



BILLET D'ÉTAT

I
2005

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B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE, on WEDNESDAY, the 26th JANUARY, 2005**, at 9.30am, to consider the items contained in this Billet d'État which have been submitted for debate by the Policy Council.

DE V. G. CAREY
Bailiff and Presiding Officer

The Royal Court House
Guernsey
7th January 2005

ENVIRONMENT DEPARTMENT

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

26th November 2004

Dear Sir

Executive summary

Purpose of the report:

The proposals for new planning legislation were approved by the States in June 2002 (Billet D'Etat XI, 2002) subject to four amendments relating to:

- The appeal system
- The inclusion of Herm and Jethou within the legislation
- Site notices
- Strategically essential development

This supplementary report accompanies the Projet de Loi. Its purpose is to present the Environment Department's recommendations in respect of the amendments, setting out the research and consultations upon which the recommendations are based. Additional matters that have arisen during the drafting process are also explained.

Where there are consequences for the content of Ordinances, the policy for which was also approved in 2002, relevant recommendations are made.

Conclusions and recommendations:

Amendment 1 - The Appeals System

The IDC had proposed that each appeal should be dealt with by a single, professional

adjudicator; the amendment substitutes a proposal that each appeal should be determined by a tribunal of three drawn from a panel of six members.

The Environment Department has taken a fresh view of this issue in the light of research that indicates that the appeals panel would be up to twice as expensive as the adjudicator system and would take considerably longer to process appeals. The Environment Department believes that, in addition to cost and efficiency considerations, the adjudicator system would be more accessible, more objective, less susceptible to legal challenge and, unlike the panel, would add rigour to the existing planning system rather than undermining it.

In the light of this conclusion, the Environment Department wishes the States to reconsider the matter. The procedure whereby this is to be achieved is set out in the States Report.

Amendment 1a - Herm & Jethou

Having conducted the necessary consultations, the Environment Department recommends that an enabling power be included in the Law to enable it to be extended to Herm and Jethou by Ordinance. The Department intends to bring forward an Ordinance to maintain the status quo in respect of the Building Regulations and the protection of scheduled buildings and ancient monuments for the time being.

Amendment 2 - Site Notices

The Environment Department has caused a specific reference to site notices to be included in the Projet de Loi. It recommends a system of site notices to comply with the amendment be set out in the appropriate Ordinance to be placed before the States with the commencement Ordinance.

Amendment 2a - Strategically Essential Development

Having carried out the necessary research and consultations, the Environment Department proposes to introduce a special planning procedure for States supported strategically essential development. This will provide accelerated planning procedures where genuine strategic needs so dictate, with human rights principles protected by the inclusion of a Special Planning Inquiry within the process.

Other minor amendments arising out of the detailed drafting of the legislation are set out in the report.

Resources

Implementing the amendments dealt with in this report will place additional burdens on staff resources. Whilst the Environment Department will follow the IDC's proposed

approach of managing its new functions within existing resources, it considers severe strains will soon emerge which will have to be addressed as the legislation is implemented.

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

1 Introduction

- 1.1 On 27th June 2002 the States resolved [Billet d'Etat XI, 2002] to approve the former Island Development Committee's (IDC) proposals for new planning legislation, subject to four amendments. Responsibility for progressing a Projet de Loi for the new legislation, incorporating the amendments, has devolved to the Environment Department following the Machinery of Government review.
- 1.2 The new legislation will replace the Building (Guernsey) Law, 1956, the Island Development (Guernsey) Law, 1966, as amended and the Ancient Monuments and Protected Buildings (Guernsey) Law, 1967.
- 1.3 The four amendments approved by the States required the IDC to undertake further research and amendment of the legislation prior to reporting back to the States with a Projet de Loi. The IDC had considered that research and drafted a policy letter, which it intended to present to the States in February 2004. A Projet de Loi was also drafted and this was submitted to and approved by the Legislation Committee in January 2004. However, the Advisory and Finance Committee considered that aspects of the policy letter had not been adequately resolved and asked the IDC to withdraw it, believing that it would be more appropriate that the Environment Department should review these issues and, with the support of the Policy Council, present this important legislation for consideration by the new States.
- 1.4 The Environment Department has reviewed the IDC's proposals from a fresh perspective. It has taken further legal advice and conducted additional research of its own, particularly into the practicalities of implementing the new appeals system.
- 1.5 As a result of this review, the Environment Department can confirm its full support for the proposed legislation as approved in principle by the States. It also supports the IDC's recommendations in response both to the successful amendments and to legal advice received during the detailed drafting process. However, in the case of the new appeals system, which is discussed in full below, the Environment Department has decided to put the options before the States for a final decision.
- 1.6 The Environment Department has also considered the resource implications arising from the successful amendments and these are discussed in the appropriate sections of this report. A dedicated section at the conclusion of the report deals with this in the overall context of the legislation.

1.7 This supplementary States report therefore:

- Reminds the States of the objectives and principles embodied in the new legislation and which was approved in principle by the States in June 2002.
- Explains the Environment Department's response to the four amendments and asks the States to approve its conclusions.
- Sets out any other significant proposed changes to the draft Law which have arisen from legal advice received during the detailed drafting and asks the States to approve them.
- Deals with resource issues.
- Asks the States to approve the Projet de Loi entitled the Land Planning and Development (Guernsey) Law, 2005, which is submitted to the States herewith. In this respect I am grateful to the Policy Council for agreeing that this report may be placed before the States in the same Billet d'Etat as the draft Projet.

2 Principles of the new legislation

- 2.1 The objective of the new legislation is to provide a framework for sustainable development in Guernsey. Sustainable development is a concept that acknowledges the balance that must be struck between the social, economic and environmental objectives of the community in the interests of present and future generations. Thus, the overall aim of the planning system is to provide mechanisms to facilitate the development needed to sustain the Island's economic, social and cultural life whilst protecting and improving its special natural and built environment.
- 2.2 The legislation provides a comprehensive basis for the future planning of Guernsey's physical environment. The Law covers the creation of policy, the determination of development and building control applications, the enforcement of planning and building control, the hearing of appeals and, finally, the protection and enhancement of the most sensitive aspects of the environment. It is inevitably more complex than the legislation it is to replace, but is far more compact and integrated than the UK legislation. This results from conscious decisions to create a Law which is tailor made for Guernsey.
- 2.3 The legislation provides for sound policy making at both strategic and detailed level. Strategic policy guidance is to be the responsibility of a Strategic Land Planning Group, through the Strategic Land Use Plan. The creation of detailed planning policy will be the responsibility of the Environment Department, through

various Development Plans and will be fully and fairly tested at public inquiry before being adopted by the States.

- 2.4 The legislation provides for clear, transparent development application procedures that are intended to offer a fair balance between the legitimate needs of applicants and those affected by any proposed development. Although the Law covers different aspects of the control of development, the aim is to deal with them all, as far as possible, through a single 'one stop shop'.
- 2.5 A very important role is ascribed to the protection and enhancement of Guernsey's natural and built environment. This includes historic buildings, monuments, conservation areas, sites of special significance (in terms of nature conservation, landscape, archaeology and other special interest) and trees. Provision is made for these to be designated and given special protection and for new ways to achieve good management and enhancement.
- 2.6 More effective enforcement powers form an important part of the proposals. The Environment Department endorses this aspect of the new system because it will take most planning breaches out of the criminal courts. However, the Department is also fully aware of reservations which have been expressed about potential delays in conveyancing where enforcement matters need to be checked and assures the States that it will introduce an effective system of property file searches before implementing the new enforcement powers. In general, the Environment Department's policy in using the new enforcement powers will be to target significant breaches of planning control.
- 2.7 The legislation brings States development within the general planning regime. This will mean that the development plans can make provision for States development which can be assessed in the same way as private development.
- 2.8 The legislation also provides for a full range of appeals against decisions taken under it. The mechanism for conducting appeals is discussed in more detail in section 4 of this report.
- 2.9 An aspect of the legislation that has become increasingly important is to ensure that the planning system complies with human rights legislation, which is soon to be given effect. In order to achieve this, care has been taken to provide procedures in policy making, the control of development and the special protection of the environment that are clear and transparent and, crucially, provide for the proper involvement of the public. In addition, it will be possible for aggrieved applicants to challenge all decisions taken under the legislation in an appropriate manner.
- 2.10 The new legislation has been designed to be more flexible than the existing Law. The main enabling legislation sets out the basic powers and principles. Most of the

procedural aspects of the Law will be implemented through Ordinances which can be amended quickly by the States.

- 2.11 The Environment Department is confident that the new legislation, approved by the States, will provide a planning system for Guernsey that will meet the challenges of an increasingly complex world whilst sustaining the richness of its built and natural environment.

3 The Amendments

- 3.1 In June 2002, following consideration of the draft legislation presented to them at that time, the States resolved:-

"1. *To approve the proposals set out in section 3 of that Report concerning the drafting of the Projet de Loi, save that, instead of a single independent adjudicator as proposed in paragraphs 3.6 and 5.4 of that Report [Billet d'Etat XI, 2002] and currently set out in Part 6 of the draft Law in Appendix 1 thereto:*

- (i) *the States of Deliberation shall appoint a panel of 6 independent persons, each for a six year term, and of whom 2 shall retire (but may be re-appointed) every other year;*
- (ii) *4 of the panel members shall be permanently resident within the Channel Islands, and at least 2 shall have appropriate qualifications or experience in planning matters ("professional panel members");*
- (iii) *the States Advisory and Finance Committee shall place nominations for panel membership before the States; the States may propose alternative persons for appointment;*
- (iv) *every appeal shall be determined by a chairman who is a professional panel member and by 2 other panel members*

1A *That any reference to Herm, Jethou or any offshore Crown Rocks or Islets shall be deleted until consultations between the Crown and the States are completed and resolved, and to report back to the States with the results.*

2. *To approve the proposals set out in section 4 of that Report concerning the legislative provision to be made by Ordinance - save that the proposed Control of Development - General Provisions Ordinance shall, contrary to the proposals in paragraph 4.3.8 of that report, make specific provision concerning the posting of site notices concerning planning applications,*

including a requirement that such notices shall be posted at least 21 days before any decision is made.

- 2A *To instruct the Island Development Committee to report back to the States, as soon as is practical, with proposals to provide a mechanism, which is Human Rights compliant, to enable the States to exempt strategically essential developments from some or all of the provisions of the proposed Land Planning and Development Law".*

4 Amendment 1 - the appeal system

4.1 The IDC proposals had included the complete replacement of the existing appeals system, the shortcomings of which have been evident for some time and include:

- The fact that appeals can only be made on limited legal grounds.
- The costs of employing an advocate and of court time, with only certain costs recoverable if the appellant wins the case.
- The length of time taken to bring a case to court.
- The lack of transparency of decision making because reasons for decisions were not given. Although recent legal developments have modified this situation to some degree, this problem remains.
- The inability to build up a consistent body of case law for the future guidance of potential appellants and of the Environment Department.

As a result, very few appeals are lodged each year and an even smaller number achieve an outcome.

4.2 The IDC proposed to address these shortcomings through a new appeals system which would:

- Involve a full review of the planning merits of each case.
- Encourage appellants to conduct their own cases or choose an alternative professional to assist by introducing a procedure for appeals on the basis of written representations or through informal hearings.
- Reduce delays by using procedures dedicated to the conduct of appeals.

- Provide for full reasons to be given for each decision so that the system is transparent and enables the development of consistent case law.
- 4.3 As a result, the IDC concluded that it was essential that the new system should be accessible, objective, consistent and transparent.
- 4.4 Because the new system would be much more accessible than the existing one, the IDC calculated that a minimum of 200 appeals would be made each year. It considered that the system would need to be capable of coping with large numbers in an efficient and flexible way.
- 4.5 These considerations led the IDC to the conclusion that appeals should be dealt with by individual adjudicators. It suggested that appointments could be made from the membership of the Planning Inspectorate for England and Wales which has a very high reputation for the breadth of its professional expertise, its impartiality, fairness and efficiency. Its members have specific skills in handling both written representations and hearings and are well experienced in the requirements of human rights legislation and the increasing incidence of judicial review. In terms of flexibility, the number of appointments made could be increased /decreased in accordance with the numbers of appeals received.
- 4.6 The States clearly supported the need for a new appeals system. However, in the debate on the amendment (paragraph 3.1.1) it was argued that the determination of appeals by a panel of three would be inherently fairer than relying on a single adjudicator. It was pointed out that most tribunals in Guernsey operate on the basis of a panel of three. It was also argued that many appeals involve subjective judgements on design matters and that the decision making process should ensure that decisions "appropriate to Guernsey" would be reached. It was thought that a UK based planning inspector would not have the knowledge and understanding of the Island, or the sensitivity toward local influences that a panel including Channel Island resident professionals and lay members would have. The amendment was carried.
- 4.7 The IDC's first step, as part of its drafting instructions to the Law Officers, was to direct that the amendment be incorporated into the draft of the Law. Turning its attention to the essential Ordinances, the policy for which was also agreed by the States in June 2002, the IDC began to investigate how a panel would deal in practice with the 200 plus appeals anticipated each year.
- 4.8 The following emerged as areas of concern:
- The overall extra costs of a panel system over a single adjudicator.

- The small size of the panel and consequent problems and inevitable delays in coping with the projected workload, especially where conflicts of interest might arise.
 - The potential difficulties of applying appropriate expertise in complex or specialised cases.
 - The potential problems in the relationships between professional and lay members.
 - The greater vulnerability of a panel where a split decision is made to a legal challenge. This is partly because of the difficulty a predominantly lay panel has in explaining technical matters in their reasoned decisions and partly because of the ease of exploiting a decision which is not unanimous.
- 4.9 The IDC consulted with HM Procureur on its concerns. He recognised the practical and cost difficulties raised but was particularly concerned about the vulnerability of a predominantly lay panel to legal challenge. In his view this would lead to further litigation which could undermine the system.
- 4.10 These issues, added to its initial reservations about the panel system, concerned the IDC to the extent that it decided to refer them to the Advisory and Finance Committee. That Committee was also concerned about cost and efficiency issues and wrote to the IDC advising it to ask the States to reconsider the amendment.
- 4.11 The Environment Department has examined this issue very carefully and has developed the IDC's research further. It is clear from this that the IDC's calculation of the likely number of appeals was well-founded. The Department deals with up to 5,000 planning applications each year of which approximately 20% are refused (930 in 2002). Many of these refusals lead to a successful amended scheme and no appeal is likely to occur in these cases. However, if a similar proportion of these refusals are appealed as occurs in a comparable English local authority, a total of 200 appeals should be anticipated. This is certainly a minimum figure as, at least in the early years, use of the system is likely to reflect the current pent up demand.
- 4.12 Calculations have been made which indicate the magnitude of overall costs and the likely comparative costs of adjudicator and panel systems. A number of variables have been taken into account in these calculations from which a range of estimates has been established.
- 4.13 The most important variable is the balance between the number of appeals to be determined by written representations and hearing procedures respectively. Calculations have been based on all appeals being of one type or the other, albeit the

eventual outcome will lie between the two. What is clear is that hearings are substantially more costly for both adjudicator and panel options. It is likely that the panel system would encourage a higher proportion of hearings, but no allowance has been made for this possibility within the Department's calculations.

- 4.14 Another significant variable is the comparative rates of remuneration for adjudicators, professional panel members and lay panel members. The Department has used the known daily costs of planning inspectors (£650 per day), locally based professional arbitrators (£720 per day) and normal rates for members of existing States tribunals. This latter figure equates to the current non-States member rate of £90 per day. For reasons that will become apparent, this is likely to be an underestimate.
- 4.15 In calculating the amount of time necessary to deal with appeals both by written representations and hearings, the average time allowances used by the Planning Inspectorate have been used. Two days are allowed for written representation cases and three days for hearings. This time is required to review the case history and background papers; assess the evidence presented by the appellant, the Department and any third party; undertake any necessary research; conduct the hearing itself where this method has been chosen; undertake a site visit and write up a report (detailed reasons will be given for each decision). A further time allowance has been made to reflect the additional time a panel is likely to take to reach decisions and the additional administrative time necessary to support it.
- 4.16 On the basis of 200 cases per annum, estimated panel costs vary between £400,000 and £900,000 per annum, whereas the adjudicator system vary between £300,000 and £450,000 per annum. (The first figure assumes all written representation cases, the latter all hearing cases). These differentials would be magnified if the number of appeals proved to be substantially higher than 200 per annum.
- 4.17 A significant point that arises from the calculations of likely numbers of appeals and average times to deal with them is that a panel of 6 (from which a tribunal of 3 will sit on each case) will not be able to deal with the workload, even at the lower estimates of numbers and even if panel members work full time.
- 4.18 This in turn raises questions about whether sufficient panel members can be found to fulfil the commitment. Panel members would, in effect, be full time employees who would expect to be remunerated accordingly. This casts some doubt on the Department's assumptions about panel costs. It also means that a substantial backlog of cases is likely to build up causing delays.
- 4.19 More importantly however, the Environment Department is concerned that a permanent panel could become an alternative non-elected planning authority.

- 4.20 The Environment Department is aware that, in considering this matter, the States concluded that a panel system would enjoy a greater degree of confidence than an adjudicator system. The Environment Department considers however that this conclusion was based on the misconception that the planning system is based on purely subjective judgements. Examination of the nature of refusals of permission shows that most arise because the policies of the Development Plans approved by the States would be infringed or because there would be an adverse effect on traffic, neighbours or local amenity. Although detailed design is also an issue in many cases, very few refusals arise from local character issues alone. Notwithstanding this, the Environment Department strives for objectivity by approaching design issues in a disciplined way and applying precedent from other similar cases.
- 4.21 In recognition of the public interest in the quality of new development the Department is committed to the preparation and publication of design advice which will give the public the opportunity to influence policy and will make clear the Department's requirements.
- 4.22 The Department is firmly of the view that policy should be set through the Development Plan system, supplemented by informal published advice upon which the public has been consulted. The appeal system should not be regarded as a watchdog, or surrogate planning authority. It should be an objective review of the planning merits of each case conducted by a professional adjudicator. This would ensure that the appeal system functions as part of the checks and balances of the planning system as a whole rather than potentially undermining it.
- 4.23 The Environment Department fully acknowledges that the previous debate resulted in a clear majority for the panel system, following a wide-ranging debate. However, it considers that its own research confirms significant deficiencies in this system, not least in terms of cost, which it feels duty bound to bring to the attention of the States. The Department's own view is that appeals should be determined by individual adjudicators and that the States should be asked to reconsider this matter and to debate and decide between the two options.
- 4.24 In order to enable the debate to proceed without incurring further delay of the Projet, the Projet de Loi has been drafted on the basis of the panel system of appeals, thus incorporating amendment no. 1 set out at paragraph 3.1 above. The Minister will, however, move an amendment substituting the relevant clauses to create an adjudicator system, which the States will be asked to debate before they debate whether to approve the Projet de Loi.
- 4.25 Whatever the States decision in this matter, the procedures to be followed in dealing with appeals will need to address the practical issues outlined in this section in order to create as efficient and cost effective a system as possible. The procedures will be set out in the Ordinance.

- 4.26 In particular, the Ordinance will deal with procedures for dealing with appeals by hearing and by the submission of written representations. The Department's research shows that the costs to both appellant and the States will be substantially lower where written representation procedures are used. The Department therefore intends that the Ordinance should include measures to encourage appeals by written representation. However, it must be borne in mind that, in order to comply with human rights principles these measures should not remove the appellant's right to a hearing should he/she so choose.
- 4.27 If the States choose the panel option, the Environment Department proposes to include measures in the Ordinance that will improve its practical operation, principally the ability for the States to appoint additional panel members to cope with the size and complexity of the workload. However, none of these measures will derogate from the principles of the States resolution set out at 3.1 above.
- 4.28 Finally, and whichever option is chosen, the Department considers that the States should have the ability to amend the appeals process, in whole or in part, by future Ordinance. It has therefore included appropriate provisions within the Projet. The Department will not, of course, seek to use these powers in the Ordinance that will be presented to the States with the Commencement Ordinance for the legislation, but will abide by the decision of the States. The provisions will however enable a future States to remedy any practical defects in the appeals system should they arise.

5 Amendment 1A - Herm and Jethou

- 5.1 The IDC had proposed to include Herm and Jethou (including Crevichon and Fauconnière) in the new legislation on the basis that it was logical to extend its protection and enhancement proposals to these closely related islands. Jethou is Crown property and leased to the States. Herm is owned by the States and administered by the Treasury and Resources Department. Neither is included within the Island Development (Guernsey) Law, 1966. Both are covered by the Building (Guernsey) Law, 1956 and Herm is covered by the Ancient Monuments and Protected Buildings (Guernsey) Law, 1967.
- 5.2 As required by the successful amendment, the Crown, has been consulted and has no objection in principle to the inclusion of Jethou within the legislation subject to consultation with the present sub-tenants and provided that works for national defence and security could not be denied by the planning process.
- 5.3 However, Her Majesty's Procureur, considers that it may be unnecessary to extend the full powers of the new legislation to Herm and Jethou. He believes that most planning policies have no relevance to them and that the terms of the leases of both

islands in effect give the States (as owner of Herm and tenant of Jethou) effective control of development.

- 5.4 He does however consider that an enabling provision could be included within the primary legislation, leaving the extension of the legislation to the Islands to an Ordinance should a future States so decide. In the case of Jethou, Her Majesty's Receiver General as representative of the Crown should first be consulted. The Environment Department has agreed to this suggestion. It proposes however to maintain the legislative status quo in the first instance and, following consultation with Her Majesty's Procureur, intends to include in the early Ordinances the continuation of existing powers in Herm and Jethou.

6 Amendment 2 - Site Notices

- 6.1 This amendment directed the IDC to include specific proposals for the erection of site notices to publicise planning applications in the relevant Ordinance. Section 16(7)(a) was therefore to make it clear that site notices will be specifically included in the Ordinance.
- 6.2 At the time of the States debate, there was general agreement that publicity for planning applications should be improved. The debate concerned how this should be achieved. The IDC preferred a flexible system which could involve site notices or direct neighbour notification, in addition to press advertisement, depending on the nature of the proposal. The IDC had felt that this would be the most effective way of targeting information, would have least effect on staff resources and would avoid delays on minor applications. However, the States took the view that site notices should be the general means of publicity for applications.
- 6.3 The Environment Department has reviewed this matter. It is committed to improving publicity arrangements but wishes to draw to the States' attention its concern about the resource implications of erecting a site notice for every application and about the potential for delay in those very minor cases which are normally dealt with within two weeks. It is also concerned about causing unreasonable delays to applicants if minor modifications to applications, of a technical nature and which have no neighbour impact, are to be subject to a 21 day site notice regime before the application can be considered.
- 6.4 The States will note that the relevant section of the Law (section 16(7)(a)) has been redrafted to make it clear that site notices will be specifically included in the Ordinance. The proposals in the Ordinance will cover the following matters:
- The requirement for a site notice.
 - The posting of the site notice by the applicant.

- Proof of posting.
- The duration of posting (the amendment requires 21 days).
- An offence of not posting a site notice.
- The removal of a site notice when no longer required.

6.5 The Department receives up to five thousand applications per year. Even though a site visit is undertaken by staff in most cases, the time spent erecting notices and the interval between submission of application and the site visit would undoubtedly cause delays. The Department has therefore concluded that, in order to implement the proposals with the least effect on Staff resources and to minimise any possible delay, the applicant should be responsible for posting the site notice on their own property. The Department would then be responsible for monitoring and administering this process.

6.6 The Department has already pointed out its concern about delays in the case of minor applications and of minor amendments to approved plans. The Department intends that the Ordinance will allow it to apply a degree of discretion in these cases. Once in force it will monitor the effect of site notices and, if unacceptable delays arise, may return to the States to amend the Ordinance.

7 Amendment 2A - Strategically Essential Development

7.1 The effect of the amendment is to introduce a special planning procedure for States supported strategically essential development, in cases where such development does not comply with the Development Plan and the normal procedure for the review or amendment of the relevant Development Plan would take too long. The intention is to speed up the process and provide certainty for project planning where there are genuine strategic needs to bring forward a project quickly.

7.2 The Environment Department would like to emphasise that, in the vast majority of cases, States development will be provided for in the Strategic Land Use Plan and in the relevant Development Plan. The reforms arising from the Review of the Machinery of Government should greatly improve this process, as will the continuing trend to flexibility in the drafting of the Island's Development Plans. However, there will from time to time be cases of particular urgency for which an accelerated procedure is justified.

7.3 The procedure must, however, be human rights compliant. The Department has been advised that the individual must be able to challenge the proposed Plan

amendment and that, to be human rights compliant, there must be some form of Inquiry held in public.

- 7.4 The special procedure is set out in Section 77 of the draft *Projet de Loi* and has been developed in close consultation between Her Majesty's Procureur, the former IDC and the former Advisory and Finance Committee. The Environment Department endorses the procedure, which is explained below.
- 7.5 Stage 1 - Any States department wishing to invoke the special procedure may refer the proposal to the Policy Council who, if it agrees, will recommend to the States that a project be designated as strategically essential development. The Policy Council will normally ask the Environment Department to confirm that the particular proposal is precluded by adopted planning policies. A States Department would need to sponsor the strategically essential case for privatised utilities and essential private development. The States will then decide whether or not the proposal is strategically essential and that the special procedure can be invoked. To qualify for referral to the States, a project will have to pass a tri-partite test:
- The development will be of overriding benefit to the community at large (even though, in practice, only a section of the community will derive direct benefit)
 - The development is comprised within a strategy of the States, whether or not that strategy is to be delivered by the States, or is expressed in the Strategic Land Use Plan, and
 - The development is of such essentiality to the community or any section thereof as to justify overriding any policy or other provision of any relevant Development Plan, Subject Plan or Local Planning Brief which would prevent the granting of planning permission or outline permission for the development.
- 7.6 Stage 2 - Once it is agreed that a project is strategically essential and that a Development Plan amendment needs to be made, the Policy Council will appoint a Planning Inspector to conduct a Special Planning Inquiry. The terms of reference of that Inquiry will be set by the States when it agrees that the project is strategically essential. This will enable normal procedures to be streamlined and strict deadlines to be set. It is important to note that the Inspector may not entertain any representations as to whether or not the proposed development is strategically essential and his report may not contain any findings or recommendations on strategic essentiality.
- 7.7 Stage 3 - The Inspector will report to the Policy Council who may adopt the report's recommendations in their entirety, or refer the report to the States with a recommendation that the States may adopt or reject, but may not alter it.

- 7.8 Stage 4 - The Environment Department, in considering any application made to it after the adoption of the Inspector's report must give special weight to the resolutions of the States with regard to the project's strategic essentiality.
- 7.9 The legislation provides that any States department that is dissatisfied with a decision of the Environment Department in respect of States development (whether strategically essential or not) may appeal to the States for a final decision. In the case of strategically essential development, this is only likely to happen where some detail of the proposal which was not available to the Special Planning Inquiry leads to an objection by the Environment Department.

8 Progress on Ordinances

- 8.1 In addition to an Ordinance extending the legislation to Herm and Jethou, the Department has identified a first tranche of eight Ordinances which need to be completed before the new legislation can be brought into force. Proposals for these were agreed (in principle) when the States approved the IDC's policy letter in June 2002 (Billet D'Etat X1, 2002). They are:-

- A Plans
- B General Provisions
- C Control of Development (Exemptions)
- D Control of Development (Use Classes)
- E Environmental Impact Assessment
- F Special Controls
- G Enforcement
- H Appeals and reviews

- 8.2 The Department is preparing drafting instructions for the essential Ordinances in accordance with the policy approved in principle by the States. The first nine Ordinances will then be brought before the States at the same time as the Commencement Ordinance for the new legislation.

9 Projet de Loi

- 9.1 Several changes were made by the IDC to the draft legislation previously considered by the States as a result of matters arising during detailed drafting and further consideration of the legislation by the Law Officers. Comments raised by the Legislation Committee in January have also been incorporated. Additional changes have arisen as a result of the preparation of instructions for the Ordinances. The Environment Department wishes to draw the attention of the States to the following.

- 9.2 The first matter concerns the proposed delegation of functions. The original section 80 of the Law sets out the circumstances in which various functions may be delegated. The IDC had included a provision whereby it could arrange for any of its functions under the Law to be performed in its name by the Douzaine, although it explained that this was an enabling provision and that it had no immediate intention of delegating any of its functions. However, following the States' debate and during detailed drafting of the legislation, Her Majesty's Procureur strongly advised the IDC to reconsider the proposal to delegate functions to the Douzaine on the basis that the IDC alone should administer the legislation to ensure consistency and continuity. In support of this advice, he stressed that the Island's planning legislation is founded on two basic premises which the legislation should maintain:

- An insular, as opposed to a parochial, scheme of planning and development control;
- The delegation to the Committee (now the Department) by the States of the responsibility for administering that scheme.

The Environment Department has accepted this advice and has removed the enabling provision from the legislation.

- 9.3 Secondly, the draft Law has been expanded at section 3 to clarify matters relating to the composition of the Strategic Land Planning Group.
- 9.4 Thirdly, the Department can confirm to the States that the draft Law has been amended at sections 23 (6) to ensure that (if the States by Ordinance so provide) planning covenants may be made for purposes other than planning, such as the provision of affordable homes.
- 9.5 Fourthly, the provisions for seeking compensation in the event of the Department determining to revoke or modify a planning permission are clarified at section 20(5) to (12).
- 9.6 Finally, the Enforcement procedures, specifically the compliance notice procedure and the injunction scheme, have been revisited on the advice of Her Majesty's Procureur. The purpose is to ensure that the penalties for breaches of planning control are consistent in both the Royal Court and the Magistrates Court and to permit speedy action in the event of planning breaches.

In particular, it is proposed that the Department should have power to require the immediate cessation of any unlawful activity for 24 hours, pending the completion of procedures to obtain an injunction (section 52 (14) and (15)).

- 9.7 The Environment Department supports the changes set out above and also proposes an additional minor change in respect of the land area to be covered by the legislation. For the avoidance of doubt and in view of the wider environmental remit of the Environment Department it is proposed that it will be made clear at section 94 that the legislation includes the foreshore. It is also proposed that there should be a power to enable the extension of the application of the legislation, by Ordinance, to the territorial waters and the seabed beneath them.
- 9.8 With the exception of the matters raised in this report any other changes to the legislation are minor drafting and consequential changes which do not affect the substance of the legislation previously considered and approved in principle by the States.

10 Resource implications

- 10.1 This is a supplementary States Report dealing with the Environment Department's policy for the new planning legislation arising from the successful amendments to its earlier policy letter to the States. As explained earlier in this report, the proposals for the new appeals system and for the erection of site notices will place an increased, although unquantifiable, additional pressure on the staff resources of the Environment Department. In addition, the proposals for the panel appeals system and for the Special Planning Inquiry connected with strategically essential development will impose additional costs on the Policy Council, which will be responsible for the administration of appeals and inquiries.
- 10.2 The Environment Department would like to take this opportunity to make some general points about the resources associated with the implementation of the new planning law. Independent research commissioned by the IDC showed that the planning and building control functions for which it was then responsible were severely under-resourced. For example, each building control and development control officer carries a case load between three and four times as great as an equivalent UK officer. Both the IDC and, now the Environment Department have sought and will continue to seek efficiencies in working practice, and will use the provisions of the new law to achieve this wherever possible. **In particular, the Exemptions Ordinance, which will come forward in the first tranche of Ordinances, will seek to significantly reduce the form and type of development for which planning permission is required.** However, the introduction of human rights legislation, the increasing demand of the public for greater transparency and the whole changing emphasis of planning from a reactive to a proactive function all impose additional pressures on staff resources which may be impossible to balance by efficiency savings alone.
- 10.3 In introducing its policy to the States in November 2001, the IDC took into account the resource implications of the new legislation. As a result, it informed the States

that it had decided to concentrate on implementing the essential aspects of the new Law and those needed to ensure compliance with human rights legislation. It recognised that there were implications for staff resources (eg enhanced publicity arrangements for planning applications, property searches, implementing various enforcement notices) and that this was unavoidable. In the first instance, the IDC intended to manage and monitor implementation of the legislation within existing staff resources and would only seek further resources if this proved necessary. It was proposed, therefore, to defer to a second phase the implementation of those new duties and responsibilities which, whilst desirable, were not essential and would need the appointment of additional staff, prior to their implementation. This was reflected in the choice of Ordinances which it was intended to introduce when the Law came into effect.

- 10.4 The Environment Department agrees with this approach, which it will endeavour to pursue. However, it foresees severe strains on existing resources to deliver the minimum essential reforms to the system and envisages that these will manifest themselves very early.
- 10.5 The Department notes that, since the policy letter of 2001 a number of things have already occurred which will put additional pressure on existing resources:
- The undertaking of the IDC in response to consultation on the legislation that a comprehensive system of compliance checking and property file searches would be introduced before aspects of the new enforcement provisions are enacted.
 - The commissioning, as part of the Corporate Housing Programme, in partnership with the Housing Department, of research into the potential use of planning covenants as a means of providing affordable homes. This may result in the Environment Department bringing forward an additional Ordinance on planning covenants at an earlier date than originally envisaged.
- 10.6 These are two concrete examples of the continuing pressure on resources which the Environment Department intends to address in implementing the Law and devising its programme for the future.

Recommendations

The Environment Department recommends the States:-

- 1 To approve its proposals relating to the application of the Law to Herm and Jethou and the territorial waters.
- 2 To approve its proposals relating to the posting of site notices.

- 3 To approve its proposals relating to strategically essential development.
- 4 To approve the Projet de Loi entitled “The Land Planning and Development (Guernsey) Law, 2005”, and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

Yours faithfully

Bernard Flouquet
Minister

(NB The Policy Council, by a majority, supports the proposals. Deputy Lowe and Deputy Jones dissent from this view.)

The Policy Council, by a majority, opposes the substitution of an adjudicator system for the panel system of appeals which is to be the subject of the amendment, referred to in paragraph 4.24 of the States Report, which the Environment Minister proposes to move to the Projet de Loi entitled “The Land Planning and Development (Guernsey) Law, 2005”. Deputy Flouquet and Deputy Bell dissent from this view.)

(NB The Treasury and Resources Department unanimously supports the majority views of the Policy Council as set out above.)

The States are asked to decide:-

I.- Whether, after consideration of the Report dated 26th November, 2004, of the Environment Department, they are of the opinion:-

- 1 To approve the proposals relating to the application of the Law to Herm and Jethou and the territorial waters set out in Section 5 of that Report.
- 2 To approve the proposals relating to the posting of site notices set out in Section 6 of that Report.
- 3 To approve the proposals relating to strategically essential development set out in Section 7 of that Report.
- 4 To approve the Projet de Loi entitled “The Land Planning and Development (Guernsey) Law, 2005”, and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

POLICY COUNCIL

GUERNSEY FINANCIAL SERVICES COMMISSION – NEW CHAIRMAN AND NEW MEMBER

Executive Summary

This report proposes the re-election of Mr. John Hallam as Chairman of the Guernsey Financial Services Commission for one year and the re-election of Mr. Mel Carvill as an ordinary member of the Commission for three years.

Report

1. In accordance with the provisions of sub-paragraph 3(1) of Schedule 1 of the Financial Services Commission (Bailiwick of Guernsey) Law 1987, as amended, Mr. Mel Gerard Carvill, FCA, ACII retires as an ordinary member of the Commission on the 1st February, 2005. The Policy Council is pleased to re-nominate Mr. Carvill as an ordinary member of the Commission for a further three year period to run from 2nd February, 2005 until 1st February, 2008. Mr. Carvill has been an ordinary member of the Commission since 1999.
2. The Chairman of the Commission must be elected annually by the States, from amongst the ordinary members, having been nominated by the Policy Council. The Council is pleased to re-nominate Mr. John Edward Hallam, FCA as Chairman of the Commission for a further year from 2nd February, 2005 until 1st February, 2006. Mr. Hallam has been an ordinary member of the Commission since the Commission was constituted in 1987 and Chairman since 2003.

Recommendation

The Policy Council recommends the States to:

- (a) re-elect Mr. Mel Gerard Carvill, FCA, ACII as an ordinary member of the Guernsey Financial Services Commission for three years with effect from 2nd February, 2005;
- (b) re-elect Mr. John Edward Hallam, FCA as Chairman of the Guernsey Financial Services Commission for one year with effect from the 2nd February, 2005.

L.C. Morgan
Chief Minister

20th December 2004

The States are asked:-

II.- To re-elect

1. Mr. Mel Gerard Carvill, FCA, ACII as an ordinary member of the Guernsey Financial Services Commission for three years with effect from 2nd February, 2005.
2. Mr. John Edward Hallam, FCA as Chairman of the Guernsey Financial Services Commission for one year with effect from the 2nd February, 2005.

ELIZABETH COLLEGE BOARD OF DIRECTORS

NEW MEMBER

The States are asked:-

III.- To elect a member of the Elizabeth College Board of Directors to fill the vacancy that arose on 6th January, 2005, by reason of the expiration of the term of office of Deputy A H Adam, who is not eligible for re-election.

SOCIAL SECURITY DEPARTMENT

PAROCHIAL OUTDOOR ASSISTANCE BOARDS

NEW MEMBERS AND NEW PRESIDENT

The States are asked:-

IV.- To elect -

- (1) a member of the St Sampson's Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mrs S E Doggart who has ceased to be a Douzenier, namely, to the 31st May, 2005;
- (2) a member of the Forest Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mr K S Blondel who has ceased to be a Douzenier, namely, to the 31st May, 2006;
- (3) a member of the Forest Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mr D Bievenu who has ceased to be a Douzenier, namely, to the 31st May, 2008

- (4) a member of the Torteval Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mrs J E C Robilliard who has ceased to be a Douzenier, namely, to the 31st May, 2006
- (5) a member of the Toteval Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mr J D A Le Maitre who has ceased to be a Douzenier, namely, to the 31st May, 2007;

(NB Only a sitting member of the States or a Jurat, Rector or Douzenier resident in their respective parishes is eligible for election under (1) to (5) above)

- (6) from the States elected members of the St Sampson's Parochial Assistance Board, a President to complete the unexpired portion of the term of office of Mrs S E Doggart who has ceased to be a member of that Board, namely, to the 31st May, 2005.

(NB The States elected members are Mr S G Park, Mrs M E Levrier, Mr A W Nant and the successor to Mrs S E Doggart)

TREASURY AND RESOURCES DEPARTMENT

ALDERNEY HARBOUR – COMMERCIAL QUAY RENOVATION

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

26th November 2004

Dear Sir

Executive Summary

Under the States Financial Procedures when the States of Alderney wishes to undertake a major capital project the prior approval of the States of Guernsey is necessary. In such cases the States Report seeking approval is submitted by the Treasury and Resources Department on behalf of the Alderney authorities.

The Commercial Quay is a vital lifeline for Alderney and is in urgent need of major refurbishment. Beckett Rankine Partnership has been engaged to undertake preliminary investigations into the works required which are now estimated to be up to £4million.

Before going out to tender for this major project the Alderney authorities will incur significant additional design and consultants fees. The States of Guernsey are, therefore, being asked to approve this project in principle before any of these additional costs are incurred. In accordance with established procedures, the Treasury and Resources Department will be required to approve all tenders connected with this project.

The Department has discussed the works (and their urgency) in detail with the Alderney representatives and supports the proposed renovation of the Commercial Quay.

Furthermore, the Alderney authorities believe that the construction of a spur on Alderney breakwater would improve the efficiency of the quay and allow for future development of the harbour. To enable a business case to be developed, tenderers will be asked to include the cost of the provision of a spur in their submissions. It is emphasised that no commitment to a spur is being asked for at this stage. Any plans will need to be developed

in conjunction with the Public Services Department and approved by the States of Guernsey at the appropriate time.

If this project is approved the balance remaining on the Capital Reserve at the end of January 2005 is expected to be about £57 million.

Commercial Quay renovations

The Alderney Policy and Finance Committee has written to the Treasury and Resources Department in the following terms with regards to the renovation of the Alderney Harbour Commercial Quay.

“You will be aware from previous discussions/reports, that the Alderney Commercial Quay is in need of urgent works to maintain its ability to service the Island’s bulk freight and oil import operations. The sheetpiling around the Lower and East berths is corroding rapidly with accelerated low water corrosion, rendering this section of the quay liable to collapse if not repaired. The Commercial Quay is the island’s lifeline for importation of most of its foodstuffs needs, together with all fuels, building materials and vehicles etc. It also provides berthing for passenger ferries. Without a working quay the Island would cease to be viable for the majority of its residents. This project is, therefore considered to be the priority for capital expenditure by the States of Alderney.

In October 2003 the Advisory and Finance Committee approved the first two phases of the design procedure for renovation of the Commercial Quay. This has culminated in a report from our consulting engineers, Beckett Rankine Partnership, giving recommended options and cost estimates for the remediation works.

At present the quay provides two main berths on its western side, the upper berth used for general cargo discharge measuring 61 metres and the lower berth used by tankers and ferries measuring 56 metres. The cargo vessels currently serving Alderney are 57 and 60 metres in length. The tankers are at present 80 metres in length, resulting in a significant amount of overhang of the tanker berth, making berthing difficult and sometimes impossible especially in strong North Easterly winds. We are aware that the present tanker fleet is to be replaced over the next few years by vessels of 95 metres length. The additional 15 metres overhang would render it impossible to accommodate these vessels in any weather conditions.

The comprehensive report produced by Beckett Rankine considers the key operational issues for the harbour and puts forward a range of solutions for renovation. Copies of this report have been lodged at the Guernsey Greffe, but for the information of Members of the States of Deliberation copies of the

Introduction and the Conclusions and Recommendations are attached together with the drawings of the preferred options 1.6a and 1.6b (Appendix I).

The recommended options 1.6a or 1.6b are broadly similar in scope and provide the following advantages over and above the minimum repair option:-

- a) A 95m main berth, suitable for any vessels which, in the foreseeable future, will need to be berthed at the Quay. At present vessels of this length could not be accommodated.*
- b) A second smaller berth with low water landing stage which could be used by the present scheduled ferry, particularly during weekly cargo boat unloading. Fishing boats, local ferries, etc could also use this berth. It should be noted that the French operators of the ferry are hoping to substantially increase the frequency of the trips to and from Alderney next year, ultimately achieving a daily service, which would include expanding the inter-Island service.*
- c) Provides greater quay space for improved safety procedures on the loading/unloading of cargo boats (approx. 25% greater), as required for Health & Safety reasons. The new area is also in the critical area for cargo unloading, being adjacent to the freight berth.*
- d) The provision of increased area for cargo unloading will allow greater segregation of freight/passenger operations and passenger transit. This will be particularly necessary to accommodate the new port security arrangements that have recently come into force.*
- e) The present cargo shed has been condemned and requires rebuilding. Its size and access arrangements are inadequate for the present amount of weekly freight.*

It is impossible to extend the shed without further reducing the cargo handling area with the arrangements at present. The inadequacy of the present shed forces temporary container storage on the quay, leading to even greater congestion and Health & Safety risk. Infill of the triangular sector on the eastside is also required to provide quay space for the staged works during the construction, as weekly cargo deliveries to the quay will need to be maintained.

- f) The Customs service has expressed the need for extended facilities on the quay, due to changing legislation. These could be accommodated within the cargo-shed reconstruction in e).*

- g) *The revetment and infill adjacent to the east berth will also reduce reflection of waves, which occurs at present from the existing vertical wall and make the berth more tenable for small craft and low draught craft, which presently utilise it (fishing vessels, landing craft, etc.).*

It is the opinion of the Alderney Harbour Master that, due to unavoidable restrictions on passenger access during fuel unloading operations, option 1.6a is the more feasible of the two options. Because of the similarity in costs between these two options – both at around £3.9m – it is proposed to investigate both options further during the subsequent final design works, which with the preparation and seeking of tenders is the next stage of the scheme.

Attached also is a letter from Beckett Rankine Partnership (Appendix II) outlining the company's offer for the further design work, tender preparation and review work necessary to bring the project to tender in the fixed sum of £95,000 plus disbursements. You will note the inclusion of a basic design and tender specification for a spur on the Breakwater as previously suggested and supported by the Board of Administration. (Most of the information required for the design of this spur is already available to Beckett Rankine.)

The construction of a spur would greatly improve the efficiency of the Quay and provide a potential for further development and associated increase in revenue to the harbour. As well as providing much improved shelter for shipping alongside the commercial Quay, it would open the possibility of laying three point pontoon moorings within the sheltered area created by the spur, which would enable a larger number of visiting yachts to be accommodated in much greater comfort than is possible with the existing swinging moorings (with a consequential increase in revenue income of approximately £40,000 per annum). The economic benefit of visiting yachts to the economy of the island is well known.

The inclusion of the spur in a competitive tender would better define a cost for this structure which has by all been highlighted as the first stage of any future substantial development of the harbour. The documents will be constructed such that omission of the spur from any contract works would not affect the tender for the quay works in any way.

The documents will also allow any interested tenderer to submit an alternative offer for either or both projects, based on his own strengths/ideas alongside a conforming tender for the exhibited works.

Supervision of the works on site is allowed for in the estimated cost, although the most cost- efficient way of carrying out this element of the works has yet to be resolved. This could involve Island-based persons.

It is the opinion of both my Committee and the States Engineer that the offer for design works, through to contract award, by Beckett, Rankine Partnership represents outstanding value for money, which is unlikely to be bettered by consultants lacking the intimate knowledge of both this scheme and the general background of working in and around Alderney, - Beckett Rankine Partnership have advised the States of Alderney on marine/harbour matters for the last five years. We see no reason, therefore, why the award of this third phase should not be made to the company on the basis of their quotation.

Before the matter can be progressed to tender stage the States of Alderney will incur significant additional design and consultant's fees as set out above. I would, therefore, be grateful if you could seek the approval of the States of Guernsey in principle for this project prior to the project proceeding to the detailed design stage.

The estimated cost of the works is outside the scope of the States of Alderney's current capital resources and would require funding from the Capital Reserve.

Recommendations

The Policy and Finance Committee accordingly requests that the Treasury and Resources Department seek the approval of the States of Guernsey as follows:

1. (a) *to approve the renovation of the Alderney Harbour Commercial Quay as set out in this report.*
- (b) *to authorise the Treasury and Resources Department to approve the acceptance of all tenders in connection with this project and to approve a capital vote, not exceeding £4,000,000, such sum to be charged to the capital allocation of the States of Alderney.*
- (c) *to authorise the Treasury and Resources Department to transfer an appropriate sum from the Capital Reserve to the capital allocation of the States of Alderney in respect of this project.*
2. *To note the States of Alderney's intention to investigate further the cost of constructing a spur on the Alderney Breakwater."*

The Treasury and Resources Department recommends the States to agree, subject to the approval of the States of Alderney:

1. (a) to authorise the renovation of the Alderney Harbour Commercial Quay as set out in this report.

- (b) to authorise the Treasury and Resources Department to approve the acceptance of all tenders in connection with this project and to approve a capital vote, not exceeding £4,000,000, such sum to be charged to the capital allocation of the States of Alderney
 - (c) to authorise the Treasury and Resources Department to transfer an appropriate sum from the Capital Reserve to the capital allocation of the States of Alderney in respect of this project.
2. To note the States of Alderney's intention to investigate further the cost of constructing a spur on the Alderney Breakwater.

Yours faithfully

L S Trott
Minister

1.0 INTRODUCTION

1.1 Terms of Reference

- 1.1.1 States of Alderney appointed Beckett Rankine Partnership to carry out design / investigation work for the remediation and improvement works to Commercial Quay following approval by States of Guernsey Advisory and Finance Estates Sub-committee.
- 1.1.2 This masterplan report covers phases I & II of the work which sets out the overall requirements and considers the relative merits of a range of alternative layouts.

1.2 Background

- 1.2.1 Commercial Quay is deteriorating with the sheetpiling around the lower and East Berths corroding rapidly with accelerated low water corrosion (ALWC), thus these sections of the Commercial Quay are in need of repair/reinstatement. One solution would be to carry out minimum essential works keeping the quay in its present form. However it is clear that the present commercial shipping operations are already working close to the practical and safe limits for this configuration. Keeping the present layout would not address operational limitations of the quay nor provide any tangible improvements to permit the harbour to safely accommodate the 95m long tankers which are presently under construction nor the projected increase in cargo vessel length from 60m to 65m. It is also noted that more stringent safety procedures have been put in place since the present layout was defined.
- 1.2.2 The masterplan exercise has therefore encompassed potential solutions to as many of the present functional inadequacies of the harbour, such as lack of segregation between passengers and cargo, lack of adequate cargo storage areas, more space for better safety & security and accommodation of longer vessels both cargo and tanker.
- 1.2.3 The present operation of the harbour has been established in correspondence with The Harbour Master, and the Harbour Master has also reviewed the operational aspects of the various schemes proposed.
- 1.2.4 Although the condition and remediation of the breakwater is not within the scope of this masterplan it must be recognised that without the protection offered by the breakwater the operation of the Commercial Quay would not be viable. It is also the case that the breakwater offers only partial protection to the Commercial Quay and that one of the major limitations of the Commercial Quay is that it becomes unworkable to larger vessels in only moderate

northeasterly wind conditions. Any revision of the quay alignment has to recognise the need to achieve as much shelter as reasonably practical to larger vessels from waves approaching from the NE.

- 1.2.5 It is very clear from the latest series of breakwater remediation proposals and more recently the wave studies for the Commercial Quay that the biggest single improvement that can be made to the harbour as a whole would be the provision of wave protection from the northeast. A spur attached to the inside of the existing breakwater is the most effective solution and provides potential for a fully protected harbour. The effect of a spur breakwater on the Commercial Quay operations would be to produce calm water conditions alongside which would improve and speed up unloading, improve berthing/un-berthing and reduce the risk of vessel/facility damage.
- 1.2.6 In preparing the masterplan for Commercial Quay the ferry passenger landing facilities and the seasonal facilities for yachtsmen have also to be considered. Furthermore, the RNLI have expressed a desire to have the lifeboat moored alongside so that the crew can board without having to use a tender.

1.3 The Report

- 1.3.1 This report contains all the investigations and conceptual design work carried out for the remediation and improvement to Commercial Quay. The main report pulls this work together and presents conclusions with recommendations for the way forward. Surveys, operational considerations, types of construction and issues relating to the wider harbour area are attached in the appendices for ease of reference.

7.0 CONCLUSIONS AND RECOMMENDATIONS

7.1 Conclusions

7.1.1 While at first sight it might appear that like-for-like repairs would be a suitable solution for the deterioration to the corroded piles and uneven decking to Commercial Quay, further detailed investigations have revealed that operations at the quay are already close to safe limits. The recent introduction of new safety codes and the demand for increased vessel sizes expected in the near future mean that it would be prudent to take advantage of this opportunity of repairing the quay to include improvements to the working environment that would otherwise have to be carried out shortly in any case.

7.1.2 Earlier investigations considered how to safely accommodate these larger vessels and this resulted in three generic alternatives, namely:

- Extending Lower Berth seawards;
- Extending Upper Berth landwards;
- Combining Upper and Lower Berths.

The two extension schemes were rejected as being impractical for various reasons including loss of small craft moorings, more difficult ship handling and cost. A scheme to combine the two existing berths (known as Option 1) has now been examined in detail with many variants presented in this report.

7.1.3 Assessment of the relative merits of these variants took into account that Commercial Quay will have to operate with the breakwater in its present condition. It is however expected that there will be some remediation to the breakwater during the lifetime of the remediated Commercial Quay. As all recent tests have demonstrated the clear and significant benefit in the addition of a spur on the inside of the breakwater it has also been assumed that this will be constructed at some stage. Therefore the remediated quay must be workable in the present harbour layout, while there is also the prospect of still further improvements when the spur is added to the breakwater. It is also noted that deterioration to the breakwater would make Commercial Quay untenable, as is the case at present.

7.1.4 While several of the options that have been assessed would provide the necessary improvements, it is considered that Option 1-6a or 1-6b would be best suited to the operational criteria for remediation of Commercial Quay. This will provide a berth to suit the tanker or cargo vessel with a separate berth for the passenger ferry. It will be possible to accommodate larger vessels than at present and there will also be some protection from

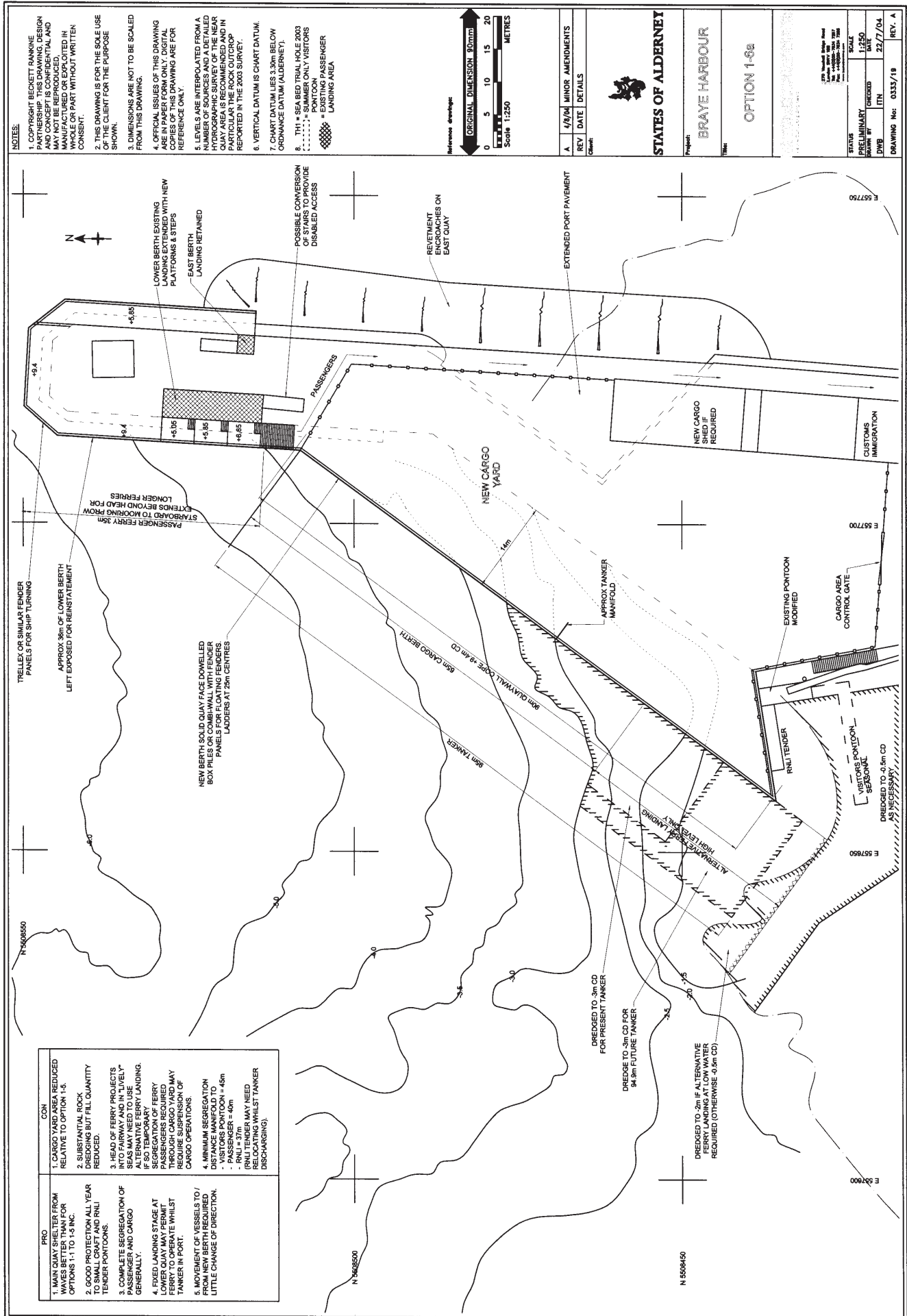
adverse weather conditions. There will be a larger area for cargo handling, which can then be segregated from passenger movements. However, there may be some conflict between discharging the tanker and the proximity of yachtsmen and pedestrians which could restrict some activities on the occasions when the tanker is at the berth. Also, as the main berth will not have a free end it would not be possible to berth vessels in excess of about 95m in the unlikely event that this is called for. The final recommendation depends upon the cost of the particular schemes and from the estimate contained in Table 6.1 option 1-6b is probably slightly cheaper to implement but the cost differential between 1-6a and 1-6b is negligible.

- 7.1.5 In the short term, consideration could be given to discharging the tanker at night to avoid potential conflict with pedestrians. In the longer term, after the breakwater has been remediated and a spur added, it will be possible to move the yachting and passenger ferry activities to the breakwater side of the harbour as has been recommended in the Masterplan for the harbour. This will enable further improvements to Commercial Quay as it would become devoted entirely to cargo handling.
- 7.1.6 Cost estimates have been prepared for the options considered for remediation to Commercial Quay. While an allowance has been made for the logistical difficulties of constructing a project of this size on Alderney it is recognised that there remain uncertainties in these figures. However although during detailed engineering the construction cost might be engineered downwards it appears that a budget of about £4m would be required to achieve either of the technically preferred options 1-6a or 1-6b, which is higher than what we understand to have been the previous budget figure of £3.5m.

7.2 Recommendations

- 7.2.1 We would recommend that either Option 1-6a or 1-6b is adopted as the scheme for the remediation of Commercial Quay.
- 7.2.2 The next step in the implementation process would be to prepare tender documents for the construction contract. Because of the complexities of the requirements for the layout it is strongly recommended that the tender documents are issued on the basis of an exhibited design for the works with drawings, specification and bills of quantities. This will help contractors in submitting a reasonable price for the works and it is further recommended that clauses are included to allow contractors the freedom to develop alternative forms of construction, possibly to suit their own method of working. A design and construct form of contract could be used in this way.

- 7.2.3 Because of the obvious advantages of constructing a spur to the breakwater and that this work would involve the use of similar equipment and techniques, we recommend that a simple rubble mound spur is included in the tender as an optional item. This would establish the market cost for this structure and yet it could be omitted from the contract with no penalty before the contract is finalised.
- 7.2.4 In order to obtain the most favourable prices we would recommend some further survey work before issuing the tender documents, particularly in relation to clarification of the extent and hardness of rock dredging at the landward end of the Upper Berth.
- 7.2.5 In view of the condition of the sheetpiling and what appears to be the imminent deployment of 95m long tankers we would recommend setting an ambitious timeframe for detailed design and tendering to allow for the start of construction in March 2005.



25 November, 2004

APPENDIX II

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Our Ref
lr-0333-01-B1-01-J.doc

Your Ref

RENOVATION OF COMMERCIAL QUAY
DESIGN FEES

Dear Steve,

As requested I have now reviewed the work involved for the design and tender stage for the renovation of Commercial Quay in accordance with the recommendations set out in our report.

We have recommended that the tender documents are prepared on the basis of a detailed design, but with freedom for the contractor to offer alternatives if he prefers in order to suit his favoured method of working. This recommendation was made taking into account experience of previous tenders in this area with a view to encouraging suitable contractors to submit reasonable and robust prices. It will therefore be necessary to undertake the design calculations and prepare detailed tender drawings for the exhibited scheme as well as to set out the design parameters that will enable acceptable alternatives to be offered.

We therefore propose the following:

1. To carry out the Design Calculations for the renovation to the Commercial Quay and this will cover all of the works including the quay wall, filling, decking, fenders, bollards, passenger landing steps, electrical and other services as well as repairs and revetment on the outer side. We will also include a design for the "spur" breakwater for inclusion as a provisional item.
2. Specifications will be drawn up for the materials and workmanship based on previous similar projects. A performance specification will also be prepared to include design criteria. In addition we will propose working areas for the contractor, critical timeframes and set out requirements for berth utilisation during the construction period.
3. Drawings will be prepared in sufficient detail to enable the tenderers to price the works accurately. Bills of Quantity will list the works in accordance with industry standards for this type of work.

4. Contract Documents will be prepared to incorporate special conditions required by the States as well as those usually needed for specialist marine civil engineering works. We will agree the most suitable form of contract with you.
5. We will prepare and issue a prequalification package to suitably experienced contractors and report with recommendations for the tender list.
6. We will issue Tender Documents to the prequalified contractors and respond to tender queries as appropriate.
7. Following submission of tenders we will review the documents and report on tenders received.
8. We will liaise with you throughout this process to ensure that our designs and recommendations fulfil your requirements.

Using our experience of working on Alderney and similar projects elsewhere I have managed to estimate the amount of work that will be involved to produce these documents. Relating this to our charge rates gives a fee estimate of £95,000. We would be pleased to work with this as a lumpsum fee or alternatively charging against actual hours incurred if you would prefer that. Out of pocket expenses such as travel and printing will be charged in addition as it is not yet clear how many meetings and visits will be needed.

Turning to our budget cost estimates for fees in the report, you will notice that we have suggested that you include a figure of around £235,000. While we are able to offer a reduced level of fee as quoted above because we have a team who are now very familiar with the project and have already worked up the preliminary designs, it will be necessary to undertake some other activities. A small amount of survey work will be needed around the quay to enable accurate pricing by the tenderers (initial estimate £25,000). Also, after the contract is awarded it will be necessary to supervise the contractor on site and to administer the contract. This may require significant input but the cost will depend on project details and the level of involvement by your staff. We would be pleased to assist you with this either by having staff on site or by providing you with backup as you need it. I suggest that we discuss in due course the details of how to put together the most cost effective team.

We will start this work on receipt of your instruction to proceed and tenders could be issued after three months. I would expect the tender period to be about eight weeks and I estimate that the whole process would take six months.

I will be pleased to discuss or clarify any of the above.

Kind regards

A handwritten signature in black ink, appearing to read 'Gordon Rankine', with a stylized, cursive script.

Gordon Rankine

(NB The Policy Council supports the proposals)

The States are asked to decide:-

V.- Whether, after consideration of the Report dated 26th November, 2004, of the Treasury and Resources Department, they are of the opinion:-

1. (a) To authorise the renovation of the Alderney Harbour Commercial Quay as set out in that Report.

 (b) To authorise the Treasury and Resources Department to approve the acceptance of all tenders in connection with this project and to approve a capital vote, not exceeding £4,000,000, such sum to be charged to the capital allocation of the States of Alderney

 (c) To authorise the Treasury and Resources Department to transfer an appropriate sum from the Capital Reserve to the capital allocation of the States of Alderney in respect of this project.
2. To note the States of Alderney's intention to investigate further the cost of constructing a spur on the Alderney Breakwater.

HOME DEPARTMENT

POLICE COMPLAINTS COMMISSION

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

10th November 2004

Dear Sir

1. Executive Summary

The purpose of this report is to seek approval for legislation for the establishment of an independent police complaints panel to be known as the Guernsey Police Complaints Commission.

The objectives of the proposed legislation are to:

- (a) provide greater protection for the public should police officers act outside their powers;
- (b) increase public confidence and trust in the police and in the complaints system as a whole;
- (c) provide greater protection for police officers from complaints which are an abuse of process;
- (d) increase accessibility, openness and independence of the complaints process;
- (e) provide timely resolution of complaints;
- (f) improve communications with complainants; and
- (g) maintain proper discipline in the police force.

2. Background

The Home Department acknowledges that the introduction of an independent system for dealing with police complaints is essential, and will increase public confidence and trust in the police and the complaints system as a whole. If the public is to have trust and confidence in the police, the complaints system must be accessible to complainants and the system must be seen to be transparent, and be independent of the police. Furthermore, any police officer who is subject to a serious complaint needs to be dealt with by a process that is independent for the protection of his or her reputation. The Commission will not replace the current system for dealing with minor complaints against the police, that is those which are resolved informally or do not result in a full disciplinary hearing. Rather its rôle will be to supervise the most serious complaints and those where it is in the public interest to do so but it will have access to all complaints and so will provide the independent oversight which is essential to ensure public confidence.

The former Committee for Home Affairs (“the Committee”) had variously considered proposals for the establishment of an independent police complaints panel ¹, including the provisions of the Police (Complaints and Discipline) (Jersey) Law 1999.

The Committee concluded that the investigation of complaints against the police should continue to be investigated by the police, where necessary using an outside force but that there was a need to introduce an independent element to provide public assurance that such investigations were carried out fairly and impartially. The Committee also concluded that Guernsey should not seek to introduce a system which was overly bureaucratic, and the Jersey system (see Section 4) appeared to provide a template that was worth further consideration. However, the system would need to be modified to reflect the differences in the systems of policing in Guernsey and Jersey, particularly given the latter’s honorary component.

The Committee considered that any system introduced in Guernsey should not seek to compromise:

- the Law Officers’ responsibility for determining whether criminal charges should be brought against a police officer.
- the determination of offences under the current disciplinary procedures.

¹ At this stage the Committee was looking at the creation of a non-statutory body, which could have been put in place relatively quickly. It has subsequently become apparent that this was unlikely to be human rights compliant.

3. The Proposed Guernsey Police Complaints Commission

The Home Department recommends that a Commission should be established, to comprise a Chairman and five ordinary Members appointed by the States on the recommendation of the Home Department for a term of four years. Police Officers, former Police Officers, States Members and Jurats would not be eligible for appointment.

The Chairman and Members would be eligible to claim expenses and allowances, as agreed by the States. It is proposed that the payments would be in line with those paid to other similar bodies, for example the Parole Review Committee.

The Commission will be independent from the States and provide an annual report to the Home Department for publication, as an Appendix, in the Billet d'État.

It is envisaged that investigation into complaints against the Police would be carried out as follows:

- A Register of all complaints shall be maintained to which the Commission, but not the public, would have access.
- Informal resolution of complaints other than serious complaints will be attempted by the Chief Officer of Police ("the Chief Officer") in any suitable case. Informal resolution would not be attempted unless the complainant consented and the Chief Officer was satisfied that the conduct of the Police Officer, even if proved, would not justify a criminal or disciplinary charge.
- If informal resolution fails, or is not attempted, the Chief Officer must notify the Commission of the complaint, and an investigation into the complaint must follow.
- The Chief Officer may refer to the Commission any matter, whether or not involving a complaint in which a criminal offence may have been committed by a Police Officer, or which is an offence against discipline, if it appears that the matter ought to be referred because of its public importance or seriousness, or any exceptional circumstance.
- The Commission must supervise the investigation of any complaint alleging that the conduct of a Police Officer resulted in the death of, or serious injury to, a person whether or not in custody.
- The Commission may supervise the investigation of any other complaint, and any matter referred to it by the Chief Officer in which a criminal offence may have been committed, or which is a disciplinary offence or which ought to be referred by

reason of its public importance.

- Where an investigation is supervised by the Commission, it must approve of the investigating officer.
- The Commission may require the investigating officer to report, from time to time, on the conduct and progress of the investigation.
- At the end of an investigation supervised by the Commission, the investigating officer shall submit a report to the Commission, which will be submitted to the Chief Officer, and in the case of a criminal allegation, to H.M. Procureur.
- On receipt of the report the Chief Officer may prefer disciplinary charges, but if the matter discloses criminal conduct, H.M. Procureur will decide whether or not to prosecute.
- The Commission may direct the Chief Officer to prefer disciplinary charges in any particular case.
- A disciplinary charge preferred at the direction of the Commission shall be heard by a tribunal consisting of the Chief Officer and two members of the Commission.

The legislation will provide for the Chief Officer to be able to delegate to the Deputy Chief Officer, or to a Police Officer not below the rank of Superintendent, the exercise of all or any of his functions.

In summary the Commission will have oversight of all complaints against police and will supervise any serious complaint, and may supervise any other complaint if it is in the public interest to do so. That is, it is not anticipated that the Commission will supervise every complaint, and relatively minor matters will still be dealt with internally, as at present.

The Home Department believes that the creation of such a Commission would:

- Create an independent body (consisting of lay members of society who are independent of the law enforcement system) to supervise the investigation of complaints against police officers.
- Enable the Police to continue to investigate complaints and would not require a completely separate investigatory organisation, which would require specialist personnel, and be unduly expensive to administer.

- Allow for complaints to be resolved informally if they are not serious. This limits the administrative burden on the Police.
- Require the Commission to supervise complaints arising from death or serious injury in custody; and
- Give the Commission discretion to supervise all other complaints (other than those resolved informally).

This should improve public confidence that complaints against police officers are properly investigated. The Home Department acknowledges that it would not satisfy those who want a completely independent system of investigating complaints against police officers but, in light of the Jersey experience, this would seem unnecessary.

4. The Jersey Experience – Jersey Police Complaints Authority

On the 22nd September 1998, the States of Jersey adopted the Police (Complaints and Discipline) (Jersey) Law 1999, the purpose of which was to establish a Police Complaints Authority in the Island and to make new provisions for the investigation of complaints and other matters relating to the States of Jersey Police and members of the Honorary Police. The Law provides that the Authority should be independent and free from outside control or influence and should oversee, monitor and supervise the investigations to ensure that they, and subsequent decisions are carried out in an impartial, thorough and meticulous manner. The Authority comprises a Chairman and six other members.

A summary of complaints during the 3 years that the Authority has been supervising investigations is as follows:

Type of complaint	2001	2002	2003
Excessive use of force	10	10	17
Harassment and threatening manner	2	5	5
Use of CS Spray	-	3	-
Other	5	3	8
Total	17	21	30

Outcome	2001	2002	2003
Complaint withdrawn	6	12	3
Complaint considered vexatious or incapable of investigation	5	4	3
Complaint unsubstantiated	3	3	7
Complaint substantiated	-	1	1
Investigation in progress at year end	3	1	16
Total	17	21	30

The States of Jersey Police Force has an establishment of 241 officers and there are some 500 Honorary Police. The above refers to complaints against both forces.

5. Right of Appeal

The proposed legislation would include provision for police officers to appeal against their being found guilty of a disciplinary charge and/or the punishment imposed.

The Home Department recommends that the appeal should be to the Royal Court, which for this purpose would comprise the Bailiff and two Jurats unless the issues involve only points of law, in which case the Bailiff would sit alone. The Royal Court should have statutory authority to remit the proceedings, or part of the proceedings, for rehearing if it appears that all or any part of:

- (a) the decision was ultra vires or unreasonable;
- (b) the decision was affected by some material error either of law or as to the facts; or
- (c) the proceedings were subject to some material substantive or procedural irregularity.

The decision of the Royal Court on an appeal will be final, except on a point of law certified as such by a single judge of the Court of Appeal.

6. Recommendations

The Home Department has considered the Committee's report and has received the support of the Police Associations, and supports the recommendation that a Police Complaints Commission be established to oversee the investigation of complaints against police officers (including 'B' Division of the Special Constabulary). The Commission would be structured in the following manner:

- The States would, on the recommendation of the Home Department, elect a Chairman and 5 Members to the Commission for terms of 4 years but, on the first occasion, it is recommended that the Chairman and two Members would be elected for a four year term and the remaining three Members for a two year term, and each would be eligible for re-election on two occasions. The reason for splitting the terms of office of the first Members is to avoid the Chairman and all five Members being reappointed at the same time. The Chairman and Members would be eligible for re-election but would serve no more than two terms.
- The Chairman and Members of the Commission would have no current or previous professional involvement in law enforcement.

- The Chairman and Members of the Commission would be entitled to claim attendance allowance and expenses. The Chairman will be paid at the non-qualified Acting Magistrate half-day rate and the Members at the non-States Member half-day rate.
- The Chairman and Members would have the right to inspect the Police Complaints Register.
- The Commission would supervise the investigation of complaints and otherwise be concerned in the disposal of complaints and misconduct in accordance with the above provisions.
- The Commission would be funded by the Home Department, including the provision of appropriate support staff and accommodation.
- The Commission would have to approve the appointment of the investigating officer (including an appointment from an outside force if appropriate) and would keep in regular contact with him during the investigation and have access to all the relevant information including any video footage and tape recordings.
- The Commission would have to sign off each investigation as satisfactory.
- A decision to bring criminal charges would remain at the discretion of the Law Officers.
- The Commission would have the right to express its view as to whether a police officer should be disciplined.
- The Commission to produce an annual report to the States which will be published as an appendix to a Billet d'Etat.

7. Costs

The Home Department estimates that, should the States approve the recommendation to establish an independent Police Complaints Commission and that the Chairman and Members be eligible to claim expenses and allowances in line with those paid as set out above which parallels those payable to similar bodies, for example the Parole Review Committee, the Commission would cost £15,000 per annum, including secretarial and training costs. This will be funded from the existing Home Department budget. The Commission accounts will be included within the Home Department's accounts, in line with the practice adopted for the Parole Review Committee.

8. Conclusion

In the circumstances outlined in this report, the Home Department recommends the States:

To approve the establishment of a Police Complaints Commission as proposed in the Report; and

To direct the preparation of such legislation as may be necessary to give effect to the foregoing.

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

Yours faithfully

M W Torode
Minister

(NB The Policy Council supports the proposals)

(NB The Treasury and Resources Department has no comment on the proposals)

The States are asked to decide:-

VI.- Whether, after consideration of the Report dated 10th November, 2004, of the Home Department, they are of the opinion:-

1. To approve the establishment of a Police Complaints Commission as set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

HOME DEPARTMENT

THE INTRODUCTION OF THE POLICE POWERS AND CRIMINAL EVIDENCE (BAILIWICK OF GUERNSEY) LAW, 2003

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

19th November 2004

Dear Sir

Executive Summary

The Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 (PPACE) was implemented in Guernsey on 05 April 2004. A requirement of this legislation was for specific search of person statistics to be published within the annual Reports of the Chief of Police and the Chief of Customs and Excise. It is proposed to discontinue the current annual search of person statistics States Report. The implementation of PPACE legislation requires statistics to be included within the annual Reports of the Chief of Police and the Chief of Customs and Excise. Whilst these annual Reports are not placed before the States they are public documents. As a result of the reporting requirements of PPACE legislation it is recommended that the current search of person annual States Reports be discontinued. In their place an amalgamated report would be published within the Annual Reports of the Chief of Police and the Chief of Customs and Excise. This will cover all statutory requirements of PPACE as well as the currently produced non-statutory search of person statistics. This Report would provide a more detailed record of Police and Customs and Excise performance than is currently provided.

1.0 Introduction

- 1.1 The Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law 2003, ('PPACE') was approved by the States on 01 August 2003, and came into force from 05 April 2004.
- 1.2 Under PPACE there is a requirement for statistics to be published in the Chief of Police's and Chief of Customs and Excise's Annual Reports. The statistics required relate to recorded search of persons, recorded road checks and records of detention.

- 1.3 Currently only statistics related to intimate and strip searches of persons are placed before the States, in the form of an annual report, as a result of the States Resolution on 29 October 1997, on the Advisory and Finance Committee's Policy Letter, "*Detention of Suspects Without Charge; Codes of Practice*" : see *Billet d'Etat No. XVI of 1997 at pp888 et seq.*
- 1.4 These annual non-statutory reports detail the number of such searches of persons including the number of successful prosecutions that resulted.
- 1.5 As a result of reporting requirements under PPACE, it is recommended that an amalgamated report be compiled, which covers all statutory statistical requirements under PPACE, which will also include search of person statistics.

2.0 PPACE Requirements

- 2.1 Section 6 of the PPACE, Reports of Recorded Searches and of Road Checks, stipulates that statistics must be published within the Annual Reports of the Chief of Police and Chief of Customs and Excise, in relation to searches recorded under section 4 and section 5.
- 2.2 Section 58 of the PPACE, Records of Detention, requires statistics to be recorded in relation to the length of time that arrested persons are detained and the statistics in relation to resulting charges.
- 2.3 Section 63 of the PPACE, Intimate Searches in Police Detention, specifies that statistics are required with regard to the number and results of intimate searches carried out on persons detained. This information shall also include, as separate items, the total number of drug offence searches and the results of those searches.

3.0 Detention of Suspects Without Charge; pre PPACE

- 3.1 The States resolved, in Article XVI of Billet d'Etat XVI of 1997, that the then States Committee for Home Affairs and Board of Administration should lay before the States an annual report detailing specific Police and Customs and Excise statistics in relation to strip and intimate searches carried out. These reports have been placed before the States for debate annually since 1997.
- 3.2 Attached to this report as Appendix A are the search of person statistics for 2003.

4.0 Amalgamation of Statistics

- 4.1 The Department is of the opinion that the statistical requirements set out within PPACE in effect supersede the collation of statistics under the States Resolution of 29 October 1997.

- 4.2 Within the Annual Reports of the Chief of Police and Chief of Customs and Excise, statistics could be amalgamated and published so fulfilling the requirements set out under PPACE, as well as providing statistics relating to search of persons that are currently produced within the annual non-statutory reports laid before the States under the October 1997 Resolution.
- 4.3 Within these annual reports the searches carried out under Section 72 of the Customs and Excise (General Provisions)(Bailiwick of Guernsey) Law, 1972 as amended would be specified and segregated from those carried out under PPACE.
- 4.4 In these circumstances, the current search of person annual reports laid before the States would be discontinued.
- 4.5 The amalgamated statistics would become an element of the Annual Reports of the Chief of Police and Chief of Customs and Excise, providing greater detail and accountability with regard to the detention of suspects without charge than is currently produced.
- 4.6 The search of person statistics from 01 January 2004 will appear in the Annual Reports of the Chief of Police and Chief of Customs and Excise.

5.0 Recommendation

The States are asked

- 5.1 to rescind Resolution 5 of Article XVI of Billet d'Etat No. XVI of 1997 whereby an annual report relating to intimate and strip searches is laid before the States;
- 5.2 to approve the inclusion of the search of person statistics within the Annual Reports of the Chief of Police and Chief of Customs and Excise, in conjunction with the more detailed information regarding arrested persons required under the PPACE; and
- 5.3 to note the 2003 search of person statistics as laid out in Appendix A to this Report.

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

Yours faithfully

M W Torode
Minister

APPENDIX A

DETENTION OF SUSPECTS WITHOUT CHARGE PROVISION OF ANNUAL STATISTICS

Numbers of Searches of Person by Police and Customs Provision of Annual Statistics – Year 2003

A. Provision of Police Statistics – January to December 2003

Relevant statistics in relation to searches carried out at the insistence of Police Officers are as follows (*2002 statistics in brackets*): -

Total number of strip searches	=	5	(17)
Number of successful prosecutions of cases in which strip searches were involved	=	5	(11)
Total number of intimate searches	=	0	(0)

FURTHER INFORMATION

- i) All persons searched had been arrested on suspicion of committing an offence.
- ii) The 5 persons subsequently prosecuted were so prosecuted for at least one offence as a result of the incident that prompted the search.
- iii) All searches were undertaken in the Custody area of the Police Station.
- iv) All searches were carried out within the guidelines laid down by the Guernsey Police Standing Order 1/91 entitled 'Detention, Questioning and Treatment of Persons by the Police'.
- v) The reasons for the searches were in relation to alleged drug offences (searching for further concealed drugs); safety of prisoner (items for causing self-harm); Officer safety (concealed items that could be used as weapons); stolen property (concealed items of stolen jewellery etc).
- vi) No complaints were received from any persons subject to such searches.

B. Provision of Customs Statistics – January to December 2003

Relevant statistics in relation to searches carried out at the insistence of Customs Officers are as follows (*2002 statistics in brackets*): -

Total number of strip searches	=	133	(115)
Number of successful prosecutions of cases in which strip searches were involved	=	49 (7 pending)	(45)
Number of searches after arrest on suspicion of having committed a serious Customs offence	=	49	(64)
Number of searches at ports under Customs Law	=	84	(51)
Number of strip searches where drug seizure made but no prosecution	=	1	(4)
Total number of intimate searches	=	4	(8)
Number of successful prosecutions of cases in which intimate searches were involved	=	1	(2)

FURTHER INFORMATION

- i) Of the 49 (64) strip searches which were carried out after arrest 35 (38) of these persons were subsequently successfully prosecuted (six cases remain pending).
- ii) All 49 (64) strip searches after arrest were carried out in accordance with Staff Instructions and Codes of Practice issued relative to the Detention, Treatment and Questioning of Persons by Customs Officers.
- iii) Of the 84 (51) strip searches carried out in approved Customs facilities on persons not under arrest, arriving into or departing from the Island, in accordance with Section 72 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1971, as amended (Customs Law), 22 (7) successful prosecutions followed (1 case remains pending).
- iv) Of the 84 (51) searches carried out on persons not under arrest, one person requested referral to a Senior Officer and one to a Jurat.

v) The 84 (51) strip searches were carried out in accordance with Staff Instructions and Codes of Practice imposed under Section 72 of the Customs Law, which states that there must be reasonable grounds before the search can proceed.

vi) The reasonable grounds for the 84 (51) strip searches were:

64 (5) persons proved positive to drug tests (of which 8 (1) were subsequently successfully prosecuted).

7 (16) persons met a Customs smuggling profile (of which 1 (4) was subsequently successfully prosecuted).

6 (30) persons had positive and evaluated intelligence held on them (of which 2 (2) were subsequently successfully prosecuted).

7 persons were strip searched as a result of a drug seizure and 6 were subsequently successfully prosecuted. 1 case remains pending.

vii) Female officers undertook all strip searches carried out on female persons.

Male officers undertook all strip searches carried out on male persons.

viii) Of the total of 133 (58) persons strip searched 4 (8) were referred to a Medical practitioner for the purpose of an intimate body search of which 1 (2) was subsequently prosecuted.

ix) No complaints were received from any persons on whom strip or intimate searches were carried out.

In 1999 a total of 106 searches of person took place of which 48 were subsequently successfully prosecuted.

In 2000 a total of 80 searches of person took place of which 37 were subsequently successfully prosecuted.

In 2001 a total of 58 searches of person took place of which 26 were subsequently successfully prosecuted.

In 2002 a total of 115 searches of person took place of which 47 were subsequently successfully prosecuted.

The attached schedule provides information on the number of strip and intimate searches carried out at the insistence of Police and Customs Officers by sex and by age group.

CUSTOMS AND EXCISE

SEARCH OF PERSON STATISTICS

JANUARY – DECEMBER 2003

	NUMBER STRIP SEARCHES	SUCCESSFUL PROSECUTIONS	AGE 16-24	AGE 25-34	AGE 35-44	AGE 45 +
MALE	111	45 6 pending	(9) 18 2 pending	(17) 37 3 pending	(11) 4 1 pending	(8) 1
FEMALE	22	4 1 pending	(1) 7	(2) 7 1 pending	(1) 3	(0) 0
TOTAL	133	49 7 Pending	(10) 25 2 pending	(19) 44 4 pending	(12) 7 1 pending	(8) 1

(FIGURES IN BRACKETS DENOTE NUMBER OF SUCCESSFUL PROSECUTIONS PER AGE GROUP)

	NUMBER INTIMATE SEARCHES	SUCCESSFUL PROSECUTIONS	AGE 16-24	AGE 25-34	AGE 35-44	AGE 45 +
MALE	2	1	0	0	(1) 2	0
FEMALE	2	0	2	0	0	0
TOTAL	4	1	2	0	(1) 2	0

(FIGURES IN BRACKETS DENOTE NUMBER OF SUCCESSFUL PROSECUTIONS PER AGE GROUP)

ISLAND POLICE
SEARCH OF PERSON STATISTICS
JANUARY – DECEMBER 2003

	NUMBER STRIP SEARCHES	SUCCESSFUL PROSECUTIONS	AGE 17-24	AGE 25-34	AGE 35-44	AGE 45 +
MALE	5	5	(4)	(1)	0	0
FEMALE	0	0	0	0	0	0
TOTAL	5	5	(4)	(1)	0	0

(FIGURES IN BRACKETS DENOTE NUMBER OF SUCCESSFUL PROSECUTIONS PER AGE GROUP)

(NB The Policy Council supports the proposals)

(NB The Treasury and Resources Department has no comment on the proposals)

The States are asked to decide:-

VII.- Whether, after consideration of the Report dated 19th November, 2004, of the Home Department, they are of the opinion:-

1. To rescind their Resolution XVI. 5. of the 29th October, 1997 (on Billet d'État XVI of 1997).
2. To approve the inclusion of search of person statistics within the Annual Reports of the Chief Officer of the Island Police Force and the Chief Officer of Customs and Excise required under the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 in relation to information regarding arrested persons.
3. To note the 2003 search of person statistics as laid out in Appendix A to that Report.

PUBLIC SERVICES DEPARTMENT

ALDERNEY AIRPORT - DUES AND CHARGES 2005

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

22nd November 2004

Dear Sir

Executive Summary

The Public Services Department is seeking approval to increase passenger fees levied at Alderney Airport by £0.75 per movement with effect from 1st April 2005. This increase will increase the overall income and based on current passenger throughput reduce the current budgeted deficit at Alderney Airport to no more than £500,000. This increase is in addition to a general RPI increase that will be applied with effect from 1st January 2005.

The Treasury and Resources Department has already approved the RPI increases applicable from 1st January 2005, in accordance with the resolution of the States outlined in paragraph 1.2 below.

1. Introduction

- 1.1 Alderney Airport has traditionally run at an overall trading loss. The magnitude of that loss has generally increased over recent years, due primarily to reducing passenger movements and an inability to significantly reduce the costs incurred in maintaining appropriate standards of Air Traffic Control and Fire Service cover at the airfield, which are dictated by CAA regulations covering the type of aircraft using the airfield, rather than the frequency of flights or the number of passengers travelling through the airport.

Trading deficits over recent years are as follows:

1999	£416,471
2000	£418,135
2001	£431,261
2002	£513,020
2003	£483,705

2004 (Budget Estimate)	£565,000
2004 (Probable Outturn)	£540,000
2005 (Original Budget Est)	£557,200

- 1.2 In September 2004, the Public Services Department recommended to the Treasury and Resources Department that RPI increases in the fees and charges payable at Alderney Airport should apply from 1st January 2005. An RPI increase was subsequently approved by Treasury & Resources under authority delegated by a States Resolution dated 31st January 2001 (Billet D'Etat I, 2001) which states

“ future alterations in airport fees and charges may be implemented with the agreement of the States Advisory and Finance Committee and without reference to the States, provided that increases do not exceed the change in the Guernsey Retail Price Index as at 30th June of the year preceding that of the new charges”.

- 1.3 The **passenger** rates currently applicable at Alderney Airport from 1st January 2005 are:

Charge Category	Charge per Passenger Movement
Passenger Charge (CI movements)	£0.78 (+4.0% on 2004 rate)
Passenger Charge (Other movements)	£1.71 (+4.3% on 2004 rate)
Security Charge (All movements)	£1.61 (no increase on 2004 rate)

In addition to the above passenger charge, a fixed charge for the aircraft landing/take off is levied. That rate is currently £7.84 per tonne for long haul services and £4.36 per tonne for short haul services.

- 1.4 Following receipt of approval for RPI increases, the Treasury and Resources Department considered the budget submitted by the Public Services Department for 2005, which revealed a potential deficit at Alderney Airport in 2005 of £557,200. This potential deficit resulted from budgeted expenditure of £917,400 (3% higher than the predicted 2004 outturn) and income of £360,200 (same as 2004 predicted outturn).
- 1.5 In submitting this 2005 budget for consideration, the Public Services Department noted that passenger movements for the first 6 months of 2004, revealed an overall decline of 2% on the previous years movements. This position improved over the summer of 2004, such that by the end of September 2004, passenger movements were 1% higher than the corresponding period of the previous year. As a result, it is predicted that the income levels may improve marginally in 2005, over those sums budgeted.

- 1.6 The Public Services Department like its predecessor, is concerned over the continuing deficits accrued at Alderney Airport and has recommended to the Treasury and Resources Department that the deficit now be capped for future years at a maximum sum of £500,000. This recommendation was made in view of advice received that savings should be sought from General Revenue Departments.
- 1.7 A meeting to discuss an overall deficit capping was held with the Alderney Policy and Finance Committee on 14th October 2004. That meeting agreed the principle of the proposal, and accepted that a review of both alternative income streams and reducing expenditure would be required in an effort to cap the overall deficit at no more than £500,000 per annum. To this end, the meeting agreed to form an Alderney Airport Working Party, comprising two representatives of the Alderney Policy and Finance Committee, and three members of the Public Services Department.
- 1.8 The Alderney Airport Working Party met for the first time on 26th October 2004, and outlined areas that will be subject to a review in order to attempt to reduce the operating expenditure incurred at the Airport. It was recognised that in order to address the 2005 budgeted deficit, additional income would need to be generated immediately. Accordingly the meeting agreed, with some reluctance by the States of Alderney representatives, to recommend to the Public Services Department that an additional passenger charge of £0.75 per movement should be introduced from 1st April 2005 to address the budgeted deficit, thereby reducing it to below £500,000 in 2005. In determining this rate, the meeting noted revised income levels forecast by the Airport in respect of 2005, which were based on slightly improved traffic forecasts for 2004.
- 1.9 The Public Services Department believes it appropriate to recommend an additional increase of £0.75 on the passenger fees to be charged at Alderney Airport, with effect from 1st April 2005. As these rates would exceed an increase equivalent to the change in the Guernsey Retail Prices Index RPI as at the 30th June 2004, the States of Deliberation is asked to approve this proposed increased in passenger fees to be applied at Alderney Airport with effect from 1st April 2005.

2. Recommendations

- 2.1 To approve the following adjustment in fees and charges for the use of Alderney Airport with effect from 1st April 2005.

Passenger Fees

Category of Passenger	Rate of Airport Fee per passenger	
	Approved Rate 1 January 2005 to 31 March 2005 £	Proposed Rate 1 April 2005 to 31 December 2005 £
(i) the last point of departure of which is or the next point of arrival is within the Channel Islands	0.78	1.53
(ii) the last point of departure of which is or next point of arrival is within the Channel Islands, where the passenger remained or will remain on the aircraft at that point	1.71	2.46
(iii) the last point of departure of which is or the next point of arrival will be outside of the Channel Islands	1.71	2.46

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

Yours faithfully

William M Bell
Minister

(NB The Policy Council supports the proposals)

(NB The Treasury and Resources Department supports the proposals)

The States are asked to decide:-

VIII.- Whether, after consideration of the Report, dated 22nd November, 2004, of the Public Services Department, they are of the opinion:-

To approve the adjustment in fees and charges for the use of Alderney Airport with effect from 1st April 2005 as set out in paragraph 2.1 of that Report.

PUBLIC SERVICES DEPARTMENT

MONT CUET LANDFILL SITE – LANDFILL GAS MANAGEMENT SCHEME

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

25th November 2004

Dear Sir

Executive Summary

The former Board of Administration explained to the States, when the preparation of Mont Cuet as a landfill site was being considered, that it would report back to the States with proposals for the management of landfill gas at the site.

The site is operated under a licence agreement with the Board of Health, administered by the Environmental Health Department, and that agreement also requires the management of the landfill gas.

Consultants were commissioned to provide a report on the best options and it was predicted that the sites at Mont Cuet and the former adjacent site, Creve Coeur, will produce sufficient landfill gas to require active management until at least 2040, and with electricity generation feasible for the next 10-15 years. The electricity produced will provide power for the site while exporting surplus into the local grid.

In view of the specialist nature of the work, a select list of tenderers was drawn up and the most favourable tender was that received from Biogas Technology Ltd in the sum of £784,170.90 which includes £100,000 for contingencies. To that sum must be added approximately £45,000 for site investigations and consultants, the provision of a bank bond and the cost of independent financial checks. The total sum required is £830,000.

Background

In the report dated 20 February 1997 headed Putrescible Waste Disposal – The Preparation and Use of Mont Cuet (Billet No. V of 1997), the Board of Administration explained that it would report to the States of Guernsey with proposals for the management of landfill gas at Mont Cuet Landfill Site.

Mont Cuet Landfill Site has accepted all of the Island's putrescible waste (household, commercial and industrial) since February 1998. The biodegradable component of this waste breaks down to produce methane gas, a major greenhouse gas. This has to date vented passively to atmosphere.

Gases produced by the breakdown of wastes within a Landfill Site typically comprise 60% Methane (CH₄), 40% Carbon Dioxide (CO₂), with numerous trace components. Both the main gases are contributors to atmospheric pollution, with CH₄ twenty-one times more potent than CO₂ in the context of 'greenhouse gases'.

With the joint objectives of reducing greenhouse gas emissions and lateral migration, passive venting of landfill gas is no longer considered acceptable practice. To achieve these objectives a sustainable landfill gas management scheme is required.

States Policy and Legislative Framework

The States of Guernsey Policy on Air Quality and Other Pollution is detailed in Section 12 of the document '2003 Sustainable Guernsey – monitoring Social, Economic & Environmental Trends'.

Policy Objective:

'To ensure that Air Pollution, together with noise and land pollution is minimised in order to improve quality of life for the community and preservation of the Island's natural environment. To ensure that Guernsey also fulfils its responsibilities in terms of combating global climate change'. To this end Guernsey agreed to the formal ratification of the Kyoto Protocol and UN Convention on Climate Change on 6 February 2002.

The 1997 Policy and Resource Planning Report, published by the Advisory & Finance Committee (Billet d'État XII, dated 9 July 1997), section 4.7 dealt with the Administrative and Legislative Framework for Environmental Policy.

Section 4.7.4 states:

'In March 1997 the States also took a major step forward in confirming its commitment to promoting and encouraging the adoption of best environmental practice through the example of the pollution prevention and control measures included in the Board of Administration's proposals which were approved for the preparation of Mont Cuet Quarry for the acceptance of solid waste'.

Billet d'État V, dated 26 March 1997, detailed proposals from the Board of Administration for Putrescible Waste Disposal – The Preparation and Use of Mont Cuet Quarry. Section 3 – Technical Aspects refers to the licensing of the site as follows:

‘Once all preparatory works have been completed and the quarry is ready to receive waste it will be operated in accordance with the proposed provisions of the Control of Environmental Pollution legislation which will require such operations to be carried out under the terms of licences granted by the Board of Health acting as a Waste Regulation Authority. Until such legislation comes into force, solid waste disposal operations carried out by the Board of Administration will continue to be voluntarily subject to effective “licensing” by the Board of Health.’

‘Under the licensing requirements the Board is required to ensure that its proposals will deal not only with the useful lifetime of the quarry, but also for the site’s environmental impact as the waste degenerates over the following decades.’

Section 3.3 – ‘Landfill Gas’ further states:

‘The collection and treatment of landfill gas, both during and after the filling of the quarry, will be done using recognised and familiar techniques, as employed on other landfill sites locally and elsewhere. It is planned that a flare stack, similar to that at Bordeaux, will be installed when the site produces significant quantities of methane, after a few years. In the meantime uses for the gas such as electricity generation will continue to be investigated by the Board.’

Guidance on best environment practice is provided by the UK Environment Agency Document titled ‘Guidance on Landfill Gas Flaring’, published November 2002. Compliance with this practice is enforceable by law in the UK.

Licensing Conditions

The Mont Cuet Landfill Site is operated under a licence agreement with the Board of Health. The Waste Management Licence for Mont Cuet, administered by the Environmental Health Department acting as Waste Regulation Authority (WRA), requires the management of Landfill Gas produced by the site as detailed below:

A scheme shall be provided by the licence holder for the extraction and disposal of landfill gas generated within the site. The scheme shall be forwarded to the WRA for acceptance prior to its implementation.

The landfill gas management scheme shall comply with the following requirements:

To prevent or minimise lateral migration of landfill gas.

To minimise the volume of landfill gas vented to atmosphere.

Landfill gas shall be collected by active abstraction of sufficient capacity for the site, and shall be flared or utilised, employing BATNEEC (Best Available Technology Not Entailing Excessive Costs) principles.

Noise from the landfill gas abstraction and/or utilisation plant will be no greater than 5dB above background levels, at the nearest sensitive receptor.

Emissions from the landfill gas management scheme shall comply with TA Luft 1986 standards, or equivalent.

The Board of Administration commissioned consultants Enviro Consulting Ltd to report on options for the management of Landfill Gas produced at Chouet Headland, in compliance with the Licence conditions and relevant UK/EC legislation, and recommended a landfill gas utilisation scheme.

Using the UK Environment Agency *GasSim* modelling software the volume and rate of landfill gas generation was estimated for the sites. This model predicts that together Mont Cuet and Creve Coeur are producing, and will continue to produce, sufficient landfill gas to require active management until at least 2040, and with electricity generation feasible for the next 10-15 years.

The proximity of the sites allows for a combined scheme, rather than individual ones.

A variety of opportunities for landfill gas utilisation were investigated, including direct heating, electricity generation, combined heat and power, and purifying methane for vehicle fuel.

Enviro Consulting Ltd recommended that electricity generation to power the site, while exporting the surplus into the local grid, would be the most appropriate method for the management of landfill gas produced at Mont Cuet and Creve Coeur.

It is therefore proposed that a new gas extraction and flaring scheme be constructed as shown on Drawing No. 9017/4/5 a copy of which has been deposited at the Greffe for the information of States Members. The Environment Department has been consulted on the proposals and their report on the appropriate location for the required plant is attached as an appendix to this Report.

Electricity Generation

The Landfill Site's maximum electricity demand is 50kW. It is suggested that the size of plant appropriate for Mont Cuet will generate 400kW, giving in excess of 350kW supply to the Grid.

Guernsey Electricity has stated that it would be prepared to pay its buying in price for the surplus electricity, currently around 2.9p per unit, linked with fluctuations in the Euro exchange rate.

The costs of connecting into the local Grid are included in the capital cost of the works.

Tenders

In view of the specialist nature of the work and the plant, expressions of interest were sought and a select list of tenderers was drawn up and the tenders received make provision for the conditions likely to be encountered.

The consultants, Enviros Consulting Ltd, have examined the tenders and prepared a Tender Evaluation Report. The evaluation included arithmetic correctness, compliance with instructions for tendering and technical compliance with the specification. The tenders were subjected to quantitative assessment for cost, with each tender being assessed in two parts, with prices compared for the extraction and flaring systems, and the utilisation scheme. All tenders were technically acceptable.

The following tenders were received:-

Tenderer	Extraction and Flaring Scheme	Utilisation Scheme	Total*
	£	£	£
Biogas Technology Ltd	471,526	194,640	766,166
Renewable Power Systems	654,700	151,200	905,900
Summerlease Re-generation	420,678	308,000	828,678

* including £100,000 for contingencies

The time for the completion of the Extraction and Flaring Scheme is 16 weeks from the award of the contract.

The utilisation schemes are based on an assessment of the potential landfill gas produced, and modelling suggested that a 400kW system was appropriate. The actual quantity and quality of landfill gas that can be extracted from both Mont Cuet and Creve Coeur Landfill Sites cannot be assessed until the extraction and flaring system is installed. Following this it will be possible to fully assess the revenue from the generation of electricity.

As a result the assessment of cost and income balance for the utilisation scheme was not included in the selection of the preferred tender, however it is estimated that some, if not all, costs will be recovered over the life of the plant.

The most financially attractive tender was that received from Biogas Technology Ltd in the sum of £766,166.00 which includes an amount of £100,000 for contingencies.

Independent financial checks have been carried out on Biogas Technology Ltd., which is ultimately controlled by ENER-G plc. The provision of a Bank Bond for the Contract has also been requested and agreed by Biogas Technology Ltd. at the cost of £4,945.

Due to lengthy consultation with the National Trust of Guernsey on the appropriate location for the extraction and utilisation plant for this scheme, there has been some delay in bringing this project to the States of Guernsey. As a result the preferred tenderer has had to revised its prices, with a general increase of 2.35% applied to general tendered prices, and additional sub-contracted costs.

As a result, an increased tender price of £784,170.90 including £100,000 contingencies has been agreed. To this figure must be added just over £45,000.00 to cover the cost of site investigation work and consultancy, the provision of the bank bond, and independent financial checks.

The total cost of the proposals, £830,000.00, will be met from the capital allocation of the Public Services Department.

The Public Services Department, therefore, recommends the States:-

- (a) To approve the construction of a Landfill Gas Management Scheme at Mont Cuet as set out in this report at a total cost not to exceed £830,000.
- (b) To authorise the Public Services Department to accept the tender from Biogas Technology Ltd in the sum of £784,170.90 (including contingencies) in respect of these works.
- (c) To vote the Public Services Department a credit of £830,000 to cover the cost of the above works, such sum to be charged to it's capital allocation.

I request that you lay the matter before the States together with appropriate propositions.

Yours faithfully

William M Bell
Minister

ENVIRONMENT DEPARTMENT

The Minister
Public Services Department
Sir Charles Frossard House
La Charroterie
St Peter Port

24th November 2004

Dear Deputy Bell,

**DEVELOPMENT BY STATES DEPARTMENTS-
STATES RESOLUTIONS OF 1.8.1991(BILLET D'ÉTAT XX, 1991)**

PROPOSAL: Install methane gas management system extraction and electricity generating plant.

LOCATION: LES HURES, VALE.

FOR: Public Services Department

I write further to your letter of 21st May 2004 and subsequent correspondence regarding the above proposal.

I am pleased to inform you that the Environment Department has decided to raise no objection in principle to your proposal within the terms of the relevant States Resolutions of 1991.

The Department, however, requests that further detailed consideration be given to the precise positioning and orientation of the installations to maximise the potential for cutting into the slope and mitigating as much as possible the visual impact of the development in its rural setting. It is also requested that the seaward edge of the site be planted with gorse and blackthorn as part of a landscaping plan to be agreed beforehand with this Department.

In addition, the Department requests that the electricity generator and associated plant is removed when no longer required for electricity generation, and that, at that time, consideration is given to relocating the flare stack should a more environmentally appropriate site be available. It is requested that the gas gathering system be designed and installed to facilitate such relocation of the flare stack in the future.

The proposal also has to be considered under the Building (Guernsey) Law, 1956. In this respect, you are requested to submit full working drawings of the proposal for the Department's consideration and approval under the Building Law and Regulations before the scheme is implemented.

I trust that the above is of assistance.

Yours faithfully

Deputy B M Flouquet
Minister

(NB The Policy Council supports the proposals)

(NB The Treasury and Resources Department supports the proposals)

The States are asked to decide:-

IX.- Whether, after consideration of the Report dated 25th November, 2004, of the Public Services Department, they are of the opinion:-

1. To approve the construction of a Landfill Gas Management Scheme at Mont Cuet as set out in that Report at a total cost not to exceed £830,000.
2. To authorise the Public Services Department to accept the tender from Biogas Technology Ltd in the sum of £784,170.90 (including contingencies) in respect of these works.
3. To vote the Public Services Department a credit of £830,000 to cover the cost of the above works, such sum to be charged to it's capital allocation.

COMMERCE AND EMPLOYMENT DEPARTMENT

DIRECTOR GENERAL – OFFICE OF UTILITY REGULATION

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

3rd December 2004

Dear Sir

1.0 Executive Summary

- 1.1 The Commerce and Employment Department is recommending to the States the appointment of Mr John Curran as the Director General of the Office of Utility Regulation for a short-term period of 12 months following the resignation of the current Director General.
- 1.2 The short-term nature of the appointment is a response to the recently announced review of commercialisation, to be undertaken jointly by the Treasury and Resources and Commerce and Employment Departments, which will touch on regulatory issues.

2.0 Background

- 2.1 The position of the Director General of the Office of Utility Regulation (OUR) will become vacant on 1 February 2005 following the recently announced resignation of Ms Regina Finn who has held this position since 1 October 2001.
- 2.2 Ms Finn has decided to return to Ireland to take up a senior regulatory position with the Irish Government.
- 2.3 The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 provides for the Commerce and Employment Department to recommend to the States the appointment of the Director General who shall hold office for a term not exceeding five years, although they may be appointed for more than one term.

2.4 It might be helpful at this point to remind States members of the general duties of the States and the Director General in relation to the law:

2.5 The States and the Director General each have a general duty to promote (and, where they conflict, to balance) the following objectives:

- (a) To protect the interests of consumers and other users in the Bailiwick in respect of the prices charged for, and the quality, service levels, permanence and variety of, utility services;
- (b) To secure, so 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;
- (c) To ensure that 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;
- (d) 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;
- (e) To improve the quality and coverage of utility services and to facilitate the availability of new utility services within the Bailiwick; and
- (f) To lessen, where practicable, any adverse impact of utility activities on the environment;

and, in performing the duty imposed by this section, the States and the Director General shall have equal regard to the interests of the residents of all islands of the Bailiwick.

2.6 The appointment of Ms Finn in 2001 was for a full five-year period since the States was fully aware of the significant work that lay ahead in establishing the OUR and in implementing the States Directions which mapped out the aims and objectives of the States for the newly commercialised Postal and Electricity sectors and for the liberalised Telecommunications sector.

2.7 The Department would like to take this opportunity to place on record its appreciation of the work carried out by Ms Finn and her team and the high degree of professionalism she has brought to the task of regulating commercialised utilities (Post and Electricity) and private companies within the Telecommunications sector.

2.8 In other circumstances, the Commerce and Employment Department would be likely to recommend the States to appoint a new Director General for a period of

up to five years in order to fulfil the requirements of the law. However, it has decided to opt for a short-term appointment in the light of the forthcoming review of commercialisation.

3.0 Review of Commercialisation – and Regulation

- 3.1 At the October 2004 meeting of the States, the Minister of the Treasury and Resources Department announced a review to be undertaken jointly with the Commerce and Employment Department that will examine all aspects of the commercialisation of utilities. That review will include detailed analysis of the regulatory regime, its nature and its impact on the operation of Guernsey Post and Guernsey Electricity.
- 3.2 While it is not possible to predict the outcome of such a review at this early stage, nevertheless one of the potential conclusions that cannot be ruled out is that the approach to regulation may need to be amended in some shape or form. In these circumstances, making a long-term commitment to a new Director General of Utility Regulation would seem inappropriate.
- 3.3 It is not envisaged that the findings of the review will be submitted to the States until mid-2005 and it is therefore important that the OUR continues to function in the manner required by law. Consequently the Department is recommending a one-year short-term appointment.
- 3.4 The Commerce and Employment Department has discussed the staffing arrangements with the OUR and is in agreement that pending the report to the States, it should appoint a replacement to Ms Finn on a short-term basis at the earliest opportunity. The Department would, therefore, recommend to the States the appointment of Mr John Curran to the position of Director General. Mr Curran has been employed by the OUR since April 2003 as Director of Regulation. In addition, he worked as a Regulatory Consultant with the OUR in 2001 assisting it in its start-up phase. A resume of his regulatory experience is attached as Appendix 1 for information.

4.0 Recommendations

- 4.1 The Commerce and Employment Department recommends the States to:
 - (a) Appoint Mr John Curran as Director General of Utility Regulation in accordance with the provisions of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 for a period of one year commencing 1 February 2005.

- (b) To note that further recommendations for the appointment of a Director General beyond this temporary period will be presented to the States in 2005 in the light of the findings of the review of commercialisation to be jointly undertaken by the Treasury and Resources and Commerce and Employment Departments.

Yours faithfully

Stuart Falla
Minister

APPENDIX 1

John Curran has been working as Director of Regulation with the Office of Utility Regulation in Guernsey since April 2003, having previously worked as Regulatory Adviser with Telstra, the Australian telecoms incumbent. During 2001 John spent six months working as a Regulatory Consultant with the OUR in its start-up phase, helping to design and implement the new regulatory framework.

Prior to this, John spent four years with the Office of the Director of Telecommunications Regulation (now ComReg) in Ireland, the Irish Regulatory Agency for Telecommunications and Post, where he was Regulatory Manager with the Market Operations Division during liberalisation of the telecoms market. During this time he managed work on a number of projects including interconnection, dispute resolution and licensing. From 1999, he directed the international work of the ODTR with other National Regulatory Agencies and with the European Commission on the new regulatory framework in Europe.

Prior to this John worked for three years in communications regulation in Ireland, including dealing with cable and broadcasting while working with the Irish Civil Service. He started his career in the Irish Civil Service having studied Electronic Engineering at Galway Institute of Technology.

(NB The Policy Council supports the proposals)

(NB The Treasury and Resources Department has no comment on the proposals)

The States are asked to decide:-

X.- Whether, after consideration of the Report dated 3rd December, 2004, of the Commerce and Employment Department, they are of the opinion:-

1. To appoint Mr John Curran as Director General of Utility Regulation in accordance with the provisions of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 for a period of one year commencing 1 February 2005.
2. To note that further recommendations for the appointment of a Director General beyond this temporary period will be presented to the States in 2005 in the light of the findings of the review of commercialisation to be jointly undertaken by the Treasury and Resources and Commerce and Employment Departments

ORDINANCE LAID BEFORE THE STATES

**THE BURMA (SALE, SUPPLY, EXPORT, TECHNICAL ASSISTANCE,
FINANCING AND FINANCIAL ASSISTANCE AND SHIPMENT OF
EQUIPMENT) (PENALTIES AND LICENCES) (GUERNSEY) (AMENDMENT)
ORDINANCE, 2004**

In pursuance of the provisions of the proviso to Article 66(3) of the Reform (Guernsey) Law, 1948, as amended, the Burma (Sale, Supply, Technical Assistance, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) (Guernsey) (Amendment) Ordinance, 2004, made by the Legislation Select Committee on the 17th December, 2004 is laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT)
REGULATIONS, 2004**

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Medical Appliances) (Amendment) Regulations, 2004, made by the Social Security Department on 3rd November, 2004, are laid before the States.

EXPLANATORY NOTE

These Regulations further amend the Health Service (Medical Appliances) Regulations, 1990, as amended, by increasing the charges payable to authorised appliance suppliers in Guernsey and Alderney by persons supplied with Part I, II or III medical appliances who are not exempt from such charges.

**THE HEALTH SERVICE (PHARMACEUTICAL BENEFIT) (RESTRICTED
SUBSTANCES) (AMENDMENT) REGULATIONS, 2004**

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Pharmaceutical Benefit) (Restricted Substances) (Amendment) Regulations, 2004, made by the Social Security Department on 4th November, 2004, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the previous list of restricted substances to allow the inclusion of hypericum perforatum (St John's Wort) in the limited list of pharmaceutical benefit which can be ordered under the Health Service (Benefit) (Guernsey) Law, 1990.

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL
BENEFIT) (AMENDMENT) REGULATIONS, 2004**

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) Regulations, 2004, made by the Social Security Department on 4th November, 2004, are laid before the States.

EXPLANATORY NOTE

These Regulations add to a limited list of drugs and medicines available as pharmaceutical benefit and which may be supplied by medical prescriptions issued by medical practitioners or dentists, as the case may be.

**THE SOCIAL INSURANCE (BACK TO WORK BENEFITS)
REGULATIONS, 2004**

In pursuance of section 117 of the Social Insurance (Guernsey) Laws 1978 – 2004, the Social Insurance (Back to Work Benefits) Regulations, 2004, made by the Social Security Department on 24th November, 2004, are laid before the States.

EXPLANATORY NOTE

These Regulations are made under the provisions of a new section (39A) added to the Social Insurance Law by the Social Insurance (Guernsey) (Amendment) Law, 2004. They enable the Department to offer assistance to claimants seeking to return to work at the cost of the Guernsey Insurance Fund.

The Regulations are widely drafted to enable the setting up of pilot schemes in order to gain experience and discover what will prove to be effective both for the Department as well as individuals.

**THE SOCIAL INSURANCE (BENEFITS) (AMENDMENT)
REGULATIONS, 2004**

In pursuance of section 117 of the Social Insurance (Guernsey) Laws 1978 – 2004, the Social Insurance (Benefits) (Amendment) Regulations, 2004, made by the Social Security Department on 24th November, 2004, are laid before the States.

EXPLANATORY NOTE

Although most of the means by which benefits can be fraudulently obtained constitute offences specified by the Social Insurance Law itself, these Regulations are aimed at two areas which have been identified as potential openings for fraud, in which the absence of a specific offence could make prosecution difficult. The deliberate failure, when making a claim, to make a full disclosure of any matter that could affect

entitlement to a benefit, or, once payment of benefit has commenced, to declare any change in circumstances that may have such an effect, will constitute offences for which a substantial fine can be imposed.

Regulation 32 is amended to correct a technical error.

The remaining provisions implement the increase in benefit rates agreed by the States in September.

THE INCOME TAX (GUERNSEY) (VALUATION OF BENEFITS IN KIND) REGULATIONS, 2004

In pursuance of Section 8(2)(b) of the Income Tax (Guernsey) Law, 1975, as amended, the Income Tax (Guernsey) (Valuation of Benefits in Kind) Regulations, 2004, made by the Treasury and Resources Department on 26th November, 2004, are laid before the States.

EXPLANATORY NOTE

These Regulations are substantially the same as the 2003 Regulations; the only material change being the addition of a formula for the valuation of certain benefits where the employee is not in Guernsey for the whole of a calendar year.

THE INCOME TAX (PENSIONS) (CONTRIBUTION LIMITS AND TAX-FREE LUMP SUMS) REGULATIONS, 2004

In pursuance of Sections 153(2), 157A(2)(b)(vi), 157A(5B) and 159 of the Income Tax (Guernsey) Law, 1975, as amended, the Income Tax (Pensions) (Contribution Limits and Tax-Free Lump Sums) Regulations, 2004, made by the Treasury and Resources Department on 26th November, 2004, are laid before the States.

EXPLANATORY NOTE

These Regulations are substantially the same as the 2003 Regulations; the only material change being the tax-free lump sums payable from an approved occupational pension scheme or an approved annuity scheme increasing to £136,000.

THE DATA PROTECTION (NOTIFICATION AND NOTIFICATION FEES) (AMENDMENT) REGULATIONS, 2004

In pursuance of Section 6(2) of the Data Protection (Bailiwick of Guernsey) Law, 2001, the Data Protection (Notification and Notification Fees) (Amendment) Regulations, 2004, made by the Home Department on 15th December 2004, is laid before the States.

EXPLANATORY NOTE

These Regulations amend the Data Protection (Notification and Notification Fees) Regulations, 2002 so as to create an exemption for the requirement to pay a notification fee, where the notification is made by an elected representative, for the purposes of lawfully carrying out functions as a representative. An "elected representative" means a member of the States of Deliberation, the States of Alderney or the Chief Pleas of Sark and, in Guernsey, a Constable, a Douzenier a Procureur of the Poor or an Overseer of the Poor.

THE DATA PROTECTION (PROCESSING OF SENSITIVE PERSONAL DATA) (ELECTED REPRESENTATIVES) ORDER, 2004

In pursuance of Section 6(2) of the Data Protection (Bailiwick of Guernsey) Law, 2001, the Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order, 2004, made by the Home Department on 15th December 2004, is laid before the States.

EXPLANATORY NOTE

The first data protection principle set out in paragraph 1 of Schedule 1 to the Data Protection (Bailiwick of Guernsey) Law 2001 ("the Law") prohibits the processing of sensitive personal data unless one of the conditions in Schedule 3 to the Law is met. The condition set out in paragraph 10 of that Schedule is that the processing of sensitive personal data is carried out in circumstances specified by the States Advisory and Finance Committee (now the Home Department). The Schedule to this Order (which applies throughout the Bailiwick) specifies a number of such circumstances, which relate to the processing of sensitive personal data by, and disclosures of sensitive personal data to, elected representatives.

An "elected representative" is defined for these purposes in Article 2 of the Order, and means a member of the States of Deliberation, the States of Alderney or the Chief Pleas of Sark and, in Guernsey, a Constable, a Douzenier a Procureur of the Poor or an Overseer of the Poor.

Paragraphs 1 and 2 of the Schedule cover certain processing carried out by an elected representative (or a person acting with his authority) in connection with the discharge of his functions as such.

Paragraph 1 covers processing carried out pursuant to a request made by the data subject to the elected representative to take action on behalf of the data subject or any other individual. The processing must be necessary in connection with the action reasonably taken by the elected representative pursuant to the request.

Paragraph 2 covers processing carried out pursuant to a request made by an individual other than the data subject to the elected representative to take action on behalf of the data subject or any other individual. The processing must be necessary in connection with the action reasonably taken by the elected representative pursuant to the request. Further, one of the specified reasons for carrying out the processing without the explicit consent of the data subject must apply.

Paragraphs 3 and 4 of the Schedule cover certain disclosures made to an elected representative (or a person acting with his authority) by another data controller. They are of particular applicability to the situation where a States Department or other public body is responding to a request for information made by an elected representative on behalf of a constituent, for example.

Paragraph 3 covers disclosures made in response to a communication to the data controller from an elected representative (or person acting with his authority) who is acting pursuant to a request made by the data subject. The sensitive personal data disclosed must be relevant to the subject matter of the communication and the disclosure must be necessary for the purpose of responding to the communication.

Paragraph 4 covers disclosures made in response to a communication to the data controller from an elected representative (or person acting with his authority) who is acting pursuant to a request made by an individual other than the data subject. The sensitive personal data disclosed must be relevant to the subject matter of the communication and the disclosure must be necessary for the purpose of responding to the communication. Further, one of the specified reasons for carrying out the processing without the explicit consent of the data subject must apply.

This Order contributes to the implementation of European Community Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

Additional circumstances in which sensitive personal data may be processed are specified in the Data Protection (Processing of Sensitive Personal Data) Order 2002 (G.S.I. 2002/17).

EDUCATION DEPARTMENT

ELIZABETH COLLEGE – PRINCIPAL'S ANNUAL REPORT 2003/04

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

18th October 2004

Dear Sir,

I have received the Principal's Annual Report for the academic year 2003/04. I enclose a copy and would request that it be published as an Appendix to a forthcoming Billet d'Etat in the customary fashion.

Yours faithfully

Deputy M A Ozanne
Minister



ELIZABETH COLLEGE

The Principal's Annual Report of the general state of the College, the number of scholars and the course of education pursued in the academic year 2003/2004 addressed to the Board of Directors of Elizabeth College.

For onward transmission by them to His Excellency, the Lieutenant Governor, Lieutenant General Sir John Foley, K.C.B., O.B.E., M.C. and to the Bailiff of Guernsey, Sir de Vic Carey, Esq.

PRINCIPAL'S REPORT

Summaries of the AS and A2 (formerly A level) results appear elsewhere in this report. The pass rate was over 99%, indeed there was only one fail and so a 100% pass rate in all but one subject. Equally pleasing was the continued rise in the proportion of entries achieving grades A to C, which is now over 83%. The improvement in this aspect of College's results is well in advance of national trends. Ten candidates gained three or more A grades; with five gaining four A grade A levels; the majority of the Upper Sixth also have an AS qualification in a fourth or fifth subject. As shown in Annexe A, the points' score per candidate was the highest ever achieved by College. Over the past three years this is the equivalent, expressed in terms of three "old" A levels, of standards rising from just over three C grade passes per candidate to over three B grade passes.

As a consequence of these results two pupils have won Oxbridge places; Oliver Richardson to read Law at Mansfield College, Oxford and George Kalamis Natural Sciences at St John's, Cambridge. Another notable achievement is that Simon Blondel placed in the top five for AQA Sport and Physical Education A2 level, this from an entry of 6753. College also delivered A2 courses for a number of Ladies' College girls. Within this group there was a 100% pass rate, with 47% at grade A.

For the first time in many years the examination boards' processing and dissemination of results passed off without any significant difficulties. This represents continued effort by the examination boards to address these administrative issues. A particularly pleasing aspect of this improvement is the elimination of stress upon the candidates at a time when they are seeking to confirm their places in higher education.

At GCSE the overall pass rate was 100% A-F with 90% at A*-C, just short of the all time high achieved in 2002. Moreover, as shown in Annexe A, the average GCSE points per candidate stands at the highest level ever recorded. It is also very impressive that across the entire cohort the results average out at nearly 8.4 A*-C grade passes per pupil, another record value. One pupil gained 9 A* grades and one A grade and in total four pupils passed 10 subjects at A* or A with 16 pupils overall gaining 7 or more passes at A* or A. However, of all the statistics concerning these results the rise in the proportion of entries resulting in an A* grade, which rose to 18.5%, is probably the most impressive. This is substantially the best figure ever achieved by College.

This year the "achievement gap" between boys and girls at GCSE level in England and Wales has narrowed a little. These results show that College has mirrored this process and that our boys continue to benefit from the single-sex education we offer up to the age of 16. The results also indicate that we continue to offer a rounded preparation for the Sixth Form and for the breadth of courses on offer to our pupils at AS level.

In August the Schools' Minister, Mr David Miliband, said that the national improvement in results is due to the hard work of pupils and teachers. In congratulating the Common Room

upon these results I echoed his sentiment and thanked all concerned on their efforts over the past two years. In particular recent trends at A2 level have been sustained and matched by higher standards at GCSE, particularly in terms of the number of A* grades. College students can rightly be proud of their success – they have worked diligently towards these results and I am delighted to see their efforts so well rewarded.

Staff changes for the whole school are listed elsewhere in this report. College was again fortunate in that those staff leaving gave early warning of their intentions. This allowed College to advertise early and thus attract teachers of high calibre. However, there is no doubt that the licence situation and affordability of housing continue to complicate the appointment process.

The College mission statement indicates that we aspire,

“to educate and encourage our pupils to fulfil their abilities, enabling them to become socially responsible citizens within our caring and Christian foundation”.

Offering extra-curricular opportunity to our pupils has been an integral part of College’s ethos for many years and undoubtedly contributes positively to the breadth of our boys’ social and educational development. It allows them to develop their outlook and experience character building events in a broader educational field. In a change from previous reports I have listed in Annexe B on a term by term basis some of the more notable achievements of our pupils during the 2003-4 academic year. Whilst this is by no means an exhaustive list, the range of activities and the levels achieved by our pupils are both impressive and laudable. It should also be acknowledged that behind many of these achievements lies considerable effort and commitment by both our pupils and the College staff.

Our desire to cultivate social responsibility is seen in various areas of pupil service. Older pupils can opt to join the Combined Cadet Force, Community Service or Sports Leadership programmes. In these areas pupils learn values outside the classroom and begin to exercise the leadership skills that they will need as adults. The Duke of Edinburgh Award Scheme complements and extends these programmes, whilst allowing boys to gain formal recognition for their endeavours.

The School Council also provides the boys with opportunities to take part in the life of this community. Under the guidance of two members of staff and the Senior Prefect the role of the School Council has continued to expand. The Council appointed a Sixth Form pupil as charities co-ordinator and a record of the events and monies raised by the pupils over the past year is also to be found in Annexe B.

Dr N D Argent
Principal

NUMBERS AND ENTRY

	Entries to College		Numbers at College	
Acorn House Pre-School	2003/2004	2004/2005	2003/2004	2004/2005
Wren and Kingfisher Classes	50	43	115	107
Acorn House	2003/2004	2004/2005	2003/2004	2004/2005
Reception	33	33	33	33
Year 01	2	0	40	30
Year 02	0	2	28	42
Total	35	35	101	105
Beechwood	2003/2004	2004/2005	2003/2004	2004/2005
Year 03	3	3	30	29
Year 04	2	4	25	34
Year 05	0	2	35	27
Year 06	1	1	25	33
Total	6	10	115	123
Upper School	2003/2004	2004/2005	2003/2004	2004/2005
Year 07	47	42	67	65
Year 08	1	1	81	66
Year 09	2	1	61	77
Year 10	-	2	69	60
Year 11	-	-	68	69
L6 th	-	1	61	62
U6 th	-	-	53	58
Total	50	47	460	457

ACADEMIC ACHIEVEMENTS

University places for 2004 were offered to the following students:

NAME	READING	AT
BLONDEL, Simon	Physiology	University of Leeds
BOWES, James	Mathematics	University of Birmingham
COOPER, James	Mechanical Engineering	University of Bath
FARRIMOND, Oliver	English Language	University of Edinburgh
FULLER, Tom	Audio Technology and Music Business Studies	Kingston University
GETTINGS, Martyn	Psychology and Sociology	University of the West of England, Bristol
GILLIGAN, Matthew	Media Arts	University of Plymouth
HALL, Christopher	Physics	University of Manchester
HAYWARD, James	Mathematics	University of Exeter
HUMAN, Paul	History	University of Durham
KALAMIS, George	Natural Sciences	University of Cambridge
LE POIDEVIN, Louis	Engineering	University of Exeter
MEDLAND, James	Marine Geography	Cardiff University
MORRIS, Stephen	History	University of Durham
MURRIN, Jack	Drama	New York
PERCHARD, Christopher	Art	Kingston University
PERRIO, Stephen	Medicine	St George's Hospital Medical School, University of London
RAYSON, Mark	Software Engineering	Oxford Brookes University
RICHARDSON, Oliver	Law	Oxford University
ROUSSEL, Alexander	Theology	Heythrop College, University of London
THOMPSON, Ave	Physics	University of Exeter
THOMSON, Alasdair	Psychology and Philosophy	University of Hull
WARREN, Luke	Law	University of the West of England, Bristol
WRENCH, Alistair	English and American Literature	University of Warwick

University places for September 2005 were offered to the following pupils:

NAME	READING	AT
ASHWORTH, Glenn	War Studies	University of Kent
JAMES, Jack	Land Management	University of Reading
PARKIN, Samuel	Medicine	Peninsula Medical School
RICHARDS, Christopher	Management Studies	University of Exeter
RIX, Charles	Business and Administration	University of the West of England, Bristol
WARR, James	Management Studies	University of Nottingham
WILLIS, Samuel	War Studies	King's College, University of London

PUPILS KNOWN TO HAVE GRADUATED THIS YEAR

The following is a list of those pupils who have informed the College of their Graduation:

David J Bowen	B.A. (Hons) in Leisure Management, Coventry University
Kin Wing Tang	B.A. (Hons) in Transport Design, Coventry University
James Cranch	B.A. (Hons) First Class in Mathematics, Trinity College, Cambridge
Simon Shaw	M.B.B.S. (Bachelor of Medicine and Bachelor of Surgery), University College, London

The Board of Directors made the following awards to those at present attending university:

The following students left College from the Upper Sixth Form in 2003. Their performance in the A2 level examinations was outstanding and they have, therefore, been nominated by the Academic Board to receive scholarship awards, tenable for one year, at University during the academic year 2004/2005:

Name	Reading
Andrew Burton	Aerospace Engineering
Matthew Burton	Computer Systems and Software Engineering
Paul Bougourd	English Literature
Daniel Good	Medicine
Andrew Le Poidevin	Law
Martyn Naylor	Law
Michele Rizzuto	Law
Richard Sherwell (2002 school leaver)	Politics and International Studies
Daniel Wilmot	Law with French

De Saumarez Exhibition:

Paul Bougourd
Daniel Good

Mainguy Scholarship:

Andrew Burton
Richard Sherwell

Mansell Exhibition:

Andrew Le Poidevin
Martyn Naylor

Mignot Scholarship:

Matthew Burton

Queen's Exhibition:

Michele Rizzuto
Daniel Wilmot

STAFF APPOINTMENTS

Upper School

Miss Joanne Flood joined us to teach English. She has just completed a PGCE in English and Drama at the University of Warwick. Previously she had worked as an English language teacher in Japan under the JET project.

Miss Elena Evans joins us to teach Modern Foreign Languages having just completed an MA in translation studies at the University of Wales (Swansea). She had previously taught for a year in a Welsh comprehensive school.

We also appointed one temporary part-time teacher:

Mrs Maz Campbell will teach part-time drama. A former Ladies' College pupil she joins us after 22 years teaching English and drama at Sedbergh School, latterly as Head of Theatre Studies.

STAFFING: INTERNAL POSTS

VICE PRINCIPAL S.G.D. Morris		DIRECTOR OF STUDIES A.R. Cross	
Year Heads		Faculty Heads	
Year 07	B.E.H. Aplin	Head of English	R.J.W. James
Year 08	A.M. Jewell	Head of Mathematics	A. Hale
Year 09	M.E. Kinder	Head of Science	G. Guilbert
Year 10	B.W. Allen	Head of Modern Languages	Mrs M.C. Dudley
Year 11	D.F. Raines	Head of Humanities	C.R.W. Cottam
Year 13 (U6 th)	R. Le Sauvage	Head of Social Sciences	Mrs J. Hale
Head of Sixth & Year 12 (L6 th)	R.J.W. James	Head of Fine Arts & Craft	Mrs P. Maher
		Head of Physical Education	D. Wray

Annexe A**GCSE RESULTS**

Year	No. of Candidates	Average Points per Candidate
2004	68	56.90
2003	78	53.00
2002	70	54.70
2001	68	54.37
2000	66	52.62
1999	77	54.42
1998	80	53.94
1997	86	53.15
1996	91	51.54
1995	74	53.07
1994	82	51.33

A-LEVEL RESULTS

<u>Year</u>	No. of Candidates	Average Points per Candidate
2004	52	24.01
2003	57	21.05
2002	47	19.44
2001	38	16.53
2000	53	19.55
1999	72	17.44
1998	69	16.93
1997	58	20.97
1996	65	20.58
1995	78	17.64
1994	76	14.89

Annexe A**ELIZABETH COLLEGE****Year 11 GCSE RESULTS 2004 : SUBJECT GRADES**

(Grades achieved by number of pupils)

	ENTRY	A*	A	B	C	D	E	F
Art	18	4	6	6	2	0	0	0
Biology	25	18	7	0	0	0	0	0
Business Studies	27	2	3	5	11	5	1	0
Classics	4	1	1	1	1	0	0	0
Chemistry	25	9	8	5	3	0	0	0
Design Technology	24	1	6	4	9	3	1	0
English	68	1	5	18	31	11	2	0
English Literature	68	4	6	21	17	13	5	2
French	54	5	9	20	17	3	0	0
German	10	2	2	5	1	0	0	0
Geography	28	7	8	6	7	0	0	0
History	33	6	13	6	3	3	2	0
ICT	32	10	7	7	6	2	0	0
Mathematics	68	15	18	30	4	1	0	0
Music	4	0	2	0	2	0	0	0
Physics	25	15	6	3	1	0	0	0
PE	16	5	7	3	1	0	0	0
RS	7	5	0	1	1	0	0	0
Science: dual award	43	3	8	4	22	6	0	0
Spanish	14	1	1	2	9	1	0	0
Totals	593	114	123	147	148	48	11	2

Annexe A**ELIZABETH COLLEGE****Upper 6th (Yr 13) A2 RESULTS 2004 : SUBJECT GRADES**

(Grades achieved by numbers of pupils)

<u>Subject</u>	No. of Entries	A	B	C	D	E	U
Ancient History	1	0	0	1	0	0	0
Art	6	4	2	0	0	0	0
Biology	23	10	2	4	6	1	0
Business Studies	11	4	5	2	0	0	0
Chemistry	4	2	2	0	0	0	0
Classical Civilisation	4	0	1	3	0	0	0
Drama	2	0	2	0	0	0	0
Economics	5	3	0	0	2	0	0
English Literature	13	6	3	2	2	0	0
French	3	0	1	0	2	0	0
Geography	11	6	4	1	0	0	0
Graphics (D & T)	5	1	1	0	2	1	0
History	14	5	1	4	4	0	0
ICT	13	2	7	3	1	0	0
Latin	1	0	0	1	0	0	0
Mathematics	10	6	4	0	0	0	0
Music	2	0	0	1	1	0	0
PE	7	1	1	4	0	1	0
Physics	7	4	1	1	0	0	1
Photography	1	1	0	0	0	0	0
Religious Studies	6	0	3	3	0	0	0
Spanish	2	0	1	1	0	0	0
Totals	151	55	41	31	20	3	1

Upper 6th (Yr 13) AS RESULTS 2004 : SUBJECT GRADES
 (Grades achieved by number of pupils)

<u>Subject</u>	No. of Entries	A	B	C	D	E	U
Film Studies	4	1	1	2	0	0	0
Music Technology	2	0	1	0	1	0	0
Photography	2	1	0	1	0	0	0
Psychology	8	1	0	4	2	1	0
TOTALS	16	3	2	7	3	1	0

Annexe B**SPORTING ACHIEVEMENTS DURING 2003/2004**

GAME	PLAYED	WON	DRAWN	LOST
Cricket	15	11	1	3
Hockey	14	5	2	7
Soccer	17	9	5	3
Athletics	1	0	0	1
Golf	1	0	0	1
Rugby	5	2	0	3

Senior Victoria Matches

Cricket 1st XI	Lost. EC 181-9, Victoria 182 - 4	Athletics	Lost 93 - 47
Shooting	Won the Haines Shield 472.24 - 457.19	Golf	Lost
Tennis	Seniors Won 9 - 0	Hockey 1st XI	Won 2 - 1
	U15 Won 7 - 5	Soccer 1st XI	One win apiece
	U13 Lost 4 - 5	Rugby	Lost 16 - 15

Other Pupil Achievements**Summer holidays 2003 and Michaelmas term 2003**

- Over 200 College boys swam in the “Swimarathon”. We entered 23 teams, with College and Beechwood raising over £2200.
- Patrick Ogier, Year 12, won the Guernsey Men’s closed tennis singles and doubles championships, and was runner-up in the Channel Islands’ closed singles.
- Arrian Green, Year 12, won the Guernsey U18 open tennis singles and mixed doubles.
- Our U13 X-country team won the Hampshire regional round of the English Schools’ KO Cup.
- Tim Ravenscroft, Year 07, represented Wiltshire and Hants at U11 cricket during the summer.
- Tom Hollingsworth, Year 11, and Jeremy Osborne, Year 10, both swam in the English Schools’ National Swimming Championships, held at half term.
- Daniel Wray, Year 08, is now in the National Optimist Dinghy Intermediate squad.
- Edward Dickinson, Year 08, was awarded the Castel Organ Scholarship.
- Rudi Falla & Sam Williams, Year 10, were voted “Guitar Students of the Year” and won guitars.

- Glenn Ashworth, Year 13, was awarded University Scholarship by the Parachute Regiment.
- The CCF team was 1st from 9 in the Tors Challenge in Cornwall in October. At Bisley in July Nick Burton, Year 11, was 3rd out of 1200 entrants in the Wellington Competition, shot at 300 yards. His brother Andrew, an U6th leaver, shot in Canada for the Athelings (GB Cadet team).

Lent term 2004

- The following pupils achieved notable success in this year's Eisteddfod:
Angus MacRae, Year 10, won the U15 & U18 Piano duet class and was joint second in the U18 Sonata class.
Michael Jones, Year 7, was U18 and Open Harp solo winner and Pedal Harp Open winner.
Nicolas Lane, Year 8, placed first in the U18 Vocal Solo class.
- Jonathan Guille, Year 10 and Joshua de Kooker, Joshua Langlois, Sebastian Lovell, Sam Meader, Grant Powell, Simon Waters, all Year 9, were successful in the Young Writers' Competition. Their poems will now be published in an anthology entitled "Poetry in Motion".
- Sam Shields, Year 11, was selected to play for the Guernsey Junior Squash squad in the Welsh Junior Open, a European Junior Grand Prix event.
- Arrian Green, Year 12, represented the Channel Islands in the U18 County Tennis Cup.
- The College hockey teams' results against Victoria College: of the four matches College won the 1st XI (2 - 1) and U15 matches (4 - 1) and drew the 2nd XI (4 - 4) and U12 (1 - 1) games.
- Toby Gibbs, Year 11, has been awarded a Gliding Scholarship by the Fleet Air Arm Officers Association.
- The College "A" shooting team of Chris Perchard, Year 13, Scott Benest, Nick Burton, Luke Gray, all Year 12 and Ian Blondel, Year 11, defeated Victoria College 465 to 464 in a .22 postal rifle match. Nick Burton was also selected to represent Guernsey in the Inter-Insular Shooting competition.
- Jake Mann, Year 11, won the U17 Boys singles & doubles titles at the Jersey Badminton Open.
- Joshua de Kooker, Year 9, Adam Goodall and Alex Lehtinen, both Year 12, were selected for the Channel Islands Youth Orchestra.
- Tim Ravenscroft, Year 7, was selected for the West of England U13 cricket squad.
- Swimming: the Elizabeth College Junior Team placed 4th in the National Team Championships. Matthew Allen, Year 08, Tom Hollingsworth, Year 11, and Jeremy Osborne, Year 9, won their respective events at Hants County Championships. Subsequently Tom and Jeremy represented Hants and Jeremy was then selected to swim for England in the Home Internationals.

- Christopher Thoume was awarded the Langlois Cup for Life Saving and some 40 pupils from Years 9 -12 have gained lifesaving qualifications this term.
- George Kalamis, Oliver Richardson and Alex Roussel, all Year 13, have received offers to read for degrees next year at Oxford or Cambridge.
- Daniel Arblaster, Matthew Allen and William Bodkin, all Year 8, were members of the four-man Guernsey team which won the U13 boys Hampshire Cross Country championships.
- Chris Whitworth, Year 9, represents Hampshire at U15 Squash.
- The College Fencing Team are current Island Schools' Champions. Thomas Miller, Year 9, is Schools' Junior Champion, Jamie Ellington, Year 10, is Schools' Senior Champion and Jamie de Carteret, Year 8, is Schools' Novice Champion.
- Andrew Rigden, Emile Thompson and Ben Whitchurch, all Year 10, were part of the victorious Guernsey Secondary Schools' U15 "Star Trophy" Football Squad, which beat Jersey 4 - 0.
- In the Lexicon Junior Sports Closed Badminton Tournament Jake Mann, Year 11, won 5 titles: U16 Singles, U16 Mixed Doubles, U16 Boys' Doubles, where he was partnered by Christopher Thoume, Year 11. He also won the U18 Singles and 18 Boys' Doubles.
- Pupils held an "own clothes day" near the end of term and raised £480.90 for "Help a Guernsey Child".

Trinity term 2004

- Peter Le Hegarat, Year 10, represented the Wiltshire U15 Cricket team; Jonathan Clarke, Year 08, represented Wiltshire U13; Tim Ravenscroft, Year 07, played for Hampshire and Adam Hindle, Year 07, made 52 on his debut for Wiltshire U12s against Devon.
- Daniel Wray, Year 08, was selected for the Great Britain Optimist sailing team and gained a place in the National Summer Squad. He also placed first in the Guernsey Open Sailing in the U15 Optimist class having won 5 of his 6 races.
- Scott Benest, Year 12, and Nick Burton, Year 11, were selected for the Great Britain Cadet Target Rifle Shooting Team.
- Daniel Arblaster and Matthew Allen, Year 08, were members of the three-man GIACC team which finished 17th (out of over 100 teams) in the National Young Athletes Road Relay Championships.
- A number of pupils took part in the UK Team Maths Challenge. Seven gained silver awards whilst Samuel Meader and Nicholas Appleton, Year 09, gained gold awards.
- Pupils held a football themed "own clothes day" to coincide with the England v. Croatia match and raised £337 for the Guernsey GOSH appeal.
- The College B shooting team won their division of the BSSRA Spring shooting competition, with Peter Knight, Year 11, having the highest average (95.4 /100).
- Many CCF boys were involved in activities over the Easter break:

- * Scott Benest, and Nicholas Paluch, Year 12, were both awarded RAF Flying Scholarships to gain their gliding wings.
- * Mathew Du Port, Year 12, went on a Royal Navy Diving Expedition to Malta.
- * Matthew Webster, Year 11, completed the Cadet Commando Course and was then invited to attend an Officers Acquaint course at Britannia Royal Naval College, where he was named Best Cadet.
- * Rev (Lt.) Harnish also completed an RN Officer's course at Britannia.
- Samuel Clark, Year 09, won all 6 of his races competing in the U17 division of the Jersey 2-Day Motocross event.
- College competed in the Island Schools' Sports. It was our most successful performance for some years. William Bodkin, Year 07, set new records winning the 800m, 1500m and the long jump.
- Adam Bayfield, James Travers, Andrew Le Page, Daniel Lovell and Charles Plumley, all Year 12, were part of a Company, GY1, which won the local and Channel Island heats and came 3rd (from 425) in the SE Young Enterprise regional finals.
- 34 pupils gained SJA Lifesaver or Lifesaver plus awards during term and 4 boys gained RLSS Bronze Medallions.

Review of the Musical Year, 2003-2004

Open Day saw, as usual, the first appearance of the College Choir, String Orchestra and the Wind Bands. The open rehearsals were followed with much interest by visitors and allowed new boys to settle into their new roles without the pressure of a formal performance. Even at this stage the various ensembles were showing a promising sense of unity, which boded well for the rest of the academic year. The musical successes outlined below would not be possible without the tremendous support given to College music throughout the year by College staff, the invaluable members of the Schools' Music Service and, of course, the boys.

The Winter Concert took place in the College Hall at the end of November and involved all of the College Ensembles with some of our senior performers offering solos. It is always tempting to include old Christmas favourites in this concert and this year was no exception with the wind bands offering both an hors d'oeuvre and a dessert of seasonal fare. This concert is proving increasingly popular with parents and friends and once again, the hall was packed.

Just three weeks later, the College Choir led the Senior Carol Service at the Town Church and performed magnificently on this joyful occasion. The following evening, in the Junior Carol Service held at St James, the wind, brass and string players combined with the College Choir to give a truly festive finish to the term. A few days after the rest of the College had dispersed at the end of term, the Choir had the traditional visit to sing carols at Government House.

There are a large number of musicians in Years 7 – 9. They were given their own chance to shine early in the Lent term in a Junior Concert bursting with talent, enthusiasm and diversity. From harp and organ solos to an intergalactic rendition of Star Wars, the evening was never short of interest and style. The boys were also very keen to participate once more in the Sargent Practice-a-thon. This year we combined all the instrumental groups into one large orchestra. This is not usually possible due to lack of rehearsal space (there were over 50 boys on the stage) and time. The day was extremely positive in terms of music and over £500 was raised during the day and at the evening concert.

The Chamber Concert took place one week later and this turned out to be a more informal occasion than had been originally anticipated due to absences for the Eisteddfod concert the same evening. However, the concert was much enjoyed by the audience and the informality added to the friendly atmosphere.

The annual visit to St Malo by the College Choir followed its usual format with the Choir singing in two services over the weekend. The Saturday evening's performance was particularly memorable as it was held at the Chapel of the Dominican Convent. The Junior Wind Band represented the College at the annual "Celebration of Liberated Youth". With

Liberation being the overall theme of the event, the Band's stirring rendition of "Finlandia" by Sibelius was an apt choice by Mr Cottam.

The Foundress's Day Concert is the highlight of the College musical year and, with the Commemoration Service moved later in the year, a full day could be taken for rehearsal. This was particularly valuable as it was the only time that the three constituent schools of Elizabeth College were able to rehearse together for the grand finale, which this year was Karl Jenkin's "Adiemus". The stirring conga drum rhythms and powerful bass guitar, strong bodied orchestral backing and ethnic woodwind obligato topped by passionate vocals brought the house down and showed every facet of College Music to its best.

PUBLIC SECTOR REMUNERATION COMMITTEE**ESTABLISHED STAFF OF THE STATES OF GUERNSEY -
THE SALARY MINIMA & MAXIMA OF THE GENERAL GRADES**

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

18th November 2004

Dear Sir

In accordance with States Resolution XXXVI of 28 October 1987, as amended, I have the honour to enclose, for publication as an Appendix to a Billet d'Etat, details of the salary minima and maxima of the Established Staff general grades applying from 1 May 2004. The number of staff in each grade is also detailed.

Yours faithfully

J P Le Tocq
Chairman

ESTABLISHED STAFF OF THE STATES OF GUERNSEY
The Salary Minima & Maxima of the General Grades

	At 1.5.04	
	£	
Senior Officer 12	96305/108584	} Note 1
Senior Officer 11	88012/99234	
Senior Officer 10	80438/90692	
Senior Officer 9	73516/82886	
Senior Officer 8	67186/75755	
Senior Officer 7	61408/69234	
Senior Officer 6	56121/63280	
Senior Officer 5	51290/57833	
Senior Officer 4	46874/52852	
Senior Officer 3	42840/48302	
Senior Officer 2	39154/44144	
Senior Officer 1	35780/40346	
Executive Grade V	33599/35510	} Note 2
Executive Grade IV	30926/32684	
Executive Grade III	28140/29998	
Executive Grade II	25380/27187	
Executive Grade I	22562/24402	
Administrative Assistant 2	18624/21259	} Note 3
Administrative Assistant 1	14236/18183	
Clerical Assistant	11120/14236	
Personal Assistant 2	24900/27609	} Note 4
Personal Assistant 1	21746/24060	
Typist C	19283/21056	
Typist B	13316/19283	
Typist A	11179/16389	
Other Grades	9179/34505	} Note 5

NOTES:

There are 1957 Established Staff in total on the general grades. (All establishment figures are as at 31 January 2004.)

1. There are 312 staff (16% of total) on the Senior Officer grades.
2. There are 818 staff (42% of total) on the Executive Grades.
3. There are 413 staff (21% of total) on the Administrative Assistant, Clerical Assistant and equivalent grades.
4. There are 115 staff (6% of total) on the Personal Assistant and Typist grades.
5. There are 299 staff (15% of total) on other grades i.e. Non-Standard, Miscellaneous, Home Staff, School Administration Assistant and Classroom Assistant whose salaries broadly span Clerical Assistant to Executive Grade V.

GUERNSEY RETAIL PRICES INDEX

4.5% annual change as at 30 June 2004

At the end of June, Guernsey's annual rate of inflation, as measured by changes in the Index of Retail Prices, was 4.5% compared with 4.2% at the end of the previous quarter.

RPI X, the rate of inflation that excludes mortgage interest payments stands at 3.1%

Table 1

The Index Figures at the end of March 2004 were:

118.4 (Dec 99=100)
 140.6 (Mar 1994 =100)
 189.9 (Dec 1988 =100)
 253.9 (Dec 1983 =100)
 403.1 (Dec 1978 =100)

Period	%	Period	%
3 Months	0.9	2 Years	9.0
6 Months	3.1	3 Years	12.6
9 Months	4.1	4 Years	15.3
12 Months	4.5	5 Years	20.3

Thursday
 15 July 2004

Issued by:
 Policy and Research Unit
 Sir Charles Frossard House
 P O Box 43
 La Charroterie
 St Peter Port
 Guernsey
 GY1 1FH

Matters affecting the R.P.I during the last year

The major contributors to the June 2004 figure were Housing (2.2% out of 4.5%), Motoring (0.7%), Food (0.4%) and Food Away from Home (0.3%). Alcohol, Fuel, Light and Power and Fares each had an increase of 0.2%; Tobacco, Household Services, Personal Goods and Leisure Goods each had an increase of 0.1%. Household Goods and Leisure Services did not change and Clothing decreased by 0.1%.

Similarly to the last quarter, the Housing group was the largest contributor at 2.2%. Interest rates have continued to rise and this has had a direct effect on the average mortgage debt. Further upward effects were from building and tradesmen costs and also interior painting, new kitchens and water rates.

The Motoring group also had a large contribution of 0.7%. This was mainly due to the cost of petrol as the price of the oil has increased world wide. The cost of purchasing a car has also risen together with motor insurance.

The Clothing group has had a downward effect on the index, in particular, children's clothing, women's outerwear and men's underwear.

RPI enquiries -
 Tel: 01481 717012
 Fax: 01481 717157
 Internet: www.gov.gg/esu
 Email:
policy.research@gov.gg

Matters affecting the R.P.I during the last three months

The main contributors to inflation over the last **three months** were: fresh fruit, petrol, water rates, meals out and wine consumed away from home. Downward effects on the quarterly change included continental and UK air fares and women's outerwear.

Next publication date:
 16 September 2004

Annual % Changes for each quarter

Table 2

	March	June	September	December
1991	8.6	8.7	6.1	5.5
1992	4.6	4.1	3.6	3.2
1993	2.3	1.5	1.8	1.4
1994	2.9	2.3	2.0	2.4
1995	3.0	3.5	4.0	3.6
1996	2.5	2.1	2.0	2.8
1997	3.1	4.0	4.4	4.7
1998	4.1	4.0	4.0	3.2
1999	2.1	2.2	1.8	2.4
2000	3.8	4.4	4.5	3.9
2001	3.3	2.3	2.6	1.9
2002	2.9	3.3	3.9	4.4
2003	4.7	4.3	3.3	3.9
2004	4.2	4.5		

GUERNSEY RETAIL PRICES INDEX - JUNE 2004

PERCENTAGE CHANGES IN GROUP INFLATION AND THEIR CONTRIBUTION TO OVERALL INFLATION

Table 3 **GUERNSEY INFLATION RATE (+4.5%)**

	Weight	Quarterly %Change	Annual %Change	% Contribution
Food	127	1.0	3.1	0.4
Alcoholic Drink	52	0.4	3.7	0.2
Tobacco	19	1.3	5.0	0.1
Housing	216	3.8	9.6	2.2
Fuel, Light and Power	41	1.6	3.2	0.2
Household Goods	79	-0.8	-0.1	0.0
Household Services	33	0.8	3.1	0.1
Clothing & Footwear	56	-4.2	-1.3	-0.1
Personal Goods	49	0.5	1.8	0.1
Motoring Expenditure	85	4.6	7.3	0.7
Fares/Other Travel	33	-14.8	5.4	0.2
Leisure Goods	63	-0.4	1.7	0.1
Leisure Services	92	-0.4	0.4	0.0
Food Away from Home	55	5.2	5.6	0.3
Overall	1000			
All Items				4.5

Weight is the proportion of the total index represented by each group. **Contribution** shows the effect of price changes in relation to the relative weight of the groups.

Retail Prices Index (RPI)

The RPI is a measure of inflation in Guernsey. It can be defined as "an average measure of change in the prices of goods and services bought for the purpose of consumption by the vast majority of households" (RPI Technical Manual, Office for National Statistics, 1998).

Goods and services that consumers purchase have a price, and these will vary over time. The RPI is designed to measure such changes. Imagine a very large shopping basket (over 2100 items) comprising all the different kinds of goods and services bought by a typical household. As the prices of individual items in this basket vary, the total cost of the basket will vary - the RPI is a measure of the change from quarter to quarter in this total cost.

No two households spend their money in exactly the same way and this basket of goods is compiled using spending pattern data from the Household Expenditure Survey. This is carried out every five years, hence the RPI index base is reset to 100 e.g. Dec 1999 = 100, Mar 1994 = 100 etc. The RPI while not applying precisely to any one household or person, will be close to the experience of inflation for the great majority of households.

GUERNSEY RETAIL PRICES INDEX - JUNE 2004

Figure 1

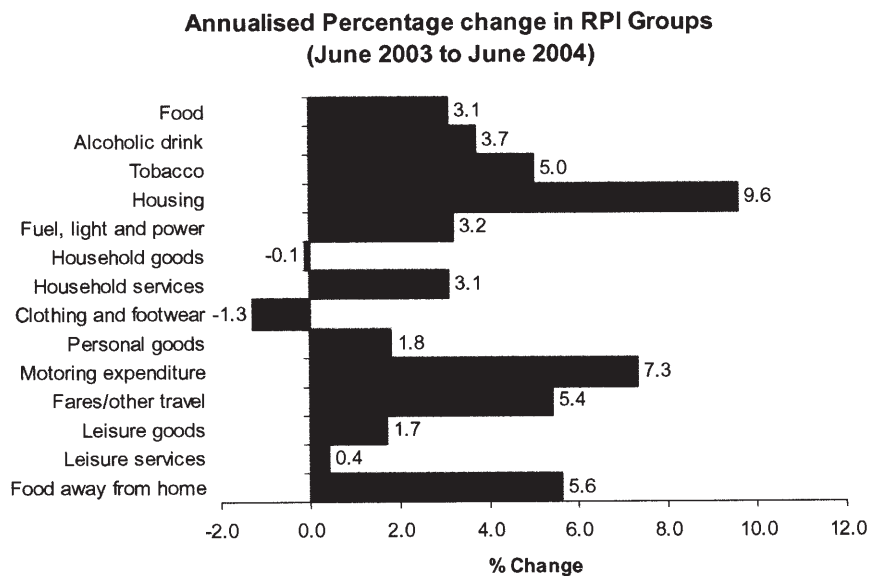


Figure 2

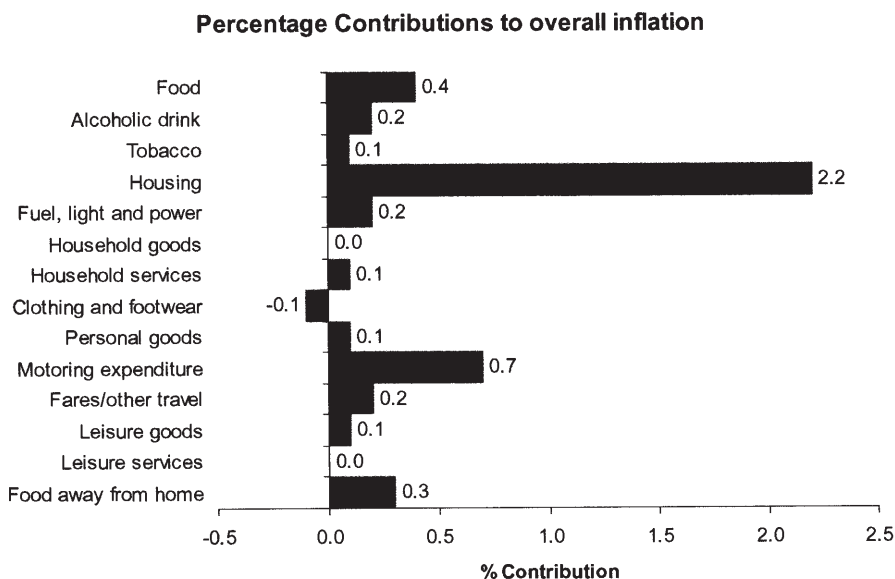
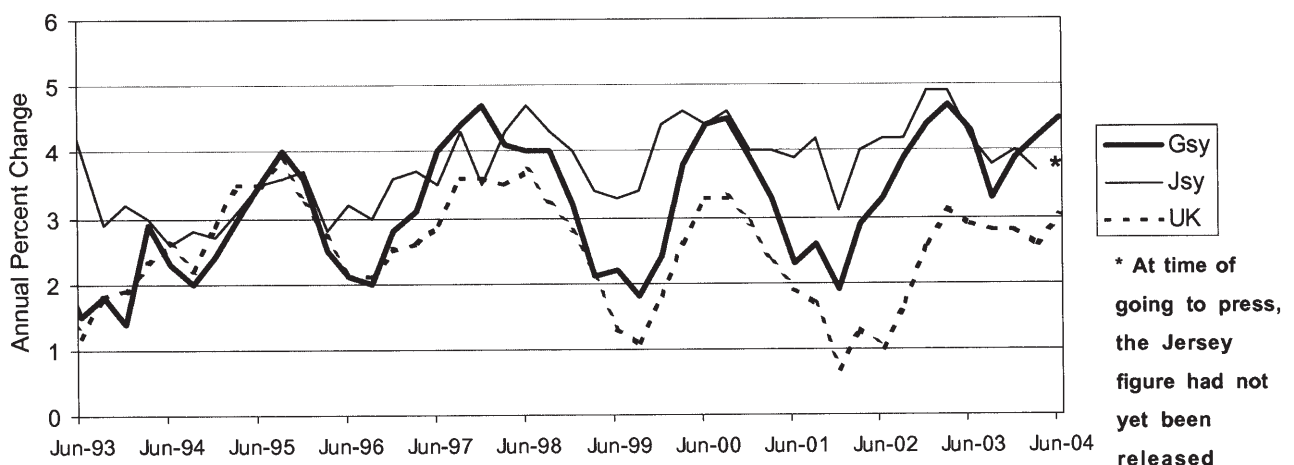


Figure 3

Annual Rate of Headline Inflation - Guernsey, Jersey and the UK



GUERNSEY RETAIL PRICES INDEX - JUNE 2004

RPI comparison with Jersey and the UK

Guernsey and Jersey tend to run at a higher rate than the UK. The chart on page 3 (figure 3) shows that inflation in Guernsey followed the general trends of the UK inflation rate, albeit at a higher level until 2003 when the trend changed.

Table 4

		Annual Movements						Quarterly Movements		
		Guernsey		UK		Jersey		Guernsey	UK	Jersey
		Headline	RPI X	Headline	RPI X	Headline	RPI X	Headline	RPI	
1998	Mar	4.1	2.3	3.5	2.6	4.3	3.8	0.9	0.5	1.7
	June	4.0	2.3	3.7	2.8	4.7	4.1	0.9	1.6	1.2
	Sept	4.0	2.6	3.2	2.5	4.3	3.9	1.0	1.0	0.9
	Dec	3.2	2.2	2.8	2.6	4.0	3.9	0.4	0.0	0.2
1999	Mar	2.1	2.6	2.1	2.7	3.4	3.6	-0.2	-0.2	1.1
	June	2.2	3.1	1.3	2.2	3.3	3.6	1.0	0.9	1.1
	Sept	1.8	3.0	1.1	2.1	3.4	3.6	0.4	0.5	0.9
	Dec	2.4	2.8	1.8	2.2	4.4	4.3	1.1	0.7	1.1
2000	Mar	3.8	3.1	2.6	2.0	4.6	4.3	1.2	0.3	1.3
	June	4.4	3.6	3.3	2.2	4.4	4.0	1.6	1.6	1.0
	Sept	4.5	3.5	3.3	2.2	4.6	4.2	0.7	0.4	1.1
	Dec	3.9	3.8	2.9	2.0	4.0	3.4	0.5	0.3	0.5
2001	Mar	3.3	2.9	2.3	1.9	4.0	3.6	0.6	0.0	1.4
	June	2.3	2.7	1.9	2.4	3.9	3.8	0.8	1.3	0.9
	Sept	2.6	3.1	1.7	2.3	4.2	4.2	0.8	0.1	1.3
	Dec	1.9	2.9	0.7	1.9	3.1	3.6	-0.1	-0.7	-0.6
2002	Mar	2.9	3.8	1.3	2.3	4.0	4.4	1.6	0.6	2.3
	June	3.3	3.6	1.0	1.5	4.2	4.4	1.0	1.0	1.1
	Sept	3.9	3.8	1.7	2.1	4.2	4.2	1.4	0.8	1.3
	Dec	4.4	3.8	2.9	2.7	4.9	4.5	0.4	0.5	0.1
2003	Mar	4.7	4.3	3.1	3.0	4.9	4.8	1.9	0.8	2.4
	June	4.3	3.8	2.9	2.8	4.2	4.6	0.6	0.8	0.4
	Sept	3.3	3.1	2.8	2.8	3.8	4.4	0.4	0.7	0.9
	Dec	3.9	3.4	2.8	2.6	4.0	4.0	1.0	0.5	0.3
2004	Mar	4.2	3.2	2.6	2.1	3.7	3.5	2.2	0.6	2.1
	June	4.5	3.1	3.0	2.3	4.8	3.4	0.9	1.2	1.5

RPI X

A single measure of inflation may not meet all user's needs. Following the Office for National Statistics' Review of the Island's RPI, one recommendation was for the Policy and Research Unit to publish the RPIX. RPI X literally means RPI **eXcluding mortgage interest payments**; the RPI is calculated again after this item has been removed.

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GUERNSEY RETAIL PRICES INDEX

5.2% annual change as at 30 September 2004

At the end of September, Guernsey's annual rate of inflation, as measured by changes in the Index of Retail Prices, was 5.2% compared with 4.5% at the end of the previous quarter.

RPI X, the rate of inflation that excludes mortgage interest payments stands at 2.9%

Table 1

The Index Figures at the end of September 2004 were:

119.7 (Dec 99=100)
142.0 (Mar 1994 =100)
191.8 (Dec 1988 =100)
256.4 (Dec 1983 =100)
407.1 (Dec 1978 =100)

Period	%	Period	%
3 Months	1.1	2 Years	8.7
6 Months	2.0	3 Years	12.9
9 Months	4.2	4 Years	15.8
12 Months	5.2	5 Years	21.0

Matters affecting the R.P.I during the last year

The major contributors to the September 2004 figure were Housing (3.1% out of 5.2%), Motoring (0.5%), Fuel, Light and Power (0.5%), Leisure Services (0.3%) and Food Away from Home (0.3%). Food, Alcohol and Household Services each had an increase of 0.2%; Personal Goods, Fares and Tobacco each had an increase of 0.1%. Leisure Goods remained the same (0%) but Household Goods decreased by 0.1% and Clothing by 0.3%.

The Housing group was again the largest contributor at 3.1%. This was mainly due to the annual rise in interest rates and the direct effect this has on the average mortgage debt. Bank base rates as set by the Bank of England were 3.50% in September 2003. Since then, the Bank of England has raised interest rates 5 times to reach 4.75% in September 2004 (a 36% increase). Other smaller upward effects in the Housing group came from water rates, building and tradesmen costs, interior painting and new kitchens.

The Motoring and Fuel, Light and Power groups each had a substantial contribution of 0.5% which was mainly due to the effects of the increase in the price of oil which in turn has pushed up the price of petrol and heating oil and gas.

The Clothing and Household goods groups have had a downward effect on the index.

Matters affecting the R.P.I during the last three months

The main contributors to inflation over the last **three months** were: heating oil and gas, mortgage interest, house heating installation and repairs and accommodation in the UK. Downward effects on the quarterly change included UK and inter island air fares, women's clothes, games consoles and fresh fruit.

Annual % Changes for each quarter

Table 2

	March	June	September	December
1991	8.6	8.7	6.1	5.5
1992	4.6	4.1	3.6	3.2
1993	2.3	1.5	1.8	1.4
1994	2.9	2.3	2.0	2.4
1995	3.0	3.5	4.0	3.6
1996	2.5	2.1	2.0	2.8
1997	3.1	4.0	4.4	4.7
1998	4.1	4.0	4.0	3.2
1999	2.1	2.2	1.8	2.4
2000	3.8	4.4	4.5	3.9
2001	3.3	2.3	2.6	1.9
2002	2.9	3.3	3.9	4.4
2003	4.7	4.3	3.3	3.9
2004	4.2	4.5	5.2	

Thursday
14 October 2004

Issued by:
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Email:
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GUERNSEY RETAIL PRICES INDEX - SEPTEMBER 2004

PERCENTAGE CHANGES IN GROUP INFLATION AND THEIR CONTRIBUTION TO OVERALL INFLATION

Table 3 **GUERNSEY INFLATION RATE (+5.2%)**

	Weight	Quarterly %Change	Annual %Change	% Contribution
Food	127	-1.0	1.7	0.2
Alcoholic Drink	52	0.3	3.9	0.2
Tobacco	19	0.1	5.2	0.1
Housing	216	4.0	13.5	3.1
Fuel, Light and Power	41	6.5	10.8	0.5
Household Goods	79	-1.1	-1.6	-0.1
Household Services	33	0.2	4.3	0.2
Clothing & Footwear	56	-2.4	-4.7	-0.3
Personal Goods	49	0.1	1.7	0.1
Motoring Expenditure	85	-0.9	5.5	0.5
Fares/Other Travel	33	0.1	2.5	0.1
Leisure Goods	63	-1.5	0.2	0.0
Leisure Services	92	2.3	2.6	0.3
Food Away from Home	55	0.2	5.7	0.3
Overall	1000			
All Items				5.2

Weight is the proportion of the total index represented by each group. **Contribution** shows the effect of price changes in relation to the relative weight of the groups.

Retail Prices Index (RPI)

The RPI is a measure of inflation in Guernsey. It can be defined as "an average measure of change in the prices of goods and services bought for the purpose of consumption by the vast majority of households" (RPI Technical Manual, Office for National Statistics, 1998).

Goods and services that consumers purchase have a price, and these will vary over time. The RPI is designed to measure such changes. Imagine a very large shopping basket (over 2100 items) comprising all the different kinds of goods and services bought by a typical household. As the prices of individual items in this basket vary, the total cost of the basket will vary - the RPI is a measure of the change from quarter to quarter in this total cost.

No two households spend their money in exactly the same way and this basket of goods is compiled using spending pattern data from the Household Expenditure Survey. This is carried out every five years, hence the RPI index base is reset to 100 e.g. Dec 1999 = 100, Mar 1994 = 100 etc. The RPI while not applying precisely to any one household or person, will be close to the experience of inflation for the great majority of households.

GUERNSEY RETAIL PRICES INDEX - SEPTEMBER 2004

Figure 1

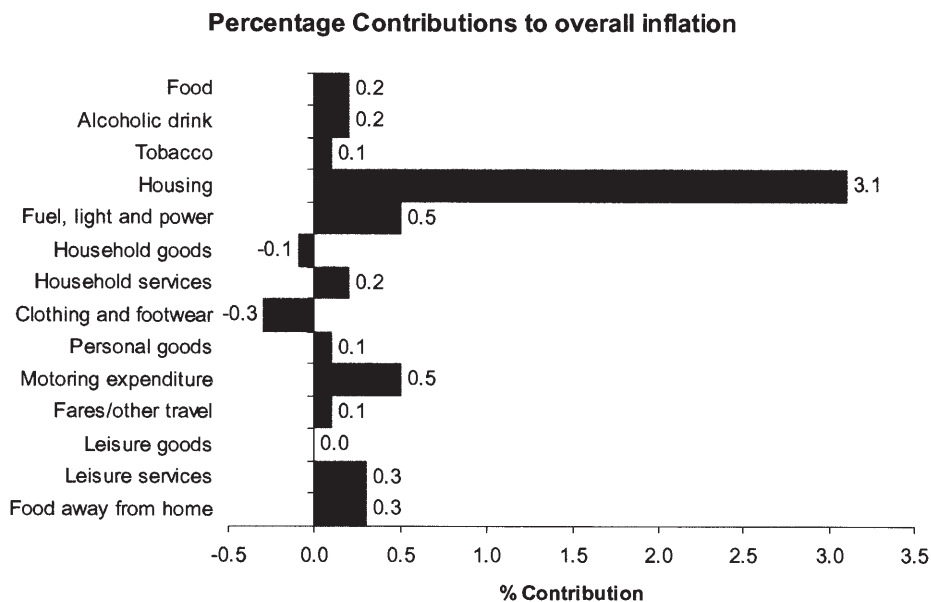
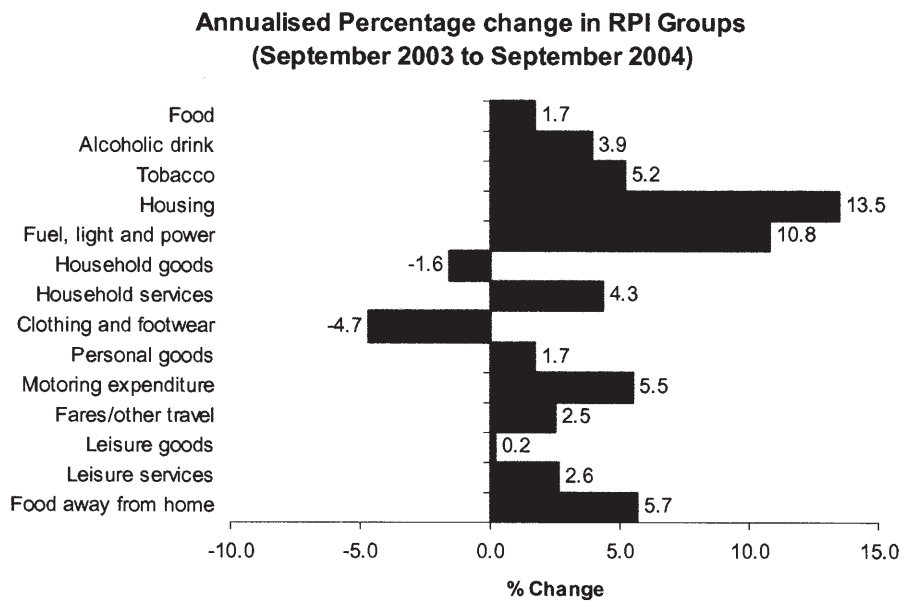
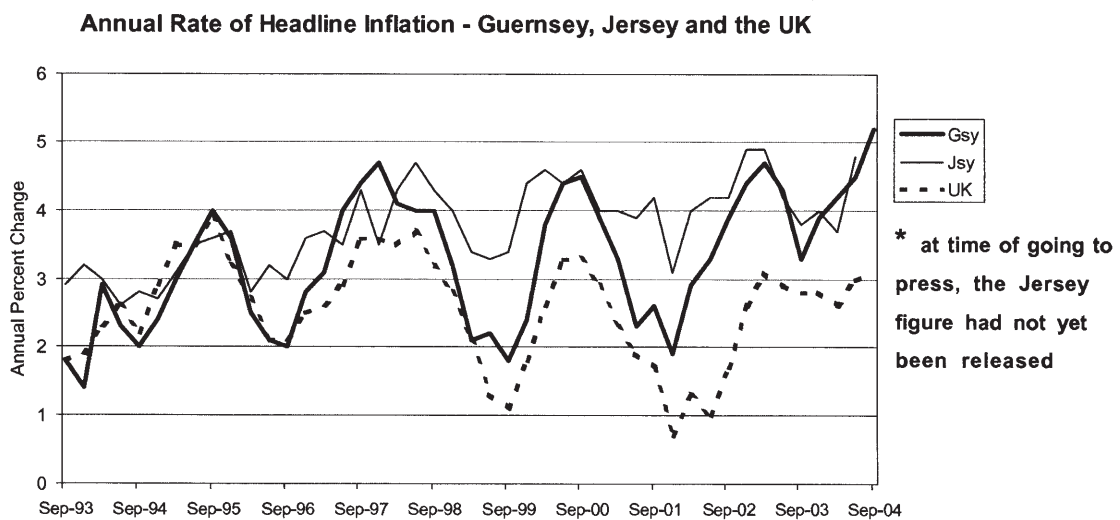


Figure 3



GUERNSEY RETAIL PRICES INDEX - SEPTEMBER 2004

RPI comparison with Jersey and the UK

Guernsey and Jersey tend to run at a higher rate than the UK. The chart on page 3 (figure 3) shows that inflation in Guernsey followed the general trends of the UK inflation rate, albeit at a higher level until 2003 when the trend changed.

Table 4

		Annual Movements						Quarterly Movements		
		Guernsey		UK		Jersey		Guernsey	UK	Jersey
		Headline	RPI X	Headline	RPI X	Headline	RPI X	Headline	RPI	
1998	Mar	4.1	2.3	3.5	2.6	4.3	3.8	0.9	0.5	1.7
	June	4.0	2.3	3.7	2.8	4.7	4.1	0.9	1.6	1.2
	Sept	4.0	2.6	3.2	2.5	4.3	3.9	1.0	1.0	0.9
	Dec	3.2	2.2	2.8	2.6	4.0	3.9	0.4	0.0	0.2
1999	Mar	2.1	2.6	2.1	2.7	3.4	3.6	-0.2	-0.2	1.1
	June	2.2	3.1	1.3	2.2	3.3	3.6	1.0	0.9	1.1
	Sept	1.8	3.0	1.1	2.1	3.4	3.6	0.4	0.5	0.9
	Dec	2.4	2.8	1.8	2.2	4.4	4.3	1.1	0.7	1.1
2000	Mar	3.8	3.1	2.6	2.0	4.6	4.3	1.2	0.3	1.3
	June	4.4	3.6	3.3	2.2	4.4	4.0	1.6	1.6	1.0
	Sept	4.5	3.5	3.3	2.2	4.6	4.2	0.7	0.4	1.1
	Dec	3.9	3.8	2.9	2.0	4.0	3.4	0.5	0.3	0.5
2001	Mar	3.3	2.9	2.3	1.9	4.0	3.6	0.6	0.0	1.4
	June	2.3	2.7	1.9	2.4	3.9	3.8	0.8	1.3	0.9
	Sept	2.6	3.1	1.7	2.3	4.2	4.2	0.8	0.1	1.3
	Dec	1.9	2.9	0.7	1.9	3.1	3.6	-0.1	-0.7	-0.6
2002	Mar	2.9	3.8	1.3	2.3	4.0	4.4	1.6	0.6	2.3
	June	3.3	3.6	1.0	1.5	4.2	4.4	1.0	1.0	1.1
	Sept	3.9	3.8	1.7	2.1	4.2	4.2	1.4	0.8	1.3
	Dec	4.4	3.8	2.9	2.7	4.9	4.5	0.4	0.5	0.1
2003	Mar	4.7	4.3	3.1	3.0	4.9	4.8	1.9	0.8	2.4
	June	4.3	3.8	2.9	2.8	4.2	4.6	0.6	0.8	0.4
	Sept	3.3	3.1	2.8	2.8	3.8	4.4	0.4	0.7	0.9
	Dec	3.9	3.4	2.8	2.6	4.0	4.0	1.0	0.5	0.3
2004	Mar	4.2	3.2	2.6	2.1	3.7	3.5	2.2	0.6	2.1
	June	4.5	3.1	3.0	2.3	4.8	3.4	0.9	1.2	1.5
	Sept	5.2	2.9	3.1	1.9	5.6	3.3	1.1	0.8	1.7

RPI X

A single measure of inflation may not meet all user's needs. Following the Office for National Statistics' Review of the Island's RPI, one recommendation was for the Policy and Research Unit to publish the RPIX. RPI X literally means RPI **eXcluding mortgage interest payments**; the RPI is calculated again after this item has been removed.

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EDUCATION DEPARTMENT**HAUTES CAPELLES JUNIOR SCHOOL: VALIDATION REPORT**

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

25th November 2004

Dear Sir

I enclose a copy of the summary of the validation report and the Education Department's response for the above school. I shall be grateful if you will arrange for this to be published as an appendix to the Billet d'État for January 2005.

Copies of the full report will be made available for any member of the public to inspect at both the school and the Education Department.

Yours faithfully,

Deputy M A Ozanne
Minister

EDUCATION DEPARTMENT

Response to the Validation Report on Hautes Capelles Junior School

The Education Board and the staff of Hautes Capelles Junior School welcome and accept the Validation Report of April 2004. The school is rightly commended for their planning of the self evaluation process.

The headteacher and his senior managerial team have successfully established a warm, caring and supportive ethos within the school. Effective and suitable pastoral arrangements are made for pupils' support, guidance and welfare. Children enjoy their time at school and standards of behaviour are high.

The school is developing strong relationships with its parents and the local community. The returns from the parental questionnaire express widespread satisfaction with, and confidence in, the work of the school. The head has an open door policy and is felt to be approachable and considerate by both parents and staff. The school has made good progress in a number of areas since the last inspections in 1998 and 2000. 90% of the lessons observed were judged to be of satisfactory standard or better, with 36% containing good or excellent features. In the best lessons, planning is thorough. Relationships are good and activities are well resourced. Sound provision is made for lower attaining pupils with Special Educational Needs. The school seeks to promote a broad curriculum. A good range of sporting and other extra-curricular activities is offered. Staff are hardworking and conscientious. The new buildings are particularly well cleaned and maintained and the school office is efficiently run.

The school's self evaluation and the validation report have clearly identified its strengths and also areas for development. The school acknowledges these, which will be addressed through action plans within the annual School Improvement Planning process.

Key issues are:

- the production of a strategic School Improvement Plan with precise targets
- produce appropriate policies and schemes of work
- provide clearly defined roles and responsibilities for the senior management team and subject leaders.

SUMMARY OF THE VALIDATION REPORT

HAUTES CAPELLES JUNIOR SCHOOL

Hautes Capelles Junior School is situated in the north west of the Island. It serves a large catchment area covering parts of the two parishes of St. Sampson and Vale.

There are 291 pupils on roll, 159 boys and 132 girls, aged from 7 to 11.

They are taught by 14 teachers, including the headteacher, and 2 part time staff.

There are 12 classes and a pupil/teacher ratio of 19:1, with an average class size of 24.2.

Background

The validation team consisted of five inspectors. Four were Ofsted inspectors from the UK and one was an IFES trained education officer from Jersey. The team met informally with the staff and toured the school accommodation on the Sunday before the validation and then spent four days inspecting the school.

The school provided comprehensive documentation and its self review report in advance of the visit, having spent a year working on its self-evaluation activities. Additional information, such as children's work, videos and portfolios of other evidence, was scrutinised by the team during the week. Extra support for the school's review process was provided by the Education Officer Primary and the Island's Advisory Teacher. Most staff had attended the Education Department's IFES Internal Evaluator training course on how to carry out a self-review.

The evidence base to validate the school's findings was collected through:

- * scrutiny of a range of whole school and subject documentation, including School Improvement Plans since the last inspection, minutes of meetings and SATs results; only limited information and evidence about standards and progress had been collected or provided from the last three years;
- * observation of 86 whole or part lessons;
- * examination and discussion of teachers' planning;
- * attendance at assemblies and some extra curricular activities;
- * examination of pupils' current and previous work;

- * approximately 14 hours of planned discussions with teachers and other staff, pupils and parents;
- * observation of pupils on arrival and departure from the school and at other times around the buildings and grounds;
- * scrutiny of 30 letters and 131 returns from the confidential parental questionnaire.

At the end of the week, subject leaders received an oral feedback on their areas of responsibility, and the team's main findings were reported to the headteacher and his SMT, and to the Director of Education.

Main Findings

- * The headteacher and his senior management team (SMT) have successfully established a warm, caring and supportive ethos within the school. Children feel secure and happy. The head has an open door policy and is felt to be approachable and considerate by both parents and staff.
- * The self evaluation process was well planned, and the internal report provides a largely accurate account of the school's strengths and areas for development. It is a sound basis from which to plan for further improvement.
- * The school has made good progress in a number of areas since the last inspections in 1998 and 2000 when significant weaknesses were identified.
- * The returns from the parental questionnaire (Appendix A) reveal that the headteacher has successfully restored the confidence of most parents, and that there is now widespread satisfaction with the work of the school.
- * The inspection team observed 86 lessons during the week. Of these, 90% were judged to be of satisfactory standard or better, with 36% containing good or excellent features. This compares favourably with the 1998 report when the figures were 83% and 15% respectively. Factors which have led to this improvement include successful appointments of new staff, improved year group planning, the implementation of the national literacy and numeracy strategies, and the positive impact of some subject leaders.
- * In the best lessons, planning is thorough. Learning objectives are clearly stated and explained to the children and revisited during the plenary sessions to assess whether the aims have been met. Relationships are good, activities are well resourced, and steady progress is made when work is differentiated to take account of pupils' different levels of ability. Particular strengths were seen in mathematics, science,

PE, PSHE, geography, art, and some aspects of literacy and ICT.

- * Weak lessons are characterised by over direction by the teacher, slow pace and a failure to address the needs of the most able children. An absence of policies and schemes of work in some subjects, and of clear whole school policies, leads to some inconsistencies between classes and year groups. The school correctly identifies weaknesses in design technology, music, drama, French and some aspects of writing.
- * Sound provision is made for lower attaining pupils with special educational needs (SEN). The SENCO is rightly seeking to improve communication between the various support agencies and teachers, and to strengthen in-class support as opposed to withdrawal from lessons. More attention to the gifted and most able pupils is planned. The more effective analysis of available test and assessment data would assist the school in its setting of suitable targets.
- * The school seeks to promote a broad curriculum, but there is limited provision for French and music. A good range of sporting and other extra-curricular activities is offered. Stronger curriculum oversight from the SMT is still needed to ensure curriculum balance and the regular monitoring of provision. A rationalisation of subject leader responsibilities, and the provision of some overdue subject policies and schemes of work, need to be undertaken.
- * School policies have yet to be established for teaching and learning and for ARR. The homework policy should be clarified and applied more consistently.
- * The school has begun the process of analysing its SATs results in order to give better focus to the teaching. Steady progress is being made in mathematics and science but work remains to be done in English, particularly with regard to writing. Results in the three core subjects have been close to the Island average in recent years. Reading scores indicate that more attention could effectively be paid to some higher attaining pupils. The KS2 SATs results should be compared annually with those at KS1 in order to identify the school's contribution to the progress achieved during Y3 to Y6.
- * The school makes good provision for the social, moral, and cultural development of its pupils. Spiritual development is not currently promoted to the same degree. It is intended to produce a policy for collective worship. The school needs to maintain a register of themes for assemblies, and to involve pupils more actively in the process.
- * Effective and suitable pastoral arrangements are made for pupils' support, guidance and welfare. Children enjoy their time at school and standards of behaviour are high. Pupils have responded well to the establishment of a school council.

- * The school is developing strong relationships with its parents and the local community. Children raise substantial funds annually for various charitable organisations. A particularly active PTA provides valuable extra funding in the region of £7K per year for such things as extra TVs, videos, cameras, tents and seats in the playground.
- * Many parents and grandparents provide welcome assistance with in-school and extra-curricular activities such as reading, the library, orchestra, choir, swimming, football and cycling proficiency. Communications with parents have recently improved through more information about curriculum provision and pupil progress.
- * The current School Improvement Plan (SIP) has for the first time enabled the whole staff to become involved in the planning process. However, successive SIPs have not provided sufficiently clear strategic planning to guide the work of the school in the most effective manner. Imprecise targets, timescales, staff responsibilities, success criteria, and the inconsistent monitoring of progress to ensure successful outcomes, have meant that several key recommendations from the inspection reports of 1998 and 2000 have yet to be satisfactorily implemented.
- * The headteacher, deputy and the new SMT now need to focus their attention on strategic planning in the post-validation period when it is expected that the staffing situation will be more stable. It is important for the headteacher to ensure the delegation of appropriate curriculum and administrative responsibilities.
- * The school rightly intends to clarify the roles of the SMT once the new team is established, and to develop further the positive impact being made by subject leaders. Staff are hard working and conscientious, and many have sought to extend their professional development through a range of in-service training courses. Annual personal reviews with staff need to be re-established.
- * Satisfactory use is made of the school's available staffing and learning resources. The new buildings are particularly well cleaned and maintained. The school office is efficiently run, and a good oversight is maintained of relevant funds and budget spending. There are sufficient learning resources to meet the requirements of the National Curriculum (Guernsey).
- * Greater efficiency could be achieved through a review of existing staff responsibilities and deployment, appropriate delegation of some tasks, and the more effective use of accommodation such as the library and foyer. The school should also maximise its utilisation of its Information Management Systems (SIMS) and its ICT capacity.

- * The school's self evaluation report identifies eight main areas for future development, and these are endorsed by the validation team.

Key Issues that the School Needs to Address

- * In order to sustain the progress which has been made since previous inspections, and to address those areas which have been identified for attention, the headteacher and his SMT should :
 - involve staff in the production of a strategic School Improvement Plan with precise targets, timescales, staff responsibilities and success criteria; ensure that developments are regularly monitored, and that rigorous progress chasing ensures the successful completion of tasks;
 - provide clearly defined roles and responsibilities for the senior management team and subject leaders;
 - establish strong oversight and direction of the curriculum; assist staff with the process of monitoring continuity and progression in the curriculum by ensuring that all work is dated and easily accessible, and that formal reviews of children's books, folders, portfolios and other work are regularly undertaken;
 - continue the successful practice of classroom monitoring established during the period of self review; provide regular feedback to classroom teachers, and re-establish annual professional development interviews;
 - produce appropriate policies and schemes of work for those subjects where they are still needed, and for areas such as teaching & learning, ARR and homework; ensure their consistent application;
 - strengthen target setting and differentiation in order to raise levels of attainment, particularly for the most able pupils, through better analysis of available test and assessment data.

The school is responsible for drawing up an action plan after receiving the Report, showing what it is going to do about the issues raised and how it will incorporate them in the school's Improvement Plan.

A follow-up visit to the school will be made in summer 2005 in order to monitor and discuss the progress the school has made, and a written report will be made to the Director of Education.

PUBLIC SECTOR REMUNERATION COMMITTEE**STATES OF GUERNSEY PUBLIC SERVANTS' PENSION SCHEME:
2005 PENSIONS INCREASE**

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

22nd November 2004

Dear Sir

In accordance with the States of Guernsey (Public Servants) (Pensions and other Benefits) (Amendment No. 2) Rules, 1997, approved by the States on the 29th October, 1997 (Article X of Billet d'Etat No. XIX of 1997), I would advise you that the Public Sector Remuneration Committee, after consultation within the Pensions Consultative Committee, has resolved that pensions in payment and preserved pensions and other benefits not yet in payment be increased with effect from 1 January 2005 as follows:

- (a) awarded prior to 1 January 2004 by **4.5%**
- (b) awarded in the period from 1 January 2004
to 31 December 2004 by **1/365th of 4.5% for each
day of entitlement**

(i.e. in line with the change in the Retail Price Index for the twelve months ending on 30 June 2004).

In accordance with the above mentioned Rules, I should be grateful if you would arrange for this letter to be published as an Appendix to a Billet d'Etat.

Yours faithfully

J P Le Tocq
Chairman

Resolutions

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 26th DAY OF JANUARY, 2005

The States resolved as follows concerning Billet d'État No I
dated 7th January, 2005

ENVIRONMENT DEPARTMENT

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

I.- After consideration of the Report dated 26th November, 2004, of the Environment Department: -

- 1 To approve the proposals relating to the application of the Law to Herm and Jethou and the territorial waters set out in Section 5 of that Report.
- 2 To approve the proposals relating to the posting of site notices set out in Section 6 of that Report.
- 3 To approve the proposals relating to strategically essential development set out in Section 7 of that Report.
- 4 To approve, subject to the following amendments, the Projet de Loi entitled “The Land Planning and Development (Guernsey) Law, 2005”, and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

AMENDMENTS

1. In clause 5(1)(a) (on page 13 of the Brochure) for “strategic, economic and social objectives” substitute “strategic, economic, social and environmental objectives”.
2. In clause 20(5)(b)(i), (on page 34 of the Brochure) immediately after “permission,” insert “except to the extent of any consideration paid by the complainant in good faith for the conveyance of the land to him since the permission was granted,”.
3. In clause 45 (on pages 67 to 68 of the Brochure):
 - (a) In the heading, for “**protected trees**” substitute “**trees etc**”;
 - (b) for sub-clause (3) substitute:

“(3)The States may by Ordinance under this section make provision (including general restrictions and requirements and/or provision for the imposition of specific requirements by notice or otherwise) in relation to any, or any description of, trees, shrubs, hedging or plant growth, which impair, or which threaten to impair, the amenity or enjoyment of any neighbouring property or locality; and an Ordinance under this section may make any such provision as might be made by an Ordinance under section 46, and such incidental, consequential and transitional provision as the States consider appropriate.”.

4. For clause 80(1)(a), on page 114 of the brochure, substitute the following -

"(a) a subcommittee composed of not less than two members of the Department, at least two of whom shall be voting members thereof,".

POLICY COUNCIL

GUERNSEY FINANCIAL SERVICES COMMISSION – NEW CHAIRMAN AND NEW MEMBER

II.- To re-elect

1. Mr. Mel Gerard Carvill, FCA, ACII as an ordinary member of the Guernsey Financial Services Commission for three years with effect from 2nd February, 2005.
2. Mr. John Edward Hallam, FCA as Chairman of the Guernsey Financial Services Commission for one year with effect from the 2nd February, 2005.

ELIZABETH COLLEGE BOARD OF DIRECTORS

NEW MEMBER

III.- To elect Deputy D A Grut as a member of the Elizabeth College Board of Directors to fill the vacancy that arose on 6th January, 2005, by reason of the expiration of the term of office of Deputy A H Adam, who is not eligible for re-election.

SOCIAL SECURITY DEPARTMENT

PAROCHIAL OUTDOOR ASSISTANCE BOARDS

NEW MEMBERS AND NEW PRESIDENT

IV.- To elect -

- (1) Mr D J Harvey as a member of the St Sampson's Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mrs S E Doggart who has ceased to be a Douzenier, namely, to the 31st May, 2005;

- (2) Mr L G Trigwell as a member of the Forest Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mr K S Blondel who has ceased to be a Douzenier, namely, to the 31st May, 2006;
- (3) Mre S G Ephgrave as a member of the Forest Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mr D Bienvenu who has ceased to be a Douzenier, namely, to the 31st May, 2008
- (4) Mr G C Loaring as a member of the Torteval Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mrs J E C Robilliard who has ceased to be a Douzenier, namely, to the 31st May, 2006
- (5) Mr C P Plant as a member of the Torteval Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mr J D A Le Maitre who has ceased to be a Douzenier, namely, to the 31st May, 2007;
- (6) Mr S G Park, as a States elected member of the St Sampson's Parochial Assistance Board, as President to complete the unexpired portion of the term of office of Mrs S E Doggart who has ceased to be a member of that Board, namely, to the 31st May, 2005.

TREASURY AND RESOURCES DEPARTMENT

ALDERNEY HARBOUR – COMMERCIAL QUAY RENOVATION

V.- After consideration of the Report dated 26th November, 2004, of the Treasury and Resources Department: -

1.
 - (a) To authorise the renovation of the Alderney Harbour Commercial Quay as set out in that Report.
 - (b) To authorise the Treasury and Resources Department to approve the acceptance of all tenders in connection with this project and to approve a capital vote, not exceeding £4,000,000, such sum to be charged to the capital allocation of the States of Alderney
 - (c) To authorise the Treasury and Resources Department to transfer an appropriate sum from the Capital Reserve to the capital allocation of the States of Alderney in respect of this project.
2. To note the States of Alderney's intention to investigate further the cost of constructing a spur on the Alderney Breakwater.

HOME DEPARTMENT

POLICE COMPLAINTS COMMISSION

VI.- After consideration of the Report, dated 10th November, 2004, of the Home Department: -

1. To approve the establishment of a Police Complaints Commission as set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

HOME DEPARTMENT

THE INTRODUCTION OF THE POLICE POWERS AND CRIMINAL EVIDENCE (BAILIWICK OF GUERNSEY) LAW, 2003

VII.- After consideration of the Report dated 19th November, 2004, of the Home Department: -

1. To rescind their Resolution XVI. 5. of the 29th October, 1997 (on Billet d'État XVI of 1997).
2. To approve the inclusion of search of person statistics within the Annual Reports of the Chief Officer of the Island Police Force and the Chief Officer of Customs and Excise required under the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 in relation to information regarding arrested persons.
3. To note the 2003 search of person statistics as laid out in Appendix A to that Report.

PUBLIC SERVICES DEPARTMENT

ALDERNEY AIRPORT - DUES AND CHARGES 2005

VIII.- After consideration of the Report, dated 22nd November, 2004, of the Public Services Department: -

To approve the adjustment in fees and charges for the use of Alderney Airport with effect from 1st April 2005 as set out in paragraph 2.1 of that Report.

PUBLIC SERVICES DEPARTMENT

MONT CUET LANDFILL SITE – LANDFILL GAS MANAGEMENT SCHEME

IX.- After consideration of the Report dated 25th November, 2004, of the Public Services Department: -

1. To approve the construction of a Landfill Gas Management Scheme at Mont Cuet as set out in that Report at a total cost not to exceed £830,000.
2. To authorise the Public Services Department to accept the tender from Biogas Technology Ltd in the sum of £784,170.90 (including contingencies) in respect of these works.
3. To vote the Public Services Department a credit of £830,000 to cover the cost of the above works, such sum to be charged to its capital allocation.

COMMERCE AND EMPLOYMENT DEPARTMENT

DIRECTOR GENERAL – OFFICE OF UTILITY REGULATION

X.- After consideration of the Report dated 3rd December, 2004, of the Commerce and Employment Department: -

1. To appoint Mr John Curran as Director General of Utility Regulation in accordance with the provisions of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 for a period of one year commencing 1 February 2005.
2. To note that further recommendations for the appointment of a Director General beyond this temporary period will be presented to the States in 2005 in the light of the findings of the review of commercialisation to be jointly undertaken by the Treasury and Resources and Commerce and Employment Departments

ORDINANCE LAID BEFORE THE STATES

THE BURMA (SALE, SUPPLY, EXPORT, TECHNICAL ASSISTANCE, FINANCING AND FINANCIAL ASSISTANCE AND SHIPMENT OF EQUIPMENT) (PENALTIES AND LICENCES) (GUERNSEY) (AMENDMENT) ORDINANCE, 2004

In pursuance of the provisions of the proviso to Article 66(3) of the Reform (Guernsey) Law, 1948, as amended, the Burma (Sale, Supply, Technical Assistance, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) (Guernsey) (Amendment) Ordinance, 2004, made by the Legislation Select Committee on the 17th December, 2004 was laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT) REGULATIONS, 2004

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Medical Appliances) (Amendment) Regulations, 2004, made by the Social Security Department on 3rd November, 2004, were laid before the States.

THE HEALTH SERVICE (PHARMACEUTICAL BENEFIT) (RESTRICTED SUBSTANCES) (AMENDMENT) REGULATIONS, 2004

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Pharmaceutical Benefit) (Restricted Substances) (Amendment) Regulations, 2004, made by the Social Security Department on 4th November, 2004, were laid before the States.

THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL BENEFIT) (AMENDMENT) REGULATIONS, 2004

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) Regulations, 2004, made by the Social Security Department on 4th November, 2004, were laid before the States.

THE SOCIAL INSURANCE (BACK TO WORK BENEFITS) REGULATIONS, 2004

In pursuance of section 117 of the Social Insurance (Guernsey) Laws 1978 – 2004, the Social Insurance (Back to Work Benefits) Regulations, 2004, made by the Social Security Department on 24th November, 2004, were laid before the States.

THE SOCIAL INSURANCE (BENEFITS) (AMENDMENT) REGULATIONS, 2004

In pursuance of section 117 of the Social Insurance (Guernsey) Laws 1978 – 2004, the Social Insurance (Benefits) (Amendment) Regulations, 2004, made by the Social Security Department on 24th November, 2004, were laid before the States.

THE INCOME TAX (GUERNSEY) (VALUATION OF BENEFITS IN KIND) REGULATIONS, 2004

In pursuance of Section 8(2)(b) of the Income Tax (Guernsey) Law, 1975, as amended, the Income Tax (Guernsey) (Valuation of Benefits in Kind) Regulations, 2004, made by the Treasury and Resources Department on 26th November, 2004, were laid before the States.

**THE INCOME TAX (PENSIONS) (CONTRIBUTION LIMITS AND TAX-FREE
LUMP SUMS) REGULATIONS, 2004**

In pursuance of Sections 153(2), 157A(2)(b)(vi), 157A(5B) and 159 of the Income Tax (Guernsey) Law, 1975, as amended, the Income Tax (Pensions) (Contribution Limits and Tax-Free Lump Sums) Regulations, 2004, made by the Treasury and Resources Department on 26th November, 2004, were laid before the States.

**THE DATA PROTECTION (NOTIFICATION AND NOTIFICATION FEES)
(AMENDMENT) REGULATIONS, 2004**

In pursuance of Section 6(2) of the Data Protection (Bailiwick of Guernsey) Law, 2001, the Data Protection (Notification and Notification Fees) (Amendment) Regulations, 2004, made by the Home Department on 15th December 2004, were laid before the States.

**THE DATA PROTECTION (PROCESSING OF SENSITIVE PERSONAL DATA)
(ELECTED REPRESENTATIVES) ORDER, 2004**

In pursuance of Section 6(2) of the Data Protection (Bailiwick of Guernsey) Law, 2001, the Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order, 2004, made by the Home Department on 15th December 2004, was laid before the States.

K. H. TOUGH
HER MAJESTY'S GREFFIER