

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 6TH DAY OF MARCH, 2012

The States resolved as follows concerning Billet d'État No V
dated 27th January 2012

COMMERCE AND EMPLOYMENT DEPARTMENT

IMPLEMENTING FISHING VESSEL LICENSING CONTROLS WITHIN BRITISH FISHERIES LIMITS ADJACENT TO THE BAILIWICK

- I.- After consideration of the Report dated 13th December 2011, of the Commerce and Employment Department:-
1. To approve the proposals set out in the report.
 2. To approve the Projet de Loi entitled "The Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

HOME DEPARTMENT

WIRELESS TELEGRAPHY

- II.- After consideration of the Report dated 21st November 2011, of the Home Department:-
1. To approve the enactment of legislative provision deeming that the following measures were registered in the Royal Court on 19 January 2004 –

The Communications Act 2003 (Commencement No 1) Order 2003 [S.I. 2003/1900]

The Office of Communications Act 2002 (Commencement No 3) and Communications Act 2003 (Commencement No 2) Order 2003 [S.I. 2003/3142],
 2. To approve the enactment of legislative provision deeming that the measures set out in the following table were registered in the Royal Court on the relevant corresponding date set out in the table -

Wireless Telegraphy (Licence Charges) Regulations 2005 [S.I. 2005/1378]	6 June 2005
Wireless Telegraphy (Automotive Short Range Radar) (Exemption) Regulations 2005 [S.I. 2005/353]	7 March 2005
Wireless Telegraphy (Automotive Short Range Radar) (Exemption) (No 2) Regulations 2005 [S.I. 2005/1585]	4 July 2005

Wireless Telegraphy (Automotive Short Range Radar) (Exemption) (No 2) (Amendment) Regulations 2008 [S.I. 2008/237]	18 February 2008
Wireless Telegraphy (Radio Frequency Identification Equipment) (Exemption) Regulations 2005 [S.I. 2005/3471]	9 January 2006
Wireless Telegraphy (Radio Frequency Identification Equipment) (Exemption) (Amendment) Regulations 2007 [S.I. 2007/1282]	14 May 2007
Wireless Telegraphy (Inspection and Restrictions on Use of Exempt Stations and Apparatus) Regulations 2005 [S.I. 2005/3481]	9 January 2006
Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) Regulations 2007 [S.I. 2007/2084]	1 October 2007
Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) (Amendment) Regulations 2007 [S.I. 2007/2440]	1 October 2007
Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) Regulations 2009 [S.I. 2009/2517]	5 October 2009
Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) (Amendment) Regulations 2010 [S.I. 2010/2761]	6 December 2010
Wireless Telegraphy (Licence Charges) (Amendment) (Channel Islands and Isle of Man) Regulations 2003 [SI 2003/2984]	1 December 2003
The Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2006 [SI 2006/2894]	4 December 2006
The Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2007 [SI 2007/2326]	1 October 2007
The Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2008 [SI 2008/139]	18 February 2008
The Wireless Telegraphy (Licence Charges) (Amendment) (No. 2) Regulations [SI 2008/ 2106]	8 September 2008
Wireless Telegraphy (Exemption) Amendment Regulations 2006 [SI 2006/2994]	13 November 2006
Wireless Telegraphy (Exemption) Amendment Regulations 2008 [SI 2008/236]	18 February 2008
Wireless Telegraphy (Exemption) Amendment (No. 2) Regulations 2008 [SI 2008/2426]	6 October 2008
Wireless Telegraphy (Exemption and Amendment) Regulations 2010 [SI 2010/2512]	8 November 2010

3. To approve the enactment of legislative provision deeming that the measures set out in the following table were registered in the Royal Court on the relevant corresponding date set out in the table -

The Communications (Television Licensing) (Amendment) Regulations 2005 [S.I. 2005/606]	14 March 2005
The Communications (Television Licensing) (Amendment) Regulations 2006 [S.I. 2006/619]	21 March 2006

4. To approve the enactment of legislative provision which will render lawful any acts or omissions which were not lawfully done because of the failure to register the measures set out in resolutions 1, 2 and 3 above, including for the purposes of criminal proceedings, acts or omissions rendered unlawful by the ineffective extension to the Bailiwick of the Communications Act 2003.
5. To approve the Projet de Loi entitled “The Wireless Telegraphy and Related Matters (Deemed Registration and Validation) (Bailiwick of Guernsey) Law, 2012” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE FORFEITURE OF MONEY, ETC IN CIVIL PROCEEDINGS
(BAILIWICK OF GUERNSEY) (AMENDMENT) LAW, 2012**

- III.- To approve the Projet de Loi entitled “The Forfeiture of Money, Etc In Civil Proceedings (Bailiwick Of Guernsey) (Amendment) Law, 2012” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

THE MONT VAROUF SCHOOL (GUERNSEY) LAW, 2012

- IV.- To approve the Projet de Loi entitled “The Mont Varouf School (Guernsey) Law, 2012” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

ADMINISTRATIVE DECISIONS (REVIEW) (GUERNSEY) LAW, 1986

NEW DEPUTY CHAIRMAN OF PANEL OF MEMBERS

- V.- To elect, in accordance with the provisions of section 4 (2) of the Administrative Decisions (Review) (Guernsey) Law, 1986, Mr. Richard Lenfestey Heume MBE as a Deputy Chairman of that Panel, to complete the unexpired portion of the term of office of Mr. R A R Evans who has ceased to be a Douzenier, that is to the 31st May 2012.

ORDINANCES LAID BEFORE THE STATES

**THE BURMA / MYANMAR (RESTRICTIVE MEASURES) (GUERNSEY)
ORDINANCE, 2012**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Burma / Myanmar (Restrictive Measures) (Guernsey) Ordinance, 2012, made by the Legislation Select Committee on the 4th January, 2012, was laid before the States.

**THE ERITREA (RESTRICTIVE MEASURES) (GUERNSEY) ORDINANCE,
2012**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Eritrea (Restrictive Measures) (Guernsey) Ordinance, 2012, made by the Legislation Select Committee on the 4th January, 2012, was laid before the States.

**THE REPUBLIC OF GUINEA (RESTRICTIVE MEASURES) (GUERNSEY)
ORDINANCE, 2012**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Republic Of Guinea (Restrictive Measures) (Guernsey) Ordinance, 2012, made by the Legislation Select Committee on the 4th January, 2012, was laid before the States.

**THE SOMALIA (RESTRICTIVE MEASURES) (GUERNSEY) ORDINANCE,
2012**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Somalia (Restrictive Measures) (Guernsey) Ordinance, 2012, made by the Legislation Select Committee on the 4th January, 2012, was laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**THE SOCIAL INSURANCE (CLASSIFICATION) (AMENDMENT)
(GUERNSEY) REGULATIONS, 2011**

In pursuance of Section 117 of The Social Insurance (Guernsey) Law, 1978, The Social Insurance (Classification) (Amendment) (Guernsey) Regulations, 2011 made by the Social Security Department on 23 December 2011, were laid before the States.

**THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT)
REGULATIONS, 2011**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Medical Appliances) (Amendment) Regulations, 2011 made by the Social Security Department on 21 December 2011, were laid before the States.

**THE SOCIAL INSURANCE (BENEFITS) (AMENDMENT NO. 2)
REGULATIONS, 2011**

In pursuance of Section 117 of The Social Insurance (Guernsey) Law, 1978, The Social Insurance (Benefits) (Amendment No. 2) Regulations, 2011 made by the Social Security Department on 21 December 2011, were laid before the States.

THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL BENEFIT) (AMENDMENT NO.6) REGULATIONS, 2011

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No.6) Regulations, 2011 made by the Social Security Department on 21 December 2011, were laid before the States.

THE INCOME TAX (STANDARD CHARGE) (AMENDMENT) REGULATIONS, 2011

In pursuance of Section 203 of the Income Tax (Guernsey) Law, 1975, as amended, The Income Tax (Standard Charge) (Amendment) Regulations, 2011, made by the Treasury and Resources Department on 20 December 2011, were laid before the States.

THE STATES HOUSING (RENT AND REBATE SCHEME) (GUERNSEY) (AMENDMENT) REGULATIONS, 2011

In pursuance of section 5 (3) of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004, the States Housing (Rent and Rebate Scheme) (Guernsey) (Amendment) Regulations, 2011, made by the Housing Department on 22nd December, 2011, were laid before the States.

MOORING CHARGES REGULATIONS, 2011

In pursuance of Section 5 (2) of the Fees, Charges and Penalties (Guernsey) Law 2007, the Mooring Charges Regulations, 2011, made by the Public Services Department on 29th December 2011, were laid before the States.

THE HARBOUR DUES AND FACILITIES CHARGES REGULATIONS, 2011

In pursuance of Section 5 (2) of the Fees, Charges and Penalties (Guernsey) Law 2007, the Harbour Dues and Facilities Charges Regulations, 2011, made by the Public Services Department on 29th December, 2011, were laid before the States.

J. TORODE
HER MAJESTY'S GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 7TH DAY OF MARCH, 2012**

(Adjourned from 6th March 2012)

**The States resolved as follows concerning Billet d'État No V
dated 27th January 2012**

SOCIAL SECURITY DEPARTMENT

**MODERNISATION OF THE SUPPLEMENTARY BENEFIT SCHEME
PHASE 1**

VI.- After consideration of the Report dated 21st December 2011, of the Social Security Department:-

1. That the Supplementary Benefit (Guernsey) Law, 1971 and associated items of supplementary benefit legislation shall be amended in order to:
 - a) enable the Department to define, by regulation, when a person is, or shall be deemed to be, 'capable of work' on either a full-time or a part-time basis;
 - b) make entitlement to supplementary benefit subject to such conditions and sanctions as the Administrator may reasonably determine in order to ensure that any person deemed 'capable of work' is obliged, if so directed by the Administrator:
 - i. to engage with work or work-related activities;
 - ii. to attend work-focused meetings held by the Department;
 - iii. to attend a mandatory work or training placement;
 - c) enable the Department to define by Regulation persons and categories of persons who are, or shall be deemed to be, 'incapable of work', by reason of age, ill-health, impairment or caring responsibilities;
 - d) classify parents whose youngest dependent child is aged seven or older as a jobseeker (that is to say a person who is actively seeking employment);
 - e) enable the Administrator, at his discretion, to:
 - i. fund reasonable short-term childcare costs in order to facilitate occupational training or work rehabilitation for parents claiming supplementary benefit;
 - ii. extend entitlement to medical cover for up to six months if a supplementary benefit claim is terminated by reason of the claimant entering or increasing employment;

- f) set the minimum age of entitlement to supplementary benefit as eighteen years, and after the completion of full-time education subject to such exceptions as the Department may by regulation specify;
- g) enable payment of supplementary benefit to enable a person who is estranged from his family or leaving care, without financial support, to continue in full-time education;
- i) make it a criminal offence to use a rent allowance for any purpose other than for the payment of rent;
- j) amend the definition of a dependant to include persons under the age of 18 who have left full-time education but are not gainfully employed.

TO NEGATIVE THE PROPOSITION that the Supplementary Benefit (Guernsey) Law, 1971 and associated items of supplementary benefit legislation shall be amended in order to:

- h) replace the supplementary benefit limitation for persons resident in the community with maximum rent allowances linked to household size over a phased period.
2. To resolve that the 1971 Law and associated supplementary benefit legislation be amended to give greater clarity to certain existing provisions, add new provisions and remove redundant provisions, as set out in Appendix 3 of the Report and as may be necessary, supplementary or incidental thereto.
 3. TO NEGATIVE THE PROPOSITION to resolve that requirement rates should be increased with reference to the Minimum Income Standard for Guernsey as defined in Part 5 of this Report.
 4. To resolve that the Social Insurance (Guernsey) Law, 1978 and associated items of social insurance legislation be amended in order to enable the Department by resolution to pay grants from the Guernsey Insurance Fund to third sector organisations who engage with insured persons or employers to facilitate work rehabilitation or a return to work.
 5. TO NEGATIVE THE PROPOSITION to direct the Housing Department to report to the States as soon as possible with proposals for the phasing-out of the rent rebate scheme.
 6. To note the Education Department's support (in principle) for integrating the Educational Maintenance Grant and Clothing Grant with the new supplementary benefit scheme.
 7. To note the Department's intention to re-name supplementary benefit 'Income Support'.
 8. TO NEGATIVE THE PROPOSITION to direct the Treasury and Resources Department to approve the additional staffing resources necessary to implement the proposals contained in this report.

9. TO NEGATIVE THE PROPOSITION to direct the Treasury and Resources Department, in consultation with the Social Security Department, to report back to the States, no later than September 2013, with proposals for the sources of funding necessary to give effect to the proposals contained in the report.
10. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

EDUCATION DEPARTMENT

THE FUTURE AFFORDABILITY OF HIGHER EDUCATION

VII.- After consideration of the Report dated 20th December 2011, of the Education Department:-

1. To note the content of the Report and that the Education Department will not be seeking additional funding for higher education in 2012.
2. To direct the Treasury and Resources Department to take into account the funding implications detailed in the Report when recommending the 2013 Cash Limit for Education - Higher and Advanced Education.
3. To note that the Education Department will return to the States in 2013 with proposals on higher education funding from 2014 onwards and in particular to report on the level of budget required thereafter.

TREASURY AND RESOURCES DEPARTMENT

INVESTIGATION INTO ESTABLISHING A LAND REGISTRY IN GUERNSEY

VIII.-After consideration of the Report dated 21st December 2011, of the Treasury and Resources Department:-

1. To note the content and findings of the enclosed Report into the Establishment of a Land Registry in Guernsey.
2. To direct the Department to undertake a comprehensive business case review and to report back to the States within 15 months with detailed proposals to introduce a Land Registry in Guernsey.

TREASURY & RESOURCES DEPARTMENT

AMENDMENTS TO INCOME TAX LEGISLATION RELATING TO PENSION SCHEMES – ESTABLISHMENT OF NEW CATEGORY OF SCHEME

IX.- After consideration of the Report dated 10th January 2012, of the Treasury and Resources Department:-

1. To agree that legislation is enacted in order to amend the Income Tax (Guernsey) Law, 1975 to provide for approval of a new type of pension arrangement with the features set out in the report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

COMMERCE AND EMPLOYMENT DEPARTMENT

REVIEW OF THE MAXIMUM LEVEL OF FINES AVAILABLE UNDER THE HEALTH AND SAFETY AT WORK (GENERAL) (GUERNSEY) ORDINANCE, 1987

- X.- After consideration of the Report dated 13th December 2011, of the Commerce and Employment Department:-
1. To approve the proposal that the current maximum level of fine which may be imposed by the Magistrates Court under the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, should be revised upwards to a maximum of twice level 5 on the uniform scale, [i.e. currently 2 x £10,000 = £20,000].
 2. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

PUBLIC SERVICES DEPARTMENT

FUTURE BUSINESS ENVIRONMENT FOR GUERNSEY AIRPORT

- XI.- After consideration of the Report dated 21st December 2011, of the Public Services Department:-
1. To note the report prepared by York Aviation in Appendix 2 to the report.
 2. To agree that the Public Services Department should undertake appropriate consultation prior to returning to the States with a report proposing clear objectives for the Airport, and at the same time proposing any appropriate and practical improvements that might be made to the current Airport governance and policy arrangements.
 3. To note the Public Services Department's current view that establishment of a States Trading Company might present the most effective way forward for Guernsey Airport.
 4. To agree that the Public Services Department should conduct further detailed investigation into, and consultation concerning, the option to establish a Guernsey Airport States Trading Company, before reporting back to the States, such investigation and consultation to include (but not be limited to):
 - a) financial issues (costs, savings etc);
 - b) consultation with employees likely to be affected by any proposals to create a States Trading Company;
 - c) consultation with service users;

- d) potential for the shareholder role;
 - e) potential regulation mechanism;
 - f) legislative implications.
5. To note that the funds that will be required to progress additional investigation and consultation, (provisionally estimated not to exceed £50,000) will be funded by Guernsey Airport.
 6. To note that the Public Services Department, working in conjunction with the Treasury and Resources Department, will be reviewing the current accounting and reporting arrangements for the Ports, including the mechanism of the Ports Holding Account.
 7. To note the intention of the Treasury and Resources Department to report, as part of the 2013 Budget Report, with an interim proposal for funding the Ports routine capital expenditure.

TREASURY AND RESOURCES DEPARTMENT

RESOURCE ACCOUNTING AND BUDGETING

XII.- After consideration of the Report dated 20th December 2011, of the Treasury and Resources Department:-

1. To approve the introduction of Resource Accounting and Budgeting as outlined in the report.
2. To approve the adoption of International Public Sector Accounting Standards.
3. To approve a budget of £1,300,000 to be funded from the Fundamental Spending Review Fund and delegate responsibility to the Policy Council to approve detailed budgets for different phases of the project on production of detailed business cases.
4. To direct the Treasury and Resources Department to take any future revenue requirements into account in recommending budgets for future years.

D J ROBILLIARD
HER MAJESTY'S DEPUTY GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 8TH DAY OF MARCH, 2012**

(Adjourned from 7th March 2012)

**The States resolved as follows concerning Billet d'État No V
dated 27th January 2012**

COMMERCE AND EMPLOYMENT DEPARTMENT

CONSTRUCTION OF A REPLACEMENT SLAUGHTERHOUSE

XIII.-After consideration of the Report dated 13th December 2011, of the Commerce and Employment Department:-

1. To approve the construction of a replacement slaughterhouse at the Longue Hougue Land Reclamation Site as set out in the Report.
2. To approve acceptance of the tender of £1,698,488.69 from Harbour View Construction Limited for this work.
3. To approve the closure of the capital account of the Farm Loans Fund and the transfer of the balance to the capital allocation of the Commerce and Employment Department.
4. To approve a capital vote of £2,000,000 for the construction and commissioning of the replacement slaughterhouse, charged to the capital allocation of the Commerce and Employment Department.
5. To note the Department's intention to report back to the States in 2012 with detailed proposals for the future of the Cull Cattle Compensation Scheme and the Farm Loans Scheme as set out in this report.

PUBLIC SERVICES DEPARTMENT

FUTURE BUSINESS ENVIRONMENT FOR GUERNSEY HARBOURS

XIV.-After consideration of the Report dated 21st December 2011, of the Public Services Department:-

1. To note the reports prepared by Fisher Associates in Appendices 2 and 3 to that report.
2. To agree that the Public Services Department should undertake appropriate consultation prior to returning to the States with a report proposing clear objectives that should apply to the operation of the Harbours, regardless of any future commercial re-structuring.

3. To note the Public Services Department's current view that the establishment of a States Trading Company might present the most effective way forward for Guernsey Harbours.
4. To agree that the Public Services Department should conduct more detailed investigation into, and consultation concerning, the option of establishing a Guernsey Harbours States Trading Company, before reporting back to the States, such investigation and consultation to include (but not be limited to):
 - a) financial issues (costs, savings etc);
 - b) consultation with employees likely to be affected by any proposals to create a States Trading Company;
 - c) consultation with service users;
 - d) potential for the shareholder role;
 - e) potential regulation mechanism;
 - f) legislative implications.
5. To note that the funds that will be required to progress this additional investigation and consultation, (provisionally estimated not to exceed £50,000) will be funded by Guernsey Harbours.
6. To note that the Public Services Department is working to progress preparation of a Ports Master Plan, incorporating commercial port needs but also taking a wider strategic view on the economic potential that this might unlock.
7. To note that the Public Services Department, working in conjunction with the Treasury and Resources Department, will be reviewing the current accounting and reporting arrangements for the Ports, including the mechanism of the Ports Holding Account.
8. To note the intention of the Treasury and Resources Department to report, as part of the 2013 Budget Report, with an interim proposal for funding the Ports routine capital expenditure.

COMMERCE AND EMPLOYMENT DEPARTMENT

FOUNDATIONS

- XV.- After consideration of the Report dated 13th December 2011, of the Commerce and Employment Department:-
1. To approve the proposals for the introduction of foundations 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.

**PUBLIC ACCOUNTS COMMITTEE
SCRUTINY COMMITTEE
STATES ASSEMBLY AND CONSTITUTION COMMITTEE**

IMPROVING GOVERNANCE IN THE STATES OF GUERNSEY

XVI.- After consideration of the joint Report dated 9th January 2011, of the Public Accounts Committee, Scrutiny Committee, States Assembly and Constitution Committee:-

1. To approve in principle that:

- a) The Policy Council and the States Assembly and Constitution Committee should provide a guide to the governance arrangements of the States of Guernsey to serve as an overview of the functions and roles of all aspects of public administration, including explaining the relationship between the activities of the legislature and those of the executive;
- b) The Policy Council and the States Assembly and Constitution Committee should consider the case for setting out the framework for the organisation of the legislature and the machinery of government in one article of legislation supported by one set of standing orders;
- c) The Policy Council and the States Assembly and Constitution Committee should develop proposals to categorise States reports more clearly and have them include a statement of purpose and a statement clarifying the role that the States of Deliberation are being asked to fulfil in debating and approving the propositions;
- d) The States Assembly and Constitution Committee should propose amendments to Rule 9 of the Rules of Procedure of the States of Deliberation to provide for a clearer distinction in Billets d'État and at meetings of the States of Deliberation between the functions of the States of Deliberation as parliament, legislature and overarching executive;
- e) The Policy Council should make an explicit distinction between: a) subcommittees to which it has resolved to delegate particular activities which fall wholly within its mandate, and b) cross-departmental working parties which it has resolved to establish in accordance with its responsibility to coordinate the policy development of the States. The Policy Council should ensure that cross-departmental working parties have clear terms of reference, at least an approximate timeframe for completing their work and very clear lines of accountability;
- f) The Policy Council should consider ways of strengthening its focus on its policy co-ordination function;
- g) The Policy Council should consider the case for removing the requirement for the Deputy Chief Minister also to hold a departmental portfolio and the case for dividing external and domestic policy functions between the Chief Minister and the Deputy Chief Minister;
- h) The Policy Council should clarify the roles, responsibilities and lines of accountability of members of the Policy Council, Chief Minister and Deputy Chief Minister,

including clarifying the relationship between the role of ministers in heading States Departments and their role in sitting as members of the Policy Council;

- i) The Policy Council, in conjunction with States Departments, should review the layout and content of the mandates of the Policy Council itself and States Departments to ensure that they are as precise, clear and coherent as possible and to ensure that they articulate adequately the relationship between the Policy Council and the Departments;
- j) The Policy Council, in conjunction with States Departments, should examine the case for developing schemes of delegation which would clarify the criteria governing which decisions may be taken without, and which decisions require, the approval of the States of Deliberation;
- k) The Policy Council, in conjunction with States Departments, should publish a schedule of extant legislation and States Resolutions which confer authority upon, or further define and explain the mandates of, the Policy Council and Departments;
- l) The States Assembly and Constitution Committee should make proposals to amend the Rules of Procedure of the States of Deliberation and the Constitution and Operation of States Departments and Committees to provide for a distinction to be made between political Boards of Departments and the administrative staff of the Departments;
- m) The Policy Council, in conjunction with States Departments, should develop operating frameworks for political Boards of Departments, which should include setting out the relationship between the policy and the operation of the Department;
- n) The States Assembly and Constitution Committee, in conjunction with the Policy Council, should consider publishing guidance clearly to identify the different roles which States members may be required to undertake as members of the legislature, members of the executive, members of scrutiny and oversight bodies and representatives of their electorate;
- q) The Policy Council should consider the formation of a joint political/staff level steering group, if necessary having engaged the advice of an external agency with relevant experience, to examine the way in which policy is generated, developed and promulgated across the States of Guernsey with a view to producing guidance for Departments on effective policy-making;
- r) The Public Accounts Committee and Scrutiny Committee should encourage the development of processes within the corporate policy planning cycle to assess performance and hold the Policy Council and Departments to account more effectively;
- s) The Policy Council should report to the States of Deliberation setting out proposals for how in the 2012-16 term the States' corporate policy planning process will address the following challenges, having taken into account in particular the observations and suggestions contained in paragraphs 5.11 to 5.36 of the Report:
 - i. The disconnect between policy planning and the allocation of resources;
 - ii. The disconnect between policy making at the corporate and departmental levels;

- iii. The lack of ownership and ‘buy in’ to the policy planning process among States members;
- iv. The lack of public engagement with the government’s programme;
- t) The States Assembly and Constitution Committee should report to the States of Deliberation setting out the advantages and disadvantages of requiring major policy proposals from States Departments and Committees to pass through an additional decision-making stage in the States of Deliberation;
- u) The States Assembly and Constitution Committee should bring proposals for the revision of Rule 12 (4) to enable Departments and Committees to obtain a clearer direction from the States in progressing policy matters, whilst retaining flexibility to make adjustments to detailed proposals at a subsequent date;
- v) States Departments should publish in a timely and accessible manner a ‘decisions list’ in respect of policy decisions, explaining each decision and setting out the criteria or guidance against which the decision was made;
- w) In every States term, the States Assembly and Constitution Committee should publish within nine months of the General Election, after consultation with States members, a report to include:
 - i. A review of the induction programme incorporating an analysis of the success or otherwise of each part of that programme and any changes to the programme which it would be considered desirable to put into effect for the following States term; and
 - ii. Details of a programme of ongoing training which shall be offered to all States members during that States term (6.18);
- x) A reasonable period of time before each General Election, the States Assembly and Constitution Committee, in conjunction with the Policy Council, should publish for the assistance of potential candidates for election a guide to the States to include an explanation of: the General Election process; the various roles and responsibilities of a States member, such as the constituency, parliamentary, executive and scrutiny functions; the internal election process; and the functions of the different layers of the legislature and the government. If considered necessary, the Policy Council should propose a minor extension to the mandate of the States Assembly and Constitution Committee to incorporate this matter;
- y) The States Assembly and Constitution Committee should make proposals to ensure that States members have a right to obtain information and assistance, equivalent to that provided for in 15(2) of the Rules of Procedure of the States of Deliberation, whether or not that member is seeking it in the preparation of a formal proposition which may increase expenditure. The States Assembly and Constitution Committee should take into account the need to have in place safeguards to prevent requests which would place excessive or disproportionate demands on the resources of Departments and Committees;
- z) The States Assembly and Constitution Committee should give consideration to assessing the need for research and administrative assistance for States members to

enable them to discharge their parliamentary and constituency duties as effectively as possible. The States Assembly and Constitution Committee should also review and, if considered necessary, make recommendations to improve the facilities available to States members in the discharge of their parliamentary and constituency duties;

- aa) The States Assembly and Constitution Committee, in conjunction with the Presiding Officer and HM Greffier, should examine the case to establish a distinct Parliamentary Secretariat, which would be concerned exclusively with supporting Parliamentary Committees and the activities of the States of Deliberation, including the publication of agendas, motions and Resolutions etc.;
- bb) The Policy Council and States Departments should consider a corporate approach to ensuring that People's Deputies are adequately informed about significant government initiatives and media interest. When Departments know it is likely that announcements concerning policy will appear in the media, they should provide an explanatory note to States members. Furthermore, when Departments reply to media queries they should copy responses to all States members;
- cc) The Policy Council, in conjunction with States Departments, should review the capacity of the States as an organisation to develop policy in response to the needs of the community and the objectives of government;
- dd) The Policy Council should review what measures could be put in place to ensure that there is greater uniformity and consistency of approach across all parts of government in respect of how information and evidence is presented to policy-makers and decision-makers;
- ee) The Policy Council should ensure that best practice in the briefing of politicians and the writing of policy options and recommendations for the consideration of politicians is included as an integral part of the professional development offered to senior staff across government;
- ff) The Policy Council should demonstrate that there is adequate capacity and capability in the availability of performance information to support decision making;
- gg) The Treasury and Resources Department should publish guidance criteria to enable States Departments and Committees and States Members to understand better when it might be appropriate to engage the private or third sector and alternatively when it might be better to develop capacity internally to assist in the development of policy or the delivery of services;
- hh) When considering the findings of the review of the scrutiny function it has commissioned, the Policy Council should also take account of the observations made in the report in paragraphs 7.2 to 7.29;
- jj) The Scrutiny Committee should make proposals for the introduction of mechanisms which would enable the States of Deliberation, their scrutiny committees and the public to monitor more easily progress against States Resolutions;
- kk) The Public Accounts Committee should consider, where appropriate, holding its review hearings in a public forum;

- ll) The States Assembly and Constitution Committee should make proposals for the publication of Rule 5 and 6 questions on the States website and on the notice board at the Royal Court;
- mm) The States Assembly and Constitution Committee should propose amendments to the Rules of Procedure of the States of Deliberation to provide that proposals to enact, amend or repeal legislation which are put before the States of Deliberation should be accompanied by an explanatory memorandum which sets out in clear and simple terms the effect of the legislation;
- nn) The States Assembly and Constitution Committee should discuss with the Presiding Officer the desirability of legislation being put to the States of Deliberation in sections rather than en bloc, other than perhaps in the case of the most minor proposals to change legislation;
- oo) The Policy Council and the States Assembly and Constitution Committee, in consultation with the Legislation Select Committee, should give consideration to the introduction of a series of reading debates, possibly authorising the Legislation Select Committee to carry out a stage, and should give consideration to affording States members an opportunity to make representations to, and attend meetings of, the Legislation Select Committee when it is considering legislation;
- pp) The States Assembly and Constitution Committee, as part of its review of the Code of Conduct, should consider:
 - i. How the Code of Conduct might better be promoted to ensure that it is easily accessible and transparent;
 - ii. Whether the Code of Conduct Panel should report to the Committee on all complaints referred to the Panel, including those dismissed by the Chairman or not upheld by the Panel, and for such reports to be made a matter of public record;
- qq) The Policy Council should take into account the findings and recommendations of this report, and the report from the Scrutiny Committee on Public Engagement, in taking forward the development and implementation of an Information Strategy for the States of Guernsey;
- rr) The Policy Council should redouble its efforts to present proposals for the establishment of appropriate processes for hearing complaints and appeals against States Departments and Committees, having set out the merits or otherwise of a Centralised Tribunal Service and an Ombudsman;
- ss) The Policy Council should develop a Code of Operational Governance, under the leadership of the Chief Executive of the States of Guernsey, which would outline what is expected across the public sector. The Code should sit beneath the States Strategic Plan and enable the public sector to achieve the objectives and policies determined by elected politicians. The Code, taken in its entirety, would be expected to address the shortcomings identified in this report and other weaknesses identified elsewhere as well as being flexible enough to adapt as the expectations and demands of good governance evolve;

- tt) The Policy Council should centrally co-ordinate corporate directives and guidance in line with achieving the objectives of the Governance Code. Consideration should be given to establishing a dedicated resource with corporate governance expertise to co-ordinate and oversee the development, delivery and monitoring of corporate governance initiatives including, among other things, developing corporate guidance on the retention of data, minute taking, and risk management;
- uu) The Policy Council should give consideration to the introduction of a more formal mechanism to review the performance of the States Chief Executive;
- vv) The Policy Council should clarify lines of accountability between Chief Officers of States Departments and Boards and the States Chief Executive;
- ww) In its statement appended to each States report from Departments, the Policy Council should assess as necessary the extent to which the report does not conform to the six Core Principles of good governance;
- xx) The Policy Council should provide Departments with guidance on how States reports will be judged to comply or otherwise with the Core Principles.

TO NEGATIVE THE PROPOSITION to approve in principle that:

- o) The States Assembly and Constitution Committee should make proposals to provide for the discontinuation of the role of non-States member of Departments as it is presently conceived in Rule 4(2) of the Rules relating to the Constitution and Operation of States Departments and Committees;
 - p) The Policy Council, in consultation with States Departments, should coordinate a corporate approach to engaging at Board level skills and expertise from outside the public sector. This should include developing clear written specifications, terms of engagement and lines of accountability for persons whose advice, guidance and skills are recruited;
 - ii) The Scrutiny Committee should hold regular public hearings and ensure that each Department appears before such hearings at least once during the four year States term;
2. That the Policy Council, after consultation with States Departments and Committees, present to the States of Deliberation by no later than January, 2013 a plan of action for the implementation of the recommendations approved above.
 3. That the Public Accounts Committee and Scrutiny Committee report to the States of Deliberation during 2015 setting out the extent to which by that stage the States is complying with the principles of good governance.
 4. That the Policy Council proposes an amendment to the mandates of the Public Accounts Committee and Scrutiny Committee to make them explicitly responsible for “the promotion and monitoring of good governance.
 5. That in the first six months of the 2016-20 term of government, the Policy Council commissions an independent review of the standards of governance in the States of Guernsey.

REVIEW BOARD: PANEL OF MEMBERS

(Constituted by the Administrative Decisions (Review) (Guernsey) Laws, 1986-1993)

REPORT OF THE REVIEW BOARD FOR 2011

XX.- After consideration of the Report dated 14th December 2011, of the Review Board Panel of Members constituted under The Administrative Decisions (Review) (Guernsey) Laws, 1986-1993:-

1. To note that Report.

S M D ROSS

HER MAJESTY'S DEPUTY GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 9TH DAY OF MARCH, 2012**

(Adjourned from 8th March 2012)

**The States resolved as follows concerning Billet d'État No V
dated 27th January 2012**

SCRUTINY COMMITTEE

MANAGING DISRUPTIVE BEHAVIOUR AND SCHOOL EXCLUSIONS REVIEW

XVIII.- After consideration of the Report dated 9th January 2011, of the, Scrutiny Committee:-

1. To note the States Report, and the Committee's review report in Appendix A.
2. To direct the Education Department to report to the Scrutiny Committee by not later than September 2012, updating the Committee on whether they have accepted or rejected the recommendations directed to it within the review report (as set out in section 3 of the report) and, where they have accepted the recommendations, outlining a timetable for their implementation.
3. To direct the Health and Social Services Department to report to the Scrutiny Committee by not later than September 2012, updating the Committee on whether it has accepted or rejected the recommendations directed to it within the review report (as set out in section 3 of the report) and, where it has accepted the recommendations, outlining a timetable for their implementation.
4. To Direct the Scrutiny Committee to publish not later than April 2013 an update on actions taken by the Education Department and the Health and Social Services Department.

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

DECLARATION OF MEMBERS' INTERESTS

XIX.-After consideration of the dated 6th January 2011, of the States Assembly and Constitution Committee:-

1. To direct the Committee to draft amendments to the Rules of Procedure of the States of Deliberation to provide that Members shall be required to make annual declarations stating:
 - a) if (i) employed; or (ii) the holder of any office; or (iii) a director of any company; or (iv) a partner in a partnership or firm, whether or not they are in receipt of remuneration, the name and address of every employer/partnership/firm, in each case giving a brief description of the business or work;

- b) any consultancy, trade, profession, vocation or other work not declared in (a) above together with the name and address of any person from whom they receive payment or benefit which forms a significant portion of either their total income or their income from that work;
- d) the name and address of all limited liability companies or firms of which they are directors, whether paid or not;
- e) the address of all real property situated in the Bailiwick, whether owned or leased or held in trust in each case with a brief statement setting out the purpose for which the property is held;
- f) the name and address of all limited liability companies in which they, or his or her spouse or cohabitee, or both of them, whether jointly or separately, own shares which exceed 1% of the issued share capital and, if the holding is over 10% of the issued share capital, a brief statement setting out –
 - (i) what the company does, and
 - (ii) what real property situated in the Bailiwick is held, whether directly or indirectly, by the company;
- g) the name and address of all trusts of which the Member is either a beneficiary or a trustee (excluding professional trusteeships);
- h) payments received for public speaking;
- j) gifts, benefits and hospitality which are presently declared pursuant to Schedule 1 to the Code of Conduct for Members of the States of Deliberation;
- l) any other interest or benefit received which, whilst not required to be registered under other headings, might reasonably be perceived by other persons to influence actions as an elected member;
- m) any interests specified in (a) to (l) of which he is aware which relate to the Member's spouse, co-habiting partner or infant children.

TO NEGATIVE THE PROPOSITION to direct the Committee to draft amendments to the Rules of Procedure of the States of Deliberation to provide that members shall be required to make annual declarations stating:

- c) any entitlement (whether present or future) to benefit from a superannuation scheme;
- i) membership of, or other relationship with, any trade union, professional society, political grouping, charitable, religious or sporting organisation or other body;
- k) the cost of overseas travel and accommodation, excluding travel and accommodation paid for by the States of Guernsey or States of Alderney, the Member or spouse, co-habiting partner or other close relative and excluding brief leisure trips within the Islands or adjacent French and British coasts;

2. To direct the Committee to draft consequential amendments to the Rules of Procedure of the States of Deliberation, the Rules relating to the Constitution and Operation of States Departments and Committees and the Code of Conduct for Members of the States of Deliberation.
3. To direct the Committee to draft Explanatory Notes regarding the proposed declaration of interests, for the guidance of Members, which Explanatory Notes shall be laid before the States at the same meeting as the proposed amendments set out above.
4. To agree that Rule 23(3) of the Rules of Procedure of the States of Deliberation shall be amended with immediate effect by deleting the words “December 2006” and substituting therefor “June 2012”.

REQUÊTE

GOVERNANCE IN THE STATES OF GUERNSEY: PROPOSAL FOR A COMPREHENSIVE REVIEW OF THE STRUCTURE AND FUNCTIONS OF THE LEGISLATURE AND THE GOVERNMENT IN GUERNSEY

XXI.-After consideration of the Requête dated 1st December 2011, signed by Deputy M.J Fallaize and twenty-two other Members of the States:-

1. To direct that at their June, 2012 meeting, and in accordance with the provisions of Rule 18 of the Rules relating to the Constitution and Operation of States Departments and Committees, the States of Deliberation shall form the States Review Committee as a Special States Committee, the membership of which shall be:
 - a) The Chief Minister (as chairman);
 - b) One other member of the Policy Council;
 - c) The Chairman of the States Assembly and Constitution Committee;
 - d) Two sitting members of the States elected by the States of Deliberation; and
 - e) Two persons independent of the States elected by the States of Deliberation.
2. That the mandate of the States Review Committee shall be:

“To examine the extent to which the structure and functions of the legislature and the government in Guernsey are capable of fulfilling expectations of good governance with reference in particular to the processes of developing, determining, co-ordinating, effecting and monitoring States’ policies, which shall include, but not necessarily be restricted to, consideration of:

 - a) the membership, operation and effectiveness of the States of Deliberation;

- b) the membership, operation and effectiveness of States Departments and Committees;
- c) the roles and responsibilities of the States of Deliberation and States Departments and Committees in achieving an efficient and effective corporate policy planning and resource allocation process;
- d) the leadership, accountability, transparency and democratic responsiveness of the States of Deliberation and States Departments and Committees;

but which shall explicitly not include consideration of:

- e) the constitutional relationship between Guernsey and other Channel Islands, the United Kingdom, the European Union and other jurisdictions;

and, if considered necessary, to make recommendations on any reforms of the structure and functions of the legislature and the government in Guernsey which would be likely better to provide for the highest possible standards of good governance with reference in particular to the processes of developing, determining, co-ordinating, effecting and monitoring States' policies.”

3. To direct that in 2013, and in accordance with the provisions of Rule 12 (4) of the Rules of Procedure of the States of Deliberation, the States Review Committee shall present a States Report setting out its examination of the extent to which the structure and functions of the legislature and the government in Guernsey are capable of fulfilling expectations of good governance and the general principles of any policy reforms of the structure and functions of the legislature and the government in Guernsey which it considers necessary to provide for the highest possible standards of good governance.
4. To direct that in 2014 the States Review Committee shall present a States Report containing in detail any firm recommendations for reform of the structure and functions of the legislature and the government in Guernsey which it considers necessary to provide for the highest possible standards of good governance.
5. To direct that both before and after the States Report referred to in Resolution 3 above the States Review Committee shall consult with, and take evidence from, the widest possible range of persons from among the membership of the States and the general public.
6. To agree that the entitlement to remuneration which would normally attach to the chairmanship and membership of a Special States Committee shall not apply in the case of the States Review Committee.

S M D ROSS
HER MAJESTY'S DEPUTY GREFFIER