



# BILLET D'ÉTAT

WEDNESDAY, 24th NOVEMBER 2010

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## Volume 2

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### *Statutory Instruments laid before the States*

The Police (Property) Regulations 2010, p. 1968

The Tobacco Advertising (Guernsey) Regulations, 2010, p. 1968

The Misuse of Drugs (Modification No 3) Order, 2010, p. 1968

The Financial Services Commission (Bailiwick of Guernsey) (Amendment) Regulations, 2010, p. 1969

The Police Powers and Criminal Evidence (Revised Code of Practice E) (Bailiwick of Guernsey) Order, 2010, p. 1969

### APPENDIX

Commerce and Employment Department - OUR Annual Report and Audited Accounts 2009, p. 1971

## SCRUTINY COMMITTEE

### ‘INVESTIGATING VANDALISM’ MONITORING REPORT

The Presiding Officer  
States of Deliberation  
Royal Court House  
St Peter Port

15<sup>th</sup> September 2010

Dear Sir

#### **Executive Summary**

The Committee’s review entitled “*Investigating Vandalism*” was published in October 2009 and is attached as an appendix<sup>1</sup> to this monitoring report.

The ‘review report’ considered the causes and effects of vandalism, with particular emphasis on the perceptions of the contributors to the review, and how these might be addressed. The Committee received contributions to the review from over 400 members of the public and businesses, as well as States Departments.

Prior to the publication of the review report, the Committee chose to defer putting the report formally to the States so that it could present this ‘monitoring report’, to accompany the review report, detailing the original responses<sup>2</sup> from Departments to the recommendations, and an update on other relevant developments.

All States Departments were invited to comment on the draft of the monitoring report, with the Home and Education Departments submitting letters<sup>3</sup> for inclusion in the Billet.

The Committee chose to look at vandalism because it was identified as a problem of significant concern for the Bailiwick and was felt to be a useful test of commitments made by various departments under the then Government Business Plan.

Criminal damage remains the most frequently reported offence in the Bailiwick. In 2008, criminal damage represented 32% of reported crime in Guernsey. In Alderney,

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<sup>1</sup> Attached as Appendix C. In the interests of reducing costs, the Committee resolved to print the appended ‘Investigating Vandalism’ review report in black and white. This results in three graphs contained within the report (at pages 14, 38 and 45) being less accessible to the reader, however, a colour version of the report is available on request from the Scrutiny Committee, online at [www.gov.gg/scrutiny](http://www.gov.gg/scrutiny) or at the Guille-Allès Library.

<sup>2</sup> Attached as Appendix A

<sup>3</sup> Attached as Appendix B

acts of criminal damage represented half of all reported crime. Whilst the Police Annual Report 2009 shows a decline in the number of incidents of criminal damage and arson reported, it still represents 26% and 44% of reported crime in Guernsey and Alderney respectively.

The review made a total of 24 individual recommendations to States Departments and one for the judiciary to consider. A number of recommendations were made to several Departments, and some had more than one part, which means there was the possibility for a total of 52 acceptances or rejections. The Committee received the positive response of approximately 36 of that total being accepted (69%).<sup>4</sup> Where Departments have rejected recommendations, the Committee has considered their reasoning and this is detailed in the Report.

Overall, the Committee has been pleased with the initial response and contribution from Departments and the general commitment to tackling vandalism within the community.

The Committee was pleased to note that some of the more significant recommendations, considered to have the greatest potential impact, were accepted. As detailed below, some recommendations have been put into action, or had even been implemented before the publication of the review report. If Departments chose to reject recommendations, it was usually on the basis of budget limitations, for example the requirement for additional staff to monitor CCTV footage (Home Department). Although they noted the recommendations, due to time restraints some Departments felt that these initiatives could not justify taking high priority in their forward-work programme at this time. Some Departments chose to partially accept a recommendation, or agreed to look at it in the future when their budget would allow.

Whilst the Committee was pleased with the mostly positive response to its recommendations, it felt more could be done to performance manage objectives that Departments planned to initiate, or currently operated. Many Departments did not provide details regarding the timeframe and performance management of the objectives, which will limit the ability to monitor the success of the initiatives and whether or not they have specifically had a positive effect on reducing the impact of vandalism within the community.

When forming recommendations for the review report, the Committee appreciated the challenges facing Departments in addressing this problem. It never laboured under the belief that it would be able to provide a 'quick fix' solution. The Committee acknowledged that, whilst there may be adequate sentencing options available, or education programmes in place, the various causes of individual acts of vandalism and the difficulties in identifying perpetrators and subsequently providing a solid evidence base for successful prosecution were the ultimate barriers to holding to account those people responsible for such behaviour.

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<sup>4</sup> Estimated on the basis that some of the Recommendations were accepted only 'in part' by some Departments, and when further clarity was asked from Departments it was clear that they had chosen to reject the specific focus of the recommendation.

However, the Committee believes initiatives being developed, in particular by the Home Department, will address some of the difficulties in identifying perpetrators. It believes the progression of intelligence led policing, with the support of the proposed database which will cover the entire criminal justice system, will further assist the Police in having a strategic and targeted approach to crime control.

Another notable development has been the further progress in establishing Neighbourhood Policing. The Committee believes this initiative will help the Police develop strong links in the community to respond to its needs. Sir Ronnie Flanagan, Her Majesty's Chief Inspector of Constabulary, is quoted in the 'Investigating Vandalism' review report,

*"By creating teams of officers dedicated to building strong links with local communities, responding to the their needs and working in partnership with other parts of government, it can build trust and confidence in policing and make a major contribution to tackling problems like anti-social behaviour and vandalism that can blight people's lives"*

It is pleasing to note that the former Chief Officer of the Island Police identified, in the Police's Annual Report of 2009, that Neighbourhood Policing '*is to form the bedrock of future policing in the Bailiwick*'. The Committee has been impressed with the positive impact the development of Neighbourhood Policing, and the work of its team, has had in the community. It feels particular mention should be given to the work undertaken at the Bridge and Delancey Park, which, as reported in the Police Annual Report of 2009, has helped to reduce crime and anti-social behaviour in that area. The initiative has also achieved positive media coverage through publicising its work consistently throughout the year.

The Committee believes the alternative sentencing and rehabilitation of offenders, through community service and restorative justice, should also have the long-term benefit of reducing the number of repeat offenders.

The Committee believes these initiatives, alongside other actions taken by Departments as outlined in this report, will have the gradual but effective consequence of reducing the prevalence of such acts of vandalism taking place in society.

## **Introduction**

The Committee would like to thank all those Departments, the judiciary, organisations and individuals who have contributed to this Scrutiny review.

The Committee realises there is no single definition and no one solution for criminal damage, which is emphasised in the review report. However, it sets out to gain a better understanding of the issue, and specifically examines it within the Guernsey context.

Criminal damage is the most frequently reported offence in Guernsey. In 2008, criminal damage and arson represented 32% of reported crime in Guernsey. In Alderney, acts of criminal damage represented half of all reported crime. Whilst the Police Annual Report 2009 shows a decline in the number of incidents of criminal damage and arson reported, it still represents 26% and 44% of reported crime in Guernsey and Alderney respectively.

Vandalism can, in the long-term, induce fear and distrust within the community and in the short-term may cause expense and inconvenience for its victims. The review report investigates the impact of vandalism on its victims and the wider community at large. It highlights areas of the Island that are particularly affected by vandalism, and examines the reasons for its occurrence and the motives of the perpetrators.

The review report concluded that Guernsey does not have a significant problem with vandalism in comparison with other jurisdictions. However, vandalism is indicative of a larger problem, that of anti-social behaviour, and addressing this problem is essential to preserve the sense of safety and encourage cohesion in the community.

Part of the Scrutiny Committee's role is to assess the performance of Departments. The conclusions and recommendations in the *Investigating Vandalism* review report are designed to assist Departments and are not intended to be prescriptive. Furthermore, the Committee feels that dealing with vandalism is an issue to which all community members should be committed, as well as States Departments.

### **"Investigating Vandalism" review recommendations**

The recommendations are outlined at the beginning of the *Investigating Vandalism* review report, but are printed below alongside the Departments' responses for ease of reference. All paragraph references are to the appended *Investigating Vandalism* review. Where appropriate, the Committee has also referred to other initiatives, of which it is aware, to provide further information on progress made in tackling vandalism and anti-social behaviour.

## **RECOMMENDATIONS**

### **POLICY AND STRATEGY**

**The Scrutiny Committee recommends the Social Policy Group, Policy Council:**

- 1. To develop an improvement plan that links existing corporate strategies, addresses social inclusion and safety issues and sets performance indicators to monitor performance. (See paragraph 4.21)**

The Social Policy Group informed the Committee that the Social Policy Plan already links existing corporate strategies to address social inclusion. The Social Policy Plan contains a number of sub-plans and strategies such as the developing Criminal Justice Strategy and the Drug and Alcohol Strategy. The Social Policy key performance indicators in the States Strategic Plan will be used to monitor the Social Policy Plan.

The Group added that a possible addition to the Social Policy Plan in future might be a pictorial map of social policy plans and strategies to illustrate the way in which they link together. The Committee believes this would be a useful tool for explaining the various strategies and their coordination, and provide clarity and transparency for the process.

## **CRIME PREVENTION, LAW ENFORCEMENT AND PENALTIES**

### **The Scrutiny Committee recommends the Home Department:**

- 2. To incorporate performance indicators and a monitoring programme into the Criminal Justice Strategy and other strategies to ensure systems and policies are constructively reviewed. (See paragraph 9.30)**

The Department is currently researching a corporate management tool to assist in business planning, process and performance management. This is intended to allow the Department to track and monitor performance, efficiency and value-for-money aspects of the long-term Criminal Justice Strategy. The Department accepted the recommendation and stated the software would be acquired in late 2010, with a target date for part implementation in 2011 and for full implementation in 2012. It explained the development of the software would take approximately two years and would cover the entire criminal justice system. The systems will be developed to complement the Criminal Justice Strategy.

The Department advised that the corporate management tool, currently subject to proof of concept, incorporates a set of layered, interlinked strategy maps that illustrate progress according to the completion of underlying scorecards. The information populating the scorecards will be extracted from the relevant databases of criminal justice organisations. The Department stated it must define the reports that would best measure the success of its objectives, and that would be dependent upon first conducting an audit of existing databases across the Criminal Justice System (assessing what information is held) and developing existing data exchange mechanisms. The Department said the work stream is progressing well.

- 3. To provide the Committee with early sight, as far as possible, of any relevant forthcoming States Reports, e.g. the Criminal Justice Strategy, to enable the Committee to monitor ongoing progress against the commitments made in these areas. (See paragraph 9.30)**

The Department accepted this recommendation, and agreed to provide the Committee with early sight of relevant reports. It informed the Committee that it is anticipated the Criminal Justice Strategy will incorporate sufficient monitoring procedures and that it would be able to provide the Committee with the requested information once the Strategy has been developed. The Department estimated the strategy would be presented to the States in late 2011 or early 2012, and explained that work on it was

progressing, with workshops organised involving all key stakeholders, to formulate its structure and development.

4. **To promote an ‘anti-vandalism’ campaign, in conjunction with the Crime Prevention Panel, investigating the merits of using hard-hitting realism and making the campaign targeted e.g. school/public holiday or at specific events, and expanding the reach of educational campaigns beyond the schools to, for example, parks, ‘hotspots’, public conveniences . (See paragraphs 6.51/6.55)**

The Department stated that, prior to the publication of the *Investigating Vandalism* review report, work was already in progress to involve the Crime Prevention Panel in a proactive campaign to highlight the negative impact of criminal damage upon society. A poster campaign competition had been run where all the Island’s school pupils were invited to participate to depict what they considered to be ‘respect’ within the community, and how this could be promoted.

The Department stated it had been encouraged by the enthusiasm of the young people involved, with 400 children participating in the competition. The winning poster had formed the front cover of a calendar for 2010, with twelve runners up heading each of the months therein. This calendar had subsequently been circulated to all of the Island’s schools, a number of places of employment and places to which the public has access.

The Committee concluded that the Department had accepted the recommendation in part, as whilst it had progressed work in raising awareness in schools regarding the effects of criminal damage to the community, it had not specifically addressed the recommendation to make campaigns targeted e.g. in the lead up to school or public holidays; and expanding the reach of the campaigns to beyond schools. The Committee believes the work undertaken through neighbourhood policing could further develop this recommendation, to assess how educational campaigns could be effectively extended to parks and ‘hotspots’.

5. **To monitor the number of cases that involved CCTV in their detection to assess the performance and cost-effectiveness of the system on a regular basis. (See paragraph 8.30)**

The Home Department informed the Committee that the number of cases that specifically involved CCTV in their detection was not currently available. The Department had concluded that this would be expensive to research and would not necessarily be useful in determining whether the current system is cost-effective. On that basis, the Department therefore rejected this recommendation.

The Department explained, in 2009, the Police Technical Support Unit received 730 requests to secure CCTV recordings from public and private systems in relation to Police investigations into a range of incidents. However, it stated the cases were not separately recorded or evaluated to determine to what extent the CCTV images were a

critical factor in the detection of any offence, much less filtering cases involving criminal damage.

However, in the future it is hoped that, under the auspices of the Home Department, staff will be employed to permanently monitor CCTV coverage of public areas. It suggested a useful performance indicator to test the success of this initiative would perhaps include the staff recording the number of incidents reviewed and then passed to the Police. In January 2010, the Deputy Chief Officer of the Department had been quoted in the media that CCTV could be manned 24 hours a day however financial constraints meant this was not a priority. Nevertheless, the Department stated it was now working with the Financial Transformation Programme to evaluate the feasibility of a 24 hour manned CCTV system and this workstream should be completed in 2010.

The Committee understood the problems described by the Department in currently monitoring the number of cases that involved CCTV. It acknowledged it would be difficult, if not impossible, to assess the 'deterrent factor' of CCTV in discouraging anti-social behaviour, and noted that it would also be difficult to assess the effectiveness of this tool without the system being continuously manned.

The Culture and Leisure Department informed the Committee that the improved CCTV system at Beau Sejour had been a great success and enabled staff to deal with incidents quickly and firmly with the supporting evidence of the recordings. It stated the use of CCTV was being extended to other sites as resources allowed. The Home Department confirmed that, at La Vallette, it has been proactive in introducing seasonal 'alcohol-free' zones and a CCTV initiative where the Police have access to live images from the site.

**6. To investigate the costs and benefits of purchasing a transportable CCTV system to tackle specific neighbourhood problems, tying in with the identification of 'hotspots'. (See paragraph 8.31)**

The Department rejected this recommendation at this time explaining that, given competing budgetary demands and resource availability, it did not believe there was value in currently investigating this option. It stated a transportable CCTV system would not be a priority until there was a realistic expectation that staff and facilities would be made available to continuously monitor such a system, as detailed in the previous response.

The Committee is mindful of the resource constraints facing all Departments but would request the Department reconsider this issue in the future. It noted that the Department had installed CCTV cameras in two areas of St Martin's in April 2010 in what the Police had identified as prime areas where young people gather. Therefore, whilst the recommendation to purchase a transportable CCTV system was rejected, the Police have shown they will utilise CCTV to tackle specific neighbourhood problems.



**7. To provide performance indicators and action plans for the implementation and performance management of:**

**(a) Community Policing** (*See paragraph 8.41*)

The Department stated that a report on Neighbourhood Policing within the Bailiwick of Guernsey had been submitted to the Board and provided a road map for the development of Neighbourhood Policing in the future. The Department stated it would not be cost neutral and was linked to the Strategic Review of Policing, which had been completed in 2010.

The Committee believe the development of Community Policing is an area where the Department has made considerable progress in tackling incidents of anti-social behaviour and vandalism, with beat officers operating at the Bridge and St Sampson's, Town, Les Genats Estate and at St Martin's. A drop-in police station at the Bridge was officially opened in July 2010 as part of the neighbourhood police scheme and a similar centre is being considered for St Martin's.

The former Chief Officer of the Island Police, George Le Page Q.P.M., said in the introduction to the Police Service's 2009 Annual Report,

*"A critical element of the review (the Strategic Review of the Force undertaken in 2009) was to enable a firm basis from which Neighbourhood Policing could be established. Work undertaken during its early stages has allowed the commencement of, what I hope will within five years, be a scheme that is firmly established throughout the Bailiwick. Already we are seeing tremendous success within the St Sampson's, Bouet and Town neighbourhood areas and it is hoped that in the New Year further schemes will be introduced as resources become available. The policing effort in Alderney has always been citizen focused but the beginning of the year saw it fall very much in line with Guernsey, with a far more structured Neighbourhood Policing approach".*

In an interview published in the Guernsey Press on 12<sup>th</sup> May 2010, the new Chief Officer, Patrick Rice, also confirmed his intention to focus on neighbourhood policing. He was quoted as saying,

*"If you look at the crime issues that confront the community, it's things like criminal damage and low-level disorder."*

The Department has also planned an initiative to engage with the public, through public surveys scheduled to occur in September 2010, in established Neighbourhood Beat areas, to gauge the overall confidence level that the residents have in the service provided by the Police.

The Department confirmed the Police worked closely with other States Departments where it was identified that it would be advantageous and appropriate to do so. It provided examples of the joint working with the Culture and Leisure Department to

help combat instances of criminal damage and anti-social behaviour in and around sites for which the Department had responsibility, in particular La Vallette.

The Culture and Leisure Department had commented on the community police who had been assigned to Beau Sejour and Delancey Park, and highlighted the substantial reduction to the levels of damage and improvement in behaviour experienced there.

The Committee believes there is growing momentum in community policing in the Island, and has concluded the increase in visible neighbourhood policing should have a significant impact on instances of criminal damage and anti-social behaviour. It is pleased to note the Police are seeking to engage with and receive feedback from the public, through the planned surveys, and believes this should assist the Police in forming community led initiatives to tackle issues such as vandalism and anti-social behaviour.

**(b) Restorative Justice** (*See paragraph 9.45*)

The Department recruited a Restorative Justice Development Officer in 2009 to undertake research and develop the Restorative Justice Strategy. It explained the multi-agency Restorative Justice Strategy contains action plans and performance indicators, and was approved by the Board in April 2010. Regular implementation reports will be presented to the Board to enable monitoring of the scheme. Due to the nature of restorative justice, which is primarily to give victims a real part in the Criminal Justice System, the effects of the Strategy would only be able to be judged once it had time to establish, in order to adequately assess the long-term effects of the initiative.

**(c) Community Service Orders** (*See paragraph 9.40*)

The implementation and performance management of Community Service come under the remit of the Probation Service. Performance indicators and plans are regularly monitored, and have been provided to the Departmental Board on a quarterly basis since it became a sentencing option in October 2007. These indicators provide data on: the numbers of sentences compared with short prison sentences, custodial equivalents, hours worked, beneficiaries helped, compliance rates, enforcement action taken, demographics of clients on Orders. Furthermore, work is progressing within the Criminal Justice IT project to look at reconviction statistics in relation to various sentences.

Community Sentencing was the subject of a report presented to the States of Deliberation in November 2009<sup>5</sup>, where the States voted unanimously to continue to provide a Community Service Scheme adequate to respond to the sentencing needs of the Courts. The Committee had noted the Department had resolved to liaise with the Treasury and Resources Department to discuss the appropriate way to fund the Scheme, which it had then identified may include the financial costs of the proposals set out in that report being considered for approval as part of the Strategic Planning process.

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<sup>5</sup> Billet d'État XXXI, 2009

The Department confirmed that the Community Service Scheme would be put forward for consideration as part of the States Strategic Plan prioritisation process for 2011, which would be debated by the States in September 2010.

**8. To investigate the options available for upgrading or replacing the existing Police computer database with a system which would facilitate an intelligence-led approach to policing. The Committee considered that management information should be easily available on:**

- **The mapping of incidents by type, time and location to identify trends and ‘hotspots’;**
- **The number of repeat offenders (where convicted);**
- **The number relating to alcohol and drug usage (where known).**

*(See paragraphs 8.58 - 59)*

The Home Department stated that work was being undertaken by the Home Department’s Central IT Department to provide the computer databases suggested. Further information regarding the database, and the timescales for its development, is detailed previously under recommendation 2. The Department confirmed that the database would enable the Police service to receive management information on a broad spectrum of issues which would contribute to an intelligence-led approach to policing. The Committee welcomes this move, and believes it is key in order to assist the Police in tackling criminal damage.

**9. To review, in consultation with appropriate interested parties, the present maximum level of compensation (£2,000) that can be awarded by the Magistrate’s Court under the Criminal Justice (Compensation) (Bailiwick of Guernsey) Law, 1990 with regard to criminal damage cases to consider whether a maximum limit is necessary and, at the least, to bring it in line with current money values. (See paragraph 9.25)**

The Home Department accepted this recommendation, and informed the Committee that a review of relevant legislation in relation to Criminal Justice initiatives, as they are taken forward through the strategy, is appropriate.

**The Scrutiny Committee recommends the judiciary:**

**10. To review and offer greater transparency on sentencing guidelines. (See paragraph 9.7)**

The focus of the Committee in undertaking the review was to assess departmental performance but in the course of its research the Committee identified a recommendation that it felt was appropriate to submit to the judiciary and so included this in its report.

Appendix III of the ‘Investigating Vandalism’ review report provides an overview of the law relating to vandalism. The Committee considered that adequate maximum penalties are available to punish any act of criminal damage that is likely to occur. Further, it has noted that in cases where criminal conduct and the relevant factors to be taken into consideration suggest that a custodial sentence is the fair and just way to dispose of a case, the Courts do hand down custodial sentences for offences of criminal damage.

However, the Committee felt that a guideline document outlining the approach to sentencing in the Guernsey courts with regards to criminal damage would be beneficial in explaining to the general public the framework within which sentences are assessed, whilst still leaving full scope for the exercise of judicial discretion by judges.

The Bailiff had responded on behalf of the judiciary, and provided a thorough explanation of the complexities of the sentencing process including the maximum and minimum sentencing parameters, the application of general principles, mitigating factors, the circumstances of the offender and general issues arising with regard to sentencing guidelines.

The Bailiff explained that the Courts in Guernsey and Jersey have not seen fit to lay down guidelines in cases, other than in regard to trafficking in illicit drugs, because of the multitude of factors to be taken into account and for fear of limiting the flexibility which enables a Court to do justice in an individual case.

The Committee is grateful for the thorough and helpful explanation provided by the Bailiff on this matter, and understands the reasoning given as to why sentencing guidelines might be considered inappropriate in the Bailiwick.

## **SOCIAL INCLUSION PROJECTS**

**The Scrutiny Committee recommends the:**

- 11. Education, Commerce and Employment and Social Security Departments to provide an action plan of the initiatives they have designed to help people engage in productive and constructive activities, in line with (priority 4 of the former GBP and) the new Social Policy Plan. (See paragraph 4.9)**

The Education Department accepted this recommendation and said that it had updated the action plan in response to the initiatives identified in the Social Policy Plan, which included ‘*new initiatives and training aimed at assisting people into employment/upskilling*’ and ‘*establishing a NEET (not in education, employment or training) strategy*’. The Social Policy Plan had identified the first initiative as ‘high priority’ (4), with the NEET strategy being marked as ‘research only’ until 2014.

The Education Department detailed initiatives which are already underway, for example, the weekly ‘careers’ drop-in at Dee-Caf and regular careers sessions on the

Karabiner project. In addition, there is also a school leaver tracking system with the focus on those that are NEETs (through phonecalls and texts). The Department said that the performance of their initiatives will be measured by monitoring the overall number of NEETs and evidence of increased opportunities for young people to engage in 'productive and constructive' activities.

The Education Department reiterated that its aim for all young people was to provide them with the opportunity to participate in Education and Training opportunities throughout their lives. It stated there is a clear correlation between those who leave Education and Training early and those who are exposed to criminal activity such as vandalism. To this end there has been a year-on-year increase in the numbers of young people remaining in Education and Training over the past five years.

The Department had expanded a number of the holiday activities it provides and through this targeted young people who are NEETs, or vulnerable to becoming NEETs, in order to try and engage them in constructive and productive activities. Whilst the Department stated the performance of its initiatives will be measured by monitoring the opportunities available for young people to engage in such activities, and assessing whether there is a decrease in the number of NEETs, the Department concluded it would be difficult to measure this accurately due to other relevant factors which may affect social behaviour.

The Commerce and Employment Department accepted this recommendation in part. It informed the Committee that it is a stakeholder in various initiatives that feed into the States 'Workforce Development Programme'<sup>6</sup>, which is intended to cater for people of all ages. The Department stated that this work is now being progressed through the formulation of a Guernsey Skills Strategy.

The development of this strategy is being taken forward by a Skills Development Group and will be a joint initiative involving Commerce and Employment Department, the Education Department and the Social Security Department. There will also be considerable input from the Island's training providers and local business. One key pillar of the strategy will focus on looking at ways of increasing participation in the workforce - and it is anticipated that this will include actions that will look at ways to integrate those not in employment, education or training (NEETs) into the workforce.

The Commerce and Employment Department stated it makes a significant contribution to upskilling the workforce through its partial funding of the Guernsey Training Agency (£435,000 in 2009) and through being an active participant in the Education Department's Lifelong Learning Advisory and Apprenticeship & Youth Employment Committees. However, it was not directly involved either at strategic or delivery level with developing and implementing initiatives that were specifically targeted at diverting people away from perpetrating acts of vandalism.

The Social Security Department provided details of the numerous services and schemes it operated, which it stated were divided into two areas: employment-related services,

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<sup>6</sup> <http://www.gov.gg/ccm/commerce-and-employment/reports/workforce-development-programme.en>

and schemes and services for job-seekers (see Appendix A(i). These include initiatives relevant to this recommendation such as actively encouraging work experience, training and voluntary work.

**12. Culture and Leisure and Education Department to provide an update regarding the dual use of sporting facilities. (See paragraph 4.11)**

Both Departments accepted this recommendation. The Education Department informed the Committee that an update would be provided in association with the Culture and Leisure Department and the Guernsey Sports Commission. The Department confirmed that an update was not currently available.

The Guernsey Sports Commission operates a ‘Sporting Facilities Strategy’ which assesses the provision of sports facilities in the Island, considers the current demands on the facilities and the services offered, and makes recommendations for change.

As part of the Guernsey Sports Commission, a ‘Facilities Sub-Committee’ is in operation, with staff representatives from the Culture and Leisure and Education Departments attending. The topic of the dual use of sporting facilities was confirmed as a work in progress.

**13. Culture and Leisure, Housing and Environment Departments to investigate the merits of providing more leisure facilities in identified ‘hotspot’ areas and on estates. (See paragraph 6.20)**

The Culture and Leisure Department accepted this recommendation and added that assistance would be provided to the Housing and Environment Departments when requested. The Guernsey Sports Commission had completed a sports area at the Bouet Estate (which needs to be relocated due to the Bouet redevelopment) and construction of a basketball court on Les Genats Estate had been completed by March 2010.

The Culture and Leisure Department also notified the Committee that permission has now been granted to construct a skate park at the Beau Sejour Park area, funded by sponsors and supporters. In May 2010, it was announced by the Guernsey Xtreme Sports Association that the plans for the park were being finalised.

The Committee noted the comments contained under the section ‘Community Sports Facilities’ within the Guernsey Sports Commission’s ‘Sporting Facilities Strategy’, of April 2010, in which it states,

*“There is a still a need for more multi-sport facilities across the island, with equipment suitable for teenagers being built in our parks. This will enable a wide range of young people to have immediate, independent and free access to a sports facility. This kind of initiative has been implemented across the UK and the rest of Europe for a number of years as a tool to divert young people away from youth-crime, and to encourage and develop community cohesion”.*

The Housing Department accepted this recommendation in part. It highlighted that it is neither the developer nor manager of new social housing in the Island, with the responsibility lying with the Guernsey Housing Association. It added that new estates being built are designed to meet the needs of older people rather than families.

It said that considerable thought has gone into the planning of such estates, because of the difficulties inherent in mixing families and older people in the same area. The Department believes older people are easily intimidated by groups of youths congregating near their homes and, therefore, using 'Secured by Design' principles, new estates are being built to provide safe environments for older people to live and socialise.

The Committee noted the 'Grand Bouet – Phase 2: Draft Development Brief' published in July 2010 reiterates the 'Secured by Design' principles, and states it is an appropriate reference point in respect of creating a high quality environment that is both safe and secure. The Brief also states the scheme should incorporate social and community uses, subject to the specific needs of future tenants.

The Department pointed out that space restrictions made it difficult to create new play areas on their family estates; and there would be some reluctance to do so from the Department, given that play areas for young children have been the frequent targets of vandalism, resulting in costly repairs.

However, the Department stated it had set aside an area at Les Genats Estate for use as a basketball court, as aforementioned. It stated it would continue to respond positively where such opportunities presented themselves.

The Department believed these initiatives worked best when they are managed by the private sector and/or tenant groups. In this respect, it stated it was worth noting that whilst there is a facility at Les Naftiaux Estate, its use has been underdeveloped because of difficulties in finding suitable tenant volunteers to 'police' it, to avoid it being abused and/or creating neighbour nuisance.

The Housing Department highlighted that, arising from the Guernsey Tomorrow initiative, it had been identified that there is a need to provide '*places for older people, families and young people*'. The Summary Report from the Strategic Land Planning Group was published in July 2010, and a report will be presented to the States in September 2010, presenting the States of Deliberation with options for the general planning and development of the Island. A revised Strategic Land Use Plan will be subsequently developed, to be presented in the States in February 2011.

The Environment Department accepted this recommendation. It updated the Committee that a great deal of work had been done to improve the Sunken Gardens following acts of vandalism. The Department also informed the Committee of plans to install more seating in Saumarez Park and to modify the recreational facilities in order to encourage wider use and discourage disruptive elements.

- 14. Education and Culture and Leisure Departments to promote work by the Youth Service, the Guernsey Sports Commission and other services to increase the awareness of children and young people of the activities and facilities available to them through publicity in schools, the media, the Internet and social networking sites. (See paragraph 6.21)**

The Education Department stated it would collate information on the activities and facilities available and advertise them in locations that are frequented by young people. It further stated a conference of all providers of school holiday activities would be held in Spring 2010 to share good practice and discuss common areas of concern.

The Department confirmed the conference was held in March 2010 and resulted in the formation of the Bailiwick 'Holiday Activities Provision for Youth' group (B.HAPY), which meets on a termly basis. The group collated information on the holiday activities available to young people in the Summer of 2010 and a publication outlining activities was then circulated to schools and voluntary groups for distribution to young people. An allocation of funding to support hardship cases was also made available. The group recognised that the focus of communication should be for young people who are excluded or had excluded themselves from such information, however it believed it was important in the first instance to provide information to those who worked with young people.

The Guernsey Sports Commission, the Guernsey Arts Commission and the Guernsey Youth Service all operate 'Facebook' pages for young people to access, and have facilitated the media to publicise events and activities.

The Culture and Leisure Department stated that support on this matter will be given to the Youth Service, Sports and Arts Commissions and other services on request. The Department said that the Sports and Arts Commission, employ Community Officers who engage with 'disaffected youths' in a number of innovative and lasting ways including community based activities and events, targeted activities in conjunction with other agencies and schools based programmes.

- 15. Education and Culture and Leisure Departments to investigate further ways in which 'street art' could be pursued in an environment where no damage to public or private property would occur, e.g. graffiti walls. (See paragraph 6.37)**

The Education Department accepted this recommendation and said it would liaise closely with the Community Arts Development Officer to support and promote projects in the community, and other awareness raising events e.g. the work undertaken between the Officer and the Link Centre.

The Culture and Leisure Department also accepted the recommendation and stated that, where suitable properties were available, it would provide support for initiatives run by the Guernsey Arts Commission, and for the Community Arts Development Officer.



The Committee believes more consideration should be given to this topic by both Departments. It acknowledges the excellent community projects provided by the Guernsey Arts Commission, but believes further consideration should be given to investigating how 'street art' could be pursued constructively. It believes there is merit in the Education Department liaising with the Youth Service to seek feedback on how this may be achieved, and the Culture and Leisure Department investigating the merits of a 'graffiti wall' at the proposed new skate park.

**16. Education and Environment Departments to consider the idea of 'community spaces', examining the concept of 'youth shelters' where young people could congregate. This could vary from a basic shelter or one with leisure facilities e.g. a basketball hoop. (See paragraph 6.44)**

The Education Department accepted this recommendation, and responded that it would support the initiatives to progress this undertaken by the Guernsey Sports Commission, and those provided by youth organisations. The Guernsey Sports Commission completed work in March 2010 to create set up a youth shelter and games court at Les Genats Estate.

The Guernsey Sports Commission run a year round 'Street Sports' programme which the Committee believes targets what may be perceived as 'hotspot' areas and provides evening activities for young people aged 11-18 from 7 to 9 p.m. Free evening sports sessions are held on Mondays at St Martin's School, on Tuesdays at Les Genats Estate ball park and Wednesdays at Delancey Park ball park. The Committee believe initiatives like these are invaluable in providing free activities for young people wishing to easily access sporting opportunities in their locality.

The Guernsey Arts Commission (GAC) has an ongoing series of free workshops taking place during school holiday times and at some weekends. This service provides young people aged 6 to 14 with a wide range of activities and skills, along with the opportunity to socialise with other children from a diverse range of backgrounds. The GAC has also provided training and support to other organisations wishing to incorporate the arts into their programmes for young people.

The Committee noted the development of the Western Community Centre's youth development programme, with two part-time outreach workers having started work in early 2010. The aim of this was to assist young people in having access to events organised in their areas.

It also noted the work undertaken to provide a youth centre at the Bridge, named 'The Space', driven by the North Youth Centre manager and the area's neighbourhood police officer, PC Karl Addis. The centre will provide a place for young people to socialise on Friday and Saturday evenings. This project was undertaken with minimal funding, and relied on companies and individuals providing facilities and services. The Committee believes this to be an excellent example of the community, local businesses and the Police working together to provide facilities to meet the needs of young people.

The Dee-Caf drop-in centre has extended its work to include an outreach project over the summer 2010 based at a property provided by States Housing on Les Genats Estate. The project arose from joint working between the Police, Guernsey Youth Service, Guernsey Sports Commission and the Housing Department, to ensure support for young people on the Estate. The Dee-Caf facility at Les Genats is purely a short-term facility for the summer and in addition to, not a replacement for, the premises in the Bordage. The new centre, to be located at the former Les Caves de Bordeaux premises, is not expected to be up and running until 2011.

The Environment Department stated the recommendation would not fit with the purposes and considerations that the Department takes into account in managing the lands for which it is responsible. It therefore rejected the recommendation. The Committee noted that, as a landlord, it would not be tasked with considering the idea of youth shelters, but that the Planning Division of the Department may be approached in future to liaise with the Education Department on appropriate shelters at different locations.

#### COMMUNITY INITIATIVES

**The Scrutiny Committee recommends the:**

- 17. Home and Environment Departments to consider extending ‘alcohol-free’ zones at the local parks in an effort to curb the anti-social behaviour caused in the area due to alcohol consumption. (See paragraph 5.18)**

The Home Department informed the Committee that ‘alcohol-free’ zones were brought in for specific areas and occasions where problems involving the irresponsible consumption of alcohol had been identified<sup>7</sup>.

The zones at the Sunken Gardens and La Vallette had been introduced to control a specific problem involving youths using the areas who were misusing alcohol, and the resultant anti-social behaviour that occurred. The Department said that whilst the introduction of the Sunken Gardens zone could superficially be judged as a success, in reality the problem was merely displaced to a number of other areas within St Peter Port. The Department had given consideration to implementing ‘alcohol-free’ zones in those areas to which the problem had been displaced; however, this was not progressed as the Department had concluded that, operationally, it would again displace the problem to other parts of St Peter Port with the result that it would be impossible to effectively police a total ban. The Department highlighted a combination of inter-

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<sup>7</sup> To date, regulation zones have been created at sporting events such as the Muratti, the Town Seafront on Liberation Day, the Sunken Gardens and the area of the War Memorial, at La Vallette. Sporting events and Liberation Day zones are created for the duration of those events, the Sunken Gardens and La Vallette ran until the end of British Summertime.

agency work<sup>8</sup> and Police enforcement had effectively reduced the scale of problems at La Vallette. In June 2010, it was announced that La Vallette would again be an ‘alcohol-free’ zone until October 2010.

The Guernsey Police and the Drug and Alcohol Strategy, in July 2010, highlighted the events organised by the Sports Commission and the Youth Service, and the Strategy’s street bus, as part of their campaign to encourage under age islanders away from consuming alcohol over the summer holidays.

The Department stated the implementation of ‘alcohol-free’ zones in public parks and other areas would be very carefully considered if a location was identified and if it was felt operationally that an ‘alcohol-free’ zone would be of benefit in dealing with the problem. The Committee welcomed the Department’s position that it would implement such zones in appropriate locations if the need arose.

The Environment Department rejected this recommendation, as it was concerned that this measure, when undertaken in the past, tended to move the problem to new locations that could potentially be more socially damaging and less easy to police.

The Culture and Leisure Department informed the Committee that it was currently investigating the merits of amendments to the *Places of Recreation Ordinance, 1975 (as amended)* with the aim of strengthening current provisions by restricting access to some sites at times when the public would not have any genuine interest in visiting them, such as after the hours of darkness, which is when most incidents of vandalism appear to take place. Initial research is being undertaken, through liaison with the Police and the Environment Department, and further wider consultation intended, with a report to be drafted for consideration by the Department’s political board.

## **18. All Departments to display advertising to promote Crimestoppers**

- a. on any fleet vehicles;**
- b. in public areas.**

**to encourage reporting of incidents**

*(See paragraph 8.10)*

The Home Department stated the further publicity for Crimestoppers could only be of benefit to the prevention and detection of crime. It added that such a recommendation to all departments worked in accordance with Section 17, ‘*Duty to consider crime and disorder implications*’, of the UK Crime and Disorder Act 1998. It is a key objective of the proposed Criminal Justice Strategy, which would seek to replicate a similar law for Guernsey. The Department stated inter-agency operability and collaboration is a key lynchpin of the Criminal Justice Strategy and will remain so.

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<sup>8</sup> The Department explained that ‘interagency work’, in this context, related to the joint efforts of the Police, the Drug and Alcohol Strategy and the Culture & Leisure Department, in tackling the problems which had arisen.

There was general agreement from all Departments to implement this recommendation where appropriate, with stickers being displayed on vehicles and advertising displayed in schools, public access and waiting areas and other suitable properties. The Housing Department however, added that whilst it would display Crimestoppers information at the Housing Reception at Sir Charles Frossard House, it feared that advertising on Housing vehicles would make them more identifiable and therefore potentially become targets for criminal damage. The Committee accepts the reasoning put forward by the Department in rejecting this section of the recommendation.

The Home Department accepted the recommendation in part, and agreed to obtain stickers to display on all appropriate vehicles in 2010 and ensure posters are displayed in public areas. The Department had initially informed the Committee that the Crimestoppers Board was, following the UK National Crimestopper guidelines, to make a decision as to whether to request the removal of advertising from marked Police vehicles. It was considered that the impartiality of Crimestoppers could be compromised if the charity was seen to be advertising the scheme on Police vehicles<sup>9</sup>.

The Chairman of the Guernsey branch of Crimestoppers subsequently confirmed that it had decided to follow the UK guidelines to remove the advertising from marked Police vehicles, to ensure there could be no suggestion that Crimestoppers was linked to the Police force. The Police stated that whilst a number of vehicles had the Crimestoppers logo on them, they were not being placed onto new vehicles as they enter the fleet.

**19. Environment Department to consider exemption, or provision of a documented fast-track process, for the installation of standardised signage for Neighbourhood Watch schemes. (See paragraph 8.19)**

The Environment Department highlighted that small stickers applied behind window glass of domestic or commercial properties could be highly effective and would not require planning permission.

Neighbourhood Watch signs could be considered as part of future review of the Exemptions Ordinance, but the Department warned that promoters of other signage might equally seek such exemption from control, potentially leading to a damaging proliferation to the detriment of the island's intrinsic character and amenity.

Nevertheless, the Department explained that, under current procedures for the processing of planning applications, Neighbourhood Watch sign applications would normally qualify for fast-track treatment, subject to the requirements of the planning law for publicity and consultation, and allowing for democratic political input where appropriate.

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<sup>9</sup> As a point of interest, the Crimestoppers logo is also displayed within the Police Custody Area and is on the ceiling of the cells in the Custody Block so that a detained person, when lying down, can see the motif and perhaps be encouraged, should they feel so disposed in the future, to contact the line.

- 20. Housing Department to consider having a Housing Tenancy Officer attending housing estate Neighbourhood Watch meetings on a quarterly basis to receive feedback on problems in the area and provide greater support. (See paragraph 8.20)**

The Department stated, despite its positive encouragement, there are only a limited number of Neighbourhood Watch schemes on the Department's estates. It stated it would continue to promote their establishment through the States Tenants Action Group.

The Department stated it would be prepared, in principle, for one of its Tenancy Management Officers to attend the meetings of the schemes that do exist on its estates. It argued there was equal merit in the Police attending, as dealing with the effects of vandalism and anti-social behaviour is a joint responsibility. It believed joint attendance may also help to clarify the Department's and the Police's roles, which are quite distinct - something that the Department stated is often misunderstood.

The Police confirmed that where Neighbourhood Watch groups are active on States owned sites, there is interaction with the Housing Department, through the Housing Tenancy Officers and Police Officers. The Crime Reduction Officer attends any meetings and the Police confirmed any officers engaged on the neighbourhood policing initiative liaise with the Neighbourhood Watch groups. The level of involvement from the Police in a given area will depend on the level of concern raised.

#### **STATES' PROPERTY MANAGEMENT**

**The Scrutiny Committee recommends the States Property Services, Treasury and Resources Department:**

- 21. To issue policy guidance to all Departments with responsibilities for property on how to tackle criminal damage. This should include:**
- suitable deterrents e.g. use of anti-vandal paint and other physical measures;
  - standards of repair;
  - appropriate use of CCTV;
  - use of special constables and site supervision;
  - appropriate site security e.g. alarms, fencing etc; signage;
  - use of anti-vandal paint;
  - opening hours;
  - procedures on when to contact the Police;

- **when to involve States' Property Services;**
- **recording of incidents;**
- **handling insurance claims etc;**

*(See paragraph 10.14)*

The Treasury and Resources Department accepted this recommendation and informed the Committee that policy guidance can be formulated in part through the regular Property Workshops, where Departments can share information and experience to identify effective measures. The precise content of the policy guidance can be agreed through a collaborative process of consultation, drawing especially upon the planned workshops. Where necessary, specialist input can be provided (e.g. Guernsey Police, alarm and CCTV system suppliers etc).

The Department believed the success of this objective could be measured by the reduction or otherwise of vandalism and the associated costs incurred by Departments. Means of measuring success could be suggested within the guidance it produced.

**22. To maintain and monitor a central log of all Departments' incidents and outcomes and monitoring the frequency and nature of occurrences:**

- **reporting on overall levels and cost implications;**
- **assisting with the formulation and monitoring of performance indicators for measures such as CCTV etc.**

*(See paragraph 10.15)*

The Treasury and Resources Department accepted this recommendation in part, suggesting that the most appropriate method of dealing with this aspect needed to be examined by the Department. The Department stated that the preferred approach should be proportionate, efficient and effective, with clear benefits and an appreciation of the actual costs involved.

On reflection, the Committee concluded its recommendation required further clarification and direction. It believes there would be merit in the Treasury and Resources Department reporting annually on the frequency, nature and costs to the States of Guernsey of such incidents, and would request the Department consider this proposal.

**23. To take a proactive lead in risk assessments and management, referring to the Crime Prevention Panel for particular advice. *(See paragraph 10.16)***

The Committee acknowledged the Treasury and Resources Department's commitment to produce guidance as outlined in recommendation 21. The Department had rejected

the recommendation to take a proactive lead in risk assessments and management, reasoning that whilst it had a role to play in the process; it was not a lead role.

It explained that each Department remained responsible for seeking crime prevention guidance on individual projects for which it had responsibility. The role to be played by Treasury and Resources was through the production of guidance and the emphasis given in that guidance for Departments to liaise, as appropriate, with the Crime Prevention Panel.

**The Scrutiny Committee recommends the Policy Council:**

**24. To consider extending the role of the Douzaines to help monitor the condition of public spaces. (See paragraph 10.13)**

The Policy Council informed the Committee that the Douzaine Liaison Group had been asked to take this initiative forward. The Group confirmed that a discussion paper on the recommendation had been tabled at a meeting between the group and the Guernsey Douzaine Council on 8<sup>th</sup> March 2010, requesting that the Council members discuss the matter with their respective Douzaines and then report back to the group in due course. The group agreed to update the Committee of any further progress.

**Conclusion**

The Committee anticipates that, with Departments proactively engaging with the review recommendations, over time a noticeable reduction in criminal damage should be achieved and the negative effects of criminal damage in the community lessened. The Committee is satisfied that the initial responses reveal Departmental commitment to this issue. It will seek to assess and comment on relevant strategies and reports when presented to the States.

In respect of the Committee's forward work programme, it believes two of the items to be progressed in the next twelve months dovetail into work already undertaken on vandalism:

- The Committee recognised that vandalism is often a by-product of anti-social behaviour, which is often, but not exclusively, a by-product of drug and alcohol abuse. The Committee believes its contribution in assessing the effectiveness and performance management of the **Bailiwick Drug and Alcohol Strategy** will assist in ensuring the Bailiwick is doing all it can to address corporately the issues which arise through drug and alcohol abuse.
- The work the Committee is undertaking in looking at **school exclusions** will also add value, in ensuring that the Education Department is doing all it can to ensure young people remain in education, and are effectively educated throughout any periods of exclusion.

The Committee believes the policies concerning the above are two of the key components in addressing some of the social problems which can contribute to incidents

of vandalism. Determining the effectiveness of the policies of, and services provided by, Departments in these areas, and ensuring they are robust, should have a cumulative effect in helping to reduce incidents of vandalism.

**Recommendations to the States**

The Scrutiny Committee asks the States to:

- a) Note the Scrutiny Committee's review entitled "*Investigating Vandalism*" as Appendix C to this report;
- b) Note this monitoring report including Departments' initial responses to the recommendations, as set out in Appendix A to this report.

Yours faithfully

B L Brehaut  
Chairman



## APPENDIX A

## Recommendations: Investigating Vandalism

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
Policy and Strategy	The Social Policy Group, Policy Council	1.To develop an improvement plan that links existing corporate strategies, addresses social inclusion and safety issues and sets performance indicators to monitor performance.	Yes - already being developed	The Social Policy Plan already links existing corporate strategies to address social inclusion; it has a number of sub-plans and strategies such as the criminal justice strategy (including the community safety plan) and the drug and alcohol strategy. The social policy key performance indicators in the States Strategic Plan will be used to monitor the Social Policy Plan. A possible addition to the Social Policy Plan in future might be a pictorial map of social policy plans and strategies and how they link together.	Social Policy KPIs
Crime Prevention, Law Enforcement and Penalties	Home Department (Central Services) (see para 9.30)	2. To incorporate performance indicators and a monitoring programme into the Criminal Justice Strategy and other strategies to ensure systems and policies are constructively reviewed.	Yes	Target date for part implementation is 2011 and for full implementation is 2012	The Home Department is currently undertaking proof of concept of a corporate management tool to assist in business planning, process, and performance management. This is more critical than ever in terms of developing a long-term Criminal Justice Strategy offset against our collective ability to track and monitor performance, efficiency and value for money.
Crime Prevention, Law Enforcement and Penalties	Home Department (Central Services) (see para 9.30)	3. To provide the Committee with early sight, as far as possible, of any relevant forthcoming States Reports, e.g. the Criminal Justice Strategy, to enable the Committee to monitor ongoing progress against the commitments made in these areas.	In part	It is anticipated that the Strategy will incorporate sufficient monitoring procedures and that the Department will be able to provide Scrutiny with requested information once the Strategy has been worked up (2 – 3 years)	Broad spectrum of measurable. Note: The corporate management tool currently subject to proof of concept incorporates a set of layered, interlinked strategy maps that illustrate progress according to the completion of underlying scorecards.

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
					<p>The information populating the scorecards will be extracted from the relevant databases of criminal justice organisations.</p> <p>The Department must define the reports that would best measure the success of its objectives, and that is dependent upon first conducting an audit of existing databases across the Criminal Justice System (assessing what information is held) and developing existing data exchange mechanisms. This work stream is progressing well.</p>
Crime Prevention, Law Enforcement and Penalties	Home Department (Police) (see paras 6.51 and 6.55)	4. To promote an 'anti-vandalism' campaign, in conjunction with the Crime Prevention Panel, investigating the merits of using hard-hitting realism and making the campaign targeted e.g. school/public holiday or at specific events, and expanding the reach of educational campaigns beyond the schools to, for example, parks, 'hotspots', public conveniences.	Yes	<p>Prior to the publication of the report, work was already in progress to involve the Crime Prevention Panel in a proactive campaign to highlight the negative impact of criminal damage upon society. A poster campaign was run where all pupils attending the Island's schools were invited to participate in the competition to depict what they considered to be respect within the community and how to promote it.</p> <p>Over 400 children from nine of the Island's schools participated and the standard of entry was extremely high. The winning poster has formed the front piece of a calendar with 12 runners up heading each of the months therein. This calendar has been circulated to all of the Island's schools, a number of places</p>	<p>The encouraging enthusiasm for participation and engagement shown by the young people involved.</p> <p>Ultimately, success will be managed in the reduction and continued reduction of reports of criminal damage.</p>

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
				of employment and places to which the public has access.	
Crime Prevention, Law Enforcement and Penalties	Home Department (Police) (see para 8.30)	5. To monitor the number of cases that involved CCTV in their detection to assess the performance and cost-effectiveness of the system on a regular basis.	No	<p>These figures are not currently available. It will be expensive to research and it is considered will not necessarily be useful to determine whether the current system is cost effective.</p> <p>In 2009 the Police Technical Support Unit received 730 requests to secure CCTV recordings from public and private systems in relation to Police investigations into a range of incidents. The cases are not separately recorded or evaluated to determine to what extend the CCTV images were a critical factor in the detection of any offence let alone filtering public system cases involving criminal damage.</p>	In the future it is hoped that, under the auspices of the Home Department, staff will be employed to permanently monitor public CCTV. Part of the job description of the recruited staff could include recording the number of incidents reviewed and then passed to the Police. This may provide a useful performance indicator.
Crime Prevention, Law Enforcement and Penalties	Home Department (Police) (see para 8.31)	6. To investigate the costs and benefits of purchasing a transportable CCTV system to tackle specific neighbourhood problems, tying in with the identification of 'hotspots'.	No – not at this time	<p>This is linked to the previous answer where, given the competing budgetary demands and resource availability, there appears little point at this present time in expending time and money on a number of analyses when a transportable CCTV system will not be a priority until there is a realistic expectation that staff and facilities will be made available to monitor such a system 24/7</p>	N/A
Crime Prevention, Law Enforcement and Penalties	Home Department (Police) (see para 8.41)	7(a) To provide performance indicators and action plans for the implementation of performance management of Community Policing	Yes	A Report on Neighbourhood Policing within the Bailiwick of Guernsey has been submitted to the Home Department Board and provides a road map for the development of Neighbourhood Policing in the future. This will	Public surveys within already established Neighbourhood beat areas are planned for 2010 to gauge the overall confidence level that the residents have in the service provided

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
				not be cost neutral and is linked to the Strategic Review of Policing presently being undertaken within the Island	by the Police.
Crime Prevention, Law Enforcement and Penalties	Home Department (Probation) (see para 9.45)	7(b) To provide performance indicators and action plans for the implementation and performance management of Restorative Justice	Yes	The RJ Strategy is a multi agency strategy with management delegated to the Chief Probation Officer by the Home Department. Implementation will be monitored by the Home Department Board.	An RJ Strategy document is in the final stages of consultation before being presented to the Home Department Board. This contains action plans and performance indicators.
Crime Prevention, Law Enforcement and Penalties	Home Department (Probation) (see para 9.40)	7 (c) To provide performance indicators and action plans for the implementation and performance management of Community Service Orders	Yes	Implementation and performance management of Community Service comes under the Probation Service.  Performance indicators and plans are regularly monitored by the Home Department.	Already implemented. Performance indicators have been provided to the Home Department Board on a quarterly basis since the start of the sentence in October 2007. These provide data on: <ul style="list-style-type: none"> <li>• Numbers of sentences compared with short prison sentences.</li> <li>• Custodial equivalents.</li> <li>• Hours worked.</li> <li>• Beneficiaries helped.</li> <li>• Compliance rates.</li> <li>• Enforcement action taken.</li> <li>• Demographics of clients on Orders.</li> </ul> Work is progressing within the Criminal Justice IT project to look at reconviction statistics in relation to various sentences.
Crime Prevention, Law Enforcement and Penalties	Home Department (Police)	8. To investigate the options available for upgrading or replacing the existing Police computer database with a system which would facilitate an	Yes	Currently work is being undertaken by the Home Department central IT department to provide the computer databases suggested.	The successful completion of the development work and implementation of the IT system upgrade.

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
	(see paras 8.58 and 8.59)	<p>intelligence-led approach to policing. The Committee considered that management information should be easily available on:</p> <ul style="list-style-type: none"> <li>• The mapping of incidents by type, time and location to identify trends and 'hotspots';</li> <li>• The number of repeat offenders (where convicted);</li> <li>• The number relating to alcohol and drug usage (where known).</li> </ul>			
Crime Prevention, Law Enforcement and Penalties	Home Department (Central Services) (see para 9.25)	<p>9. To review, in consultation with appropriate interested parties, the present maximum level of compensation (£2,000) that can be awarded by the Magistrate's Court under the Criminal Justice (Compensation) (Bailiwick of Guernsey) Law, 1990 with regard to criminal damage cases to consider whether a maximum limit is necessary and, at the least, to bring it in line with current money values.</p>	Yes	A review of relevant legislation in relation to CJ initiatives as they are taken forward through the strategy is appropriate.	N/A
Crime Prevention, Law Enforcement and Penalties	The Judiciary	<p>10. To review and offer greater transparency on sentencing guidelines</p>	No	The Bailiff had responded on behalf of the judiciary, and provided a thorough explanation of the complexities of the sentencing process including the maximum and minimum sentencing parameters, the application of general principles, mitigating factors, the circumstances of the offender and	

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
				<p>general issues arising with regard to sentencing guidelines.</p> <p>The Bailiff explained that the Courts in Guernsey and Jersey have not seen fit to lay down guidelines in cases, other than in regard to trafficking in illicit drugs, because of the multitude of factors to be taken into account and for fear of limiting the flexibility which enables a Court to do justice in an individual case.</p>	
Crime Prevention, Law Enforcement and Penalties	<b>Education,</b> Commerce and Employment Social Security Departments.	11. To provide an action plan of the initiatives they have designed to help people engage in productive and constructive activities, in line with priority 4 of the former Government Business Plan and the new Social Policy Plan.	Yes	<p>Action plan updated in response to the initiatives identified in the Social policy plan – especially</p> <ul style="list-style-type: none"> <li>' New initiatives and training aimed at assisting people into employment/ upskilling'</li> </ul> <p>And</p> <p>'Establishing NEET (Not in education, employment or training) strategy'</p> <ul style="list-style-type: none"> <li>- Timeframe for initiative as part of the Social Policy plan to be confirmed by Social Policy Group. Work with 'NEETS' and employment/ upskilling is ongoing e.g. Weekly careers drop-in at Dee-Caf</li> <li>- Careers sessions on the Karabiner project</li> <li>- School leaver tracking and keeping in touch with those that are NEET through phonecalls, texts.</li> </ul>	<p>Decrease in number of NEETs and evidence of increased opportunities to engage in 'productive and constructive' activities</p>

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
Social Inclusion Projects	Education, Commerce & Employment and Social Security Departments	11. To provide an action plan of the initiatives they have designed to help people engage in productive and constructive activities, in line with priority 4 of the former Government Business Plan and the new Social Policy Plan.	In part	The Commerce and Employment Department is a stakeholder in various initiatives that feed into the States 'Workforce Development Programme' which is intended to cater for people of all ages. C&E makes a significant contribution to upskilling the workforce through its partial funding of the Guernsey Training Agency (£435,000 in 2009) and is an active participant in the Education Department's Lifelong Learning Advisory and Apprenticeship & Youth Employment Committees. C&E is not, however, directly involved either at strategic or delivery level with developing and implementing initiatives that would have the effect of diverting people away from perpetrating acts of vandalism.	N/A
Social Inclusion Projects	Education, Commerce & Employment and Social Security Departments	11. To provide an action plan of the initiatives they have designed to help people engage in productive and constructive activities, in line with priority 4 of the former Government Business Plan and the new Social Policy Plan.	Yes	See Appendix A(i)	The Department monitors performance of these services as part of its day-to-day operational work.  Unemployment statistics are published by the Department every month.
Social Inclusion Projects	Culture & Leisure and Education and Departments	12. To provide an update regarding the dual use of sporting facilities.	Yes	Assistance to Housing and Environment when requested.	More facilities available in 'hotspots'.
Social Inclusion Projects	Culture & Leisure and Education Departments	12. To provide an update regarding the dual use of sporting facilities.	Yes	Update to be provided by the Education Department in association with the Culture and Leisure department and the Sports commission	Evidence of effective use of joint facilities

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
Social Inclusion Projects	Culture and Leisure, Housing and Environment Departments	13. To investigate the merits of providing more leisure facilities in identified 'hotspot' areas and on estates.	Yes	<p>Assistance to Housing and Environment when requested.</p> <ul style="list-style-type: none"> <li>The Sports Commission has recently completed a sports area at the Bouet Estate and is about to begin construction of its second area at Les Genats Estate in January. These projects have been funded by sponsors and companies giving time and materials to these worthy projects and will provide valuable and well appreciated facilities for young people in these areas.</li> <li>Permission has just been granted after many attempts to construct a skate park at Beau Sejour Park. It will be funded by sponsors and supports who will provide a fantastic facility for the many young (and not so young) people who have supported the Guernsey X-Treme Sports Association in its endeavours.</li> </ul>	More facilities available in 'hotspots'.
Social Inclusion Projects	Culture and Leisure, <b>Housing</b> and Environment Departments	13. To investigate the merits of providing more leisure facilities in identified 'hotspot' areas and on estates.	<b>Accepted in part.</b>	There is a lack of clarity as to what is meant by 'leisure facilities' in this recommendation: its interpretation could range from formally setting aside play areas for young children to the provision of youth shelters. It also appears that the recommendation is targeted at children and young adults rather than, say, older people.	Social Inclusion Projects



Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
				<p>Bearing the above in mind, you will be aware that the Housing Department is neither the developer nor manager of new social housing in the Island; rather that is the responsibility of the Guernsey Housing Association. Furthermore, new estates that are being built are designed to meet the needs of older people rather than families.</p> <p>Considerable thought has gone into the planning of such estates, because of the difficulties inherent in mixing families and older people in the same area. Older people are easily intimidated by groups of youths congregating near their homes and, therefore, using 'Secured by Design' principles, new estates are being built to provide safe environments for older people to live and socialise.</p> <p>With respect to existing estates, the Department has had a mixed experience. Space restrictions make it difficult to create new play areas on our family estates; and there would be some reticence in doing so, given that play areas for young children have been the frequent targets of vandalism resulting in costly repairs.</p> <p>On, a more positive note, the Department has recently set aside an area at Les Genats Estate for use as a basketball court. The Department will continue to respond positively</p>	

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
				<p>where such opportunities present themselves.</p> <p>These initiatives work best, however, where they are managed by the private sector and/or tenant groups. In this respect it is worth noting that while there is a fabulous facility at Les Nafiaux Estate, its use has been underdeveloped because of difficulties in finding suitable tenant volunteers to 'police' it, to avoid it being abused and/or creating neighbour nuisance.</p> <p>Finally, it should be noted that, arising from the Guernsey Tomorrow initiative, it has been identified that there is a need to provide 'places for older people, families and young people'. At the time of writing, there is due to be a Strategic Land Planning Group workshop on this subject in January 2010, in which the Housing Department will be a participant. It is anticipated that the outcomes of this workstream will be of the greatest significance in addressing your recommendation.</p>	
Social Inclusion Projects	Culture and Leisure, Housing and Environment Departments	13. To investigate the merits of providing more leisure facilities in identified 'hotspot' areas and on estates.	Yes	Seating in Saumarez Park St Paul's Gardens	
Social Inclusion Projects	Education and Culture & Leisure Departments	14. To promote work by the Youth Service, the Guernsey Sports Commission and other services to	Yes	Collation of information and circulation to locations that are frequented by young people.	More information available

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
		increase the awareness of children and young people of the activities and facilities available to them through publicity in schools, the media, the Internet and social networking sites.		A conference of all providers of school holiday activities will be held in the spring to share good practice and discuss common areas of concern	Improved communication between providers
Social Inclusion Projects	Education and Culture & Leisure Departments	14. To promote work by the Youth Service, the Guernsey Sports Commission and other services to increase the awareness of children and young people of the activities and facilities available to them through publicity in schools, the media, the Internet and social networking sites.	Yes	Support given on request. <ul style="list-style-type: none"> <li>The Sports Commission and the Arts Commission, supported by C&amp;L funds, employ Community Officers who are enjoying great success in connected with disaffected youth in a number of innovative and lasting ways.</li> <li>The Department has community police assigned to Beau Sejour assigned to Beau Sejour and Delancey Park and these have made a substantial improvement to the levels of damage and behaviour experienced there. The improved CCTV system at Beau Sejour has been a great success and enables staff to deal with incidents quickly and firmly with the supporting evidence of the recordings. The use of CCTV is being extended to other sites at resources allow.</li> </ul>	More information available.
	Education and Culture & Leisure Departments	15. To investigate further ways in which 'street art' could be pursued in an environment where no damage to	Yes	Close liaison with the Community Arts Officer in support and the promotion of projects in the community or other awareness raising events	More opportunities available for street art

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
		public or private property would occur, e.g. graffiti walls.		such as the work that has been established between the Officer and the Link Centre	
	Education and Culture & Leisure Departments	15. To investigate further ways in which 'street art' could be pursued in an environment where no damage to public or private property would occur, e.g. graffiti walls.	Yes	Support for Arts Commission initiatives e.g. exhibitions, Community Arts officer.	More opportunities available.
	Education and Environment Departments	16. To consider the idea of 'community spaces', examining the concept of 'youth shelters' where young people could congregate. This could vary from a basic shelter or one with leisure facilities e.g. a basketball hoop.	Yes	To support sports commission initiatives and those provided by youth organisations and to review 'outreach' youth work to consider the development of community spaces	Evaluation of the feasibility and the benefit of community spaces and potential increase in availability
	Education and Environment Departments	16. To consider the idea of 'community spaces', examining the concept of 'youth shelters' where young people could congregate. This could vary from a basic shelter or one with leisure facilities e.g. a basketball hoop.	No	This would not fit with the purposes and considerations that the Environment Department takes into account in managing the lands for which it is responsible.	
Community Initiatives	Home (Police) and Environment Departments (see para 5.18)	17. To consider extending 'alcohol-free' zones at the local parks in an effort to curb the anti-social behaviour caused in the area due to alcohol consumption.	Yes - in part	The introduction of "alcohol-free" zones was bought in not with the intention of placing a blanket ban on the consumption of alcohol in public places across the community, but was intended to be used for specific areas and occasions where problems involving the irresponsible consumption of alcohol had been identified. To date, regulation zones have been created at sporting events such as the Muratti, the Town Seafront and its environs on Liberation Day, the Sunken	Please see previous column. No "alcohol free" zones are in operation at the present time within public parks.

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
				<p>Gardens and the area of the War memorial at La Vallette. Sporting events and Liberation Day zones are created for the duration of those events, the Sunken Gardens and La Vallette ran until the end of British Summer time and were brought in to control a specific problem involving youths using the areas who were consuming too much alcohol and the resultant anti-social behaviour that was taking place. The introduction of the Sunken Garden zone could be judged as a success, but of limited value, as all that was achieved was a displacement of the problem to a number of other areas within St Peter Port. Although consideration was given to implementing "alcohol free" zones in those areas to which the problem had been displaced this was not proceeded with as it was felt that, operationally, it would again displace the problem to other parts of St Peter Port with the result that it would be impossible to effectively police a total ban.</p> <p>A combination of inter-agency work and Police enforcement had effect to de-scale the problems at La Vallette.</p> <p>The implementation of "alcohol free" zones into public parks and other areas will be very carefully considered if a location is identified and it is felt operationally that an "alcohol free" zone would be of benefit to dealing with the problem one will be sought.</p>	

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
Community Initiatives	Home (Police) and Environment Departments (see para 5.18)	17. To consider extending 'alcohol-free' zones at the local parks in an effort to curb the anti-social behaviour caused in the area due to alcohol consumption.	No	The Environment Department is concerned that this measure, when tried in the past, tends to move imbibers to new locations that can be more socially damaging and less easy to police.	
Community Initiatives	All Departments – The Policy Council	18. To display advertising to promote Crimestoppers a. on any fleet vehicles; b. in public areas. to encourage reporting of incidents [Stickers are available from Paul Elliott for the application to the external panels of vehicles (contact: tel, 07781 106629 or email, pec@cwgsy.net)]	a. No b. In part	The Policy Council does not have a fleet of vehicles.  The Policy Council does not have use of any separate public areas in Sir Charles Frossard House for the display of posters (this falls to the Treasury and Resources Department) but as regards those services provided by the Council in other buildings: The Island Archives Service is able to display posters but the Legal Aid Service does not have a public area or notice board where they could be displayed.	
Community Initiatives	All Departments – Commerce and Employment	18. To display advertising to promote Crimestoppers a. on any fleet vehicles; b. in public areas. to encourage reporting of incidents	Yes	The Department is now displaying appropriate signage in public access areas and in communal internal staff areas within its premises. The Department operates a diverse fleet of vehicles, many of which have specific technical applications. In addition, a number of vehicles are leased. However the Department is now displaying advertising on appropriate non-lease vehicles.	As previously reported, C and E experiences very low levels of vandalism across the premises it occupies. Therefore, there is little against which the Department could benchmark the effects on its own premises/vehicles of displaying advertising.
Community Initiatives	All Departments – Education	18. To display advertising to promote Crimestoppers a. on any fleet vehicles;	Yes	Information to be made available to schools	

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
		b. in public areas. to encourage reporting of incidents			
Community Initiatives	<b>All Departments – Environment</b>	18. To display advertising to promote Crimestoppers b. on any fleet vehicles; c. in public areas. to encourage reporting of incidents	a. Yes b. No	The department will agree to apply a sticker to the window of its service vehicle and will be pleased to support the use of stickers by other Departments where appropriate. It would not, however be willing to place stickers on refuse bins, information boards or other installations managed by the Department. There is a concern that this might conflict with the planning arrangements to which the Department is required to conform, would open up the possibility of other advertisers seeking to follow suit and may prove problematic for keeping in place and up to date.	
Community Initiatives	<b>All Departments – Culture and Leisure</b>	18. To display advertising to promote Crimestoppers a. on any fleet vehicles; b. in public areas. to encourage reporting of incidents	<b>Yes</b>	Advertising already on vehicles	Reduction in vandalism
Community Initiatives	<b>All Departments – Education</b>	18. To display advertising to promote Crimestoppers a. on any fleet vehicles; b. in public areas. to encourage reporting of incidents	<b>Yes</b>	Crimestoppers stickers displayed on HSSD fleet vehicles where appropriate. Implemented	HSSD Transport Department will ensure stickers are displayed.

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
Community Initiatives	<b>All Departments - HSSD</b>	18. To display advertising to promote Crimestoppers a. on any fleet vehicles; b. in public areas. to encourage reporting of incidents	Yes	Crimestoppers stickers displayed on HSSD fleet vehicles where appropriate.  Implemented	HSSD Transport Department will ensure stickers are displayed.
Community Initiatives	<b>All Departments - PSD</b>	18. To display advertising to promote Crimestoppers a. on any fleet vehicles; b. in public areas. to encourage reporting of incidents	In part	<p>The Department will encourage the reporting of incidents and can display advertising on its vehicles where it is able. However, Guernsey Water will only display advertising on appropriate installations.</p> <p>The Department cannot display advertising on all of its vehicles because some contain hazardous chemicals and for safety purposes the only stickers that should be present on these vehicles are stickers warning of the presence of hazardous chemicals.</p> <p>Guernsey Water is already displaying Crimestoppers adverts on appropriate installations but feels that it cannot accept such advertising on the vehicles not carrying hazardous chemicals because it would show preferential treatment to one organisation. It does not allow advertising by such organisations, including a charity it supports, Water Aid.</p> <p>The Department can display advertising in suitable places within a short period of time.</p>	<p>The Department believes that following its investigation into vandalism, the Scrutiny Committee would be best placed to provide advice on how best to measure the success of the advertising campaign.</p> <p>The Department is not in a position to measure how many reports are made to Crimestoppers.</p>



Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
Community Initiatives	All Departments – Social Security	18. To display advertising to promote Crimestoppers a. on any fleet vehicles; b. in public areas. to encourage reporting of incidents	Yes	Advertising will be displayed in public waiting areas.  The Department does not have any fleet vehicles.	
Community Initiatives	All Departments – Treasury and Resources	18. to display advertising to promote Crimestoppers a. on any fleet vehicles; b. in public areas. to encourage reporting of incidents	Yes	Stickers can be mounted on public conveniences, beach kiosks and other suitable properties.	Feedback from the Guernsey Police will assist States Property Services, T&R and other Departments.
Community Initiatives	All Departments – Home Department (see para 8.10)	18. To display advertising to promote Crimestoppers a. On any fleet vehicles; b. In public areas to encourage reporting of incidents	Yes	The further publication of the Crimestoppers line can only be of benefit to the prevention and detection of crime.  Such a recommendation to all departments works in accordance with Section 17 of the UK Crime & Disorder Act 1998. It is a key objective of the proposed Criminal Justice Strategy which would see to replicate a similar law for Guernsey. Inter-agency operability and collaboration is a key lynch pin of the Criminal Justice Strategy and will remain so.  The Home Department will obtain stickers to display on all appropriate vehicles in 2010 and ensure posters are displayed in public	Community Initiatives

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
				<p>areas. However, the Crimestoppers Board is yet, following the UK guidelines, to make a decision as to whether to request the removal of advertising from marked Police vehicles.</p> <p>It is considered that the impartiality of Crimestoppers could be compromised if it is seen that the charity are actively advertising the scheme on Police vehicles. For operational purposes it would be inappropriate to advertise Crimestoppers on unmarked Police cars.</p> <p>As a point of interest, the Crimestoppers logo is also displayed within the Police Custody Area and is on the ceiling of the cells in the Custody Block so that a detained person, when lying down, can see the motive and perhaps be encouraged, should they feel so disposed in the future, to contact the line.</p>	
Community Initiatives	All Departments - Housing	<p>18. To display advertising to promote Crimestoppers</p> <p>a. on any fleet vehicles; b. in public areas.</p> <p>to encourage reporting of incidents</p>	Accepted in part.	<p>1) The Housing Department leases vehicles that are used primarily by its property and tenancy management staff.</p> <p>The Department believes that if these vehicles were to be identified in any way they would become targets for the very vandalism the Report is seeking to address.</p> <p>2) Arrangements have been made for Crimestoppers literature to be displayed in the Department's Reception Area at Frossard House.</p>	N/A

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
Community Initiatives	<b>Environment Department</b>	19. To consider exemption, or provision of a documented fast-track process, for the installation of standardised signage for Neighbourhood Watch schemes.	<b>Yes (in part)</b>	<p>Small stickers applied behind window glass of domestic or commercial properties (as in the UK) could be highly effective and would not require planning permission.</p> <p>Neighbourhood watch signs could be considered as part of future review of the Exemptions Ordinance, but promoters of other signage might equally seek such exemption from control, potentially leading to a damaging proliferation to the detriment of the island's intrinsic character and amenity.</p> <p>Neighbourhood watch sign applications would normally qualify for fast-track treatment under current procedures for the processing of planning applications, subject to the requirements of the planning law for publicity and consultation, and allowing for democratic political input where appropriate</p>	
Community Initiatives	<b>Housing Department</b>	20. To consider having a Housing Tenancy Officer attending housing estate Neighbourhood Watch meetings on a quarterly basis to receive feedback on problems in the area and provide greater support.	<b>Accepted in part.</b>	<p>1) Despite the Housing Department's positive encouragement, there are only a limited number of Neighbourhood Watch schemes on the Department's estates. It will continue to promote their establishment through the States Tenants Action Group.</p> <p>2) While, in principle, the Department would be prepared for one of its Tenancy Management Officers to attend the meetings of those schemes that do exist on its estates, there is equal merit in the</p>	<p>Better understanding of the respective roles of the Housing Department as landlord and the Police as the investigator of crime.</p>

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
				Police attending, as dealing with the effects of vandalism and anti-social behaviour are a joint responsibility. Indeed, joint attendance may help to clarify the Department's and the Police's roles, which are quite distinct - something that is often misunderstood.	
States' Property Management	<b>Treasury &amp; Resources Department</b> (States Property Services)	<p>21. To <b>issue policy guidance</b> to all Departments with responsibilities for property on how to tackle criminal damage.</p> <p>This (policy guidance) should include</p> <ul style="list-style-type: none"> <li>• suitable deterrents e.g. use of anti-vandal paint and other physical measures;</li> <li>• standards of repair;</li> <li>• appropriate use of CCTV;</li> <li>• use of special constables and site supervision;</li> <li>• appropriate site security e.g. alarms, fencing etc; signage;</li> <li>• use of anti-vandal paint;</li> <li>• opening hours;</li> <li>• procedures on when to contact the Police;</li> </ul>	<b>Yes</b>	<p>Policy guidance can be formulated in part through the regular Property Workshops, where Departments can share information and experience to identify effective measures.</p> <p>The precise content of the policy guidance can be agreed through a collaborative process of consultation, drawing especially upon the planned workshops. Where necessary, specialist input can be provided (e.g. Guernsey Police, alarm and CCTV system suppliers etc.)</p>	Success can be measured by the reduction or otherwise of vandalism and associated costs incurred by Departments. Various means of measuring success could be suggested within the guidance.

Category	Recommended to:	Recommendation	Accepted? (Yes/No/In part)	Yes : Method and time frame of Implementation No: Reason why rejected	Performance management of objective- how will success be measured?
		<ul style="list-style-type: none"> <li>when to involve States' Property Services;</li> <li>recording of incidents;</li> <li>handling insurance claims etc;</li> </ul>			
		<p>22. To maintain and monitor a central log of all Departments' incidents and outcomes and monitoring the frequency and nature of occurrences:</p> <ul style="list-style-type: none"> <li>reporting on overall levels and cost implications;</li> <li>assisting with the formulation and monitoring of performance indicators for measures such as CCTV etc.</li> </ul>	In Part	The most appropriate method of dealing with this aspect needs to be examined. The preferred approach should be proportionate, efficient and effective; with clear benefits and an appreciation of the actual costs involved.	
		23. To take a proactive lead in risk assessments and management, referring to the Crime Prevention Panel for particular advice.	No	States Property Services has a role to play, though not a lead role. Again, this can be addressed during any consultations on policy guidance etc.	
States' Property Management	The Council  Policy	24. To consider extending the role of the Douzaines to help monitor the condition of public spaces.	Yes	The Policy Council will approach the Douzaines to ask them to consider whether they would be willing and able to take on this responsibility by implementing specific arrangements.	

### **Recommendations: Investigating Vandalism: Social Security**

In accordance with its Mandate and Operational Plan (see summary in Billet d'État XXVI October 2009), the Social Security Department (SSD) operates several services to help people get back into work, as well as developing new initiatives to engage people in work often with the dual benefits of providing individuals with a sense of community and improving their attitude to work. This is reflected in both priority 4 of the former Government Business Plan 'Redistribute wealth wisely within the community' and the Social Policy Plan, including, project 4 'New initiatives and training aimed at assisting people into employment/up-skilling', led by the Commerce and Employment and Education Departments.

These services provided by SSD are divided into two areas: Employment-related services and Schemes and services for job-seekers. Employers are also encouraged to support the Department in its objectives.

#### **1. Employment-related services**

##### **Job Centre**

The Job Centre takes claims, pays benefit, and offers advice and guidance. It also directs people into work, handles job vacancies and identifies candidates for training schemes. The services are aimed mainly at people who are registering as unemployed and available to work. However, it also provides advice and guidance on finding work to people receiving other social security benefits.

Employers who are registered with the Department's Contribution Section as an employer are able to advertise vacancies free of charge in the Job Centre and on its web pages via the States of Guernsey website.

Employers can ask the Job Centre to search for people who have the specific skills or experience required for a particular position.

##### **Unemployment reviews**

These are one-to-one meetings that take place between job-seekers and the Department's Employment Development Officer. The purpose of the meeting is to discuss job search activities, provide advice and direction and to agree action plans.

### Recruitment Grant

If an employer recruits someone who has been claiming Unemployment Benefit or Incapacity Benefit for more than six months, a Recruitment Grant may be payable.

### Work Trial

Where a vacancy exists, a Work trial can give a person the opportunity to demonstrate their ability to perform in the role for up to two weeks. During a work trial, benefit normally remains in payment, which means that there is no expectation placed upon the employer to pay wages during the same period.

### Work Experience

Work experience placements provide valuable learning opportunities and result in people acquiring new or improved skills, increased confidence and greater motivation to re-enter the workforce. Placements normally last up to two weeks. The main focus of the scheme is to provide learning opportunities. There is no onus on the employer to offer employment at the end of the placement. However, if an employer is keen to offer employment, arrangements can be made so that the Department provides appropriate support.

### Work Rehabilitation Team

The Work Rehabilitation Team provides one-to-one assistance for people who have significant barriers to employment, including disabilities. The team provides help, support and guidance to those who have been out of employment for some time, whether through illness, redundancy or personal circumstances. Some people with multiple barriers to employment are referred to occupational psychologists for additional support.

A Work Rehabilitation Officer may also offer an employer a job-coaching service.

### Gradual return to work

This is a scheme aimed at helping a person return to either their current job or a new job if they have been off sick for at least eight weeks.

### Return to work plan

This is a formal agreement between the person and the Department which records any training or any work they intend to do

to help them back into employment. The person's doctor and employer also need to agree the plan.

#### Professional input

Occasionally there is a need to seek professional input on behalf of an individual in order to increase their chances of making a successful transition back to work. This could mean a referral to a clinical or occupational psychologist or a psychiatrist.

## **2. Schemes and services for job-seekers**

#### Community and Environmental Projects Scheme (CEPS)

CEPS provides work and training opportunities for people who are not working due to unemployment or long-term illness. The scheme is managed by States Works.

Project work is selected with training opportunities in mind so that people learn new skills during their placement, however the scheme also helps individuals to develop a positive attitude to work. Projects focus on the built and natural environment helping to engender a sense of belonging to a community.

Placements last for eight weeks, during which wages are paid weekly in arrears.

#### GOALS

GOALS is a motivational course that runs for two or three days and aims to tackle a person's barriers to employment by improving their self-esteem and developing a positive mental attitude.

A GOALS referral often comes before a placement on another work-related scheme. The GOALS scheme tackles barriers to work at the fundamental level and is aimed at people who have lost their confidence as a result of being out of work for a prolonged period.

#### Kick Start

Kick Start aims to provide hands-on training by placing a person with an employer, often a single tradesperson, for up to 13 weeks.

It is aimed at young people at risk of long-term unemployment.



### Short-term training

This is training which the Department agrees a person can undertake while they are unemployed or recovering from long-term illness.

This service is eligible to anyone who has been claiming Unemployment Benefit or Sickness Benefit for at least eight weeks.

### Basic skills training

Basic skills training is a way a person on benefit can get help with basic IT, reading and number skills to improve their chances of finding work.

It is given on a one-to-one basis with a tutor from the College of Further Education.

### Other training

From time to time the Department puts together training courses aimed at young people. The type of courses offered are dictated, to some extent, by the job market and feedback received from employers about difficulties they are experiencing in recruiting for particular trades. For example, the Department has delivered courses in painting and decorating, plastering and stonemasonry.

### Back to Work Bonus

This is a cash lump sum paid to a person when their social insurance based unemployment or incapacity claim ends because they have started a new job which is still ongoing after four weeks.

The bonus may be paid if the person has returned to a new job after being sick or unemployed for six months or longer.

### Job Start Expenses

This aims to help people with some of the costs connected with getting back into work, if this would otherwise be a barrier to taking up employment.

### Voluntary work

Voluntary work is unpaid work which a person can do to assist their recovery from long-term illness or while they are signing-

on as unemployed.

#### Therapeutic work

Therapeutic work is paid work which a person can do if their illness has been prolonged and there is little prospect of any permanent return to work for more than just a few hours per week. It normally forms part of a treatment plan designed to improve health and increase activity.

#### Other schemes for Job-seekers

##### - Supported Employment Scheme

This scheme is run by the Health and Social Services Department (HSSD) as part of its employment service. Its aim is to provide support to both the employer and employee with the intention that the need for support could be reduced over time.

The scheme is for people who have difficulty in finding work because of a learning, physical or sensory disability or who suffer from a mental health problem.

##### - Karabiner

This is a personal development programme run by Action for Children. It begins with a full-time, eight-week, group work component which aims to help the participants reduce or manage their level of risk and to increase their readiness for work.

The programme is aimed at young people between the ages of 16 – 21 who are or have been excluded from school or who have a history of unemployment and may be at risk of homelessness or drug/alcohol abuse. There is a maximum of eight people in each group.

### **3. New Initiatives**

#### Burnt Lane

The Department is developing a new training centre at Burnt Lane in St Martin's to provide skills specific training courses. The courses will be based in on site greenhouses leased from States Property Services and CEPS workers have been employed to clear the site.

The first training course is due to take place in Spring 2010.

#### Get into Caring

This scheme will provide people from the age of 16 upwards with access to the caring professions. The aim of the scheme is to provide participants with a taste of working within the caring profession whilst also gaining an understanding of the needs of the community. The course will be run in conjunction with the College of Further Education with 70% practical experience and 30% theory. A trial course will be run in Spring 2010.

#### **4. How employers support the Department**

Employers are encouraged to engage with the Job Centre and the Work Rehabilitation Team in order to take advantage of the services that they offer and to help those people who are job ready to return to the workforce. The Department also encourages employers to provide people on work-related schemes with a positive and useful experience that will lead them into permanent employment.

**APPENDIX B**

Deputy B Brehaut  
 Scrutiny Committee  
 Sir Charles Frossard House  
 PO Box 43  
 La Charroterie  
 St Peter Port  
 Guernsey  
 GY1 1FH

20<sup>th</sup> September 2010

Dear Deputy Brehaut

**Investigating Vandalism: States Report**

Thank you for a final opportunity to consider the above report.

As advised in my letter of 10<sup>th</sup> August, the Home Department Board considered the draft Report at its meeting on 4<sup>th</sup> August and had no comments to make with regard to factual accuracy.

I can confirm that the Home Department Board considered the final draft of the Report at their meeting today. There is one comment to be made, which I would be grateful if you would note, and that is in respect of Neighbourhood Policing. I would advise that with regard to this the comments relate not just to the Chief of Police but also the strategic direction given by the Board which has raised the profile of Neighbourhood Policing.

Finally, I would like to reiterate that the Home Department welcomes this Report addressing the serious issue of vandalism, which is a blight on the quality of life in Guernsey. The Report has also provided the opportunity for the Home Department to articulate all the areas of work such as the Criminal Justice Strategy, Community Sentencing and Restorative Justice, which have been initiated over the last few years to address vandalism and other areas of crime.

Yours sincerely

Deputy G H Mahy  
 Minister  
 Home Department

21<sup>st</sup> September 2010

The Chairman  
Scrutiny Committee  
Sir Charles Frossard House  
P.O. Box 43  
La Charroterie  
ST PETER PORT  
GY1 1FH

Dear Deputy Brehaut,

Thank you for the opportunity for the Education Board to comment on the Scrutiny Committee: "Investigating Vandalism" Monitoring Report.

The Education Board welcomes the monitoring report and in general is supportive of its contents. However, regarding the conclusion, in the absence of any evidence of a causal link between school exclusions and incidents of vandalism, we suggest that further investigation would be required into this issue and that this focus and that on the Drug and Alcohol Strategy should not prevent the examination of the many other factors that may contribute to the number of incidents of vandalism in Guernsey.

Yours sincerely

Deputy C A Steere  
Minister  
Education Department



# SCRUTINY COMMITTEE

THE STATES OF GUERNSEY

OCTOBER 2009



SCRUTINY  
REVIEW

INVESTIGATING  
VANDALISM

*"The real significance of crime is in its being a breach of faith with the community of mankind"*  
*Joseph Conrad, 'Lord Jim', Chapter 14 (1900)*

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## CHAIRMAN'S FOREWORD



The Committee chose to look at vandalism as its first major review as it was identified as a problem of significant concern for the Bailiwick and was felt to be a useful test of commitments made by various departments under the then Government Business Plan.

Criminal damage is the most frequently reported crime and is indicative of a wider social issue of behaviour deemed unacceptable to society, with roots in sociological, environmental and psychological factors, affecting the whole community and cross-cutting the responsibilities of several, if not all, States departments. The positive contributions to the review from almost 400 members of the public and from States' departments supported the view that this is an issue of significant importance to the community.

It could be argued Guernsey is better placed than most to deal with the causes and effects of vandalism as we are, perhaps, not hindered by the sheer size and scale of other jurisdictions. The Committee considered that there might be scope to improve the community's ability to tackle vandalism with a more coordinated and corporate approach. On a practical level, the Committee has recommended better central coordination of policy and procedures for preventing and clearing up damage done to States property. The Committee is not

suggesting that vandalism should be addressed through a specific corporate policy, but the report has highlighted that there is a need for better coordination of existing social initiatives in recognition that they are all interconnected. Broader strategic plans, for example those seeking to address drug and alcohol abuse, poverty, social inclusion and crime and disorder generally, also stand to impact positively on criminal damage. Monitoring these far reaching effects will be key to demonstrating the performance of social strategies.

This report does not suggest spending more money; most of the recommendations pick up on existing strategic commitments and seek to make sure these are delivered. Of course continued allocation of resources is far from certain and social policies tend to be the easier targets for cost cutting. More robust performance indicators and monitoring will assist in linking initiatives to tangible results and keeping in mind the long-term costs to the community of possible short-term cuts in expenditure.

Fear of crime can be as damaging as an actual crime to an individual. On our small densely populated island, groups of young people can appear quite threatening, but as with other small communities, the dynamic or tension between the ages can be distorted because of the close proximity in which we all live.

The review found that there is a perception that it is predominantly youths that commit vandalism and this would appear to be supported by the prosecution statistics. As a result, since the Committee was led by the evidence provided to it, the focus of the review and its recommendations leans towards addressing criminal damage caused by young people. However, the Committee is keen to stress that it is the actions of a few that is of concern and young people should not be viewed as a homogenous group or as having sole responsibility for causing the problem. The statistics might only point to the fact that young



people are more likely to get caught! It is adults that are responsible for the majority of disorderly behaviour more generally, but although the influence of drugs and alcohol may be an underlying common factor, these events tend to be more random and difficult to predict.

The Committee takes the view that young people are an important part of the solution in bolstering a sense of community and setting future social mores. The review found that there are plenty of activities for the community to participate in but that more could be done to engage people with them and to encourage social inclusion. For example, the internet and social networking sites are not currently utilised

to their full potential to inform young people of the facilities and activities available to them.

In comparison with most other jurisdictions, the Bailiwick does not have a crime and disorder problem and long may that continue. We need to keep standards high and tolerance for crime or anti-social behaviour low. We cannot afford to become too accepting or permissive. That does not mean draconian punishments for those who transgress, although transparency and robustness in the framework of penalties available is important. It does mean showing our neighbour respect so that they reciprocate; it means promoting social inclusion; it means having high expectations of ourselves and others in taking responsibility for maintaining and improving our quality of life.



Deputy Barry Brehaut  
Chairman  
Scrutiny Committee

## RECOMMENDATIONS

The following recommendations are for States' Departments to consider and take forward. However, the Committee would like to take this opportunity to emphasise the important role **all** members of the community have to play in tackling issues such as vandalism, social responsibility and inclusion.

### POLICY AND STRATEGY

**The Scrutiny Committee recommends the Social Policy Group, Policy Council:**

1. To develop an improvement plan that links existing corporate strategies, addresses social inclusion and safety issues and sets performance indicators to monitor performance. *(See paragraph 4.21)*

### CRIME PREVENTION, LAW ENFORCEMENT AND PENALTIES

**The Scrutiny Committee recommends the Home Department:**

2. To incorporate performance indicators and a monitoring programme into the Criminal Justice Strategy and other strategies to ensure systems and policies are constructively reviewed. *(See paragraph 9.30)*

3. To provide the Committee with early sight, as far as possible, of any relevant forthcoming States Reports, e.g. the Criminal Justice Strategy, to enable the Committee to monitor ongoing progress against the commitments made in these areas. *(See paragraph 9.30)*

4. To promote an 'anti-vandalism' campaign, in conjunction with the Crime Prevention Panel, investigating the merits of using hard-hitting realism and making the campaign targeted e.g. school/public holiday or at specific events, and expanding the reach of educational campaigns beyond the schools to, for example, parks, 'hotspots', public conveniences. *(See paragraphs 6.51/6.55)*

5. To monitor the number of cases that involved CCTV in their detection to assess the performance and cost-effectiveness of the system on a regular basis.

*(See paragraph 8.30)*

6. To investigate the costs and benefits of purchasing a transportable CCTV system to tackle specific neighbourhood problems, tying in with the identification of 'hotspots'.

*(See paragraph 8.31)*

7. To provide performance indicators and action plans for the implementation and performance management of:

- (a) Community Policing *(see 8.41)*
- (b) Restorative Justice *(see 9.45)*
- (c) Community Service Order *(see 9.40)*

8. To investigate the options available for upgrading or replacing the existing Police computer database with a system which would facilitate an intelligence-led approach to policing. The Committee considered that management information should be easily available on:

- The mapping of incidents by type, time and location to identify trends and 'hotspots';
- The number of repeat offenders (where convicted);
- The number relating to alcohol and drug usage (where known).

*(see paragraphs 8.58 - 9)*

9. To review, in consultation with appropriate interested parties, the present maximum level of compensation (£2,000) that can be awarded by the Magistrate's Court under the Criminal Justice (Compensation) (Bailiwick of Guernsey) Law, 1990 with regard to criminal damage cases to consider whether a maximum limit is necessary and, at the least, to bring it in line with current money values.

*(See paragraph 9.25)*

The Scrutiny Committee recommends the judiciary:

10. To review and offer greater transparency on sentencing guidelines.  
(See paragraph 9.7)

### **SOCIAL INCLUSION PROJECTS**

The Scrutiny Committee recommends the:

11. **Education, Commerce & Employment and Social Security Departments** to provide an action plan of the initiatives they have designed to help people engage in productive and constructive activities, in line with priority 4 of the former Government Business Plan and the new Social Policy Plan.  
(See paragraph 4.9)

12. **Culture & Leisure and Education Department** to provide an update regarding the dual use of sporting facilities.  
(See paragraph 4.11)

13. **Culture & Leisure, Housing and Environment Departments** to investigate the merits of providing more leisure facilities in identified 'hotspot' areas and on estates.  
(See paragraph 6.20)

14. **Education and Culture & Leisure Departments** to promote work by the Youth Service, the Guernsey Sports Commission and other services to increase the awareness of children and young people of the activities and facilities available to them through publicity in schools, the media, the Internet and social networking sites.  
(See paragraph 6.21)

15. **Education and Culture & Leisure Departments** to investigate further ways in which 'street art' could be pursued in an environment where no damage to public or private property would occur, e.g. graffiti walls.  
(See paragraph 6.37)

16. **Education and Environment Departments** to consider the idea of 'community spaces', examining the concept of 'youth shelters' where young people could congregate. This could vary from a basic shelter or one with leisure facilities e.g. a basketball hoop.  
(See paragraph 6.44)

### **COMMUNITY INITIATIVES**

The Scrutiny Committee recommends the:

17. **Home and Environment Departments** to consider extending 'alcohol-free' zones at the local parks in an effort to curb the anti-social behaviour caused in the area due to alcohol consumption. (See paragraph 5.18)

18. **All Departments** to display advertising to promote Crimestoppers

- a. on any fleet vehicles;
- b. in public areas.

to encourage reporting of incidents  
(See paragraph 8.10)

19. **Environment Department** to consider exemption, or provision of a documented fast-track process, for the installation of standardised signage for Neighbourhood Watch schemes.  
(See paragraph 8.19)

20. **Housing Department** to consider having a Housing Tenancy Officer attending housing estate Neighbourhood Watch meetings on a quarterly basis to receive feedback on problems in the area and provide greater support.  
(See paragraph 8.20)

### **STATES' PROPERTY MANAGEMENT**

The Scrutiny Committee recommends the Treasury & Resources Department, States' Property Services:

21. To issue policy guidance to all Departments with responsibilities for property on how to tackle criminal damage. This should include:
- suitable deterrents e.g. use of anti-vandal paint and other physical measures;

- standards of repair;
- appropriate use of CCTV;
- use of special constables and site supervision;
- appropriate site security e.g. alarms, fencing etc; signage;
- use of anti-vandal paint;
- opening hours;
- procedures on when to contact the Police;
- when to involve States' Property Services;
- recording of incidents;
- handling insurance claims etc;

*(see paragraph 10.14)*

22. To maintain and monitor a central log of all Departments' incidents and outcomes and monitoring the frequency and nature of occurrences:

- reporting on overall levels and cost implications;
- assisting with the formulation and monitoring of performance indicators for measures such as CCTV etc.

*(see paragraph 10.15)*

23. To take a proactive lead in risk assessments and management, referring to the Crime Prevention Panel for particular advice.

*(see paragraph 10.16)*

**The Scrutiny Committee recommends the Policy Council:**

24. To consider extending the role of the Douzaines to help monitor the condition of public spaces.

*(see paragraph 10.13)*

## 1. INTRODUCTION

1.1 Vandalism and criminal damage may be viewed as a *minor crime* by some, but the 'Sustainable Guernsey 2007'<sup>1</sup> report showed that in 2006, criminal damage represented 31% of the total crime figure - making it the most frequently reported offence in Guernsey. Criminal damage represented 32% of reported crime in 2008. In Alderney, for 2008, 47% of reported crimes were cases of criminal damage.

1.2 The States of Guernsey have agreed that reducing crime and enhancing community safety is a priority. Priority 7 of the former Government Business Plan<sup>2</sup> stated "*Take firm action against crime and the causes of and effects of crime*". This has since been incorporated into the new Strategic Plan, included in Billet XVIII of 2009, where under 'Social Policy: Additional Core Values' it reads "*Promote and support policies which aim to reduce crime and disorder and keep the Bailiwick a safe and secure place to live*". The area of work identified in this section is "*Reduce crime and enhance community safety and responsibility*".

1.3 The Committee felt that criminal damage was therefore a worthy subject of review as an indicator of performance against the States' corporate commitments.

1.4 Vandalism is an issue that affects its victims, whether as individuals or communities; it attracts headlines; it provokes comment, most often in relation to its causes and what should be done to the perpetrators; and it imposes financial and other, less tangible but no less real, costs. It is perhaps, like many concepts, easily recognised when seen but difficult to define.

*"Vandalism is a perennial problem. There is no single definition and no model solution. Its direct costs amount to many millions of pounds a year, and its wider effects range from inconvenience and discomfort, to fear, and actual danger to the public"* <sup>3</sup>

1.5 To some extent, the nature of vandalism depends upon the context in which it is observed. For example, reactions to a child's name written on the wall of his local school can be contrasted with the discovery of Winston Churchill's signature carved into the walls of his public school. Although the acts are the same, they are likely to be judged very differently.<sup>4</sup>

1.6 Something that may seem to one person a light-hearted prank will be, to another, a serious nuisance, or even a life-threatening incident, for example, defacing or moving road signs. There has long been, and will doubtless continue to be, well-publicised debate on the relative merits of graffiti as an art form.

1.7 In the responses to the public questionnaire, the Committee noted many suggestions of actions that should be considered within the overall heading of vandalism. Specific references were made to litter; damage to trees and floral displays; broken glass; fly tipping; dumping of cars, bikes and household goods; damage to traffic mirrors, road signs and street furniture; dog mess; cigarette ends; chewing gum; the inappropriate use of vehicles off-road; the misuse of fireworks and damage to commemorative seats, historic monuments, churchyards and cemeteries, bird hides, bus shelters and boats.

1.8 The broad range of these acts, which the Committee firmly believes all merit the label of examples of anti-social behaviour, illustrates well the difficulty of producing a single definition of what constitutes vandalism.

<sup>1</sup> States of Guernsey Policy Council (2008) '*Sustainable Guernsey 2007: Monitoring Social, Economic and Environmental Trends*', p68.

<sup>2</sup> Billet d'État XVIII, 2007, approved on 15<sup>th</sup> July 2007

<sup>3</sup> Home Office research paper - Barker and Bridgeman (1994) '*Preventing Vandalism: What Works?*' Home Office Crime Detection and Prevention Series Paper 56.

<sup>4</sup> Ibid

1.9 For the purposes of the review, the Committee adopted a working definition as being *"where a person intentionally or recklessly destroys or causes damage to another person's property"*<sup>5</sup>.

1.10 This report considers the causes and effects of vandalism and how these might be addressed, with particular emphasis on the perceptions of contributors to the review.



*Youth Workshop*

1.11 A summary of the methodology for the review and a list of contributors is included in Appendix VI (available on-line).

1.12 The Committee would like to thank States' Departments, in particular the Home Department, for their contributions; the students and staff of the College of FE and the Grammar School who took part in the workshops; the 400 respondents to the Committee's questionnaire and the numerous groups, businesses and individuals who contributed, in writing and in person, their views and experience; and those who generally helped to facilitate the Committee's public consultation process.

1.13 A full list of acknowledgements is available in Appendix I.

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<sup>5</sup> Appendix II

## 2. VANDALISM IN THE GUERNSEY CONTEXT

*"The level of criminality in the Bailiwick is extremely low in comparison to other jurisdictions. It is therefore encouraging that this particular crime is being taken seriously. Any investment in measures to tackle criminal damage will surely have a benefit in reducing other forms of anti-social behaviour, which is a strategic aim of the Force".*

*Guernsey's Chief Officer of Police*

2.1 As highlighted previously, in 2008 criminal damage accounted for 32% and 47% of reported crime in Guernsey and Alderney respectively, and remains the most frequently reported crime.

2.2 Although the Bailiwick cannot be said to have a substantial crime problem in comparison with most other jurisdictions, vandalism is a big problem relative to other types of crime in the Islands.

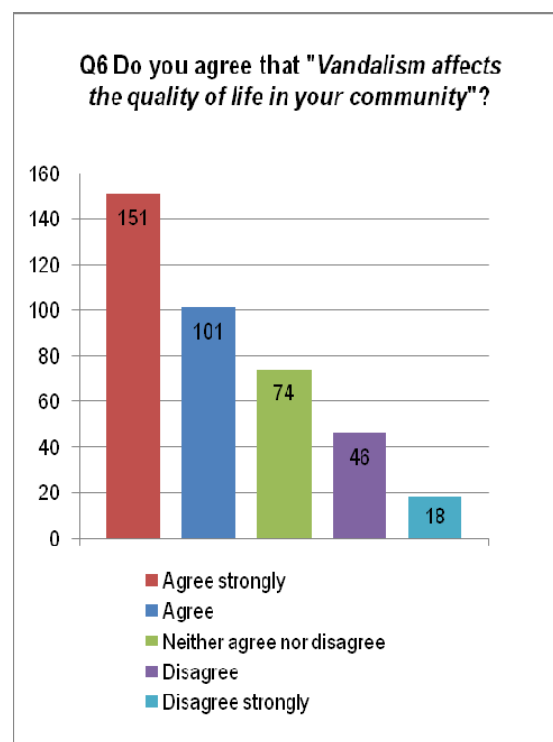
### Community Perceptions

2.3 The Chairman of the States of Alderney Policy and Finance Committee advised the Committee that in a Police survey, vandalism was among the top three concerns of Alderney people.

2.4 The Committee noted that the **Home Department's** Community Safety Survey<sup>6</sup> showed that vandalism ranked 6<sup>th</sup> in a list of neighbourhood problems, falling below excessive speed, dangerous driving, noisy vehicles, young people hanging around and cars parked illegally. It ranked 4<sup>th</sup> both in areas to be tackled in neighbourhoods and to be tackled Island-wide below drugs, fighting and drunks. The **Home Department** has advised the Committee that a further survey is being considered for the latter part of 2009 in relation to the development of a Criminal Justice Strategy.

<sup>6</sup> States of Guernsey Policy Council, 'Facts and Figures 2008', p99.

2.5 64% of questionnaire respondents agreed or agreed strongly with the statement "Vandalism affects the quality of life in your community".



2.6 Approximately two thirds of respondents aged 30 years and over agreed or agreed strongly with the statement, compared with about half of those below that age. The distinction was more marked in the figures for those agreeing strongly.

2.7 When considering all types of vandalism listed in the questionnaire, an overwhelming majority of respondents thought that it was a problem that needed to be tackled. The strength of feeling expressed by respondents increased in line with the respondents' age group. The Committee also noted that, within each age group, the order in which each type of vandalism was considered to be a problem remained the same, regardless of age.

2.8 The Committee noted with interest that data for the Community Safety Survey<sup>7</sup> showed far less difference in the strength of response between the age groups when considering how safe they felt within their own neighbourhood.

<sup>7</sup> States of Guernsey Policy Council, 'Facts and Figures 2008', p99.

2.9 The biggest problem identified in the Committee's questionnaire results was damage to public property followed by damage to vehicles. Only 40% of respondents felt graffiti was a big/very big problem.

Scale of problem	Very big/ big
Damage to public property	63%
Damage to vehicles	54%
Graffiti	40%
Damage to private property	33%
Arson	22%

2.10 Individual opinions expressed in the Committee's public consultation included "There is not much vandalism in Guernsey" and "We don't get too much vandalism here compared to the UK" contrasted by "There is too much vandalism for such a small island" and "I know compared with the mainland we have very little vandalism. I feel there is still too much".

2.11 One respondent felt "This is a serious social problem which has to be tackled by the community" whilst another stated "I do not believe that it is a major problem, although it is persistent and should not go unpunished, as it breeds disrespect for others and will lead to worse offences".

### Visitor Perceptions

2.12 From a visitor economy perspective, with policy responsibility for Visit Guernsey, the **Commerce & Employment Department** was not aware of any complaints in the past five years relating to the effects of vandalism. The Department felt that there was only minimal evidence of vandalism at tourist attractions and referred to instances at the Little Chapel in 2008 and at Les Fouaillages dolmen in 2007.

2.13 The Department commented that it had actually received letters from visitors complimenting the Island on its cleanliness, lack of vandalism and graffiti as well as what appeared to them to be a 'crime-free' community compared with the areas where they reside. Nevertheless, the Department noted that vandalism appeared to be a gradually increasing problem and stated that

it would support fully any measures aimed at ensuring that vandalism is kept to a minimum.

### Media Perceptions

2.14 The local media, in particular the Guernsey Press, is a prime source of information for the general public on specific incidents of criminal damage and vandalism.

2.15 Headlines in recent years have included:

- 'Police suspect arson in St Martin's fires'
- 'Church faces £1,000 bill for vandalism'
- 'Vandals attack children's artwork'
- 'Vandals leave a trail of damage'
- 'Arsonists' attack on shed could have cost two lives'
- 'Teen vandal attacks hit homes and cars'
- 'Graffiti researcher's 42 tags might mean prison'
- 'Toilets go after bad vandal attack'
- 'Vandals attack chapel three weekends on run'
- 'Police step up patrols as vandals make life a misery'
- 'Vandals strike twice at Bowl skatepark'
- 'Vandals take a saw to Delancey's wood'
- 'Make them pay. Vandals graffiti on church hall undoes good work.'
- 'Graffiti vandals strike again at church hall.'

2.16 The Committee was pleased to note that many articles concluded with: "Anyone with information is requested to call Crimestoppers on 0800 555 111 or the police station on 725111".

2.17 The Committee also noted that the Guernsey Press website provided a forum for readers to respond to articles and that this often included wide-ranging debate on many aspects of vandalism and anti-social behaviour. Many of the comments expressed in that forum reflected those made to the Committee in response to its questionnaire.



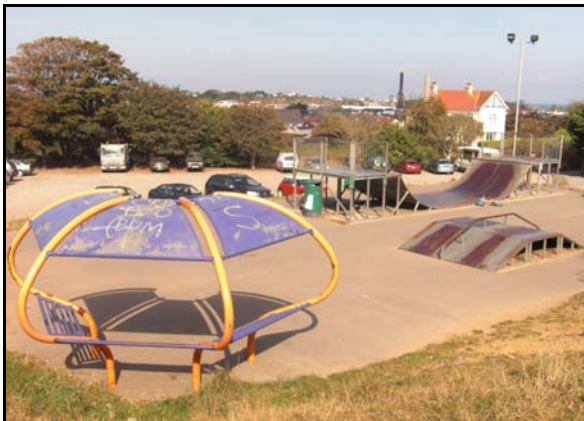
### Where does vandalism take place?

2.18 79% of questionnaire respondents believed there were particular places in Guernsey or Alderney which were more likely to experience vandalism and gave examples including broad geographical areas such as St Peter Port, St Sampson's and St Anne, Alderney, or, more narrowly, the Bridge or the Bouet. More general descriptions were also given, including: housing estates; public parks; cliff paths; beach kiosks; public toilets and planted areas.



*Cobo Bay*

2.19 Two areas in the table on page 13 show problems with skateboarding: the Sunken Gardens and the Liberation Day Monument. The **Police** are currently working with the **Culture & Leisure Department** to seek to find ways to alleviate the impact that skateboarding is having in these very public locations. Whilst there is a skateboarding facility at Delancey Park (below), there is not a permanent facility at Beau Sejour although the Xtreme Sports Association are presently looking for a permanent site.



*Cobo Public Convenience*

2.20 A difficult area to target is the indiscriminate damage to vehicles parked on the roadside by offenders walking from town during the early hours of the morning. Incidents may not occur for several weeks or months until one night when one or more offenders will damage a number of cars, but these are not reported until later or the next day. Most of the out of town routes are not covered by CCTV and lines of enquiry to identify offenders are extremely limited. Often they are thought to be the spontaneous acts of drunken, dissatisfied or troubled persons.

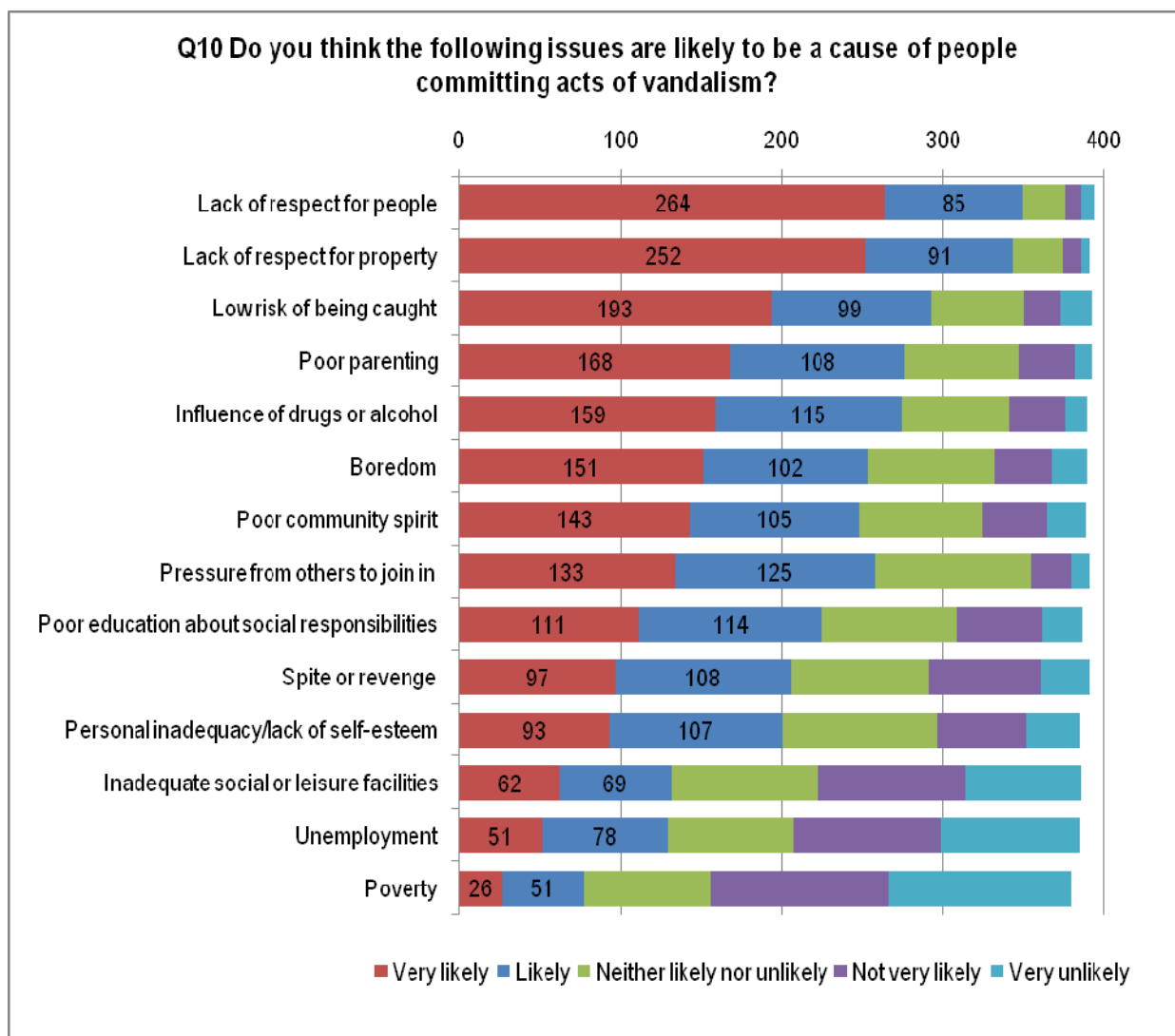


*Cambridge Park<sup>8</sup>*

<sup>8</sup> Pictures reproduced courtesy The Guernsey Press Co Ltd.

## AREAS SPECIFICALLY AFFECTED BY VANDALISM

Area	Problem	Comment/Action taken by Departments
St Martin's	Anti-social behaviour and criminal damage	In early 2009, analysis of the reports suggested that the area would benefit from increased foot patrols by beat Officers and dog handlers during the early evening period. Police resources were directed into this area and the increased presence resulted in a noticeable decrease in reported crime.
Saumarez Park	Increased numbers of unaccompanied children and youths during the spring and summer evenings, giving rise to offending behaviour. Particular problem arose in relation to St John's Residential Home.	The Treasury & Resources Department is the landlord for the St. John's Residential Home premises and had also commented to the Committee on its need to take extra security measures to deal with incidents during recent building works.
Cambridge Park	Criminal damage to vehicles	Temporary increase to policing to resolve the problem.
Delancey Park	Anti-social behaviour and vandalism	This area has been included within a Neighbourhood Beat since early in 2009 and the Police Officer assigned has been working with other agencies to seek to reduce offending behaviour and engage youths in constructive pursuits. A report in the Guernsey Press on 1 <sup>st</sup> September 2009 reported on "a dramatic change" in the area following the success of the initiative.
Cobo Village	Anti-social behaviour	The problems in this area are mainly that of anti-social behaviour rather than vandalism.
Sunken Gardens area of Ann's Place	Skateboarding, roller-skating, drug and alcohol abuse	There had been a decline in the normal usage of the gardens and a general deterioration in the ambience of the area. Some have been using the ramp leading into the gardens and adjacent platforms for roller-skating/skateboarding, which has caused annoyance to other people seeking to use the gardens and to businesses in the area.  The Police are working with other agencies, principally the Environment Department and the St Peter Port Constables, to address the problem. An alcohol-free zone has been introduced.
Liberation Day Monument	Skateboarding causing damage to the monument and danger to the pedestrians.	This area is being monitored by CCTV from the Police Control Room and when resources are available, like at Ann's Place, Police are tasked to patrol in the area and seek to dissuade skateboarders from using this location. In terms of the scope of young people enjoying this activity, it would be both positive and helpful in terms of policing for them to be able to direct the skateboarders to an approved and official facility for that use in St Peter Port.



### Who commits vandalism and why?

2.21 The **Home Department**, provided statistics identifying the age and gender of offenders for 2003 to 2008 (Appendix V). The figures for this period showed that most criminal damage offenders were under the age of 20 and male.

2.22 This supports the widely held view that the majority of vandalism is committed by children or young adults, perhaps indicated by 70% of questionnaire respondents attributing poor parenting as a likely or very likely cause of vandalism.

2.23 The **Probation Service**, identified acts of vandalism as:

- reactive;
- mindless or reckless; or
- intentional,

2.24 It was considered that most acts committed in Guernsey fall into the 'mindless or reckless' category. The **Home Department** felt it was the kind of anti-social behaviour sometimes demonstrated by disaffected teenagers which they tend to grow out of.

2.25 The **Home Department** noted that children and young people probably commit (and that this has long been the case) a significant amount of relatively low-level damage, for example, throwing stones at old greenhouses, carving names on trees, spray painting on walls etc. Some of these incidents

are likely to be alcohol fuelled but some will be childish pranks that have gone wrong.

2.26 The feedback from the Committee's youth workshops<sup>9</sup> suggested to the Committee that there is an acknowledgement from young people that their age group are the main perpetrators of this type of crime. Individuals expressed concern with being associated with the bad example of a minority of their peers.

2.27 In the workshops the groups considered what sort of person might have done each of the scenarios presented and why. Suggestions included people who were: bored; jealous; holding a grudge; being dared to do it; showing off; younger people (who might not realise the potential impact of their actions, whereas an older person would know it was wrong); under the influence of drink or drugs (i.e. not premeditated); taking revenge; under peer pressure; people with nothing else to do.

*"It is difficult to say what motivates vandalism but drunkenness plays a part."<sup>10</sup>*

2.28 69% of questionnaire respondents felt the influence of drugs and alcohol caused vandalism. Tackling drug and alcohol abuse is considered further in Sections 4 & 5.

2.29 The **Education Department**, commented that graffiti tends to be writing and is done for several different reasons:

- fame (i.e. getting your name all over town);
- rebellion;
- making political statements (whether positive or negative) and
- as 'art'.

2.30 It noted that graffiti for fame or rebellion tended not to be aesthetically pleasing and did not fit into the category of 'street art'.

2.31 The questionnaire results showed a large majority of respondents felt that lack of respect for people or property and a low risk of being caught were the key factors why people committed acts of vandalism (see graph on P14).

2.32 Many comments suggested that offenders lacked self-respect as well as variously having no respect for other people; property; authority; public facilities; the environment or the community. Most of these comments tended to reflect a view that it was younger people who lacked such respect but one respondent noted that: *"If people feel that society does not respect them then it is unlikely that it will be reciprocated"* whilst another sought *"more respect for young people from society and government"*.

2.33 Whilst some respondents felt that previous generations had shown a greater degree of respect, it was also suggested that: *"Vandalism is not a new problem. It was even happening in Victorian times and earlier!"*

2.34 The issue of a lack of respect for people or property is one which the Committee believes can be addressed by a higher level of social inclusion, which is discussed in Section 6.

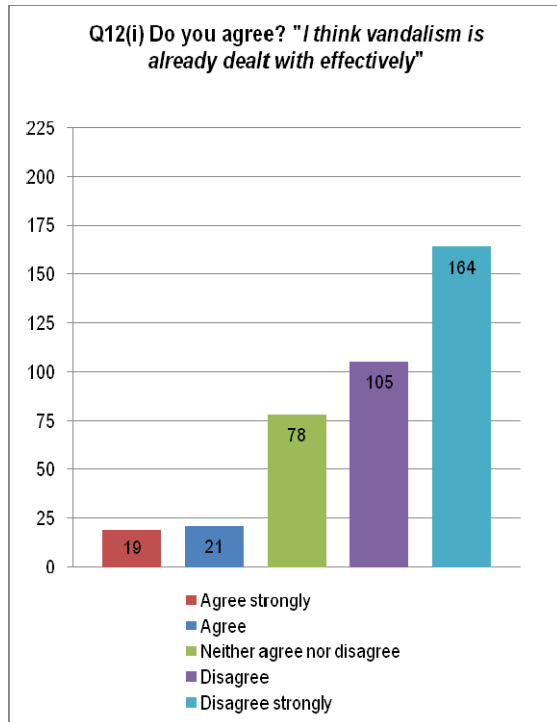
2.35 The perceived low risk of being caught, detection rates, penalties and consequences are considered further in Sections 8 and 9 of this report.

### **Low tolerance**

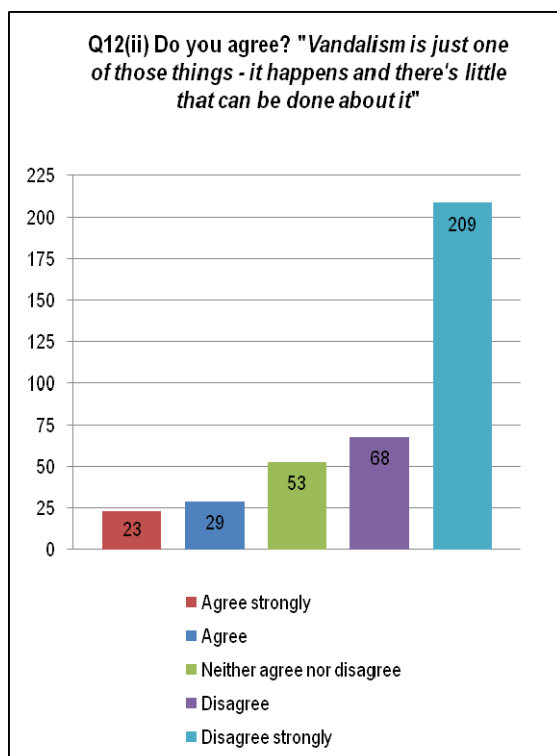
2.36 In its public questionnaire, the Committee invited respondents to state how strongly they agreed with three statements. Taking each in turn:

<sup>9</sup> Appendix VII - available online

<sup>10</sup> The Chairman of the States of Alderney Policy and Finance Committee

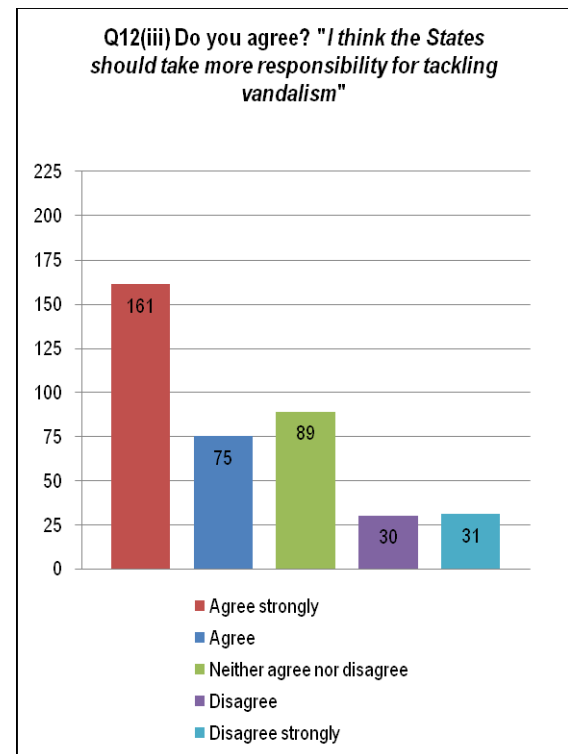


2.37 A majority of respondents, 70%, disagreed or disagreed strongly that vandalism was already being dealt with effectively.



2.38 73% of respondents strongly disagreed or disagreed that vandalism can just be

accepted as a fact of life about which nothing can be done.



2.39 61 % of respondents agreed or strongly agreed that the States should take more responsibility for tackling vandalism.

2.40 It was put to the Committee by one contributor that use of the term '*petty*' vandalism conjures up images of acceptable damage deliberately caused and might also imply that a minor act of vandalism is of little or no importance to the community. It was suggested that no deliberate or malicious damage caused should be seen as petty, irrespective of how minor it may seem and of what little it might cost to public funds to repair.

2.41 The review results clearly indicate that vandalism is a concern within the community that should not be ignored or tolerated and, further, is one in which the States should assume more responsibility.

### 3. THE IMPACT OF VANDALISM

#### CASE STUDY: A GUERNSEY PARK

One individual correspondent gave the Committee a comprehensive insight into his daily experience of looking after a public park and its amenities in Guernsey.

His account of how vandalism and litter affected the park detailed a litany of incidents. He referred to the demoralising effect of constantly having to repair and replace property and items, and cleaning up other people's mess. He also felt dismayed at the apparent disregard by perpetrators for other people's safety, welfare or feelings.

#### Incidents included:

Damage to cars and motorbikes which are parked or abandoned - some had been set alight or extensively damaged e.g. smashed windscreens/windows.

Damage to site buildings being broken into and trashed and roof slates being thrown to the ground. There had been incidents of granite being removed from dry stone walls, which had caused them to collapse, and paving bricks being dug up and stolen. Many of the various types of fencing in the park had been either unwoven, broken or smashed. The respondent also referred to the constant damage inflicted to the telephone box.

The bins had to be chained and padlocked, otherwise they would be thrown around the park - there had also been incidents of the wheelie bins and doggie bins being set alight.

Litter strewn throughout the park, including smashed bottles which proved a health and safety risk and were difficult to remove. Household rubbish and bags of soiled nappies had also been found strewn around the park.

Various incidents of verbal abuse and abusive

graffiti were also reported.

There were occasions when human excrement had been spread on children's play equipment, doors and walls of public toilets. The toilets generally were left in varying states of disarray, with people relieving themselves in the corner of the toilet and there being vomit on the floor. This had led to the toilets being locked in the lunch hour to try and reduce incidents.

Damage had been caused to the sporting facilities e.g. boulders thrown on to the bowling green, cut football nets and removed stakes.

Risk to safety of the public had been caused by temporary metal safety capping and barriers which had covered a 40/50 foot hole being removed, leaving it exposed and dangerous. A drain cover had also been removed causing danger on a dark winter morning.

Damage had also been done to newly planted trees and saplings.

The park benches had been smashed and replaced on so many occasions that it was too expensive to continue to replace them.

3.1 The comments included in the case study highlighting the demoralising effect that repeatedly repairing property and items has on staff and users, were also reiterated by the General Manager, States Works. He suggested that there were only so many times one could do this without losing heart and he was very grateful that his staff continued to do the necessary work.

*"With public conveniences being vandalised every week, the effect is that staff morale in this area is low. This is due to firstly the abuse they receive, but more importantly the effects of cleaning/reporting a convenience after vandalism, only to see it in exactly the same state the next day"*

General Manager, States Works





*Delancey Park*

3.2 The Committee found that for some respondents, 'fear of crime', in particular amongst the more elderly population, was generated by vandalism in an area.

*It is the violation of that person's property and the total feelings of frustration, fear, anger and persecution on why such an act was carried out against them in the first place. Vandalism can change a person's life overnight.<sup>11</sup>*

3.3 Others referred to the apprehension that vandalism may be targeted against individuals and that they might be the next victim. Concerns were expressed that damage might be repeated after it had been repaired.

3.4 Many respondents were concerned for the safety of their vehicles, and believed their vehicles were constantly at risk, whether parked in private or public areas.

3.5 The **Housing Department** was conscious of the fact that, aside from the financial cost and inconvenience it causes, vandalism generates fear and anxiety in communities and undermines attempts to encourage tenants to take pride in their estates.

<sup>11</sup> Questionnaire response

3.6 This can lead to a loss of trust within the community. One questionnaire respondent suggested how the community treats and/or tolerates vandalism "*sets important boundaries for society and behaviour, both now and for the future*". Concern was expressed that the reputation of younger people generally was tainted by the actions of a small minority of offenders.

*Vandalism "erodes trust and fuels suspicion. It makes the older generation distrust the younger generation"<sup>12</sup>*

3.7 The costs involved in rectifying incidents of vandalism were also identified by many respondents. Many respondents referred to the costs to the taxpayer of repairing damage to public facilities and the expense of Police time involved in investigations. Some referred to the additional cost of insurance premiums to reflect the costs incurred through vandalism. Others recognised reputational costs, and the cost to the community of amenities/facilities being out of action.



*Les Amarreurs Public Toilets*

3.8 The physical danger that incidents of vandalism could cause to others was also highlighted. Broken shards of glass in playgrounds or on beaches, damage to children's play

<sup>12</sup> Questionnaire response

equipment and the risk of drainage covers being removed were a few of the examples provided.



*Delancey Park*

3.9 The Guernsey Housing Association expressed concern that the appearance of a development and the reputation of its housing could be adversely affected if people felt their estate was identified with anti-social behaviour.



## Victim Support

3.10 The impact of vandalism on its victims, as reported to Victim Support in Guernsey<sup>13</sup>, includes:

- Fear
- Anger
- Upset
- Shock
- Worry
- Disbelief
- Being unable to sleep

<sup>13</sup> Victim Support Bailiwick of Guernsey supports victims of crime and is independent from the States, Police, or the Courts, notwithstanding that it has premises in the Royal Court building.

- Frustration as to why it occurs or continues
- Particular impact of repeat victimisation
- Inconvenience - time and effort, for example, in making homes, buildings and cars secure again and in completing claim forms
- Cost implications (whether insured or not)
- Particular impact on the elderly living alone
- Being without transport, in particular where there is reliance on it, for example, disabled persons.

3.11 Research from a pilot study into 'enhanced services for victims' run by the national Victim Support service reported<sup>14</sup> that "*victims of criminal damage ... had found their experience to be ... traumatic. And each of them felt that the support they received had played a real part in helping them in the immediate and medium term aftermath of the crime*". One victim, who had had her window smashed whilst she was sitting inside her home, said that "*the engagement of Victim Support and the service they were able to offer meant that she didn't feel abandoned or as vulnerable as she might have done otherwise*".

3.12 90% of referrals to the Service are direct from the **Police** who will refer all cases unless asked not to do so in individual instances.

3.13 Criminal damage cases dealt with by Victim Support in Guernsey include:

- Damage to boats
- Paint thrown at property
- Paint sprayed on walls and cars
- Graffiti
- Windows smashed with stones or BB gun pellets
- Gardens destroyed
- Damage to cars, including punctured petrol tanks, smashed windscreens
- Slashed tyres on a disabled person's car;
- Breaking locks and doors
- Lighted cigarettes left to burn on car seats and boat upholstery after breaking in
- Damage to beach kiosks

<sup>14</sup> 'Victim and Witness View', the magazine of Victim Support, Issue 4, March 2007.





*Damage to a private property with pellets from an air or BB gun<sup>15</sup>*

3.14 The service dealt with 35 criminal damage cases, out of a total of 268 referrals, in 2007; 29 out of 229 in 2008 and 24 out of 222 in 2009 up to the end of August. These figures include 3, 7 and 3 cases, respectively, referred from Alderney. Victim Support considers that criminal damage should not be treated either as a trivial offence or any less seriously than any other offence against the person, as it can have a serious impact on the victim. Victims of criminal damage can be distraught and need someone to be there to support them. Repeat victimisation and targeting are not unknown in criminal damage cases. Information can be given on insurance and compensation matters.

3.15 In 2009, the Bailiwick Victim Support and Witness Service won the Queen's Award for Voluntary Service for its contribution to the local community. The service can identify the help and support that will most usefully meet the person's needs and expectations, including specialised help if so required. Support and practical help is offered to victims, witnesses and others affected by all crime.

3.16 64% of questionnaire respondents believed more awareness of the impact on victims and the community would help reduce the amount of vandalism.

3.17 Restorative Justice is discussed in Section 9 of this report. The **Probation Service** believes bringing people face-to-face with the person/community it has damaged could be a powerful intervention in countering vandalism. They believed this initiative could be used in schools and communities as well as with individuals.

3.18 77% of respondents also felt greater awareness of the penalties and consequences of committing acts of vandalism could help reduce the number of incidents. This is also discussed in further detail in Section 9.

<sup>15</sup> Pictures reproduced courtesy The Guernsey Press Co Ltd.

#### 4. CORPORATE POLICY AND COORDINATION

4.1 There is no one body responsible for a coordinated policy approach for dealing with the causes and effects of vandalism, which affects all Departments to varying degrees.

4.2 Various initiatives in corporate strategies provide evidence of Departments working together in ways that might impact on addressing vandalism:

##### The Criminal Justice Strategy

4.3 The **Home Department** is currently formulating a cross departmental Criminal Justice Strategy, which will incorporate a Community Safety Strategy. This will be a substantial policy expected to be presented to the States in early 2010. Further details of this can be found on Page 48 of this report.

##### Drug and Alcohol Strategy

4.4 The **Social Policy Group** advised the Drug and Alcohol Strategy *"is keen to organise and/or promote activities for young people to keep them occupied and deter them away from drugs and alcohol. Whilst it is not the main aim of the Strategy, providing alternative facilities for young people is also likely to deter them away from other forms of criminal activity, including vandalism"*. The link between drugs, alcohol and vandalism is considered further in Section 5.

##### Social inclusion

4.5 The Chairman of the **Social Policy Group** wrote to the Committee in October 2008 and stated that the **Education, Commerce & Employment** and **Social Security Departments** had been looking at a range of initiatives designed to help people into work. The initiatives were intended to help people engage in productive and constructive activities under Priority 4 of the former Government Business Plan (GBP).

4.6 The Committee are aware the three Departments are working on a 'raft of initiatives to ensure that all sectors of the community can

access appropriate employment or training support to find sustainable employment'. These include: the expansion of vocational training and apprenticeship schemes, adult guidance, employment and life skills for ex-offenders and targeted support for those not in education, employment or training.

4.7 The Social Policy Plan (SPP), agreed at the July 2009 States' meeting, has set out priorities for future social policy related initiatives. Priorities have been graded from 1-2 (essential) to 6 (low priority). The following priorities, which impact on countering vandalism, have been identified as high priority (4) initiatives to be actioned between 2009 - 2013: new initiatives and training aimed at assisting people into employment/upskilling, and the Criminal Justice Strategy.

4.8 Low priority (6) has also been assigned to improving community recreation facilities. No work will be progressed by the **Social Policy Group** on this initiative until 2014 (although the Culture & Leisure Department could develop this project through its own resource allocation). Activities for at risk/in need children and young people will be considered as part of the Children and Young People's Plan, which was designated an 'essential' priority. Low priority has also been assigned to undertaking a full review of the voluntary sector role in social inclusion. Volunteering in Guernsey is discussed further in Section 6.

4.9 **The Committee will be interested to see the action plans of the initiatives progressed under the GBP and the SPP and how these have been co-ordinated and their effectiveness monitored.**

4.10 The Committee also noted a commitment made initially in the '2003 Policy and Resource Plan' for a joint initiative between the Recreation Committee and the Education Council, (now the responsibility of the **Culture & Leisure and Education Departments**) for *'Potential use of school facilities to benefit the recreation needs of the wider community'*. This was also highlighted in the Guernsey Sports' Commission's 'A Strategy for Sport and Recreation 2009', March 2009, where one of the 'Philosophies' was to *"develop the dual use of facilities with the Education Department"*.

4.11 The Committee is interested to learn of how this commitment has been progressed.

4.12 Social inclusion initiatives and provision of leisure facilities are considered in more detail in Section 6.

### Corporate Anti-Poverty Programme

4.13 The Committee noted that 54% of questionnaire respondents felt that unemployment or poverty were either a very likely or likely cause of vandalism. The Committee felt that there might not be a direct causal link, but rather poverty can be a major contributor to social exclusion, which in turn can provoke vandalism.

4.14 In 2000, the then Advisory and Finance Committee commissioned the Townsend Centre<sup>16</sup> for International Poverty Research to undertake a Poverty Survey which was later entitled '*The Survey of Guernsey Living Standards*'.

4.15 The Report concluded that 16% of households in Guernsey lived in relative poverty; it also included a section on the interrelationship between crime, social harm and standards of living. The report found that "*poor people were significantly more likely to experience a harmful event in the previous year*<sup>17</sup>. Further, "*poor people were nearly twice as likely to feel fairly or very unsafe when on the streets and 1.7 times more likely to feel unsafe when at home than the rest of the population*". It was also found that, despite forming a minority of the overall population, "*people living in poverty bear the brunt of most crime*"<sup>18</sup>.

4.16 A study in the USA into the 'Economic, Fiscal and Social Benefits of Investment in Early Childhood Development'<sup>19</sup> noted that: "*The problems for children and society that result from childhood poverty cry out for effective policy*

*solutions. Poor children often have inadequate food, safety, shelter, and health care...As adults, they are more likely to suffer from poor health and participate in crime and other anti-social behaviour...*"

4.17 The States of Guernsey had voted in favour of an anti-poverty strategy and corporate anti-poverty programme (CAPP) at their meeting of November 2003<sup>20</sup>. This was then subsumed into the Government Business Plan (GBP) on 25<sup>th</sup> July 2007<sup>21</sup>, which in 2009 is being incorporated in the States Strategic Plan.

4.18 The former Scrutiny Committee had monitored the development and performance of the Programme, and had outlined its concerns in May 2007 that there was little evidence of what the Strategy had achieved. Its principal concerns regarding the Programme had been that objectives, priorities and resources were not clearly identified and it was therefore difficult to assess the impact and performance of the strategy.

4.19 The Committee is intending to monitor progress with initiatives to address relative poverty in the Bailiwick as part of its work programme before April 2012.

### A co-ordinated approach

4.20 The **Social Policy Group** stated that they would not advocate a strategy specifically to address the causes and effects of vandalism. They identified that the issue was difficult to address in isolation and that addressing vandalism alone would not necessarily get to the heart of some of the social issues behind its causes. The Committee supported this view.

4.21 The Committee concluded that more needs to be done to establish the links between existing corporate strategies, to co-ordinate initiatives, and to monitor their effectiveness. The evidence considered throughout this review supports a coordinated approach recognising that social issues, crime and disorder are inextricably linked.

<sup>16</sup> Full copies of all four reports produced by the Townsend Centre between 2001 and 2003 were lodged at the Greffe and are available online at [www.gov.gg](http://www.gov.gg) and [www.bris.ac.uk/poverty/regional%20poverty.html](http://www.bris.ac.uk/poverty/regional%20poverty.html).

<sup>17</sup> "91% of poor people.... compared to only 73% of those not living in poverty".

<sup>18</sup> "39%.... compared to only 33% of those not poor".

<sup>19</sup> Lynch, Professor Robert G., '*Exceptional Returns*' (2004), Economic Policy Institute, Washington D.C.

<sup>20</sup> Billet d'État XXV, 2003

<sup>21</sup> Billet d'État XVIII, 2007

## CASE STUDY: THE JERSEY EXPERIENCE



Jersey's approach to tackling criminal damage is under the auspices of '*Building a Safer Society* (BaSS)',<sup>22</sup> which is a five-year community safety and substance misuse strategy that started on 1st January 2005. The intention of this strategy was to take a fresh look at the way in which Jersey seeks to address social challenges. The working party came to the conclusion that it was impractical to separate community safety and substance misuse and therefore, for the first time, it produced a single strategy document.

Initiatives such as the Town Alcohol Project, the Parenting Programme and the Youth Justice Project will clearly have as much impact upon crime and disorder as they do upon substance misuse.

The Strategy covers early intervention, social inclusion, enforcement and rehabilitation. The ultimate aim of BaSS is to prevent incidents happening in the first place. However, when an incident does occur it aims to minimise the harm caused to the victim, friends and family, the community and also to the offender. Finally, it aims to break the cycle of offending.

The development of BaSS involved many agencies, both in the public and voluntary sectors, facilitated by the States of Jersey Senior Officer Group, and there is a coordinated approach to its implementation. Performance targets against a programme of work are formally and publicly reported against annually.

Three main priorities were identified:

- To create a safer environment by reducing crime, public disorder and anti-social behaviour.
- To provide people with opportunities to develop their potential as lifelong learners and active and responsible members of society.
- To reduce the harm caused by the misuse of drugs, alcohol and solvents.

Funding for the five year life of the BaSS strategy is provided from revenue budgets of the Home Affairs Department, the Health and Social Services Department and through the Drug Trafficking Confiscation Fund.

The Safer St Helier Initiative is aimed at reducing crime, disorder and antisocial behaviour in the Town Centre through a participative approach with the communities affected. The catalyst for this initiative was '*Operation Centurion*' in the Isle of Man, which Island's Police Chief had made a presentation early in 2006 to the Jersey Council of Ministers.

It is formally resourced by two officers seconded from BaSS two days a week. Four Community Action groups have action plans to address:

- Alcohol and Licensing;
- Late-night transport;
- Anti-social behaviour, and
- Perception and/or fear of crime.

<sup>22</sup> BaSS – A Strategy aimed at minimising the harm caused by crime, anti-social behaviour and substance misuse 2005-09. Available at [www.gov.je](http://www.gov.je).

## 5. DRUGS AND ALCOHOL

5.1 70% of questionnaire respondents felt that the influence of drugs and alcohol was either a very likely or likely cause of vandalism (the graph on page 14 refers).

5.2 The Committee noted a U.K. Home Office research report that found that 32% of criminal damage offenders had drunk alcohol at the time of the incident<sup>23</sup>. Figures are not held locally for the percentage of criminal damage offenders who were under the influence of drugs or alcohol.

5.3 The Home Office considered the link between alcohol and anti-social behaviour in their practical guide 'Tackling Youth Vandalism'<sup>24</sup>. It identified that alcohol misuse can cause and exacerbate many differing forms of anti-social behaviour. It stated that evidence suggests that vandalism is no exception and is strongly linked with evening drinking at weekends:

*"Across all offence types, 'being drunk' is most commonly given as an excuse or reason by offenders who commit criminal damage (26%)".*

5.4 The guide concluded that tackling the problems of alcohol misuse can help to reduce the risk of vandalism. It highlighted the need of local agencies to provide a joined-up integrated response to alcohol misuse, and for it to be made clear to individuals that the associated misbehaviour will not be tolerated.

5.5 In a States Report<sup>25</sup>, the Policy Council considered the link between alcohol and crime. In particular, it noted that *"According to the Guernsey Alcohol Strategy States Report<sup>26</sup>, Guernsey Police statistics show that the total number of people brought into custody under arrest has increased*

*from 1,643 in 2000 to 2,024 in 2003, of which 908 (55%) in 2000 were regarded as 'alcohol related' incidents (to the extent that the individual was readily identified as being under the influence of alcohol), rising to 1,177 (58%) in 2003.*

5.6 *'Occurrence book entries' are an official record of all incidents attended by the Police. In 2000 there were 8,917, occurrence book entries' of which 971 (12%) were recorded as being alcohol related. In 2003 total 'occurrence book entries' were 10,119 of which 1,245 (12%) were also recorded as 'alcohol related'.*

5.7 *However, hundreds more may have been involved alcohol [sic], but not been recorded as such (for example domestic or racial violence).*

5.8 *Statistics from the Youth Justice Team (2001) also suggest that 16% of over 1,050 juvenile offences between 1998 and 2001 were purely alcohol related. Of these, 37.4% were 'drunk in a public place', 33.9% 'possession of alcohol', 21.1% were for 'consuming alcohol' and 7.6% for 'purchasing alcohol'. If other offences such as disorderly conduct, assault and criminal damage which are known to be precipitated by alcohol are added, at least 20% of all juvenile crime would fall into this category."*

5.9 The **Home Department** advised that the total number of people arrested under the influence of alcohol in 2008 was 853 out of 2,006 prisoners processed in the Police Custody Suite.

5.10 In November 2006 the States approved proposals from the Policy Council to endorse a Bailiwick Drug and Alcohol Strategy and delegated responsibility for its implementation to the Social Policy Steering Group.

5.11 The aims of the Strategy are to:

- reduce the demands for drugs and alcohol;
- provide initiatives for young people and families;
- provide a range of treatment services appropriate for drug and alcohol users;

<sup>23</sup> Home Office Statistical Bulletin 17/06: 'Young People and Crime: Findings from the 2005 Offending, Crime and Justice Survey', December 2006.

<sup>24</sup> [www.crimereduction.homeoffice.gov.uk/vandalism01e.pdf](http://www.crimereduction.homeoffice.gov.uk/vandalism01e.pdf)

<sup>25</sup> Policy Council, Bailiwick Drug and Alcohol Strategy: Billet d'État XVIII, 2006

<sup>26</sup> Billet d'Etat VIII 2005

- reduce the supply of illegal drugs and support law enforcement initiatives in respect of drugs and alcohol;
- promote safe and sensible drinking;
- ensure meaningful coordination and monitoring.

5.12 The Committee has noted that the Policy Council was directed to provide an interim report to the States in late 2009 on progress with the Strategy.

5.13 The following comments from the Environment Department illustrates why anti-social behaviour is generally associated with young people, drinking and particular locations:

5.14 *"The St Peter Port area at night (especially at weekends) is sometimes considered as an "unsafe" place to be. This, in part, can be attributed to the presence of one social group - predominantly young adults some of which are likely to have been drinking.....natural policing tends to occur through unspoken social standards. If the social standard is set by potentially intoxicated young people then it is unlikely to be very high and problems such as vandalism are more likely to ensue".*

5.15 The Department considered that *"the use of an area by just one social group at any one particular time can create an unattractive and unwelcoming environment to those outside of that particular collective and that, in such circumstances, natural surveillance could become less effective".*



*Sunken Gardens area of Ann's Place*<sup>27</sup>

<sup>27</sup> Pictures reproduced courtesy The Guernsey Press Co Ltd.

5.16 Alcohol-free zones at Liberation Day were introduced in 2007 to try to reduce the number of inebriated individuals on the streets and to address youth drinking on the day.

"For the past two years the alcohol free zones have worked exceptionally well on Liberation Day and had a significant impact on antisocial behaviour, reducing the number of offences like assault and criminal damage"<sup>28</sup>

Chief Inspector, Operations, Guernsey Police

5.17 They have been hailed as a success by the Police and licensees, creating a family atmosphere along the seafront. These zones have subsequently also been introduced at the Sunken Gardens and the La Vallette bathing pools in 2009, on a trial basis, following complaints to Police of anti-social behaviour, drunkenness and littering in the area.

5.18 The Committee noted the success of these initiatives and believed there was merit in extending 'alcohol-free' zones to the local parks in an effort to curb the anti-social behaviour in the area.

<sup>28</sup> Guernsey Press Article 'Licensees back dry zone in Cornet Street', 8<sup>th</sup> May 2009



## 6. AMENITIES AND SOCIAL INCLUSION

6.1 The **Culture & Leisure Department** recognises the importance of sports and arts in playing a role in directing people away from criminal activity. It is therefore active in promoting appropriate activities and interests and, as a facility provider, seeks to ensure activities are reasonably affordable and accessible to all.

6.2 The argument that improved leisure activities for the young will prevent vandalism is made on two fronts; first as a diversion for youngsters due to the perception that acts of criminal damage are committed by bored youths; and second (and less cynically) as a method of encouraging social inclusion to reduce the likelihood of potential perpetrators 'acting out' because they are disaffected with and disassociated from the community.

6.3 65% of questionnaire respondents felt that boredom was either a very likely or likely cause of vandalism, and the Committee noted that this was most strongly indicated as a factor by the lowest age group.

6.4 The students that took part in the Committee's youth workshops had some sympathy with this theory and suggested measures such as legal graffiti walls/areas; more places to go and more unstructured activities during the week; and more youth groups, e.g. u18s night club or drop-in centres where youths can gather.

6.5 One student expressed the view, to general agreement, that there are plenty of activities that youths can take part in already but perhaps choose not to; adding support to the view that an emphasis on social inclusion is more crucial than extra provision alone. General support for this view is perhaps implied by the fact that only a third of questionnaire respondents believed inadequate social or leisure facilities were a likely cause of vandalism. The Committee felt this may indicate that facilities are available, but that younger people needed to be encouraged to use them or made more aware of their existence.

6.6 In the course of its research, the Committee had been impressed by the large range of facilities, services and activities available on the Island. A few examples of some of the services available are included in the case study on page 28.

6.7 The Guernsey Housing Association said it was aware that providing youth activities could significantly reduce anti-social behaviour and would be keen to see an increase in opportunities for youngsters on their estates. They acknowledged that such activities may be taking place but that information about them may not be getting through to young people. Some residents had mooted the idea of a permanent home for skateboard facilities.

6.8 The Committee believes that some activities were not promoted effectively through the internet or other media. It thought there was merit in services taking advantage of facilities such as social networking sites. For example, both the Vale Earth Fair and the Guernsey Youth Theatre, effectively promote their events through their websites and Facebook pages (example below).



6.9 The **Probation Service** advocated challenging anti-social behaviour at a local level and improving leisure facilities in 'hotspot' areas. *"The trouble with most petty vandalism is that the culprits are never caught - it becomes a problem of an area, an estate, or unidentified groups of young people. Therefore, put general resources into the area - the school, a youth club, sports. Much good work has been put in by the Youth Service and the*

*Sports Development Officer targeting groups in perceived trouble-spots.*

6.10 The Chairman of the States of Alderney Policy and Finance Committee advised the Committee that: *"There appears to be a correlation between the provision of facilities and activities for the younger members of our society and the level of vandalism, which does seem to drop when these are improved".*

6.11 The **Probation Service** suggested that measures for early intervention with families at greatest risk, keeping children in the education system and including young people in finding solutions, would help promote social inclusion.

6.12 The Committee considered the negative impact of school exclusions on social inclusion. The Committee has agreed to consider the issue of school exclusions separately as part of its forward work programme, where this important issue could be explored at more length.

6.13 The **Probation Service** also advocated the use of community service projects, stating that *"General community improvement and repair projects can reduce the feeling of 'them and us' and promote in the offenders a pride in the community to which they too belong."*

6.14 The Committee believes volunteering was valuable as a method of increasing social inclusion. They were interested to note the work of "Volunt-here", a local initiative which seeks to link organisations with members of the community who wish to offer their time to act as volunteers. It is an online initiative with a website offering organisations a free platform to promote their activities and roles for volunteers. It also offers the opportunity for potential volunteers to register their interest. Further information can be obtained at [www.volunt-here.org/](http://www.volunt-here.org/).

6.15 A representative from the Guernsey Climate Action Network (G-CAN) had written regarding the need to engage young people effectively in the real world. He believed *'early intervention and community support would help reduce vandalism caused by teenagers and young*

*adults'*. He believed that voluntary groups such as G-CAN could help engage children through their work in schools.

6.16 The Floral Guernsey Council echoed this view, suggesting involving young people to cultivate an interest in the environment could reduce anti-social behaviour.

6.17 Reference was made to towns and cities that have used the 'Britain in Bloom' campaign (in which the Bailiwick takes part) to achieve remarkable improvements in local pride. In particular, *"Some of the areas were recently, in effect, no-go areas and it is inspiring to see what can be achieved, especially the change in behaviour of some young people. In some cases, social services, such as the Probation Service, played a part, but more often the involvement was entirely voluntary, inspired by one or two individuals using 'Britain in Bloom' as the focus to bring in people who would otherwise have no real interest in their community".*

6.18 The **Probation Service** advocated involving communities in a tangible way in maintaining their local environment: *"This can include local residents being given the wherewithal to maintain their environment, for example, litter-picks; reporting graffiti; creating community spaces maintained by local residents. Consult local people on their priorities for their neighbourhood."*

6.19 The Committee supports the position of including young people in formulating ideas of how they could constructively engage with the community.

6.20 The Committee believes there was merit in the further investigation of providing more leisure facilities in identified 'hotspot' areas and on estates.

6.21 The Committee also believed that Departments should:

- Increase the promotion of activities and facilities to children and young people;
- Design initiatives to help people engage in productive and constructive activities.



## CASE STUDY: CURRENT SOCIAL INCLUSION SERVICES - A FEW EXAMPLES

### THE YOUTH SERVICE

The service aims to work with young people to assist in their development of life skills, particularly targeting those who are identified as most in need, and to support the work of other agencies and voluntary groups working with young people aged 5 to 25 years old.

The Service provides:

- Youth Clubs - at Brock Road, Styx and La Moye
- Outreach/Detached work - visiting housing estates, car parks etc. and other areas where young people gather
- Schools programmes - weekly 'alternative curriculum' programmes in all of the 3 High Schools.
- Duke of Edinburgh's Award
- Holiday Activity Programmes and Playschemes - run during all of the main school holidays and catering for up to 100 young people per day.
- Youth Forum - giving young people a chance to engage directly with politicians and other decision makers
- Individual support, information, advice and guidance

The Service also offers a voluntary registration scheme for all youth clubs/groups (including the uniformed organisations). These groups represent approximately 90% of the direct face-to-face youth work that takes place on the Island pretty much every day of the year. There are currently over 80 such groups with more than 350 regular workers (almost all volunteers). The assistance offered to registered clubs/groups and workers:

- Extensive training programme in youth work and other related fields
- The opportunity to apply for grants for training, equipment, off-island trips etc
- Free criminal record checks
- Free use of minibuses

- Free loans of equipment & library resources
- Specialist information, support and advice
- Links to other regional and national bodies e.g. National Youth agency

### DEECAFF DROP-IN CENTRE

Deecaf is a drop-in centre for young people looking for help, advice and support on any issue. It is open to all young people at secondary school level until the age of 25. The Centre has links with various agencies and can help young people by referring them to the agencies or obtaining advice on their behalf.

The charity Guernsey Youth has recently purchased the former 'Caves De Bordeaux' premises in Upper Mansell Street which will be converted into a cafe run by young people, for young people, on the ground floor, whilst Deecaf will be situated on the second floor.

The Committee were pleased to note that there was a location planned specifically to provide a social venue for young people in St Peter Port.

### THE GUERNSEY SPORTS COMMISSION

The Guernsey Sports Commission mandate is *"to promote and support a healthy, active and successful sporting community through improved investment in sporting and recreational activities."*

A Sports Development Unit was created and has enable a more focused and effective approach for the provision of sport in the Island. A Community Sports Development Officer has been appointed, whose priority has been to work with socially excluded young people of the Island and encourage their participation in sport which may previously not have been considered as an option. The Officer has also worked with the Commission to improve sporting facilities on housing estates and target areas. An example of this is the "StreetSport" programme, through which young people on Les Genats Estate have been encouraged to make use of their surrounding environment for sports activities.

## Graffiti and art education

6.22 The **Education Department**, in a background paper included in its submission, had commented on graffiti and street art.



*Delancey Park*

6.23 The **Education Department** commented that it was "*clear that Guernsey doesn't have a problem with this more ambitious sort of illegal street art. The illegal appearance of anything approaching this kind of graffiti writing is incredibly rare in the Island, if not unheard of. What we do have a small problem with is, firstly, vandals with no interest in 'graffiti culture' writing offensive things on walls and, secondly, illegal tagging*".

6.24 The Department stated that "*A large part of the problem with graffiti and vandalism is that graffiti culture and street art are often not really understood by the perpetrators. Street art culture (a street artist will tell you) is founded on certain principles of respect, not on offending people: it is considered poor form by graffiti artists and street artists alike to paint on private property or institutions such as churches or schools. In fact, the 'etiquette' of graffiti means that, in cities, it is primarily restricted to run-down areas. One approach has been openly funding creative graffiti writing or street art classes [...] (which) would help to eliminate these misunderstandings. It would also vastly reduce the appeal of a 'forbidden' kind of art and give the opportunity to inform young people of how they can make art legally*".

6.25 One Guernsey Deputy spoke with Scrutiny stating he felt mixed messages were being given to young people regarding graffiti e.g. with the **Culture & Leisure Department** sponsoring art projects that could appear to encourage graffiti. He believed that graffiti was being supported as an art form without clarity being provided of when it is and is not acceptable.

## Graffiti wall



*Mill Street - Street Art?*

6.26 As previously stated, in the youth workshops held by the Committee, there was support for the use of legal graffiti walls or areas as a means by which incidents might be prevented in future.

6.27 The **Education Department** advised the Committee that it considered that providing a graffiti wall for young people to 'make their mark' legally would mean they felt less need to do it illegally. It would also reduce the rebelliousness and novelty of graffiti writing.

6.28 A report in 2006 from a Scrutiny Working Group from Sheffield City Council<sup>29</sup> included discussion with three graffiti artists who had been taggers in the early 1980s about, in particular, "*why*

<sup>29</sup> "The Writing's on the Wall" - Report of the Working Group on Graffiti and Fly-Posting Issues, Sheffield City Council, 2006.

*the activity of graffiti art and tagging was undertaken and what could be done to reduce it".*

6.29 *"The Working Group heard that graffiti artists (who usually drew graffiti murals consisting of colourful, sophisticated tagging-like designs or more traditional portrayals of urban scenery, people etc) would like their work to be highly visible to the general public and the graffiti fraternity (which was close knit and fostered mutual respect between artists as well as a knowledge of each artist's work)".*

6.30 *"The artists [...] supported the concept of a legal, graffiti wall or board preferably in the City Centre or on the edge of the City Centre, which they thought would provide a vehicle for the expression of graffiti art and lead to a reduction in random and environmentally damaging graffiti and tagging which had arisen, in the graffiti artists' view, through the suppression of their art form".*

6.31 *"The artists indicated that many young people resorted to tagging to get a 'buzz' from what they considered to be the subversive nature of this activity and achieve fame. However, tagging was generally regarded by graffiti artists as anti-social and offensive and could degenerate an area. It was acknowledged, however, that most graffiti artists had started as taggers. The challenge was to encourage young people out of tagging into graffiti art or community art projects, some of which were led by graffiti artists".*

6.32 *"The artists supported the creation of murals (graffiti or otherwise) on subway walls which they felt, could brighten what were generally fairly dark, drab places. They suggested that any such work, in their experience, would remain relatively free from tagging and provided the artist with a wide audience. They believed that a City Centre graffiti wall or board would also be respected by the graffiti fraternity and there was unlikely to be any defacement of the art by way of tagging or residual tagging in the immediate vicinity of the wall as this could threaten the existence of the legal site. They referred to the success of graffiti walls and boards which had been provided in other cities and felt that graffiti boards could help reduce random, unwanted graffiti and tagging in an area".*

6.33 The Committee understands that in June 2009, Aberdeen City Council erected a legal graffiti-wall near the city's beach. Local graffiti artists were joined by others from Glasgow, England and one Australian at the one-day event, for which the group chose to use seagulls as its theme. *"Councillor John Corall supported moves by the Council to establish such a wall in the city to try to deter problem 'tagging', and said the event had been a great success. (The artists) really appreciated that their art would be there for all to see. It really put Aberdeen on the map as an example of this sadly misunderstood section of art."*<sup>30</sup>

6.34 A further example brought to the Committee's attention was a celebration of the first anniversary in August 2009 of the first legal graffiti wall in Caerphilly county borough. In the year since the wall was opened, it is said to have helped significantly in reducing graffiti being sprayed illegally throughout Caerphilly town centre and the surrounding area.

6.35 A local neighbourhood Police Sergeant was quoted: *"Over the last year we have seen the number of reported incidents for graffiti across Caerphilly reduce by a half, compared to the previous year. The graffiti wall appears to have been well used during this time, which is very pleasing. We are continuing to encourage youths to make use of this facility as if anyone is caught spraying graffiti illegally on local buildings or street furniture, then we will take appropriate action against them"*.<sup>31</sup>

6.36 Young people attending the event were informed of the laws surrounding graffiti and the fact that spraying graffiti on buildings and other property is criminal damage. It was also reinforced that the legal graffiti wall is there so that people can take part in their hobby of graffiti art in a completely legal way.

6.37 The Committee felt the Education and Culture & Leisure Departments, through the Guernsey Arts Commission's 'Community Arts' scheme should consider ways in which 'street art' could be pursued in an environment where

<sup>30</sup> [www.pressandjournal.co.uk](http://www.pressandjournal.co.uk), 29<sup>th</sup> July 2009.

<sup>31</sup> [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk).

no damage to public or private property would occur.

## Youth Shelters



*A youth shelter in North London<sup>32</sup>*

6.38 In considering possible responses to vandalism, the **Education Department** suggested the involvement of young people in the design of youth shelters to be placed in neighbourhoods where vandalism occurs.

6.39 Home Office guidance<sup>33</sup> states that: *"Shelters provide an area for young people to congregate (so seating is important) thereby concentrating litter, noise etc. ideally in an area where it is going to cause the least problem to others. Shelters vary from the very basic to venues with sporting facilities, such as a kick wall or a basketball hoop."*

6.40 *Many local authorities have found that the cost of building a shelter is more than justified by the amount of money saved through reductions in vandalism to the surrounding area.*

6.41 *Shelters should be designed to minimise opportunities for vandalism. For example, shelters that are open on all sides allow all round visibility and safety, but may be less popular in bad weather. Adequate lighting is necessary to deter intimidation.*

6.42 *A sense of ownership is vital: the target age group should be consulted over the design of*

*the shelter, and involved in decorating it – and every few years the new generation of young people should be consulted over the appearance of the shelter to maintain their respect for the space.*

6.43 *Whilst ensuring that shelters are accessible, they should not be placed too close to areas of concentrated housing, to respect the needs of residents".*

6.44 The **Committee** believes there was merit in considering the idea of 'community spaces' and research into the concept of 'youth shelter' where young people could congregate.

## Social responsibility education

6.45 The **Education Department** covers general social responsibility issues formally in Citizenship classes within the Primary and Secondary curricula. At Key Stages 1 and 2, Citizenship classes cover key areas such as '*Children's Rights - Human Rights*' and '*How do rules and laws affect me?*'. At Key Stage 3, '*Taking informed and responsible action*' is particularly relevant. The aims in the process of learning this essential skill include teaching students to "*analyse the impact of their actions on communities and in the wider world, now and in the future*".

6.46 The Citizenship curriculum provides opportunities for students to debate topical and controversial issues, hence supplying a forum for the sensitive and frank discussion of vandalism, both as a general problem and as a specific problem in Guernsey. The curriculum also aims to help students participate in an array of community-based activities, including responsible campaigning action. This not only keeps young people busy and involved, but gives them the chance to express their opinions in a constructive way.

6.47 The **Fire Service** believes that the efforts of Fire Officers to educate juveniles who have been found using fire in an unacceptable way have been successful.

6.48 The **Police Force** and **Home Department**, is working closely with the Crime Prevention

<sup>32</sup> Photograph courtesy of Broxap.com

<sup>33</sup> [www.crimereduction.homeoffice.gov.uk/vandalism01e.pdf](http://www.crimereduction.homeoffice.gov.uk/vandalism01e.pdf)



Panel<sup>34</sup> to develop the 'Respect' programme which is being embedded into the schools' curriculum to promote social responsibility amongst young people.



6.49 The aim of the "Respect Guernsey" Campaign is to:

- Highlight these (*criminal damage*) offences
- Attempt to educate Island residents of all generations that damage caused is a blight on our society.
- Reduce the amount of damage committed.



'Respect Guernsey' Campaign Posters

<sup>34</sup> The Crime Prevention Panel is a voluntary body, comprising representatives from various sectors of the local community. The Panel works with the Police and other voluntary organisations on crime prevention issues and, in particular, anti-social behaviour.

6.50 Students in the Committee's youth workshops suggested that shock tactics would be more powerful than just talking about vandalism or criminal behaviour.

6.51 The Committee believes that there would be merit in publicising an 'anti-vandalism' campaign, incorporating the hard-hitting realism suggested by the youth workshops. If the Police and Crime Prevention Panel were able to identify seasonal trends, e.g. school holidays or public holidays, posters and leaflets could be distributed in advance in schools, social venues and at 'hotspots'.

6.52 In Jersey, an independent registered charity delivers bespoke programmes to schools on the consequences of crime. 'Prison! Me! No Way!!! Jersey' (PMNW) was formed as a joint Police and prison initiative, designed and delivered by volunteer officers to reflect the needs of the community and based on the United Kingdom's 'No Way Trust' model.

6.53 PMNW delivers programmes into every Jersey primary and secondary school, conducts Community Days at housing estate 'hotspots' and supports the States of Jersey Police on focus operations at key times of the year, for example, Halloween.

6.54 "The aim of Prison! Me! No Way!!! Jersey' is to raise the awareness of young people in the Island about the causes, consequences and penalties of crime, by using a non-threatening and non-lecturing style of education. We hope to dissuade young people away from a life of crime, by using a multi-agency approach, which will give young people information enabling them to make informed life choices to help them grow into responsible citizens and hopefully reduce the devastating effects of criminal behaviour on society."<sup>35</sup>

6.55 The Committee believes there was merit in expanding education programmes outside schools to promote the message of social responsibility and social inclusion to all members of the community.

<sup>35</sup> Mission statement on [pmnw.jersey.com](http://pmnw.jersey.com).

## CASE STUDY: REDUCING VANDALISM IN ALDERNEY

A Police survey of public opinion in 2006 revealed that the issue which most concerned the Alderney public was vandalism and anti-social behaviour by youths. In early 2008, the Alderney Youth Services Committee appointed a new full-time, fully qualified and experienced youth worker, who arrived in June 2008. This was a two year post with temporary funding from Alderney States to complement the annual grant from the Guernsey Education Department. Prior to this appointment, the support provided had been inconsistent. Due to the success of the new youth worker, there is now a move to make the post permanent.

Alderney has reported a marked reduction in vandalism and anti-social behaviour amongst the under 16 year age group over the last year. They have attributed a large part of this reduction to the appointment of a new Youth Worker. So far this had been less effective amongst young people over the age of 16, who the police believe are now causing the majority of vandalism. This could be because this group has not yet had the time needed to be affected by this initiative and there may well be an improvement in the future.

When the Scrutiny Committee asked for comments on vandalism through the public questionnaire, a number of people in the community contacted an Alderney States' Member to inform her that they felt the issues were being tackled and to voice their positive views of the impact of the new youth worker.

The Youth Service aims to tackle youth crime at the earliest stage by preventive work, giving the children social skills and opportunities to contribute to their community rather than feeling alienated by it. It is hoped that current under 16 year olds growing up with a new Youth Service will be more sociable young adults in the future.

## Current Situation

The youth worker has become the focus for childcare issues on the Island and has achieved the following in her first year:

- 8 - 16 year old youth club sessions each week: there has been an increased attendance particularly in the junior and inter age groups. The overall attendance at Youth Club is about 50% of children on the Island (more success with junior rather than senior attendance);
- A significant reduction in vandalism of the building (which had previously become a regular and costly feature of the Club);
- Extra and improved activities for older children during the summer holidays;
- Improved interaction between the community and children and young people;
- Improved liaison with the youth services and other agencies/organisations in Guernsey and Alderney which has promoted a better understanding of the needs of children and the benefits of a 'joined up' approach;
- Building a strong rapport with the children and being an advocate for young people;
- Acting as an appropriate adult for children suspected of offending behaviour.
- Linking with providers of statutory childcare services where children are on the child protection register and also referring children for help.
- Providing support to children known to Youth Justice;
- Representing Alderney on the CYCT panel;
- Assistance in Schools - attending PSHE<sup>36</sup> training to prepare for presenting work in school and contributing to the Duke of Edinburgh training;

<sup>36</sup> PSHE stands for 'Personal, Social and Health Education'. It deals with many real life issues young people face as they grow up. It provides them with the knowledge and skills needed to lead healthy and responsible lives as confident individuals and members of society.

## 7. ATTRACTIVE ENVIRONMENT

### The 'Broken Windows' Theory

7.1 The Committee received several references to the 'broken windows' theory during the review and considered there was merit in highlighting the theory in this report.

7.2 In 1982, American criminologists Wilson and Kelling set out the theory in a study into the interaction between the police and the community in maintaining order within neighbourhoods<sup>37</sup>. Their work drew on observations from earlier experiments examining the different ways in which an apparently abandoned vehicle had been treated in two widely differing neighbourhoods in the USA<sup>38</sup>.

7.3 The researchers stated that "... *at the community level, disorder and crime are usually inextricably linked, in a kind of developmental sequence. Social psychologists and police officers tend to agree that if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken. This is as true in nice neighbourhoods as in rundown ones*". The theory proposes that "*one unrepaired broken window is a signal that no one cares*" in that community, inviting other forms of illegal activity.

7.4 It has been suggested that "*social and physical disorder in city neighbourhoods can, if unchecked, lead to serious crime. Minor infractions and incivilities such as public intoxication, spray-painting graffiti, and buildings in disrepair can escalate into predatory crime because prospective criminals infer from these signs that residents are indifferent to what happens in their neighbourhoods. Signs of disorder trigger attributions in outsiders as well, influencing the calculus of prospective homebuyers, estate agents, and small-business owners and investors*". Furthermore, "*Incivilities are not trivial; they intimidate residents. Fear of crime leads to a reluctance on the part of citizens to participate in*

*public life, which leads in turn to surrendering common spaces to law breakers*".<sup>39</sup>

7.5 Wilson and Kelling's research concluded by saying that "*Our crime statistics and victimisation surveys measure individual losses, but they do not measure communal losses. Just as physicians now recognise the importance of fostering health rather than simply treating illness, so the police - and the rest of us - ought to recognise the importance of maintaining, intact, communities without broken windows*".

7.6 Much argument and criticism has followed about the validity of the theory and of the success or otherwise of 'zero tolerance policing' which was based upon it and applied in New York in the 1980s and 1990s and in London in the late 1990s. However, recent research in Holland<sup>40</sup> appears to have demonstrated a causal relationship between disorder and crime, thereby offering strong support to the theory.



Vazon Public Toilets

7.7 In November 2008, the *Economist* reported<sup>41</sup> on a paper in *Science* magazine presenting the results from a series of experiments designed to test the broken windows theory. In each experiment, two conditions, one of order, one of disorder, were created to test the relative effects on participants' behaviour.

<sup>39</sup> Knepper, P, University of Sheffield, *Criminology and Social Policy*, 2007.

<sup>40</sup> Keizer, K. *et al*, University of Groningen, 2008.

<sup>41</sup> The Economist, 'Can the Can - The idea that graffiti-spraying and other forms of low-level delinquency promote further bad behaviour has now been tested experimentally', 22<sup>nd</sup> November 2008.

<sup>37</sup> *Atlantic Monthly*, March 1982. Available from [www.theatlantic.com/doc/198203/broken-windows](http://www.theatlantic.com/doc/198203/broken-windows).

<sup>38</sup> Philip Zimbardo, Stanford University, California, 1969.



7.8 In one study, the walls of an alley frequently used to park bicycles were, first, freshly painted and then, tagged with graffiti. *"In both states a large sign prohibiting graffiti was put up, so that it would not be missed by anyone who came to collect a bicycle. All the bikes then had a flyer promoting a non-existent sports shop attached to their handlebars. This needed to be removed before a bicycle could be ridden. When owners returned, their behaviour was secretly observed. There were no rubbish bins in the alley, so a cyclist had three choices. He could take the flyer with him, hang it on another bicycle (which the researchers counted as littering) or throw it to the floor. When the alley contained graffiti, 69% of the riders littered compared with 33% when the walls were clear".*



*Bus Shelter at the Halfway*

7.9 Other experiments were carried out in a similar way. *"The most dramatic result, though, was the one that showed a doubling in the number of people who were prepared to steal in a condition of disorder. In this case an envelope with a €5 note inside (and the note clearly visible through the address window) was left sticking out of a post box. In a condition of order, 13% of those passing took the envelope (instead of leaving it or pushing it into the box). But if the post box was covered in graffiti, 27% did. Even if the post box had no graffiti on it, but the area around it was littered with paper, orange peel, cigarette butts and empty cans, 25% still took the envelope".*

7.10 *"The researchers' conclusion is that one example of disorder, like graffiti or littering, can indeed encourage another, like stealing. [...] The*

*message for policymakers and police officers is that clearing up graffiti or littering promptly could help fight the spread of crime".*

### Keeping Guernsey tidy

7.11 In respect to derelict property, the **Environment Department** advised that such properties could potentially become a target of vandalism. The **Probation Service** endorsed the 'broken windows' theory by suggesting the rapid repair of damage as a measure to reduce or prevent vandalism. *"If left on show (it) will tend to encourage a further deterioration in the area."*

7.12 The **Housing Department** took the view that a well-maintained estate engenders a strong sense of community which in turn encourages residents to look after their environment and report vandals.

7.13 The Floral Guernsey Council, which is part-funded by the States, part by businesses, suggested that a States policy to coordinate an effort to encourage tourist economy by making the island as attractive as possible, building on the natural, as well as enhancing our built, environment would be a positive step and one that would fit well with any anti-vandalism initiative.

### Planning out crime

7.14 The importance of 'planning out crime' to reduce vandalism and anti-social behaviour was highlighted by the **Environment Department** and the **Police**. The Committee was pleased to note that **Environment** took the view that *'planning is at the core of designing out vandalism and anti-social behaviour'* and that it was mindful that *'the matter of vandalism and the way society generally interacts with its physical surroundings.....is obviously a fundamental component of land use planning'*.

7.15 The Department has advised that *"In assessing development proposals for new and existing places, planning policy will seek a high degree of natural surveillance of public streets and spaces in order to discourage the occurrence of crime. This can be achieved by ensuring public places are overlooked by the windows and doors of*



*surrounding development. People walking through them realise they can be seen and so are discouraged from misbehaviour and wrongdoing."*

7.16 In this regard, the Committee noted that one respondent to its questionnaire had suggested that vandalism might be reduced if new homes and estates were built with the most used room facing the streets, as this would mean more likelihood of there being someone looking out.

7.17 The planning out crime remit is supported by the Urban and Rural Areas Plans, which are States-approved documents that are used to determine planning applications. Implementation of these principles is evidenced in the development briefs<sup>42</sup> for the Grand Bouet and Rue du Tertre.

7.18 The Committee noted that the Department's Grand Bouet Development Brief<sup>43</sup> included design principles to promote *"A safe, secure and inviting environment for all"* and that *"To secure safe and liveable public spaces, buildings should be orientated and designed to provide natural surveillance(i.e. ground floor living room's windows and regular access doors)".* The Development brief also required that *"The design of any scheme should also consider the need to create a high quality environment that is safe and secure. Crime prevention principles set out within the 'Secured by Design'<sup>44</sup> initiative, as promoted by the Department for Communities and Local Government<sup>45</sup> in the UK, is an established and appropriate reference point in this respect and should be taken into account in any proposed layout design".*

<sup>42</sup> A Development Brief is prepared under the aegis of a Detailed Development Plan and provides a broad but comprehensive framework for larger scale or more complex developments. It gives practical site-specific guidance to developers and others as to how a site could be developed beneficially and is published to invite public opinion before the plans are finalised and adopted.

<sup>43</sup> States of Guernsey Environment Department - *Grand Bouet Development Brief* - Final version adopted November 2008.

<sup>44</sup> <http://www.securedbydesign.com> Further information on the 'Secured by Design' initiative is included in Appendix VIII to this report (available online)

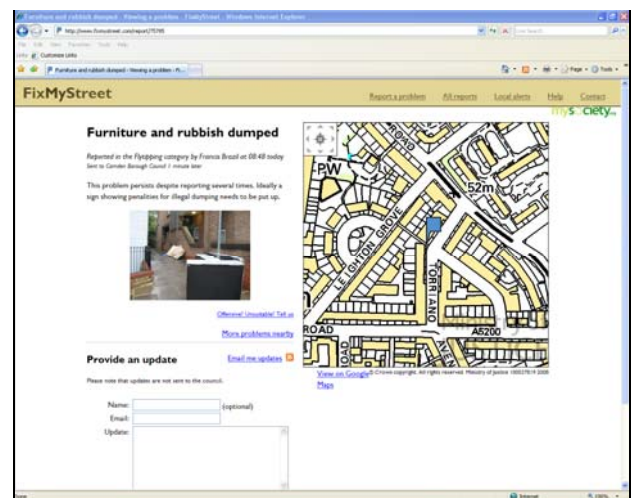
<sup>45</sup> [www.communities.gov.uk/publications](http://www.communities.gov.uk/publications).

7.19 The **Police Force, Home Department**, seeks to minimise the opportunity for damage to be caused and the Crime Reduction Advisor will continue to liaise with architects' groups and the **Environment Department** in order to design crime out in new build properties.

7.20 The **Housing Department** also recognised the merits of 'planning out crime' and is actively supporting such matters as part of the Social Housing Development Programme being undertaken by the Guernsey Housing Association.

7.21 The Guernsey Housing Association is keen to learn from experience and is modifying developments where appropriate, for example, to discourage loitering or youngsters congregating on estates late into the night. Doors have been fitted to underground car parks and low walls are not provided on estates as they can be used as convenient seating areas for youngsters sometimes late into the night.

### 'FixMyStreet'



Example page from [www.fixmystreet.com](http://www.fixmystreet.com)

7.22 In the course of its research, the Committee was made aware of the website [www.fixmystreet.com](http://www.fixmystreet.com), developed by the charity mySociety.org. FixMyStreet works by enabling people to contact their local authority online to report a 'physical problem' in their area. A photograph can be attached if so wished. The message is then forwarded by e-mail, usually within minutes, to the relevant authority at the appropriate local council. The site is said to be *"very easy to*

*use and makes the process of getting in touch with your local authority so much easier than it would be if you picked up the phone".<sup>46</sup>*

7.23 At 24th August 2009, the site had received over 700 reports in the past week, seen almost 1,200 reports fixed in the past month and published over 51,000 updates on reports. A summary of all the reports on the site makes it possible to see the number and types of report made to each local authority and the extent to which they have been dealt with.

7.24 Similar technological solutions may be worth Departments' consideration in the future to encourage public involvement.

### Abandoned Vehicles

7.25 The Chief Officer of Police identified vehicles as the most frequently attacked property. He advised that the **Police**, in partnership with other agencies, including the **Public Services Department, Fire Service** and the **Housing Department** to remove potential 'target vehicles' before they can be vandalised. Abandoned vehicles lend themselves to damage being caused and often to arson attacks. They can also blur an offender's view between what is an already damaged vehicle and another nearby that is perfectly fit for road use but then draws the unwanted attention of the vandal.

7.26 The following photograph<sup>47</sup> illustrates an incident from February 2009 where a car had been stolen, burnt out and rolled over a cliff. The Police, Ambulance & Rescue Services and Fire & Rescue Services were involved in resolving the problem.



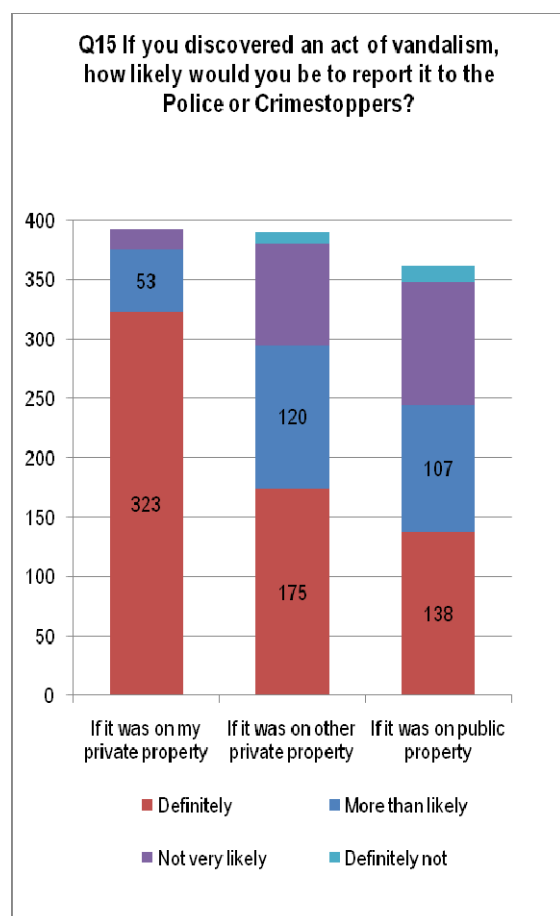
*Pleinmont*

<sup>46</sup> [www.thegoodwebguide.co.uk/?PAGEID=004789](http://www.thegoodwebguide.co.uk/?PAGEID=004789).

<sup>47</sup> Pictures reproduced courtesy The Guernsey Press Co Ltd.

## 8. REPORTING AND DETECTION

### Public responsibility

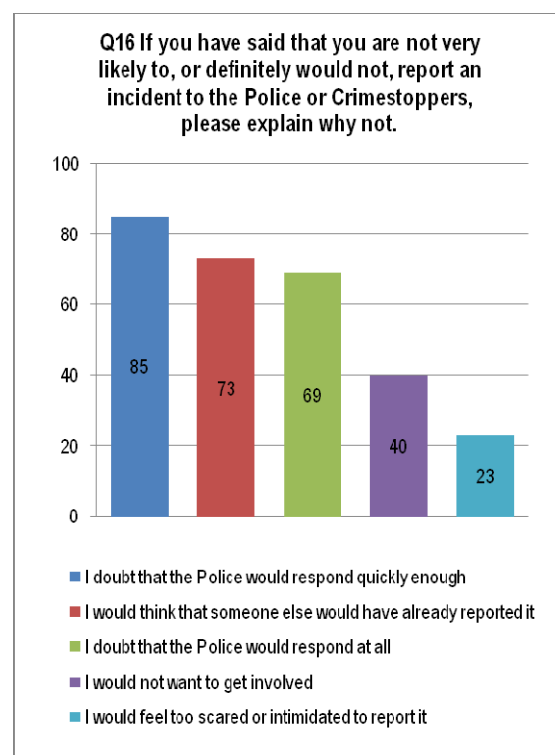


8.1 Feedback from the questionnaire clearly indicated a high sense of personal responsibility for reporting vandalism. Whilst it is not unexpected that 96% of respondents stated they would definitely or more than likely report incidents of vandalism if it was on their private property, the Committee was pleased to note that 72% of respondents also stated they would report incidents of vandalism on other private property and public property.

8.2 The discussion in the youth workshops held by the Committee echoed a sense of responsibility for taking positive action in reporting or confronting perpetrators. The groups considered what they would do if they knew the person or people who had committed each act of vandalism presented. Some respondents stated they would speak to the person who committed the vandalism and try to convince them to own up for their actions. Others said they would report the matter. Some

stated they would view the person differently, or feel disappointed with them.

8.3 When these respondents were asked to indicate if they agreed with a list of possible reasons why they would not report an incident, a large number expressed doubt that the Police would respond quickly enough or at all. A similar number felt it likely that someone else would already have reported it while some would feel too scared or intimidated to report it.



8.4 The Guernsey Housing Association commented that they had found the **Police** keen to liaise with them in dealing with incidents on estates, increasing their presence and attending residents' meetings to explain the action being taken. However, the Association advised that their residents had said that they would like an even more responsive service from the **Police** citing incidents that are reported that could lead to the apprehension of the perpetrators, but by the time the Police arrived, they had left the scene.

### Crimestoppers

8.5 Crimestoppers is a charity, independent of the Police and government, helping to find criminals and help solve crimes. It uses an anonymous

phone number, **0800 555 111**, which can be called 24 hours a day, 7 days a week to enable people to pass on information about crime; alternatively people can send information anonymously via the charity's website<sup>48</sup>.

8.6 Information given is passed onto the Police. Every call is treated with absolute anonymity. Rewards are also available and are paid without compromising a caller's anonymity.



8.7 Guernsey Crimestoppers has worked with the Guernsey Press to develop a joint initiative which has been referred to as 'Shop a Yob'. Under the scheme, the local Crimestoppers coordinator has supplied selected CCTV images of persons strongly suspected of being involved in criminal activity to the Guernsey Press. It was reported in 2007 that around 90% of images that appeared in the newspaper had resulted in positive identifications with more than 25 people being arrested and brought to justice. The initiative has also increased calls to Crimestoppers locally about other crimes and criminals, which has also led to a significant increase in arrests.

8.8 68% of questionnaire respondents supported public appeals using CCTV images, perhaps with this scheme in mind.

8.9 Guernsey Crimestoppers initiated a scheme in July 2009 to promote the confidential telephone number, **0800 555 111**, by being displayed on the rear of commercial vehicles.

8.10 **The Committee would encourage States Departments, in particular, those with large vehicle fleets, to consider participating in the scheme.**

8.11 The Committee noted with interest the observation that the Crimestoppers number is

being advertised on Police cars. The feedback from the youth workshops showed that many believed that Crimestoppers was run by the Police.

8.12 The Committee considered advertising the phone number on police cars might therefore be counter-productive in promoting the image of an independent, anonymous organisation and deter people from using the service.

### Neighbourhood Watch

8.13 Over half of questionnaire respondents felt that Neighbourhood Watch schemes assisted in the reduction of vandalism. The **Housing Department** stated it encouraged the creation of Neighbourhood Watch schemes which it believed had been effective in reducing vandalism.

8.14 There are around twenty schemes set up in Guernsey that work closely with the Police Force's Crime Reduction Adviser.

8.15 In March 2009, representatives from the Committee met with some local Neighbourhood Watch coordinators to learn of their experience.

8.16 Coordinators were extremely positive about the scheme's contribution to reducing crime, building community spirit and good relations. It brings local people closer together with common goals; to tackle crime, anti-social behaviour and disorder and to keep an eye on each other's property. Coordinators were generally positive regarding the support they received from the Police.

8.17 One suggestion was that some form of identification document for Neighbourhood Watch representatives would assist in giving more formality when approaching other residents. The Crime Reduction Adviser undertook to consider this. Coordinators also reported that delays had been experienced in getting approval from the **Environment Department** for signage for schemes.

8.18 The meeting also highlighted the wish of Neighbourhood Watch to have more interaction and effective communication with the **Housing**

<sup>48</sup> <http://www.crimestoppers-uk.org>



Department's Tenancy Officers, rather than just the property maintenance staff.

8.19 The Committee believes publicising the operation of Neighbourhood Watch would be assisted by the Environment Department exempting or providing a documented fast-track process for the installation of standardised signage for the schemes.

8.20 The Committee also believes there would be merit in a Housing Tenancy Officer attending housing estate Neighbourhood Watch meetings on a quarterly basis to receive feedback on problems in the area and provide greater support.

## CCTV

8.21 The majority view of contributors to the review was that CCTV was a useful tool in identifying crimes, aiding detection and providing evidence. For example, 58% of questionnaire respondents supported more use of CCTV.

8.22 Some respondents however noted its limitations, for example the General Manager, States Works, suggested that CCTV was expensive and to get sufficient detail to identify an offender in the act of vandalism at night for evidence purposes would be even more expensive.

8.23 The **Home Department** (Police Force) is responsible for the coordination of the Island's public CCTV systems.



8.24 Key partners such as Police, Customs and Immigration Service, Harbours and Airports are involved in the development of an increasingly comprehensive network of centrally monitored CCTV systems. It is envisaged that all States CCTV live images will be fed into a centralised control room. This may also have a commercial use, for example, property watch, alarm response, etc, which have potential for revenue generation to assist towards running costs. This would open up the potential coverage and maximise CCTV and its use for the Island.

8.25 The Police Control Room monitors live feeds from the cameras on the network and directs officers to an area as and when a problem occurs. No specific record is maintained of the number of incidents but it was estimated to occur about two or three times per night at weekends. Recorded public CCTV data can be downloaded to support investigations and prosecution.

8.26 The **Home Department** explained that no records are kept of the number of prosecution cases that involved CCTV. It was noted that, after viewing CCTV images presented to them, many offenders plead guilty and the images are not then required evidentially. The 'Police Court Office' has estimated that there is at least one case a week where CCTV evidence has been relevant. However, the vast majority of instances have involved private CCTV systems in cases such as shoplifting offences.

8.27 The **Home Department** confirmed that the images from the public CCTV systems were of evidential quality and that any planning issues with regard to the location of cameras had been resolved in liaison with the **Environment Department**.

8.28 The **Home Department** suggested that the public CCTV system could be improved by extension to cover e.g. Mill Street, The Bordage, Fountain Street, St Martin's Village and Cobo. They suggested a transportable system may be preferable to a permanent system in order to tackle specific problems, which would complement the Neighbourhood Policing method being adopted by the **Police**.

8.29 A private company implemented a trial surveillance scheme for Mill Street in early 2009, after some shop owners in the area had approached the firm after incidents of smashed windows, break-ins and assaults.

8.30 The Committee believes there would be merit in the Home Department monitoring the number of cases that involved CCTV to assess the performance and cost-effectiveness of the system.

8.31 The Committee also recommends the Home Department to investigate the costs and benefits of purchasing a transportable CCTV system to tackle specific neighbourhood problems, tying in with the identification of 'hotspots'.

#### Community policing in reducing vandalism

8.32 77% of the Committee's questionnaire respondents felt that more Police patrols in the community was a likely measure which would reduce vandalism. It may be argued that high visibility policing could act as a deterrent to potential vandals, as well as providing a reassuring presence to the public.

8.33 One correspondent commented that: *"our Policing leaves a lot to be desired in terms of targeting vandalism hotspots and policing in a community friendly way, if this could be improved I think the Police would be able to significantly reduce the 'opportunistic' (incidents) and also get more support from the community in identifying culprits"*. They suggested the need for a 'community policeman' who would be fully focussed on getting to know an area and the issues people have within it and helping them with these issues.

8.34 In 2005, the National Audit Office noted that, locally, having been introduced in 1987 *"Community policing has been progressively depleted over the years ... [and] ... because of the difficulty of recruiting and retaining staff [the]*

*permanent beat system was suspended in January 2001 and the beat officers were reassigned."*<sup>49</sup>

8.35 In its report into the Future of Law Enforcement<sup>50</sup>, the Home Department states that *"The public, quite rightly, have high expectations regarding Law and Order, wish to live in a low crime jurisdiction and to feel safe on the Islands streets that are managed by a visible, proactive and effective Police Force"*.

8.36 The Department quoted from a report<sup>51</sup> by Sir Ronnie Flanagan, Her Majesty's Chief Inspector of Constabulary, stating *"The development of Neighbourhood (Community) Policing is a crucial part of the police service's response to the challenges it faces. By creating teams of officers dedicated to building strong links with local communities, responding to their needs and working in partnership with other parts of government, it can build trust and confidence in policing and make a major contribution to tackling problems like anti-social behaviour and vandalism that can blight people's lives"*.

8.37 The Department stated that *"much good work has been done to address these issues but, unfortunately, the Police still remain below establishment, and a community policing capability has not, as yet, been properly established, despite the fact that the public see it as a priority. In order to assist in dealing with this issue, the Department, with the support of the Treasury and Resources Department, agreed, at the end of 2007, to the recruitment of eight civilian support posts which are designed to allow operationally trained Police Officers to return to the beat"*.

8.38 In the light of the additional allocation of resources, the Department proposed to *"meet local expectations for a robust and properly resourced neighbourhood (community) policing capability, which would include: foot patrols, community engagement and problem solving"*.

<sup>49</sup> National Audit Office, 'A Review of Staffing and Operations in the Home Department in Guernsey' - June 2005 (not published).

<sup>50</sup> Billet d'État No XII, September 2008

<sup>51</sup> 'Final Report of the Review of Policing', Home Office February 2008

8.39 The Chief Officer stated that: "*Clearly, community policing, when introduced, will further enhance the Force's ability to quickly identify vulnerable areas, liaise closely with residents and develop further community intelligence regarding local anti-social behaviour which would include criminal damage.*"

*"...the ethos and philosophy of neighbourhood (community) policing should be more effectively promoted and championed despite staffing pressures on the Force".*  
Her Majesty's Inspectorate of Constabulary<sup>52</sup>

8.40 The Committee acknowledges the resource constraints facing the Police in providing this type of service. The Committee felt that an improvement to the recording of information on a crimes database would help facilitate an intelligence-led approach to policing.

8.41 The Committee believes that action plans and performance indicators should be utilised to monitor the effectiveness of the present level of community policing.

#### Detection rates

8.42 The statistics<sup>53</sup> provided by the Police show the combined proportion of criminal damage and arson cases detected in Guernsey as 25.4%; 19.6%; 23.6% and 18.4% respectively for each of the years 2005 to 2008. Equivalent figures in Alderney are 7.4%; 0%; 10% and 8.8%.

8.43 The Chief Officer of Police advised the Committee that the nature, location and timing of criminal damage made detection particularly difficult.

8.44 One consultation respondent suspected that in one form or another certain types of vandalism become 'fashionable' crimes to commit

for a period of time and then cease to be so. In addition, many vandalism offences, by their very nature, will carry a low risk of detection, given that they will often be carried out at night or at times and locations when others (in particular, Police or other security personnel) are unlikely to be present. This is borne out by the experiences of States departments, which reported a high level of incidents in more remote locations that are difficult to monitor.

*"Criminal damage is often committed spontaneously at random locations throughout the Island and at various times of the day and night. It is frequently a motiveless crime and is rarely committed in view of witnesses or victims. These factors make detection particularly difficult".*  
Guernsey's Chief Officer of Police

8.45 Vandalism might not always be easy to predict, for example, the **Education Department** felt that there were no particular patterns or trends to its experience of vandalism, although it suggested that a spate occurs at one school and then the problem moves elsewhere and that this was true irrespective of whether the school was in or out of town. However, there might be patterns to this behaviour when monitored closely enough; for example the Department felt that vandalism was less likely when the weather was very cold or wet.

8.46 The Chief Officer of Police also advised that experience suggests that, often, offenders arrested for one act of criminal damage, indicate that they have been responsible for many more crimes, although sufficient evidence to charge them might not be available.

#### Monitoring and statistics

8.47 The **Police** publish annual statistics of reported offences of criminal damage and arson and the number detected. The **Home Department** also provided the Committee with figures showing the age and gender profile of those convicted. These are available in Appendix V.

<sup>52</sup> Unpublished report quoted in Home Department States Report 'The Future of Law Enforcement'. Billet d'État No XII, September 2008

<sup>53</sup> Appendix VIII - Available online

8.48 The Committee has noted advice from the Chief Officer of Police that *"Care must be taken when making inferences from these figures since they include some very minor infractions; that is, infractions that many other jurisdictions would consider too trivial to record as a crime. It is the Force's priority to provide a quality service to all victims of crime and, therefore, unlike in some areas of the mainland, all crime is recorded and investigated rather than being screened out of the system. In addition, one act may generate several reports/victims. For example, the case of a person who scratches the paintwork of a row of parked cars is likely to involve several reported cases of criminal damage and multiple victims."*

8.49 Conversely, statistics may not give an accurate picture of the extent of the problem due to the number of incidents that go unreported, which the Chairman of the States of Alderney Policy and Finance Committee thought might represent a high number of cases in Alderney.

8.50 The Committee also acknowledges that the official figures can give no indication of the seriousness of individual incidents or of their impact on or potential consequences for the victims.

8.51 The **Police** have sought to identify crime 'hotspots' where criminal damage offences occur and to deploy resources effectively and efficiently to combat further instances. The **Fire Service** monitors arson incidents in order to identify any trends in, for example, the type of fire, its locality and time of day. Any intelligence is automatically shared with the Police to assist their investigations.

8.52 A full-time crime analyst is employed to produce data for a bi-weekly Police Tasking and Coordinating Group which determines the priority and thrust of operational policing. The crime analyst can produce data on recorded crimes according to time of day and year. However, analysis to provide more detailed offender profiling besides age and gender is not extensive, but is currently being looked at within the Department.

8.53 The Crime Management Unit examines criminal behaviour recorded during the comparative period for the previous year and looks ahead to the

forthcoming two-week period for any indications that there will be spikes in criminal activity. Spikes in anti-social behaviour and criminal damage can follow a pattern depending on seasonal changes and school holidays.

8.54 The Committee had asked the **Home Department** whether the records kept and computer systems were detailed enough to provide effective intelligence-led support to the **Police** in tackling criminal damage.

#### Intelligence-led policing

*"a strategic, future-oriented and targeted approach to crime control, focusing upon the identification, analysis and 'management' of persisting and developing 'problems' or 'risks'."*<sup>54</sup>

8.55 The Committee also asked whether the **Home Department** was able to identify how many reported cases of criminal damage were linked to a single incident and likely to be by the same perpetrator, or where arrests for criminal damage were made of people under the influence of drugs or alcohol. The Committee questioned whether a link between these incidents could easily be established on the computer system and reflected in comparative statistics.

8.56 The **Home Department** explained that this could not be easily determined through the current system. Crime is recorded following the National Crime Reporting Standards and is victim-focused and not necessarily incident-based. The Department stated the current software was being considered for replacement.

8.57 A case has been made by the **Home Department** for an upgrade of the Police IT system and subsequent data analysis tool within its current bid for capital expenditure. The Department believes it is paramount for the Police to have the necessary and appropriate capability to carry out its task if evidence-based data and desired outcomes are to be generated in terms of intelligence-led policing.

<sup>54</sup> Willem de Lint, "Intelligence in Policing and Security: Reflections on Scholarship," *Policing & Society*, Vol. 16, no. 1 (March 2006): 1-6.



8.58 The Committee considered that management information should be easily available on:

- The mapping of incidents by type, time and location;
- The number of repeat offenders (where convicted);
- The number relating to alcohol and drug usage (where known).

8.59 The Committee believes an improvement to the existing system would provide a *prima facie* value for money case in saved time and increased performance if the system could support user needs in detection and data analysis.

8.60 The Committee was pleased to learn that the Guernsey Police maintained a high level of detailed reporting and that they did not discount minor crime and hoped this would continue with the implementation of a new system.

### Categorising criminal damage

8.61 The Committee found that criminal damage is not currently formally categorised for monitoring purposes in Guernsey in order to understand or address it strategically.

8.62 As noted in a Home Office paper<sup>55</sup>, "*Many researchers and practitioners have used adaptations of 'Cohen's typology'<sup>56</sup> as a framework for understanding vandalism*". Details are provided in Appendix II.

8.63 The paper found that "*Although these classifications were first produced in 1973, the common view is that they have still not been improved upon. It remains nevertheless problematic to incorporate this motivational attribution into the definition of vandalism itself. How, for example, is someone viewing a broken*

*window to know whether it happened in the course of play or whether it was deliberately intended to damage the window? An alternative classification, concentrating on targets of the act - buildings, cars and so forth - likewise fails to distinguish accidental damage from vandalism*".

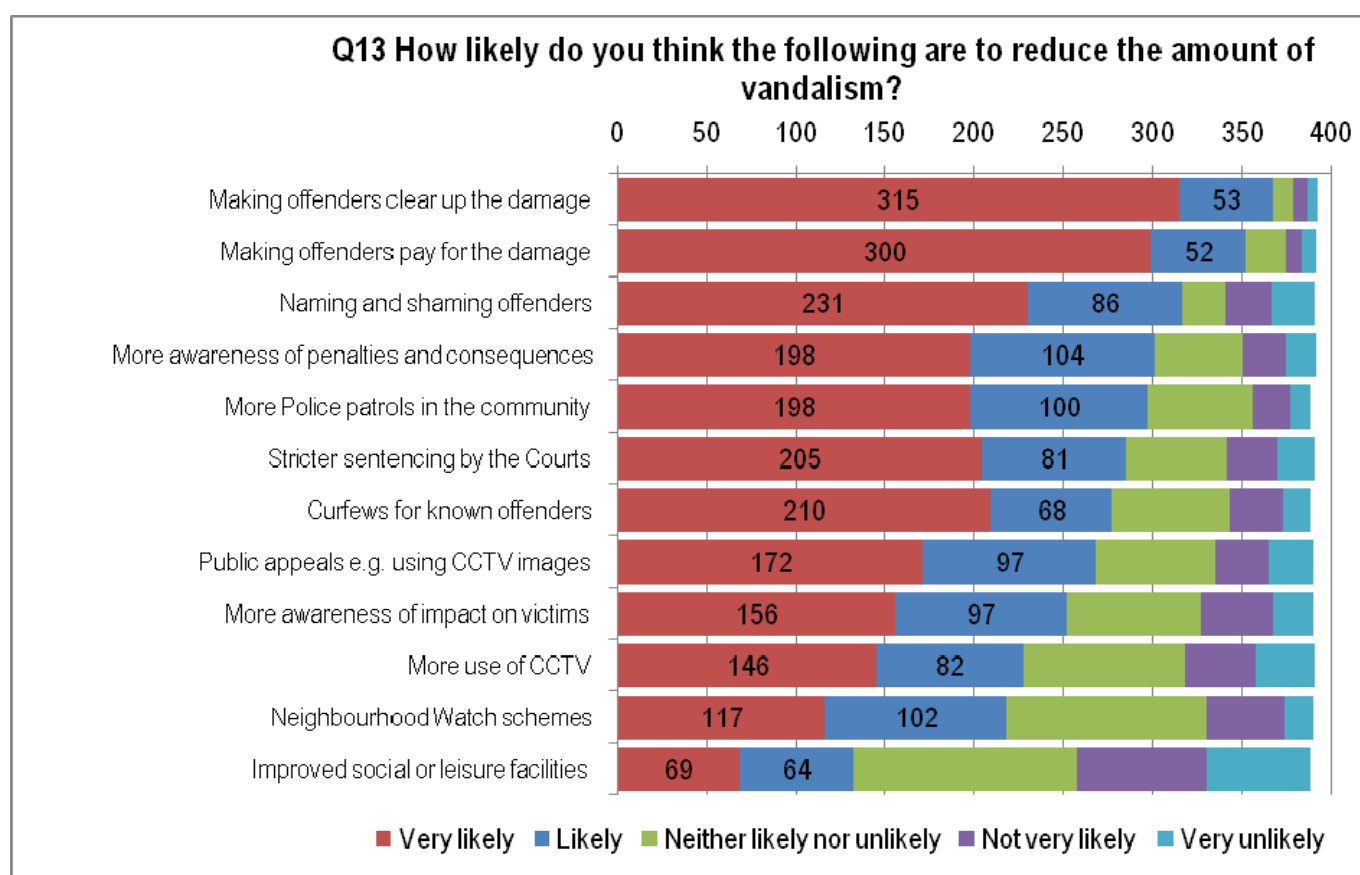
8.64 A suggestion put to the Committee was that vandalism occurring within the boundaries of 'the night-time economy' should be considered separately to that caused by young offenders between the ages of 10 and 16. It was argued that two entirely different mindsets were involved, in one of which alcohol plays a significant part in an individual's thought processes. In so arguing, it was accepted that there may be some overlap between the two groups but that it was not significant.

8.65 Whilst no methodology for categorising vandalism is ever going to be perfect, the Committee felt that the ability to tackle the root causes of vandalism may be compromised by the lack of searchable information and classification of reported and convicted cases. The better the understanding that can be developed of any patterns in criminal damage behaviour, the better equipped the response.

<sup>55</sup> Barker and Bridgeman (1994) '*Preventing Vandalism: What Works?*' Home Office Crime Detection and Prevention Series Paper 56

<sup>56</sup> Cohen, S. 1973. '*Property destruction: motives and meanings*'. In: C. Ward, ed. *Vandalism*. New York: Van Nostrand Reinhold: 23-53.

## 9. PENALTIES AND CONSEQUENCES



### Legal provisions

9.1 Appendix III of the report covers the law, sentencing and compensation relating to vandalism in some depth.

### Stricter sentencing

9.2 73% of questionnaire respondents felt that stricter sentencing by the courts was a likely or very likely measure to reduce vandalism. However, it was not clear if this indicated a feeling that current maximum sentences were considered inadequate, or, alternatively, that available sentences were not being applied sufficiently strictly by the courts.

9.3 The maximum penalties that can be imposed<sup>57</sup> for the various forms of criminal damage (including attempts) are as follows:

- Simple criminal damage - 10 years
- Threats to cause damage - 10 years
- Possession with intent to cause damage - 10 years
- Aggravated criminal damage - Life imprisonment
- Arson - Life imprisonment

9.4 One questionnaire respondent suggested an escalating scale whereby, subject to individual circumstances, a first offence relating to vandalism would merit a warning; a second offence, a financial penalty; and a third, imprisonment. Alternatively, another respondent suggested a points system under which there would be a tariff, for example, ten points for a simple criminal damage offence, leading to a suspended prison sentence if the total reached, say, thirty points.

<sup>57</sup> The Criminal Damage (Bailiwick of Guernsey) Law, 1983, as amended

9.5 The Committee considered adequate penalties are available to punish any form of criminal damage that is likely to occur and acknowledged that, on occasion, custodial sentences had been imposed. However it questioned whether the penalties available were widely known by the general public as, if they were, it felt it likely that they would be regarded as being of an appropriate level of severity. The informal feedback from the youth workshops suggested this to be the case.

9.6 Furthermore, even with greater awareness of the sentencing options available, the Committee felt the general public may wish to have a better understanding of the factors taken into account in assessing the extent of any sentence imposed by the courts in individual cases.

9.7 **The Committee felt that a guideline document outlining the approach to sentencing in the Guernsey courts would be beneficial in explaining to the general public the framework within which sentences are assessed whilst still leaving full scope for the exercise of judicial discretion by judges.**

#### **Greater awareness of penalties and consequences**

9.8 77% of questionnaire respondents felt that more awareness of the penalties and consequences of committing acts of vandalism would reduce incidents of vandalism. Some of the potential consequences could be:

- Being arrested, charged and having penalties imposed or imprisonment. This could also result in unwelcome media attention for the individual involved (the 'naming and shaming' effect).
- The negative effect a criminal record can have on an individual's life.
- The physical risks of committing vandalism e.g. a person being physically hurt as a result of vandalism.

9.9 The consequences of having a criminal record might include having to declare this for the purposes of applying for a course of study, a credit card, to get a job, to act as a volunteer or to travel to certain countries. For example, it is understood that, under the USA visa law, people who have been arrested at

any time are required to declare the arrest when applying for a visa. If the arrest resulted in a conviction, the individual may be permanently ineligible to receive a visa.

9.10 The personal physical risks to oneself and others should also be considered, including the consequences of committing the act in the first place. For example, a brick thrown through a window might not only break the glass in the window but either the brick or the broken glass might also injure a person inside.

9.11 A little thought of consequence of vehicle crime might be that all vehicle users have to pay more insurance.

9.12 Finally, 65% of respondents felt that greater awareness of the potential impact on victims (explored in Section 3), might help to reduce the crime.

9.13 The **Treasury & Resources Department** suggested that there is benefit from making the public aware of the damage done and the extent to which public funds have to be spent in dealing with incidents of vandalism. However, the Department recognised that there may also be a risk from such publicity in identifying potential targets.

#### **Naming and shaming offenders**

9.14 The Committee noted the very high overall proportion of questionnaire respondents (81%) who supported naming and shaming offenders as either a very likely or likely measure to reduce vandalism. However, it also noted that this support was significantly higher across the two older age groups when compared to the youngest and, in particular, doubled when considering it a very likely measure.

9.15 In the general comments provided by respondents 'naming and shaming' received several favourable comments whilst at the same time caveats were expressed about it giving people kudos amongst their peers or creating a badge of honour.

9.16 The **Probation Service**, expressed reservations about such measures notwithstanding they might be considered as tending to reduce the incidence of vandalism. First, the potential use of

measures such as anti-social behaviour orders (ASBOs) or other forms of tagging, along with uniforms for offenders on Community Service promotes exclusion from the community and can become a visible 'badge of honour' for inclusion in anti-social groups. Second, any media campaign to name and shame individuals will often have the opposite effect to that intended and actively push those deemed unacceptable to society to a group which may condone or actually promote anti-social behaviour.

9.17 The **Probation Service** suggested it would aim to reduce "*the vilification of young 'vandals' in the media*", pointing out the discrepancy between how these crimes appear to be treated in comparison with other incidents of criminal damage: "*Why the different response to the occasional mindless rampage by a drunken group of rugby players or rowers and the response to 'mindless vandalism' by less privileged groups? Most young people 'grow out of it' and go on to become responsible citizens.*"

### Public information

9.18 Some contributors were concerned that more public information should be available about the resolution to crimes reported to the **Police**, not as a deterrent to other potential criminals or to punish the offender, as intimated in the above two sections, but to engender public confidence in the justice system.

9.19 In their meeting with the Committee, Neighbourhood Watch representatives raised this issue and expressed dismay that they were not always able to learn what had happened as a result of incidents reported to the **Police**, although it was acknowledged that there were sometimes data protection considerations. In the youth workshops there was some discussion of whether it might be more sympathetic to the victim in some cases to avoid media coverage of an incident against the idea that the offender should be identified and seen to be punished.

9.20 Of course, general statistics are published, but might not engender confidence without the detection rates being significantly improved upon. For example, the General Manager, States Works, believed that to see some prosecution of offenders

would help improve staff morale but noted that this was very rare.

### Compensation awards

9.21 89% of questionnaire respondents felt that making offenders pay for the damage was either a very likely or likely measure to reduce vandalism, with a strong level of support for this approach across all age groups.

9.22 The **Housing Department** noted that the courts have, on occasion, issued compensation orders when passing sentence on perpetrators, and is of the opinion that this extra financial penalty serves as a valuable deterrent. That being so, the Department suggested that it would like to see compensation orders issued in a greater number of cases.

9.23 Section 2(3) of the Criminal Justice (Compensation) (Bailiwick of Guernsey) Law, 1990, imposes a general upper limit that the Magistrate's Court can award by way of compensation of £2,000 (or such other sum as the States may, from time to time, by Ordinance prescribe). The Committee considered whether this upper limit was too low, and should be reviewed. For example, in September 2008, criminal damage was caused to the revolving doors to the Royal Court building. On 20<sup>th</sup> February 2009, the Guernsey Press reported that the offender "*was sentenced to a month in prison, suspended for a year, and ordered to pay £2,000 compensation - the maximum the court can award*". The cost of repairs was reported as £4,193.

9.24 The Committee understands that there is no limit on the amount of compensation that can be awarded by the Royal Court under the 1990 Law.

9.25 The Committee believes in the light of cases like that above, where the cost of repairs far outweighed the compensation ordered, a review of the compensation levels should be undertaken to consider whether a maximum limit is necessary and, at the least, to bring it in line with current money values.

## Youth offenders

9.26 Under the new Children's Law, due to be enforced in late 2009, some youth offenders will be dealt with by a new community based hearing system, the Child Youth and Community Tribunal (The 'CYCT').

9.27 As this system is not yet in place, the Committee will follow the work of the CYCT with interest.

### Alternative sentencing and rehabilitation of offenders

9.28 The Home Department has responsibility for a States direction to the former Committee for Home Affairs in February 2003 to report back to the States outlining possible future alternatives to conventional custodial sentencing. This included such options as *"wet house facilities, restorative justice, compulsory detoxification and rehabilitation orders, electronic tagging, weekend prison confinement, community service orders and programmes, home confinement programmes"*.

9.29 The Home Department has addressed some of these options and intends to report on all of the range of alternatives through the creation of a Criminal Justice Strategy, incorporating a Community Safety Strategy and increased customer information. The Department has advised that a substantial amount of work has already been completed to take this initiative forward with engagement from all the major stakeholders including the Judiciary and Courts, the Guernsey Bar, the Police, Probation and Prison Services, and Victim Support. The Strategy is due to be presented to the States in early 2010.

9.30 The Committee believes performance indicators and a monitoring programme should be incorporated into the Criminal Justice Strategy to ensure systems and policies will be constructively reviewed.

9.31 The Probation Service<sup>58</sup> identified three aspects of its current work which related to dealing with vandalism offenders

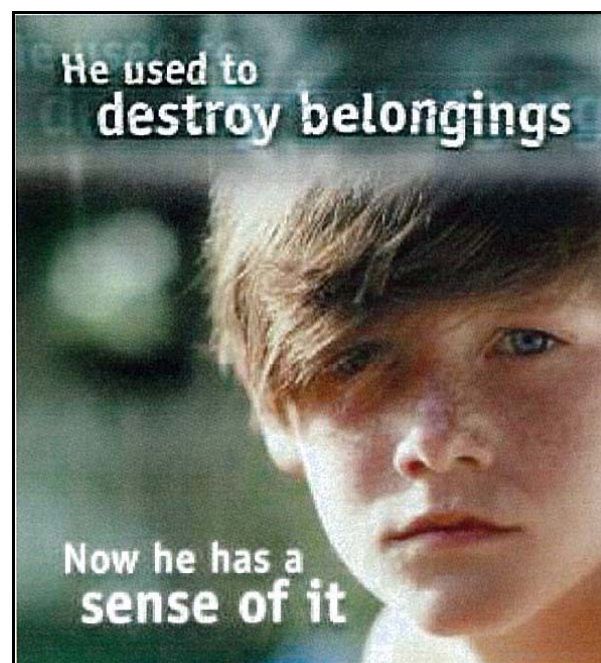
- (a) individual therapeutic work
- (b) restorative justice and
- (c) community service.

9.32 The concepts of restorative justice and community service tied in to the findings of the questionnaire, where 94% of respondents felt that making offenders clear up the damage was a likely measure to reduce vandalism.

9.33 The Environment Department also expressed support for, where possible, the perpetrator of any vandalism being made to assist with, for instance, the replacement of damaged equipment or cleaning graffiti off signs.

### Community Service

9.34 In 2005, the States approved proposals from the Home Department<sup>59</sup> based upon a recommendation from the Criminal Justice Policy Working Group to bring forward proposals for a new sentence of Community Service. The States resolved to establish a three year pilot Community Service Scheme under the management and supervision of the Probation Service.



Probation Service 'Community Service' Poster

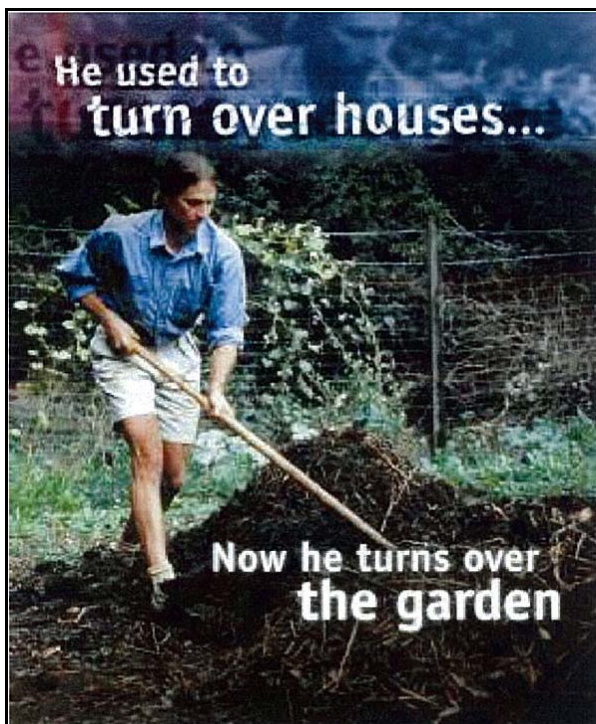
<sup>58</sup> Appendix XII (available online) provides the response from the Probation Service in full.

<sup>59</sup> Billet d'État XX, November 2005.



9.35 In its report, the Department stated that *"the primary purpose of introducing a sentence of Community Service is to provide a rigorous and effective sentence for the Court to impose where an offence has been committed, which is serious enough for custody to be considered, but where it is judged that punishment can be undertaken safely without the offender having to go to Prison"*.

9.36 The Working Group had acknowledged concerns that *"the public might view community sentencing as a soft option for offenders"*. It argued that *"it is wrong to see punishment and prevention as mutually exclusive concepts, or to regard community and custodial sentences as polar opposites on a continuum of soft versus tough responses to crime<sup>60</sup>". If such a dichotomy is created, the results achieved by different methods are by-passed in favour of decision-making based purely on the punitive value of a sentence ..."*



Probation Service 'Community Service' Poster

9.37 The Criminal Justice (Community Service Orders) (Bailiwick of Guernsey) Law, 2006 was

<sup>60</sup> Sherman, L (1997), 'Preventing Crime: What Works, What Doesn't and What's Promising: A Report to US Congress', National Institute of Justice.

subsequently approved and brought into force in October 2007.<sup>61</sup>

9.38 The States noted the Department's intention to report back to the States on the results of the three year pilot. The Committee understands that the Department considers the pilot scheme to be *"a considerable success"*. However, a delay in the law returning from the Privy Council had impeded its initial implementation. As a consequence, and in order to collate usable and relevant data, the pilot period will end during 2009. The Department aims to report back to the States in November 2009.

### CASE STUDY: COMMUNITY SERVICE ORDERS

The Probation Service provided the Committee with the following case study to illustrate how a Community Service (CS) Order worked in practice.

*"Offender A was sentenced to perform 60 hours of Community Service as an alternative to six weeks imprisonment for an offence of Criminal Damage. Over a period of twelve weeks Offender A completed his order by way of attending the CS Work Parties which operate on Saturdays and Sundays for five hours. He worked at various locations on differing projects such as painting, decorating and gardening at Vale Rec FC, maintaining the shrubberies at the Airport on behalf of Floral Guernsey, building a footpath and walkway through the meadow at St. Peter's Rectory and helping to clear and maintain some of the WWII German fortifications around the island on behalf of Festung Guernsey. He was given one official warning due to non-attendance but successfully completed the CS Order he was given."*

9.39 The **Probation Service** provided the Committee with some of the positive feedback they had received from charities who have seen offenders benefit from their work with them. A few examples are given below:

<sup>61</sup> The Criminal Justice (Community Service Orders) (Bailiwick of Guernsey) Regulations, 2007.

*We have seen many changes in the Community Service Workers as they have laboured alongside us, with a number staying on as volunteers once their hours have been completed. We have just employed on a part time basis a lady who was assigned to us in February 2008 and stayed on as a volunteer once her order had been fulfilled.*

The Salvation Army

*"The involvement of the Scheme, and the groups of offenders who have attended, has enabled this project to come to fruition. In addition, we believe that the positive effect that it is having on those who take part cannot be underestimated. It enables individuals who have probably never bothered to think about their natural environment to get involved in putting something back in to the community. Unquestionably it helps to create feelings of self worth and achievement which will stay with them. Some have even requested continuing work on the project after their term has been completed. That is surely saying something extremely positive about rehabilitation and is an example to us all."*

Community Service involvement in St Pierre du Bois  
Floral St Peter's Group

9.40 The Committee believes that action plans and performance indicators should be utilised to monitor the effectiveness of Community Service.

### Restorative Justice

9.41 The **Home Department** has recently appointed a Restorative Justice Development Officer for a period of three years with a mandate to put together a strategy for the development of restorative practices. This is intended to meet the Department's targets that appear in both the Government Business Plan<sup>62</sup> and Criminal Justice Strategy.

9.42 The widely accepted definition of Restorative Justice is *"a process whereby parties with a stake in a specific offence collectively resolve how to deal with*

*the aftermath of the offence and its implications for the future"*.<sup>63</sup>

9.43 Restorative approaches can be used in a wide range of situations spanning final warnings, police complaints, staff conflict, and community problem solving. Locally, multi-agency training has taken place in restorative justice techniques since 2001, involving **Education** (including the Youth Service); **Police**; **Probation**; **Prison**; **HSSD** (Children's and Youth Justice Services); Victim and Witness Support and the Clergy. It has been used most extensively for cautioning young offenders.

9.44 The **Probation Service** suggested that reintegration could be promoted by intervening with Restorative Justice methods. They believed that bringing culprits face-to-face with the person/community they had damaged could be a powerful intervention and could be used in schools and communities as well as with individuals. *"The key concept is to mark community disapproval in a constructive rather than destructive way."*<sup>64</sup>

9.45 The **Committee has concluded that the implementation plan for Restorative Justice methods is another important area for careful monitoring of targets.**

### Corporal punishment

9.46 Some respondents called for corporal punishment to be reintroduced. The Committee noted that the Corporal Punishment (Guernsey) Law, 1957 was repealed in 2006<sup>65</sup> although no such sentence had been imposed by any of the Bailiwick's courts since the European Court of Human Rights ruled in the 1970s that the use of judicial corporal punishment was contrary to the European Convention on Human Rights.

<sup>62</sup> Resolved 27<sup>th</sup> July 2007 - *Government Business Plan 2007 (Policy and Resource Plan)* - Billet d'Etat XVIII.

<sup>63</sup> Tony Marshall, *'Restorative Justice: An Overview'* (1999), Home Office.

<sup>64</sup> The States of Guernsey Probation Service

<sup>65</sup> Criminal Justice (Miscellaneous Provisions)(Bailiwick of Guernsey) Law, 2006.

## 10. PUBLIC PROPERTY MANAGEMENT

10.1 The questionnaire asked “How big a problem do you think the following issues are in Guernsey or Alderney?”. Respondents were asked to consider the following problems: Damage to public property, damage to vehicles, graffiti, damage to private property and arson.

10.2 Damage to public property was identified as the biggest concern, with the majority of respondents (63%) believing this to be a big or very big problem.

10.3 The Committee was interested to learn about what roles and responsibilities individual Departments felt they had in relation to vandalism. It found the most direct responsibility they had was as a property owner and manager.

10.4 An analysis of the Departments’ responses in relation to their experience of vandalism to properties for which they are responsible can be found in Appendix IV.

10.5 Most Departments have been the victims of vandalism as property managers, with the **Treasury & Resources, Education, Housing and Culture & Leisure Departments** reporting the most significant impact in terms of frequency, cost and inconvenience.



*Cobo Public Convenience*

10.6 States Works, **Public Services Department**, carries out maintenance and cleaning contracts on many States properties which are subject to vandalism attacks, with public conveniences being the most regular and most costly targets due to the

frequency of incidents. A sample log of issues that the Treasury & Resources Department has experienced is available online as Appendix XI). This illustrates that although isolated occurrences of vandalism might seem insignificant, in overview they add up to be extremely costly, both in staffing and financial terms and in the impact on victims and the community.



*Saumarez Park*

10.7 The Committee found that Departments have a varying response to dealing with criminal damage to property for which they are responsible. Not all Departments are involving central service property managers, reporting incidents to Police or keeping detailed records. Some that have a lower level of risk have no particular policy to deal with incidents, and the approach to repairing damaged property showed that Departments have varying standards.

10.8 The General Manager, States Works, believed the current approach seemed to accept that vandalism would occur and to attempt to reduce the damage done, rather than to stop or deter it.

10.9 Some of the methods currently used by States’ Departments are as follows:

- Anti-vandal paint (Public conveniences and kiosks)
- Vandal resistant materials (Culture & Leisure)
- Nightlights with motion sensors (Culture & Leisure)
- CCTV (Guernsey Harbours, Police and Fire Services, Beau Sejour, Guernsey Airport, States Works some Waste Disposal sites)
- Alarm systems (States’ Works and Recycling)



- Patrolling security Staff (Guernsey Airport, some Waste disposal sites, Culture & Leisure)
- Use of Special Constables (Guernsey Harbours)
- Reduced opening times of facilities (public conveniences)
- Installation of minor remote dial-out sensors that activate upon forced entry (public conveniences)

10.10 The review showed the lack of a standard approach for dealing with criminal damage to States' property and, whilst understanding the different remits and responsibilities of each Department, the Committee concluded it would be helpful for States-wide policy guidance to be produced, to be used by Departments as a foundation to work from, to assist in monitoring and reporting on incidents.



*Arson at a States' Housing Estate<sup>66</sup>*

10.11 Due to the nature of vandalism, and the difficulties in tackling it, there is no one body responsible for addressing it; however the Committee concluded that in respect of the provision of policy guidance, the Treasury & Resources Department should take the lead as its mandate includes *'providing corporate property services and advice to Departments and Committees.....'*

10.12 The recommendations contained within this report are clearly drafted having due regard to the mandate of each States' department. Running parallel to that central government role is the work of the Parish Douzaines. The Committee believes the Douzaines could have an extended role in monitoring

and reporting on public spaces, such as beaches and public conveniences.

10.13 The Committee believes that the Policy Council should consider extending the role of the Douzaines to help monitor the condition of public spaces.

10.14 The Committee believes there would be merit in the States' Property Services of the Treasury & Resources Department providing policy guidance to all Departments on how to tackle criminal damage.

10.15 The Committee recommends that the Treasury & Resources Department should keep a central log of incidents and outcomes and monitor the frequency and nature of occurrences.

10.16 In its role providing advice to Departments and Committees, the Committee believes the Department should also take a proactive lead in risk assessments and management, referring to the Crime Prevention Panel for particular advice.

<sup>66</sup> Pictures reproduced courtesy The Guernsey Press Co Ltd.

## APPENDICES

I	Acknowledgements
II	Defining Vandalism
III	The Law Relating to Vandalism
IV	Management of Public Property
V	Criminal Damage and Arson Statistics

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The following documents are available on-line at [www.gov.gg/scrutiny](http://www.gov.gg/scrutiny):

VI	Purpose, Scope and Methodology
VII	Young People's Workshops
VIII	Secured by Design
IX	Questionnaire Data Response Analysis
X	Questionnaire
XI	States' Property Services – examples of repairs and costs
XII	States' Departments' Responses

## APPENDIX I – ACKNOWLEDGEMENTS

The Scrutiny Committee would like to thank the following for their assistance in undertaking this review.

- States Departments and the States of Alderney and their staff and representatives from non-States organisations who responded to the Committee's enquiries and supplementary questions;
- H M Procureur, the Director of Prosecutions, H M Sheriff, H M Greffier, the Greffier of the Court of Alderney and the Chief Probation Officer and her staff for their advice on the law and court procedures;
- Those members of the general public who wrote to the Committee or who completed and returned the Committee's questionnaire;
- Submarine Ltd for hosting the questionnaire online;
- Guernsey Press Co Ltd for hosting the questionnaire through the '*Vent*' online magazine;
- The Guilles-Alles Library for making printed copies of the questionnaire available;
- Channel Islands Co-operative Society Ltd for making printed copies of the questionnaire available at their stores in St Sampson, St Martin and the Longstore;
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- The Chief Officer of Police and his staff for statistical information;
- The Guernsey Police Crime Reduction Adviser;
- Representatives from Neighbourhood Watch Group Co-ordinators for attending a meeting to discuss their experience;
- All those who attended workshops at the Princess Royal Centre for Performing Arts and at Cordier Hill;
- Staff from the Education Department for assistance with the workshops and provision of facilities;
- Staff from the Policy and Research Unit, Policy Council for assisting with the analysis of the questionnaire responses.
- Mr Bill Brogan, Mr Paul Elliot, Marilyn King, Deputy Graham Guille and CCTV Watch for their input to the Committee's discussion of this topic.

## APPENDIX II – DEFINING VANDALISM

The Committee found from the outset that there was no single definition of the term '*vandalism*' and that there is no such statutory offence. '*Vandalism*' and '*criminal damage*', the term used in the relevant legislation, were often used interchangeably.

Various dictionary definitions highlight different aspects of vandalism such as that it could be wilful, deliberate, intentional, wanton or malicious and, further, that it can be done to personal or public property or to natural features.

The British Crime Survey<sup>1</sup> uses the term '*vandalism*' to describe criminal damage. This corresponds to the recorded crime category of criminal damage under the (English) Criminal Damage Act, 1971, and includes arson and graffiti. However, unlike recorded crime, the British Crime Survey data relates only to incidents which link directly to the home or the respondent's personal property, including cars, but does not cover crimes committed against public facilities or commercial premises.

Difficulties in defining the term '*vandalism*' lead to difficulties in assessing the extent of the problem, which are then compounded by the extent to which incidents may not be reported to the Police and, therefore, not recorded. Perceptions of the extent of vandalism may also be exaggerated by examples of accidental damage to property from, say, strong winds, or from incidental damage caused during some other act, for example, a car crash.

Cohen's typology<sup>2</sup> categorised vandalism in six ways as follows.

- Tactical: the damage is a conscious tactic, a means to achieve some other end, such as breaking a window to be arrested and get a bed in prison;
  - Ideological: similar to tactical vandalism, but carried out to further an explicit ideological cause or to deliver a message, for example, chalking slogans on walls;
  - Vindictive: damage in order to gain revenge, for example, breaking school windows to settle a grudge against the head teacher;
  - Play: damage in the context of a game; to see who can break the most windows in a house;
  - Malicious: an expression of rage or frustration and is often directed at symbolic middle class property. It is this type that has the vicious and apparently senseless façade which people find so difficult to understand.
- Acquisitive: to acquire money or property, for example, breaking open telephone boxes;

<sup>1</sup> The British Crime Survey is a victimisation survey measuring the amount of crime in England and Wales by asking people about crimes they have experienced in the previous year.

<sup>2</sup> Cohen, S. 1973. '*Property destruction: motives and meanings*'. In: C. Ward, ed. *Vandalism*. New York: Van Nostrand Reinhold: 23-53.

## APPENDIX III – THE LAW RELATING TO VANDALISM

In its public questionnaire, the Committee invited respondents to state how strongly they agreed with the statement *"I think vandalism is already dealt with effectively"* and to indicate how likely they felt certain measures were to reduce the amount of vandalism. Those measures included (but were not limited to): *"Stricter sentencing by the Courts"*; *"Making offenders pay for the damage"* and *"More awareness of the penalties and consequences if an offender is caught"*.

The Committee felt that comments relating to what were seen by respondents as ineffective policing and sentencing and a desire to see offenders, or, if young persons, their parents, pay for damage incurred, merited a detailed examination of the relevant provisions of the law.

The Committee must emphasise that this report reflects its own interpretation and understanding of the legislation and should not be regarded as an authoritative guide or definitive statement.

The Committee wishes to thank Her Majesty's Procureur and the Director of Prosecutions for their assistance in understanding the derivation and provisions of the current law regarding vandalism. Their advice has highlighted the complexities of applying the Law to the particular circumstances of individual cases.

The Committee is also grateful to H M Sheriff for his advice with regard to the collection of fines and the recovery of compensation awards.

### The current law

The primary legislation dealing with such offences is The Criminal Damage (Bailiwick of Guernsey) Law, 1983 (referred to subsequently as *'The 1983 Law'*), as amended, which came into force on 1st July 1984.

This legislation corresponds to the Criminal Damage Act 1971<sup>3</sup> in the United Kingdom and replaced

previous legislation<sup>4</sup> that had been in force since 1896.

The 1983 Law was brought into force to ensure that the Bailiwick had proper provisions to deal with both serious and petty offending against property, to ensure that adequate penalties could be imposed and that, in the event of a conviction, compensation could be awarded.

Other than the provisions for compensation and, importantly, the interpretation by the Courts of the concept of "recklessness", both of which are dealt with below, the Law has remained substantially unchanged since, as also has the English legislation from which it derived.

In brief, the 1983 Law creates the following offences: simple criminal damage, i.e. the destruction of or damage to another's property (which may include arson); "aggravated" criminal damage, i.e. where the destruction or damage intentionally or recklessly endangers the life of another (which again may include arson); threats to destroy or damage property; possession of anything with intent to destroy or damage property; and includes provisions relating to attempts to cause damage, aiding and abetting, and impeding the arrest or prosecution of others who have committed a damage offence.

### Criminal damage trials

In its broad sense, criminal damage as an offence can be tried either in the Magistrate's Court or in the Royal Court.

The venue is most likely to be determined, individually or collectively, by:

- whether the damage was caused by fire;
- whether it was committed by a group or persons or a single individual;
- the value of the damage caused;
- the number of offences that have occurred (even though the individual value of each act of damage is relatively low);

<sup>3</sup> Full text available at:  
[http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1971/cukpga\\_19710048\\_en\\_2](http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1971/cukpga_19710048_en_2).

<sup>4</sup> The Loi supplémentaire à la Loi relative à l'Application des Peines, 1896.

- whether any form of racial or other specific motivation was involved (such as a serious revenge attack); and
- the defendant's previous offending history.

In the main, offences of criminal damage are dealt with in the Magistrate's Court but some cases have been prosecuted in the Royal Court. An example of the latter brought to the Committee's attention by the Director of Prosecutions is one in which two defendants appeared in the Royal Court in respect of a total of seven joint charges of damage, with each defendant also asking for a further eleven joint offences to be taken into consideration for sentencing purposes. The brief facts were that the two defendants had at night damaged a number of cars by breaking wing mirrors, wiper blades or other trim. One defendant was sentenced to a total of 2 years youth detention and the other to a total of 16 months youth detention. The court also ordered the defendants upon their release from prison to pay between them a total of £3,558.47 in compensation.

The case shows that, whilst individually no vehicle had been damaged to a significant extent the fact that it had been a concerted attack on a number of vehicles made the incident, in the prosecution's view, sufficiently serious to consider that the Royal Court was the appropriate venue for trial. That view was clearly justified and supported by the sentences and compensation award imposed by the court.

The Director of Prosecutions has advised the Committee with regard to the various offences that are covered by the 1983 Law.

### Destroying or damaging property

Section 1 states that a person commits an offence if *"without lawful excuse [he] destroys or damages any property belonging to another intending to destroy or damage any such property or [is] reckless as to whether any such property would be destroyed or damaged"*.

*"Damage"* is not defined in the Law but the courts of Guernsey construe it liberally and do not limit it to permanent damage. In other words, what constitutes criminal damage is a matter of fact and degree and it is for the court, applying its common sense, to decide

whether what occurred was damage or not. Thus, a well known English case which held that the smearing of mud on the walls of a police cell could amount to criminal damage is likely to be followed here.

Other examples in English jurisprudence include where a blanket was soaked (but not soiled) with water from a toilet in a police cell; milk damaged by adulteration with water; machinery damaged by the removal of an essential part even though no physical damage was caused by doing so. Finally, another English example is a case in which water-soluble pavement paintings were held to constitute damage to the pavement, thereby confirming the principle that the damage caused need not be permanent, tangible or visible<sup>5</sup>. The Director of Prosecutions has suggested that all these examples of the wide interpretation of damage would be similarly decided in Guernsey.

### Meaning of 'property'

In addition to proving damage, the prosecution also needs to show that what was destroyed or damaged constituted *"property"*. For this purpose, property is defined in Section 6(1) of the 1983 Law as meaning *"property of a tangible nature, whether real or personal ..."* and includes money and domesticated animals. Land which is owned by someone can be damaged by, for example, fly-tipping.

### Intent and recklessness

The Director of Prosecutions has explained that the courts also have to be satisfied that the offender had the necessary intention to cause damage. After all, something that was a genuine and honest accident should not be the subject of criminal process. Thus, to convict, a court has to be satisfied that the defendant had the requisite intent to cause damage or that he was reckless as to whether any property would be destroyed or damaged. In the case of an obviously intentional act there will be little room for doubt - as in the case, for example, of graffiti being daubed on a building or piece of road furniture.

The concept of *"recklessness"* has exercised the minds of lawyers over many years. For a long time it was the case that recklessness did not require a

<sup>5</sup> Hardman v Chief Constable of Avon & Somerset (1986).

subjective appreciation of the risk of causing damage by the person who did the act that caused it. Put another way, a failure to consider an obvious risk, even if that failure was genuine rather than just a closing of the mind to the risk, could not permit the perpetrator to escape liability.

The English case of *Caldwell*<sup>6</sup> provided the model direction to courts when it said:

*"...a person charged with an offence under section 1...is reckless as to whether any such property is destroyed or damaged if (1) he does an act which in fact creates an obvious risk that property will be destroyed or damaged and (2) when he does the act he either has not given any thought to the possibility of there being any such risk or has recognised that there was some risk involved and has nonetheless gone on to do it."*

For the risk to be "*obvious*" it needed only to have been obvious to the reasonable man (any ordinary, sensible person), not to the accused personally had he or she stopped to think.

That view also reflected the position in Guernsey for almost twenty years until the House of Lords case in 2004 of *G*<sup>7</sup> which decided, in effect, that *Caldwell* was wrong. Instead, it was now held that the test of recklessness should revert to a subjective analysis, perhaps best explained by reference to the words of Lord Bingham:

*"A person acts recklessly...with respect to:*  
(i) *a circumstance when he is aware of a risk that it exists or will exist;*  
(ii) *a result when he is aware of a risk that it will occur;*  
*and it is, in the circumstances known to him, unreasonable to take the risk."*

The legal position presently rests upon the prosecution having to show on a subjective analysis that a defendant himself appreciated some risk of damage being created by his actions, as opposed to the previous test, which was based upon an objective analysis of what he did foresee or ought to have foreseen.

## Without lawful excuse

In addition to proving damage to property belonging to another with the requisite intention to cause that damage, the prosecution also has to show that the damage was caused without a lawful excuse. Section 5 of the 1983 Law provides that if a person believes at the time of causing the damage that either he was entitled to do so or that he had (or would be given) the consent of the property owner to do so, he has a lawful excuse. As with recklessness, that belief is assessed subjectively. Put another way, the question is not whether the accused's act was in fact reasonable but whether the accused genuinely believed it to be reasonable.

This section has so far dealt with how the 1983 Law criminalises the most common or routine acts of vandalism e.g. breaking windows, damaging cars or street furniture, acts of graffiti and the like.

## Aggravated criminal damage

There is, however, another serious form of damage known as aggravated criminal damage, which fortunately arises only rarely. The Committee understands that there has been only one case in the past ten years when it has been charged. It occurs when damage is caused with intent that by that damage a person's life will be endangered or where the perpetrator is reckless as to whether life will be endangered. Due to the seriousness of such offences it is most likely the case would only be dealt with in the Royal Court.

## Arson

Damage by fire, otherwise called arson, is covered by Section 1(3) of the 1983 Law. Simple arson (i.e. where life is not endangered) can be dealt with in the Magistrate's Court or the Royal Court, depending on the circumstances. Where the arson takes the aggravated form of the offence then a Royal Court trial is inevitable.

## Other provisions

Two other specific provisions within the 1983 Law should be mentioned. By Section 2 any person who without lawful excuse threatens to damage or destroy

<sup>6</sup> Commissioner of Metropolitan Police v *Caldwell* [1982] AC 341.

<sup>7</sup> *R v G and Another* [2003] UKHL 50.

property belonging to another or who threatens to destroy his own property in a way which he knows is likely to endanger the life of another commits an offence. In addition, Section 3 makes it an offence for a person to have in his custody or control without a lawful excuse anything that he intends to use, or to permit another to use, to destroy or damage property; this offence may be aggravated by any likelihood of endangerment to life. Examples of an offence under Section 3 would include being armed with firelighters and/or petrol with an intention to burn someone's car or being in possession of stones or rocks to break windows.

The Law also contains provisions that deal with attempts to cause damage, persons who aid or abet offenders and those who impede the arrest or prosecution of others who have committed a damage offence.

### Decision to prosecute

The Director of Prosecutions has advised that, as vandalism in any form is acknowledged to be anti-social, unpleasant and annoying, in the case of adult offenders the public interest is likely to require a prosecution when an offence is detected rather than some other form of disposal being followed, such as a caution. He has emphasised, however, that any decision whether to prosecute, or to continue a prosecution, is made on a case by case basis and will take into account such factors as the age of the offender, his previous offending record (if any), whether there has been an immediate acceptance of responsibility (perhaps with an offer to pay for or repair the damage), the amount of damage caused, as well as other appropriate factors.

### Sentencing

The Committee had invited the Courts to participate in this review but accepted the Bailiff's advice that it would be inappropriate for judges to contribute as it is important, particularly in a small community, that any such comments on policy or political issues should not be construed as an indication of bias. The Committee has also noted his advice that judges are governed by the relevant provisions governing the particular offence when determining guilt and, when sentencing,

must take account of the applicable sentencing parameters in exercising their judicial discretion.

H. M. Greffier has, by way of illustration, drawn the Committee's attention to guidelines set by the Court of Appeal in Guernsey in the area of drug trafficking offences, in particular, the judgment in 2002 in *Richards and others*.

In that judgment the Court of Appeal stated that: *"It cannot be stressed too strongly that this Court is not attempting to establish for the Royal Court some sort of inflexible code, which covers all of the issues involved in sentencing for such offences, some of which must as yet be unknown and incapable of anticipation. These are general guidelines only. Sentencing is always a matter for the court's discretion. It is an art and not a science."* Before dealing with the circumstances of each individual case, the judgment deals with generalities such as the appropriate starting point for sentencing, given the seriousness of the offence, and the consideration of potential mitigating factors including the submission of a guilty plea.

The Committee is grateful to H. M. Sheriff for his assistance in providing an informal overall summary of cases dealt with by the Magistrate's Court in 2008 to enable the Committee to gain a better understanding of the process.

The Committee understands that approximately 75 offenders appeared before the Magistrates Court in 2008 for criminal damage offences. A large number of these had also committed other offences at the same time as they committed the criminal damage. A range of measures, including imprisonment; community service orders; binding over for good behaviour; suspended imprisonment; youth detention; supervision orders; compensation and fines, was taken against the offenders, who may have committed multiple offences. Fines ranged between £140 and £750 and compensation orders between £30 and £2,000, the maximum level payable in that court under the Criminal Justice (Compensation) (Bailiwick of Guernsey) Law, 1990 with regard to criminal damage cases.



## Penalties

The maximum penalties that can be imposed for the various forms of criminal damage (including attempts) are as follows:

- Simple criminal damage - 10 years
- Threats to cause damage - 10 years
- Possession with intent to cause damage - 10 years
- Aggravated criminal damage - Life imprisonment
- Arson – Life imprisonment

## Recovery of fines

H. M. Sheriff described the fines collection process and explained that a fine usually has a default imprisonment sentence attached to it. Ideally, a fine awarded is collected in full following any hearing but, if a defendant is unable to pay at the time, the judge will ascertain what ability the offender has to pay and may allow some form of instalment plan or determine a date by which the fine must be paid. If no plan is agreed or the due date passes, an offender would be taken to prison to serve the default sentence awarded. Partial payments are accepted at the time of the court hearing with the remainder to be paid by instalments. In certain circumstances, for example, a visiting yachtsman, the judge will generally not allow the offender to leave the building until arrangements have been made from custody for the fine to be paid in full. Currently fines are paid in cash, by cheque or credit/debit card.

Payments plans agreed are reviewed constantly by H. M. Sheriff's staff, and when an instalment is missed attempts to contact the defaulter are made to see why a payment has been missed and to warn the offender of the consequences of their failing to pay the fine as ordered by the Court. Should an offender's circumstances have changed then, in most instances, the person will be required to attend a fine review court, which is held at the end of every month, to have their changed circumstances heard. The judge can then consider any proposal from the offender and rule accordingly. In certain circumstances the fine defaulter could be arrested there and then and taken to the prison to serve the default sentence. If a defaulter fails to present themselves before the review court then H. M. Sheriff will be authorised to arrest the

person and transmit them to the prison without any further reference to the Court.

Where practical, H. M. Sheriff's staff may give a defaulter some time to get back on track with their payments without them being referred to the fine review court. However, if, following a telephone call, a defaulter continues not to pay, then they will be served with a notice to attend a fine review court and then the same process as above will apply. In most cases, this administrative process tends to get most defaulters back on the payment track.

H. M. Sheriff has the authority to make an arrest of any fine defaulter at any time without reference to the Court, but in most circumstances he will try to have the court review a case before any such arrest, thus observing a person's right to have his circumstances heard in court before any prison sentence is implemented.

The published Annual Accounts for the States of Guernsey, for 2007<sup>8</sup>, show combined income of £765,845 for Court Fines and Fixed Penalties. It is not possible to identify how much of this sum is attributable to the imposition of fines as distinct from that from fixed penalties or the extent to which fines have been collected.

The published Annual Accounts for 2008<sup>9</sup> do not identify the equivalent figures. However, notes provided by the Office of H. M. Sheriff and H. M. Sergeant report that, of £332,000 of fines awarded, only £5,000 was left unpaid as of October 2009.

The Committee understands that, with the recent implementation of the system described above, the recovery rate for fines has improved dramatically and figures for 2008 quoted above bear this out. It is anticipated that most of the outstanding balances will be recovered throughout the year with the majority coming from those on benefit who pay in small instalments of, for example, £5 per week/month depending on ability to pay.

The Committee understands that there will always be a number of, for example, non-local, people who leave

<sup>8</sup> Billet d'État IX, June 2008.

<sup>9</sup> Billet d'État XVII, June 2009.

the Island having not paid their fine. However, H. M. Sheriff has advised that unpaid fines are not written off and, should he later become aware that the person has returned to the Island, action is taken.

### Compensation awards

The Criminal Justice (Compensation) (Bailiwick of Guernsey) Law, 1990 (referred to subsequently as '*The 1990 Law*') introduced general compensation legislation under which a court, including the Court of Alderney, can, in addition to dealing with an offender in any other way, make upon conviction a compensation order requiring him to pay compensation for any personal injury, loss or damage resulting from the offence(s) including any that are being taken into consideration<sup>10</sup>.

### Level of compensation

Section 1(2) of the 1990 Law provides that the level of compensation "*shall be of such an amount as the court considers appropriate having regard to any evidence and to any representations made by or on behalf of the accused or the prosecution*". A person may therefore be compensated for personal injury, losses from theft or damage to property or from fraud or from being off work, medical and other expenses and for pain and suffering. Having said that, criminal courts by long convention will not arbitrate where there is likely to be a lengthy or complex dispute over compensation. In cases of real dispute the issue is best resolved by a civil court. Furthermore, even where a criminal court makes an award of compensation, that does not preclude a victim from also pursuing a civil action to recover the full cost of the damage.

### Upper limit on compensation

Section 2(3) imposes in the Magistrate's Court a general upper limit that the court can award by way of compensation of £2000, or such other sum as the States may, from time to time, by Ordinance prescribe but in the Royal Court the amount is unlimited.

### Offender's means

Under Section 2(2), in determining whether to make a compensation order and, if so, the amount to be paid, the court shall have regard to the offender's means so far as they appear or are known to the court.

In the case of young offenders, if at the time of the commission of the offence the offender had not attained the age of 17 years the court may, and shall if the offender had not attained the age of 14 years, order, under Section 6(1), that the sum awarded be paid by the offender's parents or guardian unless they cannot be found or the court is satisfied that the parents or guardian had not conducted to the commission of the offence by neglecting to exercise due care of the offender.

### Priority for compensation

Another important provision is Section 1(5) which states that where the court considers "*(a) that it would be appropriate both to impose a fine and make a compensation order; but (b) that the offender has insufficient means to pay both an appropriate fine and appropriate compensation [it] shall give preference to compensation (though it may impose a fine as well)*".

### Recovery of compensation

The police will ascertain as a routine part of any investigation whether a victim is likely to be entitled to some form of compensation and, if so, ask to be provided with written details about the loss or damage sustained. The prosecutor will then, in appropriate cases, request compensation in court. In some cases a judge may even decide to award compensation when it has not been formally requested. Ideally, an offender will agree to pay the compensation in full straight away, do so, and that is the end of the matter.

By virtue of Section 2(4) a compensation award is recoverable as a civil debt. Offenders may elect to have compensation amounts recovered on a voluntary basis direct from their bank account, wages or benefit payments, as appropriate. Payment of compensation by credit card is also possible.

<sup>10</sup>The 1990 Law repealed in full Part II of the 1983 Law which was devoted entirely to Compensation Orders.

If payment is not forthcoming, a victim awarded compensation can request H. M. Sheriff to commence recovery and/or enforcement action on his behalf.

In the past, victims awarded compensation may not have known that H. M. Sheriff could assist in this way and also may not have felt confident in initiating civil proceedings themselves to pursue their award for fear of having to be in contact with the perpetrator of the offence.

Following consultation between H. M. Sheriff, the Police, the Law Officers, H. M. Greffier and the Judiciary, a process has now been introduced that makes sure all victims are aware of the service provided by H. M. Sheriff so that they can instruct H.M. Sheriff to commence enforcement action to recover the compensation ordered by the Court.

If immediate full payment cannot be secured, a voluntary instalment arrangement will be set up to pay monies to H.M. Sheriff who will arrange payment to the victim of the monies collected and monitor the position until full payment of the compensation ordered has been made.

In some instances, and where appropriate, a recommendation might be made that the victim should apply for an Arrest of Wages Order if the offender is employed. If the victim feels unable to face the prospect of a court case where he or she may need to confront the offender then H. M. Sheriff's staff may, in exceptional circumstances, represent the victim's claim for an arrest of wages in court as an extra-statutory arrangement.

For offenders under the age of 17 years, if payment can be achieved voluntarily from the offender (or their parents or guardian) then recovery action is instigated but if the offender is unable to make payments, then this is deferred until they reach the age of 17 years.

In cases where it is not possible to recover monies from an offender or to achieve some form of payment plan, the victim is informed of this in the form of a Sheriff's report and the case given a review date by H. M. Sheriff's staff.

H. M. Sheriff is able to arrest personal assets for sale by auction or public tender to recover the money in cases where the offender makes no offer to pay.

Offenders in prison are interviewed to see if payment is possible, and if not, the victim is informed and a review is set for a date prior to the offender's release. This reminds the offender of his obligation to pay the compensation at the earliest opportunity following release.

Where offenders have left the island without making payment, compensation orders are returned to the victim informing them that there is nothing further that can be done to secure compensation on their behalf. However, victims are informed that should they become aware that the offender has returned to the island, they can request further enforcement action to recover the compensation.

The published Annual Accounts for the States of Guernsey, for 2007<sup>11</sup>, accounts disclose no information with regard to the level of compensation orders made or the degree of success in collecting and forwarding such sums to the victims.

H.M. Sheriff has advised that some £13,500 was awarded in relation to criminal damage in 2008 and that the improved process for recovery described above is proving to be successful, albeit it is a time-consuming process for his staff whose powers are limited as they can only recover compensation as if it was a civil debt.

### Other vandalism offences

The Director of Prosecutions has advised that the 1983 Law is the principal legislation that is likely to be engaged in instances of vandalism. However, there are other legislative measures in place that may be invoked in appropriate circumstances. The most common of these others, and which in itself contains numerous and varied offences, is The Summary Offences (Bailiwick of Guernsey) Law, 1982, as amended. Offences committed under this legislation can include disorderly behaviour, unlawfully tampering with moorings, indecent displays.

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<sup>11</sup> Billet d'État IX, June 2008.

Other vandalism offences might be committed under, for example, the following laws:

- Refuse and litter offences under The Refuse Disposal Ordinance, 1959, as amended
- Driving on recreational areas under The Places of Recreation Ordinance, 1975
- Depositing litter in harbours under The Harbours Ordinance, 1989
- Causing/permitting water pollution under The Prevention of Pollution (Guernsey) Law, 1989
- Killing wild birds or disturbing eggs/nests under The Protection of Wild Birds Ordinance, 1949, as amended

### Youth offenders

The present position is that the Law Officers have very limited involvement in these cases. Where a detected offence has been committed by an identifiable juvenile, the police will refer the matter to the Youth Panel, which is a non-statutory multi-agency body on which the police, but not the Law Officers, sit, along with other relevant agencies. The Youth Panel will consider what it considers to be the most appropriate outcome, recommend accordingly and that recommendation is typically followed.

In future, when new legislation affecting children and young offenders<sup>12</sup> has come into force, it is likely that more juveniles will have their offending addressed in the Child Youth and Community Tribunal.

### Publication

H. M. Greffier has advised that the general principle is that the courts sit in public, and the records of decisions are on the public record, subject to a number of exceptions such as:-

- Offences which are 'spent' under the Rehabilitation of Offenders legislation;
- Offences by children and young persons;
- Offences against children and young persons – the Court has power to forbid publication of details;
- Family matters, especially where minors are concerned.

The most immediate form of publication of the Court's findings and of any penalties imposed on those convicted is through the media, print or broadcast.

### Alderney

The Chairman of the States of Alderney Policy and Finance Committee advised the Committee that: "*The Alderney Court has jurisdiction in all but the most serious cases of criminal damage although it is believed that a significant number of cases where an offender is identified are dealt with by way of a caution*".

The Committee understands that the maximum penalty within the Court's jurisdiction<sup>13</sup> is six months imprisonment or a fine not exceeding Level 5 on the Alderney uniform scale<sup>14</sup>, i.e. £10,000, or both, for any one offence. The maximum penalty which can be imposed on a person on any one occasion is imprisonment for terms which in aggregate do not exceed twelve months, or fines which in aggregate do not exceed twice Level 5 on the Alderney uniform scale, i.e. £20,000. It is understood that when any fine is imposed in Alderney, the prison sentence is always given as an alternative and used in default of payment of the fine.

If the Court of Alderney considers there is a *prima facie* case for the accused to answer but that the Court's sentencing powers are insufficient to deal with the offence, the case will be transferred to Guernsey for trial in the Royal Court sitting as an Ordinary Court.

The Court of Alderney is able to impose Community Service Orders<sup>15</sup> and Bind Overs. The court "*can 'bind over' a person to keep the peace instead of*

<sup>12</sup> On 30<sup>th</sup> January 2008 the States approved Projets de Loi entitled "*The Children (Guernsey and Alderney) Law, 2008*" and "*The Criminal Justice (Children and Juvenile Court Reform) (Bailiwick of Guernsey) Law, 2008*" for both of which Royal Assent is awaited.

<sup>13</sup> The Government of Alderney Law, 2004.

<sup>14</sup> The Uniform Scale of Fines (Alderney) Ordinance, 2007.

<sup>15</sup> The Criminal Justice (Community Service Orders) (Bailiwick of Guernsey) Law, 2006.

*imposing an immediate sentence, on condition that he does not re-offend within a certain time in default of which he will be sentenced both for the new and the old matter*<sup>16</sup>.

The Court of Alderney, unlike those in Guernsey, is not empowered to impose Supervision Orders on juvenile offenders<sup>17</sup>. Neither can Probation Orders be imposed in Alderney, as the Probation of Offenders Law, 1929 does not extend to Alderney. However, under a separate Bailiwick law<sup>18</sup>, the Court of Alderney can impose a Suspended Sentence Supervision Order (SSSO). Where a court passes a suspended sentence on an offender, i.e. a prison sentence of a set period but suspended for a period of time up to three years, the court may, in addition, make a SSSO placing the offender under the supervision of a probation officer.

A person under such supervision, who may be an adult or young offender, is required to comply with any requirements specified in writing by the Home Department, for example, where the offender lives, and any failure to comply may itself be a further offence. Not all suspended sentences will have a SSSO attached and the Committee understands that such orders are usually used only in more serious offences.

Under SSSOs, as also with Probation Orders in Guernsey, probation officers undertake 'offending behaviour work' with offenders such as cognitive behavioural and attitude challenging sessions on a regular basis, usually weekly. A Community Service Order does not involve 'offending behaviour' work as such, although Probation Service staff lead by example and are thus a 'pro social' influence, but is, more simply, a punishment of time and effort.

The Committee understands that a review into increasing maximum penalties is currently under way and will be placed before the States of Alderney.

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<sup>16</sup> [www.guernseybar.com](http://www.guernseybar.com).

<sup>17</sup> Section ten of The Children and Young Persons (Guernsey) Law, 1967 does not apply in Alderney.

<sup>18</sup> The Criminal Justice (Suspended Sentence Supervision Orders) (Bailiwick of Guernsey) Law, 1984.

## APPENDIX IV – MANAGEMENT OF PUBLIC PROPERTY

Occurrences of Vandalism	Policy and Procedures	Cost and Implication
<b>Commerce and Employment Department</b>		
<b>Properties managed:</b> 7 sites including Raymond Falla House, the Dairy and Home Farm		
Low level of incidents. Damage to car park lights and signage at Raymond Falla House; large open car park area has also been subject to a small amount of wear and tear damage to low wall copings from skateboarding.	No formal procedures in place. Any substantial incident would be reported to the Police. Normal maintenance programme (replacing lights, signage etc) practiced. Committed to reviewing security at all sites.	Estimated total cost of dealing with vandalism over the past two to three years: no more than £1,000.
<b>Culture and Leisure Department</b>		
<b>Properties managed:</b> Over 80 sites including Guernsey Museum and Art Gallery, Castle Cornet, Fort Grey, Beau Sejour, Footes Lane, Delancey Park, numerous smaller sites		
One major incident involved arson at the changing rooms at La Vallette.		Cost: £7,200 and facility was unavailable for about six weeks. Costs were mostly covered by insurance.
Graffiti on the Department's historic sites (occasional)	Usually dealt rapidly with by Department's staff. Limited impact on delivery of service to the public.	Estimate of the annual cost of dealing with vandalism, including staff time and repairs (excluding exceptional incidents, e.g. La Vallette) would be in the order of £2,000.
Vandalism to public toilets (occasional)	Reduced opening times of toilets, usually to coincide with particular events or during periods when members of staff are available on-site.	Such restrictions can be an inconvenience to the public.
An incident involving damage at Beau Sejour (captured on CCTV).	CCTV operates within Beau Sejour and surrounding areas; vandalism and anti-social behaviour have been reduced meaning substantial savings in repairs and other operational costs (e.g. private security personnel are no longer required).	One of three suspected perpetrators was successfully prosecuted, ordered to do 25 hours community service and pay £200 in damages towards the total cost of £600.

Occurrences of Vandalism	Policy and Procedures	Cost and Implication
	Vandal resistant materials, night-lights with motion sensors and occasional special constable patrols used at sites where CCTV is not practical or too expensive.	
	Vandalism is reported to the Police. Immediate risks are dealt with (to mitigate the risk of further potential loss) and States' insurers are involved when appropriate	
	Media attention is not sought unless there is merit in so doing. Risk management procedures reviewed after an incident to consider whether any improvements could be made.	
	Department considers that there to be a positive correlation between the amount of vandalism and the condition of a particular property, thus looks to continually maintain its property (vehicles which appear to have been abandoned in its public car parks are especially at risk of vandalism and the Department has a general policy of working with the Police for their prompt removal)	
<b>Education Department</b>		
<b>Properties managed:</b> Primary and Secondary schools, special needs, College of Further Education sites, Princess Royal Performing Arts Centre, Department's main offices at La Couperderie.		
Largest single problem is broken windows with infrequent instances of broken garden furniture, broken gutters and broken bottles. Graffiti is a very limited problem.	Deals with incident as soon as possible (if problem is left - tends to encourage more, almost as a competition between the perpetrators). Department recently installed CCTV at some of its properties which will require time to evaluate if this is a successful deterrent.	The Department estimated that annual expenditure on dealing with vandalism was in the order of £5,000 to £10,000 with some 75% being spent on glass replacement.

Occurrences of Vandalism	Policy and Procedures	Cost and Implication
In a school, taps had been rotated by force so that water was directed to the side of the sink, leading to localised flooding of the toilets and seepage into adjacent corridors. Incident was not reported to the Police.		
<b>Environment Department</b>		
<b>Properties managed:</b> Natural and semi-natural environment of States-owned land including sites of nature conservation importance, cliff paths, beaches and headlands, Lihou Island, other public areas, parks, gardens and plantations, States-owned bus fleet and bus shelters, display boards, traffic signs, installations and road markings.		
Vandalism is not common on the beaches and cliff paths or Lihou Island (damage is generally not malicious and often not intentional).	Large and varied number of areas makes monitoring and protecting against vandalism time consuming, costly and in some cases makes stringent monitoring unfeasible.	
Beach barbeques present a problem with individuals and groups often leaving litter behind, and the public often bring glass containers onto the beach which can be hazardous.		The Environmental Services Unit is responsible for clearing barbeques and litter which can be costly and time consuming, particularly on weekends (Department has a contract with States Works for beach cleaning: call-outs at the weekend can cost up to £150).
Considerable damage had been caused to beaches by vehicles, especially 4x4's.	The Places of Recreation Ordinance, 1996 prohibits the driving of vehicles in places of recreation (i.e. beaches, cliff paths, and various beaches) without prior permission during the summer months.	Damage often occurs on vulnerable sand dunes by 4x4s and has problematic environmental, rather than financial, implications.
The removal of life buoys and Perry lines from beach areas (one of the more serious acts of vandalism).		Potential threat to the safety of water users. Approx. £1,125 had been spent in eighteen months (buoy £26, Perry line £15, installation £80).



Occurrences of Vandalism	Policy and Procedures	Cost and Implication
Saumarez Park and in particular the playground has experienced a greater degree of vandalism than any other area managed by the Department.	It is difficult to identify perpetrators therefore no compensation for damage has been received.	2006: approx. £2,000 worth of damage to Saumarez Park playground in one night. Damage to the perimeter fence required at least six repairs in 2008 (repairing small fence sections usually costs £50-£200) and a seesaw was broken twice costing between £300 and £400. It costs up to £150 to clear glass.
Damage to and/or destruction of planted baskets in St Peter Port is prolific. Vandalism to trees is minimal.		Number of baskets ordered is double what should be required. Negligible damage or costs to trees in either environmental or financial terms.
Damage to planted areas (probably due to a lack of respect rather than wilful destruction).		Replanting these areas is both expensive and time consuming.
There have been each year approx. 12 to 15 incidents of smashed panes of glass at bus shelters. Some graffiti damage to the Perspex fronts to timetable display boards, but not widespread problem. Minimal damage to the bus fleet itself.	Perpetrators are rarely caught and damages are rarely recovered.	Department has a "Bus Shelter Maintenance" budget to allow for cleaning and vandalism. On average £6,000 a year is spent making repairs to damaged bus shelters.
Vandalism to traffic signs, bollards, traffic signals, mirrors and road markings is common.		Could have potential road safety implications for the public. In 2008, approx. 25 new mirrors were ordered at an average cost of £220. Cost of vandalism to signs, bollards, traffic signals and road markings is in the region of £5,000 per annum (although cost of labour is covered under Agreement with States Works).

Occurrences of Vandalism	Policy and Procedures	Cost and Implication
<b>Health and Social Services Department</b>		
<b>Properties managed:</b> Responsible for a number of major sites in both Guernsey and Alderney including hospitals, community homes, staff residential accommodation and other specialist facilities		
No vandalism or criminal damage on or to any of its premises for at least 8 years (other than occasional incidents in A&E which might result in some equipment being damaged)	Comprehensive CCTV system on principal sites which acts as a deterrent to criminal activity. Procedures in place for dealing with any incidents and all of its porters are Special Constables which, whilst on the Department's premises, gives them the same powers as the Police (with whom they liaise closely)	
<b>Home Department</b>		
<b>Properties managed:</b> Police, Prison, Fire and Rescue, Customs and Immigration, Probation Services		
Very little vandalism. On occasion Police vehicles or equipment have been subject to criminal damage in the course of officers' duties.	Any incidents of vandalism or graffiti found in prisoner accommodation are removed immediately. Such acts are dealt with through the Incentive Earned Privilege Scheme whereby prisoners exhibiting undesirable behaviour receive a formal warning; persistence may lead to loss of privileges.	
	Police and Fire and Rescue Service premises are permanently occupied and covered by CCTV. When occasional damage has been done to property (e.g. to the custody suite) identified offenders are charged and, if convicted, a compensation order for the cost of repairs will be sought. <sup>19</sup>	

<sup>19</sup> In one such case, the offender 'tagged' their name on the cell door, thereby assisting with identification.

Occurrences of Vandalism	Policy and Procedures	Cost and Implication
<b>Housing Department</b>		
<b>Properties managed:</b> 1,800 units of social rented housing, 2 residential homes: Longue Rue House and Maison Maritime.		
Vandalism often occurs on housing estates occupied by families, in particular on larger estates such as Grand Bouet and Les Genats. Vandalism is not a problem at the residential homes, or on housing estates occupied predominantly by older people.	All incidents of vandalism are reported to the Police (except in cases where the vandalised property is empty and due for demolition or where the perpetrator cannot be identified). Department will seek to recover the costs of repairing the damage caused, either from the perpetrator themselves or, if they are under age, from the tenant of the property.	In 2007, the Property Management section contracted for 439 repair jobs relating to vandalism such as graffiti, broken windows and damaged brickwork, at a cost of approx. £31,000. In 2008, there were 536 repair jobs at a cost of approximately £33,300. Any additional costs associated with loss of rent would be harder to quantify. <sup>20</sup>
	Housing ensures properties and estates are kept in good order, employing a team of property managers and inspectors who monitor estates for criminal damage.	Vandalism has not led to severe disruptions of service (for tenants) although on more than one occasion play areas have been closed for repairs. Responding to vandalism places additional pressure on members of staff who need to organise repairs, carry out multiple site visits, liaise with the Police and take steps to secure back the repair costs.
	Under the terms of the statutory tenancy agreement, tenants are obliged to "make good any damage to the property or to the Estate caused by the Tenant or any member of the household or any visitor to the Property ... and to pay any costs incurred by the Department rectifying the damage." <sup>21</sup>	

<sup>20</sup> The Department advised that dedicated records on vandalism and criminal damage are not kept.

<sup>21</sup> Department was unable readily to provide data on the amount of costs recharged to tenants in such circumstances or on the sums so recovered.

Occurrences of Vandalism	Policy and Procedures	Cost and Implication
<b>Public Services Department</b>		
<b>Waste Disposal</b>		
<b>Properties managed:</b> Waste Disposal sites at Mont Cuet, Longue Hougue, Chouet, the Waste Segregation facility at Fontaine Vinery, the Waste Recycling Facility at Longue Hougue		
Few problems had been experienced at States Works' Landfill and Recycling sites. Fontaine Vinery had some minor incidents during school holidays; Longue Hougue had fencing panels broken which needed replacement. There have also been some break-ins and theft at the site.	All sites are secured to a high standard (with security personnel in some instances) which has reduced the potential for vandalism. All sites had, or were planned to have, CCTV and alarm systems.	
<b>Guernsey Water</b>		
<b>Properties Managed:</b> (over 40 sites) treatment plants, pumping stations, storage and service reservoirs, offices and operational buildings.		
Very few incidents of vandalism in recent times (occasional graffiti on a building wall).	Constantly reviews measures to ensure a good level of safety, security and restricted access to its sites.	Any vandalism could potentially have severe consequences (e.g. if it involved contamination of the water supply).
<b>Guernsey Harbours</b>		
<b>Properties Managed:</b> (160 premises on the harbours of St Peter Port and St Sampson, ranging from a fisherman's store to St Peter Port Harbour Terminal).		
An increased number of incidents recently including: graffiti, broken windows, smashed toilets, smashed planters, rubbish bins being set alight, items being thrown into the harbour, broken seating and broken glass.	Network of CCTV cameras used in conjunction with the Home Department and 20 Special Constables (whose duties include security patrols on all harbour land). It is policy to clear up and repair any damage as quickly as possible to minimise any negative impact. Maintenance call-out team deals with acts of vandalism (which are now all reported to the Police).	Guernsey Harbours has prosecuted one vandal who was found guilty and ordered to pay £150 in compensation. Annual costs in dealing with vandalism: approx. £5,000.

Occurrences of Vandalism		Policy and Procedures	Cost and Implication
<b>Guernsey Airport</b>			
Some remotely situated buildings on the north side of the runway have experienced minor damage; the Airport Fire Service Training Ground equipment has been subject to graffiti; incidents of skateboard have caused damage to the Terminal Building.		Patrolling security staff reduces the risk of vandalism, plus improved physical security of the buildings – security bars, intruder alarms, night security patrols expanded. Regular security sweeps on the airside has helped the vandalism 'hotspots'. Police have been asked to monitor the forecourt CCTV cameras and to respond to vandalism.	One incident involving the wanton flattening of fencing at the 'Spotters Car Park' (before CCTV was installed) incurred a cost of £200. Repairs are made by the Airport's maintenance team, funded from a budget for damage to premises and apparatus.
<b>States Works</b>			
There have been few vandalism problems.		Buildings are behind locked gates and secured by CCTV.  The policy is to contact the Police immediately if an incident occurs.	In 2006 2 windscreens of sewage tankers were smashed while parked at Griffiths Yard (cost: £1,200). In 2007, a ride-on mower was destroyed at Burnt Lane dept (cost: £15,000). In 2009, windscreens, lights were smashed, hydraulics damaged and tyres slashed on a States Works tractor at the former Belgrave Vinery site (cost: £2,000).
<b>Social Security Department</b>			
<b>Properties Managed:</b> Occupies Edward T. Wheadon House in Le Truchot			
Occasional vandalism, e.g. 3 instances of a smashed glass panel in a staff door at Edward T Wheadon House.	All incidents are reported to the Police.		These incidents of smashed glass did not affect service to the public (but cost around £350). Department's caretaker or private contractors will often make the repairs which will be funded by the Guernsey Insurance Fund. In one case the perpetrator was identified using CCTV footage, prosecuted, fined and ordered to repay the Department the damage costs of about £270.

Occurrences of Vandalism	Policy and Procedures	Cost and Implication
<b>Treasury and Resources Department</b>		
<b>Properties Managed:</b> Over 140 buildings and 160 other structures and land parcels, the majority of which are open to the public, including 31 public convenience blocks and 16 kiosks at various locations.		
Susceptible to vandalism. Approx. 40 properties are unattended and 'soft' targets for vandals.	Measures to prevent incidents incorporated into design and maintenance.	Matter of increasing concern to Treasury. Most incidents occur in the 'early hours' and is therefore difficult to apprehend perpetrators.
Public toilets and kiosks tend to suffer from vandalism on a regular basis but especially during the school holidays, with 33 cases in 2005; 59 in 2006; 89 in 2007 and 76 in 2008, 90 incidents in late July 2009. The number of incidents to kiosks had fallen from 9 cases in 2005 to 4 in 2006 and none in 2007. However, there were 7 cases in 2008.	Incidents to the Police are reported; however, conviction is rare.  Department works closely with the Crime Prevention Panel and have significantly reduced the number of kiosk incidents through installation of minor remote dial out sensors that activate upon forced entry. Anti-vandal paint has also been used.	Nearly all of these incidents to public toilets and kiosks cannot be claimed against the insurance excess of £750.  Cost of damage to public conveniences total cost of approximately £64,000 2005-2008 and almost £9,500 in 2009. The total cost of repairs to kiosks over the four years was in excess of £16,000.  Cost of repairs reduces the possibility to improve facilities and means that they are left out of operation for a period.
Public toilets are a target for damage by fireworks during late October and early November. In November 2005 the Moulin Huet toilets were set on fire using fireworks.	The Moulin Huet public conveniences are locked during the evenings in this period.	£5,000 of damage was caused to the Moulin Huet toilets. Locking the public conveniences since cost £3,000.
In May 2009, public toilets on the Crown Pier were vandalised for the third time since a £30,000 refurbishment had been completed earlier that month. Two toilet pans were smashed, locks broken and cubicle doors torn from their hinges.	Department issued press release.	Toilets are locked and repairs likely to cost thousands of pounds. States Property Services explained in a press release that the toilets "were vandalised on the night the [major refurbishment] was finished and whoever is doing it keeps coming back for more. We can't tolerate this behaviour – or the cost of it. [...] This kind of thing really makes us wonder if it's worth making these improvements for the public."
An incident of criminal damage to the Markets Building.		Reimbursement was awarded by the court.

Occurrences of Vandalism	Policy and Procedures	Cost and Implication
Problems at St John's Residential Home at Saumarez Park in the evenings associated with building works.	The Department placed security guards at St John's Residential Home.	
Le Foulon Cemetery suffered damage in 2007 and 2008		Cost of £1,500
In September 2008, criminal damage was caused to the revolving doors to the Royal Court building.		Offender sentenced to a month in prison and ordered to pay £2,000 compensation. Cost of repairs: £4,193.
The cleaning of Liberation Monument for Liberation Day 2009 was more expensive because of skateboarding to the site.	Department issued press release.	Cost about £5,000, including the removal of dirt, oil, skateboard wax and chewing gum. Granite slabs need to be repaired and relaid.

## APPENDIX V – CRIMINAL DAMAGE AND ARSON STATISTICS

2005 – 2008

GUERNSEY								
Offence	Reported	%	Detected	%	No Crime	%	Outstanding	%
<b>2005</b>								
Criminal Damage	884	25.5	153	17.3	22	2.5	709	80.2
Arson	37	1.1	3	8.1	3	8.1	31	83.8
Total All Offences 2005	3,465	100.0	992	28.6	148	4.3	2,325	67.1
<b>2006</b>								
Criminal Damage	1,051	30.8	183	17.4	49	4.7	819	77.9
Arson	45	1.3	1	2.2	5	11.1	39	86.7
Total All Offences 2006	3,411	100.0	1,031	30.2	275	8.1	2,105	61.7
<b>2007</b>								
Criminal Damage	977	32.3	181	18.5	45	4.6	751	76.9
Arson	59	2.0	3	5.1	2	3.4	54	91.5
Total All Offences 2007	3,024	100.0	880	29.1	235	7.8	1,909	63.1
<b>2008</b>								
Criminal Damage	812	30.8	100	12.3	11	1.4	701	86.3
Arson	33	1.3	2	6.1	0	0	31	93.9
Total All Offences 2008	2,639	100.0	756	28.6	98	3.7	1,785	67.6

ALDERNEY								
Offence	Reported	%	Detected	%	No Crime	%	Outstanding	%
<b>2005</b>								
Criminal Damage	27	34.2	2	7.4	2	7.4	23	85.2
Arson	1	1.3	-	-	-	-	1	100.0
Total All Offences 2005	79	100.0	21	26.6	10	12.7	48	60.8
<b>2006</b>								
Criminal Damage	34	42.5	0	0.0	2	5.9	32	94.1
Arson	-	-	-	-	-	-	-	-
Total All Offences 2006	80	100.0	7	8.8	9	11.3	64	80.0
<b>2007</b>								
Criminal Damage	60	47.2	6	10.0	3	5.0	51	85.0
Arson	-	-	-	-	-	-	-	-
Total All Offences 2007	127	100.0	25	19.7	6	4.7	96	75.6
<b>2008</b>								
Criminal Damage	34	47.2	3	8.8	1	2.9	30	88.2
Arson	1	1.4	0	0	0	0	1	100.0
Total All Offences 2008	72	100.0	17	23.6	3	4.2	52	72.2

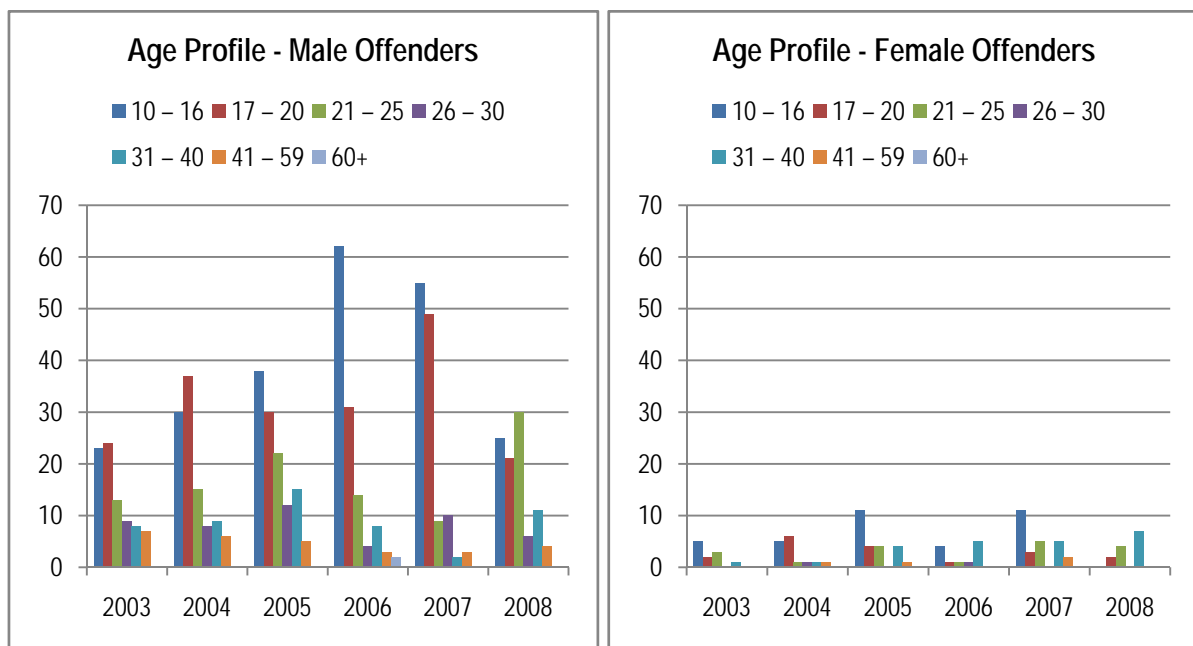
Source: States of Guernsey Police Annual Reports 2005 to 2007. Provisional figures for 2008.



## AGE AND GENDER PROFILE OF OFFENDERS

2003 – 2008

Age of Offenders	2003		2004		2005		2006		2007		2008	
	M	F	M	F	M	F	M	F	M	F	M	F
10 – 16	23	5	30	5	38	11	62	4	55	11	25	0
17 – 20	24	2	37	6	30	4	31	1	49	3	21	2
21 – 25	13	3	15	1	22	4	14	1	9	5	30	4
26 – 30	9	0	8	1	12	0	4	1	10	0	6	0
31 – 40	8	1	9	1	15	4	8	5	2	5	11	7
41 – 59	7	0	6	1	5	1	3	0	3	2	4	0
60+	0	0	0	0	0	0	2	0	0	0	0	0
Sub-total	84	11	105	15	122	24	124	12	128	26	97	13
Total	95		120		146		136		154		110	



Source: States of Guernsey Police

The States are asked to decide:-

XVI.- Whether, after consideration of the Report dated 15<sup>th</sup> September, 2010, of the Scrutiny Committee, they are of the opinion:-

1. To note the Scrutiny Committee's review entitled "*Investigating Vandalism*" as Appendix C to that Report.
2. To note the monitoring report including Departments' initial responses to the recommendations, as set out in Appendix A to that Report.

***STATUTORY INSTRUMENTS LAID BEFORE THE STATES***

**THE POLICE (PROPERTY) REGULATIONS, 2010**

In pursuance of section 2 (7) of the Police Property and Forfeiture (Bailiwick of Guernsey) Law 2006, the Police (Property) Regulations 2010 made by the Home Department on 10<sup>th</sup> August, 2010, are laid before the States.

EXPLANATORY NOTE

These Regulations make provision for the sale and application of the proceeds of sale, or the retention, by the Home Department of unclaimed property in the possession of police where such property has come into the possession of police in connection with their investigation into a suspected offence or property used for the purposes of crime which has been forfeited by a court after conviction. These Regulations come into force on 16<sup>th</sup> August 2010.

**THE TOBACCO ADVERTISING (GUERNSEY) REGULATIONS, 2010**

In pursuance of section 3(2)(c) of the Tobacco Advertising (Guernsey) Law, 1997, the Tobacco Advertising (Guernsey) Regulations, 2010 made by the Health and Social Services Department on 10<sup>th</sup> August, 2010, are laid before the States.

EXPLANATORY NOTE

These Regulations set out requirements relating to written and pictorial warnings for tobacco products.

In setting requirements for pictorial warnings on tobacco packets, these Regulations implement Article 5.3 of Directive 2001/37/EC of the European Parliament and of the Council of 5th June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ No. L 194 18.7.2001, p. 26) under which Member States may require the picture warnings on the back of tobacco packets to be in the form of coloured photographs.

A CD with the required images and a European Commission guidance document on editing the images is available from the relevant authorities and initial requests or queries can be addressed to the Health and Social Services Department.

These Regulations come into force on the 17<sup>th</sup> of August, 2010, but transitional provisions are made for existing packets to be sold or offered or exposed for sale within the next year (in the case of cigarette packets) or within the next 2 years (in the case of any other packets).

**THE MISUSE OF DRUGS (MODIFICATION NO 3) ORDER, 2010**

In pursuance of section 30 of the Misuse of Drugs (Bailiwick of Guernsey) Law 1974, the Tobacco Misuse of Drugs (Modification No 3) Order, 2010 made by the Health and Social Services Department on 10<sup>th</sup> August, 2010, is laid before the States.

## EXPLANATORY NOTE

This Order adds a further group of cathinone derivatives (including naphthylpyrovalerone, commonly known as naphyrone) to Part II of the First Schedule to the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974. The result is that these derivatives would now become "Class B" controlled drugs.

This Order also adds these derivatives to Schedule 1 to the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 ("1997 Ordinance"), as there is no known medicinal use for them.

Finally, this Order corrects typographical errors in the 1997 Ordinance.

**THE FINANCIAL SERVICES COMMISSION (BAILIWICK OF GUERNSEY)  
(AMENDMENT) REGULATIONS, 2010**

In pursuance of section 21 (4) of the Protection of Investors (Bailiwick of Guernsey) Law, 1987, section 60 (1) of the Banking Supervision (Bailiwick of Guernsey) Law, 1994, section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002, section 63 of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002 and section 31 of the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008, the Financial Services Commission (Bailiwick of Guernsey) (Amendment) Regulations, 2010 made by the Guernsey Financial Services Commission and the Policy Council on 3<sup>rd</sup> September, 2010, are laid before the States.

## EXPLANATORY NOTE

These Regulations amend the definitions of the expression "the regulatory Laws" in the Protection of Investors (Bailiwick of Guernsey) Law, 1987, the Banking Supervision (Bailiwick of Guernsey) Law, 1994, the Insurance Business (Bailiwick of Guernsey) Law, 2002, the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002, the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008, and the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2000 so as to include references, in each of those Laws, firstly to all the other regulatory Laws administered by the Commission, and secondly to the Financial Services Commission (Bailiwick of Guernsey) Law, 1987.

**THE POLICE POWERS AND CRIMINAL EVIDENCE (REVISED CODE OF  
PRACTICE E) (BAILIWICK OF GUERNSEY) ORDER, 2010**

In pursuance of section 74 (4) of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003, the Police Powers and Criminal Evidence (Revised Code of Practice E) (Bailiwick of Guernsey) Order, 2010 made by the Home Department on 20<sup>th</sup> September 2010 is laid before the States.

## EXPLANATORY NOTE

This Order brings into operation Revised Code E, the *Code of Practice for Audio Recording*

*Interviews With Suspects* (October 2010). A provision in Revised Code E revokes the existing Code E, *the Code of Practice for Tape Recording Interviews With Suspects* (published February 2004), and this Order also revokes the paragraph in the Police Powers and Criminal Evidence (Codes of Practice) (Bailiwick of Guernsey) Order, 2004 that brings into operation the existing Code E.

This Order and Revised Code E has effect from midnight of the 1<sup>st</sup> October, 2010.

*APPENDIX*

**COMMERCE AND EMPLOYMENT DEPARTMENT**

**OUR ANNUAL REPORT AND AUDITED ACCOUNTS 2009**

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

6<sup>th</sup> September 2010

Dear Sir

I enclose a copy of the Annual Report and Accounts 2009 of the Office of Utility Regulation and would be grateful if you would arrange for it to be published as an Appendix to the November 2010 Billet d'Etat.

Yours faithfully

C S McNulty Bauer  
Minister

# The Office of Utility Regulation

## Annual Report and Accounts 2009



## Office of Utility Regulation

24th August 2010

Deputy Carla McNulty Bauer  
Minister for Commerce and Employment  
Raymond Falla House  
Longue Rue  
St Martins  
Guernsey  
GY4 6AF

Dear Deputy McNulty Bauer,

I am pleased to submit this report on the activities of the Office of Utility Regulation for the period 1st January 2009—31st December 2009.

In accordance with Section 8 of the Regulation of Utilities (Bailiwick of Guernsey) Law 2001, I would be grateful if you would present this report to the States of Guernsey.

Yours sincerely,



John Curran  
Director General





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## Director General's Report

I am pleased to submit the 2009 Annual Report for 2009 to the States of Guernsey.

In 2009 the OUR's work was again focused on increasing competition where it is sustainable and ensuring consumers are able to get competitively priced utility services at a quality that meets their needs. Providing keenly priced utility services is an important goal in the current economic climate, both from an individual consumers' perspective but also in the wider context of supporting the competitiveness of Guernsey's economy.

While regulation has a clear role to play in achieving this aim, competition in the provision of services is a much more effective tool. Competition in the provision of services helps make firms more efficient and more productive. Competitive markets also benefit consumers by driving innovation and improving quality of service.

In telecoms, 2009 saw further competition introduced to the mobile market with the licensing of C&W Guernsey to provide 3G services. In addition, our decision to relax rules on spectrum use and further steps to encourage mast sharing, has resulted in much more competitive pricing for all mobile customers. Mobile packages from all operators now offer far greater bundles of calls and texts for cheaper prices than existed in 2008. It is clear that the introduction of Mobile Number Portability, which allows mobile customers to change provider quickly and free of charge, has driven the mobile operators to respond. This is clear evidence of competition benefiting consumers.

The decision by the States of Guernsey in July 2009 to approve the introduction of competition legislation is further acknowledgement that a competitive economy, with fair and robust competition between firms, is very much in the best interest of consumers and the economy.



Work to develop the detail of the competition regime is progressing and we are working closely with the Jersey Competition Regulatory Authority to ensure the two Island's competition regimes are as closely aligned as possible. It is hoped that the funding needed to implement the legislation will be made available in the near future.

The OUR's proposals to increase competition, in limited circumstances, in the postal market were finalised in December 2009. While these proposals were initially appealed to the Royal Court, I am pleased that we have now reached agreement with Guernsey Post on a constructive way forward.

This Office fully recognises the importance of a sustainable, high quality postal service. It is a key enabler of economic activity, both directly and indirectly. It is also a key social service, allowing friends and family to stay in touch.

It must be recognised however that the way in which business and individuals communicate is changing. In 2001 that the States agreed the current scope of the Universal Service Obligation that Guernsey Post is required to provide. Since then the wider communications market has changed beyond recognition. It is a failure to adapt to these changes that poses the greatest threat to the sustainability of a universal service.

I am hopeful that the constructive discussions we have had recently with Guernsey Post, and the very real steps it is taking in partnership with its staff, will help meet the challenges the postal industry is facing.

## Director General's Report

It is now recognised from postal markets where liberalisation has occurred that competition can actually support the universal service by accelerating efficiency savings, by encouraging innovation and by stimulating a debate on which parts of the postal service we as consumers place most value. With traditional mail volumes predicted to fall further in future years, being proactive in objectively reviewing what we need from our postal service will be critical in ensuring a strong, robust, efficiently provided postal service for the future.

The global energy market remained volatile during 2009, although energy prices have fallen back from the high levels seen in 2008. In October 2009, Guernsey Electricity requested a review of its current price control (due to expire in March 2011). As part of that request, the company has altered significantly its investment programme, which has the potential to result in significantly increased tariffs for all electricity customers.

While the OUR accepts the current funding arrangements for capital expenditure (the 'Save to Spend' approach) is the States' preferred model, it is an issue that would benefit from an objective debate as to whether it remains the most effective means of delivering the Island with a high quality, keenly priced electricity supply. I recognise the sensitivity around this issue but the current approach has the potential to significantly disadvantage electricity customers when equally effective alternatives remain available but unused.

Looking forward, the key development is the continuing efforts to work more closely with Jersey. Combining the roles of Director General of the OUR with the role of Executive Director of the Jersey Competition Regulatory Authority is a very exciting development.

It is a recognition of, and a response to, the calls across both Islands for greater co-operation, where such co-operation can clearly be of benefit to businesses and consumers.

The OUR and the JCRA work closely together on projects in the regulated sectors and the opportunity to make such co-operation deeper has the potential to realise real benefits for business and consumers. Both organisations will of course remain accountable to their respective Governments. However within this framework the potential for progress is, I believe, significant. The support of the Board of the JCRA, the Commerce & Employment Department and the Economic Development Department in Jersey for this initiative is very much appreciated.

I would like to acknowledge the continued hard work and support of our Audit, Risk and Remuneration Committee (ARRC) for its assistance and advice. The report of the Chairman of the ARRC is included in this report and details the wide range of areas it has addressed over 2009. I would also like to thank the staff at the OUR for their continued professionalism and support, without whom the successes achieved to-date would not be possible. The OUR is a small professional team which works extremely diligently to ensure the three utility sectors deliver value for consumers.

The OUR will continue to champion the interests of consumers to ensure they receive the best in price, choice and quality for the services they receive from the companies regulated by this Office. Ensuring utility services are provided efficiently and at affordable levels will remain an important goal for the OUR.



John Curran  
Director General



## 2009 in Brief

### January

Deadline extended for expressions of interest in Broadband Fixed Wireless in Guernsey;

Information note published on electricity price increase and a review into GEL's customer billing practices;

Information note published on Maximum Re-sale price of electricity in Guernsey.

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### February

OUR publishes Telecommunications Market Data report January—June 2008.

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### April

Final Decision published on Mobile Market Review;

Consultation Document published on Competition in the Mobile Telecoms Market and the possibility of a further licence award;

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### May

Final Decision published on reduction in Mobile Termination Rates.

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### June

Final Decision published on Competition in the Mobile Telecoms Market and a further licence award.

Consultation Document issued on C&WG's Reference Offer and Interconnection Rates.

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### July

Register of mobile phone operator mast sites and audit of emissions from sites published;

### July

Proposals to modify Airtel-Vodafone's 2G Mobile Licence published;

Telecommunications Market Data report July—December 2008 published;

Statutory invitation to comment issued on amendment to C&WG's Mobile Licence;

Decision issued on amendment to Airtel-Vodafone's 2G Mobile Licence;

Decision issued on amendment to C&WG's Mobile Licence.

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### August

Consultation paper issued on Guernsey Post Ltd's proposed Tariff changes;

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### September

OUR publishes information notice on buy-back rate review;

OUR commences review of Guernsey Electricity Ltd's approach to billing customers.

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### October

OUR publishes draft decision on C&WG's Reference Offer and Interconnection Rates;

Draft Decision published on Guernsey Post Ltd's proposed tariff changes.

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### December

Final Decision published on Guernsey Post Ltd's proposed tariff changes.



# The Guernsey Regulatory Environment

The States of Guernsey has set out the regulatory framework for telecommunications, post and electricity sectors in various Laws and Orders that were made in 2001 and 2002.

The States has also issued a number of Directions to the Director General of Utility Regulation that develop States policy in more detail. The OUR, which was established in 2001, is charged with implementing that policy and regulating in the best interests of the Bailiwick.

## Legislation

The principal piece of regulatory legislation is the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 (as amended), which establishes the OUR, sets out the governing principles of the Office and allows the States to assign further functions to the Office over time. Three other key laws are:

- The Telecommunications (Bailiwick of Guernsey) Law 2001;
- The Post Office (Bailiwick of Guernsey) Law 2001; and
- The Electricity (Guernsey) Law.

Where empowered to do so, the Director General has also introduced regulations and orders. Texts of all relevant legislation can be found on the OUR website at [www.regutil.gg](http://www.regutil.gg).

## States Directions

The Regulation Law provides that the States of Guernsey may give States Directions to the Director General on certain specific issues in each of the sectors.

Directions issued to-date have addressed issues such as the identity of the first licensee in each sector to be granted a licence with a universal service obligation, the scope of a universal service or minimum level of service that all customers in the Bailiwick must receive and any special or exclusive rights that should be granted to any licensee in any of the sectors.

The States debated and agreed policy directions in relation to all three sectors in 2001. The full text of the directions that were in place in 2008 is included in Annex A to this report, in accordance with Section 8 of the Regulation Law.



## The OUR Team

### John Curran, Director General

John has been Director General of Utility Regulation since February 2005 and has recently been appointed as Executive Director of the Jersey Competition Regulatory Authority. He previously worked with the OUR when the office was first established in 2001. After a period as a regulatory advisor with the Australian telecoms incumbent Telstra John returned to the OUR in April 2003 as Director of Regulation. John has a strong background in regulation. Before joining the OUR he worked for six years in communications regulation in Ireland. He began his career in the Irish Civil Service upon graduating from the Galway Institute of Technology. John also holds a Diploma in Company Direction from the Institute of Directors.



### Michael Byrne, Director of Regulation

Michael joined the OUR in June 2005 as Director of Regulation. Michael has led work across a variety of projects in all three sectors, in particular in the energy and telecoms sectors.

Prior to joining the OUR, Michael was head of Retail Competition at Ofgem in the UK. He led case investigations across various aspects of the UK energy sectors. He has worked in commercial television regulation and as a consultant, specialising in the dairy manufacturing industry. He has a BSc Honours degree in Mathematics, Statistics and Economics from the University of Natal. He also has a post-graduate diploma in Competition Policy and an MBA from the University of Warwick.



### Jeanne Golay, Head of Regulatory Policy

Jeanne Golay joined the OUR in June 2010 after 13 years as Economic Regulation Advisor for Water UK, the industry association for the water companies in the UK. Prior to this Jeanne worked for the UK Post Office Group Planning department and as an accountant, for managing the Post Office £300m capital budget. She has also worked in the gas industry as an Ofgas director, and in the telecommunications and transport sectors for Coopers & Lybrand. She has economics and law degrees from the University of Lausanne, a Master in Science from the London School of Economics and a diploma in European competition law from King's College, University of London.



### Rosie Allsopp, Office Manager/Case Officer

Rosie joined the OUR in January 2007. She manages the office and provides administrative support. In addition to this, she is a case officer for dispute resolution. Rosie was educated locally at the Grammar School and was formerly a journalist with the Guernsey Press for more than seven years where she was deputy news editor and business editor and developed a strong interest in local politics and business. Rosie studied for a post-graduate diploma in journalism at the Press Association-affiliated Editorial Centre.





## Communication and Expert Support

It is OUR policy to operate with a small core team of professional staff and utilise expert consultants as needed on specific projects. This ensures that the Office works efficiently and effectively and keeps its skills and expertise up to date with knowledge transfer from experts in their fields.

The OUR operates in an open and transparent way, and seeks to consult with as wide a range of stakeholders as possible on all key decisions.

The OUR website ([www.regutil.gg](http://www.regutil.gg)) is used as a means of communicating with operators within the regulated industries and with the public.

All consultation documents are published on the site as well as being made available in hard copy on request and responses, where not confidential, are also made available. The OUR publishes all decisions with reasons and a commentary on the views received.

During 2009, the following consultants and external specialists worked with the OUR on a range of specific projects, as well as providing general support for the OUR work programme:

- Frontier Economics provided assistance in a review of interconnection charges;
- KPMG LLP provided assistance and support across a range of telecommunications projects ;
- Red-M undertook the audit of emissions from radio masts;
- Petrus Consulting provided general assistance on a number of electricity regulatory matters;
- Cambridge Economic Policy Associates provided assistance on the proposed changes to postal reserved area;
- Brockley Consulting Ltd provided assistance with Guernsey Post Ltd's proposed Tariff changes;
- AO Hall and McCann Fitzgerald Solicitors provided legal advice during 2009;
- Mott McDonald provided support in the review of mobile termination rates; and
- Direct Input and Echo Communications provided PR assistance and media support.



## Activity Report:

Under the Regulation of Utilities (Guernsey) Law, 2001, the Director General has a duty to promote, and where they conflict, to balance, objectives that underpin the work of the OUR. The following report outlines the Office's duties as set out in Section 2 of the Regulation Law 2001 and some of the initiatives undertaken in 2009 in performing these duties.

### Duties

To protect interests of consumers and other users in the Bailiwick in respect of prices charged for and the quality, service levels, permanence and variety of utility services.

### Performance

- The four year price control for GEL which commenced in April 2007 continued over 2009. Given large changes in international energy prices since the price control was implemented, Guernsey Electricity requested a price control reopener in October. Particular issues of concern were the timing of the passthrough arrangement, a marked change in GEL's expectations in demand given the increased usage of electricity through developments such as data centres in Guernsey, as well as the continued weak UK-Pound:Euro exchange rate relative to historic exchange rates. The OUR is currently reviewing the implications of these matters for electricity customers.
- One year price control set for Guernsey Post. This resulted in important price changes, driven primarily from the introduction of Pricing in Proportion (PiP), which introduced pricing based on weight, format and size and altered the existing set of products to Letters, Large Letters, and Packets. While some customers will face price increases in this price control period, driven by an increase in some of GPL's operational costs, namely the Royal Mail charges, there are opportunities for significant savings as well, especially through the conversion of Packets into Large Letters.
- The OUR began a review of the reference offer and interconnection rates charged by C&W Guernsey. This workstream reflects the importance given to the need for prices for interconnection and access services to be set at cost in order to support the development of effective competition, provide efficient 'build or buy' signals to new entrants and enable the provision of competing services in retail telco markets.





## Activity Report:

Duties	Performance
<p>To secure, as far as practicable, the provision of utility services that satisfy all reasonable demands for such services within the Bailiwick, whether those services are supplied from, within or to the Bailiwick.</p>	<ul style="list-style-type: none"> <li>• The OUR initiated a review of Guernsey Electricity's procedures in the area of customer billing to assess whether there is scope to improve GEL's billing practices. The basis on which deposits are taken, the level of direct debits and disconnection policy formed a key focus of this review.</li> </ul>
<p>To ensure utility activities are carried out in such a way as best to serve and contribute to the economic and social development and well-being of the Bailiwick;</p>	<ul style="list-style-type: none"> <li>• The OUR's review of electricity buy-back rates, initiated at the request of the Energy Policy Working Group, was concluded in 2009. The buy-back rate is the rate domestic consumers receive from GEL when they sell electricity back to GEL which has been generated using micro-generators. This workstream is complete given the Energy Policy Working Group's conclusion that greater overall benefit is likely to arise from initiatives in energy efficiency rather than promoting micro-generation in Guernsey.</li> <li>• A further workstream arising from the mobile review was the move to commence removal of restrictions in mobile operator licences on the spectrum that can be used to deliver services. 2G and 3G licences were modified in 2009 to allow 2G and 3g services to be delivered regardless of whether 900MHz, 1800MHz or 2100MHz spectrum is used, providing greater flexibility and potential efficiencies in delivering these services to Bailiwick customers. It is anticipated this process will be completed in early 2010.</li> </ul>

# Activity Report:

## Duties

To introduce, maintain and promote effective and sustainable competition in the provision of utility services in the Bailiwick, subject to any special or exclusive rights awarded to a licensee by the Director General pursuant to States' Directions.

To improve the quality and coverage of utility services and to facilitate the availability of new utility services within the Bailiwick.

To lessen, where practical, any adverse impact of utility activities on the environment.

## Performance

- A third 3G mobile licence was awarded in 2009 to C&W Guernsey. The award was made as part of a range of initiatives which resulted from a review of the mobile market during 2009.
- As part of Guernsey Post Ltd's one-year price control the OUR revised the Reserved Area where Guernsey Post has exclusivity rights to provide postal services. Further to this revision, reserved services were altered to non-packet items which cost less than £1 to send (since amended to non packet items costing less than £1.35). This reduction of barriers to the entry of new operators will have the effect of promoting effective and sustainable competition in the Guernsey postal market.
- Consulted on the opportunities to promote further competition in the telecoms market by utilizing fixed wireless access for high speed data services
- An audit of mast sites was carried out by Red-M to ensure that telecoms operators continue to comply with best practice with regard to emissions. A register was produced detailing the location of all Bailiwick mast sites.
- The OUR has contributed to the work of the Renewable Energy Commission during 2009 in its efforts to develop a framework to promote the exploitation of tidal resources in Bailiwick waters. The role of feed-in tariffs has been a particular aspect of GREC's initiatives where the OUR has offered its expertise and experience. The OUR was engaged in a study of global feed-in tariffs and reported its findings to GREC.



# Report of the Director General and Financial Statements for the Year Ended 31st December 2009 for Public Utilities Fund

## Contents of the Financial Statements For the Year Ended 31st December 2009

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## Public Utilities Regulation Fund

### Fund Information

For the Year Ended 31st December 2009

**Director General:**

Mr John Curran

**Office Address:**

Suites B1 & B2  
Hirzel Court  
St Peter Port  
Guernsey  
GY1 2NH

**Auditors:**

Grant Thornton Limited  
PO Box 313  
Lefebvre House  
Lefebvre Street  
St Peter Port  
Guernsey  
GY1 3TF



## Public Utilities Regulation Fund

### Report of the Director General for the Year Ended 31st December 2009

The Director General presents his report with the financial statements of the Fund for the year ended 31st December 2009.

#### PRINCIPAL ACTIVITY

The principal activity of the entity in the year under review was that of a utilities regulator.

#### REVIEW OF BUSINESS

The results of the year and the financial position of the Fund are as shown in the annexed financial statements.

#### STATEMENT OF DIRECTOR GENERAL'S RESPONSIBILITIES

The Director General is responsible for preparing the financial statements for each financial year which give a true and fair view of the state of affairs of the Fund and of the income or deficit of the Fund for that period. In preparing those financial statements the Director General is required to:

- Select suitable accounting policies and then apply them consistently;
- Make judgements and estimates that are reasonable and prudent; and
- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Fund will continue in operation.

The Director General is responsible for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the Fund and to ensure that the financial statements comply with the applicable accounting standards. The Director General is also responsible for safeguarding the assets of the Fund and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

In accordance with Section 13 of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001, the Director General shall keep proper accounts and records in relation to those accounts and shall prepare in respect of each year a statement of account giving a true and fair view of the state of affairs of the Office of the Director General.

The Law also requires that the Director General to have the accounts audited annually by auditors appointed with the approval of the Department of Commerce and Employment. The Director General, with the approval of the Public Accounts Committee, has appointed Grant Thornton Limited as the auditors to the Public Utilities Regulation Fund.



## Public Utilities Regulation Fund

### Report of the Director General for the Year Ended 31st December 2009

The audited accounts shall be submitted to the Department for Commerce and Employment which shall in turn submit them together with the auditors' report thereon to the States of Guernsey with the Director General's annual report.

#### AUDITORS

The auditors, Grant Thornton Ltd, have indicated their willingness to continue in office.

#### ON BEHALF OF THE BOARD



Mr J Curran  
Director General  
of Utility Regulation

Dated: 17 August 2010

## Report of the Independent Auditors to the Director General of the Public Utilities Regulation Fund

We have audited the financial statements of Public Utilities Regulation Fund for the year ended 31 December 2009 on pages 19 to 23. These financial statements have been prepared in accordance with the accounting policies set out therein.

This report is made solely to the Office of the Director General, as a body, in accordance with The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001. Our audit work has been undertaken so that we might state to the Fund's members those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Fund and the Office of the Director General, as a body, for our audit work, for this report, or for the opinions we have formed.

### **Respective Responsibilities of the Director General and Auditors.**

As described on page 15 the Fund's Director General is responsible for the preparation of financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

Our responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

We report to you our opinion as to whether the financial statements give a fair and true view and are properly prepared in accordance with the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001. We also report to you if, in our opinion, the Report of the Director General is consistent with the financial statements, if the Fund has not kept proper accounting records, if we have not received all the information and explanations we require for our audit, or if information specified by law regarding the Director General's remuneration and other transactions with the Fund are not disclosed.

We read the Report of the Director General and consider the implications for our report if we become aware of any apparent misstatements within it.

### **Basis of Audit Opinion**

We conducted our audit in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Director General in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Fund's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence and give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming our opinion we also evaluated the overall adequacy of the presentation of information in the financial statements.



## Report of the Independent Auditors to the Director General of the Public Utilities Regulation Fund

### Opinion

In our opinion the financial statements:

- give a true and fair view, in accordance with United Kingdom Generally Accepted Accounting Practice, of the state of the Fund's affairs as at 31 December 2009 and of its surplus for the year then ended; and
- have been properly prepared in accordance with the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001.

In our opinion the information given in the report of the Director General is consistent with the financial statements.

Grant Thornton Limited  
PO Box 313  
Lefebvre House  
Lefebvre Street  
St Peter Port  
Guernsey  
GY1 3TF

*Grant Thornton Limited*

Date: 17th August 2010





**Public Utilities Regulation Fund****Income and Expenditure Account**  
**For the Year Ended 31 December 2009**

	Notes	2009 £	2008 £
<b>INCOME</b>			
Licence fees		931,179	561,552
Bank Interest		<u>6,432</u>	<u>31,211</u>
		937,611	592,763
<b>EXPENDITURE</b>		857,838	758,118
(DEFICIT) /SURPLUS FOR THE YEAR ENDED 31 DECEMBER 2008		79,773	(165,355)
TRANSFER FROM/ (TO) CONTINGENCY RESERVE	7	(79,733)	165,355
		_____	_____
NET OPERATING RESULT FOR THE YEAR		_____ -	_____ -
		_____	_____

The Fund has no other gains or losses for the current or preceding financial year other than those stated in the Income and Expenditure Account.

These notes form part of the Financial Statements

**Public Utilities Regulation Fund****Balance Sheet**  
**31 December 2009**

	Notes	<u>2009</u>		<u>2008</u>	
		£	£	£	£
<b>FIXED ASSETS</b>					
Tangible assets	4		11,621		14,997
<b>CURRENT ASSETS</b>					
Debtors	5	19,398		20,792	
Cash at bank and in hand		<u>611,925</u>		<u>533,880</u>	
		631,323		554,672	
<b>CREDITORS</b>					
Amount falling due within one year	6	<u>88,879</u>		<u>95,377</u>	
<b>NET CURRENT ASSETS</b>			<u>542,444</u>		<u>459,295</u>
<b>TOTAL ASSETS LESS CURRENT LIABILITIES</b>			<u>554,065</u>		<u>474,292</u>
<b>RESERVES</b>					
Contingency reserve	7		<u>554,065</u>		<u>474,292</u>
			<u>554,065</u>		<u>474,292</u>

The financial statements were approved on 17 August 2010 and signed by:



Mr J Curran  
Director General  
of Utility Regulation

## **Public Utilities Regulation Fund**

### **Notes to the Financial Statements** **For the Year Ended 31 December 2009**

#### **1. ACCOUNTING POLICIES**

Accounting convention

**The financial statements have been prepared under the historical cost Convention and in accordance with United Kingdom Generally Accepted Accounting Practices .**

##### **Income**

Income represents net invoiced licence fees and income from organisation of conferences and is accounted for on an accruals basis.

##### **Tangible Fixed Assets**

Depreciation is provided at the following annual rates in order to write off each asset over its estimated useful life.

Office equipment	-20% on cost
Fixtures and fittings	-20% on cost
Computer equipment	-20% on cost

#### **2. OPERATING (DEFICIT) /SURPLUS**

**The operating (deficit) /surplus is stated after charging:**

	<b>2009</b>	<b>2008</b>
	<b>£</b>	<b>£</b>
Depreciation—owned assets	4,496	4,463
Auditors and accountants' fees	<u>6,300</u>	<u>5,150</u>

#### **3. TAXATION**

Under Section 12 of The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 the Fund is exempt from Guernsey Income Tax.

## Public Utilities Regulation Fund

### Notes to the Financial Statements For the Year Ended 31 December 2009

#### 4. TANGIBLE FIXED ASSETS

	Office equipment £	Fixtures and fittings £	computer equipment £	Totals £
<b>COST</b>				
At 1 Jan 2009	43,225	3,675	36,374	83,274
Additions	480	-	640	1,120
Disposals	<u>(4,272)</u>	<u>(410)</u>	<u>(1,088)</u>	<u>(5,770)</u>
At 31 Dec 2009	<u>39,433</u>	<u>3,265</u>	<u>35,926</u>	<u>78,624</u>
<b>DEPRECIATION</b>				
At 1 Jan 2009	37,919	3,574	26,784	68,277
Charge for year	1,357	44	3,095	4,496
Eliminated on disposal	<u>(4,272)</u>	<u>(410)</u>	<u>(1,088)</u>	<u>(5,770)</u>
At Dec 31 2009	<u>35,004</u>	<u>3,208</u>	<u>28,791</u>	<u>67,003</u>
<b>NET BOOK VALUE</b>				
At 31 Dec 2009	<u>4,429</u>	<u>57</u>	<u>7,135</u>	<u>11,621</u>
At 31 Dec 2008	<u>5,306</u>	<u>101</u>	<u>9,590</u>	<u>14,997</u>

## **Public Utilities Regulation Fund**

### **Notes to the Financial Statements** **For the Year Ended 31 December 2009**

#### **5. DEBTORS: AMOUNTS FALLING DUE WITHIN ONE YEAR**

	2009	2008
	£	£
Trade Debtors	-	8,992
Accrued interest	59	3,636
Other debtors	<u>19,339</u>	<u>8,164</u>
	<u>19,398</u>	<u>20,792</u>

#### **6. CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR**

	2009	2008
	£	£
Trade creditors	33,530	25,040
Deferred income	16,402	12,667
Other creditors	<u>38,947</u>	<u>57,670</u>
	<u>88,879</u>	<u>95,377</u>

#### **7. CONTINGENCY RESERVES**

Any surplus or deficit in the Income and Expenditure Account is either transferred to or from the contingency reserve.

	£
At 1 Jan 2009	474,292
Movement in the year	<u>79,733</u>
At 31 Dec 2009	<u>554,065</u>

**Public Utilities Regulation Fund****Detailed Income and Expenditure Account**  
**For the Year Ended 31 December 2009**

	<b>2009</b>		<b>2008</b>	
	£	£	£	£
<b>Income</b>				
Post Office revenue	140,000		80,000	
Telecoms revenue	638,179		369,837	
Electricity revenue	140,000		80,000	
Other income	<u>13,000</u>		<u>31,715</u>	
		931,179		561,552
Other income				
Bank interest		<u>6,432</u>		<u>31,211</u>
		937,611		592,763
<b>Expenditure</b>				
General overheads	90,749		94,663	
Salaries & staff costs	488,394		417,279	
Consultancy fees	206,393		176,378	
Legal costs	52,506		47,170	
Auditors and accountancy fees	6,300		5,150	
ARRC fees	<u>9,000</u>		<u>13,015</u>	
		853,342		753,655
		84,269		(160,892)
<b>Finance costs</b>				
Bank charges		<u>-</u>		<u>-</u>
		84,269		(160,892)
Depreciation				
Office equipment	1,357		1,145	
Fixtures and fittings	44		122	
Computer equipment	<u>3,095</u>		<u>3,196</u>	
		4,496		4,463
<b>(DEFICIT) /SURPLUS FOR THE YEAR</b>		<u>79,773</u>		<u>(165,355)</u>

This page does not form part of the statutory financial statements

## OUR Corporate Governance

### Audit Risk and Remuneration Committee Chairman's Report

The Committee continued to work under the terms of the 31st March 2007, the Projet de Loi entitled "The Regulation of Utilities (Bailiwick of Guernsey) (Amendment) Law, 2007, passed by the States of Guernsey. Section 6 of that Law introduced a new Section 13A to the 2001 Law which set out the formal establishment of the Audit, Risk and Remuneration Committee.

The current membership of the Committee is as follows:

- Alan Bougourd – Chairman
- Deputy Martin Storey
- Jane Needham
- Peter Woodward

All members are considered to be independent of the OUR.

The Committee met formally on three occasions in 2009 and carried out the following specific activities:

- Considered the results of the Internal Audit review of the internal controls in operation at the OUR, and made further recommendations for improvements to key controls.
- Participating with a detailed risk review for the activities of the OUR and reviewing, on an on-going basis, the implementation of the agreed risk management actions.
- Reviewing the Financial Statements of the Public Utilities Regulation Fund for 2008 and discussing the results of the audit thereof with the external auditors.
- Meeting the external auditors to monitor their independence and to confirm the nature, scope, fees and timetable for the audit for 2010.
- Monitoring and approving recruitment and remuneration of staff.
- Recommending improvements to employment contracts and the staff handbook and monitoring their implementation.
- Assisting with the production of a risk-based business plan for 2009-2011.

The Committee were pleased that their reviews, meetings and plans all produced positive results and thank the Director General and his staff for their co-operation and assistance throughout the year. The total annual costs of the Committee were less than £10,000.



Alan Bougourd  
Chairman



## OUR Corporate Governance

In 2005, the OUR established an independent Audit, Risk and Remuneration Committee (ARRC) and in May 2006 the States formally agreed a Resolution requiring its establishment.

The OUR complies with a very high standard of controls and the OUR's annual accounts are externally audited. The OUR's ARRC provides further independent scrutiny of the controls in place within the OUR.

The members of the OUR ARRC during 2009:

- Alan Bougourd
- Deputy Martin Storey
- Ms Jane Needham
- Mr Peter Woodward

The following sets out the instruction to the ARRC.

### OUR Audit, Risk and Remuneration Committee Terms of Reference

The following sets out the terms of reference of the OUR's Audit, Risk and Remuneration Committee (ARRC) as agreed by the Director General and the ARRC.

#### Role of the Committee:

The role of the ARRC will be, as part of the ongoing, systematic review of the control environment and governance procedures within OUR to;

- Oversee the external and internal audit function and advise the Director General in relation to the operation and development of that function;
- Review and advise on the Office's risk management procedures;
- Review and comment on the financial accounts of the Office;
- Review and comment on the remuneration policy of the OUR.

#### Membership

- The ARRC will be appointed by the Director General with the approval of the Commerce and Employment Department and will consist of not more than four people, who shall be external appointees. One of the four will be appointed by Commerce and Employment.





## **Duties**

The duties of the ARRC shall be:

- to approve and keep under review the Charter for Internal Audit services so as to ensure that it clearly defines the purpose, authority, roles and reporting relationships for internal audit;
- To review and approve the work programme for internal audit;
- To request the inclusion in the programme of Internal Audit reports as considered appropriate;
- To assess the outcome of the internal and external audit processes having regard to findings, recommendations and management responses;
- To assess the implementation of agreed corrective actions by management having regard to follow up audits;
- Generally to foster the development of best practice in the conduct of internal audit, risk management and external reporting;
- To advise the Director General on all matters relating to risk management, internal control, governance, external financial reporting and remuneration;
- To advise on and review the membership of the ARRC as necessary.

## **Annual Report of the External Auditors**

The ARRC will consider any report issued by the external auditors.

## **Meetings**

ARRC meetings will be held not less than twice each calendar year.

A quorum of two will be required for each meeting. The members shall decide on the appointment of the Chairperson. The Chairperson's appointment shall expire on 31<sup>st</sup> December 2010. Thereafter the term will be for a period of two years.

The ARRC may request any person who has been contracted to carry out an internal audit assignment to attend a Committee meeting. The Director General shall attend on the invitation of the ARRC. The ARRC will also have the authority to request staff members to attend meetings if necessary.

At least once a year, the ARRC will invite the external auditor to meet them to discuss matters of mutual interest including the audit approach.

The OUR will provide such administrative support to the ARRC as it may require.

## **Working Procedures**

The ARRC will adopt its own working procedures.



**Access**

Any member of the ARRC will have right of access to the Director General and/or any staff member.

**Reporting**

The ARRC will formally report to the Director General and will offer such advice and recommendations as it may deem appropriate. The ARRC's activities will be recorded and reported in the Annual Report of the Director General.

The ARRC may report to any States Department or States Committee, including the Public Accounts Committee and the Scrutiny Committee.

**Access to Independent Advice**

The ARRC is authorised to:

- investigate any activity within its terms of reference;
- seek any information that it requires from any employee or external party, and all employees are directed to co-operate with any request made by the Committee, and;
- obtain outside legal or other independent professional advice.

**Amendment of Charter**

This Charter may be amended or updated in joint consultation between the Director General and the ARRC. It shall be reviewed by 31<sup>st</sup> December 2008 and thereafter as required.

**Internal Audit Charter****Introduction**

This Charter sets out the purpose, authority and responsibilities of OUR's Internal Auditor. It is intended that internal audit assignments will be outsourced to an appropriate, qualified, third party and conducted under contract.

**Purpose**

The Internal Audit function is an independent appraisal function established to examine, evaluate and report on the adequacy and effectiveness of the OUR's systems of financial internal control. As such, it provides management and stakeholders with assurance over the financial management of the Office of Utility Regulation, and stewardship of the resources entrusted to it.

### Authority

Internal Audit is authorised to have:

- Unrestricted access (subject to the comments below) to all functions, records, property and personnel.
- Full and free access to staff, the Audit Committee and the Director General.
- Authority to require and receive such explanations from any employee as are necessary concerning any matter under examination
- Sufficient resources and personnel with the necessary skills to perform the internal audit plan.

Access to confidential commercial information is permitted for the purpose of carrying out an internal audit solely in respect of enabling the auditors to ascertain that the Director General has carried out his functions as provided for within sections 2 and 4 of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001, the various sector specific laws and States Directions to the Director General. Access will not be given to confidential information unless it can be proven that its intended purpose falls within scope of the internal audit role.

Internal Audit is not authorised to perform any operational duties or initiate or approve accounting transactions.

### Role and Scope

The primary responsibility for identifying and implementing an adequate system of internal control rests with the Director General. The role of internal audit is to appraise the adequacy and effectiveness of those controls.

In particular, its role is to understand the key financial risks of the organisation and to examine and evaluate the adequacy and effectiveness of the system of risk management and financial control as operated by the organisation so as to ensure that:

- the systems of financial control, and their operation in practice, are adequate and effective;
- follow-up action is taken to remedy weaknesses identified by Internal Audit;
- employees and organisation actions are in compliance with policies, standards, procedures and applicable laws and regulations; and
- the corporate governance arrangements of the organisation are appropriate to the organisation and comply with relevant requirements.

**Responsibilities and Reporting**

The internal auditor will be accountable to OUR's ARRC and its work programme will be subject to the approval of the ARRC. No work should be undertaken without the prior approval of the ARRC.

All work undertaken should be planned and carried out in accordance with the Standards of Professional Audit Practice set by the Institute of Internal Auditors-UK.

On completion of an assignment, before a final report is issued, the internal auditor will communicate its findings to management and staff of the audited area for their views. These views will be considered and recorded in the final report.

Copies of the final report will be provided to the Director General and ARRC.

## Annex A: States Directions; Telecommunications

### **Scope of Universal Service Obligation (USO)**

The States resolved to give the following direction to the Director General in accordance with Section 3(1)(c) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001:

*All users in the Bailiwick shall have available to them the services set out below at the quality specified, independently of geographical location and, in the light of local and national conditions, at an affordable price:*

#### **Access at Fixed Locations:**

- *all reasonable requests for connection to the public telephone network at a fixed location and for access to publicly available telephone services at a fixed location shall be met by at least one operator;*
- *the connection provided shall be capable of allowing users to make and receive local, national and international telephone calls, facsimile communications and data communications, at data rates that are sufficient to permit Internet access;*

#### **Directory enquiry services and directories:**

- *at least one subscriber directory covering all subscribers of direct public telephone service providers shall be made available to users and shall be updated regularly and at least once a year;*
- *at least one telephone directory enquiry service covering all listed subscribers' numbers shall be made available to all users, including users of public pay telephones;*

#### **Public Pay telephones:**

- *public pay telephones shall be provided to meet the reasonable needs of users in terms of the geographical coverage, the number of telephones and the quality of services.*

#### **Special measures for disabled users and users with special needs:**

- *these provisions shall also apply to disabled users and users with special social needs, and specific measures may be taken by the Regulator to ensure this.*

### **Identity of First Licensee with USO**

The States resolved to give the following direction to the Director General in accordance with section 3(1)(a) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001:

*The Director General of Utility Regulation shall issue the first licence to contain a telecommunications Universal Service Obligation to Guernsey Telecoms Limited, the company established to take over the functions of the States Telecommunications Board pursuant to the States agreement to the recommendations of the Advisory and Finance Policy letter published in this Billet.*

### **Special or Exclusive Rights**

The States resolved to give the following direction to the Director General in accordance with section 3(1)(b) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001:

*In accordance with section 3(1)(b) of that Law, the States directs the Regulator to decide the duration of any exclusive or special privilege granted to any licensee in relation to the provision of telecommunications networks and/or services with a view to ensuring that competition is introduced into all parts of the market at the earliest possible time.*

*The Regulator may decide on different terms for privileges granted in different markets or segments of the market. In any case, the States directs that the term of any such rights shall not exceed three years at most from the date of this Direction.*

## Annex A: States Directions; Post

### **Universal Service Obligation**

The States resolved to give the following direction to the Director General in accordance with section 3(1)(c) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001:

*The following universal postal service shall be provided by at least one licensee throughout the Bailiwick of Guernsey at uniform and affordable prices, except in circumstances or geographical conditions that the Director General of Utility Regulation agrees are exceptional:*

- *One collection from access points on six days each week;*
- *One delivery of letter mail to the home or premises of every natural or legal person in the Bailiwick (or other appropriate installations if agreed by the Director General of Utility Regulation) on six days each week including all working days;*
- *Collections shall be for all postal items up to a weight of 20Kg;*
- *Deliveries on a minimum of five working days shall be for all postal items up to a weight of 20Kg;*
- *Services for registered and insured mail.*

*In providing these services, the licensee shall ensure that the density of access points and contact points shall take account of the needs of users.*

*“access point” shall include any post boxes or other facility provided by the Licensee for the purpose of receiving postal items for onward transmission in connection with the provision of this universal postal service.*

### **Identity of First Licensee with a USO**

The States resolved to give the following direction to the Director General in accordance with section 3(1)(a) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001:

*The Director General of Utility Regulation shall issue the first licence to contain a postal Universal Service Obligation to Guernsey Post Limited, the company established to take over the functions of the States Post Office Board pursuant to the States agreement to the recommendations of the Advisory and Finance Policy letter published in this Billet.*

### **Post: Special or Exclusive Rights**

The States resolved to give a direction to the Director General in accordance with section 3(1)(b) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 to award to Guernsey Post Office Limited the exclusive right to provide postal services in the Bailiwick to the extent that such exclusive right is necessary to ensure the maintenance of the universal postal service specified by States' directions under section 3 (1)(c) of that Law; and

To request the Director General to review and revise the award of exclusive rights from time to time with a view to opening up the Bailiwick postal services market to competition, provided that any such opening up does not prejudice the continued provision of the universal postal service.

## Annex A: States Directions; Electricity

### ***Universal Service Obligation (“Public Supply Obligation”)***

The States did not make any Directions in relation to a Universal Service Obligation in the electricity markets, as it noted that the provisions of the Electricity Law adequately protected the interests of users by ensuring a Public Supply Obligation would be in place.

### ***Identity of First Licensee with a USO***

The States resolved to give the following direction to the Director General in accordance with section 3(1)(a) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001:

*The Director General of Utility Regulation shall issue the first licence to contain an electricity Universal Service Obligation to Guernsey Electricity Limited, once that company is established to take over the functions of the States Electricity Board.*

### ***Special or Exclusive Rights***

#### **Conveyance**

The States resolved to give a direction to the Director General in accordance with section 3(1)(b) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 to award to Guernsey Electricity Limited an exclusive electricity conveyance licence in respect of the conveyance of electricity in Guernsey for a period of 10 years once that company has been formed.

Subsequently, the States resolved to give a direction to the Director General to issue an exclusive licence to Guernsey Electricity Ltd for conveyance activities subject to any exemptions granted by the Director General under section 1(2) of the Electricity (Guernsey) Law, 2001 for the period ending 31<sup>st</sup> January 2012.

#### **Generation**

The States made no resolution giving a direction to the Director General in relation to the period of exclusivity of any generation licence to be granted under the Electricity (Guernsey) Law, 2001.

#### **Supply**

The States resolved to give a direction to the Director General in accordance with section 3(1)(b) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 to award to Guernsey Electricity Limited (once that company has been formed) an exclusive electricity supply licence in respect of the supply of electricity in Guernsey for a period of one year.

The States also resolved to request the Director General to investigate the impact of the introduction of competition into the electricity supply market further and to provide a recommendation and advice to the Board of Industry on the introduction of such competition.

The States subsequently resolved to give a direction to the Director General to issue an exclusive licence to Guernsey Electricity Ltd for supply activities subject to any exemptions granted by the Director General under section 1(2) of the Electricity (Guernsey) Law, 2001 for the period ending 31<sup>st</sup> January 2012.

## Annex B—Documents published in 2009

- 09/01 Broadband Fixed Wireless Access in Guernsey—deadline extension
- 09/02 Electricity Price Increase and Review of GEL's Customer Billing Practices—information note
- 09/03 Maximum Resale Price of Electricity in Guernsey—information note
- 09/04 Telecommunications Market Data report January—June 2008
- 09/05 Mobile Market Review—Final Decision
- 09/06 Competition in the Mobile Telecommunications Market—Further Licence Award consultation
- 09/07 Competition in the Mobile Telecommunications Market—Further Licence Award final decision
- 09/07A Mobile Termination Rates in Guernsey—Information Notice
- 09/08 C&WG Reference Offer and Interconnection Rates
- 09/09 Register of Mobile Phone Operator Mast Sites in the Bailiwick of Guernsey—information notice
- 09/10 Audit of Emissions from Mobile Mast Sites—information notice
- 09/11 Notice of the Proposal to modify Airtel-Vodafone's 2G mobile telecommunications licence
- 09/12 Telecommunications Market Data Report—July –December 2008
- 09/13 Amendment to C&W Guernsey Ltd's mobile licence—statutory invitation to comment
- 09/14 Amendment to Guernsey Airtel Ltd's 2G Mobile Licence—decision document
- 09/15 Amendment to C&W Guernsey Ltd's mobile licence—decision document
- 09/16 Guernsey Post Ltd's proposed tariff changes– consultation paper
- 09/17 Buyback Rate review—information notice
- 09/18 Review of Guernsey Electricity's approach to billing customers—consultation paper
- 09/19 Cable & Wireless Guernsey Reference Offer and Interconnection Rates– draft decision
- 09/20 Guernsey Post Ltd's Proposed Tariff Changes—draft decision
- 09/21 Guernsey Post Ltd's Proposed Tariff Changes—final decision