



BILLET D'ÉTAT

III
2003

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BILLET D'ÉTAT

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE, on WEDNESDAY, the 26th FEBRUARY, 2003,** immediately after the Meeting already convened for that day...

STATES ADVISORY AND FINANCE COMMITTEE

STATES AUDIT COMMISSION: MEMBERSHIP

The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

20 January, 2003

Dear Sir,

THE STATES AUDIT COMMISSION: MEMBERSHIP

Re-election of Existing Member

In accordance with the provisions of sub-paragraph 4 (1) of Schedule 1 of the States Audit Commission (Guernsey) Law, 1997, Mr. John Preston Lee retires as a member of the Commission on 1 March 2003.

The Committee, having consulted with the Commission, is pleased to re-nominate Mr. Lee to be an ordinary member of the Commission with effect from 1 March 2003.

Election of New Members

In October 2002 (Billet D'Etat XXII) the States, on the recommendation of the Advisory and Finance Committee, resolved that the number of non-States members of the Audit Commission be increased from 4 to 6.

The Committee, again having consulted with the Commission, is pleased to nominate the following individuals as new members with effect from 1 March 2003:

Mrs. Jennifer Mary Tasker

Mrs. Tasker was born in Benfleet, Essex, England in 1939 and came to the Island as Headmistress of the La Mare de Carteret Secondary School in 1986 (she retired in the Summer of 2001). She has been a Director of the Channel Islands Co-operative Society since 1997 and is a Douzenier and Constable of St. Peter Port and a member of the St. Peter Port Parochial Outdoor Assistance Board. In 2002 she was elected as a non-States member of the Island Development Committee.

Mrs. Tasker is also active in the voluntary sector and was a founder member of the Guernsey Childline and is the current Chairman of the Guernsey Branch of Save the Children and Secretary of the Soroptimist International of Guernsey.

Mr. Christopher Howard Bradshaw

Mr. Bradshaw was born in Swansea, Wales in 1944. He qualified as an Associate of the Chartered Institute of Bankers in 1970 and was elected to Fellowship in 1990. Between April 1993 and May 2002 he was Chief Executive of Bristol & West International Limited.

He has held a number of honorary appointments for various professional and voluntary organisations including: President of the Guernsey Centre of the Chartered Institute of Bankers; Chairman of the Building Societies Association Offshore Committee; President of the Rotary Club of Guernsey and Chairman of Relate (Guernsey) Limited.

The Committee therefore recommends that the States:

- a) Re-elect **Mr. John Lee** as a member of the States Audit Commission with effect from 1 March 2003.
- b) Elect **Mrs. Jenny Tasker** as a member of the States Audit Commission with effect from 1 March 2003.
- c) Elect **Mr. Christopher Bradshaw** as a member of the States Audit Commission with effect from 1 March 2003.

I should be grateful if you would lay this matter before the States with the appropriate propositions.

Yours faithfully,

L. C. MORGAN

President, States Advisory and Finance Committee

The States are asked:

I.-

- 1. To re-elect Mr. John Preston Lee as an ordinary member of the States Audit Commission with effect from the 1st March, 2003.
- 2. To elect Mrs. Jennifer Mary Tasker as an ordinary member of the States Audit Commission with effect from the 1st March 2003.
- 3. To elect Mr. Christopher Howard Bradshaw as an ordinary member of the States Audit Commission with effect from the 1st March, 2003.

STATES ADVISORY AND FINANCE COMMITTEE

PAROLE REVIEW COMMITTEE - CHAIRMAN

The President
States of Guernsey
Royal Court House
St Peter Port
Guernsey

23rd January, 2003

Dear Sir,

PAROLE REVIEW COMMITTEE

The constitution of the Parole Review Committee is determined by States' resolution. On the 14th December, 1989 the States resolved that the chairman of the Parole Review Committee shall be appointed by the States and shall be an independent person, i.e. not a sitting member of the States nor a person holding judicial office, chosen because of his experience and standing in the community. The ordinary members of the Committee are appointed by the Royal Court and are also independent persons.

Douzenier David James Ozanne was first appointed Chairman of the Parole Review Committee in 1997. His present term of office expires on the 28th February, 2003. The States Advisory and Finance Committee is grateful to Douzenier Ozanne for the work he has done and has no hesitation in recommending his reappointment for a further three years with effect from the 1st March, 2003.

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

Yours faithfully,

L.C. Morgan

President
States Advisory and Finance Committee

The States are asked to decide:-

II.- Whether, after consideration of the Report dated the 23rd January, 2003, of the States Advisory and Finance Committee, they are of opinion:-

To appoint Douzenier David James Ozanne as Chairman of the Parole Review Committee for a term of three years from the 1st March, 2003.

STATES EDUCATION COUNCIL

PROGRESSING THE EDUCATION DEVELOPMENT PLAN:

1. Phasing Programme 1 of the Plan 2. The Forest Special Needs Centre
3. The Site for the new North Schools

23rd January, 2003

The President,
States of Guernsey,
Royal Court House,
ST. PETER PORT.
GY1 2PB

Dear Sir,

Progressing the Education Development Plan:

1. **Phasing Programme 1 of the Plan** 2. **The Forest Special Needs Centre**
3. **The Site for the new North Schools**

Executive Summary

Purpose of the Policy Letter

1. This report seeks:

- to inform the States of the progress which has been made by the Education Council on Programme 1 of its site development plan for Education (hereafter the Education Development Plan) which was approved in principle by the States in April 2002; and
- the States' approval for five aspects of the plan which now require to be resolved before further progress can be made.

2. These aspects are:

- to approve the Education Council's proposals to phase the building projects in Programme 1 of the Education Development Plan, subject to the outcome of the Strategic Review
- to instruct the Advisory and Finance Committee to transfer appropriate sums from the Capital Reserve to allow the Programme 1 site developments to be progressed in a timely and cost effective manner
- to agree to the building of a new Special Needs Centre on the Vinery site adjacent to the Forest School playing field at a total cost not exceeding £13,900,000
- to vote the Council a credit of £13,900,000 to cover the cost of the new Special Needs Centre, such sum to be taken from the capital allocation of the Education Council

- to approve the use by the States Education Council of the Les Nicolles Vinery site for the construction of a new secondary school for the north of the Island and a new Special Needs secondary school on the same site.

Background

Previous States Resolutions

3. In May 2001 the States considered the Council's policy letter on *The Future of Secondary and Tertiary Education in the Bailiwick of Guernsey* and approved, following amendment, the following resolutions directing the Education Council to:
 - *retain the Grammar School as an 11-18 school incorporating a Sixth Form Centre*
 - *report back to the States as soon as may be with proposals to develop three new High Schools, such proposals to include outline costs for the complete redevelopment*
 - *report back to the States with proposals to develop an improved College of Further Education on its existing site or such alternative site as the Council considers appropriate, such proposals to include costs for the complete development*
 - *raise the school leaving age to 16 by the beginning of the academic year 2008/9 or sooner if resources and curriculum arrangements permit.*
4. In April 2002 the States considered the Education Council's follow-up policy letter *A Site Development Plan for the Reorganisation of Secondary, Post-16 and Special Needs Education in the Bailiwick of Guernsey*.
5. The Council presented three programmes for action in that policy letter:
 - **Programme 1** – the Site Development Plan (rebuilding)
(This was the main focus of the policy letter and was targeted at the secondary, post-16 and Special Needs sectors)
 - **Programme 2** – the Site Development Plan (rationalisation, renovation and improvement:
 - Primary
 - Grammar School
 - Education Department and Central Services
 - **Programme 3** – the Development, Funding and Accountability of non-States Schools:

- Blanchelande Girls' College
 - The Ladies' College
 - Elizabeth College
 - Voluntary Schools
 - Private Schools
6. In the policy letter the Council emphasised that its rebuilding and refurbishment proposals were designed to provide buildings which were fit for modern day educational purposes and which provided enough places for pupils which were of good condition.
7. The States approved the following resolutions:
- *to approve in principle the outline proposals for the reorganisation of secondary, post-16 and special needs education in the Bailiwick of Guernsey*
 - *to approve in principle the Council's proposals for the relocation of education facilities, alterations to premises and construction of new buildings as set out in its Site Development Plan*
 - *to authorise the Council to progress the Site Development Plan by the appointment, subject to the approval of the Advisory and Finance Committee, of an overall Project Manager and other advisers to assist in the production and implementation of a detailed project execution plan, individual elements of which will be submitted to the States or the Advisory and Finance Committee as appropriate*
 - *to vote a credit of £4,000,000 to cover the cost of compiling the project execution plan and formulating proposals for the initial individual projects, which sum shall be taken from the capital allocation of the States Education Council*
 - *to authorise the Advisory and Finance Committee, bearing in mind the prevailing overall economic circumstances, other financial demands on States funding and the ability of the construction industry to undertake the works, to take account of the Education Council's balance of capital allocation and its other capital priorities at the relevant time and, if necessary, to release to that allocation from the Capital Reserve appropriate sums for the furtherance of the Site Development Plan*
 - *to direct the Advisory and Finance Committee when recommending to the States revenue allocations for the States Education Council for 2003 and subsequent years, to take account of the additional costs associated with the Site Development Plan.*

Phasing Programme 1 of the Education Development Plan

Initial Planning

8. Following the States in principle approval of the Council's Programme 1 (the plans for the reorganisation and rebuilding of the institutions providing for secondary, post-16 and special needs education and training) the Council commenced the next stage of the planning for the ten site-specific projects.
9. Programmes 2 and 3 are also being progressed and the Council will need to return to the States in due course with its proposals for these projects. However, this policy letter is concerned with the reorganisation proposals and the ten site specific projects of Programme 1.

The Ten Site-specific Projects

10. The projects are:
 - a new Special Needs Primary school and Special Education Services Centre at the Forest
 - a new Special Needs Secondary school on the new North School site
 - a Centre for Emotionally and Behaviourally Disturbed Children in refurbished buildings at Oakvale School
 - a new 720 pupil 11-16 School on the Les Beaucamps Secondary School site
 - a new 720 pupil 11-16 School on the La Mare de Carteret Secondary School site
 - a new 720 pupil 11-16 School on a site in the North of the Island
 - a new Primary School to replace La Mare de Carteret Primary School
 - a new Sixth Form Centre building adjacent to the Grammar School
 - a new College of Further Education on the St. Peter Port Secondary Site
 - a Primary School in refurbished buildings in the main part of St. Sampson's Secondary School.

Key Factors in Planning the Construction Aspects

11. Key factors taken into consideration in planning the construction aspects of the projects in Programme 1 have been:
 - the reorganisation would require some schools to close
 - the need for some land acquisition
 - the return to the States of some redundant sites
 - whole life planning and costing
 - community use (Recreation/Arts/Parish/Pre-School/Lifelong Learning) of the new buildings
 - ICT enabled buildings
 - long life/loose fit/low energy/low maintenance design criteria
 - improved professional facilities for staff in the schools

Programme and Cost Estimates – April 2002

12. In the April 2002 policy letter, the Council had emphasised that the provisional programme and costings it had included were based on the best information it had available to it in the light of its recent building projects. The Council stated that:

“The Council emphasises that the building schedule and associated outline costs shown on the next page are **provisional estimates** based on the Council’s experience of building earlier schools and on commissioned research including the Drivers Jonas report on post-16 site appraisal, the Sheffield Survey of the Council’s School, the Barnett report on Options for Secondary Education and the Capita Report on site appraisal for the North School project. *The drawing up of a detailed project execution plan, and the expert scrutiny this will involve, will inevitably lead to revision to both the phasing of the building programme and the costings.*”

13. The Council also acknowledged that it would only be able to progress the projects subject to other financial demands on the States, construction industry capacity, other capital priorities and overall economic circumstances.

The Option Appraisal

14. Following the April 2002 resolutions and on advice from the Advisory and Finance Committee’s Strategic Property Unit and Estates Sub-Committee, the Council commissioned King Sturge, an international project management company, **to conduct an Option Appraisal on the objectives of the April 2002 policy letter, the specific basis of which was the construction of new buildings in a single phase.**
15. King Sturge was required to define a deliverable solution by which the Council’s site development objectives could be met. The company’s scope of study included:
- site appraisal and site solutions
 - programme
 - policy considerations
 - consultation
 - implementation (organisation, procurement and risk management)
 - operation
 - costs
 - problems/issues
16. King Sturge developed a model for each site that enabled the company to examine and evaluate design, programme and financial implications and to feed that data into an overall model for programme 1 as a whole.

The Option Appraisal Conclusions

17. **King Sturge advised the Education Council that the Option Appraisal programme provided the optimum solution from an educational perspective and allowed implementation of all ten projects between 2003 and 2008.** That programme also sought to minimise the impact of current inflationary trends on the Island. By planning completion of the programme in six years the elements of inflation on the cost of the programme would be minimised.
18. King Sturge identified the need for clear understanding of the inter-relationship between each element of the plan. It emphasised the benefits to the construction industry which could be accomplished by sequencing specific aspects of the construction process among the different projects. **It also cautioned that seeing the plan simply as a series of individual or divisible projects failed to recognise that the plan involved a complex reorganisation of pupils and staff.**

Design

19. King Sturge confirmed that in broad terms the **programme was capable of being developed on the sites originally envisaged.**
20. The preliminary designs that formed the basis of the study achieved, in King Sturge's view;
 - high quality buildings which can remain flexible
 - high energy efficiency
 - maximum natural light and ventilation
 - incorporation of the latest technology requirements
 - allowances for future changes to ICT capabilities
 - **buildings with a life expectancy of at least 50 years**
 - environmental compatibility
 - completion as soon as possible with minimum disruption
 - value for money.

Programme

21. In programme terms King Sturge confirmed that a **six year programme could deliver the plan** and in practical terms facilitate the development of the proposed buildings whilst managing both the Island and Education Council's resourcing implications in a structured and coordinated manner.

Cost

22. In financial terms, having built a cost model for each site, King Sturge established that the **original indicative costs put forward within the April 2002 policy letter were appropriate.** (See Table 1 below)

23. King Sturge noted that these indicative costs had excluded certain elements and risk items and identified the **most significant of these additional costs as being that of the inflation allowance to reflect the programme.**
24. **Table 1** shows the original indicative costs and the exclusions from the April 2002 policy letter.

<u>Table 1 : April 2002 Policy Letter Indicative Costs</u>	
Build Costs	£ 96.7 m
Fees	£ 11.6 m
Fixtures and Fittings	£ 3.0 m
Balance Figure	£ 8.7 m
Total	£120.0 m
Exclusions:	
Relocation Costs	Demolitions
Conversion Costs	Risks
Land Purchases	Contingency
Abnormal Works	Inflation
External Works	

25. **Table 2** shows the original indicative costs from the April 2002 policy letter with the exclusions costed in by King Sturge to cover the indicative 10 year programme of works which was envisaged in the policy letter. Land purchases remain excluded from these costings, as does inflation.

<u>Table 2 : April 2002 Policy Letter Indicative Costs – including exclusions</u>	
Build Costs	£96.7 m
Fees	£11.6 m
Fixtures and Fittings	£ 3.0 m
Balancing Figure	£ 8.7 m
Sub Total	£120.0 m
Abnormals/Risk/Contingency	£17.1 m
Demolitions	£ 1.6 m
External Works & Fees	£19.7 m
Oakvale EBD	£ 1.7 m
Total (excluding land purchases)	£160.1 m

26. Following the more detailed appraisal of costs which the Council had commissioned from King Sturge, and on the basis of a programme of six years, King Sturge produced a cost for the overall construction programme of £149.5 million. The indicative costs of the April 2002 policy letter are also shown for comparison purposes (Table 3):

<u>Table 3 : Option Appraisal Costs</u>		
	Option Appraisal	Indicative Costs (April 2002)
Build Costs	£88.6 m	£ 96.7 m
Fees	£15.1 m	£ 11.6 m
Fixtures and Fittings	£ 5.7 m	£ 3.0 m
Balancing Figure	Excl.	£ 8.7m
Sub Total	£109.4 m	£120.0 m
Abnormals/Risk/Contingency	£17.1 m	£ 17.1m
Demolitions	£ 1.6 m	£ 1.6 m
External Works & Fees	£19.7 m	£ 19.7 m
Oakvale EBD	£ 1.7 m	£ 1.7 m
Sub Total	£149.5 m	£160.1m

27. The Council has followed the States' convention of presenting the costs of capital projects at current values without including inflation. Incorporating inflation figures on the current estimates becomes more arbitrary and potentially misleading the longer the programme is scheduled to run.
28. However, King Sturge has provisionally calculated the inflation costs of:
- a] running the six year programme recommended by them in the Option Appraisal;
 - b] running the programme over ten years as indicatively shown in the April 2002 policy letter; and
 - c] running the programme sooner.
29. **King Sturge has shown that deferment of the programme will lead to a significant increase in the overall total cost. They estimate that over a ten-year programme, as included in the April 2002 policy letter, inflation would total about £42.6 million. For the six-year programme recommended as the optimum approach in the Option Appraisal inflation would be £33.0 million. Such a change of four years would therefore add another £10.0 million to the overall costs.**
30. **Further deferment of the programme will add many millions, probably tens of millions, to the overall cost in addition to the educational and maintenance implications and the problems associated with continuing to use the existing tired buildings that are already past their due replacement.**
31. King Sturge also noted that the programme would allow the return to the States of the Coutanchez, Grange House and Brock Road sites with a potential cash value between £10 and £20 million.

Policy Guidelines and Construction Capability

32. In addition, King Sturge examined other issues that would impact upon the plan in terms of policy. The examination included discussions at officer level with other States committees to clarify that the projects could be deliverable within States policy guidelines and with regard to their impact on the construction economy of Guernsey.

The Reduced Scope Option

33. King Sturge recognised the Council's plans would be coming forward for approval at a time when other significant capital projects would also be under consideration on the Island.
34. A preliminary assessment was, therefore, carried out of the opportunity for reducing the size of works by a combined programme of new build and temporary refurbishment of existing facilities to reduce the immediate capital budget requirements. **King Sturge identified that the estimated cost for this reduced size option would be significantly inflated by backlog maintenance costs just to bring the fabric and services to a reasonable condition.**
35. King Sturge found that the expansion and refurbishment of the existing estate would not be a cost effective way of achieving the scale of the facilities to meet current Department for Education and Skills guidelines once all the maintenance backlog is taken into account when compared to new build. **This option would only be a short term solution owing to the condition of the existing buildings, which would become increasingly difficult and costly to maintain safely, and which would fail to meet satisfactorily all the key design principles set out in the policy letter,** such as cost efficiency, high quality design, minimal disruption, future flexibility of space, disabled access and the requirements of the curriculum.
36. **King Sturge concluded, therefore, that the proposed facilities approved by the States in the April 2002 policy letter would eventually need to be built as new and that the option of combining new build and refurbishment for all but St. Sampson's and Oakvale was not a viable solution.**

The Need to Phase the Education Development Plan

37. King Sturge's advice to the Education Council was that the Option Appraisal Programme, which allowed implementation of all ten projects between 2003 and 2008, was the optimum solution, not only to maximise the efficient phasing of construction works and to minimise the inflationary impact, but also from the educational perspective of minimising disruption to children's learning. The Council endorsed this Option Appraisal conclusion.
38. However, King Sturge also noted that the cost of £149.5 million before inflation (inflation adding £33 million over the period 2003-2008) would create a significant cash flow demand over a limited period.
39. **The Advisory and Finance Committee has now advised the Education Council that the cash flow required to sustain this programme is not within the capability of the States to fund from its own resources at the present time, nor would it support borrowing for such expenditure.**
40. King Sturge was accordingly asked by the Education Council to recommend **a phased replacement programme** in order to implement the policy letter proposals, but enabling deferment of future costs until funds were available.

41. **This phased programme would require the existing stock to be maintained until replaced, provide the most needed facilities early in the programme and comply with the proposals in the April policy letter.**
42. King Sturge was also asked to identify where target cost savings could be set to manage the additional inflationary costs within the Option Appraisal budget figure which would be due to the extended programme that phasing would require.
43. King Sturge has cautioned that significant further savings could only be made by reducing community facilities, reducing the scope of the works and deferring the maintenance backlog, all of which would have a fundamental effect on the quality of the educational provision in the Island and on the ability of the Island to provide adequately for the raising of the school leaving age as is now required and for promoting opportunities for lifelong learning.

The Educational Implications of Phasing the Plan

44. **The Option Appraisal has reinforced the need for a clear understanding that Programme 1 should not be seen merely as a series of individual or divisible construction projects, but as a complex reorganisation of education services for pupils and staff.**
45. **Four secondary schools will become three, three special schools will become two and a new EBD Centre will be established. New facilities will be needed for the essential partnerships between the Sixth Form Centre, the College of Further Education and the secondary schools to develop. Schools services will be relocated and a new primary school will be created in the North of the Island**
46. Consequently, the reorganisation will have far reaching implications for families and for the **redeployment of staff**. It will require the **redrawing of catchment areas** for pupils and this will have attendant **traffic implications**.
47. A sustained programme of rebuilding will also mean for some pupils that a major part of their **time in education could be accompanied by disruption** due to building works and this will have inevitable **implications for maintaining curriculum continuity**
48. The Council's Site Development Plan policy letter in April 2002 had explained that meeting the ongoing education and training needs of the Island would mean that a major reorganisation of services for secondary, post-16 and special needs would have to take place and that this would require rationalisation of the Council's estate.

Implications for Secondary Education

49. **At secondary level**, changes in pupil numbers, the raising of the school leaving age in 2008/9 and changes in the facilities required for teaching the curriculum means that the present arrangement of four secondary schools in deteriorating, inflexible buildings needs to be replaced by three larger purpose-built schools to enable a wider choice of subjects, more setting of pupils by ability and more specialist teachers to be available.

Implications for Special Needs Education

50. **In special needs education**, the growth in the number of pupils with special needs, the changing nature of those needs and the increase in their complexity means that improved facilities are long overdue. In addition, the growing problem of disaffected and disruptive children and children with emotional and behavioural difficulties means that specialist facilities are urgently required on the Island. There is a clear expectation within the Island community that the Council's present facilities for special needs education should be radically overhauled to meet twenty-first century standards and this was debated in detail at the time of the April 2002 policy letter.

Implications for Lifelong Learning

51. **At post-16 level** there is a global expansion in lifelong learning and the Island has to meet the demands of a knowledge-based service economy, heavily reliant on ICT capability and with a requirement for reskilling opportunities to be provided.
52. Increases in participation rates, both for the 16-19 age range and for adult learners in general means that the present facilities at the Grammar School and the College of Further Education can no longer cope. Students are staying longer in full time education or are enrolling in growing numbers in Apprenticeship Schemes.
53. The development of a 14-19 curriculum and the need to provide alternative vocational courses as the school leaving age is raised means that the College of Further Education requires more accommodation. No further additions on the three current sites run by the College are possible. The provision of a multi-purpose auditorium and associated teaching spaces on the new College site at St. Peter Port school will allow for the development of dance/drama, art, media and music technology courses for which there is a growing demand on the Island. The facility will also provide assembly and examination facilities and be able to be used for performances and lectures both by the College and as an income generating facilities for the use of commerce, other States committees and clubs and societies.
54. The change in A-level qualifications means a wider range of courses need to be resourced and a wider range of options need to be available. The Grammar School therefore requires more teaching spaces and social and administration facilities for its Sixth Form, **which has grown from 197 when the school opened in 1985 to 359 in 2002** and which is projected to continue to grow.
55. The only way this growth in demand for lifelong learning can be accommodated in the Island is by providing the Sixth Form Centre at the Grammar School and the College of Further Education with improved and expanded facilities on sites closer to each other so that the partnership which has already been established to share facilities and expertise can be further enhanced for the benefit of the students.

The Proposed Phases of the Plan

56. King Sturge has, therefore, worked with the Education Council and its officers to adopt a phased solution to divide the project into 5 manageable phases which ensure the educational needs and demands can be met and that adequate facilities are available at all times which can be staffed appropriately.
57. **The phasing programme is designed to be flexible: phasing can be brought forward or deferred depending on the availability of funds, and any project that is being progressed can be suspended at three key stages:**
- **Project Initiation**
 - **Stage D (budget approval and planning drawings)**
 - **Construction Contract (Financial close)**
58. The **Strategic Review** which King Sturge is due to complete by the time of the States debate will analyse the philosophy, design, programme and cost implications in more detail but the basic framework is given below. From Phase 2 onwards the cash flow available and the assessment of the impact of maintenance and condition of buildings on the Strategic Review will affect the phasing of the projects.

Phase 1 – construction period 2003-2005

Special Education Centre – Forest
 Special Needs Secondary School – North Site
 Phase A works College of Further Education
 Sixth Form Centre – Grammar School
 Essential backlog maintenance

59. By the end of Phase 1 very positive improvements in the Education estate will have been achieved. The relocation of Special Needs pupils from their existing schools to their new purpose built schools will have been completed. The Longfield and Mont Varouf School sites will be released for use for other purposes and Oakvale School will be freed to await conversion to become a Centre for Emotionally and Behaviourally Disturbed children.
60. The College of Further Education will have gained major improvements to its facilities. The auditorium and adjacent teaching rooms and studios will allow the College to invigilate its own examinations on site, have a meeting and performance space, add new curriculum facilities to the courses it provides for the Island, reduce the overcrowding at the main Coutanchez site and allow the process of removal from the Old Boys Grammar Site in Brock Road to begin. In addition the Island will gain a new venue for meetings, performances and exhibitions.
61. The Sixth Form students at the Grammar School will have gained their own Centre building which will give them much needed private study facilities, additional classrooms, careers facilities and social and recreational space. This will ease the pressure on the accommodation in the rest of the Grammar School building.

62. However, key aspects of the reorganisation proposals approved by the States in April 2002 will be still to happen. The four secondary schools will not have begun the process of merging into three and this will delay the curriculum benefits which will be gained by the larger schools having more flexibility to set pupils, to appoint specialist staff and to use the new schools as a recruitment incentive for new staff.
63. Until the new North School is built on the same site, the children in the Special Secondary School will not have the opportunity to gain access to the facilities in the mainstream secondary school. The EBD Centre at Oakvale will, similarly, still be on hold until the next phase is completed.
64. The College of Further Education will still be on its existing sites and until St. Peter Port School can be closed the process of moving completely to the new site cannot begin. The sites which will eventually be able to be returned to the States – Brock Road, Les Coutanchez and Grange House – will continue to be used for the College until the further relocation can be effected.

Phase 2 – construction period 2004-2007

Phase A works Les Beaucamps
 Secondary School – North Site
 Conversion of Oakvale to an EBD Centre
 Phase B works College of Further Education

65. **By the end of these two phases a significant milestone in the reorganisation will have been reached: the four secondary schools will have been merged into three, the North Special School will have access to mainstream secondary facilities; the new Centre for Emotionally and Behaviourly Disturbed Children will have been set up in Oakvale; more facilities will have been created for the College of Further Education, and Grange House (and possibly the Brock Road) site will have been released to the States.**
66. It is essential for the Council's reorganisation plans that Phases 1 and 2 be completed as quickly as possible. Until both Phases 1 and 2 are achieved the Council will be unable to effect, even on a temporary basis, the reorganisation of the four secondary schools into three and the final elements of special needs reorganisation. This will create serious problems with the efficient redeployment of staff to the new schools and could leave some pupils in half empty schools until the final stages of transfer can be effected. Similarly, the provision of new courses to meet the demands of Lifelong Learning at the College of Further Education will be put at risk as numbers of students increase unless new facilities can be provided expeditiously.

Phase 3 – construction period 2005-2008

La Mare de Carteret Primary School
 Phase B works Les Beaucamps
 Temporary adaptation works St. Peter Port Secondary

67. **By the end of this phase the Primary School at La Mare de Carteret will have been rebuilt and the Brock Road site will be released to the States.**

Phase 4 – construction period 2008 – 2012

Phase C works Les Beaucamps
Phase A works La Mare de Carteret Secondary
Phase C works College of Further Education

68. **By the end of this phase the Secondary School on the Les Beaucamps site will have been completely rebuilt and building work will be well underway on new facilities for the College of Further Education at the St. Peter Port site.**

Phase 5 – construction period 2009-2014

Phase B works La Mare de Carteret Secondary
Phase D works College of Further Education
St. Sampson's Primary School

69. **By the end of this phase the secondary school on the La Mare de Carteret site will have been rebuilt, the dual use Sports Hall and pool will have opened and the College of Further Education will be located on a single site, thereby releasing the Coutanchez site to be returned to the States. St. Sampson's Infants will have moved to become a Primary School in remodelled buildings at St. Sampson's Secondary.**

Revenue Implications

70. In the Options Appraisal King Sturge stated that the creation of a new modern school estate would necessitate a review of the methodology for operation of the schools. A maintenance policy will be prepared for the new Estate and will be used by the project team for each development to prepare a planned preventative maintenance schedule. This will form part of a maintenance plan for each development confirming the type, expected cost, type of expertise required and permitted intervals of maintenance work. The schedule can assist in establishing the required maintenance budget for the life of the building.
71. The Strategic Review and, if approved, the Special Needs Centre at the Forest, will form the basis for other projects and for assessing the Revenue implications for maintenance as well as other staff and supply budgets in order to achieve best long term value. The Education Council will work with the Advisory and Finance Committee to identify and manage all the Revenue budget implications.

Funding of the Phases of the Plan

72. The Council recognises that the cash flow required to fund Programme 1 is dependent on the availability of States resources. However, the Council has been advised by King Sturge that **“If the budget approved is less than that recommended for the Option Appraisal, careful consideration of educational priorities and user group needs will have to be made to scale back the development. This will, however, affect the ability of Guernsey to compete with the UK in the standard of education to be delivered to their students.”**
73. Following presentation of the Option Appraisal and the Council’s proposals for the phased development of the Education Development Plan, **the Advisory and Finance Committee has indicated that it would give in principle support for a sum not to exceed £32,000,000 to be taken from the Capital Reserve to go towards works prioritised in Phase 1, subject to the outcome of the Strategic Review. The Committee will also support additional sums being made available for the backlog maintenance programme which will be required and for the ongoing planning for the future phases.**
74. **The Committee has advised the Education Council that, for planning purposes only, the sum of £10,000,000 per annum could be considered an indicative amount for the phasing of further projects.**
75. The Council is aware of the many demands on the Capital Reserve, but is concerned that at this level of future funding the programme of works which, in its optimum solution, could have been most cost effectively implemented by 2008 at a cost of £149.5 million before inflation will now take at least double the amount of time to complete and with a very large increase in costs, partly due to the increased maintenance work required to maintain existing buildings, but mainly due to the significant inflationary impact caused by extending the programme
76. **The Council considers that it is essential to progress the projects in phase 1 and phase 2 as quickly as possible and that, following on from the initial allocation of capital funding, planning on an indicative basis of £10,000,000 per annum for the remaining phases will result in an extended programme which will serve the Island’s children very poorly at a time when the global investment in education is increasing. The Council therefore considers that for planning purposes the Advisory and Finance Committee should be directed to set aside £15,000,000 per year from 2004 for the subsequent phases of the programme.**

77. The States are, therefore, asked to:

- approve, subject to the final recommendations of the Strategic Review, the States Education Council's proposals for the phasing of the building projects in Programme 1 of the Education Development Plan as set out in paragraphs 56 to 76
- to authorise the Education Council to proceed with Phase 1 of Programme 1 as detailed in paragraphs 57 to 64 of this report, subject to the States approval of individual projects
- to authorise the Advisory and Finance Committee to transfer a sum of £32,000,000 from the Capital Reserve to the capital allocation of the Council for this purpose
- to vote the Education Council a credit of £2,000,000 to cover the cost of formulating the initial planning for the individual elements of Phase 2 of Programme 1, such sum to be charged to the capital allocation of the Education Council
- to authorise the Advisory and Finance Committee to transfer a sum of £2,000,000 for this purpose from the Capital Reserve to the capital allocation of the Education Council
- to vote the Education Council a credit of £2,250,000 to cover the initial stages of the essential maintenance programme, such sum to be charged to the capital allocation of the Education Council
- to give delegated authority to the Advisory and Finance Committee to approve the acceptance of all tenders in respect of this work
- to direct the Advisory and Finance Committee to take account of the cost of the essential maintenance when recommending future additional capital allocations and revenue allocations for the Education Council
- to note that the Education Council, in conjunction with the Advisory and Finance Committee, and for planning purposes only will work on the basis of a minimum of £15,000,000 per annum being made available from 2004 for the purposes of progressing the remaining phases of Programme 1 of the Education Development Plan.

The Forest Special Needs Centre

Background

78. The States approved in principle in April 2002 the building of a Special Needs Centre on a vinery site adjoining the Forest Primary School playing field. The Centre represents an exciting new phase of inter-committee cooperation with the Board of Health and Education Council working together on the same site to assess and meet the special needs of children. The Centre was to include:

- a **Primary Special School**
- a multi-agency **Pre-school Nursery and Assessment Centre**
- an administration **centre for special education support services**
- accommodation for the Board of Health **child development** service.

79. The current arrangement of schools and services for children with significant special educational needs is causing growing problems, both in organisational terms and because of the inadequacies of the present accommodation. The problems are exacerbated because of the growth in numbers of children with:

- Profound and multiple learning difficulties
- Language and communication difficulties including autistic spectrum disorders
- Emotional and behavioural difficulties including mental health disorders

80. This growth in numbers means that children are having to remain in mainstream education when their needs would be better addressed by there being greater accessibility to placement in a special school. **The current lack of such places is adversely affecting the functioning of the mainstream schools and the Island is failing to provide the flexibility and opportunities that young people with special educational needs have the right to expect.**

81. Those primary children who would currently be educated at Mont Varouf School, The Longfield Centre or at Oakvale School will transfer to this new Primary Special School. The children will spend most of their time at the Special School, which will have its own headteacher, staff and curriculum and grounds but, where appropriate, they will be able to be included in lessons in the mainstream school. This new special school will provide accommodation for up to 150 pre-11 children.

The Design Brief

82. The Centre will provide a Nursery for children aged between the age of 2 – 4 who have special needs, including medical needs. Up to 20 children may attend on a part-time basis, up to 5 of the week. At the age of 4+ children will either transfer to their catchment area school, or on the basis of multi-agency assessment move on to the Special Primary School.

83. The Primary Special School will have a maximum of 150 children aged between 4+ and 11 years of age. Most pupils will attend full-time but some pupils will be offered part-time or short term attendance to receive focused specialist provision.

84. Children attending the Primary Special School will have a range of special educational needs including:
- moderate learning difficulties;
 - severe learning difficulties
 - profound and multiple learning difficulties
 - language and communication difficulties including autistic spectrum disorders
85. The Special Needs Centre is designed to accommodate the full range of special educational needs, but to be as far as possible like other primary schools with the following curriculum and teaching areas:
- classrooms (1 reception class + 2 classes in years 1 – 6)
 - hall
 - multi-media room for design, craft and technology
 - music room
 - food technology room
 - library
 - medial room
 - ICT room
 - offices and administrative rooms
86. There are also a range of specialist rooms not found in other schools which include:
- a hydrotherapy pool
 - 2 sensory rooms (1 black, 1 white)
 - a soft play area
 - specialist teaching areas for pupils with language and communication disorders (2)
 - specialist room for pupils with profound and multiple learning difficulties (1)
87. It is intended that the hydrotherapy pool, sensory and soft play areas will be for the benefit not only of children with specific disabilities but for dual use by other children in the school, and pupils from the Forest Primary School. For instance the hydrotherapy pool is designed for pupils with severe physical needs but is suitable for use by non-swimmers and younger children learning to swim.
88. There will be a parents room in the school where parents can meet with professionals working with their children and with the other parents of children who also attend the school.
89. In each wing of the school there will be fully fitted hygiene areas and there will also be a fully equipped medical room, staffed by 2 qualified nurses. The classrooms will have flexible partition walls so that different teaching areas can be arranged to meet the needs of different groups of children.

90. Although the appearance of the school is that of an ordinary primary school, it is designed to give full access to the physically and sensory disabled. Corridors and doorways will be wide enough for the easy access of children in wheelchairs or using walking frames. The corridors will have recessed radiators for clear movement for the visually impaired. All surfaces will be matt so as not to distract or confuse the visually impaired or autistic. The school will be specially constructed to reduce interference for the hearing impaired, but natural sound is accessible to the visually impaired. All colours and finishes will take account of the needs of the sensory impaired.
91. All teaching areas are on the ground floor with lift and stairway access to the first floor. The outside of the school is also designed to assist the child with special needs. There are, in addition to traditional playground facilities, outdoor teaching areas and sensory gardens.
92. Children attending the Special Primary School will, when appropriate, attend classes at the Forest Primary School. It is also anticipated that specialist curriculum areas will be used by pupils from the Primary School. Both schools will share the use of the football pitch located between the schools. It is anticipated that children from both schools will benefit from the close proximity of the other.

Child Development Centre

93. Following detailed consultation and planning with Board of Health staff, a Board of Health Child Development Centre will be located within the buildings next to the school nursery to enhance multi-agency working with pre-school and infant children. The benefit of this will be a more effective and efficient service for children, families and staff which will reflect the very best practice in this area of work where early multi-agency intervention reaps rewards. The Child Development Centre is designed to have its own identity and ethos, with separate access. It will be open 52 weeks of the year enabling continuous support and treatment to children. The operation of these services and provision of the necessary fixtures, furniture and equipment will be funded in total by the Board of Health. Such costs will include staffing costs, operating costs and an appropriate share of the costs of the dual use facilities.
94. The Child Development Centre will be re-located from a variety of Board of Health locations. It will support children with a wide range of special needs and their families and the team includes a Consultant Paediatrician, psychologist, physiotherapists, occupational and speech therapists, a play therapist, orthoptists, nurses and administrative staff. The team will support children and their families who have a wide range of special needs. Many of the children they work with during the pre-school phase will attend their catchment area school. Others, after attending the school nursery, will continue on the Forest site at the Primary Special School.

95. Staff from the Child Development Service [CDS] and the nursery will work together in the Assessment Suite at the Forest in the diagnosis and assessment of pupils needs. This multi-agency assessment will inform the medical and educational intervention programme designed to meet each child's needs. The Assessment Centre will include a technologically aided monitoring room observation and consultation rooms. Children will be observed in a number of situations and settings thus enhancing the assessment process. These provisions will allow the child to be observed in 3 different settings, which are the nursery, play areas and with interaction with individuals or smaller groups of children. This facility will provide essential information to determine the needs of the child and inform clinical and educational practice.
96. On the first floor of the Special Needs Centre there will be physiotherapy, occupational therapy and speech and language therapy assessment and treatment rooms. These facilities will be used mainly by pupils attending the Primary Special School, but from time to time, as needs arise, pupils from other schools will be able to get support and treatment on this site. The hydrotherapy pool will play an important part in these children's treatment programme.

Special Education Services and Child Development Service Administrative Centre

97. There will be individual and open plan office space for members of the Special Education Services including the Learning Support Service, Visual and Hearing Impairment Services, Language and Communication Service, the Educational Psychology Service and the Child Development Service. This will further enhance communication and improve multi-agency working. The Centre will have meeting rooms and a conference room which will be able to be used by staff working on site, or booked out to Education Staff from other schools for in-service training. It may also be used by other child care services subject to availability.
98. The transfer of the Board of Health, CDS to the Forest site provides improved access and facilities for children with special needs and their families. This was previously provided in cramped and inadequate facilities on multiple sites. The centralisation of staff and facilities will inevitably lead to an improved service provision. The provision of these facilities in the Forest will allow for the closure of the fast deteriorating buildings at The Longfield Assessment Centre, the transfer of the primary age children away from the increasingly inadequate facilities at Mont Varouf School, and the crowded facilities at Oakvale School, and the relocation of the special educational needs services from Granville House.

Future Stages of the Development

99. With the approval of the Estates Sub-Committee and the Advisory and Finance Committee, this project has been developed to Stage D for financial approval and consultants have been appointed to take the project to this stage.
100. In summary, the project provides two storey accommodation to a total of approximately 4,200m² with a target budget of £13,900,000.
101. Following Stage D which is projected to conclude in February 2003, the remainder of the programme is as follows:

- Enabling Works July – October 2003
- Design February – August 2003
- Construction/Contract September 2003
- Construction October 2004 – May 2005
- Decant and Mobilisation June 2005 – August 2005

102. Procurement is recommended as two stage risk transfer and enabling works would comprise incoming services, entrance works, demolitions and site decontamination, pitch relocation and a construction access road.

103. Consultations have taken place at officer level with the Island Development Committee and further consultations will take place prior to the Stage D proposals being brought to the Estates Sub-Committee.

104. **The States are, therefore, asked to:**

- **approve the provision of a Special Needs Centre at the Forest**
- **to delegate authority to the Education Council to seek tenders for contractors and other professional services required to progress this project**
- **to give delegated authority to the Advisory and Finance Committee to approve the acceptance of tenders in connection with this project and to approve a capital vote, not exceeding £13,900,000, such sum to be charged to the capital allocation of the Education Council.**

**A Site for the new North Secondary School and
an adjacent Special Needs Secondary School**

Background

Site Appraisals

105. In the April 2002 policy letter, the Council stated:

“The three new schools, for a maximum of 720 pupils each, will be built on the sites of Les Beaucamps Secondary School, La Mare de Carteret Secondary School and at a new location in the North of the Island.

“In consultation with the Estates Sub-Committee, **the Council has commissioned MPM Capita Limited to conduct a site appraisal of potential locations for the new school for the North of the Island.** A site of approximately 22 acres will be required. The most suitable site for the school has been identified as the Belgrave Vinery, although other sites are still under consideration.

“The Council will be returning to the States as soon as possible, once the final results of the site appraisal are known, in order for the States to take a decision on this matter. The States are asked to note the urgency of this decision, which affects the scheduling of the whole Site Development Plan.”

106. Although catchment areas are still to be finally decided, the school will serve predominantly the pupils in the North of the Island who would formerly have gone to St. Sampson’s Secondary school.

107. The Council also stated in the April 2002 policy letter:

“For secondary age pupils, **an equivalent Secondary Special School will be established on the same site as the new school in the North of the Island.** As with the Primary Special School, the Secondary School will have its own grounds, its own headteacher and staff and its own curriculum. The children in the special school will spend the majority of their time within the specialist learning environment which it provides but, where appropriate, they will be able to participate in the activities of the mainstream school. It is anticipated that provision needs to be made for up to 130 children in this school.”

108. The MPM Capita Site Appraisal (Appendix 1) considered eleven sites in the North of the Island, as advised by the Board of Administration.

109. The Appraisal was separated into two parts, the first to arrive at a shortlist of four sites and the second part to carry out a more detailed assessment of the shortlisted sites in order to arrive at a preferred site for the North Schools.

110. Ten criteria were agreed on which each site appraisal would be addressed. These criteria all had equal weighting and were as follows:

- location
- size of site
- shape of site
- flatness
- speed of acquisition
- pedestrian access
- vehicular access
- current use adjacent use
- availability

111. The two front runners which emerged from the Site Appraisal were Belgrave Vinery and Les Nicolles Vinery. On the scored criteria, the two sites were very close to each other, but the Education Council in consultation with officers of the Advisory and Finance Committee's Strategic Property Unit and the Traffic Committee asked for a safety audit and a Traffic Impact Assessment to be carried out. Ove Arup was commissioned to investigate further and their report (which is available on request to States members) concluded as follows:

Les Nicolles Vinery

Safe Access

112. "Les Effards Road and Baubigny Road are unsuitable as means of school access in their current form. The roads are barely wide enough to accommodate two lanes of traffic; footways are narrow and intermittent; and visibility is poor on bendy sections of road and at junctions. Whereas this is typical of roads in Guernsey, to protect children on approach to school there should be minimal risk of conflict between pedestrians and road traffic. A new school should be planned to provide safe routes for pedestrians and cyclists and manage traffic associated with the school run. **There is insufficient space within the highway boundary to widen Les Effards Road and Baubigny Road. Therefore to provide continuous footways a system of traffic management would be necessary. Both highway links would need to be one-way with the carriageway narrowed to allow a footway to be provided.**

113. "Les Nicolles Vinery site is accessible from two points on the road network, which would provide an opportunity to separate pedestrians and cyclists from road traffic. **The two accesses from Les Effards Road and Baubigny Road should be retained, with one only catering for road traffic and the other dedicated for pedestrians and cyclists.** Alternatively the Baubigny Road access could be from the prison's access road.

114. "The requirements for traffic management and site access give rise to a number of different scenarios. Careful assessment of traffic impacts and road safety issues leads to the following recommendation:

- a) Les Effards Road one-way westbound from Baubigny Road to Route des Capelles**

- b) Baubigny Road to be one-way northbound from Vale Road to La Route du Bray**
- c) Road traffic to access and egress the school from Baubigny Road only.**

115. "Traffic impacts of this recommendation are likely to be less traffic on secondary roads (Les Effards Road, Baubigny Road) and more traffic on main roads (La Route du Bray, Route Militaire). There could also be increased local traffic on minor roads such as Les Sauvagées. As a benefit, the one-way system would be consistent with route 11 of Guernsey's cycle tours. It should be noted that there would be likely to be objections from those directly affected by the recommendations – although some would welcome the improvement for pedestrians and cyclists.
116. "Introducing Ruettes Tranquilles on Les Grandes Capelles Lane, La Vieille Rue and Epinelle road and a one-way system on Oatlands Lane-Duveaux Lane could further enhance pedestrian and cyclist safety. Neither of these initiatives would be likely to impact on traffic.
117. **"It is concluded that an option is available to ensure safe routes to a proposed school on the Les Nicolles Vinery site using existing roads. Traffic management incorporating one-way roads and widened footways would be necessary. The school itself would provide two accesses with one dedicated for pedestrians and cyclists. If the project progresses, objections would be likely from properties in the area (mainly residential) that would be directly affected by the traffic managements requirements.**
118. **"A safe option with less traffic diversion could be provided with a new road from HTA8 to Les Effards Road, together with other highway improvements and traffic management measures. This would require land acquisition outside the highway.**

Highway Capacity Issues

119. **"The provision of a school at Les Nicolles Vinery would overload the existing Brayeside junction. This could be improved to accommodate the predicted flows, but this would require private land**

Belgrave Vinery

Safe Access

120. **"Access to the school site would be through HTA8, and therefore the immediate access routes could be planned to accommodate pedestrians and cyclists. The surrounding roads (Vale Road, Les Banques and Bas Courtils) already have a footway on one side.**
121. **"The junction revisions proposed at Halfway and the access to HTA8 from Les Banques should incorporate pedestrian crossing facilities.**

Highway Capacity Issues

122. “A school at Belgrave Vinery would overload the planned improvement at Halfway, and the currently proposed access to HTA8. This overload could be overcome by widening Bas Courtils and Les Banques using land under public authority control.”

Ove Arup Comparison of Sites

123. **The final conclusion from Ove Arup was:**

“We have compared the sites based on eight criteria and the Belgrave Vinery site gives the best results in five out of the eight tests. However, in terms of key issues of safety, highway capacity and feasibility of highway improvements, we consider the Belgrave Vinery site to be significantly better. We therefore consider Belgrave Vinery site to be a more appropriate site for a school than Les Nicolles Vinery.”

MPM Capita Recommendation

124. In the light of this research, the MPM Capita recommendation was that the preferred site for the new school was at Belgrave Vinery and that the reserve site should be Les Nicolles Vinery.

King Sturge Analysis of Sites

125. However, it is the unequivocal recommendation of King Sturge and its masterplanners Atkins, Walters, Webster that the Les Nicolles Vinery site is the better site for the schools:

“Having reviewed the potential layouts for both sites, we recommend that Les Nicolles is the best site in terms of shape, area and aspect for the siting of the Secondary and Special Needs Secondary schools. It will also be the least expensive site to develop.”

126. Since this report was given to the Education Council, the States have purchased Les Nicolles Vinery to add to the Strategic Land Bank
127. **The Council also notes that building an access road to the Belgrave Site would require demolition of a block of States flats and that using the Belgrave Vinery site would affect the designation of the site as a Housing Target Area.**
128. The Council will, by the time of the February meeting, have held discussions with the St. Sampson’s Douzaine and the Horticulture Committee on the siting for the new North schools and further discussions with the Traffic Committee, who, in the light of the Capita and Ove Arup report, do not feel able to support the use of Les Nicolles for the schools.

129. The safety of pupils is paramount in the decision on the siting of the new schools for the North. The Ove Arup report concludes that safe routes are available to the Les Nicolles site if changes are able to be made to the neighbouring road layouts. **With the exception of one member of the Council, who remains unconvinced that safe access can be achieved, the Council regards the Les Nicolles Vinery Site as the better site for the new schools provided that the solutions proposed in the Ove Arup report can be achieved.**
130. **The Council believes that the analysis of the sites undertaken by Atkins, Walters, Webster demonstrates the benefits of adopting the Les Nicolles site for the two new schools.**
131. **However, the Council is concerned only to find an appropriate site for the North schools and, therefore, brings it to the decision of the States whether it approves the Council's request to use the Les Nicolles site for the schools or whether it directs that the Belgrave Vinery site should be used instead.**
132. **A decision on the location for the North schools is crucial for the progression of the Education Development Plan. Until the site can be developed, the merging of the four secondary schools into three cannot be achieved and nor can reorganisation of special education be completed.**
133. **The States are asked to approve the use of Les Nicolles Vinery site by the Education Council for the construction of a new secondary school and a new Special Needs secondary school.**

Propositions

The Council, therefore, asks the States to:

1. **approve, subject to the final recommendations of the Strategic Review, the States Education Council's proposals for the phasing of the building projects in Programme 1 of the Education Development Plan as set out in paragraphs 56 to 76**
- 2 a) **to authorise the Education Council to proceed with Phase 1 of Programme 1 as detailed in paragraphs 57 to 64 of this report, subject to the States approval of individual projects**
- b) **to authorise the Advisory and Finance Committee to transfer a sum of £32,000,000 from the Capital Reserve to the capital allocation of the Council for this purpose**
- 3 a) **to vote the Education Council a credit of £2,000,000 to cover the cost of formulating the initial planning for the individual elements of Phase 2 of Programme 1, such sum to be charged to the capital allocation of the Education Council**
- b) **to authorise the Advisory and Finance Committee to transfer a sum of £2,000,000 for this purpose from the Capital Reserve to the capital allocation of the Education Council**

- 4 a) to vote the Education Council a credit of £2,250,000 to cover the initial stages of the essential maintenance programme, such sum to be charged to the capital allocation of the Education Council
- b) to give delegated authority to the Advisory and Finance Committee to approve the acceptance of all tenders in respect of this work
- c) to direct the Advisory and Finance Committee to take account of the cost of the essential maintenance when recommending future additional capital allocations and revenue allocations for the Education Council
- 5. to note that the Education Council, in conjunction with the Advisory and Finance Committee, and for planning purposes only will work on the basis of a minimum of £15,000,000 per annum being made available from 2004 for the purposes of progressing the remaining phases of Programme 1 of the Education Development Plan
- 6 a) to approve the provision of a Special Needs Centre at the Forest
- b) to delegate authority to the Education Council to seek tenders for contractors and other professional services required to progress this project
- c) to give delegated authority to the Advisory and Finance Committee to approve the acceptance of tenders in connection with this project and to approve a capital vote, not exceeding £13,900,000, such sum to be charged to the capital allocation of the Education Council
- 7. to approve the use of Les Nicolles Vinery site by the Education Council for the construction of a new secondary school and a new Special Needs secondary school.

Yours faithfully,

M. A. OZANNE

President,
States Education Council.

MPM CAPITA SITE APPRAISAL

STATES OF GUERNSEY EDUCATION COUNCIL

**DRAFT FINAL REPORT ON
LOCATION OF NEW SECONDARY SCHOOL SITE**

19TH SEPTEMBER 2002

**DRAFT FINAL REPORT ON
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APPENDICES

**APPENDIX A - Site access and traffic capacity study, Ove Arup and Partners,
Draft 2 4th September 2002**

1.0 INTRODUCTION

1.1.1 MPM Capita has prepared this report as an addendum to their Interim Report to the States of Guernsey Education Council dated 15th January 2002.

1.1.2 The Interim Report concluded that four sites from a total of eleven should be short-listed for further study as a preferred location for a new Secondary School site in the north of Guernsey.

1.1.3 This report concludes the analysis and recommends a preferred location plus a reserve location for the new school.

1.1.4 The four sites short-listed in our Interim Report were:-

- Belgrave Vinery
- Les Nicolles Vinery
- Pont Allaire
- East of Oatlands

1.1.5 These sites were short-listed on the basis of obtaining the highest total from ten criterion set by MPM Capita and approved by the States Education Council prior to the study commencing. The ten criteria were:-

- Closeness to catchment area
- Size of the site
- Shape of the site
- Flatness of the site
- Perceived speed of land acquisition
- Pedestrian access
- Vehicular access
- Current uses of the site
- Adjacent uses to the site
- Existing services available for the school

1.1.6 This report re-assesses the four sites based on previous evaluation criteria to arrive at two preferred locations for a new school site. From these two sites, a Safety Audit and Traffic Impact Assessment have been undertaken in order to recommend a preferred site.

2.0 CRITERIA

2.1 SPEED OF ACQUISITION

- 2.1.1 The State Education Council, as part of its Reorganisation of Secondary and Post 16 Education Plan (the Plan) is seeking a site for a 720 pupil secondary school and a 130 pupil special needs school. The speed of acquisition of the site is fundamental to the Council in delivering the Plan's commitments.
- 2.1.2 Sites in multi-ownerships are perceived to be less attractive because of the time and costs involved in negotiating terms and conditions of sale with each owner. This is of course based on the assumption that the present owners are willing to sell their land in the first instance.
- 2.1.3 Compulsory purchase of land is not an option, as the current legislation has never been used, it is not Human Rights Act compliant and is currently being re-drafted.
- 2.1.4 Two of the short-listed sites, Port Allaire and East of Oatlands have ten and nine separate owners respectively. None of these owners have been approached to establish whether they would be willing to sell, however it would only take one owner not to sell that would jeopardise the potential of the entire site.
- 2.1.5 Therefore, these sites have been 'parked' on the basis of perceived risk in speed of acquisition and no further analysis has been carried out.

Les Nicolles Vinery

- 2.1.6 Millennium Roses Limited, who is the present owner of Les Nicolles Vinery, has made an approach to the Board of Administration expressing their desire to sell the Vinery.
- 2.1.7 We understand that the Board has commenced discussions with the owners and that a Valuer has been employed to establish a value for the land.
- 2.1.8 We conclude therefore that acquisition of the land, subject to negotiations and contract, could potentially occur fairly quickly.

Belgrave Vinery

- 2.1.9 The land at Belgrave Vinery is in the ownership of the States and therefore speed of acquisition is not a concern for this site.

2.2 ACCESS, ENVIRONMENTAL & SAFETY ISSUES

- 2.2.1 The safe and easy access to and from the site is an important criterion from the perspective of the pedestrian, cyclist and car user alike. The roads adjacent to a site should be capable of permitting two vehicles to safely pass each other without compromising the safety of the drivers or pedestrians. Pedestrian access should be afforded by continuous footpaths capable of accommodating groups of pupils who may wish to walk or cycle between their home and the school.
- 2.2.2 MPM Capita issued their Draft Final Report during April 2002. Concerns were raised at that time relating to safe pedestrian access to the sites and the traffic impact on the road network that would result from locating a 720 pupil school at either Les Nicolles Vinery or Belgrave Vinery alike.
- 2.2.3 Ove Arup and Partners, a leading UK highways Consultancy, were appointed during April 2002 to review the ability of the existing highway infrastructure to support a secondary school on one or other of the sites. Furthermore Arup's were asked to assess the traffic impact of a new school on both locations.
- 2.2.4 Arup's concluding Report is fully detailed at Appendix A of this report.

Les Nicolles Vinery

- 2.2.5 Pedestrian safety concerns have been raised with regard to the use of Les Nicolles Vinery as a school. The concerns have been two-fold, firstly the inadequacy of the road widths to cope with the increased congestion, resulting from the construction of a new school, and secondly the inadequate provision of appropriate footpaths along the road that will serve the operational school.
- 2.2.6 The site can be accessed from Baubigny Road and Les Effards Road. These roads are of poor standard with narrow carriageways. A footpath is provided along one side of Les Effards Road, however there is only an intermittent footpath along

Baubigny Road. The narrow carriageways require two passing vehicles to mount the footpath in order to pass each other in certain places.

- 2.2.7 The peak time for children walking or cycling to and from school coincides with the peak time for road traffic. Therefore, planning for a new school must consider safe routes for pedestrians and cyclists.
- 2.2.8 MPM Capita perceived that access to the site at present is dangerous. In consultation with the States Education Council, Board of Administration, Strategic Property Advisor and the States Traffic Committee, it was agreed that a safety audit be carried out by appropriately qualified Consulting Engineers.
- 2.2.9 Ove Arup & Partners were subsequently commissioned to undertake a Safe Access Study around the site, which was completed on 19th April 2002. A copy of this report is at Appendix A.
- 2.2.10 Ove Arup were asked to review the present access arrangement to Les Nicolles Vinery and to put forward proposals to improve safe access.
- 2.2.11 Ove Arup concluded that the present access arrangements for pedestrians, cyclists and car users are inadequate from a safety perspective. In Section 3 of their Report, Arup has proposed a series of measures to be implemented to improve the safety of accesses to the site by whichever mode of travel is undertaken. These can be summarised as follows:
- 2.2.12 Les Effards Road and Baubigny Road are unsuitable as means of school access in their current form as there is insufficient space within the highway boundary to widen Les Effards Road and Baubigny Road. Therefore to provide continuous footways a system of traffic management would be necessary. Both highway links would need to be one-way with the carriageway narrowed to allow a footway to be provided.
- 2.2.13 Les Nicolles Vinery site is accessible from two points on the road network, which would provide an opportunity to separate pedestrians and cyclists from road traffic. The two accesses from Les Effards Road and Baubigny Road should be retained, with one only catering for road traffic and the other dedicated for pedestrians and cyclists. Alternatively the Baubigny Road access could be from the prison's access road.

2.2.14 It is concluded that an option is available to ensure safe routes to a proposed school on Les Nicolles Vinery site using existing roads. Traffic management incorporating one-way roads and widened footways would be necessary. The school itself would provide two accesses with one dedicated for pedestrians and cyclists. If the project progresses, objections would be likely from properties in the area (mainly residential) that would be directly affected by the traffic management requirements.

Belgrave Vinery

2.2.15 This site currently has two vehicular accesses, one from Le Murier; adjacent to Fountain Vinery, utilising the existing access that serves the sewerage emptying point and the temporary waste separation facility. The other access is from Victoria Avenue via Belgrave Lane, which is a single track unmade road.

2.2.16 Access to Victoria Avenue is gained from Les Banques, however this junction is narrow due to two buildings on either side, constraining the width, which is inadequate to allow two vehicles to safely pass each other. There is currently no footpath provision from Les Banques onto Victoria Avenue and it is not possible to introduce a footpath without encroaching on the already narrow road. It is understood that the Board of Administration has in the past tried to purchase one of the buildings at the junction with Les Banques with a view to its demolition to facilitate road widening and footpath provision. However, the owners of the buildings were not willing to sell and no further action has been taken.

2.2.17 Ove Arup & Partners Safe Access and Traffic Capacity Study dated 4th September 2002 proposes a new access road from a traffic signal controlled junction on Les Banques, through the Bellegrave Flats onto Belgrave Vinery. This would require the demolition of the flats with suitable alternative accommodation being provided to the Tenants who occupy the Bellegrave Flats.

2.2.18 Drivers Jonas has also recommended this strategy in their report on Housing Target Area 8 to the Advisory & Finance Committee dated April 1998, and Campbell Reith Hill in their report on an Engineering Appraisal of the site dated April 1998, which is contained at Appendix III of the Drivers Jonas report.

2.2.19 MPM Capita has also been commissioned by Advisory & Finance Committee to review development options for Belgrave Vinery, and have recommended the access arrangements contained within Ove Arup's Waterfront Strategy Report from 1998.

2.2.20 The new junction has the ability to provide safe entrance and egress for pedestrians, cycles and vehicles and affords access onto Les Banques, which is a primary road of adequate width with separate pedestrian footway and cycle paths between the centres of St Peter Port and St Sampson.

2.3 SITE CHARACTERISTICS

Les Nicolles Vinery

- 2.3.1 Les Nicolles Vinery is a site of approximately twenty acres, which is of a sufficient size and adequate shape to accommodate the two new schools.
- 2.3.2 No survey has been carried out to establish whether the area is prone to flooding, however, the land is at a level above the +4.500m Above Ordinance Datum (AOD) level of flooding for the nearby Belgrave Vinery Site. Furthermore, we are not aware that the adjacent prison is susceptible to flooding.

Belgrave Vinery

- 2.3.3 The size and shape of the site are appropriate for the location of the two new schools. However, the land around Le Marais (meaning marsh) is below the mean Spring high tide level and is therefore susceptible to flooding. Binnie Black & Veatch, a firm of hydrological engineers have reviewed, amongst other things, the flood protection measures that need to be placed prior to development of the site.
- 2.3.4 In principle, the area of land will need to be raised to above a 100-year flood level. This level is based on historical rainfall data, projected over a 100-year period to calculate the probability of a flood occurring. The recommendations contained in the Binnie Report require building floor levels to be set at a level of 4.650 Above Ordinance Datum or AOD, the ground level to be set at 4.500 AOD and road gully levels set at 4.250 AOD. This recommendation would require the site to be raised to these stated levels.
- 2.3.5 A 10 metre wide strip of land either side of Le Marais stream needs to be excavated to provide a spending area, which is capable of containing a volume of water in the event of a flood and/or high tide occurring simultaneously.
- 2.3.6 The material excavated to create the spending area could potentially be used as fill material, although the volume required is to raise the site levels in excess of the volume available, and therefore imported fill material is likely to be required. The volume of fill required will impact on the development costs because this material would have to be imported to the site.

- 2.3.7 However, the Council may decide to limit the area to be raised to only include the school buildings, whilst accepting other areas, which may include playing field and sports pitches, could be allowed to flood on a few days of the year.

2.4 SITE ADJACENCIES

Les Nicolles Vinery

- 2.4.1 To the southern and eastern part of the site is the States Prison, which is set behind a high perimeter fence. We understand that the Prison is looking to expand its accommodation, which may include part of the Les Nicolles Vinery site that is surplus to the Council's requirements.
- 2.4.2 Locating a secondary school next to a Prison may be considered to be an unsuitable co-location. However, a school is more likely to be considered on its achievements rather than on an adjacent function, therefore, we do not feel that this is an inappropriate co-location.
- 2.4.3 To the west of the site there are a number of smaller glasshouses. To the north of the site is low to medium density housing.
- 2.4.4 There are no immediate complementary uses around the site.
- 2.4.5 The land is currently zoned as 'Green Area', however in the draft UAP it is assigned 'Areas outside the Settlement Areas' (see Draft Urban Area Plan paragraph 2.3.2.2 and policies CO1 and CO2 pp 95-96). Development will be permitted where "development has been demonstrated to be of Island wide benefit and that cannot practically located anywhere else".

Belgrave Vinery

- 2.4.6 A significant area of Belgrave Vinery contains derelict glasshouses or the concrete bases where there used to be glasshouses. There are a number of small businesses operating from the site, which may need to be relocated, depending on the eventual location of the school. There are two disused quarries on the site, one of which is used to store rainwater; the other has been used as a tip, although this is now used as a Board of Administration vehicle compound. The tip site is emitting methane gas.

- 2.4.7 The Board has recently announced that part of Belgrave Vinery site is to be used as a waste separation and segregation facilities which will be located just to the north of the Le Marais Stream. These waste separation facilities are expected to be operational for a minimum of four years.
- 2.4.8 The Belgrave Vinery site is adjacent to facilities that compliment the school function. To the west of the site is the Track, which is a major sporting and recreation venue, the Bowling Alley and Victoria Avenue Recreation Ground. To the south and west of the site are wildlife habitat areas, livestock enclosures, and Chateau de Marais, which is a site of historical interest. To the east of the site is Belle Greve Bay. All these complimentary facilities could support particular timetabled subjects.
- 2.4.9 Belgrave Vinery is currently zoned as a Housing Target Area and is therefore a strategic land bank to be used for the provision of housing to ensure that the States meets the requirement to provide 250 additional new homes each year as set out in the 2000 Strategic and Corporate Plan.
- 2.4.10 The use of part of Belgrave Vinery for a new school site would account for a loss of just over one year of additional supply of new homes, assuming that all the supply was based on Belgrave Vinery and nowhere else on the Island.

3.0 APPRAISAL SUMMARY

3.1 SPEED OF ACQUISITION

3.1.1 As Belgrave Vinery is in States ownership it scores highly with regard to the speed of acquisition.

3.1.2 Les Nicolles Vinery is not in States ownership, but as the owner is a willing seller (subject to contract) then this site is perceived to be less attractive than Belgrave Vinery.

3.2 SAFE ACCESS

3.2.1 Both sites will require amendments to the road infrastructure in order to provide safe access for both pedestrians and car users.

3.2.2 The recommendations to improve safe access to Les Nicolles Vinery are extensive and are highly likely to be opposed by a significant section of the community. Such opposition is likely to result in limited implementation of the proposals, which ultimately would compromise safety.

3.2.3 A safe option with less traffic diversion could be provided with a new road from HTA8 to Les Effards Road, together with other highway improvements and traffic management measures. This would require land acquisition outside the highway. This option is explored in Ove Arup's Report and the feasibility tested. To enable this proposal to work, land would have to be purchased in order to construct the new road. We understand that the current owners of this land are unlikely to agree to sell. Furthermore, and as noted earlier, Compulsory Purchase powers are currently deemed to be unsatisfactory for this route to be pursued.

3.2.4 The use of Belgrave Vinery would require the re-provision of existing States Housing prior to demolition of the blocks concerned. Some opposition may be voiced to the demolition, particularly as the provision of States Housing is politically sensitive, however, the impact of this is deemed to be insignificant compared to the potential opposition to one-way traffic scheme to a significant area of the North of the Island.

- 3.2.5 Moreover, if the new access road into Belgrave Vinery was linked to the commencement of State's and private sector housing provision within HTA 8, such concerns could be placated.

3.3 SITE CHARACTERISTICS

- 3.3.1 Belgrave Vinery is in a flood plain and the site level will need to be raised to remove the flood risk to the school buildings and grounds. The site is currently designated a Housing Target Area and there is no provision within the current Draft Urban Area Plan for a secondary school on the site.
- 3.3.2 Les Nicolles is not known to be in a flood plain and there are no known flooding incidents at the adjacent prison. The land is zoned as Green Area, however, The Island Development Council, in its Draft Policy Document, does permit development, of Island wide benefit, that cannot practically be located anywhere else.

3.4 SITE ADJACENCIES

- 3.4.1 The facilities and amenities around Belgrave Vinery are ideal adjacencies for a new school. Indeed, some of the existing recreational and sporting facilities could be improved as a result of the co-location with a school subject to reaching an agreement to the shared use of these facilities.
- 3.4.2 Les Nicolles Vinery does not offer any recreational or sporting facilities adjacent to the site that could offer some synergy of collocation.

3.5 SUMMARY OF SCORES

Criterion	Belgrave Vinery	Les Nicolles Vinery
Speed of Acquisition	10	8
Safe Access	8	6
Site Characteristics	7	9
Site Adjacencies	9	7
Total Score	34	30

4.0 RECOMMENDATIONS

4.1.1 On the basis of the above analysis and information contained elsewhere in this report we recommend the following:

4.1.2 Preferred site for the location of the new school: Belgrave Vinery

4.1.3 Reserve site for the location of the new school: Les Nicolles Vinery

Yours sincerely
For and on behalf of
MPM CAPITA

	Initial	Date
Originated by		
Checked by		

Steven Jenkins
Technical Director

The President
 States of Guernsey
 Royal Court House
 St Peter Port
 Guernsey
 GY1 2PB

24 January 2003

Dear Sir,

I refer to the letter dated 23 January 2003 addressed to you by the President, States Education Council on the subject of Progressing the Education Development Plan.

Phasing of the Plan

There are three Programmes within the overall Education Development Plan, this policy letter deals primarily with the funding of Phase 1 of Programme 1.

The Advisory and Finance Committee would like to commend the States Education Council on the professional approach and detailed work that has been carried out on the progression of the Education Development Plan to its present stage. There has been an unprecedented amount of liaison and co-operation between the Council, its staff, the Treasury and the Strategic Property Unit in taking this project forward and it is hoped that this way of working will provide an example for future States projects.

The Committee is aware of the many competing demands on the States Finances for States construction projects and is also mindful of the resolutions of the States of Deliberation in April 2002 (Billet d'Etat VI, April 2002) that authorised:

“... the Advisory and Finance Committee, bearing in mind the prevailing overall economic circumstances, other financial demands on States funding and the ability of the Construction Industry to undertake the works, to take account of the Education Council's balance of capital allocation and its other capital priorities at the relevant time and, if necessary, to release to that allocation from the Capital Reserve appropriate sums for the furtherance of the Site Development Plan.”

Notwithstanding the careful planning and phased implementation of the Education Development Plan, the Advisory and Finance Committee must also be mindful of the bigger picture of competing demands for States resources. The States have, through the Policy and Resources Planning Report in both 2001 and 2002, reaffirmed their support for the major priority areas of capital expenditure namely, Housing, Health Infrastructure and Education and resolved that funding for specific and prioritised major capital projects was to be made available from the Capital Reserve as and when required.

Nonetheless, States Members will recall that the Advisory and Finance Committee has previously cautioned that the Capital Reserve is insufficient to meet the cost of all major States Projects planned for the foreseeable future and to assist Members in assessing the priority of a specific project to be funded in part or in full from the Capital Reserve the Advisory and Finance Committee has undertaken to inform Members of the current

balance on the Capital Reserve and, as far as is known, other likely calls on the Capital Reserve.

The funding for Phase I of this project will be met from a transfer of £32 million out of the Capital Reserve. At the beginning of January 2003 the Capital Reserve had a balance of £103 million. The Committee is aware that out of this Reserve, funding for a number of projects, including the Alderney Breakwater, the States Prison extension, the Board of Health's Site Development Plans, Housing Developments and the Energy from Waste Plant, may also be required.

Although Phase 1 is an important start the Advisory and Finance Committee emphasizes that, even after its completion, key aspects of the reorganisation proposals for Education approved by the States in April 2002 will not have taken place. Further Phases outlined in the Policy Letter will all require funding from the Capital Reserve in the future.

However, this present phased, budget driven approach presented by the Education Council sets out a pragmatic way forward in the delivery of a large, interrelated and complicated major re-organisation of the education system within the States.

In addition recognising the need and importance of planning for the implementation of future phases of Programme 1, a sum, for planning purposes only, of £15 million will be used by the Education Council. However at this stage the Committee feels that setting aside £15 million per annum from 2004 just for the Education Council is at the high end of the scale of the money it feels may be available. The Committee believes that it is more probable that a figure nearer £10 million is pragmatic and reasonable. Nonetheless these modelling exercises carried out will be of equal use whatever the final planning sum established.

The Advisory and Finance Committee recognises that this is not an ideal situation, but is within the realistic confines of present and future anticipated circumstances. It also realises that in following this course there will be some duplication of works, such as maintenance to current buildings, and that works to enable present accommodation to function in an efficient manner may have to be carried out as a priority to allow short and medium term use of the buildings.

The Forest Special Needs Centre

The Committee supports the provision of much needed services for children with special educational needs, and the provision of these in proximity to a mainstream educational facility allows the sharing of some facilities to mutual benefit.

The Committee is grateful to the Education Council for its support, agreement and co-operation in working at staff level and notes that the Strategic Property Unit and Education staff wish to uphold this project as an example for future joint working.

The Site for the New Special Needs North School

Following the results of a site appraisal of potential locations for a new Secondary School, and an adjacent Special Needs School in the North of the Island the choice was reduced to two sites, both with attendant problems in their utilisation for the provision of education. The resultant recommendation, following analysis of all specialist reports, to request the endorsement of the use of Les Nicolles Vinery for the provision of the Special Needs Secondary School as an element of Phase 1 of Programme 1 is supported by the

Committee, subject to the satisfactory resolution of the access problems associated with the site. Use of this site will allow the development of Belgrave Vinery as a housing site with the usual associated amenity spaces and community facilities.

Whilst asking the States to note funding implications for the Capital Reserve, the Advisory and Finance Committee recommends the States to approve the proposals within this Policy Letter which will provide the necessary facilities for preliminary works on the delivery of Secondary and Special Needs Education in the Island. However in doing so the Committee must have due regard to the States overall financial position and Capital demands from other Committees.

Yours faithfully,

L.C. MORGAN

President
Advisory and Finance Committee

The States are asked to decide:-

III.- Whether, after consideration of the Report dated the 23rd January, 2003, of the States Education Council, they are of opinion:-

1. To approve, subject to the final recommendations of the Strategic Review, the States Education Council's proposals for the phasing of the building projects in Programme 1 of the Education Development Plan as set out in paragraphs 56 to 76 of that Report.
2. (1) To authorise the States Education Council to proceed with Phase 1 of Programme 1 as detailed in paragraphs 57 to 64 of that Report, subject to the States approval of individual projects;
- (2) to authorise the States Advisory and Finance Committee to transfer a sum of £32,000,000 from the Capital Reserve to the capital allocation of the States Education Council for that purpose.
3. (1) To vote the States Education Council a credit of £2,000,000 to cover the cost of formulating the initial planning for the individual elements of Phase 2 of Programme 1, such sum to be charged to the capital allocation of the States Education Council;
- (2) to authorise the States Advisory and Finance Committee to transfer a sum of £2,000,000 for that purpose from the Capital Reserve to the capital allocation of the States Education Council.
4. (1) To vote the States Education Council a credit of £2,250,000 to cover the initial stages of the essential maintenance programme, such sum to be charged to the capital allocation of the States Education Council;
- (2) to give delegated authority to the States Advisory and Finance Committee to approve the acceptance of all tenders in respect of that work;
- (3) to direct the States Advisory and Finance Committee to take account of the cost of the essential maintenance when recommending future additional capital allocations and revenue allocations for the States Education Council.
5. To note that the States Education Council, in conjunction with the States Advisory and Finance Committee, and for planning purposes only will work on the basis of a minimum of £15,000,000 per annum being made available from 2004 for the purposes of progressing the remaining phases of Programme 1 of the Education Development Plan.
6. (1) To approve the provision of a Special Needs Centre at the Forest;
- (2) to delegate authority to the States Education Council to seek tenders for contractors and other professional services required to progress that project;

- (3) to give delegated authority to the States Advisory and Finance Committee to approve the acceptance of tenders in connection with that project and to approve a capital vote, not exceeding £13,900,000, such sum to be charged to the capital allocation of the States Education Council.
- 7. To approve the use of Les Nicolles Vinery site by the States Education Council for the construction of a new secondary school and a new Special Needs secondary school.

STATES COMMITTEE FOR HOME AFFAIRS

STATES PRISON – CONSTRUCTION OF ADDITIONAL PRISONER ACCOMMODATION AND NEW VISITOR FACILITIES

The President
States of Guernsey
Royal Court House
St Peter Port
Guernsey

16 January 2003

Dear Sir

STATES PRISON – CONSTRUCTION OF ADDITIONAL PRISONER ACCOMMODATION AND NEW VISITOR FACILITIES

Introduction

1. At its meeting held on 26 June 1986 the States resolved to approve the construction of a new prison at Les Nicolles. The new States Prison came into service in the second half of 1989.

2. The design of the States Prison was based on a central corridor with nine separate cell blocks of varying sizes which could be used on an interchangeable basis according to the number of prisoners of different categories which had to be accommodated at any time. The certified capacity of these nine blocks is 78 prisoners. In addition to these cell blocks, special facilities were provided for medical and segregation purposes. The design was intended to allow the States Prison to be extended without difficulty by adding four additional small cell blocks which could accommodate up to a further 42 prisoners.

3. The main categories of prisoner accommodated within the States Prison are

- Adult - male convicted, male remand, female convicted and female remand
- Young offender (21 years old and less) - male convicted, male remand, female convicted and female remand
- Police Untried Prisoners – male and female
- Removal from Association (“Rule 34”) - male and female.

4. The existing accommodation within the States Prison was described by the Prison Board in 1986 as “not over generous” having regard to the number of prisoners who then needed to be held. Nevertheless, until 1997 the States Prison was able to manage the prisoner population without great difficulty. However, since 1997 there has been a significant and continuing increase in the number of prisoners accommodated.

5. The average number of prisoners accommodated in the period 1992-7 was 42. By 2002 this average number had increased to 85, which exceeds the certified accommodation. In one three month period during 2002 the average was significantly exceeded. The States Prison has been able to handle the increased numbers by adopting double occupancy of cells but this cannot be a long-term solution as it could lead to disruption of the operation of the prison and place staff under significant additional pressure. It should also be noted that currently 20 prisoners are being held on the mainland. Because of similar pressures being encountered by HM Prison Service, it is becoming increasingly difficult to place prisoners on the mainland. Indeed, if those pressures become too great the States Prison will come under pressure to take back prisoners currently serving their sentences in the UK.

6. A projection of the prison population, having regard to historical and likely future trends in offending and conviction, together with anticipated changes in legislation (including the possible introduction of alternative sentences), sentencing policy and the wider social background, suggests that, by 2008, the total number of prisoners will increase to between 120 and 130. It is not anticipated that the introduction of alternative sentences, such as home detention curfew and community service, could have an immediate or significant effect on the total prison population.

7. As well as the increase in the total prison population, there has been a significant change in its composition and character.

8. When the new States Prison was first occupied the prison population mainly comprised short sentence petty criminals. In recent years there has been a substantial increase in long-term drug-related offence prisoners. The average length of sentence of new prisoners now exceeds two years. There has also been an increase in the sophistication and legal rights awareness of prisoners.

9. As regards the composition of the prison population

- nearly 50% of the prison population comprises adult convicted male prisoners
- 30% of prisoners are on remand – the majority on long-term remand
- in common with UK prisons, there has been a significant increase in female prisoners – from an average of two in 1997 to an average of 12 in 2002
- there is an increasing number of mentally disordered offenders being held.

10. The increased size and changed character of the prison population has highlighted the increasing difficulty of segregating the different categories of prisoner

and the inherent cost of staffing within the flexible design (using small cell blocks) of the States Prison.

11. By the middle of 2001 it had become clear to the Committee for Home Affairs that there was a need for additional prisoner accommodation to be provided at the States Prison (and that need has become acute in the intervening period). It was also clear that, in progressing the provision of additional accommodation, it would be essential to look at alternative methods to the provision of four additional small cell blocks identified in the 1986 policy letter.

Feasibility Study

12. On the advice of HM Prison Service and with the approval of the Advisory and Finance Committee, the Committee for Home Affairs in November 2001 commissioned Taylor Young Architecture to undertake a feasibility study in respect of options for the provision of additional prisoner accommodation at the States Prison. Taylor Young were advised that there was no undertaking to them in respect of any further work arising from the feasibility study.

13. The Committee requested that

- the feasibility study analyse all options available, both in terms of procurement and design, and not pursue any preconceived solution
- the analysis of options define approximate costs, provide a programme of works and identify a preferred solution
- the preferred solution offer best value
- the approach be innovative and proactive
- the approach take into account latest standards and best practice
- the approach take into account present and known future initiatives by relevant island agencies and their possible effect on prisoner accommodation.

14. Taylor Young reported to the Committee in May 2002 examining a number of ways in which prisoner accommodation could be extended at the States Prison. Five options were identified providing accommodation for between 24 and 42 prisoners, although it was pointed out that there were, in fact, a limited number of basic principles on which a wide range of options could be generated. The five options were:-

- a) a new houseblock, linked to the existing corridor, could be constructed on the site originally designated for “Phase 2” (the provision of four additional small cell blocks identified in the 1986 policy letter) to create a largely self-contained accommodation unit which would have enough cells to justify good integrated support facilities – recreation, education and dining facilities, showers and laundry: two options are identified - Option 1, a 41 inmate cell

block, including a disabled facility, could provide accommodation for all adult convicted male prisoners on a basic regime and would allow the existing cell blocks to be used flexibly for other regimes whilst Option 2, a 33 cell block including a disabled facility, is the minimum size where good integrated support facilities could be justified

- b) extension of one of the existing cell blocks to create a self contained block with similar support facilities to those which would be provided in a completely new houseblock: Option 3 – a 36 cell block – could be adjusted to increase the number of cells - this option would also include integrated support facilities
- c) extension of any of the existing cell blocks by adding more cells in the existing configuration: Option 4 is based on two 12 cell extensions but could be adjusted to increase the number of cells - this option does not include integrated support facilities.
- d) the provision of four additional small cell blocks, as identified in the 1986 policy letter, to provide accommodation for a further 42 prisoners (Option 5) - this option does not include integrated support facilities.

15. Given the numbers of prisoners currently accommodated in the Prison, there would be security concerns involved in carrying out work to extend the existing cell blocks. With all of the cell blocks in constant use, it would be impossible to transfer prisoners within the Prison – as would be essential for security purposes - whilst building works were taking place to extend a cell block.

16. Taylor Young advised that virtually all of the houseblocks currently being built by HM Prison Service are prefabricated. Options 1 and 2 identified above are suitable for prefabrication but the other options are less suitable although it could be possible to incorporate a standard prefabricated cell into an otherwise traditional design. The opportunity to incorporate an element of prefabrication into the proposals was welcomed on the basis of both the potential to speed up construction, whilst also minimising the impact of construction activities upon the continued operation of the prison. It is also a solution that embraces some of the recommendations of the Board of Industry's recent report upon the construction industry in Guernsey.

17. Taylor Young also pointed out that, although a lot of the existing facilities within the States Prison will cope with the expansion of prisoner accommodation, the current limited amount of administration and visitor space would need to be addressed in any significant new development. Their report therefore also includes proposed additional support accommodation and, in particular the construction of a new visitors' centre.

18. Taylor Young, working with local quantity surveyors, The WT Partnership, provided cost estimates for each of the options identified in their report. These are based on UK cost per square metre figures for the various elements of the building which have been increased to allow for local pricing levels and for up to 10% inflation after April 2002. Taylor Young advised at the time that these figures needed to be viewed with some caution because they could be distorted by lump sum costs that are

project specific eg abnormal foundations or service connection costs. An allowance was made against the possibility of piled foundations and Taylor Young advised that the costs had been based on traditional construction methods. The houseblocks, particularly Options 1 and 2, could be constructed using prefabricated systems but the cost would depend on the workload and commercial attitude of the supplier at the time that quotations are sought. These estimates indicated that the cost per cell for each option might vary between approximately £58,000 per cell and £83,000 per cell.

19. It was Taylor Young's recommendation, which was fully endorsed by the Committee for Home Affairs, that Option 1 be pursued at an approximate cost of £70,000 per cell. This conclusion was arrived at having regard to the substantially reduced demand in terms of staffing, and therefore future revenue costs.

20. Whilst the original plan of providing four additional small cell blocks would appear to provide prisoner accommodation at a lower cost per cell.

- a single houseblock would be more effective in that, as explained above, it would accommodate all adult convicted male prisoners on a basic regime and would allow the existing cell blocks to be used flexibly for other regimes
- a single houseblock would include good integrated support facilities whereas the four additional small cell blocks would need to make use of facilities already provided within the prison which would create problems in managing the prison
- a single new houseblock would require significantly fewer additional staff to manage than four additional small cell blocks – in fact the likely lower staffing cost in the first year would virtually make up the difference in estimated building costs
- there could be significant savings in the building costs of a single houseblock if prefabricated methods were used.

21. Having considered the relative efficiency and the lifetime costs of a single houseblock compared with four additional small cell blocks the Committee for Home Affairs concluded that the preferred option should be the construction of a single houseblock with appropriate support accommodation.

22. The overall cost of construction including the new houseblock, visitor centre and associated works directly related, was estimated, in budget terms, at £4.5 million which figure did not include professional fees, enabling works, upgrades of security equipment, power generation and mechanical and electrical upgrades.

Planning the additional accommodation

23. The Committee for Home Affairs considers that, because of the continuing pressure to accommodate additional prisoners, the provision of additional prisoner accommodation is most urgent. The Committee would wish to see the construction of a new houseblock substantially completed by the end of 2003. The Committee

therefore approached the Advisory and Finance Committee to discuss how the project could be progressed without delay. The Committee also advised the Civil Service Board of the proposed project and gave advance notice of its likely staffing implications.

24. In September the Advisory and Finance Committee indicated its general support of the requirement to provide additional prisoner accommodation and agreed in principle to the appointment of Project Managers to advise on procurement options, the appointment of other advisers and, if approved by the States, the overseeing of the construction process.

25. In October the Advisory and Finance Committee, on the recommendation of the Committee for Home Affairs approved the appointment of a “project sponsor” - Dymax Ltd, who undertook a similar role in respect of the new Postal HQ - to assist the Committee for Home Affairs in completing the additional prisoner and support accommodation in a timely manner and within budget.

26. Also in October, following a competitive select tender process carried out by the Committee for Home Affairs, the Advisory and Finance Committee approved the appointment of King Sturge as Project Managers.

27. It was clear to the Committee for Home Affairs and the project managers that it was essential that the project architects and consultant mechanical and electrical engineers had extensive experience in prison design and construction. Therefore, the Committee’s Project Managers sought select tenders from companies on HM Prison Service framework agreements for these services. Select tenders were also sought for structural engineers and cost consultants from those with more locally relevant experience.

28. HM Prison Service has also recommended that a Clerk of Works be appointed for the duration of the project to ensure that the quality of the end product is achieved and that the unique prison security issues are addressed.

29. In November, following the competitive select tender process carried out by the Committee for Home Affairs, the Advisory and Finance Committee approved the appointment of the following advisers for the project:-

- Taylor Young, as project architects
- Tillyards, as cost consultants
- Hoare Lea, as consultant mechanical and electrical engineers
- McCathie Associates, as consultant structural engineers.

30. The total level of fees, including project sponsor and project manager, is £516,000 (inclusive of disbursements). It may be possible, as the detailed design develops, to reduce this sum slightly depending on the type of construction finally adopted, particularly in respect of the houseblock, which is likely to be of prefabricated construction. To this will need to be added the cost of the Clerk of Works, for which a budget allowance of £40,000 should be made, giving a total allowance for fees of £556,000.

Proposals from the Project Team

31. Although the professional team were only appointed in November, they have been able to familiarise themselves quickly with the project and to build upon the work carried out in April 2002 by Taylor Young as part of the initial Feasibility Study.

32. In particular they have

- met with a number of HM Prison Service representatives, in London, to harness their knowledge and experience of extending existing Prisons of this size and type
- met, as a design team, both in Guernsey and the UK on a number of occasions
- carried out an evaluation of suitable methods of construction and visited the manufacturing facilities of a number of pre-fabricated building suppliers
- visited HM Prison at Risley, which was constructed using pre-fabricated concrete methods
- commenced site investigations to determine the likely extent of any special foundations required
- commenced a survey of the existing Prison and, in particular, its services to determine their suitability for extension
- held a preliminary meeting with officers of the Island Development Committee to discuss the outline proposals.

33. The project team are currently preparing their project brief, which will be available by the time that this policy letter is discussed. In summary, however, their proposals are set out in paragraphs 34 to 47 below

Scope of Works

34. The original recommendation of the Feasibility Study carried out in April 2002, for the construction of a new self-contained houseblock, has been endorsed as the most appropriate solution.

35. In terms of the construction of a new visitors centre, closer examination of the site has resulted in a recommendation to construct a new self-contained and stand alone visitors centre, in order to minimise disruption to the ongoing operation of the Prison during construction. It might also be possible to utilise the visitors centre for other activities requiring a secure environment.

36. Alterations will also be required within the existing administration block to include, in particular, reorganisation of visitor facilities. The provision of a new

control room, together with the replacement of existing security equipment, which is now out of date, is also strongly recommended.

37. Other alterations will be required to enhance the level of facilities available for staff, including the upgrading of various elements of the buildings services to accommodate additional demands.

38. Because of the nature of the facility it is not prudent and therefore possible to include detailed plans within this policy letter. However, attached as Appendix I is an indicative plan illustrating the general nature of the proposals.

Phasing & Programme

39. An initial evaluation of the programme has indicated that, in order to ensure that the new houseblock is available at the earliest practical opportunity, a phased approach will be necessary. Phasing is likely to comprise:-

- a) an enabling works phase, to comprise the construction of new security fencing to provide a compound within which both the new houseblock and visitors centre can be constructed, without comprising the security of the existing Prison facilities - it is hoped that it may be possible to commence an enabling works phase in March 2003;
- b) the construction of a new houseblock - it is hoped that construction works might start in May 2003 and be substantially complete by December; and
- c) the construction of a new visitors centre – it is hoped that construction works might start in June 2003 and be complete by Spring 2004.

Procurement

40. A preliminary evaluation of available options has indicated that utilisation of a pre-fabricated pre-cast concrete system for construction of the houseblock would be the most appropriate, having regard to all of the circumstances. In arriving at this conclusion the Committee has had regard to the recommendations of the Board of Industry's Report of 19 March 2002 on the Construction Industry and States Capital Spending Programme and, in particular, the recommendation to encourage the use of modern construction methods, where appropriate, which can reduce labour input and improve productivity.

41. Following advice taken from HM Prison Service, three companies with whom they have framework agreements were approached to determine interest in being considered for the proposed houseblock. As a result of these approaches it is recommended that negotiations be entered into with a company by the name of Pre-Cast Cellular Structures Limited (PCSL), utilising the rates established in competition by HM Prison Service, but with modification to take account of special foundation costs, transport, external works and site access costs.

42. Initial indications are that the visitors centre, and other elements of the project, should be constructed by traditional methods using a conventional tender basis.

Building Services

43. The consultant mechanical and electrical engineers have carried out an evaluation of the services requirements of both the new houseblock and visitors centre. They have also carried out a survey of the existing mechanical and electrical infrastructure to include hot and cold water services, fire fighting services, boiler, heating and electrical capacities, and an evaluation of the security and other specialist systems to include public address system, cell call system, CCTV, general alarm and perimeter detection system. Their recommendations have been incorporated within the budget set out in paragraph 45, reported below.

Structural Design

44. Intrusive geotechnical investigations have commenced. The preliminary findings of those investigations indicate that the rock head lies between 3 and 6m below the surface and that underlying material beneath the site comprises a proportion of main ground. The recommendation is that the new buildings be supported upon piled foundations and the budget set out in paragraph 45 below takes that recommendation into account.

Budget

45. The Cost Consultants have prepared a preliminary cost plan and recommended a total budget, including provision for professional fees, of £6,500,000. This budget is entirely comparable with the figure of £4.5 million indicated in the feasibility study (see paragraph 22 above). The difference is accounted for by the provision for professional fees, enabling works, the need to upgrade the existing services infrastructure and to provide a new security control room and replace outdated equipment to comply with current HM Prison Service recommendations.

46. As indicated in the Budget Report for 2003 (paragraph 2.15) it has been anticipated that the cost of the Prison extension will fall on the Capital Reserve.

Statutory Approvals

47. A preliminary meeting has been held, at officer level, with representatives of the Island Development Committee to discuss planning and associated issues. The professional team has been advised that the urban area plan makes provision for extensions of this type, which are to be carried out within the curtilage of the existing security fence.

48. Drawings have now been deposited with the Island Development Committee to enable it to examine the impact in terms of massing, density and scale of the buildings proposed. Attached as Appendix II is a letter dated 7 January 2003 from the Island Development Committee advising that it has decided to raise no objection to the Committee's proposals.

49. As requested by the Island Development Committee, details of the external materials and finishes and detailed drawings for Building Control approval will be submitted in due course.

Staffing and Revenue Implications

50. The Committee for Home Affairs considers that the increase in the number of prisoners now being held within the States Prison already justifies an increase in the number of both frontline Prison Officers and support staff. The construction of the proposed houseblock will also require additional prison officers.

51. The Committee has identified a need for a total of 8 additional prison officers and two additional support staff in order to cope with the increased numbers and changed composition and character of the prison population in the existing Prison. In addition the Committee has identified a need for 10 additional prison officers to staff the new cell block. The staffing requirement for the new cell block is nevertheless less than would be required for any of the other options identified in the feasibility study (see paragraph 14 above).

52. The overall effect of the creation of these additional posts would be to increase the Prison staff establishment from 64 to 84 by the end of 2003. The Committee is in discussion with the Civil Service Board about the staffing implications of these proposals.

53. The anticipated additional revenue budget required to finance the future operation of the prison, assuming that the full increase in establishment is authorised, has been estimated at £509,000 in 2003 (including staffing costs of £378,000 and training costs of £126,000) and £899,000 in 2004 (including staffing costs of £528,000 and training costs of £28,000). The Committee for Home Affairs has advised the Advisory and Finance Committee of this requirement.

Recommendations

54. The Committee for Home Affairs recommends the States to

- a) agree in principle to the construction of a self-contained houseblock and a standalone visitors centre, together with associated works, at the States Prison as set out in this Report;
- b) 1. authorise the Committee for Home Affairs to negotiate with Pre-Cast Cellular Structures Limited on the basis of their existing framework agreement with HM Prison Service for the provision of a new houseblock

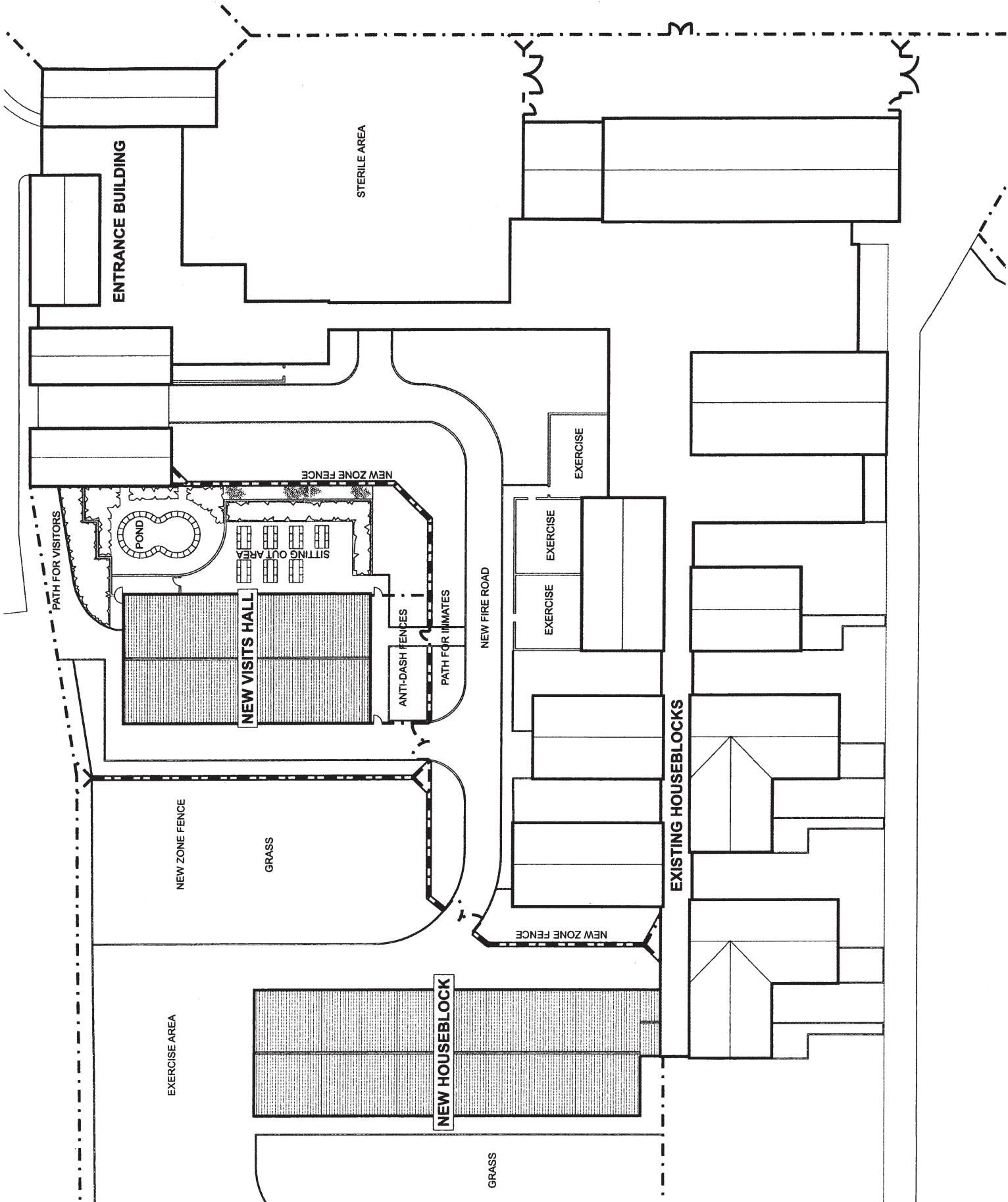
2. authorise the Committee for Home Affairs to seek tenders for other works identified in this Report;
 3. authorise the Advisory and Finance Committee to approve the acceptance of all tenders in connection with the project and to approve a capital vote not exceeding £6,500,000, such sum to be charged to the capital allocation of the Committee for Home Affairs;
 4. authorise the Advisory and Finance Committee to transfer an appropriate sum from the Capital Reserve to the capital allocation of the Committee for Home Affairs;
- c) direct the States Advisory and Finance Committee to increase the 2003 revenue budget of the Committee for Home Affairs – Prison as appropriate and to take account of the additional costs associated with this project when recommending to the States revenue allocations for the Committee for Home Affairs – Prison in 2004 and subsequent years;
- d) direct the States Civil Service Board to have due regard to the staffing implications of the above decisions when administering the Staff Number Limitation Policy.

55. I should be grateful if you would lay this matter before the States with appropriate propositions.

Yours faithfully

M W TORODE

President
States Committee for Home Affairs



APPENDIX 2



STATES OF GUERNSEY

ISLAND
DEVELOPMENT
COMMITTEE

Our ref: B1224

Sir Charles Frossard House
PO Box 43 · La Charroterie
St. Peter Port · Guernsey
GY1 1FH · Channel Islands
Tel. (01481) 717000
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The President
Committee for Home Affairs
Sir Charles Frossard House
PO Box 43
La Charroterie
St Peter Port
Guernsey

7th January 2003

Dear Deputy Torode

DEVELOPMENT BY STATES COMMITTEES -
STATES RESOLUTIONS OF 1 AUGUST 1991 (BILLET D'ETAT XX, 1991)

**PROPOSAL TO EXTEND STATES PRISON WITH NEW INMATE HOUSEBLOCK
AND NEW VISITS BLOCK AT THE STATES PRISON, LES NICOLLES, ST
SAMPSON**

I am pleased to inform you that at its meeting on 7 January 2003 the Committee decided to raise no objection in principle to the above proposal as shown on Taylor Young drawings 1998/0.109, 0.110, 0.111, 0.113, 0.115 and 0.117 received on 20 December 2002.

The Committee however requests that details of the external materials and finishes to be used in construction of the proposed buildings be submitted for consideration and approval by the Committee prior to development being commenced.

The proposal also has to be considered under the Building (Guernsey) Law, 1956 and associated Regulations. You are therefore requested to submit full working drawings of the proposal for the Committee's consideration prior to the scheme being implemented.

Yours sincerely

Deputy J E Langlois
President

The President
States of Guernsey
Royal Court House
St Peter Port
Guernsey
GY1 2PB

28 January 2003

Dear Sir,

I refer to the letter dated 16 January 2003 addressed to you by the President of the Committee for Home Affairs on the subject of the Construction of Additional Prisoner Accommodation and New Prisoner Facilities at the States Prison.

The Advisory and Finance Committee, by a majority, supports the Committee for Home Affairs' proposals. The States Prison was opened approximately 14 years ago and whilst it has served the island well the average number of inmates has increased to beyond that for which it was built and it cannot meet the varied needs of a changing and diverse prison population.

The Advisory and Finance Committee welcomes the Committee for Home Affairs' adoption of a design based on a tried and tested system which, while the more expensive in initial outlay, offers the greatest flexibility, has the least staffing implications and is the most efficient in the long term. The Advisory and Finance Committee also welcomes the Committee for Home Affairs' approach to ensure the delivery of this project within budget and its consideration of the use of prefabricated components.

Although a majority of the Advisory and Finance Committee supports the current proposals from the Committee for Home Affairs, the Committee believes that there is a need to re-examine the factors which determine the size of Guernsey's prison population, and to explore strategies for improving the position. This issue, together with Youth Justice issues, has also been highlighted in the work recently undertaken by the Townsend Centre for International Poverty Research. The Centre's report, entitled "Anti-Poverty Policies – a Range of Possible Options for Guernsey" states, inter-alia, that options in relation to Crime and the Environment, which are designed to alleviate poverty in the island, would be most effectively implemented as part of "a central policy to tackle the twin problems of crime and a growing prison population."

While the Committee understands the need to address the problems of prison overcrowding now, it intends to liaise with the relevant agencies to assess the merits of a comprehensive strategy, and to consider how such a strategy could best be developed and implemented.

States Members will recall that the Advisory and Finance Committee has previously cautioned that the Capital Reserve is insufficient to meet the cost of all major States Projects planned for the foreseeable future and to assist Members in assessing the priority of a specific project to be funded in part or in full from the Capital Reserve the Advisory and Finance Committee has undertaken to inform Members of the current balance on the Capital Reserve and, as far as is known, other likely calls on the Capital Reserve.

The funding for this project will be met from a transfer of up to £6.5m out of the Capital Reserve. At the beginning of January 2003 the Capital Reserve had a balance of £103m. The Committee is aware that out of this Reserve, funding for a number of projects including the Alderney Breakwater, the Education Council's and the Board of Health's Site Development Plans, Housing Developments and the Energy from Waste Plant, may also be required.

Whilst asking the States to note these funding implications the Advisory and Finance Committee, by a majority, strongly recommends the States to approve the proposals which will provide necessary prison facilities for the foreseeable future.

Yours faithfully,

L.C. Morgan
President
States Advisory and Finance Committee

The States are asked to decide:-

IV.- Whether, after consideration of the Report dated the 16th January, 2003, of the States Committee for Home Affairs, they are of opinion:-

1. To agree in principle to the construction of a self-contained houseblock and a standalone visitors centre, together with associated works, at the States Prison as set out in that Report.
2. (1) To authorise the States Committee for Home Affairs to negotiate with Pre-Cast Cellular Structures Limited on the basis of their existing framework agreement with HM Prison Service for the provision of a new houseblock;
- (2) to authorise the States Committee for Home Affairs to seek tenders for other works identified in that Report;
- (3) to authorise the States Advisory and Finance Committee to approve the acceptance of all tenders in connection with the project and to approve a capital vote not exceeding £6,500,000, such sum to be charged to the capital allocation of the States Committee for Home Affairs;
- (4) to authorise the States Advisory and Finance Committee to transfer an appropriate sum from the Capital Reserve to the capital allocation of the States Committee for Home Affairs.
3. To direct the States Advisory and Finance Committee to increase the 2003 revenue budget of the States Committee for Home Affairs – Prison as appropriate and to take account of the additional costs associated with this project when recommending to the States revenue allocations for the States Committee for Home Affairs – Prison in 2004 and subsequent years;
4. To direct the States Civil Service Board to have due regard to the staffing implications of the above decisions when administering the Staff Number Limitation Policy.

STATES COMMITTEE FOR HOME AFFAIRS

REVIEW OF THE LIQUOR LICENSING ORDINANCES 1993 AND 1998

The President
States of Guernsey
Royal Court House
St Peter Port
Guernsey

19 December 2002

Dear Sir

REVIEW OF THE LIQUOR LICENSING ORDINANCES 1993 AND 1998

Introduction

1. In the Autumn of 2000 the Committee for Home Affairs was approached by the Tourist Board with a request that it further review the arrangements for the sale and consumption of alcohol on licensed premises on a Sunday. The Committee decided that, as it was nearly ten years since the last detailed consideration of the arrangements for liquor licensing, it should conduct a wide-ranging review of the Liquor Licensing Ordinances 1993 and 1998.

2. The President of the Committee advised the States of this decision during the debate on the proposition in pursuance of Rule 12(8) of the Rules of Procedure (Billet D'Etat XXIII of 2000) relating to an amendment proposed by Deputy P J Roffey concerning the introduction of the sale of alcohol on Sundays in respect of General Off-Licences.

3. The Committee subsequently established a small Sub-Committee comprising Deputies P N Bougourd (Chairman) and Mrs J M Beaugeard to review the Liquor Licensing Ordinances 1993 and 1998 with the aim of

- simplifying the provisions of the Ordinances
- removing obvious anomalies
- reviewing the arrangements for the sale of alcohol on Sundays.

4. After giving detailed consideration to the provisions of the Liquor Licensing Ordinances 1993 and 1998 and to the views of interested parties, as regards problems and limitations arising from their operation, and having considered the Home Office White Paper "Time for Reform: Proposals for the Modernisation of Our Licensing

Laws” (Cm 4696), the Sub-Committee issued a Consultation Document in March 2002.

5. There was a limited response to the ideas included in the Consultation Document (Appendix I lists those responding) but they were carefully considered by the Sub-Committee and by the Committee for Home Affairs and are referred to in the relevant sections of this policy letter. The Committee would like to take this opportunity to thank those individuals and organisations for taking the time to respond to the Consultation Document.

6. The Committee has also been consulted about the Board of Health’s draft Guernsey Alcohol Strategy, which it considers forms a vital counterpart to the review of the Liquor Licensing Ordinances.

Liquor Licensing Ordinances 1993 and 1998

7. The Liquor Licensing Ordinance 1993 streamlined the arrangements for licensing the sale and consumption of alcohol. In particular, the new Ordinance

- reduced the number of categories of licence to
 - * General Licence
 - * Residential Licence
 - * General Off-Licence
 - * Port Licence
 - * Club Licence
- increased weekday hours for all categories of licence (except General Off-Licences) to 10.00am to 11.45pm [12.00 midnight in respect of Club Licences]
- introduced meal permits in respect of all categories of licence (except General Off-Licences) which allow serving of alcohol with meals on weekdays up to 12.45am and during permitted hours on Sundays [see next bullet point] and permit persons under the age of 18 to be present on licensed premises, whether accompanied by an adult or not
- extended Sunday hours
 - in respect of General and Residential Licences (provided that alcohol was only served with a meal in accordance with a meal permit) to 12.00 noon to 3.30pm and 6.00pm to 11.00
 - in respect of Club Licences to any period(s) of eight hours between 12.00 noon and 11.00pm
- introduced nightclub permits for premises in respect of which a General Licence is held, which provide live entertainment or dancing, which allow serving of alcohol on weekdays (including Saturday nights running into Sunday mornings) up to 1.45am

- revised the arrangements in respect of the sale of alcohol on vessels in territorial waters.
8. The Liquor Licensing Ordinance 1998 redesignated meal permits as family permits and, in respect of Sundays,
- removed the requirement that alcohol could only be served with a meal between 12.00 noon and 3.30pm and
 - extended the evening hours to 6.00pm to 12.45am where alcohol is served with a meal in accordance with a family permit.
9. Attached as Appendix II is a summary of the current opening hours.

General Licences

10. Following the reduction in the number of licence categories under the Liquor Licensing Ordinance 1993, General Licences are issued by the Royal Court in respect of a wide range of premises such as cafes, wine bars, bistros, restaurants, hotels, pubs (including the major Town Centre venues) and nightclubs (which provide live entertainment or dancing and which require separate nightclub permits from the Royal Court).

11. Concern has been expressed that having a single category of General Licence for such a wide variety of premises could provide an opportunity for the character of licensed premises to be changed very quickly with a potentially detrimental affect on the neighbourhood. For example a bistro/restaurant could be converted into a pub without any requirement for a review of its licence, which could cause particular problems in rural and residential areas [premises cannot, of course, be converted into nightclubs without the approval of the Royal Court.]

12. The Committee has carefully reviewed the implications of having a single category of General Licence. The Committee has not been persuaded that there are sufficiently strong grounds at present to warrant recommending a change in this arrangement. The Committee

- believes that, in principle, the simplification of licence categories, is a desirable objective
- recognises that the current arrangement has been in operation for nearly ten years and, as far as the Committee is aware, there has only been one case which may have given cause for concern and that case was not in respect of premises in a rural or residential area
- considers that, subject to health and safety considerations, the use of licensed premises should be a commercial consideration for the operator of those premises.

The Royal Court will still be required to issue nightclub permits to enable premises with a General Licence to operate as nightclubs. The Committee considers that the retention of this additional level of control is essential in order to limit the potential detrimental affect on the neighbourhood of premises, which are required to provide live entertainment or dancing.

13 The Committee proposes that the opening hours in respect of premises, which hold a General Licence, should be simplified.

Weekdays

14. In recent years, in order to minimise public disorder, there has been a general trend towards ending fixed closing times for licensed premises. Experience in Scotland and the Isle of Man suggests that drink related crime has fallen as a result of greater flexibility. In England and Wales, the recent White Paper proposed flexible opening hours with the potential of up to 24 hour opening 7 days a week subject to the consideration of the impact on local residents. It would be up to licensees to determine their own opening hours (licensing authorities would only be able to restrict opening hours where there were considerations of preventing crime and disorder, undue nuisance and threats to public safety). The Committee understands that the Guernsey Alcohol Strategy Working Party supports the introduction of greater flexibility in the licensing Ordinances as part of an overall strategy in order to achieve a long-term aim of changing attitudes towards alcohol and the current drinking culture to one of safe and sensible drinking and hence reducing alcohol induced ill-health and alcohol related crime.

15. As a general principle, the Committee believe that licencees should be given greater freedom to operate licensed premises (including particularly the setting of opening hours) provided that they fully exercise responsibility for ensuring that they are effectively managed and that customers behave sensibly.

16. Nevertheless, the Committee believes that it would be premature to consider introducing complete flexibility and, in any case, is not aware of any pressure for such a change.

17. The Committee is aware, however, of a desire for later opening, particularly at weekends. At present premises with a General Licence may open for the sale and consumption of alcohol on weekdays between 10.00am and 11.45pm or between 10.00am and 12.45am if alcohol is served with a meal in accordance with a family permit or between 10.00am and 1.45am if alcohol is served under a nightclub permit.

18. The Committee considers that, having regard to the general trend as regards the opening hours of licensed premises and the desirability of simplifying the provisions of the Liquor Licensing Ordinances 1993 and 1998, weekday opening hours should be 10.00am to 12.45am and that the requirement relating to meals should cease to operate. The Committee believes that the case for the later permitted opening hours is all the stronger because it should significantly reduce the likelihood of the antisocial behaviour which often occurs as individuals and groups come into conflict as a result of a transfer of people from public houses to nightclubs to obtain a later drink at 11.45pm. The Committee nevertheless wishes to stress that these are

maximum opening hours. It will be up to licensees to determine actual opening hours of their premises having regard to individual circumstances.

19. In the light of the suggested change in closing times and as the vast majority of applications for extensions are in respect of the hour between 11.45pm and 12.45am, the Committee considers that there should no longer be a need for the provision for licensees to seek individual extensions from the Royal Court. The Committee will still be able to apply to the Royal Court for a General Order of Extension in specific circumstances (eg New Year's Eve, World Cup).

20. The Committee is aware of concerns that introducing a later closing time could result in increased disruption particularly for neighbours of licensed premises. The Committee does not accept that this will necessarily be the case particularly as those venues, which are likely to attract a late-night clientele, are unlikely to be in residential areas. In any case, many such premises hold a family permit and are able to sell alcohol albeit with a meal. The Committee believes, however, that this is an area where licensees should take proper responsibility to ensure that their customers do not create a nuisance for neighbours and, if necessary, should set their opening hours accordingly.

21. The Committee is also aware of concerns, which have been expressed as to the availability of taxis if later closing takes place. The Committee does not, however, consider that this will necessarily be a problem particularly if there is a greater variety of closing times for different licensed premises.

22. Representations have been made to the Committee in respect of premises with a General Licence which also hold a nightclub permit that their closing time (1.45am) should be extended as nightclubs could lose business because of the Committee's proposals for a 12.45am closing time for other premises with a General Licence and in the light of the Committee's proposals in respect of the Casino (see below). The Committee does not consider that nightclubs should expect to benefit from customers who simply wish to be able to continue drinking when other premises with a General licence close. Nightclubs are required to provide live entertainment or dancing and the Committee believes that it is a commercial matter for them to effectively compete with other licensed premises through the attractions they provide. The Committee does not therefore propose to suggest any change in the closing time for nightclubs.

Sundays

23. As mentioned at the beginning of this policy letter, the original impetus for this review of the Liquor Licensing Ordinances 1993 and 1998 was an approach from the Tourist Board that the Committee review the arrangements for the sale and consumption of alcohol on licensed premises on a Sunday.

24. The 1993 Ordinance permitted the sale and consumption of alcohol on premises with a General Licence on a Sunday provided that it was served with a meal in accordance with a meal permit during the hours 12.00 noon to 3.30pm and 6.00pm to 11.00pm

25. The 1998 Ordinance removed the restriction that alcohol be served only with a meal during 12.00 noon to 3.30pm and extended the latter period to 6.00pm to 12.45am.

26. There has been no evidence that the removal of the restriction that alcohol be served only with a meal during 12.00 noon to 3.30pm has created any problems. Indeed, it would appear that only a limited number of licensed premises open on Sundays lunchtimes and that most of these provide meals. The Committee does not consider that the situation is likely to be any different in respect of Sunday evenings. The Committee is also aware that the current arrangement whereby licensed premises close on Sundays between 3.30pm and 6.00pm can be inconvenient for both locals and visitors. The Committee sees no reason to retain this break.

27. The Committee therefore considers that premises with a General Licence should be able to sell alcohol on Sundays between 12.00 noon and 12.45am without the need to purchase a meal. However, the Committee believes that provision for the family permit should be retained in order that persons under the age of 18 can be present on licensed premises, whether accompanied by an adult or not.

28. The Committee recognises that making it easier for premises with a General licence to sell alcohol on a Sunday is likely to be controversial. The Committee has received a number of representations expressing concern about the possible effect on family life of the increased availability of alcohol, particularly on Sundays.

29. Whilst understanding and sympathising with concerns about the special character of Sundays the Committee believes that this has already significantly changed in recent years (not solely as a result of changes in the Liquor Licensing Ordinances) and does not consider that the proposed changes in Sunday opening hours of premises with a General Licence will make any further significant change in character.

Christmas Day and Good Friday

30. In line with its proposal in respect of Sundays, the Committee considers that the provision whereby alcohol may be sold for extended hours on Christmas Day and Good Friday only if sold with a meal in accordance with a family permit should no longer apply and that premises with a General Licence should be able to sell alcohol on those days (including Christmas Day when it falls on a Sunday) between 11.00am and 2.30pm and between 7.00pm and 10.30pm.

Residential Licences

31. Premises which hold a Residential Licence may only sell alcohol to residents and their guests but, apart from this provision, they are identical to General Licences. There are only a handful of premises with Residential Licences and the Committee proposes that this category of licence be abolished and existing Residential Licences be exchanged for General Licences.

General Off Licences

32. At its meeting on 14 December 2000 the States resolved

“To instruct the Committee for Home Affairs to report back to the States as soon as reasonably possible with proposals for amending the Liquor Licensing Ordinance, 1993 so that any shop which can lawfully be open for the serving of customers on a Sunday and which holds a general off-licence shall be permitted to sell intoxicating liquor on a Sunday on the same basis, and subject to the same conditions, as on any other day of the week.”

33. The Liquor Licensing Ordinance 1993 provides that General Off-Licences may sell alcohol on weekdays, other than Christmas Day and Good Friday, between the hours of 8.00am and 9.00pm. Such sales are subject to the conditions that the alcohol must be in sealed containers and not consumed on the premises. General Off Licences are not allowed to sell alcohol on Sundays, Christmas Day or Good Friday.

34. The Committee sees no reason why General Off Licences should not be permitted to sell alcohol on Sundays, Christmas Day or Good Friday and, in accordance with the December 2000 States Resolution, proposes that they be permitted to sell alcohol on those days between 8.00am and 9.00pm.

Port Licence

35. Following the December 2000 States debate (see paragraph 32 above) the Board of Administration approached the Committee to ask that when considering the question of the sale of alcohol by General Off-Licences on a Sunday, consideration could also be given to the position at Guernsey Airport, which is covered by a Port Licence.

36. The Port Licence does not permit the sale or consumption of alcohol on a Sunday, although it is permitted on Christmas Day and Good Friday between 11.00am and 12.30pm and between 7.00pm and 9.30pm.

37. The Committee acknowledges the potentially damaging effect on the Tourist trade of the Airport being unable to sell alcohol on Sundays and, having regard to its proposals for Sunday hours for General Licences and general Off-Licences, proposes that the Port Licence should provide, in respect of Sundays, Christmas Day and Good Friday, for

- the sale of alcohol in sealed containers which is not for consumption on the premises (the same conditions as apply to General Off-Licences) from the time that Airport opens until 12.00 noon
- the sale and consumption of alcohol from 12.00 noon until the Airport closes or to 12.45am, whichever is the earlier.

38. Although there is currently no provision for the sale and consumption of alcohol at the Harbours, the Committee and the Board agree that, for the sake of clarity, there should be provision for the grant of a Port Licence in respect of the harbour of St Peter Port subject to the same rules as apply at the Airport.

Club Licences

39. The Committee has received a representation that extending the hours on a Sunday when alcohol may be sold and consumed on premises covered by a General Licence would be detrimental to premises holding Club Licences. The Committee recognises that changes in the opening hours of premises covered by a General Licence result in increased competition for social clubs but considers that this is a commercial issue and has concluded that such considerations should not affect its proposals in respect of General Licences.

40. The Committee considers that the opening hours for clubs should be the same as proposed for premises (other than nightclubs) covered by a General Licence. The effect of this will be to increase weekday and Sunday opening hours but to curtail opening hours on Good Friday and Christmas Day.

Casino Licence

41. The Committee has been approached by the Gambling Control Committee and the Tourist Board to ask that it consider the arrangements for liquor licensing for the proposed Casino.

42. The Gambling (Casino Gaming) Ordinance provides that the Guernsey Gambling Control Commission shall prescribe the hours during which the gaming rooms may operate, which will commence no earlier than 11.00am and end no later than 4.00am. The Ordinance also provides that the playing of a prescribed game or the operation of a gaming machine in a gaming room is prohibited on Christmas Day and Good Friday.

43. The Committee acknowledges that the Casino will be unique in Guernsey and considers that it would be appropriate for special arrangements to be made to regulate the sale and consumption of alcohol therein. The Committee has noted that in England and Wales alcohol may be sold and consumed whilst a casino is open but no later than 3.30am. The Committee considers that it would be appropriate for similar arrangements to apply to the Guernsey Casino.

44. The Committee proposes that there should be a new category of liquor licence to cover the Casino to permit the sale and consumption of alcohol in the gaming rooms during the following hours

Sundays and weekdays	from 11.00am or when the Casino opens whichever is the later to 3.30am or when the Casino closes whichever is the earlier
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The Role of the Royal Court

45. At present all matters relating to liquor licensing are dealt with by the Royal Court sitting as a full court. It is generally felt that this places an unnecessary burden on the Court.

46. After consultation with the Royal Court, the Committee proposes that liquor licensing should be dealt with by the Ordinary Court, which would have the power to refer an application to the full court if it considered that appropriate.

Gazette Notices

47. The Committee proposes that a notice should only need to be published in La Gazette Officielle in respect of new licensed premises.

Reports to the Court

48. The Committee proposes that where the Constables and Douzaine of a parish are required to present a report to the Royal Court it should be possible to include this report within the report submitted by the Committee.

49. The Constables of St Peter Port have advised that they would not wish to avail themselves of the possibility of appending their reports to the Committee's reports.

Sale of Spirits

50. The Trading Standards Service has suggested that section 39 of the Liquor Licensing Ordinance 1993 does not explicitly prohibit the sale of adulterated spirits. The Committee proposes that section 39 should be amended to make it clear that this is prohibited.

View Of Measure

51. Also after consultation with the Trading Standards Service, the Committee proposes that section 40 of the Liquor Licensing Ordinance 1993 should be repealed, as the Weights and Measures legislation now includes the necessary provisions.

Passenger Vessels

52. Part XI of the Liquor Licensing Ordinance covers the sale and consumption of alcohol on passenger vessels within Territorial Waters.

53. Section 63(d) permits the sale and consumption of alcohol on certain passenger vessels while they are in Territorial Waters and carrying passengers to and from Guernsey. It does not, however, permit the sale and consumption of alcohol on these vessels while they are berthed, moored or anchored in Territorial Waters. The Committee proposes that this latter restriction be repealed.

54. Alcohol may be sold or consumed on passenger vessels which operate charters solely within Territorial Waters provided that the Royal Court has

- granted a passenger vessel licence to the vessel
- granted a master's liquor permit to the master of the vessel
- approved each charter of the vessel.

55. The Committee believes that the current arrangement whereby the Court has to approve every charter is onerous and unnecessary. It can mean that, if the Court has approved a charter and, because of bad weather or some other reason, the trip has to be postponed, a further approach has to be made to the Court. The Committee considers that if the Royal Court has licensed the passenger vessel and the master it is unnecessary for it to approve every charter.

Product launches and wine tasting

56. The conditions applying to General Off Licences in the second schedule to the Liquor Licensing Ordinance 1993 include the provision that the licensee shall not supply alcohol for consumption on the premises. The Committee proposes that special promotions, product launches and wine tasting in premises covered by a General Off Licence should be permitted with the Committee's approval in each case.

Personal Licences

57. At present liquor licences are issued to individuals or to designated officials, representing bodies corporate, in respect of specific premises. Every time that a licensee moves from one set of licensed premises to another he or she has to appear before the Royal Court. In the case of bodies corporate, which operate a number of licensed premises and rotate their managers this can become a burden both for the Bodies corporate and the Royal Court without providing any benefit.

58. The Home Office White Paper has proposed the introduction of personal licences in England and Wales, which would permit licencees to sell intoxicating liquor on any licensed premises.

59. The White Paper proposes a single category of Personal Licence as explained in the following quote

“The social responsibilities which the personal licence is intended to assure are the same everywhere; and it is more a question of commercial risk and judgement for the licence holder than for the law where he or she should work. The personal licence should be seen as a test of personal qualification, not of business competence: and the evidence to obtain it should reflect this. For these reasons we do not accept the argument that some kind of higher level personal licence should be required to operate, for example, larger nightclubs. Different skills and experience may be needed to manage successfully different kinds of venues, but commercial demands should ensure that managers of the right calibre are recruited. Indeed, businesses which are run incompetently with resulting disorder or public nuisance will,

under the scheme we propose, rapidly find themselves suffering significant penalties for breaching conditions attached to the premises licence.”

60. The key aspects of the system of personal licences proposed for England and Wales, as set out in the White Paper, are as follows

- personal licences would last for 10 years and that there would be a presumption of renewal
- certain unspent criminal convictions would create a presumption against grant of the licence or, where one is in force, in favour of revocation
- possession of an accredited qualification would lead to automatic grant of a personal licence in the absence of relevant criminal convictions
- personal licences should be revoked after 5 years absence from the trade
- endorsement of personal licences and revocation after two endorsements (endorsement includes the imposition of fines, warning and temporary suspensions)
- in *very exceptional circumstances* the police could challenge to right of a personal licence holder to manage particular premises.

61. The Committee considers that the introduction of a system of personal licences in Guernsey would be beneficial in that, on the one hand, it would reduce the administrative burden (identified in paragraph 45) and, on the other, should help ensure that licencees effectively manage licensed premises.

62. The Committee acknowledges that there are many details, which will need to be worked out before a system of personal licences could be introduced in Guernsey and believes that it would be necessary to modify the system proposed in England and Wales for local conditions.

63. At this stage, the Committee simply wishes to seek the agreement of the States to the principle of introducing a system of personal licences. The Committee will report back to the States in due course with detailed proposals.

Recommendations

64. The Committee recommends that

1. the Liquor Licensing Ordinances 1993 and 1998 be amended as follows to
 - a) remove the Residential Licence category and provide that premises currently in possession of Residential Licences be issued with General Licences;

- b) include a provision for the grant of a Ports Licence in respect of the harbour of St Peter Port;
- c) introduce a new category of Casino Licence;
- d) amend the permitted hours during which alcohol may be sold and consumed on licensed premises as set out in the following table:

	Weekdays	Sundays (other than Christmas Day)	Christmas Day and Good Friday
General Licence	(i) 10.00am to 12.45am (ii) 10.00am to 1.45am if served under a nightclub permit	12 noon to 12.45am	(i) 11.00am to 2.30pm (ii) 7.00pm to 10.30pm
General Off Licence	8.00am to 9.00pm	8.00am to 9.00pm	8.00am to 9.00pm
Port Licence	(i) opening of terminal to 10.00am in stoppered or sealed containers not for consumption on the premises (ii) 10.00am to 12.45am or closure of terminal whichever is earlier	(i) opening of terminal to 12 noon in stoppered or sealed containers not for consumption on the premises (ii) 12 noon to 12.45am or closure of terminal whichever is earlier	(i) opening of terminal to 12 noon in stoppered or sealed containers not for consumption on the premises (ii) 12 noon to 12.45am or closure of terminal whichever is earlier
Club Licence	10.00am to 12.45am	12 noon to 12.45am	(i) 11.00am to 2.30pm (ii) 7.00pm to 10.30pm
Casino Licence	11.00am or when the Casino opens whichever is the later to 3.30am or when the Casino closes whichever is the earlier	11.00am or when the Casino opens whichever is the later to 3.30am or when the Casino closes whichever is the earlier	Closed

- e) delete the provision whereby licencees may apply to the Court for extensions;

- f) provide that liquor licensing matters be dealt with by the Ordinary Court, which would have the power to refer an application to the full court if it considered that appropriate;
 - g) provide that notices will only be published in La Gazette Officielle in respect of new licensed premises;
 - h) provide that reports from Constables and Douzaine of a parish to the Royal Court may be included within the report submitted by the Committee to the Court;
 - i) amend section 39 to prohibit the sale of adulterated spirits;
 - j) repeal section 40;
 - k) amend Section 63(d) to provide that alcohol may be sold or consumed on relevant passenger vessels while they are berthed, moored or anchored in Territorial Waters;
 - l) remove the requirement that, if the Royal Court has licensed the passenger vessel and the master thereof to operate charters solely within Territorial Waters, the Court need approve every charter;
 - m) permit special promotions, product launches and wine tasting in premises covered by a General Off Licence with the Committee's approval in each case.
2. the States agree in principle to the introduction of a system of personal licences with appropriate sanctions and direct the Committee to report back to the States with detailed proposals in due course.

65. I should be grateful if you would place this matter before the States with appropriate propositions including one directing the preparation of the necessary legislation.

Yours faithfully

P N BOUGOURD

Vice President
States Committee for Home Affairs

Responses to the March 2002 Consultation Document

The Royal Court

Board of Administration
Gambling Control Committee
Board of Health
Tourist Board

Constables of St Peter Port
Parish of St Pierre du Bois

Guernsey Hotels and Tourism Association
Guernsey Licensed Victuallers Association
Guernsey Taxi Owners Federation
The Royal British Legion (Guernsey Southern)

C S B Barnes
Chatel Duvette
Endean family
Tom Frampton
Mrs J Girard
Thomas Vidamour
Deputy Tony Webber

Collas Day
Ozannes (on behalf of The Golden Monkey, Club 54 and Follies D'Amour)
Suzanne Pontin (Bankers Draught)
Brian & Sue Richards (The Apartment)
Trident Charters

APPENDIX II

Current opening hours under Liquor Licensing Ordinances 1993 and 1998

	Weekdays	Sundays	Christmas Day and Good Friday
General Licence	(i) 10.00am to 11.45pm (ii) 10.00am to 12.45am if served with a meal (iii) 10.00am to 1.45am if served under a nightclub permit	(i) 12 noon to 3.30pm (ii) 6.00pm to 12.45am if served with a meal	(i) 11.00am to 12.30pm (ii) 11.00am to 2.30pm if served with meal (iii) 7.00pm to 9.30pm (iv) 7.00pm to 10.30pm if served with a meal
Residential Licence	10.00am to 11.45pm	(i) 12 noon to 3.30pm (ii) 6.00pm to 12.45am if served with a meal	(i) 11.00am to 12.30pm (ii) 11.00am to 2.30pm if served with meal (iii) 7.00pm to 9.30pm (iv) 7.00pm to 10.30pm if served with a meal
General Off Licence	8.00am to 9.00pm	Closed	Closed
Port Licence	(i) opening of terminal to 10.00am in stoppered or sealed containers not for consumption on the premises (ii) 10.00am to 11.45pm or closure of terminal whichever is earlier	Closed	(i) 11.00am to 12.30pm (ii) 7.00pm to 9.30pm
Club Licence	10.00am to 12 midnight	Any period(s) of eight hours between 12 noon and 11.00pm	Any period(s) of eight hours between 12 noon and 11.00pm

(NB The States Advisory and Finance Committee by a majority supports the proposals)

The States are asked to decide:-

V.- Whether, after consideration of the Report dated the 19th December, 2002, of the States Committee for Home Affairs, they are of opinion:-

1. That the Liquor Licensing Ordinance 1993, as amended, be further amended as follows to -
 - (a) remove the Residential Licence category and provide that premises currently in possession of Residential Licences be issued with General Licences;
 - (b) include a provision for the grant of a Ports Licence in respect of the harbour of St Peter Port;
 - (c) introduce a new category of Casino Licence;
 - (d) amend the permitted hours during which alcohol may be sold and consumed on licensed premises as set out in the following table:

	Weekdays	Sundays (other than Christmas Day)	Christmas Day and Good Friday
General Licence	(i) 10.00am to 12.45am (ii) 10.00am to 1.45am if served under a nightclub permit	12 noon to 12.45am	(i) 11.00am to 2.30pm (ii) 7.00pm to 10.30pm
General Off Licence	8.00am to 9.00pm	8.00am to 9.00pm	8.00am to 9.00pm
Port Licence	(i) opening of terminal to 10.00am in stoppered or sealed containers not for consumption on the premises (ii) 10.00am to 12.45am or closure of terminal whichever is earlier	(i) opening of terminal to 12 noon in stoppered or sealed containers not for consumption on the premises (ii) 12 noon to 12.45am or closure of terminal whichever is earlier	(i) opening of terminal to 12 noon in stoppered or sealed containers not for consumption on the premises (ii) 12 noon to 12.45am or closure of terminal whichever is earlier

Club Licence	10.00am to 12.45am	12 noon to 12.45am	(i) 11.00am to 2.30pm (ii) 7.00pm to 10.30pm
Casino Licence	11.00am or when the Casino opens whichever is the later to 3.30am or when the Casino closes whichever is the earlier	11.00am or when the Casino opens whichever is the later to 3.30am or when the Casino closes whichever is the earlier	Closed

- (e) delete the provision whereby licencees may apply to the Court for extensions;
 - (f) provide that liquor licensing matters be dealt with by the Ordinary Court, which would have the power to refer an application to the Full Court if it considered that appropriate;
 - (g) provide that notices will only be published in La Gazette Officielle in respect of new licensed premises;
 - (h) provide that reports from the Constables and Douzaine of a parish to the Royal Court may be included within the report submitted by the States Committee for Home Affairs to the Court;
 - (i) amend section 39 to prohibit the sale of adulterated spirits;
 - (j) repeal section 40;
 - (k) amend section 63(d) to provide that alcohol may be sold or consumed on relevant passenger vessels while they are berthed, moored or anchored in Territorial Waters;
 - (l) remove the requirement that, if the Royal Court has licensed the passenger vessel and the master thereof to operate charters solely within Territorial Waters, the Court need approve every charter;
 - (m) permit special promotions, product launches and wine tasting in premises covered by a General Off Licence with the States Committee for Home Affairs approval in each case.
2. To agree in principle to the introduction of a system of personal licences with appropriate sanctions and to direct the States Committee for Home Affairs to report back to the States with detailed proposals in due course.
 3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

STATES AGRICULTURE AND COUNTRYSIDE BOARD**REVIEW OF ANIMAL WELFARE LEGISLATION**

The President
States of Guernsey
Royal Court House
St. Peter Port
Guernsey

14 January 2003

Dear Sir,

REVIEW OF ANIMAL WELFARE LEGISLATION**INTRODUCTION**

In the latter part of the 1990s a number of individuals and organisations contacted the Board expressing concerns about a range of animal welfare issues suggesting that it consider certain amendments or additions to insular animal welfare legislation.

In 1999 a petition was organised calling for a review of such legislation and for a number of specific animal welfare issues to be addressed. The text of the petition is set out in Appendix 1.

The petition was presented to the Advisory and Finance Committee and the petitioners asked:

“that a committee examine the need for a new or different committee to report to the States on a comprehensive update of these (existing animal welfare) laws”.

The Committee discussed this request with the Agriculture and Countryside Board and concluded that it was appropriate for the Board to carry out the review, as it is currently responsible for the administration of much of the existing animal welfare legislation. The issue of whether or not the Board is the appropriate body to administer such legislation or any new legislation is addressed in a later section of this policy letter.

The Board set up a temporary sub-committee, the Animal Welfare Panel, to undertake much of the detailed work of the review. The Panel was chaired by the President of the Board and in addition, membership included one other Board member and representatives of both of the veterinary groups on the Island, the GSPCA, Guernsey Animal Aid, the Guernsey Farmers Association and the RSPCA.

The Panel produced recommendations that were considered and accepted by the Board, the principles of which are set out in this policy letter.

The work of the Panel was interrupted by the outbreak of foot and mouth disease in the United Kingdom as staff resources were diverted to deal with that matter and this has led to a significant delay in bringing forward these proposals.

This review is intended to be comprehensive and it has taken into account the views and opinions of interested individuals and organisations as well as the issues raised in the public petition.

The review has also sought to address specific issues of concern raised by the public and organisations. An example of this is the existing power of the Court to ban a person from owning an animal on conviction for an offence of animal cruelty. Such powers are only available on conviction for a second offence (other than in the case of a dog).

The proposals regarding penalties have been drafted with this in mind and the provisions relating to penalties and the powers available to the Court strengthened to include an option to ban a person from owning an animal on conviction for a first offence of cruelty.

SCOPE OF THE REVIEW

The review carried out by the Animal Welfare Panel included an examination of:

- existing insular legislation that deals with or has a bearing on animal welfare in Guernsey (listed in Appendix 2),
- relevant legislation in force in the United Kingdom; and
- relevant international agreements and conventions.

The review considered animal welfare issues that relate to all vertebrate animals (other than man) and it also took into account the possibility of extending protection to invertebrate animals in certain circumstances.

OUTCOME OF THE REVIEW

At the end of the review of all of the legislation described above, the Animal Welfare Panel concluded that whilst the legislation in force on the Island was generally adequate for the areas that it covered, such legislation did not extend to all aspects of animal welfare and that some new legislation should be introduced.

Rather than proposing new and separate pieces of legislation the Panel recommended that a single piece of legislation be promoted, consolidating existing regulations and incorporating new principles in respect of animal welfare issues where legislation is currently absent.

The intention of the recommendation was to introduce comprehensive animal welfare legislation that mirrors standards that are in force in the United Kingdom and other parts of the World and in some cases, based on the professional advice of members of the Animal Welfare Panel, to improve on those standards.

Some of the issues covered in the proposals relate to matters such as the regulation of certain professions and businesses where they have an impact on the welfare of animals.

STRUCTURE OF THE REVIEW AND PROPOSED NEW LEGISLATION

The review was structured to consider the following broad issues:

- protection of animals (measures intended to provide comprehensive protection for all vertebrate animals),
- welfare of animals (additional measures to protect animals in particular circumstances where they are kept by man),
- circumstances in which animals may be killed or taken (such as animals slaughtered for food or euthanased because they are ill or injured)
- animal ownership and responsibilities of animal owners (including some restrictions, such as the ownership of certain breeds of dog and dangerous animals),
- regulation of professions and businesses (intended to ensure that only properly trained or qualified persons practice, for example, as veterinary surgeons on the Island); and
- miscellaneous provisions (provisions for the administration and implementation of the proposed legislation).

The proposals for new legislation are set out in this policy letter using the same structure as a means of presenting the detailed arguments and principles. The principles are presented numerically under the prefix P and the proposals are set out in detail in Appendix 3

DETAILED PROPOSALS

1. Protection of Animals

Existing legislation provides for a significant level of protection for birds and the Board believes that such protection should be extended to all vertebrate animals. As a general, overall principle, therefore it is proposed that all animals should be provided with a

basic level of fundamental protection from arbitrary or malicious acts of killing, violence or abuse and unnecessary suffering due to neglect.

One of the perceived failings of existing legislation is the speed with which legal action is taken in cases of alleged animal cruelty, however any apparent lack of action arises from the fact that an actual act of cruelty has to occur before such action can be considered.

The Animal Welfare Panel examined this issue and recommended that new animal welfare legislation include provision for action to be taken should cruelty to an animal actually occur, but also if an act or lack of action was likely to result in cruelty to an animal.

It is also proposed that whilst new legislation should protect animals from acts of cruelty by any individual, it should also include a provision that the owner or occupier of land should not knowingly permit another person to commit acts of cruelty or acts likely to lead to cruelty to any animals on that land.

P1 A person shall not kill, injure or cause unnecessary suffering to any animal by a wilful or unreasonable act, a failure to act or through negligence or commit any such acts that would be likely to lead to the death, injury or suffering of an animal.

Animals shall be protected from:

- i) being killed, injured or taken from the wild,
- ii) acts of violence or abuse, such as torture, beating, starvation and poisoning or similar acts or lack of action that leads to unnecessary suffering, injury or death,
- iii) wilful disturbance when they are nesting or rearing young,
- iv) wilful harassment intended to cause distress or to drive them from a particular place; and
- v) acts such as the release of infectious disease, poisons or other chemicals into the environment where the intention is to significantly reduce or eradicate the population of any animals,

and their nests, roosts, burrows and dens shall be protected from wilful damage or destruction.

P2 The owner or occupier of any land shall not allow another person to act, fail to act or be negligent in such a way as to cause, or to be likely to cause injury to, or the death or unnecessary suffering of, any animal on that land.

When an animal is kept by a person, for commercial or scientific reasons, as part of an interest or hobby or as a pet or companion the Board believes that that person has a duty to provide that animal with a good quality of life and certain basic standards of care. The Board therefore proposes that new animal welfare legislation include provision for such a duty of care, based on the so-called “five freedoms” and that a breach of that duty should constitute an offence.

The five freedoms were conceived by the Farm Animal Welfare Council which is an independent advisory body to H.M. Government. These freedoms have become accepted as basic standards that should be applied in respect of the welfare of all animals, not just farm animals, and they have found their way into a range of welfare codes and legislation that deals with animal welfare.

The five freedoms are:

1. freedom from thirst, hunger and malnutrition,
2. freedom from discomfort,
3. freedom from pain injury and disease,
4. freedom to express normal behaviour; and
5. freedom from fear and distress.

P3 Any person who owns or keeps an animal shall have a duty of care for that animal based on the five freedoms and a breach of such duty of care shall constitute an offence.

It was pointed out during consultation with the public that it would not always be possible for an animal kept in captivity to be able to fully enjoy the fourth freedom because of the fact that it was held in captivity. The Board acknowledges that this argument is valid and that the proposed new legislation should make provision for the fourth freedom to be applied within the context of the conditions in which animals are normally kept in captivity by man.

Existing legislation prohibits the use of certain methods to kill or take wild birds and the Board believes that such provisions should be included in the proposed new legislation and extended to include all vertebrate animals.

The Board also believes that the controls on the methods, techniques, devices or equipment used to take or kill wild animals should be strengthened so that only approved methods, techniques, devices or equipment may be used. In later sections it will be proposed that such approved methods etc could only be used in specific circumstances such as in the control of pests, the taking of animals for scientific purposes (for example bird ringing) or the hunting of game.

P4 The use of any method, technique, device or equipment to kill or take animals shall be prohibited with the exception of methods, techniques, devices or equipment that are approved by the Board.

The above principles are intended to provide comprehensive protection for animals, however, the Board acknowledges that there are circumstances in which they may be killed (such as for food, including the hunting of game) or when it is necessary to kill or take animals (such as to control pests or an outbreak of disease). The circumstances in which animals may be killed or taken are discussed in a later section of this policy letter.

The Board recommends that new animal welfare legislation include provisions for the protection of animals in accordance with the principles set out above and as set out in more detail in Part 1 of Appendix 3.

2. Welfare of Animals

The principles set out below are intended to establish minimum standards for the welfare of animals where they are kept by man.

Welfare Codes

The Board currently has the power to make codes of recommendations for the welfare of livestock and it proposes that this principle should be extended to include all animals.

Welfare codes currently exist for farmed livestock and these will be reissued, probably with some minor amendments to reflect changes in animal welfare standards that have been introduced since those codes were originally made. The Board also proposes to introduce a code for pet and companion animals and following consultations with La Société Guernesiaise, a code relating to marine mammals.

P5 The Board may make codes of recommendations for the welfare of any animals by Order.

Welfare of Animals during Transport

Minimum standards for the welfare of animals that are transported have been established in a number of ways including standards set in European Community legislation and standards set by the International Air Transport Association for the transport of animals by air.

These standards often relate to international transportation, however the Board believes that there are welfare issues that also need to be addressed relating to the movement of animals between the Channel Islands and within the Island and that certain special provisions should be made for the transportation of wild animals.

For the purpose of the review, international transport was taken to mean the transportation of an animal anywhere outside of the Channel Islands. It proposes that new animal welfare legislation:

- a) establish minimum standards for the international transportation of animals; and
- b) incorporate the provisions of EC legislation on welfare of animals during international transport which include requirements for the licensing of any person or business that carries out such trade on a commercial basis.

The minimum standards that are proposed by the Board would include requirements relating to the general health of animals (they must be fit to travel), the conditions under which they are transported (animal boxes or containers) and requirements regarding treatment if they fall ill during transportation.

The Board believes that EC rules on the welfare of animals during international transport should be incorporated into local legislation in order that the Island may be seen to be applying standards that are the same as the standards that are applied in the Community.

There is currently one Guernsey-based business transporting animals on a commercial basis, mainly to the United Kingdom, and the operator and the vehicle used for such operations already have to conform to the Community rules in order to move animals once they are in the territory of the Community.

- P6 Minimum standards for the welfare of animals that are transported to or from a place other than a place in the Channel Islands shall be established and shall include the provisions of European Community legislation on the welfare of animals during transport.

In addition to the international transportation of animals, the review took into account the welfare of animals transported between the various Islands of the Channel Islands and the Animal Welfare Panel noted past instances in which attempts were made to transport livestock from Guernsey by fishing boat in less than satisfactory conditions.

The Board believes that animals transported between the Islands should enjoy certain minimum standards of welfare in the same way as animals transported internationally and that such standards should be established in legislation. Such standards would relate to fitness to travel and the manner in which animals are transported (animal containers etc).

It proposes that minimum standards be established for animals transported by air or sea by conventional means (scheduled air or sea services) and that any other form of transportation be regulated by a system of licensing.

The Board does not propose to prohibit the transportation of animals using unconventional methods and it acknowledges, for example, that the movement of

animals to and from Herm can only be achieved by such means. The intention is to regulate such activities and to ensure that minimum animal welfare standards are applied.

- P7 Minimum standards for the welfare of animals that are transported between the Islands of the Channel Islands shall be established and any transportation of animals by means other than scheduled air or sea services shall be regulated by licence.

As the result of public consultation and in response to certain concerns that were expressed regarding the transportation of animals on the Island, particularly in relation to the plight of animals left in vehicles during hot weather, the Board proposes that the new legislation include some general requirements on the welfare of animals that are transported around the Island.

- P8 Animals transported on the Island must be protected from injury, extremes of temperature and provided with adequate ventilation.

Again as the result of public consultation, the issue of the transportation of wild animals was raised, in particular in respect of marine mammals. In general wild animals often have special welfare requirements when transported and the Board believes that such requirements should be reflected in the proposed new animal welfare legislation.

- P9 Where wild animals are transported from the Island for veterinary treatment, transfer to a facility such as a sanctuary or for release in another place, in appropriate cases, such animals must be:
- i) accompanied during transportation by a person qualified to meet any welfare requirements of such animals; and
 - ii) transported in a manner that minimises stress and unnecessary suffering.

Licensing of Premises

In a number of jurisdictions the operation of certain businesses (ranging from pet shops and animal boarding establishments to zoos and aquaria), is regulated by a system of licensing and conditions attached to licenses are intended to establish minimum welfare standards for any animals kept on licensed premises.

The Board has no particular concerns about the businesses that are currently operating in the Island, however, the absence of regulation would not prevent a new business from setting up and operating in conditions in which animal welfare standards were low.

In order to preclude such a possibility and to ensure that minimum standards of animal welfare are maintained, the Board proposes that the operation of the types of premises listed in Appendix 4 be regulated by a system of licensing.

The Board also proposes that the conditions attached to a licence could specify such things as:

- a) the maximum number of animals, by species, that could be kept on licensed premises,
- b) minimum accommodation requirements for each species of animal in respect of construction, dimensions, maximum number of occupants, exercise facilities, temperature, ventilation, humidity, lighting and cleanliness,
- c) where appropriate, requirements for adequate exercise outside of the accommodation area,
- d) requirements for feeding, watering and the provision of bedding and substrate or any other general welfare provisions,
- e) standards for the storage of feed,
- f) requirements relating to hygiene, cleansing, disinfection and the disposal of waste,
- g) measures to be taken for the prevention or control of an outbreak of an infectious or contagious disease,
- h) requirements for an emergency plan,
- i) requirements relating to the maintenance of records,
- j) the need to provide insurance,
- k) any requirements relating to qualifications or training of the owner or operator or any staff employed by the owner or operator,
- l) the provision and storage of equipment,
- m) requirements on security,
- n) that emergency contact notices be publicly displayed; and
- o) where appropriate, the conditions under which animals may be sold.

The Board acknowledges that imposing all of the above conditions might not be appropriate to every type of premises and it would adapt the licensing system accordingly.

- P10 The premises listed in Appendix 4 shall require a licence from the Board to operate. For the purpose of licensing animals shall include invertebrates.

In the case of breeding establishments, the intention is to licence activities that involve the planned breeding of animals as a business, where that business is the principal occupation of the owner or operator. It is not intended to licence, for example, a person who may have a cat that produces a litter of kittens and then sells or gives away those kittens.

Animals used in Scientific and Experimental Procedures

Insular legislation on the welfare of animals used in scientific and experimental procedures already exists. The introduction of local legislation effectively prevented the use of animals for such purposes in Guernsey in order to avoid controls that had been introduced elsewhere.

The review of animal welfare legislation considered the possibility of completely banning the use of animals in such procedures. It took into account the fact that perceptions of the use of animals in these procedures may be influenced by the publicity generated by anti-experiment campaigners and media coverage of their activities and that as a result a ban might have certain attractions.

It was noted, however, that there might be less controversial circumstances in which animals might be used in research, such as research into the treatment or control of certain diseases in animals with the objective of ensuring the long-term future of a species of animal.

The Board accepted a recommendation from the Animal Welfare Panel that the latter possibility should not be precluded by a complete ban and that the use of animals in scientific and experimental procedures should continue to be controlled by licensing.

The proposals set out below are intended to reiterate the provisions of existing legislation and include some additional, enhanced welfare requirements that were introduced in the European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes.

- P11 A person shall not carry out a scientific or experimental procedure involving animals, provide animals for such procedures or operate an establishment in which such procedures are carried out other than under the authority of a licence issued by the Board.

- P12 Legislation shall include provisions for:

- i) exemptions (such as ear tagging, bird ringing or microchipping),
- ii) the use of anaesthetics and analgesics,

- iii) limitations of the manner in which animals may be used and controls on the use of animals in more than one procedure,
- iv) minimum welfare requirements and requirements for veterinary and other supervision; and
- v) the training and qualifications of persons carrying out any procedures.

Training of Animals

Animals are trained in many ways and for a variety of reasons and as the result of the review, the Board proposes that training for some purposes should be regulated by a system of licensing.

It is intended that regulation should extend to the training of animals to perform in an event such as a circus and for use in television or films as such training may be relatively intense and the purpose ultimately commercial.

The proposal for regulation is also made on the same basis as the proposal for the controls on the use of animals for scientific or experimental procedures in that the Board would not wish a business to be able establish in the Island in the absence of regulation to escape the requirements of controls that are in place elsewhere

The proposals are not intended to apply to such things as the training of horses for events like gymkhanas or the general obedience training of dogs.

P13 A person shall not train animals to perform in a circus or similar event, of for use in television or films, other than under the authority of a licence issued by the Board.

Exhibitions, Displays, Shows and Competitions

Animals are entered in a variety of events each year and the Board believes that certain minimum welfare standards should be applied to animals used or competed in this way. As a minimum, it therefore proposes that animals that are ill or injured, that are likely to give birth or have just given birth should not be entered in any event.

In addition, it was noted that in most cases animals entered in events were under the constant supervision of the owner or a person appointed by the owner, but in certain cases, such as at the Parish Shows, there were periods when the animals were not attended by such persons.

In the latter case and in order to ensure that the welfare of animals is safeguarded during such periods, the Board proposes that the organisers of any event (where animals are left by the owner) should be required to appoint a person or persons to be responsible for the general welfare of animals for the duration of that event.

The appointed person or persons would be responsible for ensuring that the owner of an animal that fell ill was immediately notified and that animals:

- a) had an adequate supply of fresh water and where appropriate, bedding,
- b) were not exposed to extremes of temperature,
- c) were secure from escape and kept in safe conditions; and
- d) were not pestered or tormented by the public.

In legislation in force elsewhere there are provisions allowing for the temporary housing of animals for events such as shows, subject to a time limit, in which certain minimum standards are relaxed. The Board proposes that new animal welfare legislation include a similar provision.

- P14 Animals that are ill or injured, likely to give birth during an event or which have only just given birth to young may not be entered in events such as shows.
- P15 Where animals are entered or involved in an exhibition, display, show or competition and they are left by, and therefore not under the constant supervision of, the owner or a person appointed by the owner, the organisers of the event must appoint a person or persons who shall be responsible for the welfare of those animals.
- P16 Special arrangements shall be made for the temporary confinement of animals at shows and other events.

Abandonment of Animals

Principle 3 above establishes that a person has a duty of care to animals and the Board believes that as part of that duty a person who chooses to own an animal should not abandon it because it is no longer wanted or abandon any offspring born to that animal because they are unwanted or surplus to requirements.

The Board also believes that a person should not abandon animals on the property of another person and leave that person with the responsibility, and possibly the cost, of dealing with the animals and any damage to the property that may be caused by those animals.

- P17 A person shall not abandon any animal, other than in the case of a wild animal being returned to the wild, whether permanently or not, in circumstances that are likely to lead to the injury or death of the animal or cause that animal any unnecessary distress or suffering.
- P18 A person shall not abandon any animals on the property of another person and shall be liable for the cost of any damage caused by such animals to that

property and any costs associated with the capture and re-housing of those animals.

Animal Fighting

The Board proposes, as a fundamental principle, that the training and use of animals for fighting, the organisation of events involving animals fighting and the presence of a person at an animal fight should be prohibited.

P19 The training of any animals to fight, organising an animal fight or being present at an animal fight shall be prohibited.

Use of Poisons and Traps

Other sections of these proposals deal with the use of approved poisons and the use of devices such as traps for such things as the control of pest animals or the hunting of game.

Where the use of these methods is permitted the Board believes that:

- a) poisons should be used in a responsible manner and that a person should be required to take reasonable care to ensure that non-target animals are not poisoned; and
- b) traps should be inspected at least once a day to ensure that trapped animals are removed.

P20 Where a person uses poison to control a pest animal, that person shall take reasonable measures to prevent access to the poison by other animals.

P21 Where the use of traps is approved to trap pest animals or game, such traps must be inspected at least once a day.

The Board recommends that new animal welfare legislation include provisions for the welfare of animals in accordance with the principles set out above and as set out in more detail in Part 2 of Appendix 3.

3. Circumstances in which Animals may be Taken or Killed

Emergency Situations

There may be circumstances in which animals are, for example, severely injured and veterinary treatment cannot be provided in a reasonable time. In such circumstances it

may be more humane to kill an animal quickly rather than let it suffer unnecessary pain and distress.

The Board acknowledges that a person who encounters an animal in such circumstances would have to make a judgement regarding its injuries and act accordingly. The Board believes that the proposed new animal welfare legislation should not prevent acts carried out in good faith involving the mercy killing of severely ill or injured animals.

- P22 A person may kill an animal, in an emergency, where that animal is severely ill or injured and cannot be provided with veterinary treatment or cannot be put down by a vet or slaughterman within a reasonable time, provided that the most humane methods available are used.

In other circumstances a person may seek to take an ill or injured animal to a place where it can receive treatment and care and again the Board believes that the proposed new legislation should not prevent the taking of animals from the wild for such reasons.

- P23 A person may take an ill, injured or abandoned animal from the wild to receive examination, care and treatment where the ultimate intention is to release an animal back into the wild or transfer it to a sanctuary. Animals may be caged or confined for the purposes of transportation, examination and treatment and to allow them to recover from an illness or injury.

Farming, Fishing, Forestry and Building Works

The Board accepts that there will be occasions when animals may be killed or injured by accident during various farming activities (such as hedge cutting), building works or when fishing. However it believes that the person undertaking the task should have a responsibility to take reasonable steps to avoid such death or injury, particularly if, for example, it was known that a rare or important species of bird was nesting in the area.

- P24 The accidental killing of animals during normal farming, fishing, forestry and building works or during hedge cutting or stream cleaning shall not be unlawful, provided that a person takes reasonable steps to avoid such death or injury.

Control of Disease

The Board has powers to take and kill animals under the provisions of the Animal Health Ordinance, 1996 to control outbreaks of specified animal diseases that are a significant risk to animals or have a serious economic impact on farming.

The Board proposes that the general principle regarding the control of diseases be extended to allow the Board to act to control diseases that are not notifiable diseases under the 1996 Ordinance, where such diseases have a serious impact on the health or population of a species of wild animal or which may represent a public health risk.

The control of a disease may involve the taking of animals for examination, testing, treatment or vaccination or it may require the euthanasia of animals and such euthanasia may have to be carried out in a particular way or using particular methods so as to minimise the risk of the spread of that disease. The Board proposes that the States Veterinary Officer should specify the methods of control that should be used.

P25 A person approved by the Board shall have the power to take animals to carry out examinations and tests for animal diseases that may be a significant risk to a population of animals or to man.

P26 If necessary animals may be killed by an approved person for the purpose of controlling an outbreak of a disease in a manner that shall be specified by the States Veterinary Officer as the best means to control that disease.

Control of Animals

There are occasions when animals cause a nuisance, such as damage to property or they congregate in a particular area in such numbers that they represent a public health risk. In such circumstances the Board believes that it is appropriate to be able to take action to control the number of animals in a given area.

It currently has powers to allow a person to control birds on public land by authorising control measures on such land. The birds must be creating a nuisance, of the type described above, and control measures are limited in terms of duration and the number of birds that can be taken and it may only be carried out by an approved person using approved methods.

Notice of any approved measures are made public so that an individual has the opportunity to retrieve a bird that may be his or her property from the premises at which measures have been approved.

In the last few years the Board has had a number of complaints about problems with feral ducks and pigeons on particular properties, however it has been unable to authorise a cull as the problem has occurred on private land.

The Board therefore proposes that the existing principles relating to the control of birds on public land be extended to include private land and encompass all animals. In the event of an application for approval for control measures being received in the future, the Board intends to seek the opinions of local organisations with relevant expertise before any approval is granted.

These proposals are not intended to allow the public to come to the Board for a licence to cull animals, just because they do not happen to like certain animals on their property. A licence would only be considered if the Board was satisfied that a specific type of nuisance (as set out in the detailed proposals in Part 3 of Appendix 3) occurred on a property.

Where a person applies for a licence to control animals on private land, that person would have to agree to allow access to their property so that other members of the public could retrieve any animals that may belong to them before the measures were carried out. Access to private property would only be arranged in consultation with the landowner and would only be permitted at agreed times.

The Board further proposes that control measures need not necessarily involve euthanasia, but could take the form of trapping and relocation or treatment to prevent reproduction.

Existing legislation allows an authorised person to shoot seagulls at the Airport and at a States refuse tip and the Board proposes that this principle be retained in new animal welfare legislation.

- P27 Where animals cause a specific nuisance on any property, the Board shall have the power to authorise measures to control such animals under the authority of a licence, and such a licence shall stipulate the place at which the measures may be carried out, the species and number of animals that may be controlled, the person who may carry out the controls and the methods that may be used.
- P28 A person shall be granted access to premises in respect of which a licence to control animals has been granted, at specified times, in order to retrieve any animal that may be his or her property.
- P29 A person authorised by the Board may control animals at the Airport or at any refuse disposal site under the control of the States of Guernsey using methods approved by the Board.

Control of Pest Animals

Certain animals are commonly regarded as pest animals because, for example, they represent a public health risk or they cause damage to property.

At the present time the Board has some powers to exercise control over the manner in which pest animals can be controlled. It proposes that those powers be extended and modified so that it could specify, by Order, which animals were pest animals and in such an Order direct:

- a) the measures that could be used to control a particular pest,
- b) who could carry out the control measures; and
- c) if it was considered appropriate, any time limitations on when the control measures could be undertaken.

In the case of rats and mice, for example, the Board intends to direct that any person could carry out control measures, using approved traps or poisons at any time of the year.

The Board has held initial consultations with interested organisations on the designation of animals as pest animals and those discussions are continuing. An Order designating pest animals could not be made until the proposed legislation came into effect.

P30 The Board shall have the power to designate, by Order, animals as pest animals and to specify who may control such animals, what methods may be used to carry out such control and any time limitations during which control measures may be carried out.

Slaughter of Animals for Food and Animal Products and Euthanasia of Animals

Certain animals are commonly slaughtered for food and a variety of animal products and there are occasions when animals are so ill, injured or infirm and are unlikely to respond to veterinary treatment and that euthanasia is the only humane option.

The principles in this section are intended to regulate the slaughter of animals for food (as well as for such things as hides and other animal products) and also the euthanasia of ill and infirm animals, those that are aggressive and represent a risk to the public or other animals and those that are farmed and have reached the end of their economic lives.

The Board proposes that only specified animals could be killed for food, hides, fur, feathers or any other animal products and those animals would be specified in new animal welfare legislation. Such animals would include livestock and other farmed animals, game animals and fish.

The Board also proposes that new legislation also regulates the manner in which animals could be slaughtered or euthanased, for example, livestock could only be slaughtered by a licensed slaughterman (or put down by a veterinary surgeon) and cats and dogs would have to be euthanased by a vet.

P31 Animals may be slaughtered for meat, hides, fur, feathers of other animal products as follows:

- i) in the case of livestock and other animals that are farmed on a commercial basis, by a licensed slaughterman using approved humane methods of slaughter or a veterinary surgeon,
- ii) in the case of rabbits and poultry that are not farmed or classified as game, by any person using humane methods,

- iii) in the case of fish, including fish caught on a commercial basis, by any person using methods that are not prohibited under the provision of legislation administered by the Sea Fisheries Committee; and
- iv) in the case of game animals, in accordance with any conditions specified by the Board in an Order (to be dealt with in a later section).

There are also circumstances as described above in which the euthanasia of animals is the only humane option, animals are aggressive and it is also a fact of farming that animals do reach the end of their economic lives.

The Board proposes that the euthanasia of animals should also be regulated and in certain circumstances they would have to be carried out by a licensed slaughterman or a vet.

P32 Animals that are so ill, injured or infirm that they are unlikely to respond to veterinary treatment, animals that are aggressive such that they represent a risk to the public or other animals and farmed animals that have reached the end of their economic lives may be euthanased as follows:

- i) in the case of large animals, animals farmed commercially, livestock, horses and ratites (which includes ostriches), by a licensed slaughterman using approved humane methods, by a veterinary surgeon and in exceptional circumstances involving dangerous animals, by a Police marksman,
- ii) in the case of cats and dogs, exotic animals and marine mammals, by a veterinary surgeon and in exceptional cases involving dangerous animals, by a Police marksman; and
- iii) in any other case, by any person using humane methods.

In the principles set out above reference is made to approved methods of slaughter. The Board proposes that it should have the power, by Order, to specify the approved methods that may be used to slaughter animals and it intends to adopt the methods approved for use in the United Kingdom.

P33 The Board shall have the power to specify, by Order, approved methods of slaughter.

Veterinary Operations

Existing legislation makes provision for the regulation of veterinary operations. Most can only be carried out by a qualified veterinary surgeon, some are banned altogether other than on veterinary grounds or in an emergency and some may be carried out by any person (in most cases if they are over the age of 18).

The Board proposes that new animal welfare legislation reflect the regulation of veterinary practices that already exist and that some operations be prohibited and that others may be carried out by any person. Such operations are listed in Appendix 5.

The proposed prohibited operations include a ban on tail and ear docking and the removal of dewclaws. Prior to the review of animal welfare legislation and during the consultation process with the public, the Animal Welfare Panel was asked to consider these issues and it received representations calling for such acts to be banned and others making a case that they should be able to continue.

The position of the Royal College of Veterinary Surgeons on the issue of tail docking is that it is opposed to such operations unless it can be shown that there truly are therapeutic or prophylactic reasons to carry them out. The RCVS also considers that tail docking on request or because an animal is of a particular breed, type or conformation is unacceptable.

This position was also considered as part of the review and the Panel decided to recommend to the Board, that as a general principle, operations such as tail docking should not be carried out on an animal unless there were good veterinary reasons to do so and in order to benefit the animal.

The Board accepted this recommendation and proposes that new animal welfare legislation reflect this position.

In all but a few cases, such as giving injections, operations involving the use of instruments on the sensitive tissues of an animal should be carried out with an anaesthetic.

P34 Veterinary operations shall be regulated such that:

- i) certain operations shall be prohibited, as set out in Appendix 5, other than in an emergency or for good veterinary reasons,
- ii) other than in an emergency, the majority of operations shall only be undertaken by a veterinary surgeon; and
- iii) some operations may be carried out under veterinary supervision or by a person over the age of 18.

P35 Other than in exceptional circumstances, operations on the sensitive tissues of an animal using instruments shall be carried out using anaesthetic.

Science and Education

The Board recognises that there may be occasions when, in the pursuit of genuine scientific objectives, it might be acceptable for animals to be taken from the wild or subjected to a degree of disturbance which would not otherwise be acceptable under the

proposed new legislation. Scientific work could include such things as the capture of birds for ringing, the capture of animals to maintain genetic diversity in zoo stocks, field studies and the making of wildlife films.

At the present time, the Ornithological Section of La Société Guernesiae is licensed by the Board to catch and ring birds and the Board proposes that the principle of licensing be extended to all scientific activities involving any wild animals. A licence would not be required to take animals for the purpose of study, where such study formed part of the normal school curriculum.

P36 The taking of animals for scientific purposes shall be controlled by a system of licensing.

Hunting and Game

At present certain animals are classed as game and conditions are set as to when they can be hunted, by whom they may be hunted and the methods of hunting that may be employed. The Board proposes that similar arrangements be retained in new animal welfare legislation and that the Board should have the power to specify that animals are game animals by Order.

The Board could, for example, designate rabbits as game animals, that they could be hunted during an open season (or all year round by the owner of any land) and that they could be hunted using firearms by persons in possession of a firearms licence and a hunting licence issued by the Island Police.

The animals that are currently classed as game are rabbit, pheasant, partridge, snipe, collared dove, and woodcock. The Board has held initial consultations with interested organisations on the designation of game and these consultations are continuing.

In the event that an Order specifies that a game animal may be hunted using such things as traps, such traps could only be those approved by the Board in accordance with P4.

The Board also proposes that new animal welfare legislation should not prevent fishing for fish to be used as bait or as a commercial, sporting or recreational activity, subject to any restrictions that might be imposed on fishing activities by the Sea Fisheries Committee.

P37 The Board shall have the power to designate animals as game animals, to specify any close season during which hunting is banned, the methods by which any game animal may be hunted and the persons who may hunt designated game.

P38 It shall not be unlawful to fish for fish for use as bait or as a commercial, sporting or recreational activity.

Stray Animals

Under the provisions of a 1941 Ordinance, the Police have powers to seize and detain stray dogs. The Board believes that the principles regarding the seizure of animals should be retained in the proposed new animal welfare legislation and extended to other animals.

P39 Stray animals may be seized and detained in the following circumstances:

- i) in the case of a dog:
 - a) by any person in order to attempt to read an identification tag and thus identify the owner; and
 - b) by a person authorised by the Board, for the purpose of detention in a reception centre for stray dogs,
- ii) in the case of livestock, by a person authorised by the Board or the owner of any land onto which the livestock had strayed,
- iii) in the case of animals that would normally be caged or similarly confined or dangerous animals, by a person authorised by the Board; and
- iv) in the case of any animal, in an emergency by any person where there is a significant risk to other animals, people or property.

Where an animal was seized by an Authorised Person, all reasonable steps would be made to identify the owner and return the animal to that owner, however, if that person could not be identified or the animal was not claimed within 21 days, the Board proposes that a seized animal could be transferred to a new owner, sold or in exceptional circumstances euthanased.

Any income arising from the sale of seized animals should be used to defray any costs associated with the seizure and detention of stray animals.

P40 An authorised person shall take all reasonable steps to identify the owner of a stray animal that has been seized, and where an owner cannot be identified or the animal is not claimed within 21 days, that person may arrange for an animal to be:

- a) transferred to a new owner,
- b) sold; or
- c) in exceptional circumstances, euthanased.

- P41 Any income derived from the sale of seized stray animals may be used to defray the costs of seizing and detaining that animal.

In certain circumstances animals can get dangerously out of control or dangerous animals may escape from confinement. In such circumstances those animals may present a risk of damage to property or injury or death to other animals or a person.

In such an emergency situation the Board believes that any person should not be prevented from attempting to seize and detain such animals and where there is an imminent and significant risk to property, animals or persons, that a person should not be prevented from killing a dangerous animal.

- P42 In an emergency, any person may seize or if necessary kill an animal that is dangerous or dangerously out of control and which represents a significant risk to people, animals or property.

The Board recommends that new animal welfare legislation include provisions for the circumstances in which animals may be taken or killed in accordance with the principles set out above and as set out in more detail in Part 3 of Appendix 3.

4. Animal Ownership and Responsibilities of Animal Owners

Guard Dogs

The Board proposes that the activities of a business that provides a guard dog service should be regulated by licensing in order to ensure that any such business established on the Island uses dogs that are suitable as guard dogs and personnel that are properly trained or experienced in the handling and control of such dogs.

For the purpose of warning the public, the Board also proposes that any business that provides guard dogs at other premises should display signs at the premises warning that guard dogs are in use at the property.

The Board does not propose that the keeping of a dog by an individual to guard the property of that individual should be subject to licensing.

- P43 The provision of a guard dog service, on a commercial basis, shall be regulated by a system of licensing and any business that provides a guard dog service on the property of another person or business shall display signs, in a prominent position on that property, warning the public that guard dogs are in use on the premises.

Dangerous Dogs

Under the provisions of existing legislation the importation of certain breeds of fighting dog is prohibited and import controls or restrictions on the ownership of a number of breeds exist in many countries of the world. Restrictions on ownership range from systems of licensing to requirements that certain dogs are always kept on a lead and muzzled whilst in a public place.

The Board proposes that it should have the power to specify, by Order, that a breed or type of dog is a dangerous breed or type and that ownership is prohibited or subject to conditions on ownership.

The Board intends that such powers should be available to:

- a) prevent truly dangerous breeds or types of dog from being owned on the Island; and
- b) ensure that the person who owns a breed or type that may have a particular history of aggression has adequate knowledge to keep and handle such a breed or type of dog so that it does not represent a risk to other animals or to people.

P44 The Board shall have the power to specify, by Order, that the ownership of any breed or type of dog is prohibited or subject to conditions.

Should the Board make an Order in the future banning the ownership of a breed and such a breed is owned by persons on the Island when the Order comes into effect, the Board shall direct that such ownership may continue under the authority of a licence and it may impose restrictions on the breeding and sale of any such animals.

The Board acknowledges that there have been a number of difficulties in identifying, beyond doubt, restricted or banned breeds, particularly in the case of crossbred animals. It therefore proposes that in the event of a person wishing to own a dog that appears to the Board to be of a breed or type that is banned, that the onus shall be on that person to satisfy the Board that it is not a banned breed or type.

At the present time the Board envisages reinforcing import restrictions by banning the ownership of pit bull terriers and Japanese tosas.

P45 Ownership of a banned breed at the time that an Order banning such a breed, comes into effect shall be subject to a licence issued by the Board.

P46 A person who wishes to own a dog which appears to the Board to be of a banned breed or type shall provide evidence that it is not of such a breed or type.

Dangerous and Exotic Animals

In other jurisdictions the ownership of certain animals is either prohibited or regulated on the basis that they are dangerous animals and that they represent a significant risk of injury to people and other animals.

The Board has also noted that in the last few years there has been a significant increase in the popularity of owning animals that are unusual or exotic (mainly reptiles). In some cases these animals have the potential to be dangerous (such as constricting snakes that can grow to a significant size) and in almost all cases they require a special environment and special care in order to have a good quality of life.

Pet shops that sell exotic animals make great efforts to ensure that a new owner has the knowledge and facilities to provide for the proper care of such animals and most of the owners have a genuine interest in the animals that they acquire. However there is some evidence that in some cases these animals are simply acquired because of their novelty.

At the present time some control over the conditions in which exotic animals are kept can be achieved at the time of importation, however once the animals are in the Island they can be sold or transferred to a new owner without any restrictions. In such circumstances there is no means of checking that the needs of an animal are being met unless a report to the contrary is made to one of the welfare organisations or the Board.

The Board proposes that it should have the power to designate, by Order, that an animal is

- i) a dangerous animal the ownership of which is:
 - a) prohibited; or
 - b) subject to specified restrictions; or
- ii) an exotic animal the ownership of which is subject to the possession of a licence issued by the Board.

For the purposes of designating dangerous and exotic animals the Board proposes that “animals” should include invertebrate animals.

In some cases the Board would not permit the ownership of certain animals, other than by specialist institutions, on the grounds that only such institutions could provide adequate security for dangerous wild animals and the correct facilities and experience to ensure that the animals had a good quality of life. In addition it expects, at the very least, to duplicate the UK list of dangerous animals in insular legislation.

Following strong representations from the Cetacean Section of La Société Guernesiaise, the Board has agreed that the ownership of marine mammals, by any person or organisation, should be prohibited on the basis that they do not survive well in captivity and are prone to illness and premature death.

In other cases, for example reptiles, the animals may not survive without being provided with an artificial environment and a special diet. The licensing proposals are intended to ensure that a potential owner has adequate facilities and knowledge to provide for the needs of an exotic pet.

The Board also proposes that due to the fact that the proper care of exotic animals requires expenditure on equipment and specialist food and ownership carries with it particular responsibilities for the welfare of such animals, that a licence should not be issued to a person under the age of 18.

P47 The ownership of marine mammals shall be prohibited and the Board shall have the power to specify, by Order, that any other animal is a dangerous animal or an exotic animal, the ownership of which is prohibited, subject to conditions or subject to a system of licensing.

P48 A licence to own a dangerous or exotic animal shall not be issued to a person under the age of 18.

The Board does not propose that this licensing requirement should extend to establishments such as pet shops, which would be licensed to operate under separate proposals and such a licence would specify the type of animals that could be kept and the conditions in which they were housed.

Ownership of Livestock

In the past the Board has investigated a number of complaints about the conditions in which certain livestock have been kept. The majority of complaints have not involved mainstream farming, but rather the activities of individuals operating on the fringe of commercial farming.

In many cases the investigations revealed that whilst the animals might have been kept in less than ideal conditions, they were often in a reasonable physical condition.

In such cases it was difficult to pursue any legal action as there were no substantial breaches of the animal welfare codes and efforts were made to either dissuade a person from continuing to own the relevant animals or to improve the management and care of those animals. This has resulted in criticism of the Board for apparently failing to act.

In order to strengthen the powers available to it, the Board proposes that the ownership of certain livestock should be licensed. Under such a system the Board would have the power to issue an improvement notice, specifying any action needed to be taken and in what timescale. A failure to comply with such a notice could lead to the suspension or revocation of a licence.

In the event that the Board should make use of the power to suspend or revoke a licence a person would have to have the ability to appeal against that decision in accordance with procedures that will be discussed in a later section.

There is an additional benefit in regulating the ownership of certain farm animals, which is that the location of such animals is known should it be necessary to take precautionary or preventative measures in the event of an outbreak of a notifiable animal disease.

P49 The ownership of cattle, sheep, goats and pigs shall be subject to a licence issued by the Board.

Liability for Damage

The Board believes that the ownership of an animal carries with it not only a responsibility for the welfare of that animal, but also a responsibility to exercise effective control over that animal.

It therefore proposes that where a person:

- a) allows or incites a dog to attack another animal or a person,
- b) allows an animal that would normally be caged or confined to stray; or
- c) deliberately releases a caged or confined animal,

and the animal causes damage to property or injury to, or the death of, another animal or to a person, the owner or person responsible for the animal or the person who deliberately releases an animal shall be liable for such damage, injury or death.

Liability for damage, injury or death by an animal should not apply in the event that:

- a) it can be shown that all reasonable steps were taken to confine or restrain an animal,
- b) another person broke into or trespassed on any land or premises at which an animal was normally kept,
- c) a person voluntarily accepted any risk of damage, injury, death; or
- d) another animal strayed onto land or into premises at which an animal was normally housed or kept.

P50 A person shall be liable for damage to property or injury to, or the death of, an animal or a person caused by an animal in his or her ownership or care or if that person deliberately releases a confined animal, unless it can be shown that reasonable care was taken to restrain or control an animal or other exceptional circumstances apply.

The Board does not intend that the above proposals should apply to the use of dogs to shepherd animals, the use of dogs by the Police, Customs Department or the armed forces to carry out any official functions of such organisations or to licensed guard dogs that are being used to guard premises.

Identification of Dogs

The petition that sought a review of animal welfare legislation asked that certain aspects of dog identification be considered, such as compulsory micro-chipping, the creation of a central register and the control of dog licences.

The merits of identification by microchip were debated by the Animal Welfare Panel, but it finally decided to recommend compulsory identification of dogs by way of a readable tag bearing the owners name and a means of contacting that owner. It was felt that a readable means of identification would allow any person to intercept a dog that had strayed and be able to contact the owner, whereas a microchip can only be read with special electronic equipment.

At the present time dog licences are issued by the parochial authorities and they are required to maintain a register of licensed owners. The Parish Constables were consulted on the subject of licensing and expressed strong views that responsibility for this matter should remain with the Parishes.

The Board does not intend to recommend that this arrangement be changed and given that registers are kept in each Parish, the Board does not propose to set up a central register.

P51 All dogs in a public place must bear a readable means of identifying and contacting the owner.

The Board recommends that new animal welfare legislation include provisions relating to the ownership of animals and the responsibilities of animal owners in accordance with the principles set out above and as set out in more detail in Part 4 of Appendix 3.

5. Regulation of Professions and Businesses

In existing legislation the activities of veterinary surgeons and slaughtermen are regulated such that they must have approval or be licensed to practice in the Island respectively.

In the past the Board has received representations that the activities of farriers should also be regulated in some way and as a result of consultations on the proposals for new

animal welfare legislation, further representations were made to regulate this profession as well as the activities of individuals that provide paraveterinary services.

Paraveterinary services are services provided on a commercial basis by a person who is not a veterinary surgeon that involve a treatment or therapy that is associated with, or ancillary or complementary to veterinary services or practices.

The variety and range of paraveterinary services (such as equine dentistry) that are provided on a commercial basis has grown in the last decade. The evidence presented to the Animal Welfare Panel as part of its review suggested that the quality of such services can vary from good to poor and in the latter case may actually make a condition worse rather than improve it. Hence there have been calls for such activities to be regulated.

Considering this evidence and the arrangements for the regulation of professions in existing legislation, the Panel recommended that such regulation should continue to apply to veterinary surgeons and slaughtermen and that it should be extended to include other professions that provide a commercial service that might have an impact on the welfare of animals.

In the case of Veterinary Surgeons, they are currently registered to practice in the Island if they are registered by the Royal College of Veterinary Surgeons and the Board proposes that this arrangement should continue in the future.

It is also proposed that slaughtermen, knackermen, farriers and any person providing a paraveterinary service on a commercial basis should not be permitted to practice on the Island other than under the authority of a license issued by the Board, unless, in the latter case, they act under the direct supervision of a veterinary surgeon.

The Board recognises that there are a number of farriers currently working on the Island and it proposes that a licence could be issued to those individuals based on evidence of a qualification, relevant training or occupational experience. However any person who wished to practice farriery in the Island after the proposed legislation came into effect, would only be licensed on the presentation of evidence of a qualification.

In the case of paraveterinary services, some organisations provide a qualification for a particular type of profession, but in other cases no such qualification exists. It is therefore proposed that where a professional qualification exists a licence would only be issued on the basis of that qualification and in other circumstances, an application for a licence would be considered on the basis of evidence of relevant training or occupational competence.

P52 The activities of veterinary surgeons, slaughtermen, knackermen, farriers or any person who provides a paraveterinary service on a commercial basis shall be regulated.

Given the relatively recent development of a range of businesses that provide services that may have an impact on the welfare of animals and in order to make provisions for the introduction of any new services in the future, the Board also proposes that it should have the power to extend regulation to any other commercial activities not specified above.

The Board would not expect to exercise such power unless the activities of a business or profession was having a detrimental effect on the welfare of animals.

P53 The Board may extend regulatory provisions to other commercial activities, by Order.

The Board recommends that new animal welfare legislation include provisions for the regulation of professions and businesses in accordance with the principles set out above and as set out in more detail in Part 5 of Appendix 3.

6. Miscellaneous Provisions

The proposed new legislation will require a number of provisions that relate to the administration of such legislation. Many of the provisions are of a standard or general nature and are found in other pieces of legislation that are in force in the Island.

A full list of the proposed administrative provisions are set out in Part 6 of Appendix 3, however, the Board would draw particular attention to the following proposals which form part of those provisions.

Licences

The Board envisages that where a licence has been issued and that there has been a breach of the conditions of that licence, it would issue a notice requiring improvement to the licence holder. Such a notice would specify what action had to be taken and in what time period.

It would consider suspending or revoking a licence if improvement notices were ignored and also in the case of serious breach of the conditions of a licence where the welfare of animals was at serious risk.

Appeals

Any person aggrieved with a decision of the Board (such as a refusal to issue or renew a licence) will be able to lodge an appeal against that decision with the Tribunals Service, the establishment of which has recently been approved by the States.

P54 Provision shall be made for the consideration of appeals by the Tribunals Service.

Seizure

The Board proposes that in the event that an Authorised Person considers that it is necessary to do so to prevent harm or suffering to an animal or there has been a breach of any of the provisions of the proposed legislation, that person should be able to seize an animal or any equipment.

P55 An Authorised Person shall have the power to seize animals, equipment or other material things where the health and welfare of such animals is at serious risk or there has been a significant breach of the provisions of the proposed legislation.

Animals that are seized should be cared for and the Board proposes that an Authorised Person should have the authority to specify that another person should be responsible for providing such care, at the expense of the owner, pending the outcome of a prosecution or an appeal against the decision to seize the animals.

Likewise any equipment or other material thing that may be seized may have to be examined and stored pending the outcome of an appeal or court proceedings.

P56 An Authorised Person shall have the authority to direct that any animal, equipment or other thing that may be seized shall be held in the care or possession of a specified person.

In the event that an animal, equipment or other thing is seized and appeal against such action is not made and the Board decides not to pursue a prosecution that animal, equipment or other thing may be returned to the owner or if not claimed within 7 days would become the property of the States.

Fees and Costs

In addition to including provision for the Board to charge for licences, it is proposed that where animals are seized or a licence to own animals is revoked, the owner or keeper of such animals shall continue to be responsible for the cost of maintaining those animals until, for example, an appeal is processed or the animals are transferred to new owners.

P57 The owner or keeper of animals seized by an Authorised Person or animals that are the subject of a licence that has been revoked by the Board shall be responsible for the maintenance of such animals until alternative arrangements for the care of the animals is made.

Authorised Persons

For the purposes of the proposed new legislation, an Authorised Person would be any person authorised by the President or Vice-President of the Board to carry out any of the functions specified in the legislation.

The provision of staff resources is discussed in a later section.

Liability and Compensation

The Board proposes that it, or any person acting in good faith in the exercise of any of the powers conferred by the proposed legislation shall not be liable for any such act.

The Board also proposes that in the event that an animal is killed in accordance with the provisions of the proposed legislation (for example in an emergency for humane reasons) that compensation should not be paid for such an animal and that compensation should not be paid for any loss arising from the suspension or revocation of any licence.

Penalties

One of the criticisms that has been made regarding existing animal welfare legislation is that, other than in the case of dogs, the Court cannot ban a person from owning animals on conviction for a first offence of cruelty to animals.

Taking this into account, the Board proposes that a number of options should be available to the Court by way of penalties, including provision:

- a) to impose a custodial sentence, not exceeding 6 months,
- b) to impose a fine not exceeding £5,000 (level 5 on the standard scale),
- c) to deprive a person of the ownership or possession of an animal for a specified period (on conviction for a first offence) and to direct that the animal be placed in the ownership or custody of another person,
- d) in the case of an attack by an animal on a person or if there are good veterinary reasons, to direct that an animal be euthanased,
- e) to disqualify a person from owning, keeping or being responsible for any animal or animals for a specified period,
- f) to revoke the registration in the Islands of a Veterinary Surgeon and disqualify that person from practicing as a Veterinary Surgeon in the Islands,
- g) to revoke any licence issued by the Board and to disqualify a person from holding a particular licence for a specified period,
- h) to direct that any equipment used for animal fighting or any trap or equipment not approved by the Board be destroyed or otherwise disposed of,

- i) to direct that any game or the carcass of any game (taken out of season) be destroyed or otherwise disposed of; and
- j) to direct that any chemical, drug, poison or any other substance, any organism, agent or infected carcass or material be destroyed or otherwise disposed of.

P58 There shall be provision for penalties as set out above.

Retrospective Provisions

Where the proposals set out above make provision for licensing and, for example, a pet shop is operating when the proposed legislation comes into effect, the Board further proposes that any licensing requirements should apply to such premises.

In such cases a person would be given 3 months to apply for a licence and would be issued with a temporary licence. Once such licences were issued, an Authorised Person would then carry out any necessary inspections and either:

- a) recommend that a longer-term licence be issued; or
- b) advise on any measures that would need to be taken before a longer-term licence would be issued.

The Board recommends that new animal welfare legislation include provisions for miscellaneous provisions in accordance with the principles set out above and as set out in more detail in Part 6 of Appendix 3.

CONSULTATION AND ACKNOWLEDGEMENTS

Before the Animal Welfare Panel began its work on the review of animal welfare legislation, the public and interested organisations were invited to submit any views on the issues that should be included in that review. A number of representations were received and were taken into account as the review progressed.

As the review progressed the Parish Constables were consulted on issues relating to dog licensing and dog tax.

Once the proposals of the Panel had been finalised and approved by the Board a consultation document was issued to interested parties and made available to the public. Further representations were received as part of this process and a meeting of the Panel was set aside to consider those representations.

Further consultation has been undertaken with specific individuals, groups or organisations on detailed aspects of the proposals where such individuals, groups or organisations have specific and detailed knowledge on a particular topic. Consultation

has also taken place with businesses that would be affected by the proposals for licensing.

The Board does not anticipate that the consultation process will end if the proposals for new legislation are accepted as it expects to continue to discuss the implementation and application of that legislation and the ancillary powers contained in the legislation with interested parties.

The Board also undertakes to seek expert opinion on the application of any powers to authorise measures to control animals.

The Board would like to acknowledge and thank:

- the non-States members of the Animal Welfare Panel for making time available to that group and for their contributions to its deliberations; and
- the individuals, groups and organisations that have contributed to the review through representations, comments or advice.

The Board would also like it to be known that, in many cases, the representations received during the consultation processes, have had a bearing on the proposals set out in this policy letter and in a number of cases had a strong influence on the final form of those proposals.

The authorities in Alderney have been consulted and have expressed interest in the proposed new legislation. In parallel with the Board they have conducted a consultation exercise in Alderney and plan to review the Island's animal welfare legislation after the Board's proposals are considered by the States of Guernsey.

The authorities in Sark have also been consulted and have not indicated that they wish the proposed legislation to be extended to that Island.

RESOURCE IMPLICATIONS

Much of the work arising from the implementation of the proposals set out above relates to licensing and the Board envisages employing an Animal Welfare Officer to deal with such licensing and to act as an Authorised Person for the purposes of the proposed new legislation. The Board has consulted the Civil Service Board and it has agreed, in principle, that such a person can be appointed from within the establishment of staff assigned to the committees based at Raymond Falla House.

The initial workload of the Animal Welfare Officer will be high if the proposals regarding the retrospective application of the legislation are accepted, however additional administrative support can be provided during this period from within the existing establishment of the Board.

Once the initial licensing is dealt with it will be a matter of processing applications for new licences or for the renewal of existing licences. Even though the proposals for licensing extend to, for example, a range of types of premises, the actual number of premises of any one type that actually exist on the Island is relatively small. The proposals for legislation also allow for licenses to be issued for periods of up to 5 years and therefore licensing could be controlled so that applications for the renewal of licences could be spread over a manageable time period.

In addition to the management of licenses the Animal Welfare Officer would carry out inspections to ensure that any conditions attached to those licenses were being met and he or she would also be available to assist with the health testing of cattle which is undertaken by the Board each year.

The employment of a single person will mean that an existing member of staff will be given any training necessary to provide cover for that person during holidays or any periods of illness.

The Board intends to make provision for funding for an Animal Welfare Officer from within its existing financial resources as it anticipates that the employment of such a person will enable it to make savings on other areas of expenditure under its provision for veterinary services.

ADDRESSING THE ISSUES RAISED IN THE PETITION

As stated at the beginning of this policy letter, a petition sought a review of animal welfare legislation and set out below is the Board's response to each of the issues raised in that petition.

1. *To consider if the Agriculture and Milk Marketing Board is still the appropriate Committee to administer the animal cruelty laws.*

The Board believes that this point was included in the petition due to its apparent lack of action in the past in pursuing prosecutions for animal cruelty. The Board has, however, always taken the view that legal action is a last resort and much of its work in respect of animal welfare has concentrated on education and persuasion and has therefore largely gone unnoticed by the general public.

Ultimately the States must decide which department is responsible for animal welfare legislation and the Board recommends that it continue with that responsibility if for no other reason than animal welfare issues would not necessarily sit any more comfortably in the Mandate of another department.

2. *To consider the need for a central register of dog licences and owners.*

Having discussed the issue of dog licensing with the Parish Constables and agreed that responsibility for such licensing, and hence the maintenance of registers, should remain with the Parishes, the Board does not propose to create a central register at this time.

3. *To consider if it is appropriate to use dog licence proceeds for animal welfare.*

Under existing law, the parochial authorities stand possession of the income from dog taxes for use within the relevant Parish. The Parish constables made it clear to the Board that they did not wish to give up this source of income.

The Board has considered the resource implications of implementing the proposed new animal welfare legislation and, as discussed above, believes that it can make appropriate provision from within its existing financial resources for such implementation.

4. *To consider the need for breeders or vendors of dogs to be responsible for the first licence.*

Under existing law any person who keeps a dog must pay dog tax once that dog reaches six months of age, regardless of whether they are the breeder or the vendor.

5. *To consider the statutory use of micro-chipping of dogs.*

Whilst not opposed to the principle of micro-chipping dogs, the Board has decided not to recommend statutory requirements and rather to require that such animals be identified with a tag that can be read by any person.

6. *To consider the control of dog licences.*

Following discussions with the Parish constables, the Board believes that responsibility for dog tax should remain with the Parishes.

7. *To consider an OAP reduced dog licence fee.*

The level of dog tax is set by Ordinance and next time the charge for dog tax is reviewed the parochial authorities may wish to consider this point.

8. *To consider lifetime bans for animal keeping where mental cruelty is proved.*

In the proposals set out in this policy letter, the Court would have the option to ban a person convicted of an offence of cruelty from owning animals for such time period as it might wish to specify.

9. *To consider that an abused animal who is cruelly treated, that the owner may not in court use the "well nourished" argument as a reason for leniency.*

In accordance with the principle that a person is innocent until proven guilty, the Board could not propose that evidence that might prove such innocence be withheld from Court.

10. *To consider the need for more responsibility to be placed on parents where animal cruelty is carried out by children.*

It is proposed that new animal welfare legislation include a definition as follows:

“keeper” a person who owns, has possession of, is in charge of or responsible for an animal or who is the head of a household of which a member under the age of sixteen owns, has possession of, is in charge of or responsible for an animal.

This would make the head of a household the keeper of an animal of a minor and hence that person would have responsibilities for the welfare of such an animal.

11. *To consider adding the cruelty laws to apply to protected wild birds and animals.*

The proposals set out above provide protection for all wild, captive and domesticated vertebrate animals.

12. *To consider licensing vendors of exotic animals and insect.*

The proposals include provisions for the licensing of pet shops and any individual or business that breeds animals on a commercial basis.

13. *To consider increasing the level of fines for cruelty resulting in death.*

The proposed penalties include provision for a custodial sentence and a fine up to the maximum on level 5 of the standard scale.

14. *To consider greater powers for the courts to decide the future of animals involved in cruelty cases.*

The proposals include provisions for a Court to make an Order regarding the future of animals in the event of a conviction for an offence of cruelty.

15. *To consider the use of violence evidence in courts for animal cruelty cases.*

The proposed legislation would make it an offence to commit a wilful act of violence against an animal.

16. *To consider the need for Animal Welfare Officers to initiate prosecutions*

The Board proposes to appoint an Animal Welfare Officer who would be the first point of contact for all animal welfare issues. In the case of alleged cruelty to an animal and where it was considered appropriate to pursue a prosecution, that person would be responsible for progressing the matter with the Police or the Law Officers.

17. *To consider the need for persons reporting cruelty not having to be named unless vital to evidence.*

The name and address of a witness can already be withheld in Court proceedings if it is considered necessary to do so.

18. *To consider States financial support for animal welfare.*

The Board believes it can make provision for animal welfare within its existing budget. It does not have funds to provide, for example, grants to animal welfare organisations nor does it seek such funds.

19. *To consider the need for maintaining a zero tolerance of cruelty.*

The proposals set out in this policy letter will give the Board a range of powers to ensure that standards of animal welfare are respected and maintained. Whilst the Board might not hesitate to use its powers in a case of extreme cruelty to animals, it takes the view that information and education are important and that, as a general principle, prosecutions should be seen as a last resort.

20. *To consider the need for horses to be either licensed or insured.*

The Board has included recommendations for the licensing of certain livestock in the proposals set out above, but has decided not to extend licensing to horses at the present time as it is not persuaded that there is a pressing need to do so.

The proposed legislation would, however, allow the Board to include other animals in the licensing requirements if it was considered necessary in the future.

The States has, in the recent past, debated the issue of insurance for horses and decided against making such insurance compulsory.

SUMMARY

The review of animal welfare legislation was carried out as the result of calls for such a review from individuals and organisations and a petition. It was carried out with the intention of addressing the issues raised by those individuals and organisations and in the petition and to be as comprehensive as possible.

The work of the Animal Welfare Panel revealed that whilst some aspects of animal welfare were covered by existing insular law, legislation on other animal welfare issues had not been enacted on the Island.

The proposals set out in this policy letter are intended to reproduce the provisions of existing animal welfare legislation and to introduce additional regulations where such legislation is absent. The whole package of measures, with the exception of a few

proposals that have been adapted to reflect local conditions, generally reflects animal welfare legislation that is in force elsewhere.

The principle difference in these proposals is that the Board is recommending a complete package of regulations, rather than separate items of legislation.

The objective is to introduce comprehensive measures for the protection and welfare of animals.

RECOMMENDATIONS

The Board recommends the States to:-

- a) approve the proposals for new animal welfare legislation in accordance with the principles set out in this report and the detailed proposals set out in Appendix 3; and
- b) agree that it should be responsible for such legislation.

I would be grateful if you will be good enough to lay this matter before the States with appropriate propositions including one directing the preparation of legislation.

Yours faithfully,

T.M.LE PELLEY

Vice - President.

States Agriculture and Countryside Board

APPENDIX 1

Text of the petition submitted to the Advisory and Finance Committee in 1999.

“The petition is in support of tightening up of the Animal Cruelty Laws in cases of malicious cruelty and for cruelty through lack of care.

The petitioners ask that a committee examine the need for a new or different committee to report to the States on a comprehensive update of these laws.

1. To consider if the Agriculture and Milk Marketing Board is still the appropriate Committee to administer the animal cruelty laws.
2. To consider the need for a central register of dog licences and owners.
3. To consider if it is appropriate to use dog licence proceeds for animal welfare.
4. To consider the need for breeders or vendors of dogs to be responsible for the first licence.
5. To consider the statutory use of micro-chipping of dogs.
6. To consider the control of dog licences.
7. To consider an OAP reduced dog licence fee.
8. To consider lifetime bans for animal keeping where mental cruelty is proved.
9. To consider that an abused animal who is cruelly treated, that the owner may not in court use the “well nourished” argument as a reason for leniency.
10. To consider the need for more responsibility to be placed on parents where animal cruelty is carried out by children.
11. To consider adding the cruelty laws to apply to protected wild birds and animals.
12. To consider licensing vendors of exotic animals and insects.
13. To consider increasing the level of fines for cruelty resulting in death.
14. To consider greater powers for the courts to decide the future of animals involved in cruelty cases.
15. To consider the use of violence evidence in courts for animal cruelty cases.

16. To consider the need for Animal Welfare Officers to initiate prosecutions.
17. To consider the need for persons reporting cruelty not having to be named unless vital to evidence.
18. To consider States financial support for animal welfare.
19. To consider the need for maintaining a zero tolerance of cruelty.
20. To consider the need for horses to be either licensed or insured.”

APPENDIX 2

Existing insular animal welfare legislation.

Animal Experiments (Bailiwick of Guernsey) Law, 1991

Control of Birds Ordinance, 1985

Dogs (Liability and Protection of Livestock) Ordinance, 1982.

Ordonnance pour la Protection des Pigeons, 1933

Pests (Control and Destruction) Ordinance, 1965

Pests (Control and Destruction) (Amendment) Ordinance, 1982

Protection of Animals Ordinance, 1976

Protection of Animals (Amendment) Ordinance, 1986

Protection of Animals (Amendment) Ordinance, 1992

Protection of Game Ordinance, 1994

Protection of Pigeons (Amendment) Ordinance, 1985

Protection of Wild Birds Ordinance, 1949

Protection of Wild Birds (Amendment) Ordinance, 1965

Protection of Wild Birds (Amendment) Ordinance, 1974

Protection of Wild Birds (Amendment) Ordinance, 1981

Slaughter of Livestock (Use of Humane Killers) Ordinance, 1948

Slaughter of Livestock (Amendment) Ordinance, 1996

Stray Dogs Ordinance, 1941

Stray Dogs (Amendment) Ordinance, 1952

Summary Offences (Bailiwick of Guernsey) Law, 1982

Sections 2 and 5

Veterinary Surgery and Animal Welfare Ordinance, 1987

APPENDIX 3

Summary of the principles to be included in the proposed new animal welfare legislation.

PART 1 PROTECTION OF ANIMALS

- 1) A person shall not wilfully or through negligence, or being the owner of land on which animals are found, direct or allow any other person to:

- a) kill, injure, stun or take any animal,
 - b) torture, burn, beat, starve, ill-treat, drown, infuriate or terrify, poison or carry out any other act that would cause, or would be likely to cause, unnecessary suffering to any animal,
 - c) destroy, damage or disturb nests and eggs, roosts, burrows or dens of wild animals or intentionally disturb any wild animal that is nesting or rearing young or intentionally disturb the dependent young of a wild animal; or
 - d) disturb or harass any wild animal with the intention of causing it distress or of driving it away from a place that it habitually uses or in which it lives.
- 2) The owner or keeper of any animal shall have a duty of care to that animal and shall provide that animal with:
- a) a sufficient and adequate supply of fresh drinking water, at least on a daily basis,
 - b) wholesome food in sufficient quantity to maintain it in good health and to satisfy its nutritional requirements,
 - c) appropriate and safe shelter or housing, that as a minimum, must allow access to water and food, provide sufficient space for it to lie down or otherwise rest in comfort and where appropriate, provide adequate light, heat and ventilation,
 - d) protection from pain and injury by rapid and appropriate treatment and protection from disease by rapid diagnosis and appropriate treatment (where necessary by a veterinary surgeon),
 - e) the opportunity to express normal behaviour and protection from physical, environmental, social and psychological conditions that may lead to fear and distress and changes in such normal behaviour; and
 - f) protection from unreasonable and unnecessary pain, fear or distress,
- and a person who fails to provide such things shall be guilty of an offence, unless that person can demonstrate that reasonable steps were taken to make adequate provision for an animal.
- 3) The owner or keeper of an animal shall, when making provision for the care of an animal, take into account any physical activity undertaken by an animal, seasonal climatic conditions, the life-stage of an animal, any special or additional dietary and nutritional requirements that may arise from the

pregnancy of an animal or the feeding and care of young; and the general state of health of the animal.

- 4) The application of the provisions in 2) above that relate to the behaviour of animals shall take into account the normal and commonly accepted standards in which animals are kept by man for commercial, scientific or personal reasons and the extent to which such animals would usually be able to express normal behaviour as captive or domesticated animals.
- 5) A person shall not fit to any animal, riding equipment, driving equipment, harness, collar or any other form of apparatus, equipment or gear that is not a suitable design for the type of animal concerned, suitable for any work or activity that the animal may be required to carry out or perform; or suitable for the size for the animal.
- 6) A person shall not place, set or use or being the owner of any land allow another person to place, set or use any equipment, contrivance or device or employ any methods or techniques intended to stun, take or kill any animals other than any equipment, contrivance, device, methods or techniques the use of which may be approved under subsequent Sections in accordance with any Orders made or licences issued by the Board.
- 7) A person shall not introduce into the sea, into any body of water, into any premises or onto any land any infectious disease, organism or agent, any drug, chemical, poisonous substance or any other substance, other than any substance approved for the control of pest animals or approved under subsequent Sections in accordance with any Orders made or licences issued by the Board.

PART 2 WELFARE OF ANIMALS

WELFARE CODES

- 8) The Board may, by Order, make codes of recommendations for the welfare of animals.
- 9) Where an Authorised Person has reasonable grounds to believe that there has been a significant breach of the provisions of a code that person may issue an improvement notice to the owner or keeper of any animals affected by such a breach.
- 10) The Board shall arrange for any codes of recommendations to be printed and made available to the public on demand.

WELFARE OF ANIMALS DURING INTERNATIONAL TRANSPORT

- 11) No animal shall be transported in a way which causes, or is likely to cause injury or unnecessary suffering to that animal.

- 12) Animals that are ill, infirm, injured or fatigued, which are likely to give birth during transport or have recently given birth and new-born animals and infant animals that cannot feed themselves shall not be considered fit to travel other than in an emergency for veterinary treatment.
- 13) Any animal which is transported shall be transported in vehicles or containers that provide adequate space, access to food and water, protection against the weather, adequate ventilation, protection against extremes of temperature and humidity and which are easy to clean and escape proof.
- 14) Animals that become ill during transport shall receive first-aid and if necessary, veterinary treatment.
- 15) The Board may, by Order, specify any additional conditions that shall apply to the international transportation of animals.
- 16) No person shall undertake the international transportation of animals, on a commercial basis, other than under the authority of a licence issued by the Board and subject to any conditions attached to that licence. Persons established in a Member State of the European Community, licensed to transport animals in accordance with Community rules shall be permitted to transport animals to the Islands.
- 17) Any person undertaking the transportation of animals under the authority of a licence issued by the Board shall have or ensure that any employees have the necessary qualifications, training or equivalent practical experience to administer any appropriate care to those animals.
- 18) Any person undertaking the transportation of animals under the authority of a licence issued by the Board shall also prepare a route plan of the proposed journey from the place of departure to the place of destination and be able to demonstrate that steps have been taken to meet the requirements for food and water during the journey for the animals that are transported.
- 19) The requirement to be licensed shall not apply to transport that is not of a commercial nature, animals accompanied by a person who has responsibility for their welfare, where there is one person per animal even if the transportation is of a commercial nature or pet animals accompanied by their owner.

WELFARE OF ANIMALS DURING INTER-ISLAND TRANSPORT.

- 20) The general requirements set out in 13) shall apply to the transport of animals on scheduled commercial air or sea services between the Islands of the Channel Islands.

- 21) The transport of animals between the Islands of the Channel Islands by any other means shall be prohibited except under the authority of a licence issued by the Board and subject to any conditions attached to that licence.
- 22) The requirements of 20) and 21) shall not apply to the transport of pet animals accompanied by their owner or a person authorised by the owner to have responsibility for such animals.

WELFARE OF ANIMALS DURING TRANSPORT IN THE ISLANDS

- 23) Any person who transports any animal in the Island shall ensure that the animal is transported in a vehicle, container or by any other means that is suitable for the size of the animal and the species concerned and that such an animal is provided with adequate ventilation, protected from extremes of temperature and protected from injury.

WELFARE OF WILD ANIMALS DURING TRANSPORT

- 24) An animal taken from the wild may be transported to a zoo, aquarium rescue centre or sanctuary, another geographic location for rehabilitation or release into the wild; or a place where it can be examined, tested and where appropriate receive veterinary or other specialist treatment. It may be sedated by a veterinary surgeon or another suitably trained or qualified person in order to minimise distress during transportation and where appropriate shall be accompanied by persons trained or qualified to provide for the welfare of the animal.

LICENSING OF PREMISES

- 25) A person shall not own or operate specified premises (see Appendix 4) other than under the authority of a licence issued by the Board and subject to any conditions attached to such a licence.
- 26) The conditions attached to a licence may specify the animals that may be kept on the premises and such matters as minimum requirements for the general condition of the premises (such as lighting, heating and security), minimum requirements regarding the pens or cages in which animals may be kept (such as dimensions and ventilation), operational requirements (such as feeding and general care), requirements for qualifications or training of the owner or any staff and provisions for dealing with emergencies (such as fire or an outbreak of an infectious disease).
- 27) For the purposes of licensing “animals” shall include invertebrate animals.

SCIENTIFIC AND EXPERIMENTAL PROCEDURES

- 28) A scientific or experimental procedure shall be any procedure that may cause an animal unnecessary pain, suffering or distress or lasting harm, may result in the birth of an animal in unnecessary pain, suffering or distress or which has been caused lasting harm or which may specified by the Board by Order.
- 29) The use of an anaesthetic or analgesic in a procedure shall not mean that the procedure is not regarded as a scientific or experimental procedure for the purposes of the law.
- 30) Marking, ringing, tagging, tattooing or micro-chipping an animal or the implantation of a tracking device using the least painful methods that are accepted as the best modern practice and any practice that is recognised as a normal agricultural, animal husbandry, fishing or veterinary practice shall not be considered to be a scientific or experimental procedure.
- 31) No person shall carry out a scientific or experimental procedure, own or operate premises used for such procedures or breed animals for use in such procedures other than under the authority of a licence issued by the Board and in accordance with any conditions attached to such a licence.
- 32) Other than in exceptional circumstances (subject to the approval of the Board), animals used in scientific procedures shall originate from premises licensed to breed animals for such purposes and the minimum number of animals that will suffer the minimum amount of distress shall be used.
- 33) Scientific or experimental procedures shall only be carried out by a person competent or trained to carry out such procedures.
- 34) Scientific or experimental procedures shall not be carried out on an animal if another scientifically satisfactory method of obtaining the result sought, not involving the use of an animal, is reasonably and practicably available.
- 35) A person shall be designated to be responsible for the general care of animals used in scientific and experimental procedures and a Veterinary Surgeon shall be nominated to be responsible for the veterinary care of such animals.
- 36) Scientific or experimental procedures shall be designed to avoid any unnecessary distress, pain or suffering to animals and other than in exceptional circumstances (subject to the approval of the Board), shall be carried out under general or local anaesthesia or using analgesics.
- 37) Where an animal has been subjected to scientific or experimental procedures for a particular purpose and has been given a general anaesthetic and allowed to recover consciousness it shall not be used for any other procedure.

- 38) At the end of a scientific or experimental procedure an animal shall be kept alive unless it is unlikely to enjoy freedom from lasting discomfort, pain or distress or the ability to express normal patterns of behaviour in which case it may be euthanased using humane methods.
- 39) All animals used in scientific or experimental procedures shall be given an individual identification mark.
- 40) No person shall carry out a scientific or experimental procedure as an exhibition to the public or carry out such a procedure which is shown on television for general reception or recorded in any way for subsequent sale or distribution to the public other than under the written authority of the Board.
- 41) The conditions attached to a licence to carry out scientific and experimental procedures may include the same type of requirements specified under 26) relating to the licensing of premises.

TRAINING OF ANIMALS

- 42) No person shall train any animal to perform an act or to display any part of its natural behaviour for use in a circus or any similar form of exhibition, display or show or for the making of a television programme, film or video or for use in any advertising or publicity campaign that is intended for broadcast, sale or any other form of distribution to the public, other than under the authority of a licence issued by the Board.

EXHIBITIONS, DISPLAYS, SHOWS, AND COMPETITIONS INVOLVING ANIMALS

- 43) Any person who organises an exhibition, display, show or competition, to which the public has access, with or without charge, in which animals are confined in cages, constrained or tethered and not under the constant supervision of the owner or a person authorised by the owner, shall appoint a person or persons who shall be responsible for the welfare of the animals for the duration of the event.
- 44) The appointed person or persons shall ensure that animals have an adequate supply of fresh water and where appropriate, bedding, are not exposed to extremes of temperature, are secure from escape and where they are kept confined over night, they are kept in a secure place, are not pestered or tormented by the public, and in the event of an animal falling ill, that the owner is immediately notified.
- 45) An animal may be confined in a cage that would not normally be considered to meet general housing requirements for the purposes of display at an, exhibition, display, show or competition provided that it is not caged or confined for a period exceeding 60 hours and the cage allows the animal sufficient space to

stand in a normal position, lie down, turn around and reach food and water and provides adequate ventilation.

- 46) No person shall knowingly enter an animal in an exhibition, display, show or competition that is ill or injured, is likely to give birth during the exhibition, display, show or competition; or which is accompanied by young animals that were born within the 7 days preceding the event.
- 47) Any animal and dependant young animals shall immediately be removed by the owner or keeper where such an animal gives birth during an exhibition, display, show or competition.
- 48) No person shall operate a circus or any similar form of exhibition, display or show to which the public have access, with or without charge or undertake the making of a television programme, film or video that is intended for broadcast, sale or any other form of distribution to the public, in which any animal is used to perform an act or to display any part of its natural behaviour, other than under the authority of a licence issued by the Board.

ABANDONMENT OF ANIMALS

- 49) No person shall abandon any animal, other than in the case of a wild animal being returned to the wild in circumstances that are likely to lead to injury to, or death of the animal or cause that animal any unnecessary distress or suffering.
- 50) No person shall wilfully abandon any animal on the premises of another person and shall be liable for any damage caused on the premises by the animal and any costs arising from the capture, housing, re-housing, transportation and veterinary treatment and if necessary euthanasia of that animal.

ANIMAL FIGHTING

- 51) No person shall train or use any animal to fight any other animal or any person, arrange, advertise, promote or permit to take place any event which involves animal fighting or without reasonable excuse be present at an animal fight.
- 52) No person shall possess any equipment designed for animal fighting or for the training of animals to fight unless that person can demonstrate, to the satisfaction of the Board, that such equipment is not to be used for the fighting of animals.
- 53) Section 51) shall not apply to animals trained by the Police, Customs and Immigration Department or the Armed Forces to carry out functions that form part of the normal operations of those organisations.

USE OF POISONS AND INSPECTION OF TRAPS

- 54) Any person using poison to control any pest animals shall take all reasonable precautions to prevent access to the poison by any other animals.
- 55) Any person using any approved type of trap shall inspect the trap at reasonable intervals of time and at least once every day between the hours of sunrise and sunset.

PART 3 CIRCUMSTANCES IN WHICH ANIMALS CAN BE TAKEN OR KILLED

ILL AND INJURED ANIMALS AND ABANDONED AND STRANDED WILD ANIMALS

- 56) A person may kill any animal, in an emergency situation, in order to prevent any unnecessary suffering
 - a) where that animal is severely injured or so ill or diseased that:
 - i) it is unlikely to respond to veterinary treatment, survive transport to a place where it can receive veterinary treatment or when veterinary treatment cannot be provided within a reasonable period of time; or
 - ii) in the case of livestock or horses, a slaughterman or Veterinary Surgeon cannot euthanase the animal within a reasonable period of time,

provided that the most humane methods available are used in a manner that causes the minimum of pain or suffering.
- 57) A person may take young wild animals, where it is clear that the parents are dead or have abandoned them, where the intention is to take them to a place where they can receive care by persons trained or experienced to provide such care and where the ultimate intention is:
 - a) to release them back into the wild; or
 - b) to transfer them to a sanctuary or another geographic location for release into the wild.
- 58) A person may take a wild animal where:
 - a) there are reasonable grounds to believe that the animal is ill or injured; or

- b) it is covered in oil or affected by any other substance that is a risk to its health or prevents it from exhibiting normal behaviour,

and to take it to a place for examination or treatment by a trained or experienced person.

- 59) Animals may be caged or confined for the purpose of transportation, examination, treatment and to allow them to recover.

FARMING, FISHING AND BUILDING WORKS

- 60) It shall not be unlawful for a person to accidentally kill, injure or take a wild animal or to damage or destroy eggs, nests, roosts, burrows and dens during the ordinary course of farming, forestry and fishing activities or during work on any building or during stream cleaning or hedge cutting using techniques, methods and equipment that are in common or general use for such activities and provided that all reasonable precautions are taken to prevent any unnecessary damage, injury or death.

CONTROL OF DISEASE

- 61) An Authorised Person may kill or take and quarantine or otherwise confine any animal for the purposes of monitoring treating, controlling, or preventing the spread of infection or the spread of an outbreak of a notifiable disease or any disease that is a risk to animals or man.
- 62) An Authorised Person may submit animals to any tests specified by the States Veterinary Officer, take any samples for the purpose of scientific examination, analysis or the diagnosis of a condition, illness or disease and vaccinate or otherwise treat that animal as directed by the States Veterinary Officer, to protect the health of the animal, other animals or man and to prevent the spread of a disease, organism or agent.
- 63) Animals killed or taken as specified in 61) shall be killed or taken in accordance with methods specified by the States Veterinary Officer that are considered necessary to minimise or prevent the risk of the spread of a disease, organism or agent and such measures may include the destruction of nests, eggs, roosts, den and burrows.

CONTROL OF ANIMALS

- 64) The Board may, by licence, authorise measures to control animals, but only where it is satisfied that it is necessary in order to:
 - a) protect public health, hygiene or safety,
 - b) protect or preserve the amenity of a locality,

- c) prevent damage to, or contamination of any building or property
 - d) prevent significant damage to, or loss of crops
 - e) prevent significant damage to the environment of a locality; or
 - f) limit the population of any animals:
 - i) to improve the welfare of any remaining animals,
 - ii) where the environment cannot sustain a larger population; or
 - iii) where that population is a significant threat to the survival of other animal populations.
- 65) The control measures that the Board may licence may include euthanasia by a specified person using specified methods, the removal and destruction of nests and eggs or the destruction of dens or burrows, trapping and relocation; and veterinary procedures or the use of veterinary drugs to prevent reproduction.
- 66) A licence may not be issued for control measures on private land unless the owner has made a written application for a licence, consented in writing, to the conditions of the licence and indemnified the Board in writing, against any claim for loss or damage arising out of the execution of the licence.
- 67) A licence issued by the Board shall specify:
- a) the name and address of the licensee,
 - b) the public or private land or premises to which it applies,
 - c) the control measures that may be used in the execution of the licence,
 - d) the name and address of the person authorised to carry out the control measures,
 - e) the date and time on which the measures may begin and must end,
 - f) a description of the animals to which the control measures apply,
 - g) the number of animals subject to control; and
 - h) where appropriate, the manner in which any carcasses, eggs or nests shall be disposed of.

- 68) Where the Board issues a licence it shall publish a notice in La Gazette Officielle in advance of any date on which any control measures may be carried out, to allow the public to retrieve any animals which may be their property from the land on which the controls will be executed.
- 69) The Board may authorise a person to control animals at the Airport or any waste disposal site under the control of the States of Guernsey in such a manner as it may approve.
- 70) The Board may specify, by Order that any animal is a pest animal, any methods that may be used to control any pest animal, the persons that may carry out the control measures, any time period during which control measures may be carried out; and that any nests, eggs, roosts, burrows or dens of any specified pest animals may be disturbed or destroyed.
- 71) Any person may use an approved poison or an approved trap to control wild rats and mice.

SLAUGHTER AND EUTHANASIA

- 72) An animal may be killed, in the case of:
 - a) livestock, farmed animals, farmed poultry, game and fish for meat, offal, skin, hides, fur, feathers or any other animal product provided that they are killed:
 - i) in the case of livestock and farmed animals, by a licensed slaughterman or knackerman using approved methods of stunning, slaughter and killing or by a Veterinary Surgeon using other methods that are accepted methods in veterinary practice,
 - ii) in the case of rabbits or hares, other than game or farmed rabbit and hares, by any person using humane methods,
 - iii) in the case of poultry, other than farmed poultry, by any person using humane methods,
 - iv) in the case of fish, subject to any restrictions or controls specified in legislation administered by the Sea Fisheries; and
 - v) in the case of any game animals, specified by an Order, in accordance with any conditions specified in such an Order,
 - b) any animal that is aggressive or which represents a risk to other animals, to the owner or keeper or the public and any animal that is so ill, injured, old or infirm that it would cause unnecessary suffering to keep it alive provided that such an animal shall be killed:

- i) in the case of livestock, farmed animals and horses, by a slaughterman or a Veterinary Surgeon or in the case of an animal that is dangerous, by a police marksman,
 - ii) in the case of cats and dogs, dangerous or exotic animals or marine mammals by a Veterinary Surgeon or in the case of a dangerous animal, by a police marksman,
 - iii) in the case of any large animal for which specific provision has not been made, by a slaughterman, a Veterinary Surgeon or in the case of a dangerous animal, by a police marksman; or
 - vi) in any other case, by any person using humane methods,
 - c) livestock, and new born animals that are surplus to requirements and animals that have reached the end of their economic life, provided that such animals are killed by a slaughterman or Veterinary Surgeon.
- 73) The Board shall specify, by Order, the approved methods by which animals may be stunned, slaughtered or killed.

VETERINARY OPERATIONS

- 74) A Veterinary Surgeon may carry out operations on animals, other than the prohibited operations specified in Part 1 of Appendix 5 (other than for good veterinary reasons), that are accepted operations in modern veterinary practice, in order to determine the health of an animal, to diagnose a condition or to treat illness or injury in order to maintain or improve the health of an animal.
- 75) Animals may be caged or confined so that they may be transported for veterinary treatment, examined, undergo treatment and to allow an animal to recover from treatment.
- 76) Any person may carry out any operation in an emergency for the purpose of rendering first aid, to save the life of an animal or to relieve pain as well as any operation specified in Part 2 of Appendix 5.
- 77) A person shall not carry out an operation, which involves interference with the sensitive tissues of an animal without the use of an effective anaesthetic, however this requirement shall not apply:
- a) to injections using a hollow needle,
 - b) in an emergency, to rendering first aid, to save life or relieve pain,

- c) to any minor operation in which it is accepted veterinary practice not to use an anaesthetic; or
- d) to a scientific or experimental procedure that has been approved in a licence issued by the Board.

SCIENTIFIC AND EDUCATIONAL PURPOSES

- 78) A person may catch wild animals for purposes such as ringing or in order to read a ring under the authority of a licence issued by the Board and subject to any conditions attached to the licence.
- 79) Where the Board is satisfied that there are justifiable educational, conservation or scientific benefits or requirements or in the interests of the health, viability and conservation of any species of wild animal, it may licence:
 - a) the taking of animals for the purpose of supplying zoological gardens and aquaria.
 - b) the study of animals in the wild where such study may disturb animals, eggs, nests, roosts, burrows and dens and dependent young,
 - c) the taking of animals from the wild for the purposes of study or examination where such animals are returned to the wild,
 - d) in exceptional circumstances, the taking and killing of wild animals; and
 - e) the keeping of eggs of wild birds,
 subject to any conditions attached to a licence.
- 80) A person shall not require a licence to take wild animals where the intention is to study the animals as part of the normal curriculum of schools in the Islands.

HUNTING AND FISHING

- 81) The Board may specify, by Order, that an animal is a game animal, a close season for any game animal, any conditions under which or any methods by which game may be taken and any restrictions on who may hunt game.
- 82) During any close season a person shall not hunt or kill any specified game in the Island or buy or sell any specified game originating in the Islands.
- 83) A person may catch fish for use as bait or during commercial, sporting or recreational activities, subject to any restrictions specified in legislation administered by the Sea Fisheries Committee.

SEIZURE AND DETENTION OF STRAY ANIMALS.

- 84) Where there are reasonable grounds to believe that a dog is a stray a person may seize a dog and attempt to identify the owner with the intention of returning the dog to the owner or an Authorised Person may seize and detain a dog.
- 85) Where an Authorised Person can identify the owner of a seized dog the owner shall be contacted and given 21 days in which to reclaim their property.
- 86) Where a dog has been seized and detained and not reclaimed or the owner cannot be identified, an Authorised Person may re-home the dog or if it cannot be re-homed, ultimately arrange for it to be euthanased.
- 87) Where there are reasonable grounds to believe that livestock have strayed, such livestock may be seized and detained by an Authorised Person or by the owner or occupier of any land onto which the animals have strayed.
- 88) An Authorised Person may seize any other animal that may have escaped from confinement or which is dangerously out of control on any land.
- 89) Where an animal has been seized an Authorised Person shall take reasonable steps to identify the owner, but if the owner cannot be identified or the animal is not claimed within 21 days of being seized, the Board may specify that the animal can be sold, transferred to another owner or otherwise disposed of.
- 90) Where the Board specifies that a seized animal shall be sold and costs have been incurred in detaining that animal, the proceeds of the sale shall be used to offset such costs.
- 91) Any person may seize any animal in an emergency in order to prevent damage to property or injury or death to other animals or another person.

PART 4 OWNERSHIP OF ANIMALS AND RESPOSIBILITIES OF ANIMAL OWNERS.

DOGS

- 92) A person shall not own and provide guard dogs on a commercial basis other than under the authority of a licence issued by the Board and shall ensure that any staff are capable of keeping a guard dog under control.
- 93) When a guard dog is used to guard premises or property, either on a continuous basis or on the basis of periodic patrols, a notice containing a warning that a guard dog is present shall be clearly displayed at each entrance to the premises or at such other places where they may be clearly seen by the public.

- 94) The licensing provisions shall not apply to dogs kept by the Police, Customs and Immigration Department and Armed Forces to carry out the normal functions of such organisations or a dog kept by an individual for the protection of his own premises or property.
- 95) The Board may specify, by Order, that any breed or type of dog is considered to be a dangerous breed or a dangerous type and that ownership of such dogs is prohibited, restricted, subject to the possession of a licence from the Board or subject to any other conditions.
- 96) In the event of a disagreement regarding the identification of a breed or type of dog, a person who seeks to own or keep a particular breed shall provide satisfactory evidence, at his or her expense, that it is not a breed or type that may be banned.
- 97) Any person who owns or keeps a breed or type of dog that is specified in an Order at the time that it is made, may continue to own a dog under the authority of a licence from the Board and may not sell or breed the animal.

OWNERSHIP OR POSSESSION OF DANGEROUS, WILD AND EXOTIC ANIMALS

- 98) The ownership or possession of any marine mammals shall be prohibited.
- 99) The Board may specify, by Order, that the ownership or possession of any dangerous, wild or exotic animal is prohibited subject to conditions or prohibited other than under the authority of a licence issued by the Board. A licence shall not be issued to a person under the age of 18.
- 100) Conditions attached to a licence may specify the species of animals that may be kept, the premises on which they must be housed, the conditions in which they must be kept and any restrictions on the sale or transfer of the animals to another owner.
- 101) The Board shall not issue a licence unless:
 - a) it is satisfied that it is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant a licence; and
 - b) any land, premises or cage has been inspected by, and the applicant interviewed by, an Authorised Person and that person is satisfied that:
 - i) the applicant is a suitable person to hold a licence and can demonstrate sufficient knowledge, training or experience to provide proper care for an animal, in relation to its physical, environmental, social, behavioural and dietary needs,

- ii) an animal will at all times be kept in secure conditions suitable for its physical, environmental, social and behavioural needs,
 - iii) appropriate measures will be taken to protect an animal in the case of fire or other emergency; and
 - iv) all reasonable precautions will be taken to prevent and control the spread of infectious or contagious disease,
- 102) Any animal that is the subject of a licence may not be sold or otherwise transferred in the Islands, other than to another person who is licensed to possess such an animal.
- 103) The provisions for licensing shall not apply to zoos, aquaria, pet shops and sanctuaries and rescue centres licensed under the provisions of 25) or circuses or similar forms of event.
- 104) For the purpose of licensing “animals” shall include any invertebrate animals.

OWNERSHIP OR POSSESSION OF CERTAIN LIVESTOCK

- 105) A person shall not own cattle, sheep, pigs or goats other than under the authority of a licence issued by the Board and subject to any conditions that the Board may attach to such a licence.

LIABILITY FOR DAMAGE AND INJURY CAUSED BY ANIMALS

- 106) The owner or keeper of an animal that permits that animal to stray shall be liable for any damage caused to land, premises or property, injury or death to any other animals and injury or death to a person unless:
- a) it can be shown that reasonable steps were taken to prevent an animal from wandering or straying,
 - b) an animal wandered or strayed after being deliberately released by another person, in which case that other person shall be liable for any damage, injury or death caused by the animal that was released,
 - c) a person voluntarily accepts any risk of damage, injury or death that may be caused by an animal,
 - d) injury or death is caused to a person breaking into or trespassing on the premises where an animal is normally kept; and
 - e) in the case of a dog, livestock are killed or injured on land on which such livestock had strayed and either the dog belonged to the owner or

occupier of that land or its presence on the land was authorised by the owner or occupier.

- 107) The owner or keeper of a dog who permits or incites that dog to chase, disturb, worry or attack any other animal or to chase or attack a person shall be liable for any injury or death caused to such an animal or person.
- 108) The provisions of 106) and 107) shall not apply to the use of shepherd dogs or to dogs used as part of the normal operations of the Customs and Immigration Department, the Police Force, the Armed Services or to licensed guard dogs used to guard premises.

IDENTIFICATION OF DOGS

- 109) The owner or keeper of a dog shall ensure that, whilst in a public place, it wears a collar which bears the name and address or telephone number of the owner or keeper or which is fitted with a badge or plate on which is inscribed such information.

PART 5 REGULATION OF PROFESSIONS AND BUSINESSES

VETERINARY SURGERY

- 110) No person shall practice veterinary surgery in the Island other than under the written authorisation of the Board.
- 111) The Board shall establish and maintain a register containing the names of persons who are authorised to practice in the Islands.
- 112) A person wishing to be authorised by the Board shall apply to be authorised in such a manner as the Board may require and if the applicant is registered in either the Register of Veterinary Surgeons or the Supplementary Veterinary Register kept under Section 2) and Section 8) respectively of the Veterinary Surgeons Act, 1966, that person may be authorised to practice in the Island.
- 113) The Board shall inform Her Majesty's Greffier of the name of any person authorised to practice as a Veterinary Surgeon and the information shall be available at the Greffe for public inspection free of charge whenever the Greffe is required by law to be open.
- 114) No person shall use, in connection with any business or at any premises a description implying that he or any person acting for the purposes of the business possesses veterinary qualifications which he or such other person does not possess.

SLAUGHTERMEN AND KNACKERMEN

- 115) No person, other than a licensed slaughterman or knackerman shall stun, slaughter or kill, any livestock, horses or any other large animals and such persons shall operate under the authority of a licence issued by the Board. An authorised Veterinary Surgeon may euthanase the specified animals without requiring a licence.
- 116) A person shall apply for a licence in such form as the Board may require and it may ask for evidence of a professional qualification, relevant training or occupational experience to support any application.
- 117) A licence may be issued to a person who is undergoing training under the direct supervision of a licensed slaughterman or knackerman.

FARRIERS

- 118) No person shall carry out the shoeing of equine animals or any work on the feet of equine animals associated with the shoeing of such animals except under the authority of a licence issued by the Board.
- 119) A person shall apply for a licence in such form as the Board may require and it shall require evidence of registration with the Worshipful Company of Farriers or the Farriers Registration Council or a professional qualification to support any application.
- 120) A license may be issued to a person who is undergoing training under the direct supervision of a licensed farrier.
- 121) The Board may issue a licence to a farrier practicing in the Islands on the date of commencement of this legislation based on the evidence specified in 119) or evidence of relevant training or occupational experience.

PARAVETERINARY PROFESSIONS

- 122) No person shall practice a paraveterinary profession or provide a paraveterinary service on a commercial basis in the Islands, other than under the authority of a licence issued by the Board.
- 123) A person shall apply for a licence in such form as the Board may require and it shall require evidence of a professional qualification, relevant training or occupational experience which demonstrates competence to support any application.
- 124) Where a professional body exists that provides a qualification for any particular paraveterinary profession the Board shall only issue a licence to a person who is in possession of such a qualification.

- 125) A person acting under the direct supervision of a Veterinary Surgeon shall not require a licence from the Board

OTHER REGULATION

- 126) The Board may, by Order, direct that any business that provides any form of therapy or treatment for animals that is not recognised as part of normal veterinary or paraveterinary practice, a service where a person is directly responsible for the health and welfare of an animal that is owned by another person or a business that provides any form of service that may affect the welfare of animals, shall not be carried out or provided other than under the authority of a licence issued by the Board and in accordance with any conditions attached to that licence.

PART 6 MISCELLANEOUS PROVISIONS

ORDERS

- 127) An Order may be revoked or amended by a subsequent Order, may contain consequential, incidental, supplementary or transitional provisions and shall be laid before a meeting of the States as soon as possible. If at that or the next meeting, the States resolve to annul it, it shall cease to have effect, but without prejudice to anything done under it.

LICENCES

- 128) Any person who requires the Board to issue a licence or to renew a licence shall submit an application to the Board in such form as it may specify.
- 129) The Board may require that an applicant provide any evidence of training, knowledge, experience or competence or the provision of premises or any other facilities or equipment or vehicles that are considered relevant to the application and may also require that any premises, equipment, vehicle or any other facilities relevant to the application be inspected by an Authorised Person.
- 130) The Board may issue a licence and attach such conditions to that licence as it considers appropriate, issue a notice specifying any requirements that have to be met before a licence may be issued or reject the application.
- 131) A licence issued by the Board shall specify the name of the licensee, the address of any premises to which the licence relates, any animals to which the licence relates, any activity to which the licence relates, the term of the licence and any relevant geographical restrictions.
- 132) Where a licence has been issued and the Board believes that there has been a breach of any of the conditions attached to that licence it may:

- a) issue a notice to the licensee stating the nature of the breach, setting out any action that is required to rectify the breach and any time period during which any requirements must be carried out; and
 - b) if the requirements in a notice are not carried out within the specified time period, issue a further notice shall be issued stating that if the requirements of the original notice are not met within 14 days of the second notice, the licence will be revoked.
- 133) The Board may revoke a licence without issuing a notice where it believes that there has been a significant breach of the conditions of a licence and that it is necessary to take immediate action to protect the welfare of any animals, prevent suffering to any animals, prevent additional suffering to any animals or to protect the public.
- 134) A licence will cease to have effect on the death of the licensee, by order of the Court, if the licensee ceases to own or keep animals to which a licence relates, if the licensee ceases to own or operate any premises, or sells or otherwise transfers any premises to which a licence relates, if the licensee ceases to operate a business or operate or undertake any activity to which a license relates or on the date specified in the licence.
- 135) A licence may be valid for a minimum of one calendar year and a maximum of five calendar years at the discretion of the Board. A person may apply to the Board for the renewal of a licence and shall do so not later than one calendar month before the expiry of such a licence.
- 136) A person who makes a false declaration to obtain a licence or alters, amends or in any other way changes or counterfeits a licence or any conditions attached to such a licence shall be guilty of an offence.
- 137) Any premises, buildings, pens, cages or other facilities used to confine animals, vessels, vehicles or any equipment which relates to a licence issued under the provisions of this legislation shall be subject to inspection by an Authorised Person, without prior notice, to determine compliance with the conditions of a licence and in any event shall be subject to inspection prior to the renewal of a licence.
- 138) The Board may issue a temporary licence for any event or activity that will take place for a period of less than 1 year.

APPEALS

- 139) When the Board receives an application for any licence or the renewal of any licence and it rejects the application, requires the applicant to take certain measures before a licence is issued, attaches conditions to a licence or revokes a

licence and a person believes that the Board has acted unreasonably in the exercise of its powers, that person shall have the right to appeal against a decision of the Board.

- 140) Provision shall be made for appeals to be considered by an Appeals Tribunal.
- 141) Where notice of an appeal is made against a decision of the Board, any requirements specified by the Board shall not take effect until an appeal has been considered.

NOTICES

- 142) Any notice, notification or written authorisation issued by the Board may be given to an individual at his usual address or last known address, to a company at its registered office or principal place of business or to an unincorporated body at its principal place of business or to a partner of that business.
- 143) Where the name or address of any person to whom a notice or notification is to be given cannot, after reasonable enquiry, be ascertained, the notice or notification may be given by being delivered to some responsible person at the holding or premises in question or, if there is no such person, by being affixed to a conspicuous part of the holding or other premises or by publication in La Gazette Officielle.

ACCESS TO PROPERTY AND RECORDS AND THE PROVISION OF INFORMATION

- 144) A person who is the holder of a licence shall allow access to any premises or facilities to which the licence relates for the purpose of inspection by an Authorised Person between the hours of 9.00 a.m. and 4.00 p.m. Monday to Friday, excluding public and bank holidays.
- 145) An Authorised Person may enter premises at any time if there are reasonable grounds to believe that there has been a breach of the animal welfare legislation or the conditions of a licence or the health and welfare of animals is at serious risk,
- 146) For the purposes of carrying out an inspection an Authorised Person may take, or be accompanied by:
 - a) such equipment as is necessary to carry out an inspection or to seize an animal; or
 - b) such other persons who have knowledge, skill or equipment relevant to an inspection or seizure of an animal and,

if necessary, the Authorised Person may be assisted by a Police Officer, who may gain access to premises under the authority of a Warrant issued by the Bailiff.

- 147) Where the conditions of a licence or an Order require that any records be maintained, such records shall be made available, on demand, for inspection by an Authorised Person.

SEIZURE OF ANIMALS AND EQUIPMENT

- 148) An Authorised person may seize an animal where that person has reasonable grounds to believe that:

- a) it is necessary to prevent suffering or the continuing suffering of an animal,
- b) an animal has been or is being trained or used for fighting,
- c) ownership or possession of an animal is the subject of a licence, and no licence has been issued by the Board; or
- d) ownership or possession of an animal is the subject of a licence and there has been a serious breach of a condition of that licence and the health and welfare of an animal is at significant risk,

and shall take all reasonable steps to notify the owner or keeper of an animal that it has been seized.

- 149) An Authorised person may direct that any seized animal be:

- a) fed and watered,
- b) subjected to veterinary examination and treatment and if necessary, tests; and
- c) removed and detained at such place and in the care of such person as he may specify.

- 150) An Authorised Person may seize:

- a) any equipment associated with the fighting of animals,
- b) any trap or equipment that is used or intended to be used for taking or killing animals which is not approved by the Board,
- c) any organism, agent or infected material that is intended to be used to kill or harm animals or attempt to kill or harm animals,

- d) any game or carcasses of game taken outside of a relevant hunting season; or
- e) any other thing which may be regarded as evidence of a breach of the provisions of the animal welfare legislation, an Order or the conditions of a licence,

and shall take all reasonable steps to notify the owner or person in possession of any equipment or other thing that it has been seized.

151) An Authorised person may direct that any thing that is seized be:

- a) subjected to examination and if necessary, tests; and
- b) removed and detained at such place and placed in the care of such person as he may specify.

152) Any animal, equipment or other thing that is seized shall remain the property of the owner pending the outcome of any:

- a) appeal against the decision of an Authorised Person to seize such animal, equipment or other thing; or
- b) proceedings relating to a prosecution brought under the provisions of this legislation,

but shall remain at such place or in the care of such person as may have been specified by an Authorised Person until the conclusion of such an appeal or such proceedings.

153) In the event of the seizure of any animal, equipment or other thing and

- a) no appeal is made against such seizure; or
- b) no proceedings relating to a prosecution are brought under the provisions of the legislation,

ownership of such an animal, equipment or thing shall be vested in the States if the animal, equipment or thing is not claimed by the owner, keeper or person who had possession of any equipment or other thing within 7 days of such seizure and they may be disposed of at the discretion of the Board.

THE TAKING OF SAMPLES.

154) During the course of any inspection, an Authorised Person or a person accompanying the Authorised Person may take samples, from any animal, land,

premises, vehicle, vessel, equipment, gear or other facilities and any food, bedding, drugs, chemicals or any other substance for the purpose of examination and scientific analysis.

FEES AND COSTS

- 155) The Board may levy a charge for any licence.
- 156) Where any animal or any thing is seized, the owner or keeper of the animal shall be liable for any costs associated with such seizure, transportation and detention of any animal, veterinary treatment of any animal, the destruction of any animal and the disposal of the carcass, the destruction and disposal of any equipment and any scientific examination or the taking and testing of samples.
- 157) Where the ownership or keeping of any animal is the subject of a licence issued by the Board and the licence is revoked, either by the Board, or by an order of the Court, the person named on the licence shall be responsible for:
- a) immediately arranging for another person to be responsible for the care and welfare of any animals that were the subject of a licence,
 - b) immediately notifying the Board of such arrangements; and
 - c) any costs associated with the maintenance of any animals,
- until arrangements are made to sell, transfer or otherwise dispose of such animals.
- 158) Where the disposal or destruction of any equipment or any other thing is ordered by the Court, the owner of such equipment or thing, or the person in possession of such equipment or thing shall be responsible for all reasonable costs associated with the disposal or destruction.

REGISTERS

- 159) The Board shall maintain an official register of any licences that it issues.

AUTHORISED PERSONS

- 160) A person may be authorised by the President or Vice-President of the Board, in writing, to perform any of the functions specified in the legislation.
- 161) An Authorised Person shall, at any time during the performance of his duties, produce, on demand evidence of the written authorisation.

LIABILITY AND COMPENSATION

- 162) No liability shall be incurred or civil action lie against the States of Guernsey or any person in respect of anything done or omitted to be done in the discharge or purported discharge of any function under this legislation unless the thing is done or omitted to be done maliciously or in bad faith.
- 163) No compensation shall be payable by the States of Guernsey or any person in respect of:
- a) an animal killed under the provisions of this legislation except where compensation is payable under the provisions of the Animal Health Ordinance, 1996, in respect of animals killed to control specified notifiable diseases; or
 - b) any loss arising from the suspension or revocation of a licence.

OFFENCES AND PENALTIES

- 164) A person who:
- a) contravenes, attempts to contravene, or fails to comply with any provision of the legislation, the provisions of any Orders or the conditions attached to any licence issued by the Board,
 - b) fails to discharge any duty to which he is subject,
 - c) fails to comply with any direction given or requirement made by the Board; or
 - d) obstructs or attempts to obstruct an Authorised Person exercising any functions under this legislation,
- shall be guilty of an offence.

- 165) A failure on the part of a person to

- a) observe a welfare code; or
- b) comply with an improvement notice,

shall not render that person liable to any proceedings, but the failure to observe a code or to comply with an improvement notice may, in proceedings for an offence be relied upon by the prosecution as tending to establish guilt of that offence, unless it can be shown that a person could not reasonably have been

expected to have observed the code in question or complied with the requirements of the notice.

- 166) A person found guilty of an offence may be liable, on conviction to:
- a) imprisonment for a term not exceeding 6 months,
 - b) a fine not exceeding Level 5 on the uniform scale and in the case of an offence against more than one animal, that person shall be liable to a fine in respect of each offence; or
 - c) both imprisonment and a fine.
- 167) In addition to the provision for the penalties, if a person is found guilty of an offence the Court may by an order:
- a) deprive that person of the ownership or possession of an animal or animals or for being responsible for an animal or animals for such period as it may specify and may specify that any animals be placed in the ownership or custody of another person,
 - b) in the case of an attack by an animal on a person or if there are good veterinary reasons, direct that an animal be destroyed by such a person and in such manner as it may specify,
 - c) disqualify that person from owning, keeping or being responsible for any animal or animals for such period as it may specify,
 - d) revoke the registration in the Islands of a Veterinary Surgeon and disqualify that person from practicing as a Veterinary Surgeon in the Islands for such period as it may specify,
 - e) revoke any licence issued by the Board and disqualify that person from holding such a licence for such period as it may specify,
 - f) direct that any equipment used for animal fighting, any trap or equipment not approved by the Board or any other equipment used to kill or take an animal in contravention of the legislation, be destroyed or otherwise disposed of in such manner as it may specify,
 - g) direct that any game or the carcasses of any game be destroyed or otherwise disposed of, in such manner as it may specify; and
 - h) direct that any chemical, drug, poison or any other substance, any organism, agent or infected carcass or material be destroyed or otherwise disposed of by in such manner as it may specify.

- 168) A person who is the subject of an order made by the Court regarding animal ownership, who is found to own or keep any animals in contravention of that order shall be guilty of an offence and liable on conviction to the penalties specified in 164).
- 169) Where notice is made of an appeal against a custodial sentence, a fine or an order of the Court, the Court may direct that any animals be held in the custody of such person as it may specify and that any equipment or other thing be held at such place as it may specify pending the outcome of that appeal and at the expense of the person lodging such an appeal.

RETROSPECTIVE PROVISIONS

- 170) The provisions for licensing shall be applied retrospectively (in accordance with the principles set out in Appendix 6).

REPEALS

- 171) The enactments listed in Appendix 2 shall be repealed.

APPLICATION

- 172) The legislation shall apply in the Islands of Guernsey, Herm and Jethou and the waters around the Islands out to the 3 mile limit.

APPENDIX 4

Premises that would be subject to licensing.

Animal Detention Facilities
 Animal Rescue Centres
 Animal Sanctuaries
 Aquaria
 Boarding Establishments for Animals
 Breeding Establishments
 Fish Farms
 Fur Farms
 Guard Dog Kennels
 Knackering facilities that are not operated by the States
 Livery Stables or Yards
 Open Farms
 Pet Shops
 Rearing Establishments
 Riding Establishments
 Show Farms
 Slaughter houses that are not operated by the States
 Supply Establishments (that provide animals for animal experiments)

Zoological Gardens (which would include such things as wildlife parks and ocean parks)

APPENDIX 5

PART 1

Prohibited Operations

- a) freeze dagging of sheep,
- b) short-tail docking of sheep, unless sufficient tail is retained to cover the vulva in the case of female sheep and the anus in the case of male sheep
- c) tongue amputation in calves or adult cattle
- d) hot branding of cattle
- e) tail docking of cattle
- f) devoicing of cockerels
- g) castration of a male bird by a method involving surgery
- h) in relation to any animal, the amputation of the penis or other penial operations
- i) fitting any appliance which has the object or effect of limiting the vision to a bird by a method involving the penetration or other mutilation of the nasal septum
- j) tail docking of a pig unless the operation is carried out by the quick and complete severance of the part of the tail to be removed and the pig is less than 7 days old and there are veterinary reasons for such an operation
- k) removal of any part of the antlers of a deer before the velvet is frayed and the greater part has been shed
- l) removal of any bone or part of a bone from the tail of an equine animal, or the severance of any tendon or muscle in the tail of an equine animal.
- m) tail or ear docking and the removal of the dew claws of a dog

PART 2

SECTION I

Operations permitted by persons who are not Veterinary Surgeons:

- a) minor medical treatments given to an animal by the owner or keeper, a member of the owners or keepers household or a person employed by the owner or keeper; and
- b) the rendering of emergency first aid.

SECTION II

Operations permitted by persons who are not registered Veterinary Surgeons and who are over 18 years old and can demonstrate competence, experience or relevant training in such operations or who are under the direct supervision of a person who can demonstrate such competence, experience or who has received relevant training:

- a) the operations described in Part 2, Section I,
- b) the cutting of toes of any poultry which are under the age of 72 hours,
- c) the removal of supernumerary teats of a calf which is under the age of 3 months,
- d) the clipping of the flight feathers of any bird,
- e) the trimming of the insensitive tip of an in-growing horn of a sheep or goat which, if left untreated would cause pain and distress,
- f) the dehorning and disbudding of calves, in accordance with methods in common use in farming or in the case of calves that are over the age of one week and under the age of three months, provided that an anaesthetic is used,
- g) treatments or tests carried out under the direction of or at the request of a Veterinary Surgeon by persons who are competent, trained or qualified in:
 - veterinary nursing
 - dentistry
 - physiotherapy
 - osteopathy, acupuncture or any other alternative therapy,
- h) the taking of blood from any animal other than poultry by a person undergoing instruction from a Veterinary Surgeon or the taking of blood from any animal by a person who is considered competent to take blood and who is under the general direction of a Veterinary Surgeon for use in the diagnosis, control or eradication of disease,
- i) the removal of tissue or organs, by way of an operation, by an authorised medical practitioner for use in the treatment of humans as part of a licensed scientific procedure,

- j) castration of bulls, sheep, or pigs that have not reached the age of 7 days by the methods that are in common use in farming,
- k) tailing of a lamb that has not reached the age of 7 days,
- l) the vaccination of poultry,
- m) a licensed scientific or experimental procedure; and
- n) the making of injections using a hollow needle.

APPENDIX 6

Retrospective provisions.

- a) Any person who:
 - i) undertakes the international transport of animals,
 - ii) owns or operates premises (listed in Appendix 4),
 - iii) owns or keeps guard dogs,
 - iv) owns or keeps cattle, sheep, goats or pigs,
 - v) undertakes the slaughtering of livestock,
 - vi) undertakes the shoeing of equine animals,
 - vii) owns or keeps a breed or type of dog that is specified as a dangerous dog; or
 - viii) owns or keeps an animal specified as a dangerous or exotic animals,

shall, within 3 calendar months of the commencement date of the legislation or an Order, apply to the Board, in writing in such form as the Board may specify, for a licence that is required under the provisions of this Legislation.
- b) The Board shall:
 - i) issue a temporary licence that shall be valid for 1 year,
 - ii) advise applicants of the conditions that will be attached to any licences that may be issued to replace a temporary licence; and

- iii) arrange for an Authorised Person to carry out an inspection or investigation in respect of each temporary licence.
- c) Where an inspection or investigation by an Authorised Person reveals that the licence holder cannot not meet the conditions of a full licence, the Board shall notify that person of such measures that need to be undertaken in order to satisfy the conditions of such a full licence.
- d) Any veterinary surgeon authorised to practice in the Islands under the provisions of the Veterinary Surgery and Animal Welfare Ordinance, 1987 shall be deemed to have been so authorised under the provisions of this legislation.

(NB The States Advisory and Finance Committee supports the proposals)

The States are asked to decide:-

VI.- Whether, after consideration of the Report dated the 14th January, 2003, of the States Agriculture and Countryside Board, they are of opinion:-

1. To approve the proposals for new animal welfare legislation in accordance with the principles set out in that Report and the detailed proposals set out in Appendix 3.
2. That the States Agriculture and Countryside Board shall be responsible for such legislation.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

*STATUTORY INSTRUMENTS LAID BEFORE THE STATES***THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT NO.2)
REGULATIONS, 2002****THE HEALTH SERVICE (PHARMACEUTICAL BENEFIT) (RESTRICTED
SUBSTANCES) (AMENDMENT) REGULATIONS, 2002****THE HEALTH SERVICE (SPECIALIST MEDICAL BENEFIT)
REGULATIONS, 2002****THE HEALTH SERVICE (PHYSIOTHERAPY BENEFIT) REGULATIONS,
2002**

In pursuance of the provisions of section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, I lay before you herewith the following Regulations made by the Guernsey Social Security Authority on the 23rd December, 2002:-

**THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT NO.2)
REGULATIONS, 2002****EXPLANATORY NOTE**

These Regulations further amend the Health Service (Medical Appliances) Regulations, 1990, by allowing hip protectors to be prescribed as a medical appliance.

**THE HEALTH SERVICE (PHARMACEUTICAL BENEFIT) (RESTRICTED
SUBSTANCES) (AMENDMENT) REGULATIONS, 2002****EXPLANATORY NOTE**

These Regulations amend the previous Regulations so that medical practitioners cannot order escitalopram (Ciprallex) on the Authority's prescription form PS6.

**THE HEALTH SERVICE (SPECIALIST MEDICAL BENEFIT) REGULATIONS,
2002**

These Regulations deal with matters relating to –

- (1) the extent of specialist medical benefit available to persons entitled to benefit to be provided by the Medical Specialist Group, under the terms of the contract which it has with the States of Guernsey, including the schedule of services excluded from the definition of specialist medical benefit;
 - (2) the supply, in exceptional cases, of specialist medical benefit under the Law otherwise than on referral by a medical practitioner;
 - (3) the manner in which claims for specialist medical benefit are to be made;
 - (4) information to be given when making a claim;
 - (5) amendment of claims;
 - (6) claims relating to –
 - (i) persons unable to act;
 - (ii) children;
 - (iii) death;
 - (7) time of claims;
 - (8) repayment of the value of specialist medical benefit;
- and certain related matters.

THE HEALTH SERVICE (PHYSIOTHERAPY BENEFIT) REGULATIONS, 2002

EXPLANATORY NOTE

These Regulations deal with matters relating to:-

- (1) the extent of physiotherapy benefit available to persons entitled to benefit to be provided by the Guernsey Physiotherapy Group under the terms of its contract with the States of Guernsey, including a schedule of services excluded from the definition of physiotherapy benefit;
- (2) the manner in which claims for physiotherapy benefit are to be made;
- (3) information to be given when making a claim;
- (4) amendment of claims;
- (5) claims concerning –
 - (i) persons unable to act;

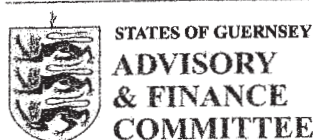
- (ii) children;
 - (iii) deceased persons;
 - (6) the time of making claims;
 - (7) repayment of the value of physiotherapy benefit;
- and certain related matters.

DE V. G. CAREY

Bailiff and President of the States

The Royal Court House,
Guernsey.
The 7th February, 2003

APPENDIX I



Policy and Research Unit

THIS PUBLICATION IS ALSO AVAILABLE ON THE WEB
www.gov.gg

GUERNSEY RETAIL PRICES INDEX**4.4% annual change as at 31 December 2002**

At the end of December, Guernsey's annual rate of inflation, as measured by changes in the Index of Retail Prices, was 4.4% compared with 3.9% at the end of the previous quarter.

Monday
20 January 2003

Issued by:
Policy and Research Unit
Sir Charles Frossard House
P O Box 43
La Charroterie
St Peter Port
Guernsey
GY11FH

The Index Figures at the end of December 2002 were:
110.5 (Dec 99=100)
131.2 (Mar 1994 =100)
177.2 (Dec 1988 =100)
236.8 (Dec 1983 =100)
376.0 (Dec 1978 =100)

Period	%	Period	%
3 Months	0.4	2 Years	6.4
6 Months	1.8	3 Years	10.5
9 Months	2.8	4 Years	13.2
12 Months	4.4	5 Years	16.8

Matters affecting the R.P.I during the last year

The main contributors to inflation during the last year were increases in the Housing, Leisure Services and Motoring groups. Leisure Goods and Household Goods dropped over the last twelve months and the Fuel, Light and Power, Food and Alcohol groups increased slightly.

The Housing Group has again had the largest effect on the annual change; 1.8% out of the 4.4%; Leisure Services contribution was 0.8% and Motoring was 0.5% out of 4.4%.

In the Housing group, there were increases in the costs of building work and other major house improvements. Holidays and fees for private tuition contributed to the increase in the Leisure Services group with smaller increases in satellite subscriptions and miscellaneous entertainment. Motoring expenditure has increased as a result of an increase in the cost of motor insurance and an increase in the price of petrol compared with December 2001, outweighing the slight drop in the price of motor cars.

Matters affecting the R.P.I during the last three months

The main contributors to inflation over the last **three months** were increases in the costs of holidays and satellite fees, major house improvements and building work as well as an increase in the cost of fares off island. In the Food group, increases were observed in the price of fresh fruit and chicken.

Annual % Changes for each quarter

	March	June	September	December
1990	10.2	9.7	10.4	9.8
1991	8.6	8.7	6.1	5.5
1992	4.6	4.1	3.6	3.2
1993	2.3	1.5	1.8	1.4
1994	2.9	2.3	2.0	2.4
1995	3.0	3.5	4.0	3.6
1996	2.5	2.1	2.0	2.8
1997	3.1	4.0	4.4	4.7
1998	4.1	4.0	4.0	3.2
1999	2.1	2.2	1.8	2.4
2000	3.8	4.4	4.5	3.9
2001	3.3	2.3	2.6	1.9
2002	2.9	3.3	3.9	4.4

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Next publication date:
15 April 2003

GUERNSEY RETAIL PRICES INDEX - DECEMBER 2002

PERCENTAGE CHANGES IN GROUP INFLATION AND THEIR CONTRIBUTION TO OVERALL INFLATION

GUERNSEY INFLATION RATE (+4.4%)

	Weight	Quarterly %Change	Annual %Change	% Contribution
Food	127	0.5	1.6	0.2
Alcoholic Drink	52	-1.8	2.8	0.2
Tobacco	19	0.0	9.3	0.2
Housing	216	1.3	8.1	1.8
Fuel, Light and Power	41	0.6	5.5	0.2
Household Goods	79	-0.5	-0.1	0.0
Household Services	33	-0.5	3.1	0.1
Clothing & Footwear	56	0.1	2.6	0.2
Personal Goods	49	-2.4	1.3	0.1
Motoring Expenditure	85	0.4	5.2	0.5
Fares/Other Travel	33	1.3	2.3	0.1
Leisure Goods	63	0.2	-0.9	-0.1
Leisure Services	92	1.4	8.1	0.8
Food Away from Home	55	0.1	2.6	0.1
Overall	1000			
All Items				4.4

Weight is the proportion of the total index represented by each group. **Contribution** shows the effect of price changes in relation to the relative weight of the groups.

Retail Prices Index (RPI)

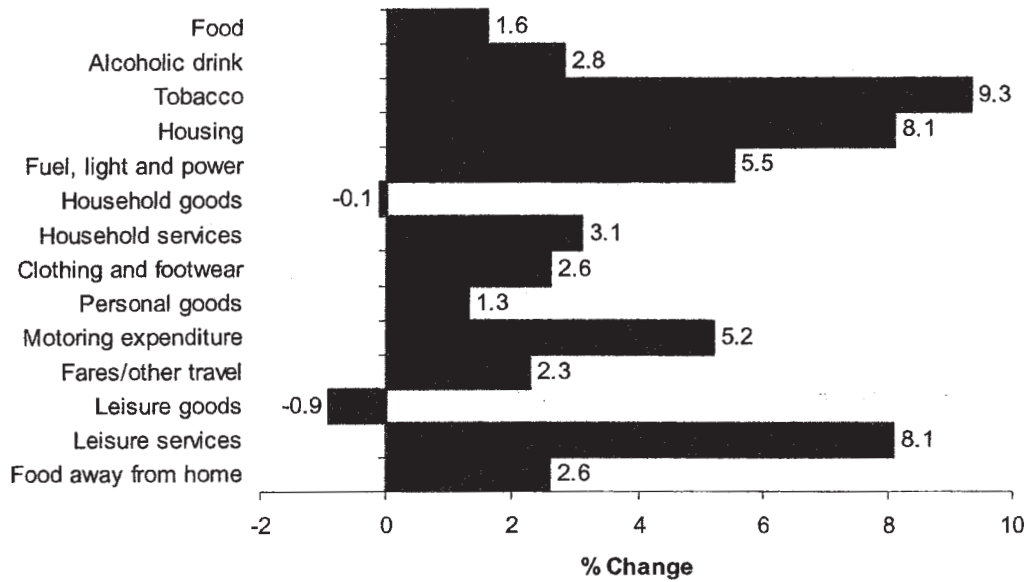
The RPI is a measure of inflation in Guernsey. It can be defined as "an average measure of change in the prices of goods and services bought for the purpose of consumption by the vast majority of households" (RPI Technical Manual, Office for National Statistics, 1998).

Goods and services that consumers purchase have a price, and these will vary over time. The RPI is designed to measure such changes. Imagine a very large shopping basket (over 2100 items) comprising all the different kinds of goods and services bought by a typical household. As the prices of individual items in this basket vary, the total cost of the basket will vary - the RPI is a measure of the change from quarter to quarter in this total cost.

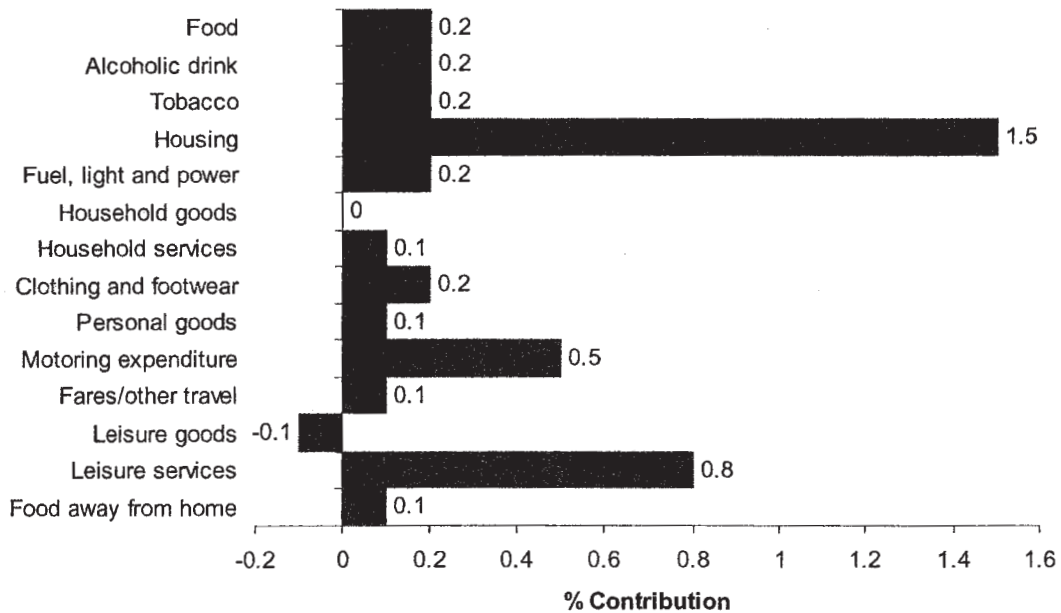
No two households spend their money in exactly the same way and this basket of goods is compiled using spending pattern data from the Household Expenditure Survey. This is carried out every five years, hence the RPI index base is reset to 100 e.g. Dec 1999 = 100, Mar 1994 = 100 etc. The RPI while not applying precisely to any one household or person, will be close to the experience of inflation for the great majority of households.

GUERNSEY RETAIL PRICES INDEX - DECEMBER 2002

RPI main contributions to the percentage change in all items over 12 months



Percentage Contributions



GUERNSEY RETAIL PRICES INDEX - DECEMBER 2002

RPI comparison with Jersey and the UK

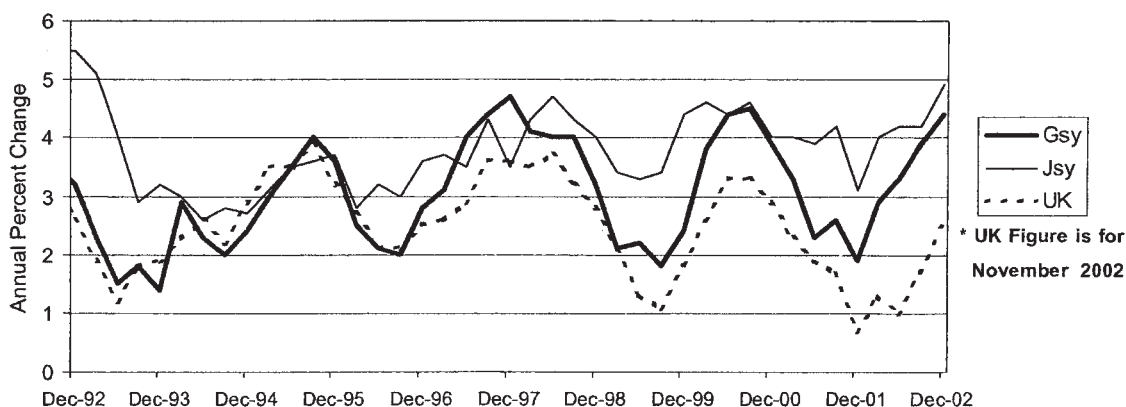
Guernsey and Jersey tend to run at a higher rate than the UK, see chart below. The chart shows that inflation in Guernsey follows the general trends of the UK inflation rate, albeit at a higher level.

At the time of publication, the UK December RPI figures were not available.

The major contributors to the Guernsey RPI increase - Housing, Leisure Services and Motoring are also reflected in the increases in the Jersey RPI who also reported price rises in these groups.

		Annual Movements			Quarterly Movements		
		Guernsey	UK	Jersey	Guernsey	UK	Jersey
1998	Mar	4.1	3.5	4.3	0.9	0.5	1.7
	June	4.0	3.7	4.7	0.9	1.6	1.2
	Sept	4.0	3.2	4.3	1.0	1.0	0.9
	Dec	3.2	2.8	4.0	0.4	0.0	0.2
1999	Mar	2.1	2.1	3.4	-0.2	-0.2	1.1
	June	2.2	1.3	3.3	1.0	0.9	1.1
	Sept	1.8	1.1	3.4	0.4	0.5	0.9
	Dec	2.4	1.8	4.4	1.1	0.7	1.1
2000	Mar	3.8	2.6	4.6	1.2	0.3	1.3
	June	4.4	3.3	4.4	1.6	1.6	1.0
	Sept	4.5	3.3	4.6	0.7	0.4	1.1
	Dec	3.9	2.9	4.0	0.5	0.3	0.5
2001	Mar	3.3	2.3	4.0	0.6	0.0	1.4
	June	2.3	1.9	3.9	0.8	1.3	0.9
	Sept	2.6	1.7	4.2	0.8	0.1	1.3
	Dec	1.9	0.7	3.1	-0.1	-0.7	-0.6
2002	Mar	2.9	1.3	4.0	1.6	0.6	2.3
	June	3.3	1.0	4.2	1.0	1.0	1.1
	Sept	3.9	1.7	4.2	1.4	0.8	1.3
	Dec	4.4		4.9	0.4		0.1

Annual Rate of Inflation - Guernsey, Jersey and the UK



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APPENDIX II

STATES ADVISORY AND FINANCE COMMITTEE

STATES AUDIT COMMISSION: 2002 ANNUAL REPORT

The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

21 January, 2003.

Dear Sir,

States Audit Commission: 2002 Annual Report

The States Audit Commission (Guernsey) Law, 1997 requires the Commission to “prepare and submit to the Committee an annual report outlining the exercise of the Commission’s functions, which annual report the Committee must within three months submit for inclusion as an appendix to a Billet d’Etat.” The Committee has received the Commission’s 2002 annual report.

As set out in the annual report the Committee, in co-operation with the Commission, has carried out a review of the audit arrangements of the States to ensure that they are appropriate and in accordance with modern best practice.

The results of the review (which was carried out by the United Kingdom National Audit Office) were considered, and various recommendations approved by the States, in October 2002 (Billet d’Etat XXII, 2002).

As set out in its policy letter accompanying the National Audit Office’s Report, “the Committee, in consultation with the Audit Commission, will continue to consider the implications of the Review of the Machinery of Government, including the future rôle and mandate of Public Accounts and Scrutiny Committees and report back accordingly. Furthermore, the Committee will also report back to the States in respect of its detailed investigations into the formation of an Auditor General’s Office.”

In its report the Commission concludes that there are areas where further improvement is necessary. The Committee does not dissent from this view. However, the Commission’s report also highlights a number of important improvements that have taken place in the past few years for example, the strengthening of property management in the States, Information Technology initiatives and the successful implementation of the new SAP financial system.

Although the actual work carried out in these areas has been carried out by States Committees, it is undoubtedly the case that the Audit Commission has played a vital rôle in initiating and encouraging these important improvements.

I would be grateful if, in accordance with the Law, you would arrange for the publication of the States Audit Commission's 2002 annual report as an appendix to a Billet d'Etat.

Yours faithfully,

L. C. MORGAN

President,
States Advisory and Finance Committee

The President
Advisory & Finance Committee
Sir Charles Frossard House
La Charroterie
St. Peter Port
Guernsey

15 January 2003

Dear Deputy Morgan,

STATES AUDIT COMMISSION: 2002 ANNUAL REPORT

1 Introduction

As required by the States Audit Commission (Guernsey) Law, 1997 (“the Law”), I am pleased to set out the States Audit Commission’s annual report for 2002.

As with previous reports, the objectives of this report are three-fold:

- to set out the activities of the Audit Commission during the calendar year 2002,
- to provide the Audit Commission’s general assessment on the adequacy of States financial procedures and controls,
- to provide commentary on current wider matters concerning value for money and corporate governance.

2 Executive Summary

2.1 Review of Audit Arrangements in the States of Guernsey

In its third annual report, the Audit Commission stated that the National Audit Office of the UK (the “NAO”) had completed a review of the audit arrangements for the States of Guernsey and was due to report its findings imminently.

The results of that review are summarised in section 3 of this report, and a resulting Policy Letter was considered by the States in October 2002. The States approved proposals to make the Audit Commission more independent and to broaden the mandate of the States Internal Audit Department.

The Audit Commission is aware that further recommendations of the review, and the on-going developments of the Review of the Machinery of Government, may well mean that the Audit Commission’s structure and mandate could alter in the near future.

2.2 Control Assessment

The Audit Commission has been pleased to note an increasing awareness and acceptance of good corporate governance principles such as performance measurement, risk management and strategic

planning. However, as might be expected at this stage, this awareness is at a strategic level and has not yet come to fruition at a practical level.

Many committees still fail to set themselves meaningful business objectives, measurable and demonstrable performance targets, and to adequately manage risks which threaten their delivery of services.

This is evidenced by that fact that the majority of audit opinions given still indicate a less than satisfactory level of internal control, and by the general poor level of business continuity planning throughout the States.

The Audit Commission feels that States Committee members need to take greater personal interest in the level of controls demonstrated by their committees and make greater efforts to improve these where they are found lacking.

It is the Audit Commission's opinion, based on the results reported by the States Internal Audit Department, that the overall level of control throughout the States of Guernsey remains **"Marginally Deficient"**.

2.3 Audit Commission Activity during 2002

The Audit Commission has published a report on "The Management of Stock" during 2002, and was instrumental in leading and organising the National Audit Office's report on its review of the audit arrangements for the States of Guernsey.

It has also commenced work on a review of Project Management within the States, which will be completed in early 2003.

2.4 Conclusion

As has been a common theme within its annual reports, the Audit Commission acknowledges the efforts made in some areas to improve the level of control and stewardship of public funds. It is also encouraged to witness a higher level of strategic planning within the States, particularly in relation to the management of resources, the property portfolio and the IT infrastructure.

In terms of progress against its previous reports, the Audit Commission has been encouraged to note an improved rate of progress against the majority of its reports this year, and has noted marked improvements in the States processes as a consequence. These are set out in more detail in section 5.4 of this report. The Audit Commission feels it has played a major role in generating these improvements by initiating reviews into relevant areas and making recommendations for improvement.

However, as has been noted in previous reports there are many areas within the States that require more work to be done. The Audit Commission is certain that strategic thinking is becoming increasingly evident and will generate real benefits for the States of Guernsey and ultimately the public purse, but the Audit Commission urges those committees who have failed so far to face the reality of increasing public expectation.

3. Review of Audit Arrangements in the States of Guernsey

During the latter part of 2001, the NAO performed a review of the audit arrangements within the States of Guernsey. This review was commissioned jointly by the Audit Commission and Advisory & Finance Committee and sought to ensure that the audit arrangements in place for the States of Guernsey reflected current best practice in other jurisdictions.

The NAO's report was presented to the Audit Commission in February 2002, and made a number of recommendations to improve the current arrangements and bring them further in line with considered norms.

The main recommendations of the report were as follows:

- The establishment of a Public Accounts Committee
- Greater independence from Advisory & Finance Committee for the Audit Commission
- Appointment of an Auditor-General for the Island of Guernsey
- Separation of the reporting lines for internal and external audit
- Update of the rôle of the internal audit department
- Clarification of the rights of audit access over various States and non-States bodies and interests.

A Policy Letter was submitted to the States in October 2002 (Billet D'Etat XXII), which sought States approval for a number of these recommendations, recognising that some of the more structural issues would be dependent on the outcome of the ongoing Review of the Machinery of Government.

As such, the States resolved to:

- Increase the membership of the Audit Commission to six members
- Alter the membership such that all members should be non-States members, thus, the President of the Advisory & Finance Committee will no longer be an ex officio member of the Audit Commission.
- Agree that members should be entitled to receive remuneration
- Note the Advisory & Finance Committee's intention to report back to the States on its further investigation into the possibility of an Auditor-General
- Approve a revised remit for the Internal Audit Department.

The revised remit of the Internal Audit Department is set out at **Appendix VI** and formalises the view that the Internal Audit Department's rôle should be concerned with all aspects of corporate governance, risk management and control, not solely financial controls. Hence, the Department will be able to provide assurance over the stewardship of all resources entrusted to the bodies it audits, rather than solely financial resources.

The Audit Commission awaits with interest the results of the Advisory & Finance Committee's further investigations into the possibility of establishing an Auditor General, and the formation of a Public Accounts Committee. The Members recognise that developments in this area may result in the structure and mandate of the Audit Commission changing in the future.

The Audit Commission is aware that various anomalies exist over its right of access to various States and non-States bodies and interests, such as the States Trading Companies, the independent schools, and commercial entities receiving significant States funding. The Audit Commission feels that these anomalies cause confusion and need to be resolved. As such, it is encouraged by moves during the year to bring entities such as the Medical Specialist Group contract, the St John Ambulance & Rescue Service and the new Housing Association within the remit of the States Internal Audit Department. However, the situation concerning other entities (the States Trading Companies and the Regulatory bodies in particular) still needs to be addressed.

4 General Findings

4.1 General Control Assessment

The Internal Audit Department of the States of Guernsey has reported, in its opinion, another year of inadequate levels of control within the States committees, departments and interests (“bodies”) it audits. The large majority (91%) of bodies audited received a ‘Marginally Deficient’ or worse audit opinion at first audit. Furthermore, a worrying number of bodies audited received a ‘Deficient’ opinion, one ‘Seriously Deficient’ audit opinion was expressed and one department failed to obtain a ‘Satisfactory’ audit opinion after a third follow up to assess its progress.

It is the Audit Commission’s opinion that, based on the above reported results, the overall level of control throughout the States is Guernsey remains “Marginally Deficient”.

The Audit Commission believes that, in times when there is increasing pressure on public funds, and increasing expectations from the public over the stewardship of those funds, that it is unacceptable that the States of Guernsey still fails to achieve an overall ‘Satisfactory’ level of control.

To some extent, the fact that an overall ‘Marginally Deficient’ opinion has been expressed for the third year running can be explained by the cyclical nature of the audit work and the fact that many of the audits completed this year will have been the first for some bodies under the standard audit opinions implemented in 1999. However, it is still worrying that some bodies, who are familiar with the audit structure and criteria, still receive less than ‘Satisfactory’ gradings, and some continue to do at subsequent follow up reviews, despite control weakness having been pointed out to them and recommendations made for addressing those weaknesses.

The Audit Commission believes that States Committee members need to take greater personal interest in the level of controls demonstrated by their committees and make greater efforts to improve these where they are found lacking. The Commission seeks a copy of Committee minutes to ensure that Internal Audit reports have been properly tabled and discussed at Committee level.

The revised mandate of the Internal Audit Department (see **Appendix VI**) now gives the Department formal approval to extend its review to all aspects of corporate governance, risk management and control, hence will seek to provide assurance over operational and strategic controls as well as financial controls. The Audit Commission waits with interest to see whether this will have a significant impact on the overall opinions expressed by the Department, whether negative or positive.

4.2 Corporate Governance

Generally the Audit Commission has been encouraged to note an increasing awareness and acceptance of the need for greater accountability and corporate governance within the States of Guernsey at a strategic level.

This is demonstrated most notably in two areas. Firstly, there is increased awareness and activity in the risk management field, in particular in relation to major capital contracts (see section 5.2 below). Secondly, by the creation of the Advisory & Finance Committee “Resource Co-ordination Working Group”, which will seek to co-ordinate the resources requested by committees in their policy planning submissions and capital requests, in a more strategic and corporately-focussed manner.

As is often the case, there are a few committees who take the lead in such areas, demonstrating good stewardship over the resources entrusted to them, and being keen to be open and accountable in their delivery of services and achievement of targets. However, as always, there are some committees who fail to see the need for (and the benefits of) embracing such modern thinking. These committees need to pay greater heed to the rightful expectations of the public, in terms of embodying and demonstrating good corporate governance principles such as strategic planning, setting of meaningful business objectives, performance measurement, risk management, etc.

5 Activities of the Audit Commission During 2002

5.1 Report on the Management of Stock

During 2002, the Audit Commission issued a report on the Management of Stock in the States of Guernsey (Billet D’Etat XX, September 2002).

The report reviewed the extent to which stock held within the States is managed, and makes recommendations for the more efficient and effective administration of this important asset. The States of Guernsey holds a multitude of different types of stock, some with unique storage requirements, and others where there is clearly scope for more efficient purchasing and storage on a joint basis between committees.

The Audit Commission has instructed the Internal Audit Department to review committees’ progress against the recommendations of this report during its regular audits of committees.

5.2 Review of Project Management

The Commission is currently in the process of performing a review of the way projects are managed in the States of Guernsey.

It is fair to say that concerns have been expressed that management of projects within the States in the past has sometimes been on a relatively informal basis, and the level of expertise in the project management arena within the States has been low. This has resulted in some projects going over-budget, over-time or not delivering the projects’ anticipated benefits.

At the time of writing this report, the Audit Commission has noted an increased level of awareness within the States concerning the need for dedicated and experienced staff to manage projects to

avoid some of the problems noted above. The approach to managing some of the recent and on-going major projects, such as the SAP Implementation Project and the Beau Sejour refurbishment project, has been much more professional and has involved the recruitment of professional project managers to assist the States in protecting its interests.

The Audit Commission is also pleased to note some of the major capital projects ongoing at the moment have performed full risk identification exercises prior to commencement of these projects. This is a key factor in anticipating potential problems before they arise, costing them in to the project, and making informed decisions about who is best placed to manage those risks.

The Audit Commission's report on project management will be published in 2003.

5.3 Review of Audit Arrangements in the States of Guernsey

As noted above, during 2001 and 2002, the Audit Commission worked alongside the NAO in its review of the audit arrangements for the States of Guernsey. The Audit Commission is pleased to have developed such close and mutually beneficial working relations with the NAO, and hopes this will continue in the future.

5.4 Progress on Other Previous Commission Reports

The Commission has been pleased to witness some notable areas of progress against its previous reports during 2002. The Audit Commission believes it has played a key rôle in initiating these improvements within the States of Guernsey.

Purchasing in the States of Guernsey

The successful implementation of the SAP Finance & Procurement system throughout the States of Guernsey is a significant step forward in the rationalisation of the way we procure, store and account for purchased goods and services. Moreover, the information that can be derived from the SAP system, about what and where committees are buying, is up to international standards and should enable further efficiencies to be gained through better-informed purchasing.

Administration of States Property

The appointment of the new Head of Strategic Property Unit within the Advisory & Finance Committee has enable a marked step forward in the way the States manages its significant property portfolio, and the Unit's new Strategic Business Plan was welcomed by the Audit Commission as a key element in seeking to manage the property portfolio on a more strategic and corporate basis. The Audit Commission was also pleased to note the development of a draft Strategic Property Plan, which will assist this aim.

Risk Management & Insurance

Work on the recommendations contained within the Audit Commission's report on Risk Management & Insurance continues apace. The Risk Management project has commenced in earnest with a launch meeting in the summer, and pilot sites risk management workshops having already been completed. For the first time, a comprehensive insurance valuation exercise of the States fixed assets and property portfolio has been completed.

Performance Reporting

In respect of performance measurement and reporting, the Audit Commission was pleased to note the publication of the new “Sustainable Guernsey” report by the Policy & Research Unit of the Advisory & Finance Committee, as part of the 2002 Policy and Resource Planning process. This report sets out a number of strategic indicators which measure the sustainability of island resources and quality of life. However, the Audit Commission was disappointed to note that committees, in general, still fail to see the need for setting themselves measurable performance targets and being openly accountable for their delivery against those indicators.

Information & Communications Technology

Finally, there has been substantial progress against the recommendations of the Audit Commission’s report on Information & Communications Technology (“ICT”). Committees have increasingly been working closer together, under the guidance and strategic approach of the Head of Information Services, and are coming up with corporate solutions to common problems. Intensive strategy workshops have been held, involving participants at both staff and political level, which have since resulted in sub-workgroups being set up to look at security aspects of the States ICT infrastructure, and the opportunities for delivering services to the public in a more technologically advanced manner. The desire appears to be there to solve the problems of fragmentation, duplication and vulnerability resulting from the historically siloed approach to ICT development. This is to be greatly encouraged.

5.5 Meetings

The Law requires the Audit Commission to hold regular meetings. During 2002, the Audit Commission met formally on 13 occasions.

The Audit Commission also invited a number of committees and senior civil servants to make presentations or submissions at its meetings, including:

- Representatives of the GSSA and Board of Health concerning the Medical Specialist Group Contract
- Head of Information Systems and E-Government Analyst, Advisory & Finance Committee
- President and Representatives of the Civil Service Board
- Head of Strategic Property Unit, Advisory & Finance Committee
- President and Representatives of the Education Council
- States Purchasing Co-ordinator, Advisory & Finance Committee
- Strategic Property Advisor, Advisory & Finance Committee
- President and Representatives of the Board of Administration
- Policy Analyst (Economics), Advisory & Finance Committee

In addition, Audit Commission members also held or attended meetings with representatives of the following bodies:

- National Audit Office & Advisory & Finance Committee re Review of Audit
- Deloitte & Touche - retiring external auditors to the States
- KPMG - newly appointed external auditors to the States

- PricewaterhouseCoopers - newly appointed external auditors to the Guernsey Financial Services Commission
- Marsh Risk Management Consultants

Finally, the Audit Commission paid a visit to Jersey to hold a day of discussions with the States of Jersey Audit Commission. The meeting was considered by both parties to be extremely constructive and several issues of common concern were discussed. Further joint working between the Jersey and Guernsey Internal Audit Departments on areas of common interest was agreed.

5.6 Membership

During 2002, the membership of the Audit Commission altered for the first time since its inception. Mr. Tony Wills, the first Chairman of the Audit Commission, stepped down as an ordinary member. The Members of the Audit Commission remain extremely grateful to Tony for his dynamic leadership of the Audit Commission as Chairman and his valuable input to the Audit Commission as an ordinary member.

Mr. Wills was replaced on the Audit Commission by Mrs. Susie Farnon. Mrs. Farnon is a retired partner of KPMG and was a member of the Harwood Panel for the Review of the Machinery of Government. Her fresh thinking and insight has been of immeasurable value to the Audit Commission since her arrival.

John Lee and Rodney Benjamin were re-elected as Chairman and Vice-Chairman respectively for a further year.

2003 will see the membership of the Audit Commission change yet again as a result of the Review of Audit Arrangements. The President of the Advisory & Finance Committee will no longer be an ex officio member of the Commission, and the number of ordinary members will increase from four to six, all of whom must be non-States members.

5.7 External Auditors

The Audit Commission confirms that, in accordance with the provisions of the Law, the retiring States external auditors (Deloitte & Touche) have attended a meeting of the Audit Commission. The Audit Commission would like to express its thanks to Deloitte & Touche for the high level of service it has provided the States and the Audit Commission over recent years.

The Audit Commission also confirms that, again in accordance with the Law, it was consulted by the Advisory & Finance Committee in respect of the tender process and appointment of new auditors to the States and the Guernsey Financial Services Commission (GFSC).

The Audit Commission has also held preliminary meetings with the new States auditors (KPMG), and the new auditors of the GFSC (PricewaterhouseCoopers).

6 Review of the Internal Audit Department

6.1 Revised Remit

As noted above, the review of audit arrangements performed by the NAO recommended that the

mandate of the Internal Audit be brought further in line with current best practice.

It is widely recognised in the corporate governance arena, most notably by the Turnbull report, that to provide meaningful assurance to the stewards of entities, assurance needs to cover not just financial controls but all aspects of corporate governance and risk management, including operational and strategic controls.

A revised mandate was approved by the States in October 2002, and is appended to this report (see **Appendix VI**).

6.2 Extended Scope

The NAO's review also laid out some principles in respect of rights of access for governmental audit bodies to entities and agencies, which may lie outside the boundaries of "government". The review suggested public money should be subject to the same level of audit scrutiny within non-governmental bodies as it would within States entities.

For the purposes of the review, public money was defined as including funds raised by non-governmental agencies, if raised under statutory authority via compulsory levy, i.e. including such entities as the Office of Utilities Regulation and the GFSC.

However, the review also recommended that other non-governmental bodies, in receipt of significant public funding, should also fall within the mandate of the States Audit Commission and Internal Audit Department. This principle has been embraced by the Advisory & Finance Committee, and the Audit Commission has been pleased to note, as a consequence, that several new bodies, in receipt of significant States funding, are now included within the Internal Audit Department's scope.

Such bodies include the Medical Specialist Group, the St John Ambulance & Rescue Service, the Guernsey Housing Association and the NCH Housing Project.

6.3 Audit Reports

During the year, the Audit Commission has considered 48 reports prepared by the Internal Audit Department (see **Appendix IV**).

The statistics indicate a worrying number of committees and departments (only 9% of opinions expressed) had a satisfactory level of control in place when audited.

However, in terms of assessing the effectiveness and value of the Internal Audit Department, the Audit Commission was pleased to note that the Department continues to be an agent of change. This is evidenced by the fact that the majority of follow up audits reported that a satisfactory level of control was subsequently achieved through implementation of the Internal Audit Department's recommendations.

6.4 Performance Levels

In terms of performance levels, the Internal Audit Department has generated an increased level of output during 2002, despite having less than a full complement of staff.

More importantly, this increased output quantity has not been at the expense of quality of service, with very high levels of customer satisfaction gradings being maintained.

However, despite the expectations expressed in last year's annual report, the Audit Commission has only published one report itself during 2002. Whilst this in part can be explained by the absence of the Director of Audit Services for a quarter of the year due to Maternity Leave, the Audit Commission also had a high level of activity progressing the results of and responses to the NAO's review of audit arrangements.

That said, it is still the aim of the Audit Commission to increase the number of reports it issues on an annual basis.

See **Appendix V** for a summary of the results shown above.

7 Future Work of the Audit Commission

7.1 Future Reports

The areas the Audit Commission wishes to review in the future are as follows:

- Employment practices and procedures within the States
- Income generation within the States
- Fixed Asset Accounting
- Business Continuity Planning
- States Use of Utilities & Services
- Planning, delivery and effectiveness of training

7.2 Future Developments

As noted previously in this report, the Audit Commission awaits with interest further developments concerning the Review of the Machinery of Government, and the possible establishment of a Public Accounts Committee and an Auditor-General.

The Audit Commission commits to ensuring that the States of Guernsey has the best possible audit arrangements that remain in line with global current best practice. As such, the Audit Commission will be pleased to work with the Advisory & Finance Committee and the NAO on the above developments, whatever their outcome might mean for the future of the Audit Commission.

8 Acknowledgements

The Audit Commission wishes to acknowledge the important contribution of the Director of Audit Services and her staff in carrying out its functions. It is also grateful to the Internal Audit Manager who deputised for the Director whilst she was on Maternity Leave.

Yours sincerely

For and on behalf of the States Audit Commission

J. P. LEE
Chairman

APPENDIX I

SUMMARY OF LEGISLATION AND MISSION STATEMENT

The functions of the States Audit Commission are to be carried out in cooperation with States committees with the primary objective of assisting committees to ensure good management of States finances.

The States Audit Commission is an agency of the States, without a separate legal identity, established under the Audit Commission (Guernsey) Law 1997. However, the Commission is not a Committee of the States.

The Commission will seek to assist and encourage States committees, where appropriate by commissioning studies and reports, in the effective, efficient and economical management of States assets and finances.

In carrying out its function, the Commission will pay particular attention to ensuring that all committee members are aware of their responsibilities and that they act promptly to address any issues raised in audit reports. Therefore, the review of the work of the internal and external auditors will form an important part of the Commission's activities.

The Commission will monitor the selection and application of accounting standards, policies and procedures to ensure that the accounts of States bodies are prepared in accordance with modern best practice.

The Commission may require any report which it has received, together with its comments thereon, to be placed before the States. The Commission would consider such a step if a committee's response to a report was unsatisfactory or the report raised a matter of exceptional public interest. In addition, the Commission will prepare an annual report of its activities, which will be included as an Appendix to a Billet D'Etat.

All communications to the Commission should be in writing and addressed to the Chairman, States Audit Commission, Sir Charles Frossard House, La Charroterie, St. Peter Port, Guernsey, GY1 1FH.

The Commission's rôle is not to deal with specific individual complaints. If members of the public have any complaints they should be addressed to the appropriate States committee in the normal manner.

APPENDIX II**FUNCTIONS OF THE STATES AUDIT COMMISSION**

The functions of the States Audit Commission are:

- a) to oversee, co-ordinate and evaluate the internal audit of States interests;
- b) to receive, on behalf of the [Advisory and Finance] Committee, all reports made by external auditors of States interests;
- c) to monitor the selection and application by States committees of accounting standards, accounting policies and accounting procedures;
- d) to assist and encourage States committees, where appropriate by commissioning studies and reports, in the effective, efficient and economical management of States' assets and finances;
- e) to report to the [Advisory and Finance] Committee in relation to all of the above matters.

APPENDIX III**MEMBERSHIP OF THE STATES AUDIT COMMISSION**

The States Audit Commission currently* consists of five members; the President of the Advisory and Finance Committee (ex officio), and four “ordinary members” elected by the States from persons nominated by the Advisory and Finance Committee. Three members of the Commission shall constitute a quorum.

The ordinary members of the Commission must not be members of the States. Each ordinary member shall normally hold office for three years, but may stand for re-election.

The Commission shall elect annually a Chairman and Vice-Chairman, both from the ordinary members.

The membership of the States Audit Commission, during the year ended 31st December 2002, was as follows:

Mr. John Lee (Chairman)

Mr. Rodney Benjamin (Vice-Chairman)

Mrs. Mary Perkins

Mr. Tony Wills (until 1st March 2002)

Mrs. Susie Farnon (from 1st March 2002)

Deputy L.C. Morgan, President Advisory and Finance Committee (ex officio)

[* As noted in the body of this report, the Policy Letter resulting from the National Audit Office review of audit arrangements for the States of Guernsey, approved by the States in October 2002, will alter the membership structure of the Commission. The President of the Advisory & Finance Committee will no longer be an ex officio member of the Commission. The number of ordinary members will be increased from four to six, all of whom must be non-States members.]

APPENDIX IV

INTERNAL AUDIT REPORTS CONSIDERED BY THE COMMISSION IN 2002**Full Scope Audit Reports**

- Board of Health: KEVII Hospital
- Board of Administration: Customs & Immigration
- Board of Administration: Harbour Authority
- Tourist Board: Fortress Guernsey
- Board of Administration: Royal National Lifeboat Institution
- Education Council: Grants & Loans
- Education Council: Student Loans
- Advisory & Finance Committee: Census Office
- Advisory & Finance: Policy Unit
- Board of Health: Pathology Department
- Board of Health; Radiology Department
- Committee for Home Affairs: Prison
- St John Ambulance & Rescue Service
- Board of Health: Catering Department
- Agriculture & Countryside Board: States Dairy Debtor Control
- Cadastre Committee
- Board of Health: Cash Handling
- Board of Health: Purchasing Cards Post Implementation Review
- Post Office: MIDAS Post Implementation Review
- Committee for Home Affairs: Police Recruitment & Retention
- Committee for Home Affairs: Police Year End Stock Take
- Education Council: ICT Project
- Board of Health: Catering Department Fraud
- Housing Authority: HIMS System
- Housing Authority: Minor Maintenance
- Cross Committee Review - Sickness Absence

Follow Up Audit Reports

- Board of Administration: Airport
- States Traffic Committee
- Guille Alles Library
- Board of Health: Theatres
- Board of Health: Castel Hospital
- Board of Health: Institute of Health Studies
- Board of Administration: Properties Section
- Board of Administration: Solid Waste Services
- Committee for Home Affairs: Police
- Board of Health; KEVII Hospital
- Education Council: Utilisation of School Sports Facilities & Careers Service
- Agriculture & Countryside Board: States Dairy

APPENDIX IV (cont.)

- Board of Administration: Customs & Immigration
- Office of HM Sheriff & Sergeant
- Committee for Home Affairs: Fire Brigade
- Bailiff's Office
- Harbour Authority
- Harbour Authority Investigation
- Board of Administration: Central Secretariat
- Board of Administration: RNLI

Audit Needs Assessments

- Children Board
- Guernsey Social Security Authority

APPENDIX V

PERFORMANCE MEASURES

	2002	2001
Average customer feedback results (%age of total possible marks awarded)	78.0%	79.3%
Number of audit reports issued	26	26
Number of value for money studies issued	0	1
Number of follow up reports issued	20	13
Number of ad hoc reports issued	0	0
Number of Audit Needs Assessments issued	2	0
Total reports issued by Internal Audit Department	48	40
Number of Audit Commission reports published	1	1
Percentage of audits achieving 'Satisfactory' opinion at first audit	9%	16%
Percentage of audits achieving 'Satisfactory' opinion at follow up	52%	38%

APPENDIX VI

REVISED MANDATE OF THE INTERNAL AUDIT DEPARTMENT

The following statement is extracted from Billet D'Etat XXII, 2002 and was approved by the States as the new mandate of the States Internal Audit Department.

“Statement of Rôle and Responsibilities of the Internal Audit Department

As set out in Billet d'Etat XI, May 1999 “it is the responsibility of each States committee to identify and install a system of internal controls, including financial control, which is adequate for its own purpose. Thus committees are responsible for safeguarding the assets of the States of Guernsey in their care and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities. Every States committee is also responsible for the economical, efficient and effective management of public funds and other resources entrusted to it.”

The States Treasurer shall have responsibility for maintaining an effective Internal Audit Department to provide a comprehensive assurance function which includes a responsibility to review, evaluate and report upon the soundness, adequacy and application of States committees' internal controls including, but not exclusively, those in relation to financial processes, operations and controls.

The Internal Audit Department shall include all States' interests and shall have authority to:

- Enter at all reasonable times upon any States premises or land subject to consultation with the appropriate Official.
- Have access to all records (documents, correspondence, computer records etc.) relating to any financial transactions or containing matters which may have an impact on the finances, reputation or the effective and efficient operation of the States. The right of access shall be subject to any applicable legal controls and restrictions and, furthermore, where the information involved is of a sensitive nature, the appropriate Official will be consulted as to the manner in which access is to be given.
- Require and receive such explanations from any States employee as are necessary concerning any matter under examination.
- Require any States employee to produce cash, stores or any other States property or documentation or records of any type under his control.”

APPENDIX III

STATES COMMITTEE FOR HOME AFFAIRS
REPORT OF HER MAJESTY'S INSPECTOR OF FIRE SERVICES ON
INSPECTION OF THE GUERNSEY FIRE BRIGADE

The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

6th January, 2003.

Dear Sir,

I have the honour to enclose, for publication as an Appendix to a Billet d'État, the Report of Her Majesty's Inspector of Fire Services on the Inspection carried out within the Guernsey Fire Brigade during September 2002.

Yours faithfully,

M. W. Torode,

President,
Committee for Home Affairs.



Report of the inspection of

States of Guernsey Fire Brigade

September 2002

MANAGEMENT

STATES OF GUERNSEY

Committee Responsible for Fire Brigade

Committee for Home Affairs

President

Deputy M W Torode

Number of Committee Members

7

BRIGADE

Chief Fire Officer

R H Taylor

Deputy Chief Fire Officer

G A Finn

Senior Fire Safety Officer (DO III)

N Acton

Brigade Training Officer (DO III)

B Sarre

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Introduction

- 1 At the request of His Excellency, Lieutenant-Governor Sir John Foley KGB OBE MC, the inspection of Guernsey Fire Brigade was undertaken on the 9th and 10th September 2002 by HMI Alan Rule, assisted by HMI Garry Williams. The inspection was carried out to meet the requirements of the States, and in accordance with the principles, practices and policies outlined in the ‘Guide to the Inspection Process’ produced by HM Fire Service Inspectorate.
- 2 The Terms of Reference set by the States’ Committee for Home Affairs for this inspection were:
 - (a) To carry out an inspection of the States of Guernsey Fire Brigade with regard to its efficiency and general effectiveness, together with the standards of equipment, and
 - (b) To examine the development of the States of Guernsey Fire Brigade and report on proposed future developments.
- 3 In addition, we were asked to examine two specific issues relating to dispute that had been registered in respect of the Brigade’s Control Room. These were:-
 - (c) Should firefighters be required to staff the Control Room, and
 - (d) Should the Control Room be permanently double-staffed?

The Fire Brigade

- 4 The Island of Guernsey extends to approximately 6,500 hectares, with a population of 59,000 which rises to over 66,000 during the summer months. The Brigade carries out the responsibilities set out in Section 1(i) of the Fire Services (Guernsey) Law 1989. Management of the Brigade’s operations is exercised from the Headquarters complex located at Town Arsenal, St Peter Port.

Inspection Process

- 5 In undertaking the inspection of the Guernsey Fire Brigade, reference is made to previous inspection reports, information held centrally and that provided by the Brigade shortly before and during the inspection. Where information is available and it is considered to be appropriate, the Brigade's performance is compared with that of fire brigades in England and Wales, due account being given to the particular and different circumstances which exist in an island fire service. **It is important to note, however, that the data provided by Guernsey Fire Brigade and used in this report for comparative purposes relates to the calendar year 2001. The performance data quoted for mainland fire brigades is the latest available to HMFSI and relates to the fiscal years 2000/01 or 2001/02, as indicated on each chart.** Although this difference means that accurate comparisons cannot be made, it is felt appropriate that they should be included in this report as they provide the Committee with an indication of how its Fire Brigade is performing.
- 6 The inspection team met with members of the Brigade at all levels, examining policies, practices and procedures as necessary in order to cover the terms of reference set by the States. Various aspects of service delivery, performance and management were audited. The arrangements included meetings with the President and Members of the Committee for Home Affairs and officers of the Civil Service Board, visits to the fire station, fire control and support sections, and attendance at two exercises. HM Inspectors also met with officials of the Transport and General Workers Union at their request. Throughout the inspection, HM Inspectors were accorded every courtesy and given full co-operation and assistance. Due to the limitations of time during this inspection, it was not possible to visit Herm Island to inspect the arrangements there.

Management Summary

- 7 Once again, this inspection has demonstrated that the Guernsey Fire Brigade is both effective and efficient, and provides a quality service to the public. The consistency in management, and the commitment and pride seen throughout the Brigade, provides a sound foundation for maintaining high standards. The support the Brigade receives from the Committee for Home Affairs is fundamental to the progress that is being made. The provision of a new management information system will undoubtedly prove to be valuable in strategic and tactical management of the Brigade in the future, particularly if a fire safety module can be added. A number of issues have been identified that would benefit from attention, and HM Inspectorate remains available to assist if requested.

Inspection Findings

Efficiency and effectiveness

(a) Performance monitoring and management

- 8 The Chief Fire Officer (CFO) is aware of the need to improve performance monitoring and management, and that ready availability of accurate and timely management information is fundamental to achieving this. A recommendation to this effect was made in the 1998 inspection report, and the States have responded by allocating resources to provide both hardware and software applications to form an effective management information system (MIS). This will record information relating to operational incidents and, as a result, allow analysis of patterns and trends that will inform operational and community fire safety activities. The system is not designed to provide management information relating to fire safety activity, and this is something that will need to be addressed (see paragraph 16). Although the Brigade has experienced some delays in procurement and delivery, the equipment was installed earlier this year and at the time of inspection the relevant data was being loaded.
- 9 The CFO has recognised that adequate awareness training will be required if officers are to make best use of the information that will become available to them when the new system is fully operational. At that time, the Brigade will be able to follow the lead of UK brigades subject to the Best Value regime by setting challenging and realistic targets aimed at delivering continuous improvement in performance.
- 10 This initiative has great potential for use in the future management of the Brigade. However, because of the delay in procurement and data input, officers were unable to provide the full range of performance information for use in this inspection and to assist in comparison with other fire brigades. Specific examples are referred to in relevant sections of this report.

(b) Reducing fires, deaths and injuries

- 11 The Brigade has adopted a pro-active approach to community fire safety (CFS) for many years. It has a strategy that focuses mainly on fire safety education for nursery and reception children through to school leavers, and this continues to be managed by the fire safety section. A structured programme commences at the early learning stage with the provision of two resource boxes for circulation amongst playgroups and nursery schools. Each is filled with child size firefighter outfits, puzzles, pictures and fire safety literature designed to provide fun while assisting in the development of the children. In mainstream education, the children receive the 'Learn not to Burn' package together with appropriate lectures from the CFS liaison officer at the relevant key stage points. The schools education approach is well received, with all schools fully engaged in the process. It is anticipated that this will bring long-term benefits in community safety in the Island.

- 12 A further initiative aimed at improving the safety of young people is the Guernsey Child Accident Prevention Group, of which the Brigade is a member. This is a multi-agency approach to reducing the incidence of preventable child injuries within the Bailiwick. One of the ways the Brigade contributes to this work is the annual 'Safety Calling Challenge' aimed at all year 6 children in the Island. This event has proved so popular that it has had to be extended from seven to ten days to accommodate all wishing to attend.
- 13 The Brigade also works in partnership with Age Concern and community nursing, targeting those considered at risk among the elderly, with community nurses undertaking basic home risk assessments on behalf of the Brigade. This initiative is to be extended to single parent families in the near future. The CFS section is presently evaluating a home fire risk assessment used by UK brigades which it is hoped can be adopted in Guernsey. To date, over 2000 alarms have been fitted in the homes of the elderly, many of which have been purchased through donations from leading financial institutions in the Island. This is a commendable achievement that should contribute to improved fire safety.
- 14 In the past, the Brigade has used its own fire incident report form rather than the form adopted by UK fire brigades. Due to the manner in which information has been recorded and stored, the Brigade is unable to provide the full range of detailed operational data that is usually available in other fire brigades. Examples include the number of accidental dwelling fires attended, and the number of injuries arising from those fires (excluding precautionary check-ups). It is therefore not possible to compare the Brigade's performance in these respects with that of mainland fire brigades.
- 15 The Brigade has now commenced using the standard fire report form (FDR1), and since June this year, operational information from these reports has been entered on to the recently installed management information system (MIS) referred to at paragraph 8. Data from the first half of the year is to be entered retrospectively. This will be a valuable resource when complete, allowing analysis of trends and patterns, and enabling the Brigade to target more accurately and effectively the delivery of CFS activities in those parts of the community where there is greatest potential for reducing risk.
- 16 However, the new MIS does not contain a fire safety module, and therefore records are maintained using a paper-based system, which is limited in scope. This is a matter that needs addressing as, although the department continues to be well managed, the provision of timely and relevant information is as important in managing the fire safety function as in any other sector of the Brigade.

Exhibit I shows - the number of calls to fire (excluding false alarms) per 10,000 population in 2000/2001



Source: ODPM fire statistics & ONS mid-year estimates

- 17 One fatality has occurred in the past year as a result of an accidental dwelling fire. As a result of the close links the Brigade has with mainland fire brigades, a forensic scientist travelled to the Island to assist with the fire investigation. The outcome of this investigation will be used to inform the CFS strategy and safeguard elderly residents within the Island's community.
- 18 In 2001, the Brigade attended 37 deliberate car fires. In recent years this type of incident has become an increasing social problem that fire brigades in many parts of the UK have had to react to. In a concerted effort to prevent this becoming a problem in Guernsey, officers work closely with the Constabulary to improve 'scenes of crime' investigation. Early indications are that this approach is paying dividends and the number of incidents of this nature are reducing, with the Brigade having attended only 19 deliberate car fires in the first three quarters of the year. This is a commendable achievement.
- 19 Of the four officers in the fire safety department, only the Divisional Officer in charge of the department and the station officer hold specialist fire safety qualifications following attendance at the Fire Service College. Although the sub-officer seconded to the department has received some limited fire safety input as part of his junior officer training at the College, he has not received training for the specialist function he is performing. **As both the station officer and the CFS sub-officer are on extended contracts, it is important that the Brigade gives consideration to the training and qualification needs of inspecting officers.**

(c) Operational intervention

- 20 Three of the key Best Value Indicators of operational performance are the percentage of incidents at which:
 - (a) the number of appliances mobilised to incidents were in accordance with the national recommended standards (BVPI 145(a)),
 - (b) pumping appliances were crewed in accordance with nationally recommended standards (BVPI 145(b)), and
 - (c) pumping appliances arrived within the national recommended attendance times for each risk category area (BVPI 145(c)).
- 21 Pending the new MIS becoming fully operational and populated with sufficient performance information, the Brigade has been unable to produce this comparative information as all records are paper-based and it would require an inordinant amount of staff time to extract and analyse the data. It can be assumed that the Brigade mobilised the correct number of appliances on 100% of occasions as risk categories on the Island are limited to 'C' and 'D', requiring a minimum of one appliance to be mobilised.
- 22 The Brigade continues to operate with a minimum of nine wholetime riders on duty at nights and weekends, supplemented by three 'nucleus' personnel during weekdays. This is an effective arrangement that provides additional on-duty personnel at the times of greatest operational, training, and maintenance need. When only nine riders are available, the two primary pumping appliances are crewed with four riders each, leaving one person to drive

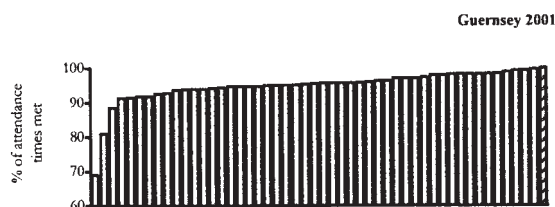
- whichever of the special appliances are called upon. In addition, up to seven off-duty wholetime personnel carry alerters and are available on a call-in basis to respond to emergency calls. The retained section of the Brigade is also available to provide further support.
- 23 The national standards of fire cover recommend five riders on the first appliance to attend an incident and a minimum of four on the second. As the Brigade frequently only has nine riders available at nights and weekends, it can only crew each appliance with four riders. However, as two appliances are mobilised to all property fires, and given the circumstances of the Island, this is considered to be an appropriate provision to ensure operational efficiency and crew safety. Because of this variation from national standards, and the absence of readily available management information about crewing levels at incidents, it is not possible to compare the Brigade's performance with others.
 - 24 In examining the Brigade's mobilising arrangements, we noted that when a special appliance is mobilised with two riders, and this occurs most frequently with the emergency tender, the second pumping appliance is reduced to three riders and is therefore operationally unavailable until call-in personnel respond. This appears to occur on a relatively regular basis at nights and weekends, including when special appliances are away from station performing duties that are not of an operational emergency nature, e.g. clearing roadways after an accident, standing by to provide fire/rescue cover at sporting and other events. Personnel suggested that the provision of additional firefighters on each watch could resolve the situation, providing a minimum of 10 riders on duty. While this is an option that the Committee may wish to consider, we are aware of the current employment constraints. Although the Brigade operates without any excess in its current establishment, it might be prudent to await the outcome of the UK research project to identify more evidentially based fire cover standards before considering whether additional firefighters are necessary.
 - 25 In order to improve fire cover pending any change that may result from this review of fire cover, existing arrangements for crewing appliances could be modified when only nine riders are available. In these circumstances, the Brigade might maintain five riders on the first pumping appliance and four on the second, with no riders allocated to special appliances. Mobilising decisions could then be based upon the priorities and circumstances existing at the time. It may often be appropriate for special appliances to be crewed by off-duty wholetime personnel who are 'on-call'. However, when they are required more urgently as part of the first attendance (e.g. the emergency tender is required to attend a road accident), pump crews may need to change appliances, the 'on-call' crew riding the second pumping appliance when they respond. There are a number of permutations that might need to be adopted to meet different circumstances, and the Brigade Order on mobilising will need to be revised to give clear guidance to fire control and officers in charge.

Recommendation 1

In order to improve fire cover, the CFO should consider amending the crewing policy when only nine riders are available. The Brigade Order on mobilising should be amended accordingly.

26 On every occasion it mobilised appliances to incidents in 2001, the Brigade met the attendance times recommended in the Standards of Fire Cover, a commendable achievement unequalled by any other brigade in England and Wales. It is an indication of the adequacy of the fire cover provided from the headquarters complex in St Peter Port, and the manner in which the organisation and personnel fulfil their duties and responsibilities.

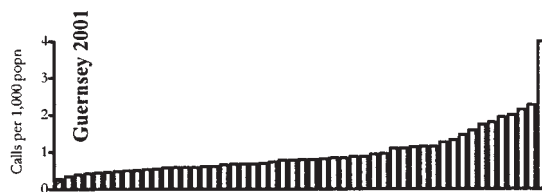
Exhibit 2 shows - the percentage of calls to fire at which the attendance times met the standard of fire cover in 2001/2002



Source: ODPM annual returns

27 It is encouraging to note that the Brigade continues to be provided with modern and effective equipment to meet its operational needs. Importantly, front line personnel who are called upon to attend incidents indicated their confidence in the appliances and equipment provided by the Committee.

Exhibit 3 shows - the number of calls to malicious false alarms per 1,000 population in 2000/2001



Source: WPM fire statistics & ONS mid-year estimates

28 The Brigade continues to receive a relatively high proportion of calls from automatic fire detection systems (AFDs). Officers reported that in 2001, it received 545 calls from AFDs, of which only 11 were to fires. The Brigade's records show 444 calls resulted from apparatus faults, 31.4% of all emergency calls attended and higher than many other brigades in England and Wales. False calls of this nature create a significant burden for the Brigade, both in use of resources and in disruption to training, community safety activity, maintenance of fire cover, etc. It is encouraging to see that the CFO has introduced a false-call reporting procedure in an effort to reduce these calls, and the Senior Fire Control Officer monitors progress on a monthly basis.

29 We noted that the Brigade mobilises only one pumping appliance to fire calls received from automatic fire detection systems between 0700hrs and 2200hrs on the grounds that these are most frequently false calls. The standards of fire cover only require a single appliance for the 'C' and 'D' risk areas covered. However, most brigades mobilise two pumping appliances to all calls to fires in premises because guidance in Technical Bulletin 1/1997 and elsewhere decrees that a minimum of seven riders should be mobilised to facilitate operational effectiveness and the safety of firefighters. The situation is

exacerbated by the Brigade's current policy of only having four riders on a pumping appliance (see paragraph 23).

Recommendation 2

Consideration should be given to mobilising two pumping appliances to all fire calls received from AFDs. Officers should continue to make every effort to reduce the incidence of false calls from AFD systems.

- 30 At the request of the CFO, a presentation was given to officers on developments in fire service planning to deal with major incidents. Fire brigades in the UK, led by the New Dimension Group, have undertaken a considerable amount of work to address the issues arising from the terrorist attack in New York in September 2001. The Brigade's role in the States' planning arrangements is already under review, and the CFO indicated that the information provided would be fed into the Guernsey Emergency Services Liaison Panel. A report has been prepared for the Panel which outlines the role of the Brigade in event of a major catastrophe, and also identifies the equipment necessary to enable the Brigade to fulfil that role. Discussions amongst the islands' emergency services are ongoing. In the meantime officers recognise the need to liaise with Jersey Fire & Rescue Service and mainland fire brigades to ensure compatibility of plans and to avoid duplication of effort. HM Inspectorate remains available to provide any detailed advice on fire service aspects of emergency planning if requested.

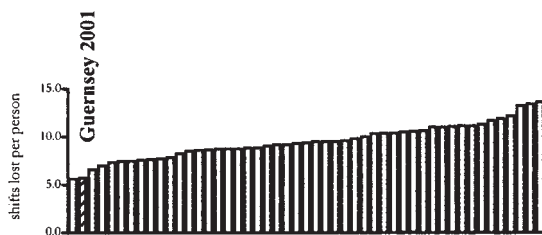
(d) Personnel issues

- 31 It is particularly encouraging to find that the low level of sickness absence existing at the time of the last inspection in 1999 has reduced further and compares exceptionally well with all other brigades. All concerned are congratulated on this achievement which is often seen as an indicator of good morale, and an organisation at ease with itself.

Exhibit 4 shows –

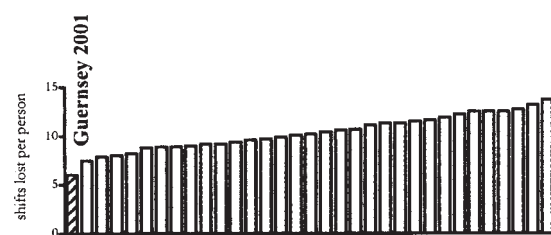
- (a) the proportion of working days/shifts lost to sickness by wholetime uniformed staff, and
- (b) proportion of working days/shifts lost to sickness by all staff, in 2001/2002

(a)



Source: ODPM annual returns

(b)



Source: ODPM annual returns

- 32 The Brigade's arrangements for the delivery of training remain little changed since the last inspection, although officers are aware of national initiatives to modernise the training function. The Brigade has not yet adopted training for competence, and a new training strategy is in draft, but will require further work (see comments under recommendations 5.33 and 5.34 in the Appendix to this report).

- 33 Officers recognise the need to plan for the introduction of the Integrated Personal Development System (IPDS) recently approved by the CFBAC for implementation from April 2003. The issue of further national guidance is awaited before plans are developed, but officers are aware of the potentially significant resource implications in preparing for this in isolation. The current intention is to work with other brigades to avoid duplication of effort and wasted resources, and this approach is fully supported.
- 34 Examination of existing training records reveals a number of areas where improved recording and supervision are necessary. It is noted that neither the trainer nor the trainee sign the records to validate entries until a considerable time after the training event, sometimes months, undermining the value of the record should it be required as evidence of training delivered. The Brigade Training Officer has undertaken to revise the recording arrangements in order to provide more robust records pending a change to IPDS and a new competence assessment recording system. We found some inaccuracies in the training recorded that could be overcome by more robust management. This is an issue taken into account in making the recommendation for a nominated station commander (see paragraph 38).
- 35 Fire Behaviour Training has been provided for about 20 operational personnel so far, buying in the practical aspect from mainland fire brigades with appropriate specialist facilities. This is a prudent and effective way to deliver this important training, and it is not considered either practicable or safe to attempt to provide this in-house. Arrangements are being made to send further personnel for this training in the coming year. **It is recommended that a programme should be established to ensure that all personnel receive this training as soon as possible, and receive refresher training at an appropriate, risk-assessed frequency.**
- 36 We were informed that limitations in available training time has led to decisions being made about what training should be undertaken by retained personnel. Decisions of this sort should be operationally based and risk-assessed, ensuring that all personnel are adequately trained to fulfil all duties and responsibilities required of them. In particular, the CFO should consider whether retained personnel receive adequate training for all incidents they may be expected to attend.

Development of the Brigade and proposed future developments

- 37 In examining issues related to the Brigade's performance and progress, it became evident that management improvements could be achieved by introducing small amendments in the officer structure and references, particularly at station level. The current structure provides for a station officer in charge of each of the four watches, and these are responsible for managing the station during their period on duty. Many brigades have found the need for co-ordination of watch activities and have station commanders appointed to achieve this, and to have ownership of overall performance outcomes.
- 38 We believe that an appointment of this nature could enhance the management of the station, although we are not suggesting the provision of an additional post. It is recommended that one of the headquarters based station officer posts should be upgraded to assistant divisional officer and appointed station commander. This officer would only be

expected to allocate a relatively small proportion of his time to the station command function, sufficient to oversee and co-ordinate the activities of watch related officers. This will allow the post holder to retain many of the current headquarters responsibilities. It would also allow modification to the fire cover rota for principal officers, allowing the CFO to operate outside of the rota. This would be in keeping with the practice adopted in many other brigades, and could provide a more effective sequential command structure in line with the recently introduced Incident Command System.

- 39 Complementary to this appointment would be a review of the references currently held by watch officers. Given the circumstances that exist as a result of the Brigade's limited size, it would be appropriate for watch related station officers to be allocated some corporate references to assist in the overall management of the Brigade. Delegating some of the more routine station management responsibilities to the watch sub-officers and leading firefighters could accommodate this. It would have the added advantage of increasing the opportunities for rank holders to prepare for personal development and advancement.

Recommendation 3

Consideration should be given to upgrading one of the headquarters based station officer posts to assistant divisional officer with the role of station commander. Watch related station officers should be allocated appropriate corporate references, with the roles of other watch officers being amended to compensate.

Brigade Control Room

- 40 In addition to the usual inspection issues, we were asked to examine the arrangements for the Brigade Control Room and advise on two specific questions:-

(a) Should firefighters be required to provide cover in the Control Room?

and

(b) Should the Control Room be permanently double-staffed?

- 41 For many years operational firefighters have provided cover to enable Fire Control staff to be temporarily absent from the Control for meal and tea breaks, and for personal reasons. It is accepted that this has placed a burden on station personnel, but given the circumstances prevailing during that time it was judged to be a cost-effective and acceptable arrangement. In recent years, however, significant changes have been made in the operation of the Control and in the staffing arrangements that has changed the demands on staff. This, in itself, makes a review of the current practices and procedures particularly timely.

- 42 The requirement to administer and react to the automatic fire alarms that formerly terminated in Control has been removed with the transfer of this function to authorised Alarm Centres. This has reduced significantly the workload of operators. The establishment of four Leading Fire Control Operators and one Fire Control Operator has

been supplemented by a day-duty Senior Control Officer post, responsible for managing the efficiency and effectiveness of Control, and for providing training. This has had the effect of providing double staffing on weekdays when the greatest workload exists, leaving single staffing at nights and weekends. A new Control is currently being constructed in a former fiat adjacent to the station, and is expected to be operational within a few months. Examination of the plans and the partly completed building shows that this facility, which will house modern communications and control equipment, will provide an exceptionally good working environment and allow control functions to be performed efficiently and effectively.

- 43 Following earlier representations from staff, the Brigade has considered fully the health and safety implications for staff working alone in the Control, and has taken every conceivable action to safeguard and protect them. It is difficult to envisage anything further that might have been done.
- 44 We met separately with two Leading Fire Control Operators and they explained their work routines and operating practices, and examined the existing and proposed premises and facilities. We also met with officials of the Transport and General Workers Union representing fire control staff and operational station personnel to hear their views.
- 45 The spokesman for Control staff explained the grounds for the dispute that had been registered. He outlined their working practices, the effect of these on staff, and reasons for believing that it is not appropriate for operational personnel to provide cover. Examples were given of health issues affecting staff that were said to be attributed to past employment in Control, although no substantive evidence was produced to that effect. However, during discussion about the changes that have been made in Control functions and responsibilities it was confirmed that the workload during nights and weekends is now significantly lower than in the past. We found this aspect of the case put to us to be largely based on historical circumstances prior to the changes referred to, and with little to commend it.
- 46 The Control spokesman also indicated that the reduced frequency with which operational personnel provide cover in Control has resulted in a belief that they are ill-prepared to fulfil this function, with a need to provide improved training to maintain a degree of competence. The spokesman for operational personnel agreed with this view, and described the impact that providing cover has on station activities, including training and operational turnouts. This element of the case had greater weight, although the latter issue appears to be a matter of local management that could be overcome relatively easily.
- 47 Before attempting to answer the first question ‘whether operational firefighters should continue to provide this cover’, we felt it appropriate to consider whether there is a need for staff to leave the Control in the first place. We examined the average incidence of emergency calls received during a weekend day shift (2.2 calls per 10-hour day) and a night shift (1.7 calls per 14-hour night). Although a small number of administrative calls are also received and various administrative duties are performed, the overall workload is limited. It is in the nature of the fire service role that there are occasional periods of greater activity followed by much quieter periods. The Committee has addressed this by putting in

place arrangements for a Leading Control Operator to provide support when necessary on a 'call-in' basis using a pager, and this appears to be adequate to meet the needs of the Brigade. When the new control complex is completed, staff will have every facility possible within very close proximity, and an accepted very low demand upon them in terms of administrative or operational calls. Taking all of these issues into account, we could find no evidence to justify staff needing to leave the Control. We have therefore come to the conclusion that the Control should be considered as a separate place of work from the fire station.

- 48 If the Committee accepts this view, there will no longer be a need for operational staff to provide cover in the Control. The evidence outlined in the foregoing paragraphs also lead to a firm conclusion that single staffing at nights and weekends is acceptable and appropriate.

Recommendation 4

With effect from the move to the new premises, the Control should be considered to be a separate place of employment with no requirement for staff to leave the building. Operational firefighters should not be required to provide cover, and single staffing should be maintained at nights and weekends.

APPENDIX

Progress in addressing the recommendations contained in the 1998 inspection report and which remained outstanding following the 2000 inspection.**Recommendation No. 2.14**

The Brigade should produce information systems and information technology strategies that address the issues in paragraphs 2.6 to 2.10 and clearly identify the Brigade's future needs, ensuring that all provisions made are compatible.

Progress has been made in the provision of improved information systems and technology (see paragraph 8). This important project is nearing completion, although it will be necessary to make provision for fire safety data.

Recommendation No. 4.19

The Brigade should review its equal opportunities policies and procedures, seeking advice and validation from an appropriate accredited external agency (Para 4.10).

New policies relating to Dignity at Work and abuse of Alcohol and Drugs have been issued, and this recommendation is now complete.

Recommendation No. 4.20

The Brigade should review its health and safety policy, and produce a strategic plan to address all relevant needs, including those issues raised in paragraphs 4.13 to 4.16 of this report.

A revised policy has been issued and a strategic plan produced. This recommendation is now complete.

Recommendation No. 5.33

The Brigade should adopt the training for competence initiative (Para 5.2).

Although officers remain committed to the principle of Training for Competence, no progress has been made in introducing this. However, this recommendation has now been superseded by the requirement to plan for the Integrated Personal Development System (IPDS) approved by the CFBAC for implementation from April 2003 (see paragraphs 32 & 33).

Recommendation No. 5.34

A full audit and review of training should be commenced as soon as possible, taking into account all of the issues referred to in this Section, and resulting in a new training policy and strategic plans for the implementation of the policy (Paras 5.3 & 5.4).

*A draft training strategy has been prepared and was discussed with the Brigade Training Officer. This does not fully, address the principle of training for competence and will require some revision. However, it would be prudent to await the issued of guidance on the IPDS before this is done, as this is expected to be issued to all fire brigades in the coming weeks. **This recommendation remains extant.***

Recommendation No. 5.35

The training of the Volunteers on Herm Island should be reviewed and brought under the direction of the Brigade Training Officer (Para 5.7).

Personnel on Herm Island are now categorised as retained, and their training is directed by the Brigade Training Officer, and administered by the Sub Officer in the fire safety department who has responsibility for training all retained personnel. Equipment provided for firefighting on the Island has also been upgraded. This recommendation is now complete.

Recommendation No. 5.36

Consideration should be given to providing incident command training, including command of BA operations and search & rescue activities (Para 5.8).

The Brigade has embraced the UK Incident Command System as far as practicable, with only limited variation to meet the resource constraints and circumstances existing in Guernsey. This was successfully introduced in August 2002, and training has recently been provided for all personnel. A new Landrover appliance has been purchased and has been adapted for use as an incident command vehicle. The equipment and procedures were demonstrated at the exercise at Bulwer Avenue. The Brigade is also meeting with other emergency services to formulate an integrated approach to major incidents/ disasters. The recommendation is now complete.

Recommendation No. 6.23

The reasons for the difficulty in producing foam at the Bulwer Avenue exercise should be determined, and the operational plans and procedures reviewed, revised and exercised as necessary to ensure that they will meet the requirement in event of an operational incident occurring (Para 6.13).

Arrangements for fighting fires that may occur involving the fuel storage tanks at Bulwer Avenue have been revised and new, more effective, equipment provided. This was satisfactorily demonstrated at an exercise during the inspection. This recommendation is now complete.

Recommendation No. 6.24

Information relating to premises with high fire risk should be updated regularly and maintained readily available to personnel attending incidents. Site-specific operational plans should be reviewed regularly to ensure preparedness for any foreseeable emergency incident, and appropriate training given to operational personnel (Paras 6.14 & 6.15).

*The new IT application has enabled some progress to be made in this area and certain elements of operational planning have been computerised, although the CFO recognises that further work is still necessary. The CFO intends to produce fire-wallets for each appliance in due course. **This recommendation remains extant, and should be completed as a matter of relative urgency.***

Recommendation No. 6.25

The Brigade should reconsider its breathing apparatus procedures, making any necessary revisions to accord with the guidance issued in TB 1/1997 (Para 6.16).

*Although a draft revised procedural document has been prepared, this has yet to be completed. **The recommendation remains extant.***

Recommendation No. 7.10

The Committee should give careful consideration to the options for receiving emergency calls and mobilising Brigade resources in the future, together with the staffing requirements, and make a decision at the earliest possible time in order that planning can commence (Paras 7.1 to 7.6).

The Committee has confirmed that the Brigade will continue to provide a Fire Control to receive calls, mobilise appliances, and undertake all relevant associated work. A new control suite is currently under construction, and impressive arrangements have been made to address the issues identified by managers and staff, and referred to in previous inspection reports (see paragraphs 40 to 48). This recommendation will be fully completed when the new control is functional in the coming months.

Recommendation No. 7.11

The Chief Fire Officer should review the evacuation procedure and make any necessary changes, then putting into place arrangements for the plan to be exercised on a regular basis to ensure that all personnel are familiar with the procedures to be followed (Para 7.9).

This is being dealt with as part of the replacement control project providing reciprocal arrangements with the Police control for improved resilience. This recommendation will also be fully completed when the new control is operational.

Recommendation No. 8.5

Consideration should be given to improving the external maintenance of the premises to avoid further degradation (Para 8.2).

*The Committee has authorised a considerable amount of building work and redecoration to be undertaken to improve facilities, including the Control (see paragraph 42), extraction systems for the appliance room and workshop, and development of the firehouse. This is all necessary work and it is encouraging to see the commitment to improvements. However, routine maintenance, which is the responsibility of the Board of Administration, continues to give considerable cause for concern. Decay continues to be evident in the main premises, particularly in those areas occupied by personnel. An example is the number of windows seen to be lacking in paint and decaying, with one front window held in place over a prolonged period by adhesive tape. This clearly continues to have an adverse effect on the morale of personnel and every effort should be made to rectify this situation. **The recommendation remains extant.***

Recommendation No. 10.14

Consideration should be given to the training and qualification of inspecting officers to equip them to undertake their duties (Para 10.2).

*See paragraph 19. **This recommendation remains extant.***

Recommendation No. 10.15

Consideration should be given to developing a more comprehensive management information system (Para 10.3).

*The new MIS does not currently incorporate a fire safety information package (see paragraphs 8 and 16). **This recommendation remains extant.***

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 27TH DAY OF FEBRUARY, 2003

(Meeting Adjourned from 26th February, 2003)

The States resolved as follows concerning Billet d'Etat No. III
dated 7th February, 2003

STATES EDUCATION COUNCIL

PROGRESSING THE EDUCATION DEVELOPMENT PLAN

1. Phasing Programme 1 of the Plan 2. The Forest Special Needs Centre
3. The Site for the new North Schools

III. After consideration of the Report dated the 23rd January, 2003, of the States Education Council:-

1. To approve, subject to the final recommendations of the Strategic Review, the States Education Council's proposals for the phasing of the building projects in Programme 1 of the Education Development Plan as set out in paragraphs 56 to 76 of that Report.
- 1A. To direct the States Advisory and Finance Committee to investigate the effect of borrowing some or all of the money required to fund the States Education Council's Development Plan, taking into account the construction industry economic model currently being prepared by the States Board of Industry and the prevailing economic circumstances; and to report back to the States as soon as possible.
2. (1) To authorise the States Education Council to proceed with Phase 1 of Programme 1 as detailed in paragraphs 57 to 64 of that Report, subject to the States approval of individual projects;

(2) to authorise the States Advisory and Finance Committee to transfer a sum of £32,000,000 from the Capital Reserve to the capital allocation of the States Education Council for that purpose.
3. (1) To vote the States Education Council a credit of £2,000,000 to cover the cost of formulating the initial planning for the individual elements of Phase 2 of Programme 1, such sum to be charged to the capital allocation of the States Education Council;

(2) to authorise the States Advisory and Finance Committee to transfer a sum of £2,000,000 for that purpose from the Capital Reserve to the capital allocation of the States Education Council.
4. (1) To vote the States Education Council a credit of £2,250,000 to cover the initial stages of the essential maintenance programme, such sum to be charged to the capital allocation of the States Education Council;

- (2) to give delegated authority to the States Advisory and Finance Committee to approve the acceptance of all tenders in respect of that work;
 - (3) to direct the States Advisory and Finance Committee to take account of the cost of the essential maintenance when recommending future additional capital allocations and revenue allocations for the States Education Council.
- 5. To note that the States Education Council, in conjunction with the States Advisory and Finance Committee, and for planning purposes only will work on the basis of a minimum of £15,000,000 per annum being made available from 2004 for the purposes of progressing the remaining phases of Programme 1 of the Education Development Plan.
- 6.
 - (1) To approve the provision of a Special Needs Centre at the Forest;
 - (2) to delegate authority to the States Education Council to seek tenders for contractors and other professional services required to progress that project;
 - (3) to give delegated authority to the States Advisory and Finance Committee to approve the acceptance of tenders in connection with that project and to approve a capital vote, not exceeding £13,900,000, such sum to be charged to the capital allocation of the States Education Council.
- 7. To approve the use of Les Nicolles Vinery site by the States Education Council for the construction of a new secondary school and a new Special Needs secondary school.

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 28TH DAY OF FEBRUARY, 2003

(Meeting Adjourned from 27th February, 2003)

The States resolved as follows concerning Billet d'Etat No. III
dated 7th February, 2003

STATES ADVISORY AND FINANCE COMMITTEE

STATES AUDIT COMMISSION: MEMBERSHIP

I.

1. To re-elect Mr. John Preston Lee as an ordinary member of the States Audit Commission with effect from the 1st March, 2003
2. To elect Mrs. Jennifer Mary Tasker as an ordinary member of the States Audit Commission with effect from the 1st March, 2003.
3. To elect Mr. Christopher Howard Bradshaw as an ordinary member of the States Audit Commission with effect from the 1st March, 2003.

STATES ADVISORY AND FINANCE COMMITTEE

PAROLE REVIEW COMMITTEE-CHAIRMAN

- II. After consideration of the Report dated the 23rd January, 2003, of the States Advisory and Finance Committee:-

To appoint Douzenier David James Ozanne as Chairman of the Parole Review Committee for a term of three years from the 1st March, 2003.

STATES COMMITTEE FOR HOME AFFAIRS

**STATES PRISON – CONSTRUCTION OF ADDITIONAL PRISONER
ACCOMMODATION AND NEW VISITOR FACILITIES**

- IV. After consideration of the Report dated the 16th January, 2003 of the States Committee for Home Affairs:-
1. To agree in principle to the construction of a self-contained houseblock and a standalone visitors centre, together with associated works, at the States Prison as set out in that Report.

2.
 - (1) To authorise the States Committee for Home Affairs to negotiate with Pre-Cast Cellular Structures Limited on the basis of their existing framework agreement with HM Prison Service for the provision of a new houseblock;
 - (2) to authorise the States Committee for Home Affairs to seek tenders for other works identified in that Report.
 - (3) to authorise the States Advisory and Finance Committee to approve the acceptance of all tenders in connection with the project and to approve a capital vote not exceeding £6,500,000, such sum to be charged to the capital allocation of the States Committee for Home Affairs;
 - (4) to authorise the States Advisory and Finance Committee to transfer an appropriate sum from the Capital Reserve to the capital allocation of the States Committee for Home Affairs.
3. To direct the States Advisory and Finance Committee to increase the 2003 revenue budget of the States Committee for Home Affairs – Prison as appropriate and to take account of the additional costs associated with this project when recommending to the States revenue allocations for the States Committee for Home Affairs – Prison in 2004 and subsequent years;
4. To direct the States Civil Service Board to have due regard to the staffing implications of the above decisions when administering the Staff Number Limitation Policy.
5. To direct the States Committee for Home Affairs to report back to the States with a comprehensive report outlining possible future alternatives to conventional custodial sentencing including such options as wet house facilities, restorative justice, compulsory detoxification and rehabilitation orders, electronic tagging, weekend prison confinement, community service orders and programmes, home confinement programmes and other relevant options, having regard to possible future consequences for staffing, funding and other resources.

STATES AGRICULTURE AND COUNTRYSIDE BOARD

REVIEW OF ANIMAL WELFARE LEGISLATION

- VI. After consideration of the Report dated the 14th January, 2003, of the States Agriculture and Countryside Board:-
1. To approve the proposals for new animal welfare legislation in accordance with the principles set out in that Report and the detailed proposals set out in Appendix 3.
 2. That the States Agriculture and Countryside Board shall be responsible for such legislation.
 3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT NO. 2) REGULATIONS, 2002

THE HEALTH SERVICE (PHARMACEUTICAL BENEFIT) (RESTRICTED SUBSTANCES) (AMENDMENT) REGULATIONS, 2002

THE HEALTH SERVICE (SPECIALIST MEDICAL BENEFIT) REGULATIONS, 2002

THE HEALTH SERVICE (PHYSIOTHERAPY BENEFIT) REGULATIONS, 2002

In pursuance of the provisions of section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the above Regulations made by the Guernsey Social Security Authority on the 23rd December, 2002, were laid before the States.

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 12TH DAY OF MARCH, 2003

(Meeting Adjourned from 28th February, 2003)

The States resolved as follows concerning Billet d'Etat No. III
dated 7th February, 2003

STATES COMMITTEE FOR HOME AFFAIRS

REVIEW OF THE LIQUOR LICENSING ORDINANCES 1993 AND 1998

- V. After consideration of the Report dated the 19th December, 2002, of the States Committee for Home Affairs:-
1. That the Liquor Licensing Ordinance 1993, as amended, be further amended as follows to :-
 - (a) remove the Residential Licence category and provide that premises currently in possession of Residential Licences be issued with General Licences;
 - (b) include a provision for the grant of a ports Licence in respect of the harbour of St. Peter Port;
 - (c) introduce a new category of Casino Licence;
 - (d) amend the permitted hours during which alcohol may be sold and consumed on licensed premises as set out in the following table:

	Weekdays	Sundays (other than Christmas Day)	Christmas Day and Good Friday
General Licence	(i) 10.00am to 12.45am (ii) 10.00am to 1.45am if served under a nightclub permit	12 noon to 12.45am	(i) 11.00am to 2.30pm (ii) 7.00pm to 10.30pm
General Off Licence	7.00am to 12.00pm	7.00am to 12.00pm	7.00am to 12.00pm
Port Licence	(i) opening of terminal to 10.00am in stoppered or sealed containers not for consumption on the premises (ii) 10.00am to 12.45am or closure of terminal whichever is earlier	(i) opening of terminal to 12 noon in stoppered or sealed containers not for consumption on the premises (ii) 12 noon to 12.45am or closure of terminal whichever is earlier	(i) opening of terminal to 12 noon in stoppered or sealed containers not for consumption on the premises (ii) 12 noon to 12.45am or closure of terminal whichever is earlier
Club Licence	10.00am to 12.45am	12 noon to 12.45am	(i) 11.00am to 2.30pm (ii) 7.00pm to 10.30pm
Casino Licence	11.00am or when the Casino opens whichever is the later to 3.30am or when the Casino closes whichever is the earlier	11.00am or when the Casino opens whichever is the later to 3.30am or when the Casino closes whichever is the earlier	Closed

- (e) TO NEGATIVE THE PROPOSITION to delete the provision whereby licencees may apply to the Court for extensions;
- (f) provide that liquor licensing matters be dealt with by the Ordinary Court, which would have the power to refer an application to the Full Court if it considered that appropriate;
- (g) provide that notices will only be published in La Gazette Officielle in respect of new licensed premises;
- (h) provide that reports from Constables and Douzaine of a parish to the Royal Court may be included within the report submitted by the States Committee for Home Affairs to the Court;

- (i) amend section 39 to prohibit the sale of adulterated spirits;
 - (j) repeal section 40;
 - (k) amend Section 63(d) to provide that alcohol may be sold or consumed on relevant passenger vessels while they are berthed, moored or anchored in Territorial Waters;
 - (l) remove the requirement that, if the Royal Court has licensed the passenger vessel and the master thereof to operate charters solely within Territorial Waters, the Court need approve every charter;
 - (m) permit special promotions, product launches and wine tasting in premises covered by a General Off Licence with the Committee's approval in each case
2. To agree in principle to the introduction of a system of personal licences with appropriate sanctions and to direct the States Committee for Home Affairs to report back to the States with detailed proposals in due course.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

K. H. TOUGH
HER MAJESTY'S GREFFIER