



BILLET D'ÉTAT

I
2004

WEDNESDAY, 28th JANUARY, 2004

1. Projet de Loi entitled "The States Audit Commission (Guernsey) (Repeal) Law, 2004", p.3.
2. Projet de Loi entitled "The Appointments to the States Established Staff (Guernsey) (Repeal) Law, 2004", p.3.
3. The Housing (Control of Occupation) (Suspension of Provisions of Section 65) Ordinance, 2004, p.3.
4. States Public Assistance Authority – St. Sampson Parochial Outdoor Assistance Board – New Member, p.4.
5. States Public Assistance Authority – St. Martin Parochial Outdoor Assistance Board – New Member, p.4.
6. States Advisory and Finance Committee – States Audit Commission: Membership, p.5.
7. States Advisory and Finance Committee – Guernsey Financial Services Commission: New Chairman and New Members, p.7.
8. States Advisory and Finance Committee – Proceeds of Crime and Drug Trafficking, p.9.
9. States Advisory and Finance Committee – The Remuneration of States Members and Non-States Member, p.11.
10. States Housing Authority – Extension of the Housing (Control of Occupation) (Guernsey) Law, 1994, p.70.
11. States Housing Authority – Future Management of St. Julian's House, p.72.
12. Requête – Misuse of Fireworks, p.95.

Ordinance laid before the States

The Health Service (Benefit) (Amendment) (No.3) Ordinance, 2003, p.102.

Statutory Instruments laid before the States

The Income Tax (Pensions) (Contribution Limits and Tax-free Lump Sums) Regulations, 2003, p.102.

The Income Tax (Guernsey) (Valuation of Benefits in Kind) Regulations, 2003, p.102.

The Attendance Allowance (Guernsey) Regulations, 2003, p.103.

The Social Insurance (Benefits) Regulations, 2003, p.104.

The Social Insurance (Benefits) (Transitional) Regulations, 2003, p.104.

The Social Insurance (Classification) (Amendment) Regulations, 2003, p.104.

The Social Insurance (Contributions) (Amendment) Regulations, 2003, p.104.

The Social Insurance (Determination of Claims and Questions) (Amendment) Regulations, 2003, p.104.

The Social Insurance (Residence and Persons Abroad) (Amendment) Regulations, 2003, p.104.

The Identification of Bovine Animals and Bovine Record Books Order 2003, p.106.

B I L L E T D ' É T A T

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 28th JANUARY, 2004,** at 9.30 a.m.

PROJET DE LOI

entitled

THE STATES AUDIT COMMISSION (GUERNSEY) (REPEAL) LAW, 2004

The States are asked to decide:-

I. Whether they are of opinion to approve the Projet de Loi entitled “The States Audit Commission (Guernsey) (Repeal) Law, 2004”, and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

PROJET DE LOI

entitled

**THE APPOINTMENTS TO THE STATES ESTABLISHED STAFF
(GUERNSEY) (REPEAL) LAW, 2004**

The States are asked to decide:-

II. Whether they are of opinion to approve the Projet de Loi entitled “The Appointments to the States Established Staff (Guernsey) (Repeal) Law, 2004”, and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE HOUSING (CONTROL OF OCCUPATION) (SUSPENSION OF
PROVISIONS OF SECTION 65) ORDINANCE, 2004**

The States are asked to decide:-

III.- Whether they are of opinion to approve the draft Ordinance entitled “The Housing (Control of Occupation) (Suspension of Provisions of Section 65) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

STATES PULIC ASSISTANCE AUTHORITY

ST. SAMPSON PAROCHIAL OUTDOOR ASSISTANCE BOARD

NEW MEMBER

The States are asked:-

IV.- To elect a member of the St. Sampson Parochial Outdoor Assistance Board to complete the unexpired term of office of Mr. A. M. J. Courtney, who has ceased to be a Douzenier, namely, to the 31st May, 2007.

(NB Only a sitting member of the States or a Jurat, Rector or Douzenier resident in St. Sampson is eligible for election)

STATES PULIC ASSISTANCE AUTHORITY

ST. MARTIN PAROCHIAL OUTDOOR ASSISTANCE BOARD

NEW MEMBER

The States are asked:-

V.- To elect a member of the St. Martin Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mrs. M. M. Laws, who has ceased to be a Douzenier, namely to the 31st May, 2005.

(NB Only a sitting member of the States or a Jurat, Rector or Douzenier resident in St. Martin is eligible for election)

STATES ADVISORY AND FINANCE COMMITTEE**STATES AUDIT COMMISSION: MEMBERSHIP**

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

26th November, 2003

Dear Sir,

THE STATES AUDIT COMMISSION: MEMBERSHIP

As part of the Review of the Machinery of Government (Billet d'État XXIV, October 2003) the States resolved that a Public Accounts Committee be established with effect from May 2004.

As set out in the October 2003 policy letter, since this new Committee will subsume the functions and responsibilities of the States Audit Commission, the States further resolved that the Commission should be dissolved.

Due to the timing of the cessation of the term of office of two of the Commission's Members, the preparation and approval of the necessary legislation to dissolve the Commission and the establishment of the Public Accounts Committee it is necessary to reappoint two members for the period 1 March 2004 until the Commission is dissolved and the Public Accounts Committee established.

Although the timing of this election is somewhat unfortunate in that the re-elected Commission members will only be in place for a relatively short space of time, it is nonetheless a necessary formality.

Re-election of Existing Members

In accordance with the provisions of sub-paragraph 3 (2) of Schedule 1 of the States Audit Commission (Guernsey) Law, 1997, Mrs. Lesley Mary Perkins and Mr. Rodney Benjamin retire as a member of the Commission on 1 March 2004.

The Committee, having consulted with the Commission, is pleased to re-nominate Mrs. Lesley Mary Perkins and Mr. Rodney Benjamin to be ordinary members of the Commission with effect from 1 March 2004.

The Committee therefore recommends that the States:

- a) Re-elect **Mrs. Lesley Mary Perkins** as a member of the States Audit Commission with effect from 1 March 2004.
- b) Re-elect **Mr. Rodney Benjamin** as a member of the States Audit Commission with effect from 1 March 2004.

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 to decide:-

VI.- Whether, after consideration of the Report dated the 26th November, 2003, of the States Advisory and Finance Committee, they are of opinion:-

1. To re-elect Mrs. Lesley Mary Perkins, who has been nominated in that behalf by the States Advisory and Finance Committee, as an ordinary member of the States Audit Commission with effect from the 1st March, 2004.
2. To re-elect Mr. Rodney Benjamin, who has been nominated in that behalf by the States Advisory and Finance Committee, as an ordinary member of the States Audit Commission with effect from the 1st March, 2004.

STATES ADVISORY AND FINANCE COMMITTEE

GUERNSEY FINANCIAL SERVICES COMMISSION NEW CHAIRMAN AND NEW MEMBERS

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

18th December 2003

Dear Sir,

GUERNSEY FINANCIAL SERVICES COMMISSION

In accordance with the provisions of sub-paragraph 3(1) of Schedule 1 of the Financial Services Commission (Bailiwick of Guernsey) Law 1987, as amended, Mr. John Edward Hallam, FCA retires as an ordinary member of the Commission on the 1st February, 2004. The States Advisory and Finance Committee is pleased to re-nominate Mr. Hallam as an ordinary member of the Commission for a further three year period to run from 2nd February, 2004 until 1st February, 2007.

Advocate Nigel Thomas Carey was re-elected as an ordinary member of the Commission for a three-year term commencing on the 2nd February, 2003. He has given notice to the Chairman of the Commission that he wishes to resign his office with effect from the 1st August, 2004. Advocate Carey has served as a member of the Commission since 1992 and the Advisory and Finance Committee wishes to place on record its appreciation of his services during that period.

Having consulted the present ordinary members of the Commission, the Committee is pleased to nominate Advocate Peter Andrew Harwood who has considerable experience in the legal aspects of financial services to complete the unexpired portion of the term of office left vacant by Advocate Carey's resignation. Advocate Harwood was born in Guernsey and was educated at Elizabeth College and the University of Southampton. Admitted as an English Solicitor in 1972 he worked in the City of London until returning to Guernsey in 1981. He was called to the Guernsey Bar in 1982 and has been a partner in the firm of Ozannes since 1983.

The Chairman of the Commission must be elected annually by the States, from amongst the ordinary members, having been nominated by the Advisory and Finance Committee. The Committee is pleased to re-nominate Mr. John Edward Hallam, FCA as Chairman of the Commission for a further year from 2nd February, 2004 until 1st February, 2005. Mr. Hallam has been an ordinary member of the Commission since the Commission was constituted in 1987 and Chairman since 2003.

The States Advisory and Finance Committee recommends the States to:

- (a) re-elect Mr. John Edward Hallam, FCA as an ordinary member of the Guernsey Financial Services Commission for three years with effect from 2nd February, 2004;
- (b) elect Advocate Peter Andrew Harwood as an ordinary member of the Guernsey Financial Services Commission to complete the unexpired portion of the term of office left vacant by Advocate Carey's resignation, that is from 1st August, 2004 until 1st February, 2006;
- (c) re-elect Mr. John Edward Hallam, FCA as Chairman of the Guernsey Financial Services Commission for one year with effect from the 2nd February, 2004.

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:-

VII.-

1. To re-elect Mr. John Edward Hallam, FCA as an ordinary member of the Guernsey Financial Services Commission for three years with effect from the 2nd February, 2004.
2. To elect Advocate Peter Andrew Harwood as an ordinary member of the Guernsey Financial Services to complete the unexpired portion of the term of office left vacant by Advocate Carey's resignation, that is from the 1st August, 2004 until 1st February, 2006.
3. To re-elect Mr. John Edward Hallam, FCA as Chairman of the Guernsey Financial Services Commission for one year with effect from the 2nd February, 2004.

STATES ADVISORY AND FINANCE COMMITTEE
PROCEEDS OF CRIME AND DRUG TRAFFICKING LAWS

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

19 November 2003

Dear Sir,

PROCEEDS OF CRIME AND DRUG TRAFFICKING LAWS

H.M. Procureur has written to the Advisory and Finance Committee in the following terms:

Both the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 and the Drug Trafficking (Bailiwick of Guernsey) Law, 2000 allow the Bailiff to issue orders to restrain assets that are believed to be the proceeds of crime. In section 25 of both Laws it is possible for a restraint order to be made if a person has been charged with an offence or is to be charged with one. Our legislation followed the wording of the Criminal Justice Act 1988 and the Drug Trafficking Act 1994.

Towards the end of last year the United Kingdom Parliament passed the Proceeds of Crime Act. In the United Kingdom it is now possible to obtain a restraint order at the start of a criminal investigation. The new provision, further reduces the possibility of criminals dispersing their illegally obtained assets before the authorities are able to obtain restraint orders. Restraint orders can be obtained on behalf of authorities overseas.

As you are aware, St James Chambers is currently reviewing the legislation in force in the Bailiwick with a view to merging the drug trafficking and other crimes proceeds of crime legislation and creating a regime to enable the forfeiture of unlawfully obtained assets before the civil court.

There has, in recent years, been a number of cases where assistance has been provided to overseas authorities in connection with investigations that had not reached the stage where a person could be charged with an offence. Fortunately, in those cases financial institutions in the Bailiwick have cooperated with the authorities and voluntarily frozen the accounts held by those under investigation. I believe that it would be fairer on both financial institutions and any potential defendant for assets to be frozen by way of court orders. Indeed, under the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 the Bailiff already has the power to restrain assets after the commencement of an investigation.

I believe that this is a matter of such importance that it should not wait until the new Proceeds of Crime legislation comes into force in 2004 or early 2005. I therefore recommend that your Committee place before the States a request that the Proceeds of Crime and Drug Trafficking Laws be amended to allow for the restraint of assets once an investigation has commenced whether it be locally or abroad."

The Committee concurs with the view expressed by H.M. Procureur and recommends that legislation be enacted on the lines set out above.

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

Yours faithfully,

L. C. MORGAN

President
Advisory and Finance Committee

The States are asked to decide:-

VIII.- Whether, after consideration of the Report dated the 19th November, 2003, of the States Advisory and Finance Committee, they are of opinion:-

1. That the Proceeds of Crime and Drug Trafficking Laws shall be amended to allow for the restraint of assets once an investigation has commenced whether it be locally or abroad.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE
THE REMUNERATION OF STATES MEMBERS AND NON-STATES
MEMBERS

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

17th December 2003

Dear Sir

The Remuneration of States Members and non-States Members

Introduction

On the 29th January 2003, following consideration of a report presented by the Advisory and Finance Committee, the States resolved that: -

“An Independent Pay Review Board shall be established as set out in that Report to review and make recommendations for the future remuneration of States Members, non-States Members and former States Members”.

At the same time the States also agreed the constitution and terms of reference for the Pay Review Board.

Following a period of extensive research and consultation the Pay Review Board has completed its work and the Chairman forwarded the Board's report to the Committee on the 23rd October 2003. Subsequently, the Committee published the report at the earliest opportunity as an appendix to the November Billet d'Etat.

The purpose of this Policy Letter is to present the Board's report and recommendations to the States for consideration.

Background

In January 2003 the States appointed Mr David Warr as Chairman of the Independent Pay Review Board together with Mr David Cherry and Mr John Guilbert as Members of the Board. The Board's terms of reference were: -

- To examine the existing system of payments to States Members, non-States Members of committees and former States Members.
- To examine systems of payments to elected Members and other relevant issues in appropriate jurisdictions.
- To consult with States Members, non-States Members of committees and other persons and organisations on the existing arrangements and any perceived deficiencies.
- To consider the main principles under which payments should, in future, be made taking into account matters such as the nature of the roles of all Members and those elected to positions of special responsibility.
- To make recommendations on the future arrangements for payments to States Members, those Members of departments who are not States Members and former States Members, including how future increases to the payments should be established (for example, by introducing a formula).
- To submit a report to the Advisory and Finance Committee setting out the Board's findings, conclusions and recommendations.

As stated above, the Committee received the report of the Board in October 2003. In addition to publishing the report in the November Billet d'Etat, the Committee invited written comments from members of the public and interested organisations. The consultation process resulted in the Committee receiving two letters from members of the public (who both considered the proposed levels of remuneration were too high) and five letters from States Members (expressing a variety of views).

Considerations

During the Advisory and Finance Committee's consideration of the report, one view expressed within the Committee is that the Pay Review Board has developed proposals that have been 'pitched' at about the right level.

An alternative view within the Committee is that the Board's recommendations, if accepted by the States, will result in a remuneration 'package' which is considered to be excessive and which will lead to a significant and unacceptably high increase in

the total annual cost of payments made to States Members from £1,021,163 in 2002 to an estimated future annual cost of £1,740,700 – an increase of £719,537 or 70%. It is also noted that the projected annual cost of £1,740,700 is based on a reduced number of 47 States Members from May 2004 rather than the current 57 States Members. If the States pension costs are deducted from the total projected cost of £1,740,700, the resultant figure equates to an average of £31,379 for each States Member compared to an average in 2002 of £15,539.

A further view expressed within the Committee is that in arriving at its findings and recommendations the Board has given insufficient ‘weighting’ to the honorary aspect of the work of States Members in serving the community which has historically been seen as an important element of the role of a States Member.

Nevertheless, in considering the Board’s report and recommendations and taking account of the different views of the Members of the Advisory and Finance Committee, the principal conclusion that the Committee has arrived at is that it is neither in a position to, nor would it be appropriate for, the Committee to develop and present alternative proposals. In arriving at this position the Committee has been very mindful of the fact that individual States Members will have their own views on what they consider to be an appropriate system and level of remuneration.

Other important issues

The new system of payments proposed by the Board dispenses with the current ‘Attendance Allowance’. In effect States Members would in future be paid a salary and unlike at present no claim form would need to be completed although Members’ records of attendance at States and departmental/committee meetings would be scrutinised and published by the House Committee.

With regard to the proposal to introduce a new pension scheme for States Members, this would be based on the increased level of payments determined by the States. A significant amount of work will need to be undertaken by the Advisory and Finance Committee in consultation with the States Actuaries in developing the details of a new scheme. Whilst the Committee would intend to complete this work as soon as possible it is highly likely that the proposed new scheme would not be introduced in May 2004. In those circumstances, once the new scheme was introduced the contributions and benefits would be backdated to the 1st May 2004. As at present, States Members would be able to opt out of the new scheme and the current pension scheme would still be retained for former States Members who were members of the scheme prior to 30th April 2004.

As far as payments to the Alderney Representatives are concerned the Committee has been advised by the States of Alderney that *“the majority of the Alderney (States) Members were not in favour of the recommendations for payment to the Alderney representatives in the States of Alderney, on the same basis as Guernsey Members. They would prefer to see the status quo maintained whereby the Alderney*

Representatives receive an allowance for attendance at meetings of the States of Deliberation, plus expenses”.

The Advisory and Finance Committee believes that this is a matter for the States to determine having regard to the advice of HM Procureur as set out on page 16 of the Board’s report which says “*Under the States of Guernsey (Representation of Alderney) Law, 1978, which governs the appointment of the representatives, they are full members of the States of Deliberation and no distinction is made between their duties and responsibilities and those of locally elected Members”.*

Finally, the Committee wishes to point out that several minor alterations have been made to the draft rules (appendix 5) accompanying the Board’s report in accordance with advice received from HM Comptroller. These changes had not been made at the time that the Board’s report was published as an appendix to the November Billet d’Etat. The changes concern the description of Alderney Representatives in sections I and II. In addition minor changes have been made to the wording of section I sub paragraphs (v), (vi)(f) and (j) for the purposes of clarification.

Conclusions

The Advisory and Finance Committee acknowledges that the Pay Review Board was asked to undertake a difficult task and the Board is to be commended for having done so in a considered and thorough manner. The Committee wishes to take this opportunity to thank the Chairman and Members of the Board for agreeing to undertake the task of reviewing States Members’ pay and for producing a comprehensive and clearly articulated report on alternative arrangements for consideration by the States.

The Committee believes that it is for each States Member to vote on the proposals according to his/her conscience. The recommendations of the Board have therefore been reproduced in detail below.

In deciding how to vote Members may wish to have regard to: -

- The need to enable people from all walks of life to consider standing for election as a States Deputy.
- The requirement or otherwise for the position of States Member and the associated level of remuneration to reflect an honorary element of community service.
- The total annual cost to the taxpayer of payments to States Members at a time when there is a requirement for restraint in public expenditure.

Recommendations of the Independent Pay Review Board

Following consideration of the report of the Independent Pay Review Board and the comments contained in this Policy Letter the States are asked to vote on that Board's recommendations as follows: -

- 1). The present Compensation Payment should be replaced by a Basic Allowance of £20,000 per year available to all Members including the Alderney Representatives.
- 2). The present Attendance Allowance and Presidential Allowances should be replaced by workload and special responsibility allowances. In respect of **workload allowances** they should be paid as follows:
 - (i). A Departmental Membership Allowance of £2,500 per year for each seat held on a States Department or the Scrutiny Committee.
 - (ii). A Committee Membership Allowance of £1,250 per year for each seat held on a Standing States Committee excluding the Scrutiny Committee.
 - (iii). A Special States Committee Membership Allowance to be set by the States on formation of the Committee at £2,500 per year or £1,250 per year, according to the expected workload.
- 3). The total amount of Departmental, Committee and Special Committee Membership Allowances paid to an individual States Member should not exceed £7,500 per year.
- 4). **Special Responsibility Allowances** should be paid as follows:
 - (i) Chief Minister – £35,000 per year.
 - (ii) Deputy Chief Minister – £10,000 per year.
 - (iii) Ministers and Chairman of the Scrutiny Committee – £7,500 per year.
 - (iv) Chairmen of Standing States Committees excluding the Scrutiny Committee - £3,750 per year.
 - (v) Deputy Ministers and Vice-Chairman of the Scrutiny Committee - £2,500 per year.
 - (vi) Vice-Chairmen of Standing States Committees excluding the Scrutiny Committee - £1,250 per year.

- (vii) Chairmen and Vice-Chairmen of Special States Committees - £7,500 and £2,500 per year respectively if the States have set the workload allowance for the Committee at the Departmental level, and £3,750 and £1,250 respectively if the allowance is set at the Committee level.
- 5). All Special Responsibility Allowances should be paid in addition to the Basic Allowance and any Departmental, Committee and Special Committee Membership Allowances to which a Member may be entitled.
 - 6). The total amount of Special Responsibility Allowances payable to any individual Member, excluding the Chief Minister and Deputy Chief Minister, should not exceed £15,000 per year.
 - 7). The total amount of Special Responsibility Allowances payable to the Deputy Chief Minister should not exceed £22,500 per year.
 - 8). All States Members should receive an annual Expense Allowance of £2,500, free of tax.
 - 9). Non-States Members should continue to be remunerated by means of an attendance allowance of a maximum of £45 per half day, payable under the same conditions as the current Allowance.
 - 10). Alternative Alderney representatives should receive an allowance for attendance at meetings of the States of Deliberation, payable under the same conditions as the current Attendance Allowance for the Alderney representatives and at the same rate as recommended for non-States Members.
 - 11). New rules governing the remuneration of States Members and non-States Members should be prepared and implemented by the Advisory and Finance Committee in accordance with the decisions of the States.
 - 12). The Advisory and Finance Committee, with the advice of the States Actuaries, should prepare rules for a new States Members pension scheme along the lines set out in the attached report for approval by the States.
 - 13). The existing pension scheme for States Members should remain applicable for service up to the date when the new scheme becomes effective (i.e. 1 May 2004).
 - 14). The remuneration of States Members and non-States Members of States departments, committees and Non-Governmental Bodies be again subject to independent review when the patterns of workload and responsibility resulting from the present changes to the machinery of government have become clear. Such a review should, in any event, take place before the election of 2008.
 - 15). Independent reviews of States Members and non-States Members'

remuneration should be undertaken in the year before the election of 2012 and in each year before subsequent elections, with any resulting changes becoming effective at the start of the new session.

- 16). The pay of States Members and non-States Members of States departments, committees and Non-Governmental Bodies should be adjusted annually in line with changes in the Guernsey Index of Retail Prices in the period between reviews.
- 17). The Advisory and Finance Committee should develop and implement a policy intended to ensure that all States Members have the use of Information Technology (IT) equipment of an adequate standard as set out in the report.
- 18). If, under such policy referred to in recommendation 17 above, some or all States Members provide and/or operate IT equipment from their own resources for the purposes of States business, those members should receive an additional expense allowance free of tax at a level or levels to be decided by the Advisory and Finance Committee but not exceeding £500 per year.
- 19). Departments and committees should maintain a record of their States Members' attendance at, and absence from, meetings, including sub-committee meetings and the reasons for absence given should also be recorded.
- 20). The records of States Members' attendance at, absence from and reasons for absence from meetings, should be made available to the House Committee to monitor and to take such action as it sees fit within its powers. The records should also be available for inspection by the public.

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

Yours faithfully

L.C. MORGAN

President
Advisory and Finance Committee

**STATES MEMBERS PAY
REVIEW BOARD**

**REPORT TO THE
STATES ADVISORY AND FINANCE
COMMITTEE**

OCTOBER 2003

States Members Pay Review Board

Report to the States Advisory and Finance Committee

Contents:

<u>Introduction</u>	1
<u>Current rules for and levels of States Members' and non-States Members of States Committees' pay</u>	2
<u>Principles underlying the Board's recommendations</u>	3
<u>Representations received</u>	4
<u>Basic Allowance, Membership Allowances and Special Responsibility Allowances</u>	5
<u>Expense Allowance</u>	9
<u>Attendance</u>	10
<u>Training</u>	10
<u>Resettlement Grants</u>	11
<u>Pensions</u>	11
<u>Non-States Members</u>	14
<u>Alderney Representatives</u>	15
<u>Comparisons</u>	16
<u>Arrangements for future changes in remuneration</u>	17
<u>Estimate of cost</u>	18
<u>Summary of Recommendations</u>	19
<u>Conclusion</u>	21
Appendix 1	Board's Terms of Reference
Appendix 2	Current Rules for Payments to States Members
Appendix 3	Summary of Submissions Received by the Board
Appendix 4	Digest of Information on Other Jurisdictions and Relevant Statistics
Appendix 5	Draft Rules for Payments to States Members
Appendix 6	Summary of Main Recommendations for Remuneration of States Members

REPORT OF THE STATES MEMBERS PAY REVIEW BOARD TO THE STATES ADVISORY AND FINANCE COMMITTEE

Introduction

1. On 29 January 2003, following consideration of the States Advisory and Finance Committee's report dated 26 November 2002, the States resolved that:

“An Independent Pay Review Board should be established ... to ‘review and make recommendations for the future remuneration of States Members, non-States members and former States Members’”.

2. The members of the Board appointed by the States are:
 - Mr David J Warr, F.C.A., Chairman
 - Mr David J Cherry
 - Mr John S Guilbert.
3. Under the terms of reference approved by the States, the Board is required to examine the existing system of remuneration and systems in comparable jurisdictions and to consult with States members and other persons and organisations. It must consider the main principles and arrangements for future payments and submit its report to the Advisory and Finance Committee, setting out its findings, conclusions and recommendations. The terms of reference are set out in full in appendix 1 to the report.
4. The Board's review is part of the current process of reforming the machinery of government in Guernsey. The report is therefore referenced to the departmental and committee structure approved by the States on 16 May 2003 (Billet d'État VII, 2003) and the recommendations, except where otherwise stated or otherwise required by the context, are intended to be effective as from the implementation of the new arrangements.
5. However, because these new arrangements have yet to be implemented, the Board has been constrained in its work and a significant proportion of its conclusions and recommendations has, of necessity, been based on informed expectations and projections. This should be borne in mind when considering the report and is the reason why the Board has recommended (paragraph 77) a further independent review of States Members' pay when the patterns of, in particular, Members' workload and responsibility under the new arrangements have become clear.
6. A summary of the Board's recommendations is included below at paragraphs 85 to 88.

Current rules for and levels of States Members' and non-States Members of States Committees' pay

7. The current rules for payments to States Members, former States Members and non-States Members of States Committees are contained in full in appendix 2 to the report. In brief summary, States Members receive:
 - A Compensation Payment of £9,987 per year
 - An Attendance Allowance of a maximum of £29.96 per half day
 - An Expense Allowance of £1,998 per year, free of tax
 - A Presidential Allowance ranging from nil to £4,994 per year, depending on the grading of the committee or committees concerned. Where individual Members hold more than one presidency, the maximum payable is £4,994 per year.
8. Subject to conditions, former States Members are entitled to a pension of £3.01 per week for each year of service up to 31 December 1989 and, unless they have opted out of the contributory States Members Pension Scheme, £6.02 per week for each year of service after that date.
9. Non-States Members and representatives of the States of Alderney receive an attendance allowance not exceeding £39.94 per half day.
10. The pattern of States Members' work, and hence pay, varies considerably with the number of committee seats and the presidencies held and with the differing workloads of those committees. A calculated average of Members' pay is therefore of little significance. However, it is possible to construct pay profiles, based on attendance claims and other statistics for 2002, which give a more meaningful picture of States Members' remuneration at the lower end, middle and top of the scale. In each case, the total remuneration includes the Expense Allowance and is stated before tax and deductions for pension and social security contributions.
 - At the lower end of the scale, a Member might typically hold no committee presidency and claim Attendance Allowance for 55 half days per year. Such a Member's pay would currently be in the region of £13,600 per year.
 - In the middle of the scale, a member claiming Attendance Allowance for 120 half days would receive about £15,600 per year. If, in addition, the presidency of a C grade committee was held, this would increase to about £16,600 per year.
 - At the top of the scale, Members may sit on several committees, including those meeting most frequently, and hold more than one committee presidency. Based on Attendance Allowance for 200 half days and the presidency of an A and a B committee, a Member would receive about £23,000 per year.
11. There are substantial differences between the basis of the present system of remuneration and that of the system for the future recommended by the Board in this

report. The above profiles will assist in making valid comparisons between current pay levels and those resulting from the Board's proposals.

Principles underlying the Board's recommendations

12. The Board has considered the principles upon which it believes its recommendations should be based. These are similar in some respects to the principles propounded by the Independent Review Panel when reporting on States Members' pay in 1988 and 1995. However, they are by no means identical and changing circumstances have meant that different emphases are placed upon them.

13. The main principles underlying the Board's recommendations are as follows:

- Of primary importance, in the Board's view, is that the remuneration of States Members should be sufficient to provide all members of the community with the opportunity to stand for election. The Board believes that current levels of remuneration do not achieve this. Consequently, the States may be unrepresentative of the Island's population (a number of States Members and the public and organisations have indicated to the Board that they consider this to be the case (paragraph 16))

However, the Board is also aware of the possibility that a significantly increased level of pay may encourage persons to stand for election to the States for purely financial reasons. Nevertheless, there may be no level of pay that accomplishes both ends and the electorate must be trusted to reject those who demonstrate neither commitment or ability

- Remuneration has hitherto been considered largely as compensation for time lost in outside employment. In this respect, any uniform level of pay is inevitably unsatisfactory as it must always undercompensate some and overcompensate others, according to their circumstances. Furthermore, the workload of States Members has undoubtedly increased in recent years to the point where, although perhaps only a full time job in a few cases, membership is nevertheless the principal occupation of many. Their pay should therefore rather be seen as an allowance rewarding the contribution and commitment required of them
- Remuneration should be firmly linked to the varying levels of such contribution and commitment. As regards a higher workload, those holding seats on Departments or Committees should receive additional pay. As regards responsibility, the more senior positions should warrant further allowances, each reflecting the respective level of responsibility
- An element of voluntary public service has hitherto been associated with membership of the States and with non-States Members' membership of

States committees. Although in some quarters this is considered to be of declining importance, a valid comparison may be drawn with the many people outside the political sphere who devote a considerable amount of their time and effort to the benefit of the community through charity work and in other ways. Most are unpaid and others have chosen to dedicate themselves to service to the community for relatively low pay.

The Board considers that service to the community remains an inherent aspect of the job, and endorses the view of the Independent Review Panel in 1995 that it is “an essential and valuable contribution to the good government of the Island”. The Board has taken this into account in recommending overall levels of remuneration, but has considered it inappropriate to designate any particular element of a States Member’s duties as honorary.

- In 2001 (Billet d’État XXII, November 2001), the States effectively agreed that no part of the remuneration of States Members should be means tested. The Board is firmly of the view that there are no grounds for the re-introduction of means testing for any of the elements of pay that it is recommending
 - Any new system of remuneration should be transparent and administratively straightforward.
14. The remaining principles on which the Board’s recommendations are based are of a subsidiary nature and are discussed in the sections of the report dealing with the aspects of remuneration to which they relate.

Representations received

15. The Board invited all States Members and non-States Members of States committees to submit representations, either in writing or in person. 22 Members made submissions, of which the Board met 12. Seven submissions were also received from non-States Members of States committees and the Alderney representatives.
16. A large number of differing views were put forward, a summary of which is shown in appendix 3 to the report. The points most frequently made were as follows:
- The workload of Members is high and is increasing and the job is moving towards a full time occupation in some cases. Most felt that the workload would increase further when the new machinery of government was introduced
 - The present States are not representative of the population of the Island and there is therefore a need to ensure that nobody is prevented from standing for election for financial reasons

- For the above reasons, a substantial or fairly substantial increase in States Members' remuneration is necessary. The amounts of remuneration suggested varied considerably, ranging up to £100,000 per annum.

17. The Board also placed advertisements in the local press, inviting representations from the public and organisations. 13 submissions were received expressing a wide variety of views, a summary of which is given in appendix 3. The points most frequently made were similar to those of States Members as above, although the proportion of those putting forward such points was generally smaller.

Basic Allowance, Membership Allowances and Special Responsibility Allowances

18. As mentioned above, the Board is of the opinion that the present Compensation Payment can only ever achieve its stated purpose imperfectly and has become increasingly inappropriate as membership of the States becomes the main occupation of many Members. It therefore **recommends that the Compensation Payment be replaced by a Basic Allowance available to all States Members** including the Alderney representatives (paragraphs 66 to 69).

19. However, the Board believes that States membership of itself (that is, apart from Department and Committee membership) does not, and will not in future, demand sufficient input in terms of time so as to preclude principal employment elsewhere. The hours required will, of course, vary from Member to Member, according to their "style", commitment and efficiency. However, the Board considers that Members would have sufficient opportunity to earn additional sums from employment outside the States or from their own businesses.

20. The amount of the Basic Allowance should therefore be set at a level which, with additional earnings from other employment, would allow a Member with no Department or Committee seats to maintain a reasonable standard of living, with the ability to support a family and housing costs if necessary. On the other hand, if a Member chose to engage in no other financially gainful activity, the allowance should be sufficient to live on, albeit with some sacrifice.

21. Accordingly, the Board **recommends that the Basic Allowance be set at £20,000 per year.**

22. The Board intends that the Basic Allowance should remunerate the following:

- Attendance at States meetings
- Attendance at meetings of sub-committees
- Attendance at meetings of Non-Governmental Bodies
- All other duties as a States Member, including constituency work (although the Board recommends below that work connected with membership of Departments, Standing States Committees and Special Committees should attract additional allowances).

23. The Board **recommends that the Attendance Allowance for all States Members and Presidential Allowances be abolished and that additional workload and**

responsibility be remunerated by a range of other allowances. The reasons supporting the Board's view that the Attendance Allowance for States Members is no longer appropriate are given in paragraph 40.

24. It is **proposed that allowances in respect of workload be paid as follows:**

- **A Departmental Membership Allowance of £2,500 per year for each seat held on a States Department or the Scrutiny Committee**
- **A Committee Membership Allowance of £1,250 per year for each seat held on a Standing States Committee excluding the Scrutiny Committee**
- **A Special States Committee Membership Allowance to be set by the States on formation of the Committee at £2,500 per year or £1,250 per year, according to the expected workload.**

In exceptional circumstances, the workload of a Special Committee may be such that neither of the above levels of allowance would be appropriate. However, if that were the case, it would be open to the States to decide upon alternative arrangements regardless of the general rules in force.

25. Where individuals sit on a number of Departments and Committees, the time and commitment that can be devoted to any one membership will most likely be diluted. The Board therefore believes that the total amount of workload allowances payable to an individual Member should be limited. This may also help to encourage a more even distribution of seats among a broader range of Members, enabling newer Members in particular to develop their skills and abilities as politicians. **It is recommended that the total amount of Departmental, Committee and Special Committee Membership Allowances paid to an individual States Member does not exceed £7,500 per year.**

26. It is **proposed that Special Responsibility Allowances be paid as follows:**

- **Chief Minister – £35,000 per year**
- **Deputy Chief Minister – £10,000 per year**
- **Ministers and Chairman of the Scrutiny Committee – £7,500 per year**
- **Chairmen of Standing States Committees excluding the Scrutiny Committee - £3,750 per year**
- **Deputy Ministers and Vice-Chairman of the Scrutiny Committee - £2,500 per year**
- **Vice-Chairmen of Standing States Committees excluding the Scrutiny Committee - £1,250 per year**

- **Chairmen and Vice-Chairmen of Special States Committees - £7,500 and £2,500 per year respectively if the States have set the workload allowance for the Committee at the Departmental level, and £3,750 and £1,250 respectively if the allowance is set at the Committee level.**

It would be open to the States to decide upon alternative arrangements for the pay of Special Committee Chairmen and Vice-Chairmen in exceptional circumstances in the same way as for the Special Committee Membership Allowance (paragraph 24).

All of the above Special Responsibility Allowances should be paid in addition to the Basic Allowance and any Departmental, Committee and Special Committee Membership Allowances to which a Member may be entitled.

27. Although the arrangements approved by the States in May of this year restrict to a substantial extent the number of positions of special responsibility that an individual member may hold, there is still scope to hold a significant number of such posts. For example, there is no limit on the number of deputy ministerships that can be held and a minister is not precluded from being chairman of one or more committees. The Board has recommended above that the amount of Departmental and Committee Membership Allowances paid to individual Members be capped and, for similar reasons, **recommends that the total amount of Special Responsibility Allowances also be capped, the maximum amount payable to any individual Member, excluding the Chief Minister and Deputy Chief Minister, to be £15,000 per year.**
28. The additional duties of the Deputy Chief Minister could mean a further dilution of time and commitment between posts where a number are held. It is **recommended that the total amount of Special Responsibility Allowances payable to the Deputy Chief Minister should not exceed £22,500 per year.**
29. The recommendations above are summarised in tabular form in appendix 6 to the report. Set out below are examples of the total remuneration that may typically arise from the Board's proposals. The amounts include an expense allowance of £2,500 per year (paragraph 35) and are stated before deductions for income tax, pension contributions and social security contributions.
 - A States Member sitting on no Departments or Committees would be entitled to the Basic and Expense Allowances amounting to £22,500 per year.
 - A Member with seats on one or more Departments or Standing or Special Committees but holding no position of special responsibility would receive the Basic and Expense Allowances and Departmental, Committee and Special Committee Membership Allowances of between £1,250 and £7,500, giving a total of £23,750 to £30,000 per year.
 - A Member in circumstances similar to those in the previous example, but being Deputy Minister of one of the departments on which he or she sat,

would receive in addition a Special Responsibility Allowance of £2,500, increasing total remuneration to between £26,250 and £32,500 per year.

- A Member who sat on one Department only and of which he or she was minister would receive Basic, Expense, Departmental Membership and Special Responsibility Allowances amounting to £32,500 per year.
 - A Minister with additional Department and Committee seats and posts such that allowances for Departmental, Committee and Special Committee Membership and Special Responsibility were capped at the maximum would be entitled to £45,000 per year.
 - The Deputy Chief Minister, depending on what other positions were held, would receive between £42,500 and £52,500 per year.
 - The Chief Minister, being precluded from membership of any Department or Committee, would receive the Basic and Expense Allowances, together with a Special Responsibility Allowance of £35,000, giving a total of £57,500 per year.
30. The Board is aware that, under its proposals, the pay of a Member holding several junior posts of special responsibility can exceed that of a Member holding only one senior post of special responsibility. The Board believes that this is not unreasonable given the cumulative responsibility and commitment that would be involved in multiple posts.
31. In formulating its recommendations, the Board has not attempted to differentiate between the expected workloads and levels of responsibility relating to each Department. At the present time, little information and no experience is available on which to base such a differentiation. However, when the new machinery of government has been in operation for some time, the patterns of workload and responsibility will become clear. A review of States members' pay in the future may conclude that it is appropriate to grade Departments for the purpose of remuneration in a similar manner to that in which States committees are presently graded.
32. On the other hand, it will be noted from the Board's recommendations that it has taken the view that, with the exception of the Scrutiny Committee, the workload and responsibility associated with Standing Committees will be less than for Departments. It is perceived that Committees will generally not have the same workload as Departments in administering and managing the day to day business of the States, and will accordingly meet less frequently in either committee or sub-committee. The Scrutiny Committee may develop a similar level of business to a Department and need to meet as often. However, the frequency of meetings is by no means the only criterion. The Board considers that the Scrutiny Committee will and should have a different status compared with other Committees and that its Chairman and members should be on an equal footing with the Departments they are scrutinising.

33. As is suggested for Departments, the workloads and responsibility levels of Committees will become clearer in time and a change in the relative remuneration of their members may be appropriate.

Expense Allowance

34. The Advisory and Finance and States Procedures and Constitution Committees have indicated (Report on the Machinery of Government in Guernsey, Billet d'État VII, May 2002) that States Members should have improved support and facilities and that these should be provided in due course, either as part of the development of the new Royal Court building or sooner. The Board firmly endorses this and considers that in the meantime the present expense allowance should be increased, to be reviewed if and when such support and facilities become available.
35. The Board therefore **recommends that all States Members should receive an annual Expense Allowance of £2,500, free of tax.**
36. The Allowance is intended to cover the normal expenses of membership in the same way as the present Allowance, including:
- Postage
 - Telephone
 - Stationery
 - Travel within the home Island
 - Compensation for use of part of the home as an office
 - A limited amount of secretarial and research assistance.
37. The Board also believes that States Members will be able to function more easily and efficiently, particularly as regards communications, if full advantage is taken of modern information technology. Members should therefore have use of IT equipment of an adequate specification.
38. The Board is aware that some States committees already supply their members with laptop computers. The Advisory and Finance Committee, however, may feel that there would be advantages if equipment were issued centrally. Acquisition costs may reduce as a result of increased purchasing power and uniformity of equipment may improve the efficiency of communication amongst Members and between Members and the various Departments of the States. The Board **recommends that the Advisory and Finance Committee should develop and implement a policy intended to ensure that all States Members have the use of IT equipment of an adequate standard** for the reasons given above.
39. The Board further **recommends that if under such policy, some or all States Members provide and/or operate IT equipment from their own resources for the purposes of States business, those members should receive an additional expense allowance free of tax at a level or levels to be decided by the Advisory and Finance Committee but not exceeding £500 per year.**

Attendance

40. The Board has recommended above that the existing Attendance Allowance be abolished for States Members. Its reasons for advocating a move away from attendance allowances are as follows:

- This has been the trend in many other jurisdictions of which the Board is aware, particularly among UK local authorities, on the grounds that the allowance encourages unnecessary meetings, the prolongation of meetings and the proliferation of sub-committees. This concern was expressed in a number of the representations received by the Board. Although the Board has been presented with no evidence that the allowance has actually affected the business of States committees in this way, it considers that it certainly has the potential to do so
- The Allowance is administratively burdensome, both for the States in processing claims and for Members in recording their attendance and preparing claims. The Allowance is also, partly for these reasons, not popular with many States Members.

41. However, the Board is firmly of the view that States Members should be accountable for the remuneration they receive from the States. It is therefore **recommended that Departments and Committees maintain a record of their States Members' attendance at, and absence from, meetings, including sub-committee meetings. In the case of absence, the reasons given by the Members concerned should also be recorded. The records should be made available to the House Committee to monitor and to take such action as it sees fit within its powers. The records should also be available for inspection by the public.**

42. The additional administrative work involved in keeping such records should be minimal since most of the information will already be available as part of the minuting of meetings.

Training

43. The Board believes that States Members, particularly newer Members, should have the opportunity to develop skills and abilities relevant to their roles as politicians and that such opportunities should be either provided or funded by the States. Several Members made this point in their submissions to the Board.

44. The Civil Service Board presently offers a training programme to members of States Committees, which comprises a range of 11 courses on such subjects as States finances and effective speech delivery. Three of the courses deal with IT and one to one IT training sessions are also offered.

45. As far as the Board can judge, the Civil Service Board's programme appears to be both apt and adequate. On the understanding that this or a similar programme will continue to be offered to States Members by the appropriate States Department

under the new machinery of government arrangements, the Board makes no recommendations concerning a training allowance. Were the programme to be discontinued at some time in the future, the Board would favour the introduction of a training allowance, payable up to a specified annual limit upon production of evidence of purchase of, or commitment to, appropriate and approved training.

Resettlement Grants

46. The Board is aware that several jurisdictions, notably the Westminster and Scottish Parliaments and the Welsh National Assembly, pay resettlement grants when members' seats are lost at a general election, re-election is not sought or constituencies disappear on reorganisation.
47. The Board has concluded that such grants are not appropriate in the local context at this stage, primarily because of the opportunity for Members to be gainfully occupied outside the States, and therefore makes no recommendation in this regard. However, this may be an issue that a future review body may wish to re-examine when the patterns of workload under the new machinery of government have become established and clear.

Pensions

48. A pension scheme is already available to States Members. The Board believes that a scheme should continue to be available and, in fact, that it will become increasingly important and necessary if the workload of Members continues to increase and membership of the States becomes the principal occupation of more Members.
49. However, the Board considers that the existing pension scheme will not be appropriate under the system of remuneration that it is proposing.
50. At present, only the Compensation Payment is pensionable and the pension entitlement of all members of the scheme is the same per year of service. This may be reasonable while the Compensation Payment and, indeed, the whole of the pay package is a relatively small part of total income for many Members. However, remuneration at the levels recommended will often be the main, and perhaps the only, source of income. In such circumstances, it would not be appropriate for only one element of pay, the Basic Allowance, to be pensionable. All of States Members' pay should be pensionable (except the Expense Allowance) with the result that pension benefits would vary according to both total remuneration and years of service. This would place States Members on a similar footing to members of other defined benefit pension schemes in both the public and private sectors.
51. The rules of the existing pension scheme do not cater for levels of pensionable pay and pension per year of service varying between members.
52. The existing scheme is also comparatively generous, having an accrual rate of a thirty-second of pensionable pay, thus effectively providing a pension of one thirty-second of final pensionable pay per year of service. A private or public sector

scheme would typically have an accrual rate of a sixtieth or eightieth of pensionable pay (the pension and lump sum payable under the Public Servants Scheme are together broadly equivalent to a sixtieth of final salary per year of service). The benefits arising from the present scheme are appropriate as applied to the relatively small Compensation Payment, but this would not be the case if the same accrual rate were applied to the higher levels of remuneration that the Board is recommending.

53. The pattern of States Members' pay could cause problems in a conventional final salary scheme. This is because an individual Member's remuneration could vary considerably from term to term, depending upon the Department and Committee seats and positions held. Furthermore, it is quite possible that pay in a Members' final term will not be at the highest level of his or her political career. For example, a Member who had been Chief Minister might not, through choice or otherwise, retain the post in his or her final term. The present scheme would take no account of such circumstances.
54. The Board therefore considers that a new scheme should be implemented to coincide with the introduction of the new machinery of government. However, the devising of pension schemes is very much a task for experts and the Board therefore **recommends that the Advisory and Finance Committee, with the advice of appropriately qualified consultants, prepares rules for a new States Members pension scheme for approval by the States.** Although the production of the rules may take some time, the Board understands from the States actuaries, Bacon & Woodrow, that it would not be a problem to implement a new scheme retrospectively provided the broad principles of the scheme are agreed by the proposed start date.
55. There are certain principles and features that the Board considers should be incorporated into a new scheme. However, pension schemes are technically complex. It is not possible to investigate all the ramifications or, most importantly, estimate with any accuracy the cost, of such a scheme without a considerable amount of expert assistance, a task that the Board does not believe lies within its remit. In the circumstances, the Board considers that it would be inadvisable to be too prescriptive in this respect and therefore **recommends that the Advisory and Finance Committee, in preparing the rules for a new scheme, takes note of such principles and features.**
56. The principles and features to which the Board refers are as follows:
 - The scheme should be a defined benefits scheme rather than a defined contributions scheme. The former, of which the Public Servants Pension Scheme is an example, protects its members against the vagaries of investment markets and the Board believes that States Members should enjoy similar protection.
 - The scheme should not be based on a States Member's final remuneration since this may be far from a career high or even a career average. The States actuaries have advised the Board on Career Average Revalued Earnings ("CARE") Schemes, which type of scheme the Board favours. Under a

CARE approach, the eventual pension benefit is made up of a sum of elements accrued in respect of each year of service. Each year's element is determined as the accrual rate multiplied by the pensionable pay for that year and then revalued on set terms for the period from that year until retirement. Earnings that may vary both up and down from year to year are thus taken into account in arriving at the overall pension entitlement.

- The normal revaluation factor, which the Board favours, would be the Guernsey Index of Retail Prices, with an appropriate cap at the higher end and a cap of nil at the lower end.
 - The accrual rate for the scheme should be a sixtieth, as broadly equivalent to the Public Servants Scheme (including the lump sum entitlement). That is, the pension entitlement would be one sixtieth of revalued pensionable pay in each year of service. Commutation of part of the pension to a lump sum should be permitted.
 - Consideration should be given to the inclusion of a death in service benefit.
 - Taking pension before reaching the pensionable age should be permitted, subject to appropriate conditions and on a basis involving no extra cost to the scheme.
 - The current member's contribution rate of 6% should be retained, as a minimum.
 - The ability for Members to opt out of the scheme should be retained.
 - In other respects the rules of the new scheme should follow those of the existing scheme as closely as practically possible.
57. By way of example of the minimum benefits that would arise from the proposed scheme, a member in receipt of only the proposed Basic Allowance could expect a pension of one sixtieth of that amount per year of service under the scheme, that is, £6.40 per week per year of service. However, the Member's contribution would be higher, being based on (a minimum of) 6% of the Basic Allowance of £20,000 per year, compared with the present contribution of 6% of the Compensation Payment of £9,987.
58. It is **recommended that the existing scheme remains applicable for service up to the date when the new scheme becomes effective.** This will ensure that no additional liability is created for the States in respect of past service. For the avoidance of doubt, it should be made clear that former States Members currently in receipt of a pension would not be affected by the introduction of a new scheme as proposed by the Board. Similarly, Members with service, or who will have service, prior to the introduction of a new scheme would continue to accrue pension benefits in respect of such service according to the existing rules and practice.

59. As mentioned above, the cost of the new scheme to the States cannot be determined at this stage. However, the contributions payable by the States are likely to be more in monetary terms and less in percentage terms than under the present scheme. The percentage contribution is likely to be higher than for the Public Servants Scheme because of the likely age profile of States Members. The annual lump sum of £35,000 presently paid by the States under the existing arrangements will need to continue for a few years, as recommended by the actuaries, in order to clear the current deficit of the Fund.

Non-States Members

60. The current rules for payments to non-States Members are interpreted to the effect that all non-States Members sitting on States committees or their sub-committees are eligible to claim an attendance allowance. The Board sees no reason to recommend a reduction in the scope of the arrangements for the pay of non-States Members under the new machinery of government and its recommendations therefore cover all non-States Members sitting on Departments, Standing and Special Committees and Non-Governmental Bodies and their sub-committees.
61. The Board's initial thoughts on the payment of non-States Members favoured an annual honorarium. Although, on the face of it, this would have had the advantages of administrative simplicity and consistency with the recommended method of paying States Members, complications arise when sub-committees are taken into account. Sub-committees may be formed or disbanded at any time according to the needs of the parent Department or Committee. Their non-States Members may be appointed or discharged on a similar basis according to the sub-committee's requirements for differing skills and experience. The Scrutiny Committee, for example, will have the power to co-opt persons for the purpose of particular enquiries.
62. It is therefore considered that an annual honorarium is not appropriate and consequently the Board **recommends that non-States Members continue to be remunerated by means of an attendance allowance.**
63. The level of the Allowance requires some adjustment in the light of the increases recommended for States Members' pay. However, many of the reasons for increasing the latter are not applicable to non-States Members, while the principle of an element of voluntary public service is. Furthermore, very few of the representations received by the Board referred specifically to the non-States Members' Attendance Allowance and of those that did, the majority considered the present level adequate. The Board therefore feels that a modest increase only is called for and **recommends that the Attendance Allowance for non-States Members should be a maximum of £45 per half day, payable under the same conditions as the current Allowance.**
64. The Board was mindful of the need to encourage those with appropriate skills, capabilities and experience to make, or continue to make, themselves available to serve the community as non-States Members of States Departments, Committees and Non-Governmental Bodies. In this respect, the Allowance that the Board is

recommending will differ little from the current Allowance in its incentive or disincentive effect. The Board considers that this aspect of non-States Members' pay should be closely monitored and, if necessary, a further review undertaken in due course.

65. The attendance of non-States Members at meetings of the bodies on which they serve should be monitored so that they are accountable for the remuneration they receive from the States. However, the Board is not recommending that this be done in the same way as proposed for States Members (paragraph 41). Indeed, given that they are neither elected by the people of the Island, will not have a vote on the States bodies on which they might serve, and would automatically forgo the Allowance in the event of non-attendance at meetings, many prospective non-States Members may well find such public scrutiny distasteful and be discouraged from making themselves available for appointment. The Board considers that the monitoring of non-States Members' attendance at meetings is most appropriately carried out by the Department, Committee or Non-Governmental Body responsible for their appointment. It makes no formal recommendation in this respect since it would expect such monitoring to be undertaken routinely as a matter of best practice.

Alderney Representatives

66. The above recommendations make no distinction between Guernsey Deputies and the Alderney representatives as regards remuneration.
67. The Board's initial perceptions on this issue were that, compared to locally elected States Members, the Alderney representatives did not have the same level of duties, such as constituency work, in Guernsey outside of the States and Departmental or Committee membership. Therefore, an appropriate system of remuneration might be one that rewarded Department and Committee Membership and positions of special responsibility in the same way as is recommended for locally elected Members, but paid only an attendance allowance for attendance at States meetings. Such a system would not be dissimilar in principle from the present arrangements for remunerating the Alderney representatives.
68. However, the Board has received advice from HM Procureur on this matter and has, in particular, noted the following:
- Under the States of Guernsey (Representation of Alderney) Law, 1978, which governs the appointment of the representatives, they are full members of the States of Deliberation and no distinction is made between their duties and responsibilities and those of locally elected Members
 - It is clear from the above Law that the Alderney representatives represent the people of Alderney rather than the States of Alderney. They are therefore responsible to a constituency, the electorate of Alderney, in the same way as Guernsey Deputies are to their constituencies
 - Whereas at one time, the Alderney representatives may by convention have confined their attention in the States of Deliberation to matters concerning

the services provided by Guernsey to Alderney (the “transferred services”), this is no longer the case. Alderney residents pay Guernsey taxes and the representatives have been encouraged to take a full part in debates on any subject and are eligible to sit on Guernsey States Committees. Under the new arrangements for the machinery of government, there will be no bar to their sitting on, and holding positions of special responsibility on, States Departments, Committees and Non-Governmental Bodies, including the Policy Council

- The Alderney representatives are elected to sit in the States by the States of Alderney, whose members are themselves democratically elected by the people of Alderney.
69. The Board is aware that any fundamental move away from the present arrangements for the remuneration of the Alderney representatives could be seen as controversial. It may also become relevant if the States of Guernsey and the States of Alderney reconsider in the future the way in which the Alderney representatives should be elected, a matter that is not within the Board’s terms of reference. Nevertheless, having taken account of the factors set out in the previous paragraph and having given the matter much thought, the Board believes that there are insufficient grounds to justify discrimination between the Alderney representatives and other Members of the States in respect of pay.
70. Under the Representation of Alderney Law, alternative representatives are appointed to sit in the States of Deliberation if the representatives are unable to do so or if the matter for debate calls for particular knowledge or experience. However, the Law makes it clear that this is a temporary measure and that an alternative representative may only sit in the States of Deliberation with prior approval. The Board therefore considers that the alternative representatives should not be remunerated in the same way or to the same extent as the representatives. **It recommends that alternative Alderney representatives receive an allowance for attendance at meetings of the States of Deliberation, payable under the same conditions as the current Attendance Allowance for the Alderney representatives and at the same rate as recommended above for non-States Members.**

Comparisons

71. In accordance with its terms of reference, the Board has undertaken research into the payment systems and levels for elected members in other jurisdictions. It has also collected a significant amount of other statistics. The volume of information is too large for inclusion in the report (and would not, in any event, be particularly helpful). In appendix 4 to the report, the Board therefore presents a digest of what it considers to be the most relevant data. It should be noted that the response from other jurisdictions to the Board’s (repeated) requests for information was generally poor, although this was not the case for the other Crown Dependencies, which many would consider to be the most relevant to the Guernsey situation.
72. The Board is of the view that to draw firm conclusions from a study of other jurisdictions and from pay in other occupations and circumstances is problematic. It

is reasonably clear that elected members' pay is generally higher in wealthier jurisdictions and where the number of constituents per member is large. Most jurisdictions give additional allowances to those in positions of special responsibility and expense allowances tend to be higher in larger countries (where the member must often stay away from home) and, again, where each member serves a large number of constituents.

73. However, each jurisdiction is unique and Guernsey is no exception. For the Board to justify its recommendations in such circumstances by direct reference to factors in other jurisdictions would be misleading unless based on a detailed comparison of systems of government, national cultures, workload of members, levels of responsibility and so forth. Even if the relevant information were readily available, this would take a number of staff many months to complete and is something that the Board believes to be beyond its remit.
74. Similarly, valid comparisons with average earnings figures locally and in the UK are also difficult to make, given that the working hours required of States Members will vary significantly.
75. In summary, the Board's recommendations take into account the unique circumstances in Guernsey and it considers that comparisons with the situation in other jurisdictions and with pay elsewhere can therefore be little more than tests of reasonableness.
76. For such purposes, the Board draws attention to the following information, shown in more detail in appendix 4, which might be regarded as the most relevant:
 - Payments to Jersey States Members. At their maximum, these are higher than the levels generally recommended by the Board but are means tested. The States of Jersey have agreed to establish an independent body to review States Members' remuneration
 - Payments to members of the Isle of Man Government at levels not dissimilar to those recommended by the Board
 - Local average full time earnings of £27,037 per year
 - Average earnings for full time non-manual males in the South East of England of £33,082 per year.

Arrangements for future changes in remuneration

77. The States of Guernsey has agreed that substantial revisions to the machinery of government in the Island will be implemented in the near future and, indeed, this review of States Members' and non-States Members' pay is part of the process. The consequences of the changes in terms of the levels of responsibility and workload of Members are not yet apparent and will not be so for some time. As a consequence, the Board has been constrained in formulating its proposals and, to an extent, has had to rely on informed estimates, expectations and projections. The

Board therefore recommends that the remuneration of States Members and non-States Members of States Departments, Committees and Non-Governmental Bodies be again subject to independent review when the patterns of workload and responsibility resulting from the present changes to the machinery of government have become clear. Such a review should, in any event, take place before the election of 2008.

78. The Board further recommends that independent reviews of pay be undertaken in the year before the election of 2012 and in each year before subsequent elections, with any resulting changes becoming effective at the start of the new session. This will give the States the opportunity to approve any necessary changes in such a way that those considering standing for election to the States will be able to make their decision with a degree of certainty as to their financial circumstances.
79. In the past, many States Members have viewed with distaste the prospect of being seen to debate their own remuneration at any length in the House. Pay has therefore been increased annually between reviews in accordance with an established and approved formula. The formula currently in use, as recommended by the Independent Review Panel in 1995, is that “changes should be in line with the average general change applicable to senior officer grades [in the Civil Service] excluding the effect of any major review or reorganisation”.
80. The Board considers that the use of a formula to determine pay in the years between reviews remains appropriate. However, it does not consider that the link to Civil Service pay is necessarily appropriate because the factors affecting general increases therein may not be applicable to elected Members. Also, the “average general change” may be open to interpretation when, as may be the case in the short and medium term future, the Civil Service is going through a period of significant change. The Board accordingly **recommends that the pay of States Members and non-States Members of States Departments, Committees and Non-Governmental Bodies be adjusted annually in line with changes in the Guernsey Index of Retail Prices in the period between reviews.** The use of the RPI will reduce uncertainty and scope for debate. Should it give rise to inappropriate changes under any relevant criteria, these will not accumulate significantly in the four-year period between reviews, when pay levels can be adjusted. Furthermore, use of the RPI will not compromise the perception of integrity of the Public Sector Remuneration Committee. If the link between Members’ pay and Civil Service pay were retained, the States Members on the Committee would effectively be determining their own remuneration when negotiating with Civil Service employee groups and could therefore be seen as less than objective.

Estimate of cost

81. The Board’s primary concern in making its recommendations is that States Members and non-States Members of States Departments, Committees and Non-Governmental Bodies receive a proper recompense for the work they undertake and the responsibilities they bear. Nevertheless, the Board is not unmindful of the

overall cost of its proposals and the need for public acceptance of both such cost and the recommended levels of remuneration.

82. The Board has therefore estimated the total cost of remuneration payable under its proposals, which may be compared to the cost of States Members' pay (including payments to non-States Members of States committees and pension costs) in 2002 of £1,021,163.

83. The estimate of £1,740,700 is made up as follows:

Basic Allowance	940,000
Departmental and Committee Membership Allowances	172,500
Special Responsibility Allowances including Chief and Deputy Chief Ministers' Allowances	175,000
Expense Allowance	141,000
States pension contribution	228,100
Pensions paid re pre-1990 service	37,800
Non-States Members Attendance Allowance	42,300
Sundry expenses not covered by Expenses Allowance	<u>4,000</u>
	<u>£1,740,700</u>

84. In arriving at the estimate, it has been necessary to make certain assumptions concerning future circumstances. These have been made for the most part on a prudent basis and are primarily as follows:

- All Members will claim all the allowances available to them
- Memberships of Departments and Committees and positions of special responsibility within them will be distributed among States Members such that no individual Member's allowances are capped
- Provision has been made for Membership and Special Responsibility Allowances in respect of one more Committee than has been approved by the States at the time of writing. This provides for the possible creation by the States of a Public Accounts Committee or Special Committee
- All members will qualify for an additional expense allowance of £500 for IT costs
- The States pension contribution will be 15% of pensionable pay
- Attendances at meetings by non-States Members will be at a similar level to 2002.

Summary of Recommendations

85. In summary, the Board recommends that for States Members, including the Alderney Representatives:

- The present Compensation Payment, Attendance Allowance and Presidential Allowances be replaced by a Basic Allowance of £20,000 per year available to all Members, together with a range of other additional allowances to remunerate Department and Committee membership and positions of special responsibility. These range from £1,250 per year for membership of a Standing Committee to £35,000 per year for the Chief Minister
- Where multiple Department and Committee seats, or positions of special responsibility, are held, the amounts of allowances payable to individual members should be capped
- An Expense Allowance of £2,500 per year be payable.

86. It is proposed Non-States Members of Departments, Committees and Non-Governmental Bodies and alternative Alderney representatives should receive an Attendance Allowance of £45 per half day.

87. All of the above are included in draft rules for payments, contained in appendix 5 to the report. Other minor matters of procedure shown in the rules and not otherwise mentioned in the report follow the existing procedures as far as possible.

88. The Board further recommends as follows:

- That the Advisory and Finance Committee should develop and implement a policy intended to ensure that all States Members have the use of IT equipment of an adequate standard and that if under such policy, some or all States Members provide and/or operate IT equipment from their own resources for the purposes of States business, those members should receive an additional expense allowance free of tax to be decided by the Advisory and Finance Committee but not exceeding £500 per year
- That Departments and Committees maintain a record of their States Members' attendance at, and absence from, meetings, including sub-committee meetings. In the case of absence, the reasons given by the Members concerned should also be recorded. The records should be made available to the House Committee to monitor and to take such action as it sees fit within its powers. The record should also be available for inspection by the public
- That the existing pension scheme remains in place for service up to the implementation of the new machinery of government but that a new scheme be introduced for service thereafter. The Advisory and Finance Committee should prepare the rules of such replacement scheme for approval by the States with the aid of appropriately qualified consultants, having noted the principles and features favoured by the Board

- That the remuneration of States Members and non-States Members of States Departments, Committees and Non-Governmental Bodies be again subject to independent review when the patterns of workload and responsibility resulting from the present changes to the machinery of government have become clear. Such a review should, in any event, take place before the election of 2008
- That independent reviews of pay be undertaken in the year before the election of 2012 and in each year before subsequent elections, with any resulting changes becoming effective at the start of the new session
- That the pay of States Members and non-States Members of States Departments, Committees and Non-Governmental bodies be adjusted annually in line with changes in the Guernsey Index of Retail Prices in the period between reviews.

Conclusion

89. The Board believes that its recommendations are consistent with the principles set out in paragraph 13. In particular, although the concept of voluntary public service is still reflected, no one should be prevented from standing for election for financial reasons. Overall, the levels of remuneration do not perhaps compete, and nor should they, with those available in some other sectors of the economy. However, they are generally sufficient to support a reasonable standard of living, even at the lower levels given that there is the opportunity for additional income from other sources. Indeed, although membership of the States and its committees is becoming the main occupation of many, the Board considers that only in the case of certain positions, such as Chief Minister, might the input required of the incumbent preclude outside employment, albeit part time.
90. At the higher levels, additional workload and responsibility are rewarded in a way that should encourage those whose abilities have been demonstrated in other spheres to enter the States if they are prepared to make the necessary commitment.
91. However, in so far as one aim of the system of remuneration is to enable a wider range of candidates to stand for election to the States, the Board is conscious that there are other factors apart from pay in the decision to stand, or not to stand. Such other factors are not within the Board's remit. Nevertheless, it would suggest that the Advisory and Finance Committee might give consideration to initiating a review of these issues.
92. Finally, the Board would like to express its gratitude to all those who have contributed to its review, including those States Members and others that took the time and trouble to make submissions to the Board, the Law Officers of the Crown, the States actuaries and members of the Civil Service who provided information and advice on a range of matters. In addition, the Board wishes to express its particular thanks to David Trestain, who has acted in the capacity of Secretary to the Board and who has made a significant contribution to bringing this report to fruition.

David J Warr
Chairman

D J Cherry

J S Guilbert

Date: October 2003

**STATES MEMBERS PAY REVIEW BOARD
REPORT TO THE ADVISORY AND FINANCE COMMITTEE**

Board's Terms of Reference¹

The terms of reference for the States Members' Pay Review Board are as follows:

- To examine the existing system of payments to States Members, non-States Members of committees and former States Members.
- To examine systems of payments to elected Members and other relevant issues in appropriate jurisdictions.
- To consult with States Members, non-States Members of Committees and other persons and organisations on the existing arrangements and any perceived deficiencies.
- To consider the main principles under which payments should, in future, be made taking into account matters such as the nature of the roles of all Members and those elected to positions of special responsibility.
- To make recommendations on the future arrangements for payments to States Members, those Members of Departments who are not States Members and former States Members, including how future increases to the payments should be established (for example, by introducing a formula).
- To submit a report to the Advisory and Finance Committee setting out the Board's findings, conclusions and recommendations.

¹ Billet d'État I 2003, 29 January 2003, Resolution VII

**RULES FOR PAYMENTS TO
STATES MEMBERS,
FORMER STATES MEMBERS AND
NON-STATES MEMBERS OF
STATES COMMITTEES**



**RULES FOR PAYMENTS
TO STATES MEMBERS,
FORMER STATES MEMBERS
AND NON-STATES MEMBERS
OF STATES COMMITTEES**

In accordance with Resolutions of the States
of the
28th February, 1996 and 28th November, 2001

(Rules amended in accordance with the 2003 Civil Service salary review)

INDEX

Section	Page
Rules for Payments to States Members	I 3
Rules for Payments to the Representatives of the States of Alderney	II 6
Rules for Payments to Members of States Committees who are not Members of the States	III 8
Rules for Payment of Pensions to Former States Members, their surviving Spouses and Dependant Children	IV 10
Grading of States Committees	V 16
General Rules	VI 18
Commencement	- 18

SECTION I

RULES FOR PAYMENTS TO STATES MEMBERS

Definition Of States Members

1. For the purpose of this Scheme a States Member means any Conseiller, any Deputy (excluding representatives of the States of Alderney) and any Douzaine Representative in the States of Deliberation.

Allowances

2. Subject to the conditions set out in paragraph 3 below the following payments are available to States members:

- (i) Compensation Payment of £9,987 per annum;
- (ii) Attendance Allowance, maximum £29,96 per half day;
- (iii) Expense Allowance of £1,998;
- (iv) Presidential Allowance as follows:

Committee Group	Annual Allowance
A+	£4,994
A	£2,996
B	£1,998
C	£ 998
D	Nil

The maximum Presidential Allowance available to any individual States member is £4,994. The Committee Groups are specified in Section V of these rules.

Conditions

3

(a) The Allowances specified in sub-paragraphs (i), (iii) and (iv) of paragraph 2 above shall be payable by monthly instalments in arrears.

(b) The Allowances specified in sub-paragraphs (i), (iii) and (iv) of paragraph 2 above shall be payable following application in writing to the President of the States Advisory and Finance Committee in the year of election and thereafter during January in the year of each General Election. Claims submitted after the 31st January will be back-dated only to the first day of the month in which application is made, or in the case of new members from the date of election within that month or the preceding month. No retrospective payments shall otherwise be made.

(c) Allowances shall terminate on the last day of the month in which a member ceases to hold a seat in the States of Deliberation.

(d) The expense allowance paid under sub-paragraph 2 (iii) above in any calendar year shall be free of tax.

Rescinded 28.11.2001

(e) (1) The allowance specified in sub-paragraph (ii) of paragraph 2 above shall be claimable in respect of attendance at any of the following:

- (A) a meeting of the States of Deliberation;
- (B) a meeting of the States of Election;
- (C) a properly convened meeting of a States Committee;

(D) a properly convened meeting of a properly constituted Sub-Committee of a States Committee;

(E) a conference attended as the duly authorised representative of a States Committee or Sub-Committee thereof but not including attendance at the office or other place of business of such Committee or Sub-Committee otherwise than for the purpose of attending a properly convened meeting as defined in sub-paragraph (C) or sub-paragraph (D) above.

(2) Not more than one allowance shall be awarded in respect of meetings attended in any one half day.

(3) Where there is no adjournment of a meeting for the purposes of taking a midday meal an allowance shall be payable in respect of one half day only.

(4) That such allowance shall not be granted unless the application is received by the President of the States Advisory and Finance Committee not later than the last day of the month next following the period of three months ending on the last day of March, the last day of June, the last day of September and the last day of December respectively of any year and is in respect of meetings attended during those respective periods, provided that applications may be made in respect of any month in such a period before the expiration of that period.

SECTION II RULES FOR PAYMENTS TO THE REPRESENTATIVES OF THE STATES OF ALDERNEY

1. Any Representative of the States of Alderney shall be entitled upon application to the President of the States Advisory and Finance Committee to be awarded in respect of his attendance at any meeting of:

(i) a meeting of the States of Deliberation;

(ii) a properly convened meeting of a States Committee;

(iii) a properly convened meeting of a properly constituted Sub-Committee of a States Committee;

(iv) a conference or other meeting attended as the duly authorised representative of a States Committee or Sub-Committee thereof

an attendance allowance not exceeding £39.94 per half-day or part thereof, which sum shall be subject to tax.

Provided that:

(a) not more than one allowance shall be awarded in respect of meetings attended in any one half day;

(b) where there is no adjournment of a meeting for the purpose of taking a mid-day meal an allowance shall be payable in respect of one half-day only.

2. An application for an allowance payable under the provisions of paragraph (1) above shall not be granted unless the application is received by the President of the States Advisory and Finance Committee not later than

the last day of the month next following the period of three months ending in the last day of March, the last day of June, the last day of September and the last day of December respectively of any year and is in respect of meetings attended during those respective periods, provided that applications may be made in respect of any month in such a period before the expiration of that period.

SECTION III

RULES FOR PAYMENTS TO MEMBERS OF STATES COMMITTEES WHO ARE NOT MEMBERS OF THE STATES

1. Any member of a States Committee who is not a member of the States shall be entitled upon application to the President of the States Advisory and Finance Committee to be awarded in respect of his attendance at any meeting of:
 - (i) a properly convened meeting of a States Committee;
 - (ii) a properly convened meeting of a properly constituted Sub-Committee of a States Committee;
 - (iii) a conference or other meeting attended as the duly authorised representative of a States Committee or Sub-Committee thereof

an attendance allowance not exceeding £39.94 per half-day or part thereof, which sum shall be subject to tax.

Provided that:

 - (a) not more than one allowance shall be awarded in respect of meetings attended in any one half day;
 - (b) where there is no adjournment of a meeting for the purpose of taking a mid-day meal an allowance shall be payable in respect of one half-day only.
2. An application for an allowance payable under the provisions of paragraph (1) above shall not be granted unless the application is received by the President of the States Advisory and Finance Committee not later than

the last day of the month next following the period of three months ending in the last day of March, the last day of June, the last day of September and the last day of December respectively of any year and is in respect of meetings attended during those respective periods, provided that applications may be made in respect of any month in such a period before the expiration of that period.

SECTION IV

RULES FOR PAYMENT OF PENSIONS TO FORMER STATES MEMBERS, THEIR SURVIVING SPOUSES AND DEPENDANT CHILDREN

Definition Of Former States Members

1. For the purpose of this Scheme a Former States Member means any Counsellor, any Deputy (excluding representatives of the States of Alderney) and any Douzaine Representative in the States of Deliberation, who:
 - (i) no longer has a seat in the States of Deliberation, and
 - (ii) has in the aggregate held a seat in the States of Deliberation for a period of four years or more, and
 - (iii)
 - (a) has attained the age of 65 years, or
 - (b) has died before attaining the age of 65 years.

Pension

2. Subject to the conditions set out in rule 5:
 - (A) **Former Members who ceased to hold office on or before 31st December, 1989**
 - (a) Former Members of the States who ceased to be Members of the States on or before the 31st December, 1989, shall be entitled to claim a pension of up to £3.01 per week for each year of service in the States of Deliberation;
 - (b) where sub-paragraph 1 (iii) (a) applies, the surviving spouse of a former States member shall be entitled to claim a pension equal to fifty per centum of the sum which would have

been payable to the former States member, subject to such pension ceasing in the event of a subsequent re-marriage;

- (c) where sub-paragraph 1 (iii) (b) applies, the surviving spouse shall be entitled to claim a pension amounting to £1.51 per week for each year of service of the former member of the States of Deliberation, subject to such pension ceasing in the event of a subsequent remarriage;

- (d) where there is no surviving spouse but their is a dependant child the pension referred to in sub-paragraphs (b) and (c) of this rule shall be payable to such person as the Committee may determine on behalf of that dependent child (and, if more than one, in equal shares).

(B) Other Members

- (a) Members of the States who become Former Members of the States on or after the 1st January, 1990, shall be entitled

(i) in respect of service up to and including the 31st December, 1989, to a pension of £3.01 per week for each year of service in the States of Deliberation and

(ii) in respect of service from 1st January, 1990, unless they opt out in accordance with the rules of the Scheme, to a pension of £6.02 per week for each year of service in the States of Deliberation;

- (b) where sub-paragraph 1(iii)(a) applies, the surviving spouse of a former States member shall be entitled to a pension equal to fifty per centum of the sum which would have been payable to the former States member, subject to such pension ceasing in the event of a subsequent re-marriage;

- (c)

where sub-paragraph 1 (iii)(b) applies, the surviving spouse shall be entitled to a pension amounting to £1.51 per week for each year of service of the former member of the States of Deliberation prior to the 31st December, 1989, and £3.01 per week for each year of service of the former member of the States of Deliberation after the 1st January, 1990, subject to such pension ceasing in the event of a subsequent re-marriage;

- (d)

where there is no surviving spouse but there is a dependant child the pension referred to in sub-paragraphs (b) and (c) of this rule shall be payable to such person as the Committee may determine on behalf of that dependent child (and, if more than one, in equal shares).

Pension Fund

2. There shall be created a fund entitled the "States Members Pension Fund".

- (a) There shall be paid into the Fund -

(i) contributions from the States Members;

(ii) contributions from the States of Guernsey, of such amounts as the Committee may from time to time resolve.

- (b) There shall be paid out of the Fund -

(i) pensions in accordance with these Rules;

(ii) refunds of contributions in accordance with these Rules;

(iii) investment and professional fees and other expenses of investment.

- (c) The Fund shall be invested by the Committee in a similar manner as the assets of the fund authorised under the States of Guernsey (Public Servants) (Pensions and other Benefits) Rules, 1972 as amended.
- (d) The Committee shall appoint an actuary and arrange for actuarial reviews to be effected from time to time.

Contributions And Repayments

- 4 (a) Any Compensation Payment made to a Member of the States on or after the 1st January, 1990, shall, unless the Member opts out in accordance with the rules of the Scheme, be subject to a deduction equal to 6 per centum of the amount claimed which sum shall be paid into the Fund.

- (b) Any Member who has contributed to the Fund but who does not qualify for a Pension in accordance with these rules or who opts out in accordance with the rules of the Scheme shall be entitled to repayment of the aforementioned contributions together with compound interest thereon at the rate of 3 per centum per annum with yearly rests at the 31 December in each year.

- (c) Any Member whose contributions have been repaid in accordance with paragraph 4(b) above who subsequently qualifies for a pension shall be entitled to rejoin the Scheme upon payment into the Fund of such sum as shall be determined by the Scheme's Actuary to be necessary to make good the contributions previously returned to him.

Conditions

- 5 (a) Pensions to Former Members of the States who ceased to be Members of the States on or before the 31st December, 1989, shall be payable following application in writing to the President of the Committee prior to the 1st April, 1990. Claims submitted after that date will be back-dated only in the first day of the month in which the application is made. No retrospective payments shall otherwise be made.

- (b) Pensions to Members of the States who become Former Members of the States on or after the 1st January, 1990, shall be paid without application.

- (c) The pension specified in paragraph 2 above shall be payable by monthly instalments in arrears.

- (d) Any amount specified in rule 2 may be varied by resolution of the Committee in accordance with rule 6.

- (e) A Member of the States may opt out of this Scheme by notifying the Committee in writing accordingly, and if he does so then:

- (i) No pension shall be payable under rule 2(B) in respect of his service from 1st January 1990; and
- (ii) rule 4(a) shall cease to apply in his case; and
- (iii) he shall be entitled to repayment of his contributions together with compound interest at 3 per centum per annum with yearly rests at each 31st December; and

- (iv) it is declared for the avoidance of doubt that he may not thereafter seek to gain entitlement to such a pension by paying contributions.

SECTION V

GRADING OF STATES COMMITTEES

GROUP A+

Advisory and Finance Committee

GROUP A

Board of Administration
Civil Service Board
Education Council
Guernsey Social Security Authority
Committee for Home Affairs
Board of Health
Housing Authority
Board of Industry
Island Development Committee

GROUP B

Agriculture and Countryside Board
Children Board
Heritage Committee
Committee for Horticulture
Income Tax Authority
Public Thoroughfares Committee
Recreation Committee
Tourist Board
Traffic Committee
Transport Board
Water Board

GROUP C

Arts Committee
Broadcasting Committee
Cadastre Committee
Civil Defence Committee
Gambling Control Committee
Island Reception Committee

General Interpretation

6 In these rules:

- (a) the masculine includes the feminine, the singular includes the plural, and vice versa;
- (b) a child is "dependant" if -
- (i) he is under eighteen or is in full time education; and
- (ii) he was, in the opinion of the Committee, wholly or mainly dependent on the former States Member concerned at the date of the latter's death;
- (c) "the Committee" means the States of Guernsey Advisory and Finance Committee";
- (d) "Compensation Payment" means a payment available to States Members under rule 1.2(i) of the rules for payments to States Members;
- (e) "the Fund" means the States Members pension fund created pursuant to rule 3 of these rules.

Legislation Committee
 Liberation Celebrations Committee
 Overseas Aid Committee
 Probation Service Committee
 Public Assistance Authority
 Sea Fisheries Committee
 States Procedures and Constitution Committee

GROUP D

Ecclesiastical Committee
 Elizabeth College Board of Directors
 Emergency Council
 Ladies' College Board of Governors
 Liberation Religious Service Committee
 Lifeboat Committee
 Prialux Library Council
 The 10 Parochial Outdoor Assistance Boards
 All ad hoc Investigation Committees

SECTION VI

GENERAL RULES

1. In each year after the Civil Service senior officer salary scales have been reviewed, the States Advisory and Finance Committee shall review the amounts payable under sections I, II, III and IV hereof and the amounts of the income limits specified under section I hereof, having regard to the average general change in senior officer salaries since those amounts were last determined (excluding the effect of any major review or reorganization), and shall amend the said amounts accordingly. Such amendments shall be published in an appendix to a Billet d'État and shall take effect from the 1st May in the year of review. Save as is provided in the Rules of Procedure in relation to Assemblies of the States, no deliberation shall be held on the published amendments.

2. The States Advisory and Finance Committee may from time to time make such amendments as it shall deem advisable in respect of the grading of States Committees specified in the Schedule to these rules. Such amendments shall be published in an appendix to a Billet d'État.

COMMENCEMENT

These rules shall take effect on the 1st March, 1996.

The revised rates of payments and allowances shall take effect on 1st May, 2003.

**STATES MEMBERS PAY REVIEW BOARD
REPORT TO THE ADVISORY AND FINANCE COMMITTEE**

Summary of Submissions Received by the Board

States Members

22 States Members made representations to the Board, of which 12 were made in person.

Level of States Members' pay: 17 Members were in favour of substantial or fairly substantial increases. 15 specified sums ranging from £15,000 to £100,000, with about half being in the £30,000 to £40,000 band. 4 Members were of the view that only small or modest increases were necessary.

14 Members favoured additional allowances for those holding positions of special responsibility. One Member was opposed to such allowances on the grounds that they were divisive and another on the grounds that the extra work that went with increased responsibility should be rewarded by the attendance allowance.

Attendance: 11 Members were opposed to the Attendance Allowance and 6 were in favour of or did not oppose it. Of those expressing a view on the monitoring of attendance in the absence of an allowance, only one believed that it was unnecessary.

Expenses: 14 Members expressed a view on expenses, of which only two considered that the present arrangement was broadly satisfactory. Others believed that an increase was necessary and/or that facilities such as IT equipment or administrative support should be provided. Three Members mentioned specific sums - £10,000, £18,000 and £24,000.

Basis for periodic increases: Of the three Members that commented, two favoured a continued link with Civil Service pay increases and one a link with the RPI. Two suggested an independent review every four years.

Means testing: Of the five Members that commented, four were opposed to means testing of any part of States Members remuneration and one considered it a possibility for the Compensation Payment only.

Pensions: Of the six Members that commented, one was content with the present arrangements, one believed the issue needed reviewing and two were of the opinion that pension benefits should be increased.

Non-States members: Ten Members expressed opinions on the remuneration of Non-States Members of States committees. Five were in favour of annual honoraria of amounts (where specified) ranging from £2,000 plus £25 per hour to £12,000. Four Members preferred an attendance allowance.

Overall cost of pay: Of the five members that commented, three believed that cost was a secondary issue and that the States should pay whatever was necessary. One

Member presented proposals costed at £4m per year and one stated that the overall cost must be affordable and a fair burden on the taxpayer.

Public service ethic: 15 Members commented on the voluntary public service aspect of membership of the States. 11 Members believed that the concept was still valid or partly valid, one believed that it was a personal issue and three considered that it was to a large extent outdated. One Member considered that it worked against the interests of the States by making the assembly less representative.

Other comments: in addition to the above, the following issues were stressed by many of the Members making representations:

- The workload of States Members was high and was increasing and that this trend would be accentuated under the new machinery of government. It was felt that membership of the States was becoming a full time occupation, particularly for those with additional responsibilities such as committee presidencies
- The present States was unrepresentative of the population of the Island and there was therefore a pressing need to ensure that nobody was prevented from standing for election to the States for financial reasons.

Alderney Representatives and Non-States Members of States committees

Seven submissions were received by the Board.

Level of States Members' pay: Four submissions contained comments on States Members' pay, of which one favoured the status quo and two believed that pay should be linked to levels of workload and responsibility.

Attendance allowance for Non-States Members: Of the three submissions that commented, two felt that the present allowance was adequate and one that time spent in preparing for meetings should also be remunerated.

Overall cost of pay: One submission commented on this aspect, stating that any great increase would be irreversible and would be a regretted additional burden on the public purse.

Public service ethic: Two submissions raised this issue, both to effect that the primary motivation of a politician should be a wish to serve the community.

Other comments: One submission commented that the system of remuneration should not be such as to make politics a career.

The public and organisations

13 submissions were received by the Board.

Level of States Members' pay: All submissions contained comments on the level of States Members' pay. Of these, 9 favoured substantial or fairly substantial increases (some by implication, referring to the increasing likelihood of membership of the States being a full time occupation and to the need to ensure that nobody is precluded from standing for election to the States for financial reasons). Five submissions suggested amounts, ranging from £18,000 to £32,000.

Of the remainder, two suggested modest increases, one felt that no pay was merited and one that a modest attendance allowance only should be paid.

Six submissions referred to allowances for positions of special responsibility, five being in favour and one against (because they would be divisive). One recommended additional allowances for ministers and the Chief Minister but not for Department or Committee membership. One further submission stressed the need to relate pay to hours spent on States business

Attendance: Nine submissions commented on matters related to the attendance of States Members at meetings. Six favoured, or were not against, an attendance allowance and three were opposed. Five mentioned the need to monitor attendance by means of a published register or otherwise.

Expenses: Of the three submissions that commented, one specified an allowance of £2,000, one advocated the provision of central administrative facilities and the issue of IT equipment and one that the amount of the allowance should be revised annually by reference to the increase in average earnings

Basis for periodic increases: Of the four submissions that commented, one favoured an annual review based on the increase in average earnings and another an annual review based on the increase in the pay of senior civil servants. As regards major reviews, one submission suggested a review immediately before each election and another a review every five years or so.

Means testing: Two submissions mentioned this issue, both being opposed.

Pensions: Three submissions commented on pensions for States Members. One recommended a contributory scheme similar to that for States employees, one suggested that it was matter for individuals to arrange privately and one stressed that basic pay only, and not any additional allowances, should be pensionable.

Non-States members: Of the four submissions that commented, one suggested that if the attendance allowance was retained, Non-States Members should receive the same as States members and one that any attendance allowance should be at a lower level than for States members. One submission considered that pay should reflect the limited involvement and responsibility of Non-States Members in the business of the Departments and Committees on which they sat. One submission

recommended that Non-States Members receive an annual honorarium of £5,000 to £7,000.

Overall cost of pay: Two submissions commented on this issue. One said that the overall cost should be affordable by the community and the other that cost was secondary to achieving the main aim of a proper level of remuneration.

Public service ethic: Seven submissions commented on this aspect of remuneration, all considering that it was still relevant. Most stressed the value of public service undertaken from motives other than money

Other comments: There was a variety of further views that cannot be meaningfully summarised. However, the following points were stressed in several submissions:

- The present States is unrepresentative of the Island's population and therefore there is a need for a pay package that will enable people from all sections of community to stand for election. Nevertheless, it should not be so high that money is the primary attraction
- The workload of States Members will increase and will become full time in some cases.

**STATES MEMBERS PAY REVIEW BOARD
REPORT TO THE ADVISORY AND FINANCE COMMITTEE**

Digest of Information on Other Jurisdictions and Relevant Statistics

Guernsey – basis for comparison:

Population – 59,807 (2001)

Area – 24.3 square miles (63.1 sq. km)

Elected representatives – 45 (including Chief Minister and 10 Ministers) (as from 1 May 2004) plus two Alderney representatives

Constituents per representative – 1,329

GDP/GNP per capita – GDP £22,405, GNP £23,576 (2002)

Average earnings - £27,037 p.a. (full time equivalent 2002 – *note: this figure was supplied by the Policy and Research Unit of the Advisory and Finance Committee and is an approximation since the methods of calculating earnings statistics are currently under review*)

Note: information was sought directly from a number of jurisdictions that the Board considered comparable with Guernsey in at least some respects. Several jurisdictions did not respond at all or in part to the Board's enquiries. Further information has been collected from other reputable sources (eg government websites) where possible.

The reader is also referred to "States Members' Remuneration: Consultation Document" issued by the House Committee of the States of Jersey in September 2001(ref: 2001 R.C.33, www.statesassembly.gov.je/documents/reports/540-22290.htm). This report contains the results of research, which the Board has not sought to duplicate, into payments to elected members in a number of jurisdictions.

Remuneration shown below for senior positions is inclusive of any basic salary as an elected member.

Gibraltar

Population – 27,649

Area – 2.3 square miles (6.0 sq. km)

Elected representatives – 15

Constituents per representative – 1,843

Remuneration (2003/2004)

Chief Minister £73,533 p.a.

Minister £56,305 p.a.

Member £19,697 p.a.

Plus pension scheme

GDP per capita – £11,127 (1997)

Iceland

Population – 277,906 (2001 est.)

Area – 39,769 square miles (103,000 sq. km)

Elected representatives – 63

Constituents per representative – 4,411**Remuneration (2003/2004)**

Prime Minister £82,608 p.a.

Minister £74,508 p.a.

Committee Chairman £47,743 p.a.

Member £41,516 p.a.

(exchange rate - £1 = ISK 126.537)

Office facilities provided plus expense allowance, travel allowance and housing allowance for members from constituencies outside Reykjavik

GDP/GNP per capita – GDP £19,455 (2000), GNP £18,782 (1999)**Isle of Man****Population – 76,315****Area – 227 square miles (572 sq. km)****Elected representatives – 24****Constituents per representative – 3,180****Remuneration (2002/2003)**

Chief Minister £46,251 p.a.

Minister £38,542 p.a.

Member of the Treasury £35,973 p.a.

Member of Department £33,403 p.a.

Member £25,695 p.a.

Plus expenses allowance of £4,882 and pension scheme

GDP/GNP per capita – GDP £13,865, GNP £14,435 (2001)**Jersey****Population – 87,186 (2001)****Area – 45 square miles (116 sq. km)****Elected representatives – 53****Constituents per representative – 1,645****Remuneration (2003)**

Expense Allowance £9,629 p.a.

Minimum Income Support £28,609 p.a. *(subject to means test – reduced where Member's other income exceeds £9,536)**(note: the States of Jersey have agreed to establish an independent body to review States Members' pay)***GDP per capita – £32,800 (1999 approx.)****Liechtenstein***Note: Liechtenstein is a constitutional monarchy. The Prince appoints the Cabinet, consisting of a head of government and four ministers, on the advice of Parliament, which is democratically elected.***Population – 32,528 (2001 est)****Area – 62 square miles (160 sq. km)****Elected representatives – 25****Constituents per representative – 1,301****Remuneration (2003)**

Head of Government £119,920 p.a.

Deputy Head of Government £112,995 p.a.

Minister £106,077 p.a.

Member £9,083 p.a.

Plus allowance of £136 per day or £91 per half day with similar allowance for preparation on a day for day basis

(exchange rate - £1 = CHF2.202)

GDP per capita – £22,389 (1999)

Seychelles

Population – 79,715 (2001 est)

Area – 176 square miles (455 sq. km)

Elected representatives – 34

Constituents per representative – 2,345

Remuneration

Speaker – salary £20,383 p.a. plus monthly allowance of £607

Deputy Speaker – salary £11,648 p.a. plus monthly allowance of £243

Member – salary £8,735 p.a. plus monthly allowance of £243

Plus gratuity of 10% of salary and allowances at end of session

(exchange rate - £1 = Seychelles Rupees 8.24)

GDP/GNP per capita – GDP £4,939 (1999), GNP £4,114 (1999)

UNITED KINGDOM

United Kingdom - House of Commons

Population – 58.8m (2001)

Area – 94,248 square miles (244,101 sq. km)

Elected representatives – 659

Constituents per representative – 89,226

Remuneration

Prime Minister £175,414 p.a.

Cabinet Minister £127,791 p.a.

Member £56,358 p.a.

Plus contributory pension scheme and range of allowances and grants, including:

Subsistence up to £20,333 p.a. to maintain second home for those with constituencies outside London

London Allowance of £1,574 p.a. for those with London constituencies

Travel

Office and Secretarial Assistance up to £74,985 p.a.

Incidental Expenses Provision of £18,799 p.a.

Resettlement Grant on loss of seat of between 50% and 100% of annual salary

GDP per capita – £13,300 (1999 est.)

Average earnings - £33,082 p.a. (2002) for full-time non-manual males in the south east region

(Note: a very substantial amount of earnings statistics is available from the UK Office for National Statistics (www.statistics.gov.uk). The Board considers that the above is probably the most relevant as a comparator for its recommendations for States Members' pay)

Scotland – Scottish Parliament**Population** – 5.1m (2001)**Area** – 30,420 square miles (78,789 sq. km)**Elected representatives** – 129**Constituents per representative** – 39,240**Remuneration** (2002/2003)

First Minister £118,089 p.a.

Member of the Scottish Executive £84,468 p.a.

Junior Scottish Minister £70,927 p.a.

Member £48,228 p.a.

Plus contributory pension scheme and range of allowances and grants including:

Support Allowance of up to £50,700 p.a. to cover staff and office costs and travel and overnight expenses

Edinburgh Accommodation Allowance

Travel

Disability Allowance of up to £10,632 per session

Resettlement Grant

Ill-health Retirement Grant

GDP per capita – £12,500 (1999 est.)**Wales – National Assembly for Wales****Population** – 2.9m (2001)**Area** – 8,015 square miles (20,758 sq. km)**Elected representatives** – 60**Constituents per representative** – 48,385**Remuneration** (2002/2003)

Assembly First Secretary £111,362 p.a.

Assembly Secretary £77,741 p.a.

Member £41,500 p.a.

Plus contributory pension scheme and range of allowances and grants including:

Additional Costs Allowance of up to £10,500 p.a. to cover overnight costs in Cardiff

Office Costs Allowance of up to £11,300 p.a.

Staff Salaries Allowance of up to £40,900 p.a.

Travel

Disability Allowance

Resettlement Grant

Ill-health Retirement Grant

GDP per capita – £10,400 (1999 est.)**United Kingdom Local Authorities***Note: the following is derived from data supplied by UK local authorities to the Improvement and Development Agency (www.idea-knowledge.gov.uk) on a voluntary basis as at January 2003.*

From the large amount of data available, the Board has selected as the most likely to be relevant information relating allowances to the population covered by authorities. It should be noted that remuneration can vary considerably within each band, up to twice the average.

Population	Average allowance			
	Basic	Leader	Cabinet/ executive	Scrutiny Chair
From 50,000 to 100,000	£3,331	£8,633	£4,584	£2,886
750,000 and above	£8,959	£27,493	£16,101	£9,434
All authorities	£4,754	£13,223	£7,110	£4,278

**STATES MEMBERS PAY REVIEW BOARD
REPORT TO THE ADVISORY AND FINANCE COMMITTEE**

DRAFT RULES FOR PAYMENTS TO STATES MEMBERS AND NON-STATES MEMBERS OF STATES DEPARTMENTS, COMMITTEES AND NON-GOVERNMENTAL BODIES

Note: the States Members Pay Review Board has recommended that the existing States Members pension scheme be replaced or substantially revised for future service and that new rules be prepared by the Advisory and Finance Committee with the assistance of appropriately qualified consultants, for approval by the States. The Board has therefore excluded any reference to pensions from the following draft.

SECTION I

RULES FOR PAYMENTS TO STATES MEMBERS

Definition of States Members

1. For the purpose of this section of the Rules a States Member means any People's Deputy or Alderney Representative in the States of Deliberation (but not an alternative Representative elected or appointed under the States of Guernsey (Representation) Law, 1978).

Allowances

2. Subject to the conditions set out in paragraph 3 below the following payments are available to States members:
 - (i) Basic Allowance of £20,000 per annum;
 - (ii) Expense Allowance of £2,500 per annum;
 - (iii) Departmental Membership Allowance in respect of each seat held on any States Department or the Scrutiny Committee of £2,500 per annum;
 - (iv) Committee Membership Allowance in respect of each seat held on any States Standing Committee except the Scrutiny Committee of £1,250 per annum;
 - (v) Special Committee Membership Allowance in respect of each seat held on any States Special Committee of £2,500 per annum or £1,250 per annum, such amount to be determined by, and subject to, resolution of the States of Deliberation upon formation of each such Special Committee taking account of the expected workload of that Committee;
 - (vi) Special Responsibility Allowances payable in addition to the Allowances specified in sub-paragraphs (i) to (v) above as follows:

- (a) Chief Minister, £35,000 per annum;
- (b) Deputy Chief Minister, £10,000 per annum;
- (c) Minister of a States Department, £7,500 per annum;
- (d) Chairman of the Scrutiny Committee, £7,500 per annum;
- (e) Chairman of a States Standing Committee, excepting the Scrutiny Committee, £3,750 per annum;
- (f) Chairman of a States Special Committee, an amount per annum of three times the relevant Special Committee Membership Allowance determined in accordance with sub-paragraph (v) of this paragraph;
- (g) Deputy Minister of a States Department, £2,500 per annum;
- (h) Vice-Chairman of the Scrutiny Committee, £2,500 per annum;
- (i) Vice-Chairman of a States Standing Committee, excepting the Scrutiny Committee, £1,250 per annum;
- (j) Vice-Chairman of a States Special Committee, an amount per annum equal to the relevant Special Committee Membership Allowance determined in accordance with sub-paragraph (v) of this paragraph.

Conditions

- 3 (a) If a States Member holds more than one seat on a States Department or Committee, the total of the Departmental, Committee and Special Committee Membership Allowances specified in sub-paragraphs 2 (iii), 2 (iv) and 2 (v) above payable to that Member shall not exceed £7,500 per annum.
- (b) If a States Member, excepting the Chief Minister and the Deputy Chief Minister, holds more than one position of special responsibility, as referred to in sub-paragraph 2 (vi) above, the total of the Special Responsibility Allowances specified therein payable to that Member shall not exceed £15,000 per annum.
- (c) If the Deputy Chief Minister holds more than one other position of special responsibility, as set out in sub-paragraph 2 (vi) above, the total of the Special Responsibility Allowances specified therein payable to the Deputy Chief Minister shall not exceed £22,500 per annum.
- (d) The Allowances specified in paragraph 2 above shall be payable by monthly instalments in arrears.

- (e) The Allowances specified in paragraph 2 above shall be payable following application in writing to the Minister of the States Treasury and Resources Department in the year of election and thereafter during January in the year of each General Election. In the case of new Members and Members newly elected to Departments or Committees or to positions of special responsibility as specified in sub-paragraph 2 (vi) above, application should be made before the end of the month following the month in which election took place. Claims submitted after the time limits specified above will be back-dated only to the first day of the month in which application is made. No retrospective payments shall otherwise be made.
- (f) The Basic and Expense Allowances shall terminate on the last day of the month in which a Member ceases to hold a seat in the States of Deliberation.
- (g) A Departmental, Committee or Special Committee Membership Allowance or Special Responsibility Allowance shall terminate on the last day of the month in which a Member ceases to hold the seat or position in respect of which that Allowance is payable.
- (h) The expense allowance paid under sub-paragraph 2 (ii) above in any calendar year shall be free of tax.

SECTION II

RULES FOR PAYMENTS TO ALTERNATIVE ALDERNEY REPRESENTATIVES

1. Subject to the conditions set out in paragraph 2 below, an Attendance Allowance not exceeding £45.00 per half-day or part thereof, which sum shall be subject to tax, is available to an alternative Representative of Alderney elected or appointed under the States of Guernsey (Representation) Law, 1978, in respect of his attendance at meetings of the States of Deliberation.
2. Applications for an allowance payable under the provisions of paragraph 1 above should be made to the Minister of the Treasury and Resources Department in respect of meetings attended in the three month periods ending on the last day of March, the last day of June, the last day of September and the last day of December. Applications should be received by the Minister not later than the last day of the month next following the period in respect of which the application is made. Alternatively, claims may be made in respect of meetings attended in each calendar month, in which case applications should be received not later than the last day of the month next following the above three month period in which the month falls. Applications received after the time limits specified above shall not be granted.

SECTION III

RULES FOR PAYMENTS TO MEMBERS OF STATES DEPARTMENTS, COMMITTEES AND NON-GOVERNMENTAL BODIES WHO ARE NOT MEMBERS OF THE STATES

1. Any member of a States Department, Committee or Non-governmental Body, or properly constituted sub-committee thereof who is not a member of the States shall be entitled upon application to the Minister of the States Treasury and Resources Department to be awarded in respect of his attendance at any meeting of:
 - (i) a properly convened meeting of a States Department, Committee or Non-Governmental Body;
 - (ii) a properly convened meeting of a properly constituted Sub-Committee of a States Department, Committee or Non-governmental Body;
 - (iii) a conference or other meeting attended as the duly authorised representative of a States Department, Committee or Non-governmental Body or Sub-Committee thereof

an attendance allowance not exceeding £45.00 per half-day or part thereof, which sum shall be subject to tax.

Provided that:

- (a) not more than one allowance shall be awarded in respect of meetings attended in any one half day;
 - (b) where there is no adjournment of a meeting for the purpose of taking a mid-day meal an allowance shall be payable in respect of one half-day only.
2. Applications for an allowance payable under the provisions of paragraph 1 above should be made to the Minister of the Treasury and Resources Department in respect of meetings attended in the three month periods ending on the last day of March, the last day of June, the last day of September and the last day of December. Applications should be received by the Minister not later than the last day of the month next following the period in respect of which the application is made. Alternatively, claims may be made in respect of meetings attended in each calendar month, in which case applications should be received not later than the last day of the month next following the above three month period in which the month falls. Applications received after the time limits specified above shall not be granted.

SECTION IV

GENERAL RULES

1. In each year prior to 1st May, the States Treasury and Resources Department shall review the amounts payable under sections I, II, and III hereof and the payment limits specified under paragraph 3 of section I hereof, having regard to the change in the Guernsey Index of Retail Prices since those amounts were last determined and shall amend the said amounts accordingly.
2. Amendments arising from the application of rule 1 of this section shall be published in an appendix to a Billet d'État and shall take effect from 1st May in the year of review. Save as is provided in the Rules of Procedure of the States of Deliberation, no deliberation shall be held on the published amendments.

COMMENCEMENT

These rules shall take effect on 1st May, 2004.

APPENDIX 6

**STATES MEMBERS PAY REVIEW BOARD
REPORT TO THE ADVISORY AND FINANCE COMMITTEE**

SUMMARY OF MAIN RECOMMENDATIONS FOR REMUNERATION OF STATES MEMBERS

1. BASIC ALLOWANCE

All States Members

	<u>Basic Allowance</u>	<u>Expense Allowance</u>
Annually	£20,000	£2,500

2. SPECIAL RESPONSIBILITY AND MEMBERSHIP ALLOWANCES

2a. SPECIAL RESPONSIBILITY AND MEMBERSHIP ALLOWANCES CAPPING

- i. The Chief Minister is barred from holding any other post in the States.
- ii. The Deputy Chief Minister's Special Responsibility Allowances are capped at £22,500 p.a..
- iii. Excluding the Chief Minister and the Deputy Chief Minister, Special Responsibility Allowances for each individual States Member are capped at £15,000 p.a.
- iv. Membership Allowances for each individual States Member are capped at £7,500 p.a.

2b. POLICY COUNCIL

	<u>SPECIAL RESPONSIBILITY ALLOWANCES</u>	
Annually	Chief Minister £35,000	Deputy Chief Minister £10,000

2c. DEPARTMENTS

	<u>MEMBERSHIP ALLOWANCE</u>	<u>SPECIAL RESPONSIBILITY ALLOWANCES</u>	
Annually	All Members £2,500	Minister Plus £7,500	Deputy Minister Plus £2,500

2d. SCRUTINY COMMITTEE

	<u>MEMBERSHIP ALLOWANCE</u>	<u>SPECIAL RESPONSIBILITY ALLOWANCES</u>	
Annually	All members £2,500	Chairman Plus £7,500	Vice Chairman Plus £2,500

2e. STANDING STATES COMMITTEES

Excluding the Scrutiny Committee

	<u>MEMBERSHIP ALLOWANCE</u>	<u>SPECIAL RESPONSIBILITY ALLOWANCES</u>	
Annually	All Members £1,250	Chairman Plus £3,750	Vice Chairman Plus £1,250

2f. SPECIAL STATES COMMITTEES

	<u>MEMBERSHIP ALLOWANCE</u>	<u>SPECIAL RESPONSIBILITY ALLOWANCES</u>	
Annually	All Members £1,250	Chairman Plus £3,750	Vice Chairman Plus £1,250
or, depending on workload Annually	£2,500	Plus £7,500	Plus £2,500

The States are asked to decide:-

IX.- Whether, after consideration of the Report dated the 17th December, 2003, of the States Advisory and Finance Committee, they are of opinion:-

1. That the present Compensation Payment shall be replaced by a Basic Allowance of £20,000 per year available to all Members including the Alderney Representatives.
2. That the present Attendance Allowance and Presidential Allowances shall be replaced by workload and special responsibility allowances; in respect of workload allowances they shall be paid as follows:
 - (i). A Departmental Membership Allowance of £2,500 per year for each seat held on a States Department or the Scrutiny Committee.
 - (ii). A Committee Membership Allowance of £1,250 per year for each seat held on a Standing States Committee excluding the Scrutiny Committee.
 - (iii). A Special States Committee Membership Allowance to be set by the States on formation of the Committee at £2,500 per year or £1,250 per year, according to the expected workload.
3. The total amount of Departmental, Committee and Special Committee Membership Allowances paid to an individual States Member shall not exceed £7,500 per year.
4. That Special Responsibility Allowances shall be paid as follows:
 - (i) Chief Minister – £35,000 per year.
 - (ii) Deputy Chief Minister – £10,000 per year.
 - (iii) Ministers and Chairman of the Scrutiny Committee – £7,500 per year.
 - (iv) Chairmen of Standing States Committees excluding the Scrutiny Committee - £3,750 per year.
 - (v) Deputy Ministers and Vice-Chairman of the Scrutiny Committee - £2,500 per year.
 - (vi) Vice-Chairmen of Standing States Committees excluding the Scrutiny Committee - £1,250 per year.
 - (vii) Chairmen and Vice-Chairmen of Special States Committees - £7,500 and £2,500 per year respectively if the States have set the workload allowance for the Committee at the Departmental level, and £3,750 and £1,250 respectively if the allowance is set at the Committee level.

5. That all Special Responsibility Allowances shall be paid in addition to the Basic Allowance and any Departmental, Committee and Special Committee Membership Allowances to which a Member may be entitled.
6. That the total amount of Special Responsibility Allowances payable to any individual Member, excluding the Chief Minister and Deputy Chief Minister, shall not exceed £15,000 per year.
7. That the total amount of Special Responsibility Allowances payable to the Deputy Chief Minister shall not exceed £22,500 per year.
8. That all States Members shall receive an annual Expense Allowance of £2,500, free of tax.
9. That Non-States Members shall continue to be remunerated by means of an attendance allowance of a maximum of £45 per half day, payable under the same conditions as the current Allowance.
10. That Alternative Alderney representatives shall receive an allowance for attendance at meetings of the States of Deliberation, payable under the same conditions as the current Attendance Allowance for the Alderney representatives and at the same rate as recommended for non-States Members.
11. That new rules governing the remuneration of States Members and non-States Members shall be prepared and implemented by the States Advisory and Finance Committee in accordance with the decisions of the States.
12. That the States Advisory and Finance Committee, with the advice of the States Actuaries, shall prepare rules for a new States Members pension scheme along the lines set out in that Report for approval by the States.
13. That the existing pension scheme for States Members shall remain applicable for service up to the date when the new scheme becomes effective (i.e. 1 May 2004).
14. That the remuneration of States Members and non-States Members of States departments, committees and Non-Governmental Bodies be again subject to independent review when the patterns of workload and responsibility resulting from the present changes to the machinery of government have become clear; such a review shall, in any event, take place before the election of 2008.
15. That independent reviews of States Members and non-States Members' remuneration shall be undertaken in the year before the election of 2012 and in each year before subsequent elections, with any resulting changes becoming effective at the start of the new session.
16. That the pay of States Members and non-States Members of States departments, committees and Non-Governmental Bodies shall be adjusted annually in line with changes in the Guernsey Index of Retail Prices in the period between

reviews.

17. That the States Advisory and Finance Committee shall develop and implement a policy intended to ensure that all States Members have the use of Information Technology (IT) equipment of an adequate standard as set out in that Report.
18. That if, under such policy referred to in proposition 17 above, some or all States Members provide and/or operate IT equipment from their own resources for the purposes of States business, those members shall receive an additional expense allowance free of tax at a level or levels to be decided by the States Advisory and Finance Committee but not exceeding £500 per year.
19. That Departments and committees shall maintain a record of their States Members' attendance at, and absence from, meetings, including sub-committee meetings and the reasons for absence given shall also be recorded.
20. That the records of States Members' attendance at, absence from and reasons for absence from meetings, shall be made available to the House Committee to monitor and to take such action as it sees fit within its powers and the records shall also be available for inspection by the public.

STATES HOUSING AUTHORITY**EXTENSION OF THE HOUSING (CONTROL OF OCCUPATION) (GUERNSEY)
LAW, 1994**

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

12th December, 2003

Dear Sir

The Housing (Control of Occupation) (Guernsey) Law, 1994

The Housing (Control of Occupation) (Guernsey) Law, 1994 came into force on 1 July 1994 and is set to remain in force for 10 years, which means that the current Law will expire on 30 June 2004.

The Authority has already completed a review of the open market elements of the Law, which was considered by the States at their meeting of 14 March 2001. (Billet d'Etat III, 2001). The resultant Housing (Control of Occupation) (Amendment) (Guernsey) Law, 2001 came into force on 18 March 2002.

Consequently, only the provisions of the Law relating to occupation of local market dwellings are still in need of review.

The Authority's full review of the remaining provisions of the Law had been well advanced, enabling a replacement to come into force upon the expiry of the existing Law.

However, the Authority's timetable for reporting on the outcome of this review has been severely disrupted because of its undertaking to deal separately with the provisions relating to the checking of criminal convictions, and to make this element the subject of a special report to the States.

Following consultations at political level, a staff-level working party comprising representatives from the States Housing Authority, Committee for Home Affairs, Board of Administration and the Advisory & Finance Committee (Policy & Research Unit) has been established, under the chairmanship of HM Procureur, for the purpose of investigating this matter and making suitable recommendations for onward transmission to the States.

However, given that these inter-committee discussions are still at an early stage, it will not be possible to submit a report to the States in time for any resultant new Law to come into force in July 2004.

Therefore the Authority proposes that the States agree to the preparation of an Ordinance to enable the Housing (Control of Occupation) (Guernsey) Laws 1994 to 2001 to remain in force for a further period of one year, i.e. until 30 June 2005.

This will enable the Authority to report to the States with recommendations on the checking of criminal convictions and, depending on the decisions taken on this policy letter, report back shortly thereafter with its recommendations on the remaining provisions of the Law, with the intention of a new Law coming into force by the extended expiry date.

Recommendation

The States Housing Authority recommends the States to agree to the preparation of an Ordinance to enable the Housing (Control of Occupation) (Guernsey) Laws 1994 to 2001 to remain in force for a further period of one year.

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

Yours faithfully

B. M. FLOUQUET

President
States Housing Authority

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

The States are asked to decide:-

X.- Whether, after consideration of the Report dated the 12th December, 2003, of the States Housing Authority, they are of opinion:-

1. That the Housing (Control of Occupation) (Guernsey) Laws 1994 to 2001, shall remain in force for a further period of one year.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES HOUSING AUTHORITY**FUTURE MANAGEMENT OF ST. JULIAN'S HOUSE**

The President
States of Guernsey
Royal Court House
ST PETER PORT

16 December 2003

Dear Sir

FUTURE MANAGEMENT OF ST JULIAN'S HOUSE**Executive Summary**

In October 2003, the President of the Public Assistance Authority, Deputy Mrs P Robilliard, proposed an amendment directing the Housing Authority to report back to the States on the feasibility of the management of St Julian's House being undertaken by the Housing Department from May 2004.

A Welfare Hostel at St Julian's House was established in 1966 to accommodate persons of a similar nature to those previously accommodated in the St Peter Port Hospital; those requiring accommodation for a short-period prior to finding employment and lodgings; and persons requiring accommodation while awaiting repatriation to the Mainland.

The establishment of the Hostel was followed in 1972 by the establishment of the Night Stay Unit (now known as the "Annexe"). The purpose of the Night Stay Unit was to accommodate those people who were not willing to accept the modest discipline which the hostel required of them. Its prime purpose was to provide short stay accommodation for those people not willing or unable to control their alcohol consumption.

A review of the current services has shown that the short-term facilities for homeless men and women have largely been phased out and that the accommodation is under-utilised, especially in the women's accommodation and the Annexe. A combination of factors have led to this change:

- the age of the current occupants;
- the social/medical/psychiatric problems of the occupants;
- the desire to improve the standard of the premises;

- the adoption of policies that have led to difficult and troublesome persons being refused access to the facilities.

Accordingly, the Authority has found that the overall use of both the House and the Annexe differ significantly from what was agreed by the States. Both are occupied by persons with a variety of significant social, medical and psychiatric problems, who require far more than just a bed for the night or accommodation on an ongoing basis.

As a result, the Authority has concluded that the future Housing Department will be ill-equipped to cope with the needs of the current residents. It has also formed the view that there should be a review of the type of service(s) and client group(s) to be served by St Julian's House and the Annexe.

The Authority, therefore, recommends that: (i) the management of the facility be transferred to the Health and Social Services Department as originally intended; and (ii) the Health and Social Services Department should be directed to report back to the States by January 2005 on the future use of St Julian's House, having consulted with the relevant States' departments and non-governmental organisations.

Introduction

The following amendment, proposed by the President of the Public Assistance Authority, Deputy Mrs P Robilliard, was accepted by the States on 30 October 2003:

“..... the States Housing Authority shall be directed to report back to the States, by January 2004 at the latest, concerning the feasibility of the management of St Julian’s House being undertaken by the Housing Department.”

This report sets out the findings of a review of the historic and current services provided by St Julian’s House, and makes recommendations regarding its future management.

The history of St Julian’s House 1966 - 2003

Welfare Hostel as St Julian’s House - 1966

In Billet d’Etat III 1966, the States Public Assistance Authority – Hospital Board - placed before the States a report outlining proposals for the removal of what were then termed “inmates from the St Peter Port Hospital”.¹

The St Peter Port Hospital had been built mainly for the purpose of housing homeless and destitute persons rather than for the treatment of patients, but over the years this concept had changed and by 1966 the Hospital Board were doubtful as to whether there was a single hospital in the United Kingdom which still housed such persons. At the time the Hospital Board were aware that homeless and destitute persons were being housed in welfare hostels, leaving hospitals to care for persons in need of medical and nursing care.

The Hospital Board, therefore, altered and modified the St Peter Port Hospital to become a hospital for geriatrics. However, in 1966 there were still a number of persons accommodated in the Hospital who could not be considered as patients but who were unable to live independently for a variety of reasons, not the least of which was that they had been cared for over such a long period they had become totally institutionalised. The Hospital Board policy letter referred to these persons as “social misfits who are not acceptable in any lodgings and who are incapable of living on their own”. In some instances these “social misfits” were adults who would now be referred to as suffering from learning disabilities.

It was the opinion of the Hospital Board that there was an urgent need for the establishment of a welfare hostel to which the “inmates” could be transferred, and which could also be used to house:

- persons of a “similar nature” to those transferred from the St Peter Port Hospital;

¹Whilst the Hospital Board recommended that the administration of the Hostel be “divorced” from the St Peter Port Hospital (and therefore the Hospital Board), the Public Assistance Authority was comprised of a number of separate Boards of which the Hospital Board and the Central Outdoor Assistance Board formed two. The recommendation was, therefore, proposing a transfer of responsibility between two different arms of the same Authority – an Authority that had, amongst other things, responsibility for: the financial needs of persons in the community; for Islanders in need of geriatric hospital care; and, for children and young people in need of care.

- persons requiring accommodation for a short period prior to finding employment and lodgings; and
- persons who required accommodation for one or two nights while awaiting repatriation to the Mainland.

The Hospital Board hoped that staff would be able to rehabilitate those accommodated in the hostel so “that they would regain their self-respect and become normal members of the community again.”²

At the time of the policy letter, the Housing Authority was responsible for St Julian’s House and it had been used to provide emergency accommodation. By 1966 the Authority had vacated the major portion of the House and, after inspecting the building, the Hospital Board believed that it would be possible to convert the premises into a welfare hostel that could accommodate 20 people.

The Hospital Board, therefore, recommended, and the States approved, that: (i) St Julian’s House be converted into a Welfare Hostel; and (ii) that the administration of the hostel be “divorced” from the St Peter Port Hospital and become the responsibility of the Central Outdoor Assistance Board (COAB) (see footnote 1 above). In addition, it was agreed that the furnishing of the hostel should be kept to a minimum as it was intended that it would only provide food and shelter, with the articles of equipment used by the “inmates” being transferred to their new accommodation.

This minimalist approach to expenditure was fostered by the fact that the setting up of a Hostel was seen as an experiment until the need for such accommodation might be assessed and ultimately consideration given to the construction of a purpose-built unit.

In 1968 the COAB returned to the States with a request for an additional credit to cover unexpected costs that had been incurred in the conversion of St Julian’s House into a hostel (Billet d’Etat XVIII). The major item of expenditure was the conversion of the top floor of the house into a Warden’s flat to accommodate the new Warden, his wife and two children.

Night Stay Unit at St Julian’s Welfare Hostel - 1972

In April 1972 (Billet d’Etat VI), the COAB asked the States to consider a request for a Night Stay Unit at St Julian’s Hostel.

The Hostel had opened at the end of September 1967 and within one month 10 residents had been admitted, including those from the St Peter Port Hospital. By March 1972, the hostel accommodation was limited to 20 persons and the occupancy averaged around 18 persons.

The COAB advised the States that it endeavoured to maintain a reasonable standard of accommodation for its residents, but it had become apparent since the Hostel opened that there were two distinct categories of persons for whom accommodation was required:

² In reality there was no hope of rehabilitation for the majority of those persons transferred from the St Peter Port Hospital. Many had been resident in the Hospital prior to the Second World War, and those who were not suffered various degrees of learning difficulty.

- those persons who were willing to accept the modest discipline which the hostel required of them; and
- those who were not willing to do so.

The second category of person (the “hard-core”) were referred to by the Board as follows:

“These persons reject almost every social convention, resent any kind of discipline or restriction, and in almost every case are the victims of a total inability (or unwillingness) to master alcoholic habits”.

The policy letter went on to say that:

“The Board accepts that it is its responsibility to provide some sort of accommodation for this ‘hard-core’ type who at present is sleeping rough.”

The Board advised the States that it considered the provision of a Night Stay Unit was a matter of urgency and expressed their desire for it to be open for the winter of 1972/73. Following a search for suitable accommodation the Board concluded that a disused outbuilding in the grounds of St Julian’s Hostel would be converted into a Night Stay Unit.

The States agreed to the recommendations of the COAB and the Night Stay Unit was built to accommodate 14 men. It was separate from the Hostel, with its own entrance.

St Julian’s House – Conversion of Ground Floor for use by Women - 1977

Whilst the conversion of St Julian’s House into a hostel in 1967 had provided accommodation for both men and women, by 1977 the COAB reported to the States (Billet d’Etat XVII 1977) that it had become aware of the inadequacy of the facilities for women and girls at St Julian’s.

Following the receipt of information obtained from the Guernsey Welfare Service and other organisations regarding the number of homeless women and girls identified in a survey carried out during 1975/76, the Board decided that the ground floor facilities of St Julian’s Hostel should be upgraded for use by women and girls.

The proposals would, it was claimed, result in the most appropriate use of the existing facilities and the management of the extended accommodation would, in all likelihood, be accomplished by fully utilising the existing members of staff.

At the time of the report, consideration of the future management of the Hostel had not been finalised - a new warden had just been appointed - however, it had been concluded that if the number of staff members needed to be increased to administer the new female unit then no more than one additional part-time attendant would be required.

Refurbishment and Upgrading of Facilities 1979 – 1986

Since St Julian’s Hostel and the Night Stay Unit opened there have been a number of extensions and improvements made to the accommodation. These have been carried out to ensure that the space is utilised in as an efficient and effective manner as possible given the constraints of the building. These improvements include:

- construction of a new kitchen, bathroom and fire escape – 1979;
- new roof, improved vehicular access and remedial work to external walls – 1980;
- improvements to and extension of the Night Stay Unit – 1984; and
- repairs to the structural supports of the dining room, extension of the dining room, and the recovery of an open courtyard with the potential for the provision of additional units of accommodation – 1986.

While there have been no further improvements requiring an approach to the States, since 1986 the Public Assistance Authority has carried out a number of improvements to St Julian's House and the Annexe (resulting from a Board of Health assessment in 1993 - see below). These have included:

- provision of a sitting room for persons using the Annexe;
- new toilet/washing facilities within the Annexe;
- complete refurbishment of the women's lounge;
- new windows on the main house;
- a new roof for the Annexe; and
- complete upgrading of toilets, bathrooms and bedrooms, men's lounge and dining room in the main house.

Board of Health Inspection – July 1993

In July 1993, at the request of the Public Assistance Authority, the Board of Health's Director of Community Services carried out an assessment of St Julian's House to ascertain the effects of Board of Health proposals for a new code of practice and legislative requirements for residential and nursing homes in the Island. This assessment looked at the staffing levels, standards and facilities in both the main House and the Annexe, **but did not review the services provided.**

The resulting report noted that the House did not meet modern criteria for long-term residential care³, and made a number of suggestions as to how this could be improved – one of which was to reduce the number of beds in the Annexe from 14 to 13.

Levels of Occupancy

Although the various policy letters describe in some detail the type of person to be accommodated and the type of accommodation they require, it is not until 1979 that details regarding the maximum number of persons who could be accommodated are quoted. Further

³ The Director of Community Services made it clear his review report findings would be imperfect "because the function of the St Julian's House is not the same as for a residential home for the elderly."

references are made in 1980 and 1986⁴, leading to the following summary of the accommodation available at various dates:

Year	Main House	Night Stay Unit	Women's Section	Total
1979	21	14	10	45
1980	21	14	9	44
1986	22	14	12(?)	48(?)
2003	16	10	7	33

The reduction in the number of beds over the last 16 years has been mainly as a result of the advice contained in the aforementioned Board of Health inspection report. Consequently there are fewer beds available to meet the needs of those people for whom St Julian's House and the Annexe were intended.

Current occupancy (as at week ending 9 November 2003) was as follows:

Year	Main House	Night Stay Unit	Women's Section	Total
2003 (maximum)	16	10	7	33
9 November 2003	15	3	3	21

The reasons for the current low numbers accommodated are explored below.

St Julian's House – The Present Day

The current usage of St Julian's House and the Annexe (the term Hostel was dropped in the 1980's and the Night Stay Unit is now known as the Annexe) has changed dramatically from the original purposes set out in the 1966 and 1972 policy letters.

St Julian's House currently accommodates 21 people in a property that has the facilities to accommodate 33 people, and the potential to accommodate a much higher number than this. The accommodation is thus under-utilised, especially in the women's accommodation and the Annexe.

The short-term facilities for homeless men and women have been largely phased out as a result of a combination of a number of factors:

- the age of the current occupants (this has very nearly always been the case);
- the social/medical/psychiatric problems of the occupants;
- the desire to improve the standard of the premises;

⁴ No numbers are mentioned in 1986, only the possibility that the female accommodation might be increased by 30%.

- the adoption of policies that have led to difficult and troublesome persons being refused accommodation.

The application of some or all of the above factors is most noticeable in the administration of the Annexe (Night Stay Unit).

The original purpose of the Night Stay Unit was to provide accommodation for those people not willing or unable to control their alcohol consumption. The Unit was created for the Island's worst alcoholic cases; facilities were minimal; and there was little or no attempt to rehabilitate those persons who frequented the Unit. As such it attracted those persons who wanted to spend their money on alcohol with little or no interference. Very few, if any, drunks were turned away from its doors and the Unit was generally full.

The Night Stay Unit described above no longer exists.

The Annexe is, as its name suggests, an extension of the main building. The facilities provided are of a similar quality, and the age and type of person frequenting the Annexe is little different to that to be found in the main house. It has a higher turnover and is used by younger persons on occasions, but the habitual drunk is no longer the most frequent user – especially if that drunk is deemed to be of a troublesome nature. It is now accepted policy that troublesome drunks who behave in a somewhat unsavoury fashion are barred from the Unit.

The Manager (Warden) of St Julian's/the Annexe accepts that the above is the case and is conscious of the fact that most of the Island's worst alcoholics will be found dossing down in toilets etc around the Island, e.g. the Crown Pier toilets.

The Authority observes that, as matters stand at the moment, if room for the three occupants of the Annexe could be found in the main house the Annexe could be closed down or returned to its original purpose.⁵ (This is discussed in more detail below.)

Although the changes in usage are most noticeable in the Annexe, St Julian's House itself does not provide accommodation along the lines set out in the 1966 policy letter; in particular, in relation to “.....those persons requiring accommodation for a short period pending finding employment and lodgings.”

Though cases of the above do occur they are relatively rare and this has always been the case. The reason for this is simple – St Julian's is predominantly occupied by aged men and women who, once admitted, stay for the rest of their lives, or until such time as they become ill and require nursing/hospital accommodation. There is no throughput as such as a result of rehabilitation. Given that the average stay of men in the main house is 10.5 years it is easy to see why the premises could be considered as a residential home – albeit a residential home for persons with social/medical/psychiatric problems as will be demonstrated below.

⁵ The Night Stay Unit was not the equivalent of what would now be defined as a “wet house” in that it was not solely intended to house men who were drunk and incapable. However, in practice the majority of nightly residents admitted were intoxicated to a greater or lesser degree.

The current occupancy of the unit

St Julian's House and the Annexe are together able to accommodate a maximum of 33 people, but they currently accommodate only 21 persons.

Generally speaking, both current and past residents of St Julian's House will have suffered from significant social/medical/psychiatric problems at some stage, necessitating the provision of ongoing supervised accommodation.⁶ Although a few have moved on to specialist accommodation or even private sector accommodation, the tendency will be for them to stay at St Julian's House on a long-term basis, as is evidenced by the current residents.

It is likely that the stresses of living alone might prove too much and that, in any event, St Julian's provides a homely, non-rehabilitative, environment that encourages longer rather than short-term stays.⁷

Men – St Julian's House

There are currently 15 men living in the main house. The average age of these men is 63 and they have lived in St Julian's for on average 10.5 years.

Characteristically, the residents have significant medical/social/psychiatric problems, and are of an age where it is unlikely that they would be able to be rehabilitated to the extent that they would be able to cope with living independently in the community.

Some of the male residents will still drink to excess given the opportunity to do so.

As may be determined from the above, the turnover of male residents is very slow. They tend to stay in the main house until such time as their health fails and they are admitted to a higher dependency facility. For some this will be shortly before their death.

Women's Section

There are 3 women currently residing at St Julian's House: their average age is 56. Although one lady has only been resident since the beginning of this year, the average stay of the two remaining residents is 15 years.

The Annexe

There is a distinct similarity between the social/medical backgrounds of those men accommodated in the main House and those resident in the Annexe.

⁶ It is interesting to note that the Director of Community Services' 1993 report identified 22 male residents of which: 3 suffered from a learning disability; 3 were considered appropriate for elderly care services; 14 were either mentally ill or suffered a personality disorder; and 1 was described as "inadequate". The women's section housed residents with similar problems.

⁷ The Director of Community Services' 1993 report commented on the lack of rehabilitation for residents.

Most residents of the Annexe will have, or currently suffer, alcohol-related problems combined with some other significant social/medical/psychiatric problem. Some will still be active drinkers and be admitted to the Annexe in an intoxicated state.

However, it is the policy of the Public Assistance Authority that **habitual drinkers who are unwilling to conform to the rules of the Annexe**, in particular the payment of the admission charges, **will not be admitted. Some potential users of the Unit are barred because of their previous poor behaviour when drunk.** This policy is understood to have been introduced to reflect the improved quality of the facilities on offer and because unruly drunks will upset the long-term residents of the Annexe.

Men – the Annexe

There are 3 men currently residing in the Annexe.

The average age of the men housed in the Annexe is 59 years (although two of the three are in their 60s). They have lived there on average 3.5 years.

These are men who would be better accommodated in the main house if there were room.

In addition, the Annexe will provide short-term accommodation for persons seeking employment and lodgings in the community, and night-stay accommodation for persons under the influence of alcohol, **subject to their willingness to abide by acceptable standards of behaviour.**

Recent occupants now living elsewhere

The above summarises the current usage of the main house and the Annexe but it does not portray the complete picture. The Manager and the Deputy Manager were, therefore, asked to select a number of past occupants who could be described as being representative of those persons St Julian's is required to house from time to time.

Details of 10 typical cases were provided: the cases were a mixture of men and women, young and elderly, who occupied either the main house or the Annexe. The average age of the eight younger residents was 33 whilst the two older cases were of men in their mid-70s.

Eight of these ex-residents had significant social/medical/psychiatric problems of one form or another. Only two of the younger male residents of the Annexe could be regarded as having a need of accommodation that was solely related to temporary homelessness.

Two of the females and one of the men were involved in separate self-harming incidents during their stay. One of these incidents proved to be serious. All three residents were admitted to an appropriate hospital unit for appropriate treatment. Of the elderly residents, one was admitted to hospital suffering from dementia whilst the other died whilst still resident.

The average period of residence in respect of the 10 admissions was less than 4 months. As stated above, one elderly resident died whilst the rest were either admitted to one of the Island's hospitals, imprisoned on a temporary basis, or asked to leave as a result of some unacceptable incident. Where these residents went to live is unknown.

Staffing levels

In view of the description of typical residents set out above, it is instructive to consider the current staffing arrangements, which are as follows:

Main House

- | | | |
|-----|-------------------|------------------------------------|
| 1. | Manager | Lives in house |
| 2. | Deputy Manager | Lives in house |
| 3. | Assistant Manager | Covers above 5 days a week |
| 4. | Housekeeper | Monday – Friday |
| 5. | Head Cook | 6 days a week |
| 6. | Assistant Cook | 35 hours fitted around above |
| 7. | Attendant 1 | 7.00 – 3.00 Monday – Friday |
| 8. | Attendant 2 | Annex and Main House 6 days a Week |
| 9. | Weekend Attendant | Sat – Sun + provides cover |
| 10. | Laundry lady | Part-time 25 hours |
| 11. | General Cleaner | Monday – Friday |
| 12. | Handyman | Monday – Friday |

Annexe (previously known as the Night Stay Unit)

- | | | |
|-----|-------------|----------------------|
| 13. | Attendant 1 | 4 days on 4 days off |
| 14. | Attendant 2 | Ditto above |

(Holiday cover is provided by the main house Attendant 2)

St Julian's House is a large and rambling building. (This should come as no surprise as it was built in 1842 as a "House of Correction".) The Warden and Deputy Warden's flats take up a large proportion of the overall accommodation. One of the flats accommodates the Warden, his wife and their children, the other the Deputy Warden and his wife.

At first sight, the levels of staffing appear high, particularly so when the overall numbers housed is at such a low level. (The staffing establishment for St Julian's is 13.92 FTE, but the current staff employed slightly exceeds this total.) However, such levels might be justified if staff were trained to provide rehabilitative services to the residents.

In this context, it is interesting to note that, in his 1993 report, the Director of Community Services observed that the then residents "would require special rehabilitation programmes and substantial support", but that "[w]hilst the home manager would like to undertake such

work, it is very clear that his staffing levels are well below those which would enable such activity.”

The Authority is advised that after careful consideration, and having regard to the subsequent reduction in the number of beds, the Public Assistance Authority resolved not to seek an increase in staffing levels.

Taking account of all the above, the Authority would observe that, given the numbers and types of person occupying the facility, a number of issues now require examination:

- is a staff/resident ratio of 2/3:1 reasonable for a facility of this sort?
- given the various social and other medical/psychiatric problems of the residents why are none of the staff qualified in any medical/social/psychiatric discipline?⁹
- does the facility need a Manager, Deputy Manager, and an Assistant Manager, as well as a Housekeeper?
- are Attendants still necessary given that it is no longer a requirement to bath residents due to their ability to bath/shower unaided? (In the past this was not the case, and the Manager distinctly remembers much of his day washing the elderly residents who had become incapable of doing so.)
- if the residents of the Annexe were found accommodation in the main house could the Attendants be redeployed for other duties?

In the Authority’s view, these are all staffing issues that will need to be addressed regardless of which department has political responsibility for St Julian’s House from May 2004.

Budgets 1993 - 2002

Examination of expenditure has been limited to extracting figures from the annual accounts Billets d’Etat. (Without a more detailed examination of the accounts/expenditure, it is not possible to come to any reasonable conclusion about expenditure patterns.)

The table below shows expenditure in respect of St Julian’s and the Annexe over the last 10 years. Accounts, budgets and other financial matters are administered by the Committee Secretariat on behalf of the Public Assistance Authority.¹⁰

In 2002, St Julian’s House expenditure totalled nearly £380,000, of which around £6,000 was recovered in relation to staff emolument payments.

⁹ The 1993 report from the Director of Community Services stated that: “... staff receive no training other than direction from the manager either on or off the job. To achieve the objectives of the home [to provide rehabilitative services], staff would need to undertake substantial training in order to enable the residents (rather than simply encourage) to find work and to set themselves back on a course to find permanent accommodation.”

¹⁰ The net expenditure figure in the final column represents the expenditure after the fee income from residents and recoveries from staff have been taken into account. However, it should be noted that, prior to 2002, all fee income was returned to General Revenue.

EXPENDITURE					INCOME		
				Gross			Net
	Premises	Staff	Supplies/ Services	Total	Recoveries from residents	Recoveries from staff	Total
	£	£	£	£	£	£	£
1993	27,151	210,516	39,807	277,474	77,720	5,959	193,795
1994	29,508	214,802	40,502	284,812	84,075	6,140	194,597
1995	34,750	224,696	46,393	305,839	83,800	5,853	216,186
1996	32,857	231,082	46,425	310,364	89,929	5,062	215,373
1997	40,277	232,515	44,643	317,435	88,010	5,170	224,255
1998	30,488	248,779	41,584	320,851	90,364	5,395	225,092
1999	52,909	258,361	39,402	350,672	88,581	5,723	256,368
2000	48,989	266,191	58,759	373,939	96,743	6,240	270,956
2001	63,018	280,516	47,161	390,695	92,289	6,149	292,257
2002	41,228	288,800	49,637	379,665	106,486	6,792	266,387

Income derived from charges levied for residents during 2002 amounted to just over £106,000. This fee income is now retained by the Public Assistance Authority and offset against St Julian's House expenditure.

Those residents who are in receipt of Social Security benefits or pensions only, are required to pay over the whole of their benefit and in return receive a gratuity of £17.50 per week. An additional discretionary gratuity of between £5 and £10 can be awarded if residents help out in either the House or the garden.

If a resident has income of private means above benefit levels then they are required to pay 60% of their net income as fees up to a maximum of £111.50 per week in the main house and £98.50 per week in the Annexe. Staff at St Julian's carry out the fee assessments. For those in receipt of private income, pay slips or bank statements are used as verification. For those residents who cannot prove their income or who are not willing to do so, the maximum fee is charged until evidence is produced to reduce the fee.

(It is important to note that St Julian's House is not regarded as a long-term care facility – like Maison Maritaine or Longue Rue House – and was excluded from any consideration of the funding arrangements for long-term care that heralded the Long-Term Care Insurance Scheme.)

Admissions policy and other policies

As referred to above, St Julian's has an Admissions Policy (see Appendix 1) as well as a Health and Safety Policy, but the Authority has been unable to find evidence of any other written policies.

There are implications arising from the absence of written policies and procedures given the type of person being accommodated.

Summary of Findings

Having reviewed the history and current operation of St Julian's House and the Annexe, the Authority would summarise its findings as follows:

- 1) The main building does not lend itself to efficient use, neither does it assist in providing the type of accommodation that might be seen as attractive by those people who require temporary accommodation.
- 2) The above situation is aggravated by the fact that both the Manager and the Deputy Manager live in house. In effect six people occupy the building when it is questionable whether they need to.¹¹
- 3) The building is 160 years old and requires constant maintenance.
- 4) The overall use of both the House and the Annexe differ significantly from what was originally intended; and, indeed, what the Authority believes the public perceives to be their use.
- 5) The main house and the Annexe are occupied by persons with a variety of social, medical and psychiatric problems. Nearly all residents are long-stay, with the average period of residence excluding the Annexe over 10 years.
- 6) It would appear that the persons currently accommodated are mostly those with a social/medical/psychiatric problem rather than a temporary housing need. Whilst some of the current residents might well have ended up homeless had St Julian's not existed, there is a greater likelihood that they would have been housed in Board of Health establishments that could better cater for their needs.
- 7) The staff appear not to be trained to care for persons who suffer from learning difficulties/psychiatric problems. This poses a significant risk both to the residents and to the staff themselves.
- 8) The relatively low number of persons cared for and the numbers of staff involved, suggests that the average care cost per person is high when compared with other facilities.
- 9) It is possible that St Julian's is over-staffed.

¹¹ The Manager and Deputy Manager and their wives provide night cover on a call-out basis. If they were not resident, additional (male and female) night staff would need to be employed.

- 10) Admission policies adopted by the Public Assistance Authority have led to the Annexe no longer functioning as a Night Stay Unit which in turn has given rise to demands for a dedicated “wet house”.
- 11) The above change in policy – which has not been approved by the States - means that people for whom the Annexe was intended (as agreed by the States in 1972) no longer have access to proper shelter during inclement weather and take advantage of whatever shelter they can find.
- 12) Both the Manager and his Deputy are aware of the fact that the current policies they apply result in habitual drinkers being denied access to the Annexe resulting in those persons having to sleep rough in public toilets etc. Equally, they acknowledge that admitting such persons would disrupt its smooth running and upset the current long-stay residents.
- 13) The home is managed at arms length by the Public Assistance Authority. The only independent review of care standards and facilities was carried out by the Board of Health’s Director of Community Services a decade ago, **but this did not question whether the services provided were appropriate**. Consequently, until the preparation of this report, there appears to have been no fundamental review of the services offered by St Julian’s House or the Annexe since 1972.

Options available for the future use of St Julian’s House and the Annexe

There are a number of options available for the future use of St Julian’s House and the Annexe: a non-exhaustive list is set out below.

1) Maintain the status quo

The current services offered by St Julian’s could be maintained, with additional administrative support and expertise being provided by the future Department of Health and Social Services.

2) The Annexe to revert to its original purpose as a Night Stay Unit

The Night Stay Unit was established to provide a facility to accommodate those people not willing or unable to control their alcohol consumption, but current policy is to refuse entry to some such persons because of the disruption they could cause. A return to the original admissions policy could rectify this.

3) The Annexe to become a “wet house”

The Annexe at St Julian’s could become a “wet house” which would provide facilities to enable those persons found drunk, or drunk and incapable, to be cared for other than by being taken into custody. (This was identified as a matter of some urgency by the States in 1985 and again in 1993, but no action has been taken in pursuance of those resolutions – see Appendices 2 and 3.)

4) As accommodation for ex-offenders

The accommodation at St Julian’s House could be used as a welfare hostel to house ex-offenders who are unable to secure accommodation immediately upon their release from prison. Accommodation is crucial to the rehabilitation of offenders and ex-

prisoners, some of whom need short-term accommodation to enable them to establish themselves in the employment market for long enough to secure private-rented accommodation. The Probation Service reports that using St Julian's House/the Annexe for this purpose has become more difficult in recent years, due to its change in admissions policy.

5) As accommodation for the temporarily homeless

St Julian's could be used exclusively for the accommodation of persons whose need of temporary accommodation is a result of homelessness due to financial and other circumstances, as opposed to providing supervised accommodation for persons suffering from medical/psychiatric/social problems.

Conclusions

Although this report is critical of the current services, the staff of St Julian's should be praised for creating a very homely atmosphere within the House. The standard of food served up is excellent (as good as could be obtained anywhere) and given the constraints of the building the staff continually strive to create the feeling that the House is a home and not an institution.

However, it is an inescapable conclusion that whichever department becomes responsible for St Julian's in the future it will have to review whether or not the House should function in its current mode, meet some other need or, indeed, whether it continues to function at all.

In its current mode of operation it would appear that due to its under-occupation the facility is wasteful of resources; however, it does provide accommodation for those persons whose needs are not met elsewhere. In the main these are people who would require the type of care otherwise provided by the Board of Health.

The question of the Annexe is, however, a different matter: the Island had a facility to accommodate those people not willing or unable to control their alcohol consumption, but this has been changed over a period of years to such a degree that the facility by and large no longer exists, with the original client group being denied access.

The question is: should the Annexe exist at all? Clearly, one option would be to close the Annexe by moving the users to the main house and to reopen the same building as a "wet house".

However, this is not an option that should be looked at in isolation from the other possible uses for the facility, some of which have been identified above. Furthermore, the Authority does not consider that these questions can be answered properly without further detailed examination and consultation with all relevant parties.

With this in mind, the Housing Authority has concluded that the future Housing Department is particularly unsuited to cope with the problems associated with the administration of St Julian's. It has little or no expertise in the handling of persons with alcohol/drug/psychiatric problems or with learning disabilities: the current residents of St Julian's are not normal homeless people, their consistency of age and social/medical problems prove this. The necessary expertise rests within the current Board of Health and the future Health and Social Services Department: accordingly, it is the most appropriate body to administer the facility because it already looks after people with exactly the same sort of problems as those found in St. Julian's.

Furthermore, even within the current facility, there exist a plethora of administrative problems that need to be tackled – from the introduction of written policies and procedures, to the need to employ appropriately trained staff. Here again the Department of Health and Social Services will have the expertise that is required **not** the Housing Department.

Consequently, if the States wishes to operate in the most efficient manner and, more importantly, in the best interests of the community as a whole, then it should confirm its original decision for the Department of Health and Social Services to take over the administration of St Julian's; and direct that Department to recommend what services and client groups should be served by it in the future.

In 1966 St Julian's was set up as an experiment to gauge the Island's long-term need for a welfare hostel facility and so it could be established if there was a need for a purpose-built unit. Some 37 years later the Housing Authority believes it is time for the States to declare the experiment over and for a body with the necessary skills to say what is required in 2004/5. The Housing Authority believes the most appropriate department to determine the answers to those questions to be the future Department of Health and Social Services.

Recommendations

Accordingly, the Housing Authority recommends that the States agree the following:

- 1) to confirm that responsibility for managing St Julian's House shall pass to the Health and Social Services Department with effect from 1 May 2004.
- 2) to direct that the Health and Social Services Department shall report back to the States no later than January 2005 with its recommendations on the type of service(s) and client group(s) to be served by St Julian's House, having consulted fully with the Housing Department and the Home Department, together with all other relevant non-governmental agencies.

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

Yours faithfully

B. M. FLOUQUET

President
States Housing Authority

Appendix 1

Public Assistance Authority

GUIDELINES FOR ADMISSION TO ST JULIAN'S HOUSE (approved by the Authority on 14 July 1998)

1. Long-term accommodation

The Manager, or in his absence, the Deputy Manager may provide long-term accommodation at St Julian's House to person who they are satisfied are unable to live independently in the community.

2. Temporary accommodation

- (a) The Manager or the Deputy Manager or the Assistant Manager may provide temporary accommodation in St Julian's House Annexe.
- (b) Except in the case of emergencies admission will only be agreed prior to 10.00 pm.
- (c) Persons who are accommodated on a temporary basis will be required to agree in writing that they remain in St Julian's House Annexe on a day to day basis until such time as the Manager or, in his absence, the Deputy Manager, is satisfied that they are able to live independently in the community.
- (d) If the Manager, or, in his absence, the Deputy Manager are satisfied that the person is able to live independently in the community they will give the person notice, not exceeding one week, to leave St Julian's House Annexe. A refusal to take up fieldwork or to claim benefit may be taken into account by the Manager or, in his absence, the Deputy Manager in determining the period of notice.
- (e) The Manager or, in his absence, the Deputy Manager may require a person who is being temporarily accommodated in St Julian's House Annexe to leave, without notice, if that person is
 - i. under the influence of alcohol drugs or other substance; or
 - ii. offers violence to other persons occupying the accommodation or to staff; or
 - iii. otherwise acts in a disruptive manner.

3. Conditions for accommodation

- (a) No person under 16 years of age will be admitted.
- (b) No person under 17 years of age to be admitted unless they are under the supervision of a Child Care Officer or a Social Worker and any such admission to be for an agreed period of time.
- (c) No person referred by the Psychiatric Services to be admitted without a written agreement.

4. Charges

Charges will be made for both long-term and temporary accommodation at St Julian's House as determined, from time to time, by the Public Assistance Authority.

The ability to pay charges should not be taken into account in determining whether a person may be given accommodation at St Julian's House.

Appendix 2

States consideration of a “wet house”

Following consideration of a report to investigate ways of reducing alcohol, drugs and solvent abuse related offences dated 20 May 1985 (Billet d’Etat XIV), the States resolved *inter alia*:

“10. that facilities shall be provided to enable persons found drunk or drunk and incapable to be cared for other than by being taken into custody;

11. (a) to decide in principle that the creation of a shelter for persons found drunk or drunk and incapable should be treated as a matter of some urgency.”

No such facilities were, however, forthcoming.

In Billet d’Etat XIV, July 1993, the States considered a policy letter from the Board of Health regarding substance misuse in Guernsey. This policy letter advised the States of the following:

“10.15 In the absence of suitable accommodation, the Police in their enforcement role currently have little alternative but to charge people under the influence of drink with an offence and detain them in prison. There are, therefore, people who regularly appear in Court for drunkenness offences wasting public money and Police, Court and Prison time.

10.16 The Board of Health on the recommendation of its various substance misuse Sub-Committees, has raised this issue on a number of occasions with the Public Assistance Authority, the now defunct Prison Board and Police Committee, and latterly, with the Advisory and Finance Committee. The Board is clear that whilst it is not the role of the Police to provide overnight accommodation to persons who are homeless, neither is it the responsibility of the Board of Health.

10.20 Nevertheless, the Board of Health remains concerned that this problem persists and that, despite the Resolutions of 27 June, 1985, no action has been taken to provide facilities to enable persons found drunk or drunk and incapable to be cared for, other than by being taken into custody. Although the Board understands that the present numbers involved remain constant at approximately two per week, **the Board recommends that the Committee for Home Affairs again reviews the provision of facilities to accommodate the inebriated overnight.**”

The States subsequently resolved:

“to direct the States Committee for Home Affairs, in pursuance of the States Resolution of 20 May, 1985, to investigate the provision of a suitable place for the safe care of inebriated people detained by the Police and to report back to the States with their findings.”

A report, in compliance with this resolution remains outstanding, even though a report commissioned by the Medical Officer of Health in 2003 entitled “The Need for a Guernsey Alcohol Strategy” stated the following:

“The need to provide support for these types of individuals has received increasing recognition in many places over recent years with the expansion of wet house facilities and outreach services to enable street drinkers to access these facilities.

Many participants in the consultation agreed that there is a need for a similar facility in Guernsey preferably situated within an existing service in order to share resources.”

The relevant section of this report regarding “Support for chronic non-changing ‘recidivist’ drinkers” is reproduced in full in Appendix 3.

Appendix 3

Extract from Medical Officer of Health report “The Need for a Guernsey Alcohol Strategy” (2003)

Support for chronic non-changing ‘recidivist’ drinkers

The Strategy consultation demonstrated a strong and consistent concern over the lack of support for the relatively small group of chronic, non-changing ‘recidivist’ drinkers or ‘habitual drunkenness offenders’ who present an on-going unresolved problem to the criminal justice system.

Recent changes in the Guernsey Police’s policy guidelines of handling non-violent drunks have resulted in a reduction in the number of ‘drunk in a public place’ and ‘found lying drunk’ charges. However, those that are not accompanied by a ‘responsible adult’ who can take them home and that are either the subject of a suspended sentence of imprisonment or have been cautioned for a relevant offence in the last 48 hours, are likely to be charged. To this extent, the chronic non-changing drunks are still likely to regularly present themselves to the criminal justice system.

The need to provide support for these types of individuals has received increasing recognition in many places over recent years with the expansion of wet house facilities and outreach services to enable street drinkers to access these facilities.

Wet drop-in centres such as that run by Brent Community Drug and Alcohol Services, and residential care homes such as the Aspinden Wood Centre provide support with health and welfare issues and advice on harm minimisation.

The Leeds Detoxification Unit enable chronic drinkers to have a respite from drinking without necessarily pursuing treatment (cited in Alcohol Concern, 1999, p84).

The St James Street Shelter in Jersey includes an emergency night unit that contains a ‘drunk and incapable’ unit. The police can therefore utilise this safe and secure facility to avoid having to arrest and detain non-violent drunks for their own safety. This unit was used 109 times between July 2000 and July 2001., and hence all these cases avoided entering the criminal justice system (in line with the ‘Court diversion scheme’), and were offered information, advice and referral into alcohol treatment and support services. Many participants in the consultation agreed that there is a need for a similar facility in Guernsey, preferably situated within an existing service in order to share resources.

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

The States are asked to decide:

XI.-Whether, after consideration of the Report dated the 16th December 2003, of the States Housing Authority, they are of the opinion:

1. To confirm that responsibility for managing St Julian's House shall pass to the Health and Social Services Department with effect from 1 May 2004.
2. To direct that the Health and Social Services Department shall report back to the States no later than January 2005 with its recommendations on the type of service(s) and client group(s) to be served by St Julian's House, having consulted fully with the Housing Department and the Home Department, together with all other relevant non-governmental agencies.

REQUÊTE

MISUSE OF FIREWORKS

THE REQUÊTE of the undersigned Members of the States of Deliberation
SHOWS

1. That in the opinion of your Petitioners:
 - (a) Considerable annoyance and distress is caused to many members of the community by the number of nights in October and November when fireworks are ignited.
 - (b) Misuse of fireworks regularly damages private and public property, and presents a serious risk of injury.
 - (c) New safety requirements or recommendations, that sales of fireworks are not made to under 20 year old, have not succeeded in curbing their misuse.
 - (d) Voluntary arrangements to reduce the number of days on which private or organised firework displays are held have not been effective.
 - (e) Insufficient controls exist over the sales of fireworks to the public, and in particular to young persons.

THESE PREMISES CONSIDERED, your Petitioners pray that the States may be pleased to resolve as follows:

To direct the Board of Industry and the Committee for Home Affairs jointly to report to the States

- A. on the misuse of fireworks;
- B. on the number of nights on which firework displays whether private or organised are or may be held;
- C. on the desirability and practicability of providing by legislation for control of the misuse of fireworks and the holding of firework displays;
- D. on the desirability and practicability of providing by legislation for the Board of Industry to licence retail sales of fireworks;
- E. and in the case of firework displays and retails sales of fireworks on the involvement of the Constables and Douzaines of the relevant parishes.

AND YOUR PETITIONERS WILL EVER PRAY

This 7th day of November 2003

D. A. BARRETT

PATRICIA MELLOR

P. L. DERHAM

IVAN RIHOY

J. LE SAUVAGE

ERIC WALTERS

P. ROBILLIARD

MARK DOREY

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

17th December 2003

Dear Sir

Misuse of Fireworks

I refer to the Requête dated 07 November 2003 from Deputy Barrett and seven other members of the States of Deliberation concerning the above subject.

In accordance with the States Rules of Procedure, the Advisory and Finance Committee has sought the views of the Committee for Home Affairs and the Board of Industry. Although both committees agree that the policy to improve education in the community relating to the use of fireworks over the most recent November 5th period resulted in a more responsible attitude, they do not agree about whether it is necessary to further legislate in connection with this matter. Copies of the committees responses, dated 12 December 2003 and 27 November 2003 respectively are appended to this letter.

In the foregoing circumstances, the Advisory and Finance Committee recommends that it be left to Members of the House to decide on this matter according to their own views.

Yours faithfully

A handwritten signature in black ink, appearing to be 'LC Morgan', with a long horizontal stroke extending to the right.

LC Morgan
President
States Advisory and Finance Committee

The President
 Advisory and Finance Committee
 Sir Charles Frossard House
 La Charroterie
 St Peter Port

12th December 2003

Dear Deputy Morgan

REQUÊTE – MISUSE OF FIREWORKS

Thank you for your letter of 12 November asking for the comments of the Committee for Home Affairs on Deputy Barrett's Requête.

This matter was considered by the Committee for Home Affairs at its meeting held on 8 December at which the Committee had the benefit of comments from the Fireworks Consultative Group.

The Group was set up in 2000, as a result of concerns expressed by the Public following both the 1999 November 5th period and the Millennium celebrations, with the aim of co-ordinating the efforts of various agencies to addressing these concerns to benefit the Community as a whole.

The current constitution of the Group is:

Fire Brigade
 Police
 Ambulance & Rescue Service
 Health & Safety Executive
 GSPCA
 Health Promotion Unit
 Age Concern
 Customs & Excise
 Professional Pyrotechnician Representative.

Having reviewed the outcomes of the 2003 November 5th period, the Group has advised the Committee that

- It was their unanimous view that the majority of public and private displays had been held on November 5th this year, as had been proposed by the Group. The two additional days designated for professional displays had also been used successfully. Whilst it was reported that some displays had occurred on

November 1st and one or two other nights, the opinion of the Group was of a much improved situation from previous years.

- The Police had received a number of complaints in the period between October 25th and November 9th. The majority of complaints were related to the misuse of fireworks in the street, although a number of complaints were made by members of the public who believed it was now 'illegal' to hold firework parties on days other than November 5th. The misuse of fireworks in the street appeared to also involve 'single bang' fireworks, which are not legally imported and were therefore probably illegally imported.
- On the issue of safety, only one minor injury was reported to the Ambulance Service although there were some minor recorded problems relating to the standard of some sparklers that could have caused injury. These were quickly withdrawn from sale locally.
- Two incidents of misuse causing damage were recorded. One was in respect of a firework pushed through a letterbox and the other of vandalism to a telephone box, both resulting in minor damage only. The Fire Brigade also attended a small hedge fire on November 5th presumed to be caused by a stray firework. A further incident was subsequently reported to the Brigade of a firework landing on a conservatory roof, burning through and almost igniting furnishings below. Following investigation, it was found that the 'firework' was in fact a distress parachute flare, which had been incorrectly used over land, resulting in the damage to the roof. This problem has been experienced in previous years and it was resolved to highlight this issue in the future.
- The GSPCA recorded less calls than previous years, although one pet rabbit was found dead on November 6th which it is believed could have been as a result of shock from the previous nights events.
- Age Concern reported that their feeling was of an improved situation. However, it was hoped the situation could still be improved in the future especially with regard to the sound level of fireworks.
- The sale of fireworks this year was restricted to persons of 20 years of age and over. This was welcomed by the Retailers and was also considered to be successful.
- The professional pyrotechnicians complied with the request to restrict displays to a total of 3 days. There were, however, one or two large displays that were held outside of these days by private parties and were not organised by the professionals.
- A joint agency educational initiative between the Fire Brigade and GSPCA visited 21 schools and talked to 3,628 pupils on Firework Safety issues. This was extremely well received and will be repeated again next year.

In light of the above assessment of this year's outcomes, the Consultative Group has unanimously resolved that the policy of education, to improve the situation relating to fireworks for the Community as a whole, is working and should be continued in the future.

The Group has proposed that in 2004, it should:

- Continue to promote November 5th as main day with two other dates being made known only to the professional pyrotechnicians, who have agreed to abide by these proposals.
- Request organisations holding events other than November 5th to clearly advertise start/finish times to inform the public by way of Guernsey Press, Guernsey Radio, Whats on Where etc.
- Repeat the Schools educational visits by Fire Brigade and GSPCA.
- Promote the change in UK Legislation requiring all fireworks to be below 120 decibels, which will become Law from 1st January 2004.
- Remind the public that it is dangerous and illegal to use distress flares for display purposes and out of date flares should be disposed of correctly.

Having carefully considered the views and recommendations of the Fireworks Consultative Group, the Committee for Home Affairs is firmly of the opinion that the approach proposed by the Group is entirely appropriate. The Committee fully support the use of education and persuasion to reduce the misuse of fireworks and does not believe that any benefit would be achieved through further legislating to control the use of fireworks.

In respect of the Requête, the Committee for Home Affairs

- considers that the concerns expressed by the Petitioners are fully addressed by the above comments of the Fireworks Consultative Group, which indicate the considerable progress that continues to be made through education and persuasion
- does not believe that there would be any benefit in requiring the Committee and the Board of Industry to report to the States on this matter as this letter, which the Committee would ask be enclosed with the Advisory and Finance Committee's letter of comment on the Requête, provides the information and advice which the Petitioners are seeking.

Accordingly, the Committee for Home Affairs suggests that the Advisory and Finance Committee recommend that the States reject the prayer of the Petitioners.

Yours sincerely



M W Torode
President

The President
States Advisory & Finance Committee
Sir Charles Frossard House
La Charroterie
St Peter Port
Guernsey
GY1 1FH

27th November 2003

Dear Deputy Morgan

REQUETE – MISUSE OF FIREWORKS

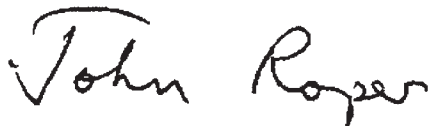
Thank you for your letter of 12th November 2003 providing the Board with an opportunity to comment on the Requete led by Deputy D A Barrett which seeks a States Resolution to direct this Board and the Committee for Home Affairs to report jointly to the States on a number of issues relating to misuse of fireworks.

The Board has been encouraged by a number of improvements that have been made in recent years as a result of a two-pronged approach to this problem. First, the Board has used its very limited powers under the Explosives Law to ban the import and sale of “bangers”, to initiate an Order banning the sale of fireworks to persons under 20 years of age and to prevent the sale of certain classes of dangerous fireworks to the public.

Second, it has worked with a number of States departments and local interest groups to educate and to promote a more responsible approach to the use of fireworks and to encourage celebrations to focus on or around the 5th November.

Having made these points, the Board is unanimously of the opinion that there is a limit to the improvements that could be made through education and appeals for co-operation. Furthermore, the current Explosives Law is deficient in a number of ways and needs updating. It is against this background that the Board supports the Requete and welcomes the opportunity to work with the Committee for Home Affairs and others to review the issues set out in the Requete and report to the States with recommendations.

Yours sincerely

A handwritten signature in black ink, reading "John Roper". The signature is written in a cursive, flowing style with a large initial 'J' and 'R'.

John Roper
President

The States are asked to decide:-

XII.- Whether, after consideration of the Requête dated the 7th November, 2003, signed by Deputy D. A. Barrett and seven other Members of the States, they are of opinion:-

To direct the States Board of Industry and the States Committee for Home Affairs jointly to report to the States:

- A. on the misuse of fireworks;
- B. on the number of nights on which firework displays whether private or organised are or may be held;
- C. on the desirability and practicability of providing by legislation for control of the misuse of fireworks and the holding of firework displays;
- D. on the desirability and practicability of providing by legislation for the States Board of Industry to licence retail sales of fireworks;
- E. and in the case of firework and retail sales of fireworks on the involvement of the Constables and Douzaines of the relevant parishes.

ORDINANCE LAID BEFORE THE STATES

**THE HEALTH SERVICE (BENEFIT) (AMENDMENT) (NO. 3) ORDINANCE,
2003**

In pursuance of the proviso to paragraph 66 of the Reform (Guernsey) Law, 1948, as amended, I lay before you herewith the Health Service (Benefit) (Amendment) (No.3) Ordinance, 2003, made by the States Legislation Committee on the 8th December, 2003.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE INCOME TAX (PENSIONS) (CONTRIBUTION LIMITS AND TAX-FREE LUMP SUMS) REGULATIONS, 2003

**INCOME TAX (GUERNSEY) (VALUATION OF BENEFITS IN KIND)
REGULATIONS, 2003**

In pursuance of the provisions of section 203 of the Income Tax (Guernsey) Law, 1975, as amended, I lay before you herewith the following Regulations made by the States Income Tax Authority on the 4th December, 2003:

THE INCOME TAX (PENSIONS) (CONTRIBUTION LIMITS AND TAX-FREE LUMP SUMS) REGULATIONS, 2003

EXPLANATORY NOTE

Individuals who are residents of Guernsey are permitted, under the Income Tax Law, to contribute to Retirement Annuity Schemes or Retirement Annuity Trust Schemes which provide personal pensions upon retirement. The Income Tax Authority is empowered, under the Law, to make Regulations which, amongst other things, lay down the limits of contributions which are permitted.

These Regulations:

- lay down the limits of contributions and mean that with effect from 1st January 2004, individuals are able to contribute up to the maxima shown;
- limit the total of tax-free lump sum payments which may be made from an approved occupational pension scheme or an approved annuity scheme; and
- give an entitlement to carry forward the amount of any qualifying unused contributions for 1998, 1999, 2000, 2001, 2002 and 2003 for utilisation in 2004.

**INCOME TAX (GUERNSEY) (VALUATION OF BENEFITS IN KIND)
REGULATIONS, 2003**

EXPLANATORY NOTE

The Income Tax (Emoluments Amendment) (Guernsey) Law, 1995 lays down the basis on which income tax is chargeable in respect of benefits provided to

individuals as a consequence of their offices or employments.

In the case of benefits arising during 2004 from the use of something, but without a transfer of ownership, the amounts chargeable to tax are to be determined in accordance with these Regulations.

These Regulations divide benefits into three categories, that is benefits arising from:

- (a) the use of a motor vehicle;
- (b) the use of land and the provision of accommodation;
- (c) the use of other assets.

THE ATTENDANCE ALLOWANCE (GUERNSEY) REGULATIONS, 2003

In pursuance of the provisions of section 24 of the Attendance and Invalid care Allowances (Guernsey) Law, 1984, as amended, I lay before you herewith the Attendance Allowance (Guernsey) Regulations, 2003, made by the Guernsey Social Security Authority on the 12th December, 2003.

EXPLANATORY NOTE

These Regulations have been reissued in consequence of the changes in the Attendance and Invalid Care Allowances (Guernsey) Law, 1984, which transferred the determination of claims from a Medical Board to the Administrator, thus allowing for appeals to be made to the Tribunal against decisions relating to a claimant's degree of disability. With the consequential changes are incorporated improved measures for the payment of an allowance to the terminally ill and for persons receiving home dialysis.

Part I of these Regulations deals with interpretation.

Part II of these Regulations provides for the conditions of entitlement to an attendance allowance relating to residence and presence in Guernsey; modification of section 1(1) of the Law in relation to entitlement by persons who have not attained school-leaving age; the disqualification for receipt of an attendance allowance of hospital in-patients and persons accommodated elsewhere at the cost, wholly or partly, of public funds; and the manner of determining the income of a person for the purpose of section 1(4)(b) of the Attendance and Invalid Care Allowances (Guernsey) Law, 1984 (which excludes from entitlement to an attendance allowance persons whose current annual income exceeds such amount as the States shall from time to time by Ordinance determine).

Part III contains provisions relating to claims for an attendance allowance and the payment of an attendance allowance.

Part IV and Part V contain provisions governing the determination of claims and questions by the Administrator and the Social Insurance Tribunal, which also acts as the appeals tribunal in relation to claims for attendance allowances.

THE SOCIAL INSURANCE (BENEFITS) REGULATIONS, 2003

**THE SOCIAL INSURANCE (BENEFITS) (TRANSITIONAL)
REGULATIONS, 2003**

**THE SOCIAL INSURANCE (CLASSIFICATION) (AMENDMENT)
REGULATIONS, 2003**

**THE SOCIAL INSURANCE (CONTRIBUTIONS) (AMENDMENT)
REGULATIONS, 2003**

**THE SOCIAL INSURANCE (DETERMINATION OF CLAIMS AND
QUESTIONS) (AMENDMENT) REGULATIONS, 2003**

**THE SOCIAL INSURANCE (RESIDENCE AND PERSONS ABROAD)
(AMENDMENT) REGULATIONS 2003**

In pursuance of the provisions of section 117 of the Social Insurance (Guernsey) Law, 1978, as amended, I lay before you herewith the following Regulations made by the Guernsey Social Security Authority on the 12th December, 2003:

THE SOCIAL INSURANCE (BENEFITS) REGULATIONS, 2003

EXPLANATORY NOTE

These regulations combine and consolidate provisions formerly contained in seven separate regulations, and reflect the simplification that has come about as a consequence of the changes introduced to ensure gender equality in the operation of the Social Insurance Law.

They provide for the manner in which claims are to be made and the time and manner of payments for all benefits, and detailed rules and provisions for all benefits (except those for industrial injuries, which are dealt with in a separate regulation) including reduced rates of benefit where contribution conditions are not fully met, disqualifications, the calculation of benefit entitlement, the appointment of persons to receive benefit for those unable to act and payments after death.

**THE SOCIAL INSURANCE (BENEFITS) (TRANSITIONAL) REGULATIONS,
2003**

EXPLANATORY NOTE

These regulations provide, following the introduction of the Authority's proposals for gender equality in social insurance:

- (a) for the limited continuation of the payment of increases for dependants for industrial injury, invalidity, sickness and unemployment benefits;
- (b) the technical mechanism for the enhancement of the contribution records of women who were married, widowed or divorced at the end of 2003, for the purposes of their eventual entitlement to old age pension, or their husband's

entitlement to a survivor's benefit in the event of their death;

- (c) for the continuation of certain important provisions conferring entitlement to benefits from contributions paid prior to the first Social Insurance Law.

THE SOCIAL INSURANCE (CLASSIFICATION) (AMENDMENT) REGULATIONS, 2003

EXPLANATORY NOTE

These regulations add to the existing regulations matters that were formerly contained in regulations that have been repealed as part of the process of consolidation and simplification. They also remove one provision that has become a source of unnecessary complication.

The additional regulations deal with the classification of mariners under Guernsey Law, and provide for the variation of a person's classification in special cases. The repeal removes the exemption from paying employed contributions for students under 18.

THE SOCIAL INSURANCE (CONTRIBUTIONS) (AMENDMENT) REGULATIONS, 2003

EXPLANATORY NOTE

These amendments follow the revision of the Social Insurance Law for gender equality, providing for the introduction of voluntary contributions and the award of Family Allowance credits.

They also take account of the changed contribution liability of married women, and include other amendments consequent on changes to benefits.

Lastly, as part of a general simplification of the regulations made under the Law, provisions for dealing with payments made at infrequent intervals, formerly contained in the Social Insurance (Special Cases) Regulations, have been incorporated with all other contributions matters.

THE SOCIAL INSURANCE (DETERMINATION OF CLAIMS AND QUESTIONS) (AMENDMENT) REGULATIONS, 2003

EXPLANATORY NOTE

These minor amendments are made solely in consequence of changes to the Social Insurance Law and have no effect on the subject matter of the Regulations.

THE SOCIAL INSURANCE (RESIDENCE AND PERSONS ABROAD)
(AMENDMENT) REGULATIONS, 2003

EXPLANATORY NOTE

As part of a process to rationalise and reduce the number of different sets of regulations, matters formerly contained in the repealed Mariners' regulations have been incorporated into these, which deal, in part, with the payment of benefits to persons outside Guernsey. Other changes are a consequence of amendments to the Law and other regulations.

**THE IDENTIFICATION OF BOVINE ANIMALS AND BOVINE RECORD
BOOKS ORDER 2003**

In pursuance of the provisions of section 33(1)(c) of the Animal Health Ordinance, 1996, I lay before you herewith the Identification of Bovine Animals and Bovine Record Books Order 2003, made by the States Agriculture and Countryside Board on the 15th December, 2003.

EXPLANATORY NOTE

This Order sets out the methods approved by the Agriculture and Countryside Board by which all bovine animals must be identified and introduces requirements relating to bovine passports which are intended to enable the Board to trace the movement of cattle.

DE V. G. CAREY
Bailiff and President of the States

The Royal Court House,
Guernsey.
The 9th January, 2004

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 28TH DAY OF JANUARY, 2004

The States resolved as follows concerning Billet d'Etat No. I
dated 9th January, 2004

PROJET DE LOI

entitled

THE STATES AUDIT COMMISSION (GUERNSEY) (REPEAL) LAW, 2004

- I. To approve the Projet de Loi entitled “The States Audit Commission (Guernsey) (Repeal) Law, 2004”, and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

PROJET DE LOI

entitled

**THE APPOINTMENTS TO THE STATES ESTABLISHED STAFF
(GUERNSEY) (REPEAL) LAW, 2004**

- II. To approve the Projet de Loi entitled “The Appointments to the States Established Staff (Guernsey) (Repeal) Law, 2004”, and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE HOUSING (CONTROL OF OCCUPATION) (SUSPENSION OF
PROVISIONS OF SECTION 65) ORDINANCE, 2004**

- III.- To approve the draft Ordinance entitled “The Housing (Control of Occupation) (Suspension of Provisions of Section 65) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

STATES PUBLIC ASSISTANCE AUTHORITY

ST. SAMPSON'S PAROCHIAL OUTDOOR ASSISTANCE BOARD

NEW MEMBER

- IV.- To elect Mr. Alan Nant as a member of the St. Sampson's Parochial Outdoor Assistance Board to complete the unexpired term of office of Mr. A. M. J. Courtney, who has ceased to be a Douzenier, namely, to the 31st May, 2007.

STATES PUBLIC ASSISTANCE AUTHORITY

ST. MARTIN'S PAROCHIAL OUTDOOR ASSISTANCE BOARD

NEW MEMBER

- V.- To elect Mr. Richard Strappini as a member of the St. Martin's Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mrs. M. M. Laws, who has ceased to be a Douzenier, namely to the 31st May, 2005.

STATES ADVISORY AND FINANCE COMMITTEE

STATES AUDIT COMMISSION: MEMBERSHIP

- VI.- After consideration of the Report dated the 26th November, 2003, of the States Advisory and Finance Committee:-

1. To re-elect Mrs. Lesley Mary Perkins, who has been nominated in that behalf by the States Advisory and Finance Committee, as an ordinary member of the States Audit Commission with effect from the 1st March, 2004.
2. To re-elect Mr. Rodney Benjamin, who has been nominated in that behalf by the States Advisory and Finance Committee, as an ordinary member of the States Audit Commission with effect from the 1st March, 2004.

STATES ADVISORY AND FINANCE COMMITTEE

GUERNSEY FINANCIAL SERVICES COMMISSION NEW CHAIRMAN AND NEW MEMBERS

VII.- After consideration of the Report dated 18th December, 2003, of the States Advisory and Finance Committee:-

1. To re-elect Mr. John Edward Hallam, FCA as an ordinary member of the Guernsey Financial Services Commission for three years with effect from the 2nd February, 2004.
2. To elect Advocate Peter Andrew Harwood as an ordinary member of the Guernsey Financial Services Commission to complete the unexpired portion of the term of office left vacant by Advocate Carey's resignation, that is from the 1st August, 2004 until 1st February, 2006.
3. To re-elect Mr. John Edward Hallam, FCA as Chairman of the Guernsey Financial Services Commission for one year with effect from the 2nd February, 2004.

STATES ADVISORY AND FINANCE COMMITTEE

PROCEEDS OF CRIME AND DRUG TRAFFICKING LAWS

VIII.- After consideration of the Report dated the 19th November, 2003, of the States Advisory and Finance Committee:-

1. That the Proceeds of Crime and Drug Trafficking Laws shall be amended to allow for the restraint of assets once an investigation has commenced whether it be locally or abroad.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

THE REMUNERATION OF STATES MEMBERS AND NON-STATES MEMBERS

IX.- After consideration of the Report dated the 17th December, 2003, of the States Advisory and Finance Committee:-

1. That the present Compensation Payment shall be replaced by a Basic Allowance of £20,000 per year available to all Members excluding the Alderney Representatives.

2. That the present Attendance Allowance and Presidential Allowances shall be replaced by workload and special responsibility allowances; in respect of workload allowances they shall be paid as follows:
 - (i). A Departmental Membership Allowance of £2,500 per year for each seat held on a States Department or the Scrutiny Committee or the Public Accounts Committee.
 - (ii). A Committee Membership Allowance of £1,250 per year for each seat held on a Standing States Committee excluding the Scrutiny Committee and the Public Accounts Committee.
 - (iii). A Special States Committee Membership Allowance to be set by the States on formation of the Committee at £2,500 per year or £1,250 per year, according to the expected workload.
3. The total amount of Departmental, Committee and Special Committee Membership Allowances paid to an individual States Member shall not exceed £7,500 per year.
4. That Special Responsibility Allowances shall be paid as follows:
 - (i) Chief Minister – £20,000 per year.
 - (ii) Deputy Chief Minister – £5,000 per year.
 - (iii) Ministers and Chairman of the Scrutiny Committee and Chairman of the Public Accounts Committee - £7,500 per year.
 - (iv) Chairmen of Standing States Committees excluding the Scrutiny Committee and the Public Accounts Committee - £3,750 per year.
 - (v) Deputy Ministers and Vice-Chairman of the Scrutiny Committee and Vice Chairman of the Public Accounts Committee - £2,500 per year.
 - (vi) Vice-Chairmen of Standing States Committees excluding the Scrutiny Committee and the Public Accounts Committee - £1,250 per year.
 - (vii) Chairmen and Vice-Chairmen of Special States Committees - £7,500 and £2,500 per year respectively if the States have set the workload allowance for the Committee at the Departmental level, and £3,750 and £1,250 respectively if the allowance is set at the Committee level.
5. That all Special Responsibility Allowances shall be paid in addition to the Basic Allowance and any Departmental, Committee and Special Committee Membership Allowances to which a Member may be entitled.

6. That the total amount of Special Responsibility Allowances payable to any individual Member, excluding the Chief Minister and Deputy Chief Minister, shall not exceed £15,000 per year.
7. That the total amount of Special Responsibility Allowances payable to the Deputy Chief Minister shall not exceed £22,500 per year.
8. That all States Members shall receive an annual Expense Allowance of £2,500, free of tax.
9. That Non-States Members shall continue to be remunerated by means of an attendance allowance of a maximum of £45 per half day, payable under the same conditions as the current Allowance.
10. That Alderney Representatives and Alternative Alderney Representatives shall receive an allowance for attendance at meetings of the States of Deliberation, payable under the same conditions as the current Attendance Allowance for the Alderney Representatives and at the same rate as recommended for non-States Members.
11. That new rules governing the remuneration of States Members and non-States Members shall be prepared and implemented by the States Advisory and Finance Committee in accordance with the decisions of the States.
12. That the States Advisory and Finance Committee, with the advice of the States Actuaries, shall prepare rules for a new States Members pension scheme along the lines of the current scheme but based on the Basic Allowance for approval by the States.
13. That the existing pension scheme for States Members shall remain applicable for service up to the date when the new scheme becomes effective (i.e. 1 May 2004).
14. That the remuneration of States Members and non-States Members of States departments, committees and Non-Governmental Bodies be again subject to independent review when the patterns of workload and responsibility resulting from the present changes to the machinery of government have become clear; such a review shall, in any event, take place before the election of 2008.
15. That independent reviews of States Members and non-States Members' remuneration shall be undertaken in the year before the election of 2012 and in each year before subsequent elections, with any resulting changes becoming effective at the start of the new session.

16. That the pay of States Members and non-States Members of States departments, committees and Non-Governmental Bodies shall be adjusted annually in line with changes in the Guernsey Index of Retail Prices in the period between reviews.
17. That the States Advisory and Finance Committee shall develop and implement a policy intended to ensure that all States Members have the use of Information Technology (IT) equipment of an adequate standard as set out in that Report.
18. That if, under such policy referred to in proposition 17 above, some or all States Members provide and/or operate IT equipment from their own resources for the purposes of States business, those members shall receive an additional expense allowance free of tax at a level or levels to be decided by the States Advisory and Finance Committee but not exceeding £500 per year.
19. That Departments and committees shall maintain a record of their States Members' attendance at, and absence from, meetings, including sub-committee meetings and the reasons for absence given shall also be recorded.
20. That the records of States Members' attendance at, absence from and reasons for absence from meetings, shall be made available to the House Committee to monitor and to take such action as it sees fit within its powers and the records shall also be available for inspection by the public.

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 29TH DAY OF JANUARY, 2004

(Meeting adjourned from 28th January, 2004)

The States resolved as follows concerning
Billet d'État No. I dated 9th January, 2004

STATES HOUSING AUTHORITY

EXTENSION OF THE HOUSING (CONTROL OF OCCUPATION) (GUERNSEY)
LAW, 1994

X.- After consideration of the Report dated the 12th December, 2003, of the States Housing Authority:-

1. That the Housing (Control of Occupation) (Guernsey) Laws 1994 to 2001, shall remain in force for a further period of one year.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES HOUSING AUTHORITY

FUTURE MANAGEMENT OF ST. JULIAN'S HOUSE

XI.-After consideration of the Report dated the 16th December 2003, of the States Housing Authority:

1. To confirm that responsibility for managing St Julian's House shall pass to the Health and Social Services Department with effect from 1 May 2004.
2. To direct that the Health and Social Services Department shall report back to the States no later than January 2005 with its recommendations on the type of service(s) and client group(s) to be served by St Julian's House, having consulted fully with the Housing Department and the Home Department, together with all other relevant non-governmental agencies.

REQUÊTE

MISUSE OF FIREWORKS

XII.- After consideration of the Requête dated the 7th November, 2003, signed by Deputy D. A. Barrett and seven other Members of the States:-

To direct the States Board of Industry and the States Committee for Home Affairs jointly to report to the States:

- A. on the misuse of fireworks;
- B. on the number of nights on which firework displays whether private or organised are or may be held;
- C. on the desirability and practicability of providing by legislation for control of the misuse of fireworks and the holding of firework displays;
- D. on the desirability and practicability of providing by legislation for the States Board of Industry to licence retail sales of fireworks;
- E. and in the case of firework and retail sales of fireworks on the involvement of the Constables and Douzaines of the relevant parishes.

ORDINANCE LAID BEFORE THE STATES

THE HEALTH SERVICE (BENEFIT) (AMENDMENT) (NO. 3) ORDINANCE, 2003

In pursuance of the proviso to paragraph 66 of the Reform (Guernsey) Law, 1948, as amended, the Health Service (Benefit) (Amendment) (No.3) Ordinance, 2003, made by the States Legislation Committee on the 8th December, 2003, was laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE SOCIAL INSURANCE (BENEFITS) (TRANSITIONAL) REGULATIONS, 2003

Pursuant to section 117 of the Social Insurance (Guernsey) Law, 1978, the Social Insurance (Benefits) (Transitional) Regulations, 2003 were ANNULLED.

THE INCOME TAX (PENSIONS) (CONTRIBUTION LIMITS AND TAX-FREE LUMP SUMS) REGULATIONS, 2003

INCOME TAX (GUERNSEY) (VALUATION OF BENEFITS IN KIND) REGULATIONS, 2003

In pursuance of the provisions of section 203 of the Income Tax (Guernsey) Law, 1975, as amended, the above Regulations made by the States Income Tax Authority on the 4th December, 2003 were laid before the States.

THE ATTENDANCE ALLOWANCE (GUERNSEY) REGULATIONS, 2003

In pursuance of the provisions of section 24 of the Attendance and Invalid Care Allowances (Guernsey) Law, 1984, as amended, the above Regulations, made by the Guernsey Social Security Authority on the 12th December, 2003 were laid before the States

THE SOCIAL INSURANCE (BENEFITS) REGULATIONS, 2003

THE SOCIAL INSURANCE (CLASSIFICATION) (AMENDMENT) REGULATIONS, 2003

THE SOCIAL INSURANCE (CONTRIBUTIONS) (AMENDMENT) REGULATIONS, 2003

THE SOCIAL INSURANCE (DETERMINATION OF CLAIMS AND QUESTIONS) (AMENDMENT) REGULATIONS, 2003

THE SOCIAL INSURANCE (RESIDENCE AND PERSONS ABROAD) (AMENDMENT) REGULATIONS 2003

In pursuance of the provisions of section 117 of the Social Insurance (Guernsey) Law, 1978, as amended, the above Regulations made by the Guernsey Social Security Authority on the 12th December, 2003, were laid before the States.

THE IDENTIFICATION OF BOVINE ANIMALS AND BOVINE RECORD BOOKS ORDER 2003

In pursuance of the provisions of section 33(1)(c) of the Animal Health Ordinance, 1996, the above Order, made by the States Agriculture and Countryside Board on the 15th December, 2003 was laid before the States.

K. H. TOUGH
HER MAJESTY'S GREFFIER