 13th August 2019.

Committee for Employment & Social Security – Operational Functions

The Committee *for* Employment & Social Security shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
 1. The Health and Safety Executive
 2. The Employment Relations Service
 3. The Guernsey Legal Aid Service
 4. The administration of contributory and non-contributory benefits
 5. The operation of the Job Centre and various back to work and work rehabilitation programmes
 6. The organisation of reciprocal agreements relating to social insurance entitlements
 7. Investment of the Guernsey Health Service Fund, Long-Term Care Insurance Fund and Guernsey Insurance Fund
 8. Administration of the Corporate Housing Programme (CHP), including the CHP Fund
 9. Management and maintenance of States-owned social rented housing
 10. Administration of the rent rebate scheme
 11. Administration of keyworker accommodation
 12. Administration of social rented and extra care housing allocation and waiting lists
 13. The distribution and management of a number of charitable grants.

- (b) Any other operational functions for which the Committee *for* Employment & Social Security was responsible for delivering or overseeing immediately before 13th August 2019.

Committee for the Environment & Infrastructure – Operational Functions

The Committee for the Environment & Infrastructure shall deliver or oversee the delivery of –

(a) Operational functions relating to -

Environment: Environmental Protection and Management

1. The promotion and coordination of environmental initiatives;
2. Environmental management and advice²
3. The conservation and enhancement of the natural and semi-natural environment;
4. The management of the natural and semi-natural environment of States owned land including sites of nature conservation importance, cliff paths, beaches, headlands, Lihou island and other public areas and parks, gardens and plantations;
5. Plant Health (& control of weeds and invasive plant species)
6. The management of environmental emergencies
7. Environmental Health³
8. Agriculture and Countryside:
 - Guernsey cattle breed programme (AI Service and breed recording)
 - Farm Biodiversity Action Plans and state aid
 - Countryside and farming advice
 - Provision of slaughterhouse and carcass incinerator facilities
 - Veterinary Services / States Veterinary Officer,
 - Animal Health (& biosecurity)
 - Animal Welfare (& the licensing of veterinary surgeons and veterinary medicines)

Infrastructure : Land Use and Planning

9. Providing advice and administrative support for the preparation of the:
 - Strategic Land Use Plan
 - Marine Spatial Plan
10. Providing administrative support for the Planning Panel

Infrastructure : Coastal Infrastructure

11. The maintenance and repair of all sea wall structures around the Island
12. Coastal flood/sea inundation prevention schemes and developments
13. La Vallette Bathing Pools

² NB - States resolution 5 of 8th February 2012 (Article X of Billet d'État X of 201212 refers) requires oversight/liaison with the Director of Environmental Health and Pollution Regulation (the Director) on water pollution and monitoring for the same. These functions will be carried out by the Director when Part VI (Water Pollution) of the Environmental Pollution (Guernsey) Law, 2004 is commenced.

³ NB – under the provisions of the Loi relative à la Santé Publique, 1934, the Public Health Ordinance, 1936, the Food and Environment Protection Act 1985 (Guernsey) Order 1987 and the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016, the statutory responsibility rests with the Committee for Health & Social Care; however the duties are exercised by the Office for Environmental Health & Pollution Regulation with operational oversight by the Committee for the Environment & Infrastructure.

14. Alderney Breakwater

Infrastructure : Transport

15. Traffic management, road safety and the regulation of public transport

16. Vehicle registration and vehicle and driver licensing

17. The maintenance of the structure and wearing surfaces of the road network and green lanes including road cleaning.

18. The management, collection and disposal of surface waters that fall on and/or pass under the road network.

Infrastructure : Maritime Affairs

19. Receivership of wrecks

20. Administration of the Maritime Strategy

21. Administration of the Civil Hydrography Programme

Infrastructure : Housing

22. Administration of the Open Market Housing Register

Infrastructure : Energy

23. Energy advisory services

24. Renewable energy – trials, data acquisition, and public understanding

Infrastructure : Commodities

25. Security of supply of essential commodities including food, fuel and energy

- (b) Any other operational functions for which the Committee *for the Environment & Infrastructure* was responsible for delivering or overseeing immediately before 13th August 2019.

Committee for Health & Social Care – Operational Functions

The Committee *for* Health & Social Care shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
1. Providing advice and administrative support in relation to the:
 - governance, regulation and registration of health and social care professionals and services
 - regulation of nursing and residential homes
 - Health Improvement Commission
 2. Commissioning and delivery of various health and social care services including secondary healthcare and off island services
 3. Acute hospital services including adult, paediatric, maternity and neonatal services
 4. Diagnostic and therapeutic services
 5. Children and Family Community Services
 6. Adult Community Services including services within the community, services for older people and for adults with a disability
 7. Mental Health
 8. Providing administrative support for statutory officials within health and social care
 9. Public Health Services
 10. Environmental Health⁴
 11. Liaison with Sark for health and social care
 12. Carewatch
- (b) Any other operational functions for which the Committee *for* Health & Social Care was responsible for delivering or overseeing immediately before 13th August 2019.

⁴ NB – under the provisions of the Loi relative à la Santé Publique, 1934, the Public Health Ordinance, 1936, the Food and Environment Protection Act 1985 (Guernsey) Order 1987 and the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016 the statutory responsibility rests with the Committee *for* Health & Social Care; however the duties are exercised by the Office *for* Environmental Health & Pollution Regulation with operational oversight by the Committee *for the* Environment & Infrastructure.

Committee for Home Affairs – Operational Functions

The Committee *for* Home Affairs shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
 - 1. Providing advice and administrative support for
 - The Population Management Law
 - Liquor licensing
 - The registration and control of firearms
 - Gambling
 - The Disclosure and Barring Service and Vetting Unit
 - 2. The operation of:
 - Law Enforcement
 - Guernsey Prison
 - Guernsey Probation Service
 - Family Proceedings Advisory Service
 - Guernsey Fire and Rescue Service
 - Emergency Planning function and Civil Protection Volunteer
 - 3. Providing administrative support to independent tribunals
- (b) Any other operational functions for which the Committee *for* Home Affairs was responsible for delivering or overseeing immediately before 13th August 2019.

Civil Contingency Authority – Operational Functions

The Civil Contingency Authority shall deliver or oversee the delivery of –

- (a) Operational functions conferred under Parts 2 and 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012.
- (b) Any other operational functions for which the Civil Contingencies Authority was responsible for delivering or overseeing immediately before 13th August 2019.

Development & Planning Authority – Operational Functions

The Development & Planning Authority shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
1. Planning legislation (except those that relate to planning inquiry administration), including:
 - Enforcing planning legislation
 - Operational functions relating to preparing development plans, subject plans, local planning briefs, guidance notes, development frameworks
 - Administering planning applications and pre-application advice requests
 - Making building regulations and Guernsey technical standards
 - Administering building regulation applications and pre-application advice requests
 - Conservation and design advice
 - Administering the statutory lists of protected buildings and protected monuments
 - Administering tree protection orders and functions in relation to sites of special significance and conservation areas
 - Immunity certificates and property searches
 2. The High Hedges (Guernsey) Law, 2016
 3. Loi ayant rapport aux Licences pour les Salles Publiques, 1914, public building and entertainment inspection and licensing
 4. Providing advice and administrative support relating to land planning
 5. Clearance of ruins
- (b) Any other operational functions for which the Development & Planning Authority was responsible for delivering or overseeing immediately before 13th August 2019.

Overseas Aid & Development Commission – Operational Functions

The Duties & Powers set out in the mandate of the Overseas Aid & Development Commission are also considered operational functions.

Any other operational functions for which the Overseas Aid & Development Commission was responsible for delivering or overseeing immediately before 13th August 2019.

Scrutiny Management Committee – Operational Functions

The Scrutiny Management Committee shall deliver or oversee the delivery of –

(a) Operational functions relating to -

Scrutiny

1. Providing advice and administrative support for the process of political scrutiny

Public Accounts

2. Providing advice and administrative support for the proper scrutiny is given to the States' assets, expenditure and revenues
3. Providing advice and administrative support for the examination of whether public funds have been applied for the purposes intended by the States
4. Providing advice and administrative support for the external audit process

Legislation

5. Providing advice and administrative support the review and revision of draft Projets de Loi and Ordinances as transmit for enactment in accordance with Article 66 of the Reform (Guernsey) Law, 1948

(b) Any other operational functions for which the Scrutiny Management Committee was responsible for delivering or overseeing immediately before 13th August 2019.

States' Assembly & Constitution Committee – Operational Functions

The States' Assembly & Constitution Committee shall deliver or oversee the delivery of

- (a) Operational functions relating to -
 1. Providing advice and administrative support in relation to the Committee's mandate
 2. Hansard – production and publication
 3. Statistics relating to States' Members and Meetings – collation and presentation to the States of Deliberation

- (b) Any other operational functions for which the States' Assembly & Constitution Committee was responsible for delivering or overseeing immediately before 13th August 2019.

States' Trading Supervisory Board – Operational Functions

The States' Trading Supervisory Board shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
1. Management of Guernsey and Alderney airports
 2. Management of St Peter Port and St Sampson's Harbours including:
 - Coast guard services
 - Guernsey register of British ships
 - Maritime safety including the investigation of marine accidents, provision of navigational aids, safety information and liaison with search and rescue services
 - Monitoring the compliance with international and local laws of all vessels in Bailiwick waters and control of shipping in Bailiwick waters, excluding receiver of wreck and responding to pollution at sea
 - Pilotage services
 3. Management of the collection, disposal and recovery of solid waste
 4. The Waste Disposal Authority
 5. Management of the public water supply and waste water disposal including:
 - Monitoring water catchment area for pollution & nutrient levels
 - Management of controlled streams
 - Collection and treatment of rainfall
 - Water pollution
 6. Management of a direct labour organisation and emergency works response team (States' Works)
 7. Management of the Guernsey Dairy including liaison with its stakeholders
 8. Administration and promotion of the Channel Islands' lottery
 9. Shareholder's functions and duties in respect of the States' trading companies
 10. Management and administration of all States-owned and leased property and real estate including the provision of advice to the organisation on property matters and the provision of corporate engineering and architectural services
- (b) Any other operational functions for which the States' Trading Supervisory Board was responsible for delivering or overseeing immediately before 13th August 2019.

Transport Licensing Authority – Operational Functions

The Transport Licensing Authority shall deliver or oversee the delivery of –

- (a) Operational functions relating to:
 - Providing administrative support for the regulation and licensing of transport services under the Air Transport Licensing (Guernsey) Law, 1995, including the issuing of air route licences.
- (b) Any other operational functions for which the Transport Licensing Authority was responsible for delivering or overseeing immediately before 13th August 2019."