



# BILLET D'ÉTAT

WEDNESDAY, 17<sup>th</sup> JULY, 2019

XIII  
2019

## LEGISLATIVE BUSINESS

### *Legislation Laid Before the States*

The Highway Code for Guernsey, 2019  
The Traffic Signs and Traffic Light Signals (Amendment) Order, 2019  
The Control of Trade in Endangered Species etc. (Bailiwick of Guernsey)  
Ordinance, 2016 (Commencement) Order, 2019  
The Misuse of Drugs (Modification) Order, 2019  
The Data Protection (General Provisions) (Bailiwick of Guernsey) (Amendment)  
Regulations, 2019  
The Mental Health (Treatment and Forms) Regulations, 2013

### *Legislation for Approval*

1. Policy & Resources Committee - The Transfer of States Undertakings (Protection of Employment) (Information Systems and Services) Ordinance, 2019, P.2019/48

## OTHER BUSINESS

2. Policy & Resources Committee - Taxation of Motoring, P.2019/47
3. Overseas Aid & Development Commission - Our Place in the World: The next ten years of overseas aid in Guernsey, P.2019/44
4. Committee for Economic Development - Proposed Amendments to the Guernsey Competition and Regulatory Authority Ordinance, 2012 and Re-appointment of the Chairman, P.2019/42
5. Committee for Home Affairs - Independent Monitoring Panel: Re-appointments and Notification of Resignation, P.2019/43
6. Requête - Island Development Plan, P.2019/41
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## *APPENDICES*

1. Guernsey Prison - Annual Report 2018
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3. Record of Members' Attendance at Meetings of the States of Deliberation and Committees

# BILLET D'ÉTAT

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## TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

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I hereby give notice that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **17<sup>th</sup> July, 2019** immediately after the Meeting of the States of Election convened for **9.30 a.m.**, to consider the items listed in this Billet d'État which have been submitted for debate.

R. J. COLLAS  
Bailiff and Presiding Officer

The Royal Court House  
Guernsey

14<sup>th</sup> June, 2019

## **STATUTORY INSTRUMENTS LAID BEFORE THE STATES**

The States of Deliberation have the power to annul the Statutory Instruments detailed below.

No. 43 of 2019

### **THE HIGHWAY CODE FOR GUERNSEY, 2019**

In pursuance of section 1 of the Road Traffic (Guernsey) Ordinance, 2019, and all other powers enabling it in that behalf, “The Highway Code for Guernsey, 2019”, made by the Committee *for the* Environment and Infrastructure on 27<sup>th</sup> March 2019 are laid before the States.

#### **EXPLANATORY NOTE**

This Code is made under section 1 of the Road Traffic (Guernsey) Ordinance, 2019 and comprises directions for the guidance of persons using public highways. It incorporates, by reference, the Official Highway Code issued by the Department for Transport for England and Wales, and also includes provision for guidance where Guernsey legislation or driving conditions require different provisions. Contravention of the Code does not of itself render a person liable to civil or criminal proceedings but may be taken into account as tending to establish or negative liability.

This Code came into force on the 29<sup>th</sup> day of March, 2019.

No. 44 of 2019

### **THE TRAFFIC SIGNS AND TRAFFIC LIGHT SIGNALS (AMENDMENT) ORDER, 2019**

In pursuance of section 16A of the Traffic Signs and Traffic Light Signals Ordinance, 1988, and all other powers enabling it in that behalf, “The Traffic Signs and Traffic Light Signals (Amendment) Order, 2019”, made by the Committee *for the* Environment and Infrastructure on 27<sup>th</sup> March 2019 are laid before the States.

#### **EXPLANATORY NOTE**

This Order amends the description or illustration of some traffic signs and traffic light signals and road markings set out in the Schedules to the Traffic Signs and Traffic Light Signals Ordinance, 1988 (the “Ordinance”) and inserts some new signs, signals and road markings.

This Order came into force on the 29<sup>th</sup> day of March, 2019.



No. 60 of 2019

**THE CONTROL OF TRADE IN ENDANGERED SPECIES ETC. (BAILIWICK OF GUERNSEY)  
ORDINANCE, 2016 (COMMENCEMENT) ORDER, 2019**

In pursuance of sections 54 and 62 of the Control of Trade in Endangered Species etc. (Bailiwick of Guernsey) Ordinance, 2016 made by the Committee *for the* Environment & Infrastructure on 4<sup>th</sup> April, 2019, is laid before the States.

EXPLANATORY NOTE

This Order brings into force on 4<sup>th</sup> April, 2019 the Control of Trade in Endangered Species etc. (Bailiwick of Guernsey) Ordinance, 2016.

No. 67 of 2019

**THE MISUSE OF DRUGS (MODIFICATION) ORDER, 2019**

In pursuance of section 30(3) of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended, "The Misuse of Drugs (Modification) Order, 2019" made by the Committee *for* Health & Social Care on the 1<sup>st</sup> May 2019 is laid before the States.

EXPLANATORY NOTE

This Order amends the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 ("the Ordinance") to allow the wider use of cannabis-based products for medicinal use in humans, essentially for medical purposes.

Article 2 of this Order inserts in section 1(1) of the Ordinance definitions of "cannabis-based product for medicinal use in humans", "dronabinol" and "specialist medical practitioner".

Articles 3, 4, 5, 6 and 7 of this Order amend sections 5, 6A, 6, 7 and 9 of the Ordinance respectively, to modify the application of those provisions of the Order to cannabis-based product for medicinal use in humans.

Article 8 of this Order inserts a new section 14A in the Ordinance, which contains provisions that restrict the ordering, supply and administration of cannabis-based product for medicinal use in humans, over and above the controls generally imposed in relation to drugs specified in Schedule 2 to the Ordinance.

This new section 14A of the Ordinance specifies requirements for the order and supply of these products for the purpose of administration (whether to humans or animals) and their use. The order (by prescription, direction or otherwise) must be for: (a) a special medicinal product (within the meaning of the new Schedule 2A to the Ordinance) for use in accordance with the prescription or direction of a specialist medical practitioner; or (b) a medicinal product with a marketing authorisation. Any supply of these products, by administration or for the purpose of administration, must be pursuant to such an order. Additionally, a person is restricted from self-administration of a cannabis-based product for

medicinal use in humans by way of smoking. An exception is, however, created for the order and supply of such products for administration to animals for research purposes.

Article 9 of this Order inserts a new paragraph 6 in Schedule 1 to the Ordinance. The new paragraph excludes cannabis-based products for medicinal use in humans from the list of drugs specified in that schedule.

Article 10 of this Order amends Schedule 2 to the Ordinance to list in that schedule cannabis-based products for medicinal use in humans, as well as stereoisomers, esters, salts, and other preparations or products containing such products, where these are produced for medicinal use in humans.

The effect of articles 9 and 10 of this Order is to transfer cannabis-based products for medicinal use in humans, as well as stereoisomers, etc. of such products from Schedule 1 to Schedule 2 to the Ordinance. A synthetic version of a constituent of cannabis, dronabinol, was already listed in Schedule 2 to the Ordinance, and the new definition of dronabinol was inserted (by article 2 of this Order) to ensure its position is unchanged.

Article 11 of this Order inserts a new Schedule 2A in the Ordinance. This new schedule defines "special medicinal product" for the purposes of the new section 14A of the Ordinance.

Article 12 of this Order amends paragraph 10(b) of Schedule 5 to the Ordinance to clarify the maximum content of cannabidiol and cannabidiol derivatives which a cannabidiol preparation is allowed to have before it falls outside Schedule 5.

Articles 13 and 14 are the citation and commencement provisions respectively.

This Order came into force on the 1<sup>st</sup> June, 2019.

No. 69 of 2019

#### **THE DATA PROTECTION (GENERAL PROVISIONS) (BAILIWICK OF GUERNSEY) (AMENDMENT) REGULATIONS 2019**

In pursuance of sections 7(1), 37(1)(c), 40 and 109 of, and paragraph 17(a) of Schedule 2, paragraphs 1(2), 2 and 3(b) of Schedule 4, and paragraph 19 of Schedule 8 to, the Data Protection (Bailiwick of Guernsey) Law, 2017, sections 5(5) and 6(5)(b) of, and paragraph 7(a) of Schedule 2 to, the Data Protection (Law Enforcement and Related Matters) (Bailiwick of Guernsey) Ordinance, 2018, The Data Protection (General Provisions) (Bailiwick of Guernsey) (Amendment) Regulations 2019, made by the Committee *for* Home Affairs on 13th May 2019, is laid before the States.

#### **EXPLANATORY NOTE**

These Regulations amend the Data Protection (General Provisions) (Bailiwick of Guernsey) Regulations, 2018 ("**the principal Regulations**").

Regulation 2 of these Regulations amends regulation 2(2) of the principal Regulations

(registration fees) to exempt an additional category of controllers and processors from the £50 registration fee. This additional category relates to a category of controllers and processors that, prior to the commencement of the Data Protection (Bailiwick of Guernsey) Law, 2017 on the 25<sup>th</sup> May, 2018, were **not** required to be notified (registered) ("**formerly exempt controllers and processors**"). This exemption applies only if the application for registration is made on or before the 1<sup>st</sup> January, 2020.

Regulation 3 of these Regulations amends regulation 3 of the principal Regulations (other requirements for applications) to substantially reduce the types of information that need to be provided in an application for registration.

Regulation 4 of these Regulations amends regulation 4 of the principal Regulations (Authority to publish register particulars) to omit the requirement for the Data Protection Authority ("**the Authority**") to publish registration particulars in a public register.

Regulation 5 of these Regulations amends regulation 5 of the principal Regulations (registered controllers and processors to notify necessary changes) to reflect the reduced information requirements for an application for registration.

Regulation 6 of these Regulations amends regulation 6(4) of the principal Regulations (registered controllers and processors to pay annual levies) to exempt formerly exempt controllers and processors from any levy or penalty payable under regulation 6(1) of the principal Regulations, if the levy or penalty would otherwise be payable on or before the 1<sup>st</sup> January, 2020.

Regulation 7 of these Regulations amends regulation 11(2) of the principal Regulations (special authorisation for processing of personal data). These amendments reflect the insertion of new row 13A in the table in Schedule 2 to the principal Regulations (authorised processing of personal data) and provide that the authorisation to process personal data, in respect of rows 13A, 14, 15 and 16 of that table, extends to processing the personal data despite the prohibition against processing for a non-law enforcement purpose personal data collected for a law enforcement purpose (in section 6 of the Data Protection (Law Enforcement and Related Matters) (Bailiwick of Guernsey) Ordinance, 2018 ("**the LE Ordinance**").

Regulation 8 of these Regulations inserts new regulation 11A in the principal Regulations (special authorisation for processing certain personal data for purposes other than law enforcement). The new regulation 11A authorises the processing of personal data where it satisfies any condition in Schedule 2 to the LE Ordinance (excluding the conditions in paragraphs 7(a) and 8, respectively, of that schedule), despite the prohibition against processing for a non-law enforcement purpose personal data collected for a law enforcement purpose in section 6 of the LE Ordinance.

Regulation 9 of these Regulations amends regulation 17(2)(b) of the principal Regulations (transitional exemptions from registration). This amendment delays the expiry of the transitional exemption from the duty to register given to formerly exempt controllers and processors. The previous expiry date was the 25<sup>th</sup> May, 2019, but this amendment replaces that date with the 1<sup>st</sup> January, 2020.

Regulation 10 of these Regulations amends regulation 18(1) of the principal Regulations (interpretation) to delete a definition that is no longer necessary as a consequence of the amendments made to regulation 3 of the principal Regulations.

Regulation 11 of these Regulations amends Schedule 2 to the principal Regulations (authorised processing of personal data). These amendments –

- replace the existing row 5 of the table in that schedule with a new row 5 that expands the authorisation for insurers to process health data or criminal data where necessary for a purpose that is in the public interest related to the carrying on of insurance business (with additional safeguards in relation to the personal data of individuals who do not have and are not expected to acquire rights or obligations under an insurance contract),
- insert a new row 13A in that table, that authorises controllers to process personal data where necessary for the publication of a judgment or other decision of a court or tribunal, and
- updates rows 14, 15 and 16 of that table to refer to the processing of any personal data (instead of only special category data), as these rows now authorise the processing for a non-law enforcement purpose of *any* personal data collected for a law enforcement purpose (regardless whether or not that personal data is special category data).

Regulation 12 of these Regulations amends Schedule 6 to the principal Regulations (transitional exemptions from registration) as a consequence of the amendments made to regulations 2(2) (registration fees) and 6(4) (registered controllers and processors to pay annual levies) of the principal Regulations.

Regulations 13 and 14 of these Regulations are the citation and commencement provisions respectively.

These Regulations come into force on the 25<sup>th</sup> May, 2019.

No. 70 of 2019

### **THE MENTAL HEALTH (TREATMENT AND FORMS) REGULATIONS, 2013**

In pursuance of the powers conferred on it by sections 9, 11, 20(2), 21, 23(2), 24, 28(4), 33(2), 34, 51(1), 52(1), 55(1)(c), 62(2), 82(2) and 101 of the Mental Health (Bailiwick of Guernsey) Law, 2010, and sections 1, 5(7), 7(6), 11(1) and 18 of the Mental Health (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2013, “The Mental Health (Treatment and Forms) Regulations, 2013” made by the Health and Social Services Department on the 5<sup>th</sup> April 2013 are laid before the States.

### **EXPLANATORY NOTE**

These Regulations are made under the Mental Health (Bailiwick of Guernsey) Law, 2010 and the Mental Health (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2013. They principally prescribe the forms to be used under the Law and the Ordinance but also prescribe a specified type of treatment for the purposes of the Law.

Regulation 1 prescribes electro-convulsive therapy for patients who have not attained 18 years of age as a treatment prescribed for the purposes of section 55(1)(c) of the Law. Before such treatment can be given to a person aged under 18, that person must consent and a second opinion approved doctor must certify that (a) the person in question has the capacity to and did consent to the treatment, and (b) the treatment is appropriate.

Regulations 2 and 3 prescribe the forms which must be used in relation to the appointment of a nominated representative and the delegation of the rights and functions of the nearest relative.

Regulations 4 and 5 prescribe the forms to be completed when applying for an assessment order or a treatment order, and regulation 6 prescribes the forms for use when applying to renew a treatment order, or to vary the particulars of an assessment or a treatment order.

Regulation 7 prescribes the forms which must be used in relation to an application for an overseas transfer order and to the receipt of a patient from overseas.

Regulation 8 prescribes the forms that must be used by a Law Officer when making an assessment order, a treatment order, an order renewing a treatment order or an overseas transfer order.

Regulation 9 prescribes the forms to be completed in relation to community treatment orders.

Regulation 10 prescribes the particulars of an assessment order or a treatment order which may be varied under section 34 of the Law.

Regulation 11 prescribes the relevant form when transferring a patient between approved establishments.

Regulations 12, 13, 14 and 15 prescribe forms to be used certificates are issued by medical practitioners or authorised nurses (regulation 12), second opinion approved doctors, responsible medical officers and approved medical practitioners (regulations 13 and 14), and persons authorised to give treatment under Part II of the Ordinance (regulation 15).

The full text of the legislation can be found at:

<http://www.guernseylegalresources.gg/article/90621/Statutory-Instruments>

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**THE TRANSFER OF STATES UNDERTAKINGS (PROTECTION OF EMPLOYMENT)  
(INFORMATION SYSTEMS AND SERVICES) ORDINANCE, 2019**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Transfer of States Undertakings (Protection of Employment) (Information Systems and Services) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

**EXPLANATORY MEMORANDUM**

This Ordinance is made under section 10 of the Transfer of States Undertakings (Protection of Employment) (Guernsey) Law, 2001 ("the 2001 Law"). Its purpose is to provide a simple mechanism to give appropriate "TUPE" protections to States IT employees being transferred to a separate corporate entity, as part of the Future Digital Services ("FDS") project. The main effect of the Ordinance is to enable such employees to be transferred without their contracts of employment being terminated; to provide that the dismissal of such an employee for a reason associated with the transfer shall be regarded as unfair for the purposes of the Employment Protection (Guernsey) Law, 1998; and to provide that after the transfer, the employees should continue to enjoy pension arrangements broadly comparable to those provided to them under the public servants' pension scheme immediately before the transfer.

The 2001 Law provided for a TUPE transfer of the undertaking of the States Telecommunications Board. Section 10 of the 2001 Law provides that the States may by Ordinance provide that the Law's provisions shall apply to the transfer of the undertakings (or parts of undertakings) of other States Committees, "subject to such exceptions, adaptations and modifications as may be prescribed". Two Ordinances have previously been made under section 10, dealing with the former States Electricity Board (the Transfer of States Undertakings (Protection of Employment) (Electricity Board) Ordinance, 2001) and Post Office Board (the Transfer of States Undertakings (Protection of Employment) (Post Office Board) Ordinance, 2001). This Ordinance is in very largely the same terms as those two previous Ordinances, as they are tried and tested precedents, with one exception described below.

Section 1 applies the provisions of the 2001 Law (subject to the exceptions set out in the Ordinance) to the relevant undertaking, Information Systems and Services, that being the part of the Policy & Resources Committee that provides States IT services. Most, but not all, of the employees within Information Systems and Services will be transferred under the FDS project. As such, Information Systems and Services is defined (in section 4) as meaning the part of the undertaking of the Policy & Resources Committee of that name identified by that Committee for transfer. Section 1 is in effectively the same terms as the equivalent provision in the 2001 Ordinances.

Section 2 modifies the application of section 5 of the Law, and is the main difference from the two previous Ordinances made under the 2001 Law, in that there is no equivalent to this provision in those Ordinances. The purpose of section 2 is to make clear that the duty in section 5(1) of the 2001 Law on the transferee to make arrangements for the provision of benefits under an occupational pension scheme broadly comparable to those being provided to those employees immediately before the transfer is an ongoing duty that continues after the transfer for the duration of the transferred person's employment by the transferee.

Section 3 is a clarificatory provision in respect of section 7 of the 2001 Law (Effect of transfer on union recognition) and is a provision found in the two previous Ordinances. Section 4 is the interpretation section, and sections 5 and 6 deal with citation and commencement.

# **The Transfer of States Undertakings (Protection of Employment) (Information Systems and Services)**

## **Ordinance, 2019**

**THE STATES**, in pursuance of their Resolutions of the [12<sup>th</sup> June], 2019<sup>a</sup>, and in exercise of the powers conferred on them by sections 10 and 13 of the Transfer of States Undertakings (Protection of Employment) (Guernsey), Law, 2001<sup>b</sup>, and all other powers enabling them in that behalf, hereby order:-

### **Application of Law to Information Systems and Services.**

1. The Transfer of States Undertakings (Protection of Employment) (Guernsey) Law, 2001 ("**the Law**") shall, subject to the provisions of sections 2 and 3 of this Ordinance, apply to the transfer of the undertaking or any part of the undertaking of Information Systems and Services in all respects as it applies to the transfer of the undertaking or any part of the undertaking of the States Telecommunications Board; and accordingly any reference in the Law as so applied, however expressed, to the States Telecommunications Board or to the undertaking or any part of the undertaking thereof shall, except in section 10 of the Law, be construed as a reference to Information Systems and Services or (as the case may be) to the undertaking or any part of the undertaking thereof.

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<sup>a</sup> Article \* of Billet d'État No. \* of 2019.

<sup>b</sup> Ordres en Conseil Vol. XLI, p. 605; as amended by Recueil d'Ordonnances Tome XXVIII, p. 478, Tome XXIX, p. 406 and Ordinance No. IX of 2016. There are other amendments not relevant to this Ordinance.



**Modification of section 5 of the Law.**

2. In section 5 of the Law as it applies to the transfer of the undertaking or any part of the undertaking of Information Systems and Services, insert the following subsection after subsection (1) -

"(1A) For the avoidance of doubt, the transferee shall, in respect of any person who falls within paragraphs (a) and (b) of subsection (1), ensure that the arrangements made for the provision of benefits under an occupational pension scheme continue, after the transfer of the undertaking or any part thereof and for the duration of that person's employment by the transferee, to be broadly comparable to those which would have been provided to or in respect of that person under the public servants' pension scheme had that person remained in that scheme.".

**Modification of section 7 of the Law.**

3. For section 7(1) of the Law as it applies to the transfer of the undertaking or any part of the undertaking of Information Systems and Services, substitute the following subsection –

"(1) This section applies whether or not, after a transfer of the undertaking or any part thereof, the undertaking of the part transferred maintains an identity distinct from the remainder of the transferee's undertaking.".

**Interpretation.**

4. In this Ordinance –

**"Information Systems and Services"** means the part of the undertaking of the States of Guernsey Policy & Resources Committee of that

name identified by that Committee for transfer, and

"**the Law**" has the meaning given in section 1.

**Citation.**

5. This Ordinance may be cited as the Transfer of States Undertakings (Protection of Employment) (Information Systems and Services) Ordinance, 2019.

**Commencement.**

6. This Ordinance shall come into force on 22<sup>nd</sup> July, 2019.

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**POLICY & RESOURCES COMMITTEE**

**TAXATION OF MOTORING**

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Taxation of Motoring' dated 23<sup>rd</sup> May, 2019 they are of the opinion:-

1. To agree, in principle, that a distance charging mechanism should be introduced as soon as possible and direct the Policy & Resources Committee to report back to the States with detailed proposals to introduce a distance charging mechanism.
2. To note that the Policy & Resources Committee intends to use its existing delegated authority to approve funding from the Budget Reserve to carry out further detailed research and a pilot exercise / trial to collect comprehensive data which could be used to calculate and model an appropriate charging structure for a distance charging mechanism, together with an assessment of the effect of any potential changes in behaviour.
3. To agree that an annual charge based on ownership of vehicles is not introduced.
4. A. To agree that the rates of excise duty on motor fuel should not be varied in the 2020 and 2021 Budget Reports.

Or, only if Proposition 4A shall have been defeated,

- B. To direct the Policy & Resources Committee to include proposals in the 2020 and 2021 Budget Reports to increase the rate of excise duty on motor fuel in line with inflation (RPIX).

Or, only if Proposition 4B shall have been defeated,

- C. To direct the Policy & Resources Committee to include proposals in the 2020 and 2021 Budget Reports to increase the rate of excise duty on motor fuel to a level necessary to maintain the real-value of the income raised by taking account both of inflation (RPIX) and any change in sales volume.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**POLICY & RESOURCES COMMITTEE**

**TAXATION OF MOTORING**

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

23<sup>rd</sup> May, 2019

Dear Sir

**1. Executive Summary**

- 1.1 This policy letter is in response to a States resolution directing the consideration and review of the best way of raising revenues from motoring in future, taking into account the ongoing reduction in fuel volumes.
- 1.2 A Working Group was established with political representation from the Policy & Resources Committee and the Committee *for the* Environment & Infrastructure to carry out detailed research and assess options for raising revenue from motoring and its full report is appended to this policy letter.
- 1.3 The Policy & Resources Committee is recommending that, in principle, a distance charging mechanism is introduced as this will ensure that a financial contribution is made from all vehicles based on usage.
- 1.4 It is proposed that further detailed research and a pilot exercise / trial is undertaken to collect comprehensive data which could be used to calculate and model an appropriate charging structure for a distance charging mechanism, together with an assessment of the effect of any potential changes in behaviour.
- 1.5 The Policy & Resources Committee would then report back to the States with detailed proposals to introduce a distance charging mechanism, including any necessary transitional arrangements particularly in respect of those vehicles which do not use motor fuel. It is recognised that at some future point in time, the

proportion of vehicles using motor fuel will decline to such an extent that it would be appropriate to apply a distance charging mechanism for all vehicle use and cease charging an excise duty on motor fuel.

- 1.6 Until such time as the distance charging mechanism is introduced, there is likely to be a continuation of the fall in motor fuel volumes and consequentially a reduction in duty income.
- 1.7 During this current States' term, the Policy & Resources Committee has recommended, within the annual Budget Report, increases in excise duty on motor fuel which are sufficient to maintain the real value of the income raised. The States are being asked to consider whether they wish to agree a direction in respect of the excise duty rates on motor fuel for the 2020 and 2021 Budgets (beyond this, it will, if necessary, be addressed in the next iteration of the Medium Term Financial Plan). The options are:
  - a) Not change the rate of excise duty on motor fuel;
  - b) Increase the rate of excise duty on motor fuel in line with inflation (RPIX); and
  - c) Increase the rate of excise duty on motor fuel to a level necessary to maintain the real-value of the income raised by taking account both of inflation (RPIX) and any change in sales volume.

## **2. Background**

- 2.1. During the course of the June 2017 States' debate on the Medium Term Financial Plan (Billet d'État XII, 2017), the following amendment (number 3) was approved;
  - "a) To instruct the Policy & Resources Committee, in consultation with the Committee for the Environment & Infrastructure, to consider and review the best way of raising revenues from motoring in future, taking into account the ongoing reduction in fuel sales.*
  - b) To agree that the focus of the review shall be on how to achieve the maximum sustainability of this source of States' revenue rather than on increasing the total amount of taxation levied on motoring in Guernsey.*
  - c) To instruct the Policy & Resources Committee to report back with its conclusions in sufficient time for any proposals flowing from the review to be included in the budget for 2019."*

- 2.2. During 2018, as the first stage of taking forward the direction of the amendment, a working group was formed consisting of politicians from the Policy & Resources Committee; the Committee *for the* Environment & Infrastructure and Deputy Roffey (the proposer of the amendment).
- 2.3. That working group reached a consensus position to recommend to the Policy & Resources Committee that an alternative method for collecting income from motoring should be proposed in the 2019 Budget Report with the introduction of an annual fee per vehicle. It was suggested that this be introduced from 2020, with a starting position of collecting 20% of the total annual revenue from excise duty on motor fuel with a commensurate reduction in the rate of excise duty on motor fuel. As the volumes of motor fuel consumed decline over time, including as a result of the increased use of vehicles which do not use fossil fuels, the proportion of income from motoring collected through the annual fee would increase. The annual budget would also provide an opportunity to accelerate the phasing out of excise duty on motor fuel by proposing decreases in the duty rate offset by increases in the annual fee.
- 2.4. However, as set out in the 2019 Budget Report, the Policy & Resources Committee, by a majority, did not support the recommendation from the working group and was not prepared to propose the introduction of an annual fee for vehicles which use fossil fuels as it was considered to be akin to the reintroduction of the previous motor tax regime. However, Members did accept that the current system is not sustainable, particularly over the longer-term and recognised that an alternative method is required that will ensure that a contribution is received from all vehicle users irrespective of the fuel source.
- 2.5. During debate on the 2019 Budget Report, a commitment was given by the President that the Policy & Resources Committee would submit a policy letter, for consideration no later than September 2019, responding to the June 2017 resolution.
- 2.6. A second Working Group was again established comprising political representation from the Policy & Resources Committee (Deputies St Pier and Stephens) and the Committee *for the* Environment & Infrastructure (Deputies Brehaut and de Sausmarez) supported by staff from a number of service areas. The Working Group's report on the research it has undertaken and its conclusions is appended to this policy letter.
- 2.7. One of the twenty-two policies prioritised by the States to deliver the outcomes detailed in the Policy & Resource Plan – Future Guernsey is the development of an over-arching energy policy. The Committee *for the* Environment & Infrastructure is leading on this work, which includes considering the extent, if any, to which energy-related tax policies may enable the States to achieve their energy policy objectives.

### 3. Recent History – Excise Duty on Motor Fuel

- 3.1 Fuel duty forms part of the overall States General Revenue Income – whilst the 2019 budgeted revenue of £20.3million represents 4.4% of the total General Revenue Income of £460million, it is nearly 17% of the £120million that is not raised from Income Tax. It is not a hypothecated income stream, the revenue is not specifically allocated to funding expenditure associated with motoring – whether provision and maintenance of roads; policing of motoring; provision of public parking, etc.
- 3.2 In October 2006 (Billet d’État XVII), the States agreed to the abolition of motor tax with a corresponding increase in petrol duty and the introduction of a diesel duty<sup>1</sup>. These duties are collectively referred to as excise duty on motor fuel. At that time, the motor tax system was considered to be *“overly complex to administer, cumbersome for customers and does not adequately support the environmental and social policies of the States”* and the policy letter concluded *“..... that a system where taxation is raised from the use [instead of the ownership] of motor vehicles, i.e. through the consumption of fuel, is a fairer system and more likely to support the environmental and social strategies of the States.”*
- 3.3 In the 2007 budget, motor tax income was £6.6million and excise duty on motor fuel was £3.7million. If this system had remained in place, the £20.3million 2019 budget for excise duty on motor fuel would be raised as follows: £7.3million from excise duty on petrol (approximately 39p per litre) and £14million from motor taxation. The following table shows the 2007 motor tax rates for a range of vehicles and their 2019 equivalent:

Vehicle	2007 annual tax - petrol	2007 annual tax - diesel	2019 equivalent - petrol	2019 equivalent - diesel
Fiat 500 1.4	£92	£135	£195	£286
VW Golf 1.6	£147	£216	£312	£458
Land Rover Discovery	£235	£343	£498	£728
Ford Transit Tipper	£216	£317	£458	£672
DAF LF220	£667	£977	£1,415	£2,072

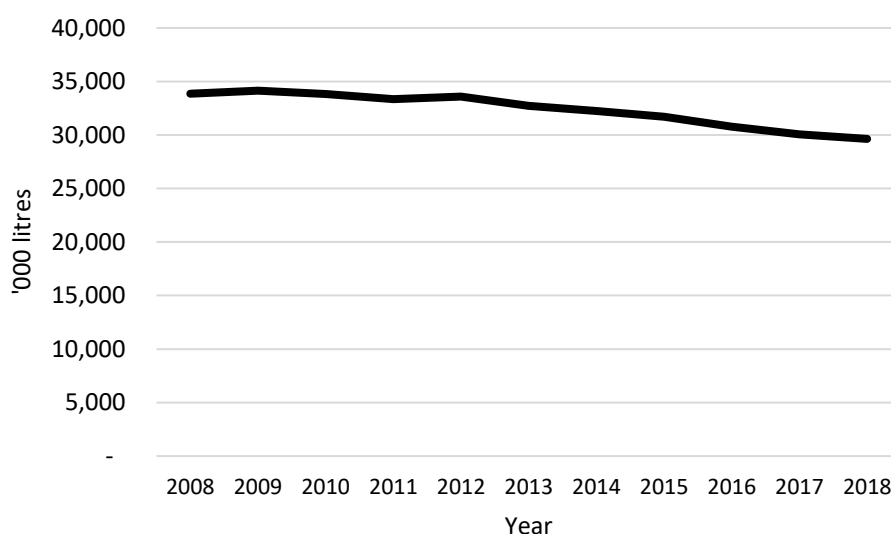
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<sup>1</sup> Prior to 2008, there was no excise duty on diesel but the motor tax rates for diesel vehicles were higher than those for petrol vehicles.

- 3.4 The following table details the rates of excise duty on motor fuel; revenues raised<sup>2</sup>; annual volumes and percentage change in annual volumes from 2008 to 2018:

Year	Duty ppl	Revenue £'000	Petrol '000 litres	Diesel '000 litres	Total '000 litres	% change
2008	29.0	9,971	24,511	9,355	33,866	
2009	31.0	10,863	24,430	9,711	34,141	0.81
2010	37.0	12,813	23,820	10,004	33,824	(0.93)
2011	41.0	13,951	23,162	10,175	33,337	(1.44)
2012	45.0	15,258	22,629	10,973	33,602	0.79
2013	46.5	15,494	21,841	10,885	32,726	(2.61)
2014	48.8	16,069	21,627	10,627	32,254	(1.44)
2015	51.8	17,082	21,125	10,569	31,694	(1.74)
2016	58.5	18,740	20,317	10,453	30,770	(2.92)
2017	63.5	19,390	19,744	10,301	30,045	(2.36)
2018	67.0	20,287	19,268	10,367	29,635	(1.36)

- 3.5 As shown in the graph below, the volume of motor fuel used has declined from nearly 34million litres in 2008 to less than 30million litres in 2018, a cumulative decrease of 14.2% (average of 1.3% per annum):



- 3.6 This volume decline is having an adverse effect on income from excise duty meaning that percentage increases in duty rates are not resulting in similar percentage increases in income.

<sup>2</sup> This includes income from excise duty on marine petrol, this is not a material amount (less than £200,000 per annum)



- 3.7 Between 2008 and 2018, the excise duty rate on motor fuel has increased by 38p per litre (approximately 130%) which substantially exceeds inflation (approximately 30%) by 29p. The reasons for this increase include: as a fiscal measure (ie to raise additional income including as part of the package of measures following the introduction of 'Zero-Ten') (20.8p); to compensate for the reduction in the volume of fuel being used (7p); and in lieu of the introduction of paid parking to raise additional revenue to enable additional expenditure budget to be allocated to fund elements of the Integrated Transport Strategy (1.2p).
- 3.8 During this current States' term, the Policy & Resources Committee has recommended, within the annual Budget Report, increases in excise duty on motor fuel which are sufficient to maintain the real value of the income raised. This means that although the duty rate has increased by more than inflation, the average amount paid in duty per individual/household has not increased in real-terms due to a lower volume of fuel being consumed. It is recognised that this is an average and individual circumstances and experience will inevitably vary. The States have agreed these recommendations and the current (2019) rate of excise duty on motor fuel is 70.1p per litre which is budgeted to raise income of £20.3million.
- 3.9 The only other taxation on motoring levied in Guernsey is the first registration duty which applies to all new and second-hand vehicles being imported and registered in Guernsey for the first time. The duty is based on a motor vehicle's carbon dioxide emissions (if the motor vehicle does not have a carbon dioxide emissions figure then it is based on engine size) and ranges from £nil (for fully electric vehicles; petrol vehicles with a CO<sub>2</sub> figure below 100g/km and diesel vehicles with a CO<sub>2</sub> figure below 100g/km) up to £690. The annual income raised is approximately £1.2million per annum.
- 3.10 It is estimated<sup>3</sup> that there are approximately 53,650 motor vehicles registered in Guernsey (including 8,250 commercial vehicles) and some 7,700 motorcycles. Data is currently collected on new and used car registrations (summarised below for the past five years); this provides an indication of the rate of turnover of vehicles in the island and how quickly motorists may progress to more fuel efficient and/or electric vehicles:

	<b>New</b>	<b>Used</b>	<b>Total</b>
2018	2,175	1,276	3,451
2017	2,341	1,218	3,559
2016	2,477	1,294	3,771
2015	2,766	1,393	4,159
2014	2,642	1,413	4,055

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<sup>3</sup> Since the abolition of motor tax, there is less incentive for deregistration of cars no longer in use. Therefore, these figures are not wholly accurate.

3.11 The following table compares the estimated cost of taxes, duties and fees charged in respect of motoring in 2019 in Guernsey, Jersey and the United Kingdom [to ensure a like for like comparison, they are based on the same average car of a Volkswagen Golf SE 3 door 1.4litre costing £16,000 doing 5,000miles per annum (7,800miles per annum in the UK) at 8miles per litre of fuel (12miles per litre of fuel in the UK) with CO<sub>2</sub> emissions of 120g/km]:

	<b>Guernsey £</b>	<b>Jersey £</b>	<b>United Kingdom £</b>
Annual:			
Fuel Duty	438	313	377
Vehicle Tax	-	-	140
Consumption tax on fuel and insurance	-	34	182
Parking and Roadworthiness check <sup>4</sup>	-	125	102
<b>TOTAL ANNUAL COSTS</b>	<b>438</b>	<b>472</b>	<b>801</b>
One off costs:			
First registration	150	268	220
Consumption tax on purchase	-	801	3,204
<b>TOTAL ONE OFF COSTS</b>	<b>150</b>	<b>1,069</b>	<b>3,424</b>

3.12 Over a five-year period, the average annual costs would be £468 in Guernsey; £686 in Jersey; and £1,486 in the United Kingdom.

3.13 This shows that whilst fuel duty in Guernsey is higher, this is offset by the absence of other annual costs; and the one-off tax costs incurred on purchase are a small fraction of those incurred in Jersey or the United Kingdom.

#### **4. Issues with the current system**

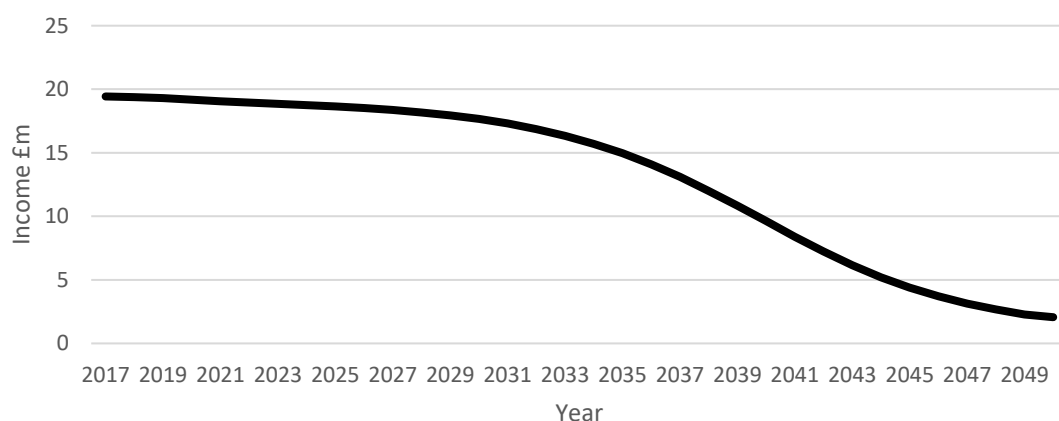
4.1 There are a number of reasons for the decline in the volume of motor fuel used:

- i. Increased efficiency of internal combustion engines  
The average vehicle produced now is approximately 30% more efficient than it was twelve years ago<sup>5</sup>
- ii. Changed driving habits;  
The Integrated Transport Strategy facilitates and promotes alternatives to use of the car including: increased use of public transport; cycling; and walking.

<sup>4</sup> In order to maintain drivers' ability to take their vehicles to the EU, the States (Billet d'État XXVII, 2018) agreed to the phased introduction of periodic technical inspections of motor vehicles. All vehicles will need to comply by 2023.

<sup>5</sup> PWC Hydrocarbon demand study reference page 28 and 29  
<https://www.gov.gg/CHttpHandler.ashx?id=108310&p=0>

- iii. Increasing use of vehicles which do not use motor fuel as energy source (which may be incentivised due to no duty being levied on the fuel they use).
- 4.2 The decline in motor fuel sales would, *ceteris paribus*, have resulted in a reduction in income from duty on motor fuel. However, in order to maintain the real value of revenues, real-terms' increases in the duty rate have been approved as part of the annual Budget. This is not considered to be sustainable, especially as the number of vehicles not using petrol or diesel is likely to increase. This is also considered to be socially inequitable as those people who can afford to purchase newer, more fuel efficient vehicles or electric vehicles would pay less duty for undertaking the same journeys compared to those who could not afford to upgrade their vehicles.
- 4.3 There is deliberate policy in the EU and UK to accelerate the move away from internal combustion engine vehicles which is likely to significantly gather pace in the coming years. Whilst not currently material in Guernsey (there are 309 electric and 419 hybrid vehicles currently registered), the move away from internal combustion engines is expected to accelerate in the coming years, resulting in a significant decline in revenues raised from duty on motor fuel.
- 4.4 The following graph shows the expected fuel duties under the current excise duty on motor fuel regime up to 2050:



- 4.5 It is anticipated that, under the current arrangements, revenues from duty on motor fuel will reduce by approaching 50% within twenty years and virtually disappear by 2050.

## **5. Working Group Report (Appendix I)**

- 5.1 The Policy & Resources Committee thanks the Working Group for the comprehensive research it has carried out and for the report it has prepared setting out its findings and conclusions.
- 5.2 As set out in Appendix I to this policy letter, the Working Group's conclusions are:
- (i) In order to enhance the financial sustainability of revenue from taxation of motoring, consideration would need to be given to a move from the current system of relying largely on variable income towards a mixed system potentially incorporating a fixed annual charge based on ownership and a variable charge based on usage;
  - (ii) If a fixed annual charge is introduced, it should apply to all vehicles, irrespective of which fuel they use, but with the potential for differential charging based on a range of factors;
  - (iii) As the use of internal combustion engines in vehicles is phased out, the basis of the variable element of the charge should move from being based on levying an excise duty on motor fuel to a distance charging mechanism with the potential for differential charging based on a range of factors;
  - (iv) Further detailed research and a pilot exercise / trial should be carried out to collect comprehensive data which could be used to calculate and model an appropriate charging structure for a distance charging mechanism, with the potential for differential charging based on a number of factors, together with an assessment of the effect of any potential changes in behaviour.
- 5.3 The Working Group has not offered a view on what proportion of revenue should be raised from each of the fixed and variable element but is of the view that the results of the detailed research and pilot exercise / trial should be used to develop a charging model which optimises revenue sustainability with policy alignment in other areas including the Island's approach to energy.

## **6. Policy & Resources Committee position**

- 6.1 The Policy & Resources Committee does not support the introduction of a fixed annual charge as it believes that variable charging based on the user / polluter pays principle is the most equitable and appropriate mechanism for raising income from taxation of motoring.
- 6.2 However, it clearly recognises that continuation of the current policy of relying solely on excise duty on motor fuel is inequitable as no contribution is made from vehicles which do not use this fuel source and is likely to be unsustainable if the current projections for the transition away from internal combustion engine vehicles are realised.
- 6.3 The Committee is of the view that a distance charging mechanism should be introduced as soon as possible.
- 6.4 As recommended by the Working Group, further detailed research and a pilot exercise / trial should be carried out to collect comprehensive data which could be used to calculate and model an appropriate charging structure for a distance charging mechanism, together with an assessment of the effect of any potential changes in behaviour. It is recommended that this investigation work is funded from the Budget Reserve.
- 6.5 This investigation would include design of any necessary transitional arrangements particularly in respect of those vehicles which do not use motor fuel. It is recognised that at some future point in time, the proportion of vehicles using motor fuel will decline to such an extent that it would be appropriate to apply a distance charging mechanism for all vehicle use and cease charging an excise duty on motor fuel.
- 6.6 Until such time as the distance charging mechanism is introduced, an increase in the number of non-internal combustion engines will result in a fall in motor fuel volumes and consequentially a reduction in duty income. The duty income will also fall if the distances driven decrease or engines become more efficient.
- 6.7 It is suggested that the next Medium Term Financial Plan (which will cover the period from 2022 to 2025) includes a policy for setting excise duty on motor fuel rates, until such time as a distance charging mechanism is introduced.
- 6.8 In respect of the 2020 and 2021 Budget Reports, the alternative options are:
  - A. Duty rates are frozen at current levels (ie remain at 70.1p per litre). Assuming inflation of 3% per annum and a reduction in volumes of 2% per annum, this would result in a real-terms' reduction in revenues of approximately £1million in 2020 and £2million in 2021;

- B. Duty rates increase in line with inflation (RPIX) which, assuming inflation at 3%, would mean duty rates of 72.2p in 2020 and 74.4p in 2021. Assuming a reduction in volumes of 2% per annum, this would result in a real-terms' reduction in revenues of approximately £400,000 in 2020 and £800,000 in 2021; and
- C. Continuation of the existing approach of increases in the rate of excise duty on motor fuel of a magnitude necessary to maintain the real-value of the income raised. This would, assuming inflation of 3% per annum and a reduction in volumes of 2% per annum, result in duty rates of 73.6p in 2020 and 77.4p in 2021.

6.9 Proposition 4 gives the States the opportunity to set a policy in respect of excise duty rates on motor fuel for the 2020 and 2021 Budgets. If each of the options in Proposition 4 is rejected then the Policy & Resources Committee will continue to formulate a recommendation for excise duty rates on motor fuel in each Budget Report, taking into account a number of factors including: the overall States financial position; fuel volumes; and the retail price of motor fuel.

## **7. Consultation**

7.1 The Policy & Resources Committee has consulted the Committee *for the Environment & Infrastructure* regarding this policy letter and its response is attached as Appendix II.

## **8. Compliance with Rule 4**

8.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

8.2 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications. She has advised that there is no reason in law why the Propositions should not to be put into effect.

8.3 In accordance with Rule 4(3), the Propositions request the States to delegate authority to the Policy & Resources Committee to approve funding from the Budget Reserve to carry out further detailed research and a pilot exercise to collect comprehensive data which could be used to calculate and model an appropriate charging structure for a distance charging mechanism, together with an assessment of the effect of any potential changes in behaviour.

8.4 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.

8.5 In accordance with Rule 4(5), the Propositions relate to the duties of the Committee to advise the States and to develop policies relating to fiscal policy and the financial resources of the States.

Yours faithfully

G A St Pier  
President

L S Trott  
Vice-President

A H Brouard  
J P Le Tocq  
T J Stephens

**REPORT OF THE WORKING GROUP – TAXATION OF MOTORING**

- 1.1 During the course of the June 2017 States' debate on the Medium Term Financial Plan, the following amendment (number 3) was approved which included:
- “a) To instruct the Policy & Resources Committee, in consultation with the Committee for the Environment & Infrastructure, to consider and review the best way of raising revenues from motoring in future, taking into account the ongoing reduction in fuel sales.*
  - b) To agree that the focus of the review shall be on how to achieve the maximum sustainability of this source of States’ revenue rather than on increasing the total amount of taxation levied on motoring in Guernsey.”*
- 1.2 During debate on the 2019 Budget Report, a commitment was given by the President, Policy & Resources Committee that his Committee would submit a Policy Letter, for consideration no later than September 2019, responding to the June 2017 resolution.
- 1.3 A Working Group was established comprising political representation from the Policy & Resources Committee (Deputies St Pier and Stephens) and the Committee *for the Environment & Infrastructure* (Deputies Brehaut and de Sausmarez) supported by staff from a number of service areas.
- 1.4 At its first meeting, the Working Group agreed that its desired outcome was to recommend to the Policy & Resources Committee *“a mechanism that is as sustainable as possible for raising £20.3million (the 2019 budget) from motoring taxation.”* In this respect, in line with States’ direction, the prime consideration was financial sustainability of this source of States’ revenue but the Working Group agreed it would also be cognisant of environmental sustainability issues.
- 1.5 In most countries, fuel taxes generate the majority of revenue from motoring. In 2011, such taxes accounted for approximately 65% of the income raised from EU motor vehicles (amounting to over €170billion<sup>1</sup>) with approximately 15% (€40billion) being raised from annual tax on ownership and 10% from infrastructure charges.

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<sup>1</sup> Internalising External Transport Costs:

<https://ec.europa.eu/transport/sites/transport/files/themes/sustainable/studies/doc/2012-11-inventory-measures-internalising-external-costs.pdf>



1.6 There are limited options by which income can be raised through the taxation of motoring; these can be broadly broken down into:

1. Fixed Costs (ie do not change irrespective of usage):
  - a. Taxes on vehicle acquisition (one-off)
  - b. Taxes on vehicle ownership or circulation (annual)
2. Variable Costs (ie are dependent on usage):
  - a. Taxes on Fuel (e.g. excise duty)
  - b. Charges based on distance, time, zone or use of infrastructure

In addition, there are other mechanisms for raising revenue such as taxation on vehicle insurance or parking charges.

1.7 In all options apart from 2a there is the potential to charge differential rates to promote or discourage ownership and use of certain types of vehicle. This could be based on factors such as engine size/power or CO<sub>2</sub> emissions in order to recognise environmental issues. The use of gross vehicle weight, for example, would reflect relative infrastructure damage.

1.8 There is limited reliable and current data available on the profile of vehicles using Guernsey's roads (including their age and type); the turnover and evolution of these vehicles; the amount of fuel they use individually; and the number and distance of journeys undertaken. Where there is data available, it does have limitations – for example, whilst there is very accurate information about how much fuel is imported to Guernsey, it is not possible to differentiate between fuel used by domestic vehicles and fuel used by commercial vehicles.

1.9 The Working Party has examined in detail each of the options for raising income on an ongoing basis through the taxation of motoring and its assessment of the options of: annual tax on ownership; initial charge on acquisition of vehicle; duty on fuel; and charge on distance travelled. The following table summarises its findings (the shading illustrates the relative strength of an option compared to the others:– red shading does not mean that option should be discounted but that it may be more challenging to introduce/operate or may be less well aligned to particular objectives):

	<b>Fuel Duty</b>	<b>Initial Charge on Acquisition of Motor Vehicles</b>	<b>Annual Charge on Ownership for all Motor Vehicles</b>	<b>Distance Charging on all Journeys by Motor Vehicles</b>
<b>Policy alignment - sustainability of revenue</b>	Fuel consumption volumes are in decline: maintaining current revenue would require annual real-terms' increases	Existing first registration duty raises approximately £1.2million per annum which is only 6% of the total income currently raised from fuel duty. Compensating for a 2% reduction in fuel volumes would necessitate a 30% increase in this duty. Any substantial increase in this duty is likely to result in volatile income.	A fall in the number of vehicles would necessitate a real-terms increase in charges in order to maintain revenues. Would not be affected by changes in individual vehicle usage or fuel efficiency.	Accommodates changes in number and type of vehicles and fuel efficiency but would not mitigate for any fall in vehicle use.
<b>Policy alignment – environmental impact</b>	Fuel duty, to some extent, supports the policy objectives of the Integrated Transport Strategy and the Future Guernsey commitment to reduce climate change contribution by providing a weak disincentive to motor vehicle use and incentivising the use of more fuel efficient and less polluting vehicles.	A fall in the purchase of new vehicles (which tend to be less polluting than those they are replacing) could result in slower rates of pollution reduction. However, this would be outweighed by the savings in carbon emissions associated with the production of new vehicles.	The fixed-cost nature of the charge would not encourage the use of other forms of transport with greater environmental and health benefits.	This would support the policy objectives of the Integrated Transport Strategy and the Future Guernsey commitment to reduce climate change contribution by providing a direct disincentive to private motor vehicle use.

	<b>Fuel Duty</b>	<b>Initial Charge on Acquisition of Motor Vehicles</b>	<b>Annual Charge on Ownership for all Motor Vehicles</b>	<b>Distance Charging on all Journeys by Motor Vehicles</b>
<b>‘User-pays’ principle</b>	Generally reflects the ‘user-pays’ principle for vehicles using petrol or diesel but no income is received from users of electric or other alternative fuel vehicles.	Would not meet this principle as no variation based on vehicle usage.	Would not meet this principle as no variation based on vehicle usage. It may also be perceived as unfair and, for some users, disproportionately increase costs.	All private and commercial motor vehicle users would pay relative to the distance travelled.
<b>‘Polluter-pays’ principle</b>	Generally reflects the amount of pollution generated and accurately reflects the carbon emissions generated.	A charge on acquisition would discourage the purchase of newer vehicles which are generally less-polluting. However, the charging structure could be differentiated by CO <sub>2</sub> emissions.	Potential for charges to be differentiated by CO <sub>2</sub> emissions banding.	Potential for charges to be differentiated linked to CO <sub>2</sub> emissions.
<b>Cost and ease of administration</b>	Very easy to administer and collect. Whilst all vehicle users effectively pay the tax when they refuel, the States collect the duty from a small number of distributors	Very easy to administer and collect as the duty could be collected when the vehicle is registered which is a legal requirement for new vehicles on acquisition.	Relatively easy to administer through technological innovation such as digital self-administration.	The costs of either an analogue or digital mechanism would need to be reflected in the charges made. Whilst tracking distance travelled would not be difficult, a central system would need to be introduced to record mileage driven and charge motorists.

	<b>Fuel Duty</b>	<b>Initial Charge on Acquisition of Motor Vehicles</b>	<b>Annual Charge on Ownership for all Motor Vehicles</b>	<b>Distance Charging on all Journeys by Motor Vehicles</b>
<b>User effort</b>	No additional user effort is required as duty is collected as part of refuelling.	No additional user effort is required as it will form part of the cost of acquiring the vehicle.	Some additional user effort is required but technological innovation should minimise this.	This depends on the distance monitoring method(s) introduced. A digital system is likely to be the default option which would involve the installation, use and maintenance of an on-board device. An analogue system (as an alternative for those who do not wish to use the digital system) would likely require a high degree of customer effort whereas a technological solution would require minimal customer effort. User experience would need to be considered as an integral part of the design process.

	<b>Fuel Duty</b>	<b>Initial Charge on Acquisition of Motor Vehicles</b>	<b>Annual Charge on Ownership for all Motor Vehicles</b>	<b>Distance Charging on all Journeys by Motor Vehicles</b>
<b>Effect on user behaviour</b>	Directly encourages users to switch to vehicles which are either more fuel-efficient or use alternative fuels. However, replacing a vehicle generally requires significant capital outlay which is more difficult for those on lower incomes. Theoretically, users are encouraged to consider alternatives to the use of the car, although in practice, change in use is fairly inelastic to changes in fuel prices.	High-risk that a substantial increase in the cost of acquiring a new vehicle would discourage or delay the purchase of new vehicles. This charge may also incentivise vehicle use as owners would consider this a 'sunk-cost' and would be actively incentivised to increase use in order to maximise the value of their investment.	An annual fixed cost charge could incentivise vehicle use as the charge would be considered a 'sunk-cost' and there would be a lower marginal cost of each journey.	Directly encourages users to consider whether each individual journey is necessary or could be undertaken in another manner – eg. by public transport, cycling or walking.
<b>Potential for evasion</b>	As the duty is automatically included in the fuel price, it is not easy for motorists to avoid paying.	As the charge will form part of the cost of purchase, it is not easy for motorists to avoid paying.	Would require a means of demonstrating and checking compliance in the same way as currently exists for insurance.	The reliance on a technological solution has the potential to be vulnerable to mechanical issues or user-manipulation.

	Fuel Duty	Initial Charge on Acquisition of Motor Vehicles	Annual Charge on Ownership for all Motor Vehicles	Distance Charging on all Journeys by Motor Vehicles
Other		<p>This would also give an opportunity to introduce a 'high-value surcharge' with vehicles with a list price over a certain threshold being charged a supplementary first registration duty. This would align with the approach detailed in the Medium Term Financial Plan to <i>"raise additional revenues as far as possible from individuals and entities most able to bear the burden."</i></p>	<p>This would also give an opportunity to introduce a 'high-value surcharge' with vehicles with a list price over a certain threshold being charged a supplementary annual charge for a certain period of time. This would align with the approach detailed in the Medium Term Financial Plan to <i>"raise additional revenues as far as possible from individuals and entities most able to bear the burden."</i></p>	

- 1.10 In order to achieve sustainability of revenue, there needs to be a significant move away from the continued use of fuel duty as the prime source of income from motoring. The Working Group considers that it is equitable and reasonable for all motorists to be taxed, irrespective of the manner in which their vehicle is fuelled. However, it accepts there could be differential rates applied to encourage behavioural changes in support of government policy in specific areas but recognises the inevitable risk associated with using taxation to drive behaviour change is that it will conflict with sustainability from a revenue perspective as it will encourage consumers to either substitute taxed energy consumption for non-taxed energy consumption or to reduce their energy consumption overall.
- 1.11 The Working Group recognises that the current vulnerability of the level of income raised is partly due to changes in motoring habits and fuel efficiency and that this could be reduced by a proportion of the revenue being raised by a fixed charge. This would ensure that all motorists contributed, irrespective of the type of vehicle they owned. The Working Group does not recommend reintroduction of the system of motor taxation which ended in 2008 but recognises that a more efficient and focussed system which would enable differential rates to be set, for example based on vehicle weight, engine size/power or CO<sub>2</sub> emissions, could be developed to enhance the sustainability of revenues and support the States' environmental and energy policies.
- 1.12 In respect of the variable element, the Working Group suggests that, in light of the deliberate policy in the EU and UK to accelerate the move away from internal combustion engine vehicles which is likely to significantly gather pace in the coming years, a mechanism is sought which enables a variable charge to be levied on all motorists and not just those who use petrol or diesel. The option of introducing distance charging through a technological solution appears attractive and it is suggested that further detailed research is carried out. A distance charging mechanism would also offer the opportunity to apply differential rates, for example based on vehicle weight, engine size/power or CO<sub>2</sub> emissions.
- 1.13 Whilst distance charging has traditionally relied on a system of toll booths, advances in vehicle tracking technology have created the opportunity to accurately charge drivers on the basis of per mile travelled by using in-car technology. Whilst the concept has not yet had widespread implementation, there are a number of jurisdictions making use of distance charging or considering its introduction. Some countries, including Germany, Switzerland and Austria, have already had success implementing distance-based fees on heavy goods vehicles. There have been multiple passenger vehicle trials carried out in the United States of America, including in Oregon where the latest scheme, MyOreGo<sup>2</sup>, has been suggested for expansion to all road users.

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<sup>2</sup> Oregon Distance Charging Pilot - <http://www.myorego.org/>

1.14 Therefore, the Working Group's conclusions are:

- (i) In order to enhance the financial sustainability of revenue from taxation of motoring, consideration would need to be given to a move from the current system of relying largely on variable income towards a mixed system potentially incorporating a fixed annual charge based on ownership and a variable charge based on usage;
- (ii) If a fixed annual charge is introduced, it should apply to all vehicles, irrespective of which fuel they use, but with the potential for differential charging based on a range of factors;
- (iii) As the use of internal combustion engines in vehicles is phased out, the basis of the variable element of the charge should move from being based on levying an excise duty on motor fuel to a distance charging mechanism with the potential for differential charging based on a range of factors;
- (iv) Further detailed research and a pilot exercise/trial should be carried out to collect comprehensive data which could be used to calculate and model an appropriate charging structure for a distance charging mechanism, with the potential for differential charging based on a number of factors, together with an assessment of the effect of any potential changes in behaviour.

1.15 The Working Group does not offer a view on what proportion of revenue should be raised from each of the fixed and variable element but is of the view that the results of the detailed research and pilot exercise/trial should be used to develop a charging model which optimises revenue sustainability with policy alignment in other areas including the Island's approach to energy.



**CONSULTATION RESPONSE FROM  
THE COMMITTEE *for the* ENVIRONMENT & INFRASTRUCTURE**



Committee *for the*  
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President, Policy & Resources Committee  
Sir Charles Frossard House  
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15<sup>th</sup> May 2019

Dear Deputy St Pier

**POLICY LETTER: TAXATION OF MOTORING**

The Committee *for the* Environment & Infrastructure (the Committee) is grateful for the opportunity to comment on the Policy & Resources Committee's Policy Letter and acknowledges the progress that has been made in moving forward with this matter.

The Committee is broadly supportive of the proposed replacement of fuel duty with the introduction of a distance charging mechanism and would support a swift timeline being adopted with suitable resource allocated to enable a pilot study to be completed in 2020.

The Committee supports continuation of the current practice of increasing the rate of excise duty on motor fuel as required to maintain current revenues in real terms i.e. RPI plus increases to counter reductions in volume.

The introduction of a distance charging mechanism would provide an opportunity for the charging structure to be balanced in line with environmental aspirations and targets. Therefore, the Committee is firmly of the view that any such system should include a requirement for consultation with the Committee prior to charges being set or revised.

The Committee *for the* Environment & Infrastructure thanks the Policy & Resources Committee for its approach and engagement on this matter and confirms that it wishes this consultation response to be appended to the Policy Letter.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'B Brehaut', written in a cursive style.

Deputy B Brehaut  
President  
Committee *for the* Environment & Infrastructure

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**OVERSEAS AID & DEVELOPMENT COMMISSION**

**OUR PLACE IN THE WORLD: THE NEXT TEN YEARS OF OVERSEAS AID IN GUERNSEY**

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled "Our Place in the World: the next ten years of overseas aid in Guernsey" (dated 24<sup>th</sup> May 2019) they are of the opinion to agree:-

1. The proposed future structure of overseas aid as set out in Table 3, paragraph 10.6, of the policy letter;
2. That, in 2020 and 2021, the funding allocated to the Overseas Aid & Development Commission should be increased by inflation only, and to direct the Policy & Resources Committee to take this into account when recommending Cash Limits as part of the annual Budget Report;
3. That the States of Guernsey should adopt a target for its overseas aid giving of 0.2% of GDP by 2030, and to direct the Policy & Resources Committee to include a strategy to achieve this target within the Medium Term Financial Plans spanning the period 2022 to 2029;
4. That, until such time as Guernsey's overseas aid giving reaches 0.2% of GDP, consideration should be given to allocating a proportion of any annual surpluses achieved by the States of Guernsey in excess of that budgeted towards overseas aid, and to direct the Policy & Resources Committee to include proposals to that effect in successive States' Budgets in the event of such a surplus;
5. That the Commission's mandate, as set out in the Rules of Procedure of the States of Deliberation and their Committees, should be amended by the deletion of: "to carry out the duties and powers above in accordance with policies set out by the Policy & Resources Committee" and the substitution therefor of: "to carry out its duties and powers in accordance with operational policies approved by the Policy & Resources Committee, and the strategic direction set by the States".

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**OVERSEAS AID & DEVELOPMENT COMMISSION**

**OUR PLACE IN THE WORLD: THE NEXT TEN YEARS OF OVERSEAS AID GIVING**

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

23<sup>rd</sup> May 2019

Dear Sir

**1. Executive Summary**

- 1.1 This policy letter is a response to the States' Resolution of 6 November 2018<sup>1</sup>, which directed the Overseas Aid & Development Commission ("the Commission"),

"to research and recommend to the States, by no later than April 2019, a range of initiatives which could increase the States of Guernsey's contribution to international development to 0.2%, 0.3%, 0.5% or 0.7% of GDP over the 5-10 year period beginning 1<sup>st</sup> January 2020 and ending between 31<sup>st</sup> December 2025 and 31<sup>st</sup> December 2030."

- 1.2 In this policy letter, the Commission is recommending the States agree:

- (a) To the proposed future structure of Overseas Aid as set out in Table 3, paragraph 10.6, of the policy letter;
- (b) That, in 2020 and 2021, the funding allocated to the Overseas Aid & Development Commission should be increased by inflation only, and to direct the Policy & Resources Committee to take this into account when recommending Cash Limits as part of the annual Budget Report;
- (c) That the States of Guernsey should adopt a target for its overseas aid giving of 0.2% of GDP by 2030, and to direct the Policy & Resources

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<sup>1</sup> Billet d'État XXVI, Amendment 4A, 6 November 2018

Committee to include a strategy to achieve this target within the Medium Term Financial Plans spanning the period 2022 to 2029;

- (d) That, until such time as Guernsey's overseas aid giving reaches 0.2% of GDP, consideration should be given to allocating a proportion of any annual surpluses achieved by the States of Guernsey in excess of that budgeted towards overseas aid, and to direct the Policy & Resources Committee to include proposals to that effect in successive States' Budgets in the event of such a surplus;
- (e) That the Commission's mandate, as set out in the Rules of Procedure of the States of Deliberation and their Committees, should be amended by the deletion of: "*to carry out the duties and powers above in accordance with policies set out by the Policy & Resources Committee*" and the substitution therefor of: "*to carry out its duties and powers in accordance with operational policies approved by the Policy & Resources Committee, and the strategic direction set by the States*".

- 1.3 This policy letter also reflects a fraud risk management audit of the Commission's policies and procedures by the States' Internal Audit Unit in February 2019. The Commission has accepted all the recommendations for strengthening its current procedures to mitigate the risk of fraud and has used these, where relevant, to inform the proposals within this policy letter.
- 1.4 The States of Guernsey Internal Audit Unit (the Internal Audit Unit) undertakes a rolling programme of fraud risk assessments across the States. The Chief Assurance Officer and Chief Executive agreed that the Commission would make a good review subject as part of this work (the last Internal Audit review of the Commission having taken place in 2012) and planning commenced in December 2018. In addition to informing this policy letter, the Commission has also been able to draw substantially on the Internal Audit process and recommendations to provide advice and assurance in respect of whistle-blowing allegations received shortly after the audit commenced.
- 1.5 The proposals in this policy letter are also intended to help achieve one of the four pillars of the Policy & Resource Plan ("the P&R Plan") – *Our Place in the World* – by strengthening Guernsey's mature international identity as a positive actor on the global stage. Effective overseas aid is good for Guernsey's reputation, and can have a significant impact among the world's most disadvantaged communities.
- 1.6 The proposals take account of the broader international context, including on-going developments in relation to safeguarding of children and vulnerable adults, and in respect of financial controls. As well as strengthening its own

policies and procedures, the Commission aims to help local charities, working overseas, to build their capacity to respond to these regulatory changes.

1.7 The Commission's objectives for the next ten years of overseas aid giving can be summarised as follows:

- (a) We focus our giving on the areas of **greatest need**;
- (b) We seek to **maximise the impact** of our funding;
- (c) We prioritise **sustainable and life-changing** developments;
- (d) Our giving is **good for Guernsey's reputation**; and
- (e) We give **safely and effectively**.

1.8 The Commission is recommending that the States should target **overseas aid spending of no less than 0.2% of GDP by 2030**. This should be introduced gradually, over the life of the next two Medium Term Financial Plans, from 2022-2025 and 2026-2029.

1.9 The Commission considers that this is an appropriate balance between the States' international responsibilities and its internal funding pressures; Guernsey's status as a low-tax jurisdiction; and the need to manage ongoing economic uncertainty arising from Brexit. More ambitious spending targets were considered, but were not felt to be feasible at present.

1.10 The Commission is also requesting, in the years before this target is reached, that consideration should be given to allocating a share of **any States' surplus** in excess of that budgeted towards overseas aid – either by one-off additions to the Commission's budget or by funding for initiatives such as the Overseas Aid & Development Impact Investment Fund.

1.11 The Internal Audit Unit has made recommendations about the future shape of the Commission's work, which would help to maximise value and minimise risk. These, together with feedback from States' Members and voluntary organisations, and research on how other jurisdictions deliver overseas aid, have led the Commission to recommend that, in future, its work should consist of six programme areas:

- Small grants (single-year awards of up to £50,000)\*
- Large grants (multi-year awards / development partnerships)
- Disaster and emergency relief\*
- Community partnerships\*
- Skills-based partnerships
- Communication and education

- 1.12 The three marked with an asterisk are already part of the Commission's work; however, this policy letter also recommends some changes to those areas which will further improve their effectiveness. The Commission will also continue to work with the Policy & Resources Committee on the development of the **Overseas Aid & Development Impact Investment Fund** which was established in 2018.
- 1.13 In addition, the Commission has agreed with the Policy & Resources Committee that an administrative budget for the Commission (including staff salaries, training and project oversight) is created by transferring the budget for the resources which are currently funded by the Policy & Resources Committee. For the purpose of good governance, it is important that they are set out clearly and separately and this revised arrangement will give the Commission the flexibility to adjust the amount of resources it allocates for administrative purposes.
- 1.14 Each of these programme areas is explained in more detail in the body of the policy letter. In brief, the **small grants** programme continues the existing grant funding work of the Commission. Around 30 grants of up to £50,000 each will be made annually, predominantly to small charities working to meet basic needs. The smaller number of grants (compared to approximately 80 per annum at present) will allow more rigorous due diligence and oversight to take place.
- 1.15 The **large grants** programme is a new development, which will see the Commission co-funding a small number of multi-year projects (generally six a year) alongside larger institutional donors, to make long-term, sustainable changes within developing communities. This, again, will strengthen project oversight and accountability, and will be a fresh opportunity for Guernsey to demonstrate positive impact around the world.
- 1.16 The Commission will continue to fund **disaster and emergency relief** and **community partnerships** (generally match-funding initiatives), with some small revisions to its current approach. This will include developing a capacity-building 'offer' for local charities working overseas. The creation of a programme area for **skills-based partnerships** is an exciting new development which should bring the best of Guernsey to the world, as well as bringing benefits back to our own community. Starting small (the Commission proposes to allocate £40,000 in its first year), the aim of this programme area is to develop partnerships with businesses and volunteers through which they can share their skills and expertise with their professional counterparts in developing countries.
- 1.17 Finally, the Commission intends to allocate a small amount within its budget for on-Island **education and communication** in relation to international



development. This could range from supporting the States of Guernsey Big Curriculum, providing work experience or internship opportunities, to exploring the creation of a Channel Islands' International Development Network with the Government of Jersey. This should improve transparency and increase islanders' engagement with international development in a constructive way. This will also incorporate the Commission's responsibility to promote Guernsey as a **Fairtrade Island**, in keeping with the 2005 Fairtrade Requête<sup>2</sup>.

- 1.18 This policy letter concludes with brief updates on the Commission's partnerships including its work with the Government of Jersey and Ille et Vilaine<sup>3</sup>; its involvement with the development of Guernsey's Non-Profit Organisation legislation; and a recommended amendment to its mandate to clarify the nature of the relationship between the Commission and the Policy & Resources Committee, in order to better reflect existing practice.
- 1.19 On the eve of the Overseas Aid & Development Commission's 40<sup>th</sup> anniversary, the proposals in this policy letter reflect an exciting step forward for Guernsey's approach to international development, and an opportunity over the next decade to further enhance the Island's place in the world and its mature international identity.

## **2. Background**

- 2.1 “The people of Guernsey have always been known for their charitable giving to worthy causes, not only at home but also overseas, and they give substantial support, both material and financial, through charitable organisations at all times and particularly when there is a special need.”

So began the policy letter of February 1980, which launched Guernsey's Overseas Aid Committee (now the Overseas Aid & Development Commission). From the beginning, the generosity of islanders has been recognised – and the

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<sup>2</sup> Billet d'État VI, 25 May 2005

<sup>3</sup> In June 2017 Guernsey signed a partnership agreement with the authorities for the Ille et Vilaine département of France. The agreement identifies the following areas for potential co-operation between Guernsey and Ille et Vilaine:

- Education, youth mobility and sport
- Culture
- Exchange of civil servants and good practice
- Any other areas of common interest.

The Ille et Vilaine authority has a small overseas development budget of around €60,000 per annum. This is distributed via Brittany-based charities working in the field of overseas development (mostly in former French colonies in Africa, including Mali, Niger and Sierra Leone).

In June 2018, the Commission signed an agreement to work with Ille et Vilaine to develop matched funding partnerships to support development aid projects to be undertaken by Brittany-based charities.

responsibility of the States to display a similar commitment to the world's poorest acknowledged.

2.2 In November 2018, the States of Guernsey directed the Commission,

"... to research and recommend to the States, by no later than April 2019, a range of initiatives which could increase the States of Guernsey's contribution to international development to 0.2%, 0.3%, 0.5% or 0.7% of GDP over the 5-10 year period beginning 1<sup>st</sup> January 2020 and ending between 31<sup>st</sup> December 2025 and 31<sup>st</sup> December 2030."

At present, Guernsey's giving is just under 0.1% of the Island's GDP.

2.3 This policy letter is the Commission's response to that States' Resolution. It was delayed by a few weeks from the original deadline, with the agreement of the Policy & Resources Committee, in order to also include a response to the Internal Audit Unit's routine review of the Commission's policies and procedures, which took place in early 2019. This was carried out by an experienced auditor with significant experience in the development aid sector.

2.4 The proposals in this policy letter are informed by the States' Resolution and associated consultation with States' Members and voluntary organisations, and by the constructive recommendations of the Internal Audit Unit.

### **3. Context**

3.1 Future Guernsey (the States' Policy & Resource Plan) first agreed by this States in November 2016 has a twenty year horizon. One of its four themes is, "Our Place in the World". The Plan states:

"Guernsey already has a respected international identity with a strong history. ... We want to maintain and enhance our international identity. We want to ensure that we have a clear, well-understood and respected constitutional position. We are a mature jurisdiction with the responsibilities associated with that. We need to seek extension of international standards to Guernsey, where appropriate and proportionate for our size."

3.2 Guernsey's support for overseas aid is our mature international identity in action. Overseas aid giving enables Guernsey to make a positive impact among disadvantaged communities in some of the world's poorest countries. It is good for our global reputation. As Guernsey faces periodic external attacks on our fiscal and economic policy, our commitment to overseas aid allows us to demonstrate the constructive role that we play in the world, and our readiness to give back.

- 3.3 The Commission's response to the 2018 States' Resolution and the recommendations of the Internal Audit Unit reflect a commitment to develop Guernsey's overseas aid giving in a manner consistent with the ambitions of the Policy & Resource Plan: to enhance Guernsey's international reputation and help to further establish our place in the world.
- 3.4 These recommendations are also informed by changes in the global context of international development. For example, at the start of 2018, the sector was shaken by allegations that people receiving aid in the aftermath of natural disasters had been abused by some aid workers. These revelations have resulted in significant and ongoing improvements in the sector's approach to safeguarding children and vulnerable adults.
- 3.5 At the same time, a continuing focus on measures to prevent money-laundering and financing of terrorism has led to much stricter financial controls for all charitable organisations, and especially those operating in insecure environments overseas. The Commission makes distributions to charities operating in developing countries. While the Commission may not be directly vulnerable to certain aspects of money laundering or terrorist financing (i.e. diversion of funds, point of delivery abuse, affiliation or deception), it is indirectly vulnerable to these issues where they apply to or affect the charities to which it makes awards. It is for these reasons that the Commission has a range of measures in place to reduce this indirect vulnerability and keeps this aspect of its due diligence under regular review.
- 3.6 The Commission continues to improve its own internal policies and procedures in response to these risks. The Commission also considers that it has a particular duty of care towards Guernsey's home-grown overseas aid charities, which includes offering them support to continue flourishing in an increasingly stringent regulatory environment. Accordingly, these recommendations include a focus on capacity-building for the local international development sector.
- 3.7 Changing trends in international development also inform the Commission's approach to overseas aid in respect of:
- The nature and causes of disaster and conflict;
  - Patterns of disease, drought, poverty and hunger;
  - Understanding of what kinds of intervention are effective and necessary; and
  - International agreements (such as the UN Sustainable Development Goals) which guide development assistance<sup>4</sup>.

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<sup>4</sup> These were discussed in the Commission's 2017 policy letter (Billet d'État XX111 of 2017). The one substantial development to note since then is the publication of the International Panel on Climate

## 4. Objectives

### 4.1 The Commission's mandate is,

"To distribute funds, voted by the States, for aid and development overseas by making contributions to ongoing programmes and to emergency and disaster relief; and to develop programmes relating to the collection and distribution of funds involving the private sector."

### 4.2 The Commission has always sought to meet the basic needs of the world's most disadvantaged communities, and the direction of overseas aid has been set out in policy letters from 1980<sup>5</sup> to 2012<sup>6</sup> and 2017<sup>7</sup>.

### 4.3 This policy letter includes proposals for the next ten years of overseas aid. The Commission recommends that its work for the next decade should be guided by a set of objectives, which are a clear evolution of Guernsey's existing approach to international development. These are:

#### 1) **We focus our giving on the areas of greatest need.**

We prioritise the basic needs (such as primary education, essential healthcare, safe water and sustainable food supplies) of the most deprived communities in the world's poorest countries. We respond to pressing issues which pose serious threats to the future of humanity, such as climate change, disease and displacement.

#### 2) **We seek to maximise the impact of our funding.**

We focus on projects that are good value for money, and find ways to make the States' contribution to international development go further. We recognise that social, economic and environmental returns can come together through approaches such as Impact Investment and Fairtrade. We offer match-funding and build partnerships with funders and charities to amplify our impact.

#### 3) **We prioritise sustainable and life-changing developments.**

We offer "a hand up, not a hand-out." We support projects that result in long-term improvements in quality of life, economic growth and social wellbeing for those who benefit from them. We recognise the importance

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Change report (available online at <https://www.ipcc.ch/sr15/>) which has reinforced the need for an urgent focus on climate resilience, especially among developing nations.

<sup>5</sup> Billet d'État III, 27 February 1980

<sup>6</sup> Billet d'État III, 25 January 2012

<sup>7</sup> Billet d'État XXIII, 29 November 2017

of climate resilience, disaster preparedness and re-building better<sup>8</sup> for the protection and survival of poorer communities.

**4) Our giving is good for Guernsey's reputation.**

We recognise the importance of overseas aid in helping to establish Guernsey's mature international identity. We choose projects and partners that we expect to deliver good results, which will be a credit to Guernsey. We are open to opportunities to take the things that make Guernsey special – whether that's our agricultural products or our skills in finance – and share them with the world, in support of international development.

**5) We give safely and effectively.**

We recognise the importance of good governance to ensure that public funds are used appropriately and the people who benefit from aid are protected from harm. We have an effective administrative structure, and suitable policies and procedures, in place to ensure this. We offer support and capacity-building to local charities working overseas, to help them meet essential standards. We recognise the importance of developing our own knowledge base, so that we can challenge and scrutinise effectively.

- 4.4 These five objectives shape the recommendations in this policy letter, and provide a good framework for a modern approach to international development, which benefits both Guernsey and the wider world.

**5. The Next Ten Years – Funding for Overseas Aid**

- 5.1 The 2018 States' Resolution directed the Commission to explore, "... a range of initiatives which could increase the States of Guernsey's contribution to international development to 0.2%, 0.3%, 0.5% or 0.7% of GDP" over a five to ten-year period. Following discussion with the Policy & Resources Committee, the Commission has concluded that a gradual increase in Guernsey's overseas aid spending to a target of not less than 0.2% of GDP would be the most appropriate and feasible option. This would represent a balance between the States' international responsibilities and its internal spending constraints, as well as the Island's low-tax status and the ongoing economic uncertainty associated with Brexit.

- 5.3 The Commission therefore proposes:

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<sup>8</sup> The concept of re-building better is that any infrastructure which needs to be replaced, after a disaster, should be made more resilient than the infrastructure that came before it. This helps to protect the affected community against similar shocks in future.

- A budget increase in line with inflation for 2020 and 2021, until the approval of the next Medium Term Financial Plan; and
- A phased increase in the Commission's budget throughout the next one or two Medium Term Financial Plans (likely to run from 2022-2025 and 2026-2029) in order to reach the 0.2% of GDP target by 2030.

5.4 Further, it is proposed that in years when the States enjoy a General Revenue surplus in excess of that budgeted, consideration should be given to allocating a share of that surplus to overseas aid, either by a one-off increase in the Commission's budget or in support of projects such as the Overseas Aid & Development Impact Investment Fund.

## **6. Why have a GDP-based Target for Development Aid?**

6.1 Over the past 60 years, governments and development agencies have variously discussed how much developed countries should contribute in development aid to enable poorer countries to grow their economies.

6.2 In 1958, discussions amongst governments about whether there should be official aid targets were based on total flow of both official and private resources going to developing countries. A target of 1% was first suggested by the World Council of Churches and, during the 1960s, all OECD Development Assistance Countries members subscribed to this target. However, it had a major flaw, namely that governments cannot control or predict private capital flows, nor can they readily adjust official flows to compensate for fluctuations in private flows.

6.3 In 1969, the Pearson Commission's report "Partners in Development" proposed a target of 0.7% of donor GNP to be reached "by 1975 and in no case later than 1980". This suggestion was taken up in a UN resolution on 24th October 1970, namely that:

"Each economically advanced country will progressively increase its official development assistance [...] and will exert its best efforts to reach a minimum net amount of 0.7% of its gross national product [...] by the middle of the Decade."

6.4 Based on Guernsey's GDP for 2017 of £3.1 billion<sup>9</sup>, 0.2%, 0.3%, 0.5% and 0.7% would increase the Commission's budget as set out in Table 1 below:

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<sup>9</sup> [www.gov.gg/gdp](http://www.gov.gg/gdp)

*Table 1 – Estimated budget based on a percentage of GDP*

<b>% of GDP</b>	<b>Estimated Commission budget</b>	<b>% increase to current budget</b>
0.2%	£6.10 million	113%
0.3%	£9.15 million	220%
0.5%	£15.25 million	433%
0.7%	£21.35 million	646%

6.5 However, despite this target being adopted nearly 50 years ago, as Table 2 below shows, few countries have achieved it. Although Guernsey's spending on overseas aid is low compared to many developed countries, we are not unusual in falling some way short of the 0.7% target. It is also important to recognise that Guernsey is more heavily reliant on taxes and contributions charged against income than most jurisdictions. This, combined with the open and highly competitive nature of our economy, means that opportunities for raising additional revenues are limited.

6.6 Further, unlike most other countries, Guernsey's contribution to overseas development is directed to aid projects without any conditions other than reporting on the impact of the project itself. The Commission's agenda is simply to target projects which seek to address a basic need for the world's poorest and most vulnerable communities, rather than to pursue the strategic or economic interest of Guernsey, unlike the development aid provided by many other jurisdictions.

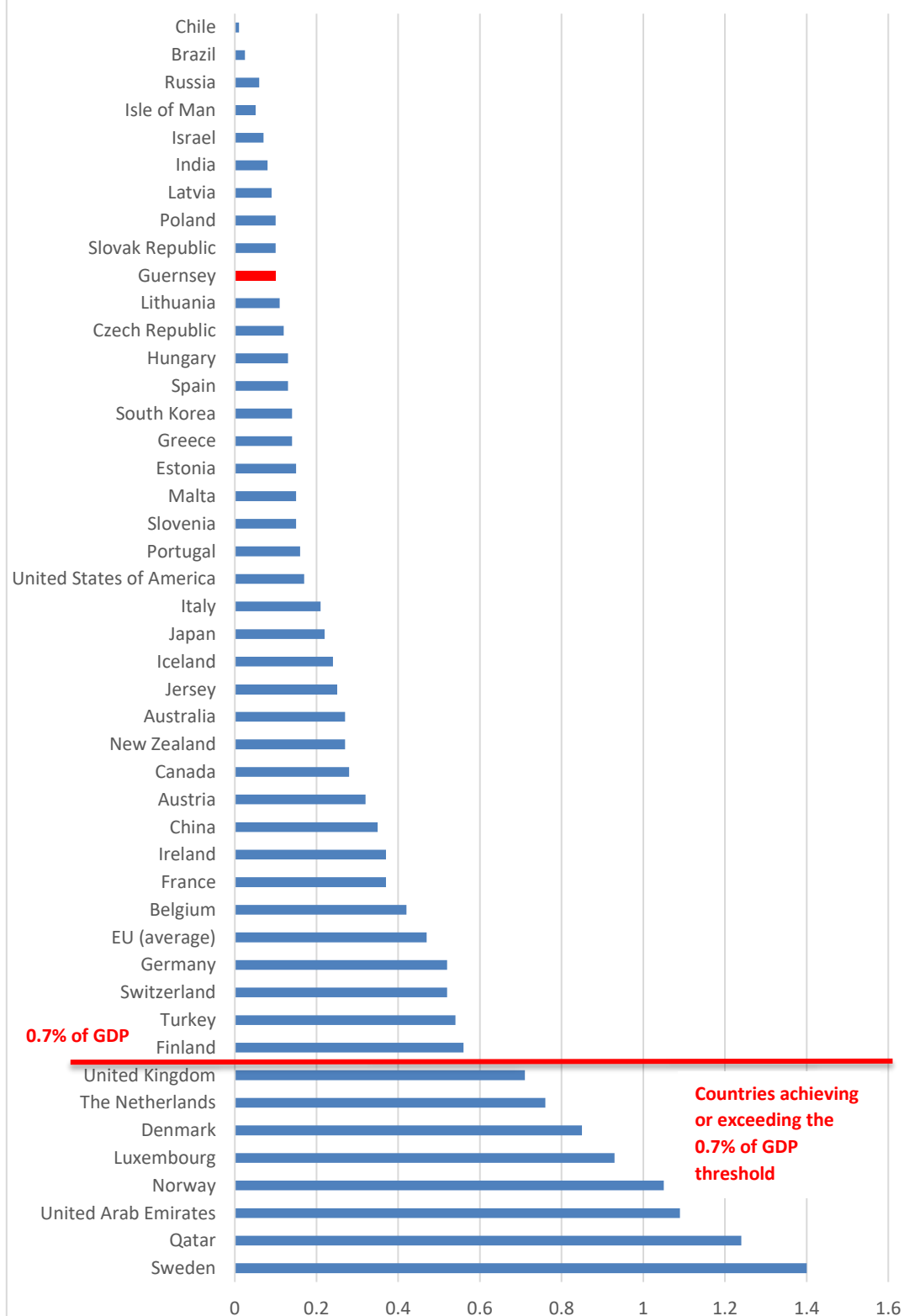
6.7 In October 1970, the UN General Assembly resolved:

“Financial aid will, in principle, be untied. While it may not be possible to untie assistance in all cases, developed countries will rapidly and progressively take what measures they can ... to reduce the extent of tying of assistance and to mitigate any harmful effects [and make loans tied to particular sources] available for utilization by the recipient countries for the purpose of buying goods and services from other developing countries.

... Financial and technical assistance should be aimed exclusively at promoting the economic and social progress of developing countries and should not in any way be used by the developed countries to the detriment of the national sovereignty of recipient countries.”

Guernsey's contribution to overseas development is untied and, through large and small development aid charities, focuses on supporting sustainable improvements for the lives and livelihoods of some of the world's poorest communities.

*Table 2 - Spending on overseas development as a % of GNP*





- 6.8 The Commission is mindful of the limitations to a target based on GDP. In many respects GDP does not provide a measure of a jurisdiction's national wealth actually collected through taxation. However, other formulae (such as a target linked to overall States' spending) would simply introduce a different set of challenges. The benefit of a GDP-based target is its international comparability. Guernsey may always fall short of it, but it will not be alone in doing so (as demonstrated in Table 2), and the States may feel that they can give clear policy justifications as to why this is so – such as the need to maintain our low tax status, and to fund pressing on-island priorities.
- 6.9 The Commission notes that a number of jurisdictions are now measuring their contribution to overseas development against the country's total revenue, i.e. the amount of money raised through taxation, contributions, charges and fees levied by the national government but not including investment income. The total revenue income for the States of Guernsey was £672 million in 2017. Therefore, applying this measure to the above figures, 0.2% of Guernsey's GDP equates to just under 1% of the States income, i.e. the States would be contributing just under 1 pence in every £1 (90p from every £100) of revenue raised to support development aid in the world's least developed countries.
- 6.10 Finally, it must also be recognised that the States' contribution to overseas development is only part of the overseas aid equation. The various Guernsey-based charities that focus on development aid secure funding not just from the Commission but from Guernsey businesses and organisations, as well as through the generosity of Islanders. These contributions are both monetary and through the sharing of skills and expertise. It is difficult to measure the "value" of these contributions – e.g. assisting with the design of a solar power system for a school in Malawi, a micro-finance project in the Democratic Republic of Congo or knitting blankets or jumpers for orphans in Tanzania – in financial terms alone. However, each has an impact and positive benefit for those who receive this support. The funding from the Commission invariably acts as a multiplier for these other sources of income and support for the charities.

## **7. The Medium Term Financial Plan**

- 7.1 Each Medium Term Financial Plan sets out the States' fiscal strategy to support delivery of the outcomes in the Policy & Resource Plan. The current Plan seeks to ensure that the States are able to achieve and maintain a balanced budget and move into a sustainable surplus over its four year period, to enable the States to re-build their reserves and invest in future public services.
- 7.2 The next Medium Term Financial Plan is due to be developed by the new Assembly in 2021, for the period 1<sup>st</sup> January 2022 to 31<sup>st</sup> December 2025.

- 7.3 The Commission's budget is just under £3 million in 2019. In today's terms, a budget worth 0.2% of Guernsey's GDP would amount to £6.1 million. Therefore, to reach 0.2% of GDP over the period of the next Medium Term Financial Plan would require annual real-terms' budget increases of £750,000 per annum and to reach that target over the period of the next two Plans, i.e. 2022 to 2029, the increase would be £375,000. The Commission recognises that the profiling of its future budget is a matter for those preparing the next Medium Term Financial Plan.
- 7.4 The Commission considers that it is reasonable to target an increase in Guernsey's overseas aid commitment to achieve a budget based on 0.2% of GDP by 2030.
- 7.5 It is not possible to predict the shape of future Medium Term Financial Plans before they are agreed by the States, nor the conflicting demands for resources which future States will need to manage. However, in approving this policy letter, the States can confirm its commitment to a target of 0.2% of GDP for Guernsey's overseas aid, and give a clear direction to the current Policy & Resources Committee that this should be achieved over the period to 2030.

## **8. Considerations and Alternatives**

- 8.1 As explained above, the target of 0.2% of GDP is proposed in the context of other financial pressures faced by the States: Guernsey's need to remain a low-tax jurisdiction and the ongoing economic uncertainty associated with Brexit. As Table 2 shows, achieving this target by 2030 would place Guernsey in a respectable position compared with other developed countries that are not achieving the 0.7% target adopted internationally.
- 8.2 The proposal to achieve this over the life of two Medium Term Financial Plans, rather than one, is to minimise the impact on the overall States' budget, and to allow the Commission itself to implement and manage changes to its funding profile responsibly and effectively.
- 8.3 The Commission is conscious that the 2018 States' Resolution required it to explore options for increasing its funding up to 0.7% of GDP. Such a large increase to overseas aid funding is not proposed as a practical way forward in this policy letter. However, in the spirit of the Resolution, the Commission has indicated, below, the areas of its work which could sustain a substantial or rapid increase in funding and still be delivered effectively and reliably – and, by contrast, those which could not. It trusts that, in doing so, it will have fully discharged the States' Resolution.

## **9. The Next Ten Years – Overseas Aid Giving**

- 9.1 The majority of the Commission's funding, at present, is spent on its routine grant-funding programme. This awards grants of up to £50,000<sup>10</sup> to charities working in the world's poorest countries, for projects that meet the basic needs of communities. A small proportion (usually around £200,000 a year) is spent on emergency relief in the immediate aftermath of disasters, and another small amount on community partnerships – that is, match-funding initiatives such as the World Aid Walk.
- 9.2 This focus on basic needs, and on life-changing and sustainable development, will remain at the heart of the Commission's work for the next ten years.
- 9.3 One of the key recommendations of the Internal Audit Unit was to reduce the number of small grants Guernsey makes, and introduce a programme of larger, longer-term grants alongside it. This would allow the Commission to undertake deeper due diligence on a smaller number of charities. This helps to reduce risk, enabling the Commission to manage its budget, and any increases in it, more safely and effectively. It is consistent with ongoing regulatory developments in financial standards and safeguarding. In addition, larger projects can lead to more profound changes, which are better for the recipient community and better for Guernsey's reputation overall.
- 9.4 The recommendations of the Internal Audit Unit; feedback from workshops with States Members and voluntary organisations; and research on the approaches taken by government in Jersey and the Isle of Man, has led the Commission to propose that its work should be divided into six programme areas (rather than the current three). These are:
- Small grants (single-year awards of up to £50,000)
  - Large grants (multi-year awards or development partnerships)
  - Disaster and emergency relief
  - Community partnerships
  - Skills-based partnerships
  - Communication and education
- 9.5 The Commission will also continue to work with the Policy & Resources Committee on developing Guernsey's involvement with Impact Investment.
- 9.6 These programme areas are discussed below. As well as introducing three new elements, and revising the budget allocated to each, the Commission

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<sup>10</sup> The maximum amount of a grant aid award has been increased from £40,000 to £50,000 ahead of the opening of the 2020 funding round which is due to commence in June 2019.

recommends some changes to the way it operates each of its current programme areas, in order to maximise value and minimise risk.

- 9.7 The Commission is also proposing that the States should designate an administrative budget for overseas aid. This includes staff salaries, training, and additional resources for governance. At present, all administrative funding is managed through the Policy & Resources Committee and is not separately accounted for.

## **10. Policy for Future Programme of Overseas Aid Giving**

- 10.1 Currently, approximately 93% of the Commission's budget is used to support specific development projects through routine grant funding. Approximately £200,000 a year is spent on disaster and emergency relief, although a States' decision in 2017 gave the Commission more flexibility in determining how much of its budget should be available for this purpose.
- 10.2 In addition, since 2012, the Commission has used a small percentage of its budget for community partnerships, such as match-funding initiatives (described in its mandate as "... programmes relating to the collection and distribution of funds involving the private sector").
- 10.3 The Commission recognises that development aid is changing. In responding to this changing sector, the Commission proposes to restructure its annual budget to ensure that it not only provides financial support to development aid charities, but also raises awareness and understanding of development aid. The Commission has identified that, in addition to the community partnerships it already fosters and supports, part of its budget should be directed towards identifying partnerships whereby Guernsey businesses and organisations, with some financial support from the Commission, could be encouraged to develop programmes for the sharing of skills and knowledge with their professional counterparts in some of the world's least developed countries.
- 10.4 The Commission's recommendations for changing how it will distribute funds, voted by the States, for aid and development overseas by making contributions to ongoing programmes and to emergency and disaster relief; and to develop programmes relating to the collection and distribution of funds involving the private sector are set out in Table 3. This includes an indication of how it intends to divide its budget to support the different areas of work.
- 10.5 The budget is based on an assumed allocation of £3,050,000 in 2020 (for the 2021 Funding Round – funding is allocated the year before projects commence), i.e. 2019 budget plus an estimated inflation uplift of 2.0%. It is noted that these figures will have to be adjusted as the States' budget is finalised.

- 10.6 The table also shows which areas of work would be expanded if overseas aid funding is raised to, or towards, 0.2% of GDP.

Table 3

Programme Area	Budget	Outline Explanation
<b>Small Grants / Single-year Awards</b>	£1,570,000 (approx. 50%)	<ul style="list-style-type: none"> <li>- c.31 grants per year;</li> <li>- Maximum award of £50,000 per grant;</li> <li>- Charities would have the choice of <b>either</b> applying for a small grant <b>or</b> for a large grant (see below) each year – max. 1 application per charity;</li> <li>- Projects must meet a basic need (water, education, etc.);</li> <li>- This broadly replicates the current funding approach;</li> <li>- The smaller number of awards (down from approx. 80 p.a.) enables greater due diligence and oversight of individual projects, with “spot audits” or inspections by or on behalf of the Commission forming part of the project monitoring;</li> <li>- The significant reduction in the total number of projects would enable the Commission to request fuller financial information as part of the reporting process, as the Commission’s officers would have the time to review these.</li> <li>- <b>This area of work could be increased a small amount with an increase in funding. But there are significant overheads involved in the oversight of small grants, so it <u>would not</u> be capable of substantial or rapid expansion.</b></li> </ul>
<b>Large Grants / Multi-year Awards</b>	£900,000 (approx. 30%)	<ul style="list-style-type: none"> <li>- Providing 6 new grants per year based on maximum award of £150,000 per award;</li> <li>- Awards to be paid over 2 or 3 years;</li> <li>- Charities would have the option of <b>either</b> applying for a large grant <b>or</b> for a small grant (see above) each year – max. 1 application per charity;</li> </ul>

		<ul style="list-style-type: none"> <li>- Larger, long-term investments in communities and in partner organisations improves the security and sustainability of developments, and is consistent with the Internal Audit recommendations;</li> <li>- Each project will be supported by a contractual agreement with the charity, including the programme for staged payments, reporting, etc.;</li> <li>- As there would be only a few projects in progress in any particular year, the Commission would have be able to maintain close oversight of each project and its impact for the beneficiaries;</li> <li>- <b>This is the area of the Commission's work most capable of expansion with an increase in budget, without increasing overheads.</b></li> </ul>
<b>Disaster and Emergency Relief Awards</b>	£350,000 (approx. 12%)	<ul style="list-style-type: none"> <li>- Grants to be based on maximum award of £100,000 per award;</li> <li>- The Commission will prioritise 'unreported' disasters<sup>11</sup>;</li> <li>- The majority of the budget will be allocated on a quarterly basis to such 'unreported' disasters;</li> <li>- between £50,000 and £100,000 will be retained for ad hoc requests and appeals;</li> <li>- The Commission will prioritise charities (including smaller charities) which have a strong presence in the affected region and so are able to respond immediately;</li> <li>- A smaller number of larger grants will allow deeper due diligence to be done;</li> <li>- This helps to manage concerns about safeguarding in the humanitarian response sector;</li> </ul>

<sup>11</sup> That is, natural disasters or humanitarian crisis which though localised have a significant impact on the day-to-day life of the local community but are not widely reported across the media and so attract few aid contributions.

		<ul style="list-style-type: none"> <li>- An increase in funding (from £200,000) reflects Islanders' desire to give effectively to people who are suffering in crises;</li> <li>- <b>This approach to emergency relief would be capable of some expansion with an increase in the Commission's budget (although the Commission will ensure funding allocations are balanced so that its main focus remains grant-funding.)</b></li> </ul>
<b>Community Partnerships</b>	£120,000 (approx. 4%)	<ul style="list-style-type: none"> <li>- Typically matched funding grants linked to Guernsey charities, organisations or businesses raising money for specific development aid projects;</li> <li>- Partnerships such as the World Aid Walk and Ille et Vilaine would continue under this policy;</li> <li>- Capacity building for local charities (such as the provision of training on safeguarding, due diligence, mitigating risks of money laundering and combating terrorist financing, or financial management) would also be an important part of this work; and</li> <li>- Opportunities for joint working with Jersey Overseas aid, including linking with their overseas work parties' programme, which enables people to volunteer abroad, will also be explored.</li> <li>- <b>This area of work could be increased a small amount with an increase in the Commission's budget, but is largely dependent on initiatives coming forward from the wider community.</b></li> </ul>
<b>Skills-based Partnerships</b>	£40,000 (approx. 1.3%)	<ul style="list-style-type: none"> <li>- The Commission will develop partnerships with Guernsey-based companies and organisations to support placements to foster sharing of professional skills;</li> </ul>

		<ul style="list-style-type: none"> <li>- This could also include bursary awards to support Guernsey-based professionals looking to undertake a voluntary placement overseas to share professional skills, etc.;</li> <li>- The Commission will be offering co-funding for such placements, working with the employer or the individual volunteer;</li> <li>- A policy to govern this new programme area will be worked up in detail for 2021;</li> <li>- The Commission will initially start this on a small scale, with a small number of local organisations;</li> <li>- <b>If effective at a small scale, this is an area of the Commission's work that could be considered for expansion in future;</b></li> <li>- This approach strengthens local buy-in to overseas aid, and is good for Guernsey's reputation, as it enables the skills we are known for to be used for good around the world.</li> </ul>
<b>Communication and Education</b>	£20,000 (approx. 0.7%*)	<ul style="list-style-type: none"> <li>- The Commission will produce education materials for schools about overseas aid /Guernsey's positive role in the world, in support of the Island curriculum;</li> <li>- The Commission will continue to promote Guernsey as a Fairtrade Island and to hold membership of the Fairtrade Steering Group;</li> <li>- The Commission will offer learning opportunities to islanders interested in international development, through work experience or potentially an internship programme;</li> <li>- The Commission will organise occasional public-facing events, with local charities working overseas, to raise awareness of Guernsey's impact globally;</li> </ul>



		<ul style="list-style-type: none"> <li>- The Commission will work with Jersey to explore the creation of a Channel Islands' International Development Network;</li> <li>- The need to raise local awareness of overseas aid (and especially its impact) was a consistent theme at the workshops;</li> <li>- Jersey and Isle of Man both recognise this and invest in communication and education;</li> <li>- <b>*It's proposed that the budget for this area will remain capped at no more than 50% of the maximum value of a Small Grant.</b></li> </ul>
<b>Commission Administration</b>	£50,000 (approx. 1.6%)	<ul style="list-style-type: none"> <li>- Staff salaries (discussed below);</li> <li>- Administrative costs, including training and development for staff and Commissioners, subscriptions, audit, advertising, postage, printing, etc.;</li> <li>- <b>The budget for this area will remain capped at no more than 2% of the Commission's budget</b></li> </ul>

10.7 In addition to this, the States agreed in November 2018 to invest a one-off sum of £1 million in an Impact Investment initiative, as part of the allocation of the 2017 budget surplus. The Commission is responsible for working with the Policy & Resources Committee to develop investment guidelines which are consistent with Guernsey's approach to overseas aid. These discussions, together with advice from the States' Investment & Bond Sub-Committee, will form the basis for investing it appropriately.

10.8 Although the Commission allocates budgets to specific programme areas, there is inevitably some fluctuation in-year (changes occur throughout the year which may, for example, result in an overspend on emergency relief or an underspend in grant-funded projects). The Commission has the flexibility to manage these by transferring budget between programme areas. It is likely that this will continue from time to time under the proposed new structure set out above.

## **11. Implementation of Changes – 2020 and 2021**

11.1 Subject to States' approval of this policy letter, the Commission proposes to implement these changes during 2020, for the 2021 Funding Round. The

timings will provide sufficient time for the Commission to draft new policies and guidance notes and to promote and publicise the changes where appropriate. It should also give applicant charities sufficient time to make changes to their own governance arrangements where these are needed.

- 11.2 The Commission proposes that, to enable small and larger charities to compete on a similar basis, any charity may apply for either a single year or multi-year award.
- 11.3 All charities applying for single year or multi-year awards, or disaster and emergency funding, will need to be registered with the Commission before applying. Once registered, a charity would not be required to repeat the process for three years, but would need to provide a shorter annual update of essential details. The registration process will include a number of due diligence checks. Charities whose applications are shortlisted by the Commission would then be subject to enhanced due diligence before any award is confirmed, focusing mainly on the relationship with the in-country partner.
- 11.4 The due diligence process for Community Partnership awards will be more streamlined than for other grant aid and disaster relief awards. The amounts are smaller than for other grants and are mostly likely to be linked to a development aid charity that has an established relationship with the Commission.
- 11.5 In addition, any charity applying for disaster or emergency relief funding will need to have a strong track record with the Commission through its grant aid programmes. Further, the charity will be expected to demonstrate that it has appropriate staff and other resources who are already based in the affected area and so able to respond without delay to the natural disaster or humanitarian crisis.

## **12. Internal Audit Review**

- 12.1 In February 2019, the Commission was subject of a fraud risk management review by the Internal Audit Unit. The purpose of the review was,

“to provide assurance and advice over fraud risk management and internal controls relating to key elements of the Overseas Aid and Development Commission’s (the Commission’s) activity and processes.”
- 12.2 Shortly after the audit process began, the Commission received whistle-blowing allegations by email concerning a project it had been funding. In accordance with existing processes, the Commission suspended funding and immediately reported the concerns to the relevant authorities (the Police and the UK Charity Commission). The outcomes of those investigations will be reported in a future

Annual Report. However, the Commission was immediately able to draw on the ongoing audit process to provide assurance in respect of its general policies and procedures, and advice and guidance on the handling of this specific case, to give confidence that good practice was being followed in all respects.

- 12.3 The audit concentrated on how the Commission identifies, manages and detects fraud risk in its activities and operations, and assessed the effectiveness of due diligence arrangements in both design and operation. The review was undertaken by an auditor who has significant senior experience within the United Kingdom's Department for International Development, including as Principal Fraud Auditor in the Department's Counter Fraud and Whistleblowing Unit, and as Head of Internal Audit for the development charity, Practical Action.
- 12.4 The report highlighted the following existing areas of good practice in respect of the Commission's fraud risk management resilience:
- Redevelopment of the management information and tracking system since the previous Internal Audit report;
  - The Commission has continually improved and updated this system to reflect its needs;
  - Introduction of new due diligence provisions in 2017 relating to anti-money laundering and counter-financing of terrorism, particularly requiring that no senior management appear on the sanctions list; and
  - Introduction of new due diligence provisions in 2018 relating to good governance, including requiring that the grant applicant is not under current investigation by the Charity Commission.
- 12.5 The report also noted evidence of thorough compliance checks being carried out in relation to the current due diligence process. The main checks include:
- Charity registration with the Charity Commission or relevant British charity regulator;
  - Checks on financial compliance, including review of accounts;
  - Validation of trustee details against the Charity Commission and where relevant Companies House list;
  - Confirmation of the registered address of the charity and the registration number;
  - Banking details (which must relate to the charity and not an individual trustee); and
  - Confirmation that the charity is not under current investigation, or that they have failed to adequately respond to a previous investigation.

Evidence for each of these requirements is supplied by the applicant, but is also independently verified, where possible, by the Commission's officers.

- 12.6 The Internal Audit Report made a number of recommendations, all of which the Commission has accepted. The recommendations are set out in Appendix 1 to this policy letter, together with an update on the Commission's progress in implementing each of the recommendations.
- 12.7 The Commission wishes to place on record its gratitude to the Internal Audit Unit for the advice and support provided during the audit process.

### **13. Consultation**

- 13.1 Following the 2018 States' Resolution, the Commission invited States' Members and representatives of voluntary organisations working overseas to attend workshops considering the future policy of overseas aid giving.
- 13.2 The feedback from the workshops showed that there was a strong appetite for the Commission to continue to develop its core grant aid activities. The participants suggested that this could be achieved through an opportunity for charities to apply for multi-year funding. Many participants also suggested that the Commission's work locally should be promoted more strongly, for example particularly through community awareness raising activities.
- 13.3 The feedback also overwhelmingly supported an increase in overseas aid funding, both in terms of the size of individual grants and the period over which the grant is made available. A summary of feedback from the workshops is included at Appendix 2.
- 13.4 In addition, a number of those attending were keen to see the Commission support capacity building in least developed countries, especially where the Island has established relationships. The suggestions focused on investment in sharing "soft skills" rather than the more traditional work-party approach. The discussions recognised that Guernsey has a wealth of experience in financial services, especially compliance and anti-money laundering. These skills are essential in enabling developing countries to strengthen their own economies, as well as helping to create an environment of good governance in which we can be confident that funding for international development reaches the intended communities and helps to lift the beneficiaries out of poverty.
- 13.5 Since its establishment in 1980, the Commission's underlying objective has been to provide some of the world's poorest communities with a hand up rather than a hand-out. In reviewing its grant making policies, the Commission is mindful that it is building on 40 years of commitment by Guernsey in supporting overseas development.

- 13.6 The Commission has consulted with the Policy & Resources Committee in respect of this policy letter; particularly in respect of the financial proposals and the proposed amendment to the Commission's mandate, which touch directly on the Committee's responsibilities.
- 13.7 The Commission has also consulted,
- The States' Director of Financial Crime Policy regarding a comprehensive anti-money laundering/counter terrorist financing regime to ensure the distributions made by the Commission comply with Financial Action Task Force standards for best practice<sup>12</sup>;
  - Jersey's newly appointed Minister for International Development and the Chief Executive of Jersey Overseas Aid.

#### **14. Resources and Administration**

- 14.1 The Internal Audit Report recommended that:

"The Secretary, OA&DC, should develop an internal resourcing plan as part of the recommendations for 2020 onwards. This plan should provide a costed plan for the support costs required for effective governance based on the possible future shape of the programme at the different levels (0.2%, 0.3%, 0.5% and 0.7%)."

- 14.2 The proposals in this paper, in particular those relating to multi-year grants and disaster and emergency relief awards, should enable the Commission to manage a large budget, without the requirement for any significant additional staff resources, while maintaining a high level of due diligence to ensure proper oversight and accountability and to mitigate risk.
- 14.3 The Commission does not currently have an administrative budget but these costs, including in respect of its Secretary (0.4FTE), are funded from within the budget of the Policy & Resources Committee. The Commission has discussed these arrangements with the Policy & Resources Committee and it has been agreed that the operating costs of the Commission should be accounted for from within the Commission's budget and a budget transfer of the relevant amount will be made.
- 14.4 This approach should lead to greater transparency and enable sensible planning for the year ahead by the Commission to compile a budget including training and development for officers and Commissioners; subscriptions; audit; advertising; postage and printing, etc.

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<sup>12</sup> [http://www.fatf-gafi.org/documents/guidance/?hf=10&b=0&s=desc\(fatf\\_releasedate\)](http://www.fatf-gafi.org/documents/guidance/?hf=10&b=0&s=desc(fatf_releasedate))

- 14.5 Further, the Commission has agreed with the Policy & Resources Committee that there is a need to revisit its staffing structure, to ensure that there is an appropriate level of staff resources to provide a high level of scrutiny of the awards and grants the Commission makes.
- 14.6 The Commission is confident that the proposals to increase the Commission's budget to 0.2% should not require new staff resources, but rather a different mixture of staff, to support the Commission in the distribution and monitoring of awards. This will be achieved within the current headcount. The Commission believes that the reduction in the number of individual awards it makes each year and inviting applications for single year and multi-year awards at different times, will off-set the additional work required arising from the strengthened due diligence assessments.

## 15. Governance

- 15.1 The Commission, in consultation with the Policy & Resources Committee, has recognised the need to clarify one aspect of its **mandate**. At present, the mandate states that the Commission is,

"to carry out the duties and powers above in accordance with policies set out by the Policy & Resources Committee."

- 15.2 This wording is open to differing interpretations. It could be read as suggesting that the Policy & Resources Committee should bring to the States any policy letters concerning overseas aid. States' Members involved with the States' Review Committee confirmed, at the start of this term, this was never its intention. Further, the Policy & Resources Committee has not sought to take the lead on developing policy in respect of overseas aid. However, the two bodies work closely together on policy development; and, in particular, the Policy & Resources Committee reviews changes to the Commission's operational policies. This involvement is an appropriate way of assuring adequate political oversight of the Commission's work, as there would otherwise be a high level of risk associated with having only one political member on the Commission.

- 15.3 Having consulted with the Policy & Resources Committee, the Commission recommends that this part of its mandate is redrafted to more clearly reflect current practice, as follows:

"to carry out its duties and powers in accordance with operational policies approved by the Policy & Resources Committee, and the strategic direction set by the States."

Furthermore, an update on the work of the Commission is included in its Annual Reports, which are published on [gov.gg/overseasaid](http://gov.gg/overseasaid) and routinely submitted as Appendix reports to Billets d'État. The annual report for 2018 is due to be published shortly and provides a comprehensive overview of the Commission's work in the past year.

## **16. Conclusion**

- 16.1 The proposals in this policy letter include significant changes to the Commission's approach to funding overseas aid on behalf of the States. However, as we approach the 40<sup>th</sup> anniversary of the establishment of the Guernsey Overseas Aid Committee, it is perhaps an opportune time for the Commission to revisit its policies and approaches to delivering overseas aid.
- 16.2 During the last 40 years the need for development aid to assist the world's poorest communities has not diminished. Indeed, whilst the geographic focus of Guernsey's development aid may have changed, the gap between the most developed and least developed countries has arguably widened.
- 16.3 If the States agrees that, as a result of the 2018 States' Resolution, the Commission's budget should increase towards 0.2% of Guernsey's GDP over the ten years leading to its 50<sup>th</sup> anniversary in 2030, then it is clear that the way the Commission delivers overseas aid also needs to change to support this.
- 16.4 Further, like all jurisdictions, Guernsey and so by association the Commission, is subject to risks relating to the misuse of funds. The Commission must, alongside the States of Guernsey and all organisations involved in transactions with other jurisdictions, continue to ensure that it has appropriate safeguards in place to mitigate the risk of its awards being misdirected towards significant crimes like bribery and corruption, or terrorist financing.
- 16.5 The future of the Commission relies on the continued confidence of the States of Guernsey and the general public that the awards it makes will reach their intended beneficiaries, and provide their basic needs such as clean water, schools and hospitals, and opportunities to develop sustainable livelihoods.

## **17. Summary of Recommendations**

- 17.1 In summary, the Commission is recommending the States agree:
  - (a) To the proposed future policy of overseas aid giving as set out in Table 3, paragraph 10.6, of the policy letter;
  - (b) That, in 2020, the funding allocated to the Overseas Aid & Development Commission should be increased by inflation only, and to direct the Policy

& Resources Committee to take this into account when recommending Cash Limits as part of the annual Budget Report;

- (c) That the States of Guernsey should adopt a target for its overseas aid budget of 0.2% of GDP by 2030, and to direct the Policy & Resources Committee to include a strategy to achieve this target within the Medium Term Financial Plans spanning the period 2022 to 2029;
- (d) That, until such time as Guernsey's overseas aid budget reaches 0.2% of GDP, consideration should be given to allocating a proportion of any annual surpluses achieved by the States of Guernsey in excess of that budgeted towards overseas aid, and to direct the Policy & Resources Committee to include proposals to that effect in successive States' Budgets in the event of such a surplus;
- (e) That the Commission's mandate, as set out in the Rules of Procedure of the States of Deliberation and their Committees, should be amended by the deletion of: "to carry out the duties and powers above in accordance with policies set out by the Policy & Resources Committee" and the substitution therefor of: "to carry out its duties and powers in accordance with operational policies approved by the Policy & Resources Committee, and the strategic direction set by the States".

## **18. Compliance with Rule 4**

- 18.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 18.2 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- 18.3 In accordance with Rule 4(3), the Committee has included Propositions which will involve additional annual spending by the States of some £3 million once the 0.2% of GDP target is reached.
- 18.4 In accordance with Rule 4(4), the Propositions have the unanimous support of the President and Commissioners of the Overseas Aid & Development Commission.
- 18.5 In accordance with Rule 4(5), details of the consultation undertaken by the Commission are set out above. The proposals in this policy letter reflect the Commission's mandate,



"to distribute funds voted by the States for aid and development overseas by making contributions to on-going programmes and to emergency and disaster relief" and "to develop programmes relating to the collection and distribution of funds involving the private sector."

- 18.5 This policy letter arises directly from a 2018 States' Resolution<sup>13</sup> and contributes to the theme of the Policy & Resource Plan relating to "Our Place in the World", in particular the development of a "mature international identity" for Guernsey.

Yours faithfully

E. A. Yerby  
President

J. Moore  
Vice-President (Commissioner)

P Bodman  
M McGuinness  
T de Nobrega  
N Paluch  
B Pill  
(Commissioners)

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<sup>13</sup> Billet d'État XXVI, Amendment 4A, 6 November 2018

## Appendix 1

The below table sets out the Commission's response to the recommendations identified during the course of this internal audit.

<b><i>Critical</i></b>	
<b>Recommendation</b>	<b>Status</b>
The Secretary, OA&DC, should produce new guidance detailing the minimum standards for governance and oversight between the UK grant recipient and their in-country delivery partner	Partly completed – when introducing the registration process, the Commission took the opportunity of explaining the minimum standards for governance and oversight between the UK grant recipient and their in-country delivery partner a charity will need to achieve to satisfy the registration requirements; the Commission's guidance notes have also been revised; a checklist for the Commissioners is being prepared to assist them when considering future applications for grant aid funding
The Secretary, OA&DC, should develop an internal resourcing plan as part of the recommendations for 2020 onwards. This plan should provide a costed plan for the support costs required for effective governance based on the possible future shape of the programme at the different levels (0.2%, 0.3%, 0.5% and 0.7%)	Addressed in the Commission's policy letter dated 15 <sup>th</sup> May 2019
The Secretary, OA&DC, should update the grant agreement to clearly articulate the Commission's rules and requirements in relation to management of the grant	Completed – the Commission revised and strengthened the 2019 grant agreement during the audit process; it also revised the relevant sections in its guidance notes for charities

<b><i>Highly Desirable</i></b>	
<b>Recommendation</b>	<b>Status</b>
The Secretary, OA&DC, should consider the recommendations on programme development as part of the already initiated review for 2021 onwards	Addressed in the Commission's policy letter dated 15 <sup>th</sup> May 2019
The Secretary, OA&DC, should liaise with the Finance Business Partner to request a new profit centre for Community Partnership Awards	Completed

The Secretary, OA&DC, should consider reviewing guidance on budgeting in relation to claims for overheads	Completed – the Commission’s guidance notes for applicant charities has been updated to address budgeting in relation to claims for overheads
The Secretary, OA&DC, should consider proposing a new ‘red line’ for inclusion in the registration process; inaccurate or incomplete records held at Charity Commission (or relevant regulator) and Companies House (if applicable)	Completed; a full list of “red lines” is now set out in the Commission’s guidance notes for charities applying for funding
The Secretary, OA&DC, should develop and implement a risk based approach for due diligence assessments	Completed - pre-existing due diligence assessment process has been further revised and strengthened
The Secretary, OA&DC, should review the recommendations to strengthen the enhanced due diligence process and develop and agree an implementation plan with the Commission	Ongoing - pre-existing due diligence assessment process has been further revised and strengthened; the Commission is committed to implementing the revised enhanced due diligence as part of the 2020 funding round <sup>14</sup>
The Secretary, OA&DC, should review the current arrangements for raising complaints/whistleblowing in the special context of the Commission programme	Ongoing – the Commission is in discussion with the States Deputy Whistleblowing Officer to ensure that strengthened arrangements for raising complaints are dovetailed with the States Whistleblowing Policy
The Secretary, OA&DC, should present a paper to the Commission recommending that funding be allocated to expenditure verification audits for higher value projects	Ongoing - this recommendation will be addressed when the Commission prepares its policy for such higher value projects and the associated guidance notes and due diligence checks, etc.; the Commission will make such higher value awards as part of the 2021 funding round <sup>15</sup>
The Secretary OA&DC, should consider developing an annual process of management ‘spot checks’ for lower value projects	Ongoing - this recommendation will be addressed when the Commission prepares its policy for such lower value projects and the associated guidance notes and due diligence checks, etc.; the Commission will make this part of the 2021 funding round <sup>16</sup>
The Secretary, OA&DC, should develop and agree minimum standards for financial	Ongoing – the Commission is currently preparing minimum reporting standards

<sup>14</sup> The 2020 funding round will be launched in early June 2019 and awards confirmed during Q4 of 2019 and Q1 of 2020.

<sup>15</sup> The 2021 funding round for higher value awards will be invited in Q4 of 2020/Q1 of 2021

<sup>16</sup> The 2021 funding round for lower value awards will be invited in Q4 of 2020

reporting and should be included in the grant agreement document	and these will form part of the grant agreements for the 2020 funding round
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<b><i>Desirable</i></b>	
<b>Recommendation</b>	<b>Status</b>
The Secretary, OA&DC, should review the registration process in twelve months' time to assess effectiveness and efficiency and take steps to make required improvements	Ongoing - a registration process was introduced in March 2019 for charities that had not previously applied for funding; had applied but had been unsuccessful or that had not received funding since 2017; this will be reviewed later in 2019 and amended as may be required to reflect feedback from the charities and best practice in undertaking due diligence checks, etc.
The Secretary, OA&DC, should consider liaising with Accounting for International Development with a proposal to act as an intermediary in communicating opportunities for pro bono accounting/audit support for small charities	Ongoing – initial introductions have been made; the Commission hopes to be able to agree a partnership with Accounting for International Development ahead of the 2021 funding round
The Secretary, OA&DC, should consider sign-posting some of the free training resources available on mitigating the risk of financial crime in the grant aid guidance document	Ongoing – the Commission is currently compiling a list of training resources and will make this list available to the many charities it works with as well as via its website
The Secretary, OA&DC, should produce an annual lessons learned report with recommendations for improvement and should be reviewed/approved by the Commission	Ongoing – the Commission will reflect this recommendation when drafting its 2018 Annual Report and include lessons learned and proposals for improvement within its reporting on the existing section addressing compliance matters

## Appendix 2

The below table shows the various suggestions made by the participants in the two workshops the Commission held in February 2019 to help inform its development of its proposals for the future delivering overseas aid in accordance with its mandate.

Ensure PR on options, etc. is done ahead of the publication of Policy Letter	Incremental changes if budget is increased	Increase amount used for matched funding	Consider supporting exchange opportunities for people to gain skills in Guernsey and take them back to the home communities
Introduce multi-year funding opportunities as assists charities with financial planning	Recognise and build on importance of local connections in Guernsey	Promote criteria for funding, e.g. focus on basic needs, position on UN HDI, sustainability, etc.	Promote “gap” between poverty in Guernsey and poverty in least developed countries
More publicity of awards made, using social media, videos, etc.	Provide funding for awareness raising	Investigate opportunities for Guernsey to promote Guernsey cows and goats for export to least developed countries	Work to identify opportunities for Crown Dependency partnerships to fund larger projects
Make greater use of opportunities offered through CPA meetings; e.g. prepare packs for Guernsey delegates on projects in Commonwealth countries	Recognise need for more staff resources to support the Commission to ensure appropriate level of oversight and due diligence maintained when budget increases	Identify opportunities to follow-up on projects in the medium to long-term; e.g. invite charities to provide a 3-year or 5-year update report	One-year funding is too restrictive; consider 2 and 3-year funding

Increase funding period; 1-year often too short to demonstrate sustainable changes	Support for local charities in finding volunteers for key roles; e.g. treasurers, application writers, etc.	More education about what Commission do; many people simply don't know about the difference funding from Commission makes	Don't limit grants to Guernsey charities but ensure there is appropriate support for them
Support Guernsey INGOs to develop best practice for their governance and work	Flexibility is key	1-year projects doesn't always have best impact for sustainable change	Need to continue to see the global picture
Identify opportunities to link to Guernsey as a Fairtrade Island	Add medium and long-term reporting points to understand how projects have progressed once funding has finished	Offer more opportunities for Guernsey INGOs to secure funding	Increase profile of OA&DC's work and how it supports world's poorest communities
If budget is increased, increase size and duration of grants	Don't really want to go down Jersey approach of a fixed list of which INGOs may apply	OA&DC's budget should be more proportionate with Guernsey's GDP	0.5% of GDP would seem about right
Look for opportunities to work with business to develop CSR initiatives	Increase period over which funding is available	Invest in production of material to promote impact and outcome of projects funded by OA&DC	Move away from support for large INGOS unless demonstrating close links with Guernsey

CSR projects need to be tangible and deliverable	Provide extra opportunities for Guernsey INGOs to secure additional funding	Refresh current criteria	Review current funding criteria; e.g. more focus on mitigation of impact of climate change
Go into the schools; connect with new vision for education	Link OA&DC-sponsored projects to school curriculum and provide support material	Approved list of charities could be positive move as could help build stronger partnerships	Longer-term projects will allow for a greater understanding of the impact of a project
Offer funding for charities to build on success of project and so develop and strengthen its impact	Use Guernsey's knowledge and expertise; e.g. financial inclusion	Settle on themes for projects	Greater focus on environmental projects as could help mitigate need for future funding
Budget needs to allow for impact evaluation	Use public sector staff to share skills overseas	Is "aid" the right word?	Rename Commission as International Development Commission
Offer mix of funding options – 1-year, multi-year and particular themed projects	Do quite like Guernsey's approach	Support for overseas aid begins at "home" – keep promoting	Skills transfer; e.g. focus on anti-corruption drive in some least developed countries
Ensure Commission has sufficient administrative and staff resources	Identify opportunities to target development messages; e.g. through where our food comes from	Support schools to develop links with schools in least developed countries	Suggest combination of niche focused projects (e.g. micro-finance) and more broad-brush projects

Challenge presumption that Commission does not generally fund in-country salaries; some good projects are very people dependent	Consider asking charities to provide short video about project and get these professionally linked to make Commission promotional video	Focus should remain on projects; impact funding and other initiatives should run in tandem but not take away from main focus	Use skills in financial service industry to feed into development projects; e.g. micro-finance, financial management, prevent of financial crime, etc.
Look at what Guernsey can offer in terms of skills	Increase upper limit for grants from current £40,000 level	Stage exhibition of the Commission's work	Consider scope for twinning; e.g. establishing partnership with another country
Consider developing a volunteering programme linked to a twinning partnership	If climate change becomes a project focus, may need to revisit which countries Commission considers; e.g. countries within Amazon region	Like idea of focus on small island communities – natural empathy with Guernsey	Should Guernsey twin with other islands communities at the lower end of the UN Human Development Index
Maintain focus on UN HDI	Consider an annual event promoting the Commission's work	It's all about the story!	Sell the impact!
Consider whether Commission should look to work more closely under a CI Public Sector Oversight Board	Make greater use of social media to promote the impact of Commission funding	Develop links to other Guernsey economic projects; e.g. "green" agenda	Partner with particular regions



Offer separate pots to smaller and larger charities; level the application playing field	Identify opportunities of more matched funding with Guernsey business; e.g. telecoms providers to support projects using mobile technologies	Consider introducing an element of participatory budgeting; i.e. public invited to choose where some of funding is sent	Criteria and process for getting on any fixed lists for charities and countries should be open and transparent and regularly reviewed
Provide training for Guernsey charities in relation to good governance and due diligence	Provide interactive map of location of Guernsey funded projects to encourage Islanders to visit them	Identify opportunities through the Commonwealth Parliamentary Association to promote partnerships	Consider Commission Facebook page and Twitter account; or make greater use of States accounts

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**OVERSEAS AID & DEVELOPMENT COMMISSION**

**OUR PLACE IN THE WORLD: THE NEXT TEN YEARS OF OVERSEAS AID IN GUERNSEY**

The President  
Policy & Resources Committee  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
Guernsey

23<sup>rd</sup> May, 2019

Dear Deputy St Pier

**Preferred date for consideration by the States of Deliberation**

In accordance with Rule 4(2) of the Rules of Procedure of the States of Deliberation and their Committees, the Overseas Aid & Development Commission requests that the Propositions be considered at the States' meeting to be held on 17<sup>th</sup> July, 2019.

The policy letter is responding to amendment 4A to the 2019 Budget, directing the Commission:

*"to research and recommend to the States, by no later than April 2019, a range of initiatives which could increase the States of Guernsey's contribution to international development to 0.2%, 0.3%, 0.5% or 0.7% of GDP over the 5-10 year period beginning 1<sup>st</sup> January 2020 and ending between 31<sup>st</sup> December 2025 and 31<sup>st</sup> December 2030."*

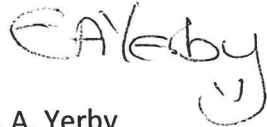
Further, as set out at paragraph 2.3 of the policy letter, the submission has been deferred by a few weeks from the original deadline, with the agreement of the Policy & Resources Committee, in order to also include a response to the Internal Audit Unit's review of the Commission's policies and procedures, which took place in early 2019.

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Finally, the Commission is mindful that policy letter contains Propositions which, if supported, will need to be taken into consideration by the Policy & Resources Committee when it is finalising the States' Budget for 2020.

• Yours sincerely

A handwritten signature in black ink, appearing to read "E. A. Yerby" with a stylized flourish at the end.

E. A. Yerby  
President

J. Moore  
Vice-President (Commissioner)

P Bodman  
M McGuinness  
T de Nobrega  
N Paluch  
B Pill  
(Commissioners)

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**COMMITTEE *FOR* ECONOMIC DEVELOPMENT**

PROPOSED AMENDMENTS TO THE GUERNSEY COMPETITION AND REGULATORY  
 AUTHORITY ORDINANCE, 2012 AND RE-APPOINTMENT OF THE CHAIRMAN

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled Proposed Amendments to the Guernsey Competition and Regulatory Authority Ordinance, 2012 And Re-Appointment of the Chairman they are of the opinion:-

1. To approve the proposals set out in section 3 of the Policy Letter to amend the Guernsey Competition and Regulatory Authority Ordinance, 2012 to allow a power of delegation, by the Guernsey Competition and Regulatory Authority, to its Chief Executive in respect of the following functions:
  - a. serving a notice requiring the production of documents and information under section 23(1), (2) or (3) of the Competition (Guernsey) Ordinance, 2012 (the “**Competition Ordinance**”);
  - b. refusing an undertaking consent for the provision of copies of documents, instead of originals, under section 26 of the Competition Ordinance or to impose, vary or rescind any term, or condition, in respect of any such consent;
  - c. giving an undertaking a direction under section 27(1) of the Competition Ordinance;
  - d. refusing an undertaking access to documents, or refusing to allow an undertaking to copy documents, under section 28(2) of the Competition Ordinance or to impose, vary or rescind any term, or condition, in respect of any such access or copying;
  - e. exercising any relevant power (to the extent that it is one of the administrative functions identified above) in relation to an undertaking, at the request of an overseas competition authority, under section 30(1) of the Competition Ordinance;
  - f. omitting, pursuant to the provisions of section 45(2) of the Competition Ordinance, any matter from a statement of reasons given to the undertaking; and
  - g. exercising the functions set out in sections 43, 44 and 45 of the Competition Ordinance in relation to any of the administrative functions identified above.
  
2. In accordance with Paragraph 1(2) of Schedule 1 of the Guernsey Competition and Regulatory Authority Ordinance, 2012, to re-appoint Mr Michael O’Higgins,

as Chairman of the Guernsey Competition and Regulatory Authority, for a further period, from 7<sup>th</sup> September 2019 to 31<sup>st</sup> December 2019.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**COMMITTEE *FOR* ECONOMIC DEVELOPMENT**

PROPOSED AMENDMENTS TO THE GUERNSEY COMPETITION AND REGULATORY  
AUTHORITY ORDINANCE, 2012 AND RE-APPOINTMENT OF THE CHAIRMAN

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

17<sup>th</sup> July 2019

Dear Sir

**1      Executive Summary**

- 1.1      The Guernsey Competition and Regulatory Authority (the “**GCRA**”) is experiencing delays in completing investigations into breaches of competition law. These delays are due to restrictions, in respect of the GCRA’s ability to delegate certain administrative functions, imposed by the Guernsey Competition and Regulatory Authority Ordinance, 2012 (the “**Ordinance**”). It is proposed that selective amendments are made to the Ordinance to remove these restrictions and allow for the delegation of specific functions to the Chief Executive of the GCRA.
- 1.2      The term of appointment of the Chairman of the GCRA is due to expire on the 6<sup>th</sup> September 2019 (the “**End Date**”). A recruitment process for the appointment of a new Chairman is in progress. To ensure operational continuity in respect of the GCRA, it is the recommendation of the Committee *for* Economic Development (the “**Committee**”) that the States of Deliberation re-appoint the current Chairman, Michael O’Higgins, for a further period until 31<sup>st</sup> December 2019. It is anticipated that this short term appointment will allow for the recruitment process to be completed and a preferred candidate identified.

**2      Legislative Amendments**

- 2.1      The GCRA was established pursuant to the Ordinance.
- 2.2      The GCRA is a statutory body with responsibility for enforcing competition law

in Guernsey. Guernsey's competition law is set out in the Competition (Guernsey) Ordinance, 2012 (the "**Competition Ordinance**").

- 2.3 The GCRA consists of a minimum of 3 members, one of which is, and must be, the Chairman. The Chairman and the members together comprise the board of the GCRA (the "**Board**"). The members are appointed by the Committee after consultation with the Chairman and the Chairman is appointed by the States of Deliberation on the recommendation of the Committee.
- 2.5 Currently, the Chairman and one member are based in the U.K., two members are based in Guernsey and the final member is based in Jersey. The Board meets, on average, once each calendar month.
- 2.6 The Board has sole responsibility for carrying out a number of administrative functions in respect of any investigation of a breach of competition law (the "**Routine Functions**"). The effecting of the Routine Functions can only take place at a duly convened Board meeting, which are scheduled monthly. It is often difficult, or sometimes impossible, to convene meetings outside of this monthly programme. Decisions in respect of the Routine Functions can only be taken by the Board because the Ordinance contains a restriction prohibiting delegation, by the Board, to any members, officers or employees of the GCRA.
- 2.7 GCRA investigations are being slowed, due to the Routine Functions requiring Board approval. This delay is having adverse effects as it (i) prolongs the investigation of the business, the subject of the same, (ii) leaves those parties, who are being adversely affected by anti-competitive behaviour, exposed to that behaviour for a longer period than is necessary, (iii) means that GCRA resources remain dedicated to an investigation (and thus unable to be redirected to other priority areas of work) for longer than would otherwise be necessary and (iv) is inefficient in terms of time, and cost, for both the Board and GCRA officers.

### **3 Proposal**

- 3.1 The GCRA is seeking to have amendments made, to the Ordinance, to allow the Board to delegate the Routine Functions to the Chief Executive.
- 3.2 Whilst a power to delegate exists in the Ordinance it is restricted (i) in respect of any onward delegation by a delegatee and (ii) where there is a right of appeal in respect of the power in question or where the Board must consider representations in respect of the exercise of the power. These restrictions cut cross the Routine Functions.
- 3.3 The Routine Functions, for which a power to delegate is requested, are:

- 3.3.1 serving a notice requiring the production of documents and information under section 23(1), (2) or (3) of the Competition Ordinance;
  - 3.3.2 refusing an undertaking<sup>1</sup> consent for the provision of copies of documents, instead of originals, under section 26 of the Competition Ordinance or to impose, vary or rescind any term, or condition, in respect of any such consent;
  - 3.3.3 giving an undertaking a direction under section 27(1) of the Competition Ordinance;
  - 3.3.4 refusing an undertaking access to documents, or refusing to allow an undertaking to copy documents, under section 28(2) of the Competition Ordinance or to impose, vary or rescind any term, or condition, in respect of any such access or copying;
  - 3.3.5 exercising any relevant power (to the extent that it is one of the administrative functions identified above) in relation to an undertaking, at the request of an overseas competition authority, under section 30(1) of the Competition Ordinance;
  - 3.3.6 omitting, pursuant to the provisions of section 45(2) of the Competition Ordinance, any matter from a statement of reasons given to the undertaking; and
  - 3.3.7 exercising the functions set out in sections 43, 44 and 45 of the Competition Ordinance in relation to any of the administrative functions identified above.
- 3.3 It is proposed that Paragraph 13 of Schedule 1 of the Ordinance be amended so that the Routine Functions are excluded from the restrictions in respect of delegation.

#### **4 Appointment of Chairman**

- 4.1 Under Paragraph 1(2), Schedule 1 of the Ordinance, the States of Deliberation shall appoint the Chairman of the GCRA, on the recommendation of the Committee.
- 4.2 The term of appointment for the Chairman of the GCRA is due to expire on 6<sup>th</sup> September 2019.
- 4.3 A recruitment process for the appointment of a Chairman is currently in

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<sup>1</sup> Having the meaning given in section 60 of the Competition Ordinance.



process, in conjunction with representatives in Jersey in relation to the Jersey Competition and Regulatory Authority.

- 4.4 To ensure operational continuity, and whilst the recruitment process is ongoing, it is the recommendation of the Committee that the States of Deliberation re-appoint Mr. Michael O'Higgins as Chairman of the GCRA for a further period, from 7<sup>th</sup> September 2019 to 31<sup>st</sup> December 2019. It is anticipated that this short term appointment will allow for the recruitment process to be completed and a preferred candidate identified.
- 4.5 If reappointed in Guernsey, Mr O'Higgins would continue as Chairman of the Channel Islands' Competition and Regulatory Authority until 31<sup>st</sup> December 2019.

## **5 Compliance with Rule 4**

- 5.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 5.2 In accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the proposition above has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- 5.3 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the proposition above has the unanimous support of the Committee.
- 5.4 In accordance with Rule 4(5) of the Rules of Procedure of the States of Deliberation and their Committees, the Propositions relate to the duties of the Committee including competition, innovation, diversification and regulation in the economy.

Yours faithfully

C Parkinson  
President

A C Dudley-Owen  
Vice-President

J I Mooney  
D Tindall

D de Lisle

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**COMMITTEE *FOR* HOME AFFAIRS**

INDEPENDENT MONITORING PANEL:  
RE-APPOINTMENTS AND NOTIFICATION OF RESIGNATIONS

The States are asked to decide: -

Whether, after consideration of the Policy Letter dated 24<sup>th</sup> May, 2019, of the Committee *for* Home Affairs, they are of the opinion:

1. to confirm the re-appointment of Mr Tony Talmage as a member, and his appointment as Chairman, of the Independent Monitoring Panel for a period of four years with effect from 28<sup>th</sup> January 2019.
2. to confirm the re-appointment of Mrs Wendy Meade as a member of the Independent Monitoring Panel for a period of four years with effect from 28<sup>th</sup> January 2019.
3. to confirm the re-appointment of Mr Peter Champion as a member of the Independent Monitoring Panel for a period of four years with effect from 28<sup>th</sup> January 2019.
4. to confirm the re-appointment of Ms Glen Ford as a member of the Independent Monitoring Panel for a period of four years with effect from 28<sup>th</sup> January 2019.
6. to confirm the re-appointment of Mrs Heather Mauger as a member of the Independent Monitoring Panel for a period of four years with effect from 28<sup>th</sup> January 2019.
7. to note the resignation of Mrs Celia Allen from the Independent Monitoring Panel with effect from 28<sup>th</sup> February 2019.
8. to note the resignation of Mr James Edward Duncan from the Independent Monitoring Panel with effect from 8<sup>th</sup> August 2019.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**COMMITTEE *FOR* HOME AFFAIRS**

INDEPENDENT MONITORING PANEL:  
RE-APPOINTMENTS AND NOTIFICATION OF RESIGNATIONS

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

24<sup>th</sup> May 2019

Dear Sir

**1. Executive Summary**

- 1.1 The purpose of this Policy Letter is to request the States to confirm the reappointment of members of the Independent Monitoring Panel ("the Panel") following the end of their current terms of office, and to confirm the appointment of Mr Anthony (Tony) Talmage as Chairman of the Panel for the next four years.
- 1.2 The Committee *for* Home Affairs ("the Committee") also wishes to notify the States of the resignation of Panel members, Mrs Celia Allen, who was appointed in February 2018 and Mr James Edward Duncan, who was appointed in September 2015.

**2. Background**

- 2.1. The Panel is an independent body made up of members of the public who make unannounced visits to Guernsey Prison. Members provide independent oversight of the day-to-day operations of the Prison and prison conditions, monitor the administration of the prison, the treatment of prisoners and whether the statutory objectives of the prison system are being met, and serve to protect the well-being of prisoners.
- 2.2. The Committee *for* Home Affairs ("the Committee") would like to take this opportunity to put on record its thanks and appreciation to all existing Panel members for their hard work, dedication and commitment to their roles.

### **3. Constitution**

- 3.1. The Panel is constituted under section 17(1) of the Prison (Guernsey) Ordinance, 2013 ("the Ordinance"), which states that *"The Committee must appoint the Chairman and other members of a panel to be known as the Independent Monitoring Panel, subject to confirmation by the States in accordance with Schedule 3"*.

### **4. Re-appointment of members**

- 4.1. The Ordinance requires the Committee to present any reappointments to the Panel to the States in the calendar year in which they are made.
- 4.2. Paragraph 1(4) of Schedule 3 to the Ordinance states that Panel members may be appointed for a period of four years or less, as the Committee may determine in each case.
- 4.3. Paragraph 1(5) of Schedule 3 to the Ordinance states that *"A Panel member may be reappointed"*.
- 4.4. Paragraph 2(3) of Schedule 3 to the Ordinance, states that following the resignation of a member, the Committee must *"notify the States of the resignation... at the first available opportunity"*.
- 4.5. Paragraph 1(7) of Schedule 3 to the Ordinance provides that, *"If any appointment made by the Committee to the Panel is not confirmed by the States before the end of the calendar year in which the appointment is made, that appointment lapses at the end of that calendar year."*

### **5. Appointment of Chairman**

- 5.1. It is noted that, following the resignation of the former Chairman, Mrs Wendy Meade in 2018, the Panel, with the consent of the Committee, appointed Mr Talmage to act as Chairman for the remainder of his term of office as a Panel member with effect from 14<sup>th</sup> June 2018 and notified the States of his appointment as Chairman in December 2018 in accordance with paragraph 2(4)(c) of Schedule 3 to the Ordinance.<sup>1</sup>
- 5.2. The Committee therefore requests that the States confirm the appointment of Mr Talmage as the Chairman of the Panel for the new term of four years in accordance with section 17 of the Ordinance and paragraph 1(7) of Schedule 3 to the Ordinance.

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<sup>1</sup> Billet d'État XXVII of 2018, Article II

## **6. Ordinary members – 4 year re-appointment**

- 6.1 The Committee is pleased to recommend that the States confirm the following individuals be re-appointed to the Panel for the maximum period of four years.
- 6.1. Mr Anthony (Tony) Talmage has been a Panel member since January 2015. Mr Talmage has demonstrated excellent listening and negotiating skills, is able to present information without bias and is capable of handling difficult situations in a considered and balanced way. Mr Talmage was recently selected by the Panel to take over as Chairman following the resignation of Mrs Wendy Meade. Mr Talmage continues to have the support of the Panel to continue in this role.
- 6.2. Mrs Wendy Meade has been a Panel member since 2007. Mrs Meade has made a significant and valuable contribution to the Panel throughout her tenure. She has dedicated herself to the role demonstrating common sense, sound judgement and fair mindedness. Mrs Meade was appointed as Chairman of the Panel in 2015 and worked hard to develop relationships, improving communications between Prison Staff and Panel members. She stood down as Chairman in 2018 for personal reasons and the Committee was pleased that Mrs Meade expressed a wish to continue her work on the Panel, as an ordinary member, as she has significant and valuable experiences to share.
- 6.3. Mr Peter Champion has been a Panel Member since January 2015. Mr Champion, is also a Member of the Independent Custody Visitors who conduct unannounced visits to Bailiwick Law Enforcement detention facilities. Mr Champion has an incisive mind and his analytical approach to issues makes a positive contribution to the work of the Panel. He has a strong sense of natural justice and has a talent for empathising with the less fortunate in society. Mr Champion is currently on a short-term sabbatical, supported by the Panel, for personal circumstances and hopes to return to the role in April 2019.
- 6.4. Ms Glen Ford has been a Panel member since August 2015. Ms Ford has recently retired from a full time position in the finance sector where she has experience in working with sensitive information and the importance of maintaining confidentiality. Ms Ford demonstrates excellent listening and communication skills and is confident in dealing with people from all backgrounds. Ms Ford feels strongly that everybody has a right to be heard and is equally aware of the need for Panel members to be impartial and act without judgement. She combines a forensic curiosity with genuine compassion when dealing with issues affecting both prisoners and prison officers. Ms Ford has been supporting Mr Talmage acting as a Deputy Chairman.
- 6.5. Mrs Heather Mauger has been a Panel member since August 2015. Mrs Mauger, now retired, has a varied working background. Most recently she was employed

within the finance sector where she gained experience working in accordance with statutory guidelines. Mrs Mauger has a keen interest in community matters and has been involved in a variety of voluntary roles. She has demonstrated effective communication skills and is comfortable interacting and dealing with prisoners of all ages and abilities.

## **7 Compliance with Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees**

- 7.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 7.2 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.
- 7.3 In accordance with Rule 4(5), the Propositions relate to the duties of the Committee to advise the States and to develop and implement policies on matters relating to its purpose including imprisonment, parole, probation and rehabilitation.

Yours faithfully

M M Lowe  
President

R G Prow  
Vice-President

R H Graham  
M P Leadbeater  
V S Oliver

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**REQUÊTE**

**ISLAND DEVELOPMENT PLAN**

The States are asked to decide:-

Whether, after consideration of the Requête titled "Island Development Plan" dated 21<sup>st</sup> May 2019, they are of the opinion:-

1. To agree that the States has the responsibility, and should have the opportunity, to direct policy adjustments to the IDP during this political term;
2. To direct the Development & Planning Authority, in consultation with the Committee *for the* Environment & Infrastructure, the Policy & Resources Committee, and other relevant stakeholders, to carry out a review of the IDP, to be brought back to the States by April 2020, that includes recommendations on how to best address the concerns expressed in Recitals 4 to 17 to this Petition, with a specific view to:
  - (a) Giving greater consideration to the cumulative impact of separate developments, and the density of development in certain areas;
  - (b) Re-evaluating the need for Development Frameworks, and any associated thresholds;
  - (c) Reconsidering the approach to prioritisation of development on Housing Allocation Areas, in a manner that affords greater protection to greenfield sites designated as Housing Allocation Areas;
  - (d) Affording protection to areas of open land, not currently classified as Important Open Land, within the main centres, main centre outer areas and local centres;
  - (e) Affording greater protection to ABIs, giving particular consideration to whether any should be re-designated as SSS;
  - (f) Incorporating the findings of the Guernsey Housing Market Review and accompanying policy letter, and bringing forward the review of land supply for housing and employment; and
  - (g) Considering how the development of Community Plans can be stimulated and supported;



3. To direct the Policy & Resources Committee to coordinate a review of the role and function of the Development & Planning Authority, as described in Recital 18 to this Petition, to be brought to the States no later than April 2020, including the constraints placed on its political and democratically-accountable character as a result of planning legislation, planning policy and other law, and how these might best be resolved; and whether or not the planning legislation should be amended to give the Development & Planning Authority discretion to make more than minor departures from a development plan where other material planning considerations weigh in favour of such a departure;
4. To direct the Policy & Resources Committee, in consultation with the Committee for the Environment & Infrastructure, the Development & Planning Authority and the States Assembly and Constitution Committee, and further to Recitals 5-7 to this Petition, to consider how to integrate reviews of the Strategic Land Use Plan into the Policy & Resource Plan process, in order to ensure alignment with States strategic objectives; to reconsider the cycle of reviews and updates associated with the SLUP and the IDP in order to enable meaningful debate within each States term; and to bring forward its recommendations in respect of timing no later than the final Policy & Resource Plan of this States term;
5. To direct the Committee for the Environment & Infrastructure to bring a policy letter to the States, no later than April 2020, on third party representations in the Planning Tribunal process, as described in Recitals 19-20 to this Petition.
6. To direct the Policy & Resources Committee to consult with the Committee for the Environment & Infrastructure, the Committee for Economic Development, the Committee for Employment & Social Security, the Committee for Health & Social Care, the Development & Planning Authority and the principal owner of the land within Leale's Yard, and to report back to the States with a policy letter on the regeneration of the Bridge area, as described in Recitals 10-11 to this Petition, no later than December 2019, containing recommendations to enable the progression of development, giving consideration to States involvement in the delivery of the development, if appropriate, including consideration of incentives and mechanisms to facilitate the development of the site and the funding of the same.
7. To direct the Policy & Resources Committee to find sufficient resources to enable the work set out in these Propositions to be achieved within the timescales directed;

8. To direct the preparation of such legislation as is necessary to give effect to their decisions.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**REQUÊTE**

**ISLAND DEVELOPMENT PLAN**

THE HUMBLE PETITION of the undersigned Members of the States of Deliberation  
SHEWETH THAT:

1. The Development & Planning Authority (DPA) is mandated to advise the States of Deliberation (the States) on land use policy and to develop and implement detailed land use policies in particular those in the Island Development Plan (IDP). The Committee *for the* Environment & Infrastructure (E&I) is mandated to protect and enhance the natural and physical environment and is responsible for advising the States on a range of matters including spatial planning (in particular the Strategic Land Use Plan (SLUP)), the protection and conservation of the natural environment and general housing policy in relation to land use, biodiversity and agriculture. The Committee *for* Employment & Social Security (ESS) is mandated to foster a compassionate, cohesive and aspirational society and it is responsible for social housing and equality and social inclusion.
2. In November 2016, the States adopted the IDP, subject to modifications originating from numerous successful amendments.<sup>1</sup> The policy letter explained the legal requirement for consistency between the SLUP and the IDP, as set out in section 8(3) of the Land Planning Law.<sup>2</sup>
3. The DPA is tasked with monitoring the IDP and proposing policy adjustments if required. The IDP has a ten year life span, over the course of which the DPA is required to produce quarterly and annual monitoring reports. These reports provide data on the effectiveness of the IDP in achieving its objectives. The first Annual Monitoring Report (AMR) was published as an appendix to Billet d'État No. XXV of 2018 and debated on the 28<sup>th</sup> and 29<sup>th</sup> November 2018. The DPA did not, however, propose any policy adjustments, and because the AMR was not

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<sup>1</sup> Billet d'État No XXVII of 2016, "The Island Development Plan- Development & Planning Authority Recommendations", Resolution 2.

<sup>2</sup> See <http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=71103&p=0>

accompanied by a policy letter the Assembly did not have an opportunity to suggest policy adjustments by amendment.

4. Your Petitioners note that during the debate on the AMR, the majority of Members took the opportunity to raise concerns in relation to the IDP and its practical implementation – for example, but not limited to:
- (a) Concerns about the cumulative impact of separate developments, and the density of development in certain areas of the Island;
  - (b) Concerns that the IDP was functioning inadequately, in part as a result of limited resources, and that the structure appeared inappropriate to a small-island community;
  - (c) A perception that greenfield sites are targeted for development, and that the DPA does not prioritise Development Frameworks in a way that would give more emphasis to brownfield sites;
  - (d) Concerns that the threshold for sites requiring Development Frameworks was set too low;
  - (e) Concerns that the amenity value of open or green land in densely populated areas isn't given enough weight in planning approval decisions;
  - (f) Concerns that an overly permissive approach to the extension of domestic curtilage was taken by the DPA;
  - (g) A perception that small greenfield sites in the main centres and main centre outer areas are not adequately protected by current policies<sup>3</sup>;
  - (h) Concerns that the Development Framers are inadequately resourced;
  - (i) A perception that the IDP is overly bureaucratic;
  - (j) Concerns that, in attempting to develop policies capable of anticipating every possible planning application, the IDP had sought to codify decisions that could only be subjective, and had become inaccessible and disproportionate to the community's needs;
  - (k) Concerns that the flexibility of the IDP to respond to changing circumstances – something many identified as a key strength in the original debate – has not materialised;
  - (l) Concerns that little work had been done to raise awareness of Community Plans, to support local communities in developing them, or to ensure their effectiveness;
  - (m) Concerns that policies within the IDP were based on unreliable data;

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<sup>3</sup> MC1 (Important Open Land in Main Centres and Main Centre Outer Areas) and LC1 (Important Open Land in Local Centres)



- (n) A perception that the DPA either does not have enough latitude to, or chooses not to, exercise sufficient political judgement, whether in the way it prioritises its own work or in the matters it refers to the States;
  - (o) Concerns that the constitution and functions of the DPA as a political body may be constrained by the legal framework in ways that were not envisaged by Members or the community; and
  - (p) Concerns that the opportunity for policy adjustments to the IDP is limited by the time and cost involved in the Planning Inquiry process.
5. Your Petitioners note that further concerns were raised regarding the timing of the original IDP debate, which was very early in the new political term. However, as this Assembly was responsible for the adoption of the IDP, your Petitioners believe it is good governance for this Assembly to make any policy adjustments to it that they feel are necessary in light of their experience of its implementation.
6. Unless a change to the IDP cycle is introduced, the future government elected in 2020 will find itself in the same scenario: a review of certain elements of the IDP (at this juncture, only the matter of land supply for housing and employment) will be brought to the States early in the new term, in October 2020, and there will be no meaningful opportunity for informed political engagement with the IDP later in the term.
7. Also, your petitioners consider that, as long as the Strategic Land Use Plan (SLUP), remains in force, E&I should consider, in consultation with P&R, whether the SLUP requires amendment as part of the process for the first resubmission of the P&R Plan to the States following a general election. This will put a process in place to ensure that the SLUP, and in turn the IDP, remain consistent with the strategic objectives of the States. It would also be consistent with the position, prior to 2016, where reviews of the SLUP were considered as part of the review of the States Strategic Plan of which it formed part.
8. Your Petitioners note that the Guernsey Housing Market Review was completed a year after the IDP was debated, and that a policy paper entitled 'Local Market Housing Review and Development of Future Housing Strategy' was debated on the 19<sup>th</sup> July, 2018<sup>4</sup>. The resolutions adopted significantly reduced the forecast housing requirements for the Island, and therefore had a fundamental bearing on policies in the IDP. Your Petitioners believe the States

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<sup>4</sup> Article 8 of Billet d'État No XIX of 2018

should have the opportunity to make policy adjustments to the IDP so as to take account of the very significant change in the number of housing units that will be required in the medium term. Arguably, greenfield sites could and should be removed from Housing Allocation Areas if there are sufficient brownfield sites to fulfil the States Strategic Housing Indicator.

9. Your Petitioners are of the strong view that, given the significant reduction in forecast housing requirements since the IDP was adopted, greenfield sites that had previously been identified as Housing Allocation Areas (HAAs) could and should now be reconsidered.
10. Furthermore, your Petitioners believe that the regeneration of the Bridge area (which includes Leale's Yard) is aligned to the P&R Plan as agreed by the States. As the President of P&R stated in his introduction to 'Future Guernsey', "our quality of life must ensure a healthy community which remains a safe, secure and attractive place to live." Therefore, the Bridge area, which spans two of the most densely populated Parishes on our island, needs immediate investment in regeneration.
11. Your Petitioners consider that the relevant States committees (in particular the Policy & Resources Committee (P&R), E&I, the Committee for Economic Development (ED), the Committee for Health & Social Care (HSC), and ESS), in consultation with the DPA, should examine what mechanisms might encourage the prioritisation of brownfield sites over greenfield sites, and (separately if necessary) the regeneration of the Bridge area specifically, and return to the States with proposals.
12. Your Petitioners note the frequent requirement for Development Frameworks (DFs) in the IDP. Since November 2016, we understand that 13 DFs have been approved, and a further 13 are currently in development. Your petitioners consider that the considerable time planning officers spend on drawing up the DFs, which only reflect already approved policy in the IDP, may be better utilised elsewhere within the DPA (for example, to support Community Plans), given that DFs are non-statutory and in practice brought forward at the behest of developers, rather than by political strategic overview.
13. Your Petitioners are concerned that in practice, greenfield sites, areas of open land and designated Areas of Biodiversity Importance (ABIs) are not given as much protection as they had expected when the IDP was originally debated;

nor has the IDP successfully prevented the significant expansion of domestic curtilage around the Island.

14. For example, the policies that designate areas of 'Important Open Land' appear to relate only to large or connected areas of land, but do not cover areas of additional land which are also arguably important. These, although small or standalone areas of land, would be considered 'greenfield' sites by our community and would appear to fall within the policy definition of important open land as: "areas of land, of varying character and quality, which are important because of their openness, providing important gaps in development and offering relief from otherwise developed areas." These policies have not been sufficient to justify refusal of permission on sites such as Maresquet (Vale) or La Pointe (Vale).
15. Similarly, the stated intention of policy GP3 is to ensure that biodiversity is protected and, where possible, enhanced, but the DPA has advised that the policy would not be used to prevent development that could have a detrimental impact on biodiversity. These concerns have been brought to the DPA's attention on various occasions, and although the DPA has assured the Assembly it will address these concerns, there have been no indications that this work is even scheduled, let alone underway.
16. Furthermore, the information used to designate sites as Areas of Biodiversity Importance in the IDP was outdated even at the time of the Planning Inquiry. While areas identified as Sites of Special Significance (SSS) were based on very recent research, other classed only as Areas of Biodiversity Importance relied on reports dating back to 2006 and 2003 respectively. It is possible that some of these may need upgrading to SSS status, but the survey work needed to establish this was not due to take place until this year, and there is formal requirement that this should be fed into the five-year review of the IDP; potentially leaving some important areas vulnerable to significant development in the interim.
17. Your Petitioners are disappointed that little work has been done to raise awareness of Community Plans or to support local communities in developing them, and are concerned that any such plans would, in any event, have little influence on the Planning process. Your Petitioners consider that this is an area which requires leadership from the DPA in order to stimulate local action, and believes that this would be a useful tool in building sustainable communities and maintaining and enhancing quality of life in the Island.



18. Your Petitioners consider that a more flexible and responsive approach to Planning matters might be achieved through changes to the constitution or function of the Development & Planning Authority, and/or through changes to the legal framework. Consideration should be given to changing the direction that the DPA can only consider "minor" departures from the IDP, and cannot therefore give the weight to other material considerations which our community might otherwise expect (an approach which is common in other jurisdictions). Your Petitioners are of the view that these opportunities to improve the responsiveness of the Planning system should be explored.
19. Finally, your Petitioners would like to see greater representation for third parties in the planning system. In the interests of fairness, your petitioners consider that a person who has made written representations on a planning application should have the right to be heard by, or have their views adequately represented to, the Planning Tribunal. It is also considered that such persons should have the right to make written representations to the Planning Tribunal in the same circumstances where an appeal is determined without a hearing.
20. In the interests of fairness for those affected by neighbouring development, your Petitioners also believe that consideration should be given to introducing a third party right of appeal against decisions on planning applications for owners or occupiers of land situated within 50 metres of any part of the application site who have made written representations on the planning application. This would be consistent with a similar third party right of appeal against planning application decisions in Jersey. Your Petitioners consider that such appeals could be required to be made within 28 days of the DPA decision to avoid an extended period of uncertainty for land owners and developers.

#### **What this Requête is seeking**

21. The propositions in this Requête seek, in particular:
  - (a) Alignment of IDP (and potentially SLUP) timescales, including the reviews of housing land supply and of biodiversity, to allow informed political decisions to be taken on planning policy during each States term, in a manner that aligns with the Policy & Resource Plan;
  - (b) A review of the Planning system, before the end of this States term, to ensure that it is appropriately simple and flexible, and that the powers of the Planning Service, the Development & Planning Authority, and the



Tribunal enable decision-making to happen at the appropriate level and with the responsiveness that would be expected by our community;

- (c) Recommendations from the DPA on how to enhance protection of biodiversity (through policies relating to SSS and ABI sites); how to protect greenfield sites from development (through policies relating to important open land, and through a reconsideration of Housing Allocation Areas); how to stimulate the development of Community Plans; and a re-evaluation of its approach to domestic curtilage;
- (d) Recommendations from the relevant Committees, coordinated by P&R, to encourage and enable regeneration of the Bridge area; and
- (e) Recommendations from E&I to address the matter of third-party representation in the Planning application and appeals process.

22. Your Petitioners request the Policy & Resources Committee to find the resources necessary to enable this work to take place promptly, in order that this Assembly can debate any proposed changes to the IDP or the Planning system prior to the end of this States term, informed by the experience States Members have gained, since October 2016, of the operation of the Planning system in practice. Your Petitioners are of the strong view that this States, having enacted the IDP, are accountable for its consequences, and good governance demands that we address concerns raised by our community and give the political direction that is required.

## Costs

23. In accordance with Rule 4 of the Rules of Procedure of the States of Deliberation, your Petitioners have sought an indication of costs for the work set out in these propositions, and have received the following 'best guess' estimates from officers of the Planning service, in respect of costs that would be faced by the Development & Planning Authority:

<b>Review of the IDP including:</b>	<b>£200,000</b>
<ul style="list-style-type: none"> <li>• Review of housing land supply</li> <li>• Review of employment land supply</li> <li>• Examining mechanisms for the development of brownfield sites over greenfield sites</li> <li>• Various options for Development Frameworks, and their impact and implications</li> </ul>	

<ul style="list-style-type: none"> <li>• Examination of Important Open Land including criteria for designation and review of extent and number</li> <li>• Review of extent of protection in ABIs and options to strengthen protection</li> </ul>	
<b>Review of the Planning system, including:</b> <ul style="list-style-type: none"> <li>• Role of the SLUP within the planning process</li> <li>• Role of planning inquiries and examination of alternative mechanisms and impacts</li> <li>• Role and function of the DPA</li> </ul>	<b>£100,000</b>
Examination of the mechanisms, processes and procedures, and legal provisions, required to implement a <b>third party appeal system</b>	<b>£50,000</b>
A Development Framework or other overall plan for the development of Leale's Yard [that is, the regeneration of the Bridge area]	<b>£50,000</b>
Resources for input and oversight of the above and for additional work on the review and in relation to community plans = 2 FTE staff	<b>£100,000</b>
	<b>£500,000</b>

THESE PREMISES CONSIDERED, YOUR PETITIONERS humbly pray that the States may be pleased to resolve:

1. To agree that the States has the responsibility, and should have the opportunity, to direct policy adjustments to the IDP during this political term;
2. To direct the Development & Planning Authority, in consultation with the Committee *for the* Environment & Infrastructure, the Policy & Resources Committee, and other relevant stakeholders, to carry out a review of the IDP, to be brought back to the States by April 2020, that includes recommendations on how to best address the concerns expressed in Recitals 4 to 17 to this Petition, with a specific view to:
  - (a) Giving greater consideration to the cumulative impact of separate developments, and the density of development in certain areas;
  - (b) Re-evaluating the need for Development Frameworks, and any associated thresholds;

- (c) Reconsidering the approach to prioritisation of development on Housing Allocation Areas, in a manner that affords greater protection to greenfield sites designated as Housing Allocation Areas;
  - (d) Affording protection to areas of open land, not currently classified as Important Open Land, within the main centres, main centre outer areas and local centres;
  - (e) Affording greater protection to ABIs, giving particular consideration to whether any should be re-designated as SSS;
  - (f) Incorporating the findings of the Guernsey Housing Market Review and accompanying policy letter, and bringing forward the review of land supply for housing and employment; and
  - (g) Considering how the development of Community Plans can be stimulated and supported;
3. To direct the Policy & Resources Committee to coordinate a review of the role and function of the Development & Planning Authority, as described in Recital 18 to this Petition, to be brought to the States no later than April 2020, including the constraints placed on its political and democratically-accountable character as a result of planning legislation, planning policy and other law, and how these might best be resolved; and whether or not the planning legislation should be amended to give the Development & Planning Authority discretion to make more than minor departures from a development plan where other material planning considerations weigh in favour of such a departure;
  4. To direct the Policy & Resources Committee, in consultation with the Committee for the Environment & Infrastructure, the Development & Planning Authority and the States Assembly and Constitution Committee, and further to Recitals 5-7 to this Petition, to consider how to integrate reviews of the Strategic Land Use Plan into the Policy & Resource Plan process, in order to ensure alignment with States strategic objectives; to reconsider the cycle of reviews and updates associated with the SLUP and the IDP in order to enable meaningful debate within each States term; and to bring forward its recommendations in respect of timing no later than the final Policy & Resource Plan of this States term;
  5. To direct the Committee for the Environment & Infrastructure to bring a policy letter to the States, no later than April 2020, on third party representations in the Planning Tribunal process, as described in Recitals 19-20 to this Petition.

6. To direct the Policy & Resources Committee to consult with the Committee for the Environment & Infrastructure, the Committee for Economic Development, the Committee for Employment & Social Security, the Committee for Health & Social Care, the Development & Planning Authority and the principal owner of the land within Leale's Yard, and to report back to the States with a policy letter on the regeneration of the Bridge area, as described in Recitals 10-11 to this Petition, no later than December 2019, containing recommendations to enable the progression of development, giving consideration to States involvement in the delivery of the development, if appropriate, including consideration of incentives and mechanisms to facilitate the development of the site and the funding of the same.
7. To direct the Policy & Resources Committee to find sufficient resources to enable the work set out in these Propositions to be achieved within the timescales directed;
8. To direct the preparation of such legislation as is necessary to give effect to their decisions.

AND YOUR PETITIONERS WILL EVER PRAY  
GUERNSEY

This 21<sup>st</sup> day of May 2019

Deputy J S Merrett

The original signed copy of  
this Requete is held at the  
Greffé

Deputy R H Graham

Deputy H J R Soulsby

Deputy M J Fallaize



Deputy E A Yerby

Deputy C N K Parkinson

Deputy H L De Sausmarez

**STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**DEPUTY J.S. MERRETT & SIX OTHERS**

REQUETE: ISLAND DEVELOPMENT PLAN

The President  
Policy & Resources Committee  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

21 May, 2019

Dear Deputy St Pier

**Preferred date for consideration by the States of Deliberation**

In accordance with Rule 4(2) of the Rules of Procedure of the States of Deliberation and their Committees, the Requerants request that the Propositions be considered at the States Meeting to be held on 17 July, 2019.

The Requete seeks work to be undertaken before the end of this States' term. It is therefore important to allow the Development & Planning Authority, and other relevant Committees, the greatest possible opportunity to deliver on the direction of the States, and enable a meaningful States' debate to take place before the end of this term. In order to do so, it is vital that the States have the opportunity to debate this Requete by July at the latest.

Yours sincerely

J S Merrett

R H Graham

H J Soulsby

M J Fallaize

E A Yerby

C N Parkinson

H L De Sausmarez

# GUERNSEY PRISON

Annual Report 2018

## VISION

We ensure public protection and commit to reduce re-offending

## MISSION

We provide a safe and secure environment that enables prisoners to address the causes of offending behaviour and provide them with values, skills and experience to take a positive role in the community upon release

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## GOVERNORS FOREWORD

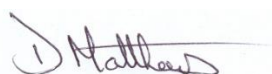
I am pleased to report another successful year over the course of 2018. The majority of priorities identified in the 2018 delivery plan have been achieved. I am particularly pleased with the installation of in cell computers, the successful completion of Skyfence and the installation of a new cell call system. Priorities that were not met, mainly due to insufficient capital funding have, in the main, been carried forward to 2019.

After 5 years of relatively low prison numbers, 2018 saw an increase in the prison roll during the last quarter of the year; the roll reached 120 in December. This caused some concern that the prison would run out of available space if the trend had continued. Trying to predict the prison roll is very difficult and is a matter which is continually monitored.

I was very pleased to see a significant increase in the numbers of qualifications and awards obtained by prisoners; increases were seen in academic and vocational awards. In addition, the CLIP Charity goes from strength to strength. The new workshop facility, which is partially funded by the Charity, will provide a better range of activities and be able to accommodate a more diverse range of prisoners than the current provision.

I welcome the introduction of the Community Reintegration Support Officer. This post was created in May 2018 to increase supervision of prisoners on Stage 1 of the Release on Temporary Licence (ROTL) Progression System. The post can supervise groups of up to 6 prisoners working within the prison grounds (but outside of the perimeter fence). This allows prisoners to be tested in open conditions, and before commencing work placements in the community.

With the increase in the prison roll there was a subsequent increase in adjudications and violence within the prison. This is being monitored closely, the prison has a zero tolerance approach to violence and, as a result, we always prosecute offenders.



David Matthews  
**Prison Governor**

## Introduction

Guernsey Prison has a Certified Normal Accommodation (CNA) of 134. Each cell used for the confinement of prisoners has sufficient heating, lighting and ventilation and is of adequate size for the number of prisoners it is approved for. Each cell must provide prisoners with a cell call system or other effective means of communication with staff.

The CNA represents the good, decent standard of accommodation that the Service aspires to provide all prisoners.

The budget for the Prison for 2018 was set at £5,459,000. The cost per prisoner during 2018, based on the CNA, was £41,992. The average prison roll over the year was 100.

The Prison currently employs 75 uniformed staff and 13 civilian staff. There are also a range of volunteers, tutors and multi-agency staff working at the Prison.

## 1. Progress against Business Planning Priorities set for 2018

### 1.1 Skyfence Drone Defence

Skyfence is a drone defence system which is activated by a series of detectors, tuned to identify drones in the proximity of the prison.

#### *Outcome*

The UK has extended to Guernsey the Prisons Act, 2012 (amended), which permits the interference with wireless telegraphy inside the prison. Skyfence has now been tested, commissioned and is working as it should, with no issues reported.

### 1.2 Prisoner Alarm System Cell calls

The longstanding issues the Prison had with the inoperable Prisoner Cell Call System needed to be addressed. The old operating system was no longer supported by the original provider and as such, could not be integrated into the new security systems.

#### *Outcome*

Installation of a new updated prisoner alarm system commenced in 2018. This will replace the current system and offers the benefits of variable alarm features, including historical event recording, with all system activity logged. The finalisation of the system will be completed in April 2019.

### 1.3 In-Cell Terminals

When the Prison installed in-cell telephones in 2014, Cat 5 cabling was also installed to allow for the provision of in-cell computer terminals at a later date. During 2017, further network and cabling works were completed in conjunction with the new education provision to allow for the installation of terminals in all cells. Final technological upgrades were completed in early 2018, and installation of in-cell terminals began in the final quarter.

#### *Outcome*

All prisoners now have access to an in-cell terminal and applications are being commissioned on a rolling programme. The terminals give prisoners the responsibility to manage aspects of prison life which would normally be carried out by staff, as well as allowing them to continue with education work in their cells; thereby achieving increased autonomy. Prisoners are allowed to access supervised Internet provision within the Education Facility, but not from their in-cell terminals.

### 1.4 EU General Data Protection Regulation (GDPR)

Guernsey introduced new Data Protection legislation in order to maintain adequacy and ensure continued access to the EU market; considered vital to the economy of the Island.

#### *Outcome*

Consequently, the Prison has ensured that its practices are all relevant to the Data Protection Law, 2017. During 2018, a comprehensive data audit was initiated in order to review the collection, organisation, adaption and alteration, recording, erasure or destruction and disclosure of data.

### 1.5 Prison Care Team

The Prison Care Team is made up of a cross section of staff who have the skills to offer peer support and confidential listening to any member of staff who wishes to speak about a problem or incident that may have occurred in or out of work.

#### *Outcome*

Guernsey Prison now provides a dedicated staff Care Team that aims to offer discreet and confidential support to any member of staff. The Prison is looking to further embed the work of the Care Team across the establishment and develop this provision as part of a wider Mental Health and Wellbeing Strategy.

### 1.6 Prisoner Induction

The Prison has a responsibility to ensure that prisoners are promptly inducted and supported to understand life in prison. During 2018 the Prison established a steering group who took forward the work involved in moving to core day induction delivery.

### *Outcome*

#### **Team around the Prisoner (TAP)**

A new induction procedure was established, incorporating early days in custody expectations and prison orientation. Within 48 hours of the prisoner coming into custody the TAP meeting is held with the prisoner's involvement to identify requirements at that early stage.

### **1.7 Creative Learning in Prison (CLIP) Community Workshop**

CLIP works directly with prisoners within Guernsey Prison, delivering creative activities that are meaningful and productive. Prisoners gain appropriate qualifications to enable employment whilst also being engaged in projects that are of direct benefit to the community within a structured regime.

A proposal was submitted in 2018 to construct a Community Workshop on the Prison grounds; with the aim of allowing CLIP to take on larger and more ambitious projects, thereby generating additional income and facilitating CLIP's stated aim of becoming a fully self-funding and sustainable charity. The workshop will accommodate up to 16 prisoners working and learning daily under tutored supervision by Prison Officers; working on projects of direct benefit to the community.

### *Outcome*

Necessary funds were raised by CLIP, with the exception of the ground works which have been approved as a capital bid. The design was agreed, with the plan being to construct an 11m x 11m steel portal frame industrial building, clad in insulated metal panels on a reinforced concrete base. 2018 has also seen planning permission and building regulation approval being secured, and a contractor appointed.

### **1.8 Creative Learning in Prison Outlet & Showroom**

The official opening of the CLIP Showroom took place in March 2018.

### *Outcome*

This Outlet acts as a shop front for the general public to purchase / order both the products made in the workshop and those from elsewhere within the prison, for example surplus fruit and vegetables from the Horticulture Site, and arts and crafts produced in Education classes.



Further information can be found at <https://www.facebook.com/CLIP-Guernsey> or by emailing [creativelearninginprison@gmail.com](mailto:creativelearninginprison@gmail.com)

### 1.9 Her Majesty's Inspectorate of Prisons

The Prison began preparing for a full inspection by Her Majesty's Inspectorate of Prisons, with the view to this commencing in the summer of 2019.

#### *Outcome*

This has now been postponed, potentially until 2020, subject to funding.

## 2 Maintenance Priorities

During 2018, the Prison intended to upgrade its facilities in relation to the following:

### 2.1 Upgrade Shower Facilities and Improvement of Disabled Facilities

The showers on the 44-cell wing are in urgent need of repair as the water is not draining away, causing Health and Safety concerns. This extends to the disabled shower which has not been fit for purpose for many years. A Minor Capital Bid was submitted with the aim of beginning work in 2018.

#### *Outcome*

The upgrade has been delayed to 2019 to enable Phase One and Two of the project to be undertaken together. The plans are currently with States Property Services. A new Minor Capital Bid will be submitted in 2019.

### 2.2 Repair and repaint external finishes on buildings

The repair and repaint of external finishes on Prison buildings are becoming an urgent priority due to the level of disrepair.

### Outcome

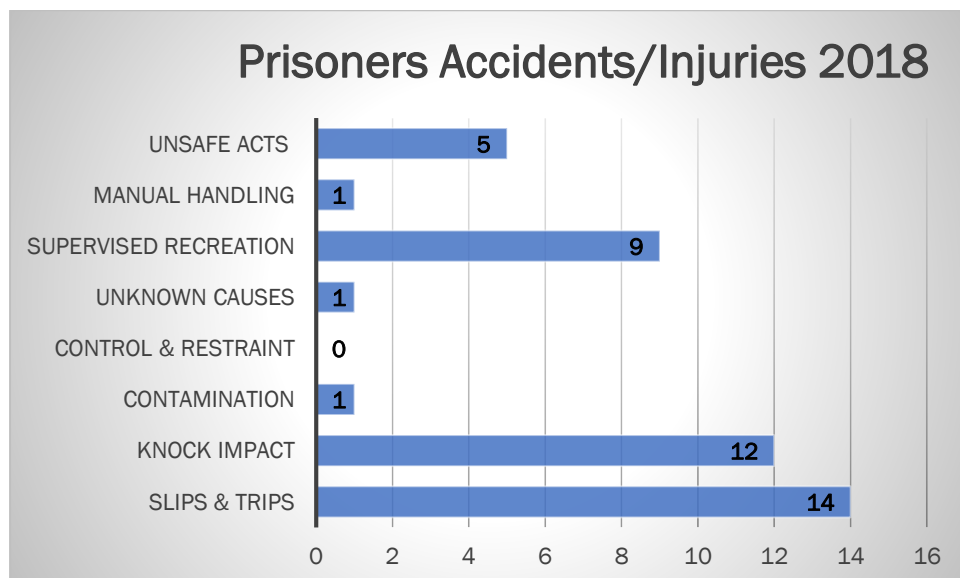
This project had been listed and approved by backlog maintenance previously and procurement procedures have been followed. The allocated funding was withdrawn as a result of a review and are no longer available. As a consequence, the business case needs to be resubmitted in 2019 for consideration by the Minor Capital allocation team at Property Services.

## 3 Departmental Reports

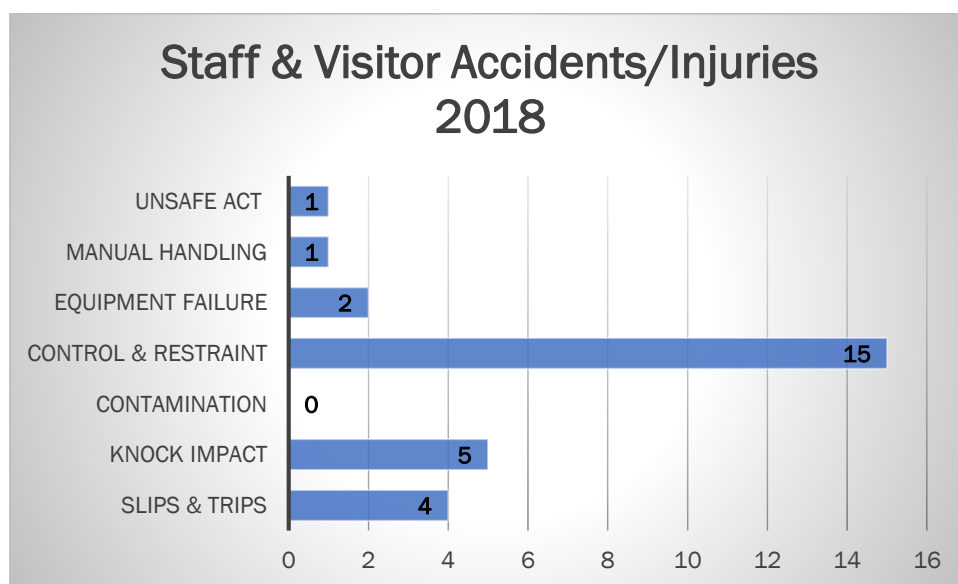
### 3.1 Health and Safety

It has been noted for the second year running that the reporting of accidents and injuries within the Prison has been excellent. All new officers are required to complete the Scottish Vocational Qualification (SVQ) Level 3 in Custodial Care which includes a module on Health and Safety in the workplace. The rise in awareness amongst staff has reduced the level of accidents in the Prison. In addition, the adherence to States of Guernsey safety initiatives has also contributed to the lowest staff injury figures since statistics were recorded.

#### 3.1.1 Prisoners Injuries 2018



### 3.1.2 Officer Injuries 2018



## 3.2 Safer Custody

### 3.2.1 Assessment Care in Custody and Teamwork (ACCT)

Prisoners at risk of self-harm or suicide are managed through a process known as Assessment Care in Custody and Teamwork (ACCT). 70 ACCTs were opened in 2018 for prisoners whom were considered at risk. Out of the 70 ACCTs opened; 19 of those were for incidents of actual self-harm.

### 3.2.2 Female Prisoners

During 2018, a total of 14 female prisoners were received into custody. This is a slight rise in comparison to previous years.

### 3.2.3 Juvenile Prisoners

The prison accommodates juvenile prisoners, aged between 15 and 18, on its purpose-built wing named "Compass". The Compass Unit is located within the Prison but situated outside the main population accommodation areas. The wing benefits from dedicated, specifically-trained staff and an adapted regime to cater for younger prisoners.

During 2018, the Compass wing had 2 children located in the unit, with a combined total of 312 days.

### 3.2.4 Vulnerable Prisoners

The Vulnerable Prisoner population is made up of predominately sex offenders and now represents 25% of the total population. Vulnerable Prisoners are located on 4 separate wings. There is limited integration during work and education, subject to risk assessment by the Activity Allocation Board.

### 3.2.5 Separation, care and progression unit (SCAPU)

The Prison SCAPU is used primarily to segregate prisoners who are considered to be a risk to the good order and discipline of the establishment due to refractory or non-compliant behaviour.

The SCAPU has been used by 17 prisoners on 25 occasions throughout 2018.

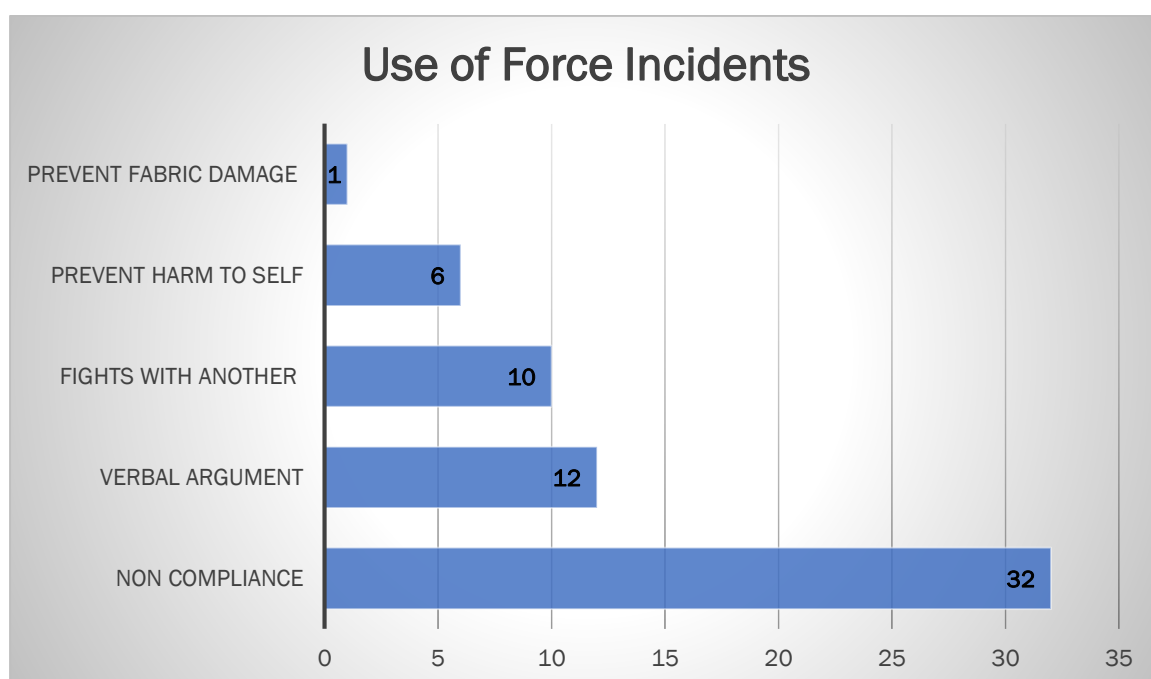
### 3.2.6 Assaults

During 2018, there were a total of 7 judgments against prisoners for the offence of: Commits any assault. 4 of those assaults were against another prisoner and 3 assaults by prisoners against staff.

### 3.2.7 Use of Force

During 2018, there were a total of 61 incidents requiring use of force reports to be completed. Of these, 12 were planned removals with a general theme of prisoners being relocated to the Prison SCAPU. The remaining incidents were spontaneous interventions, commonly due to non-compliance, but also for preventing self-harm and altercations between prisoners.

A breakdown of all incidents is listed in the table below:

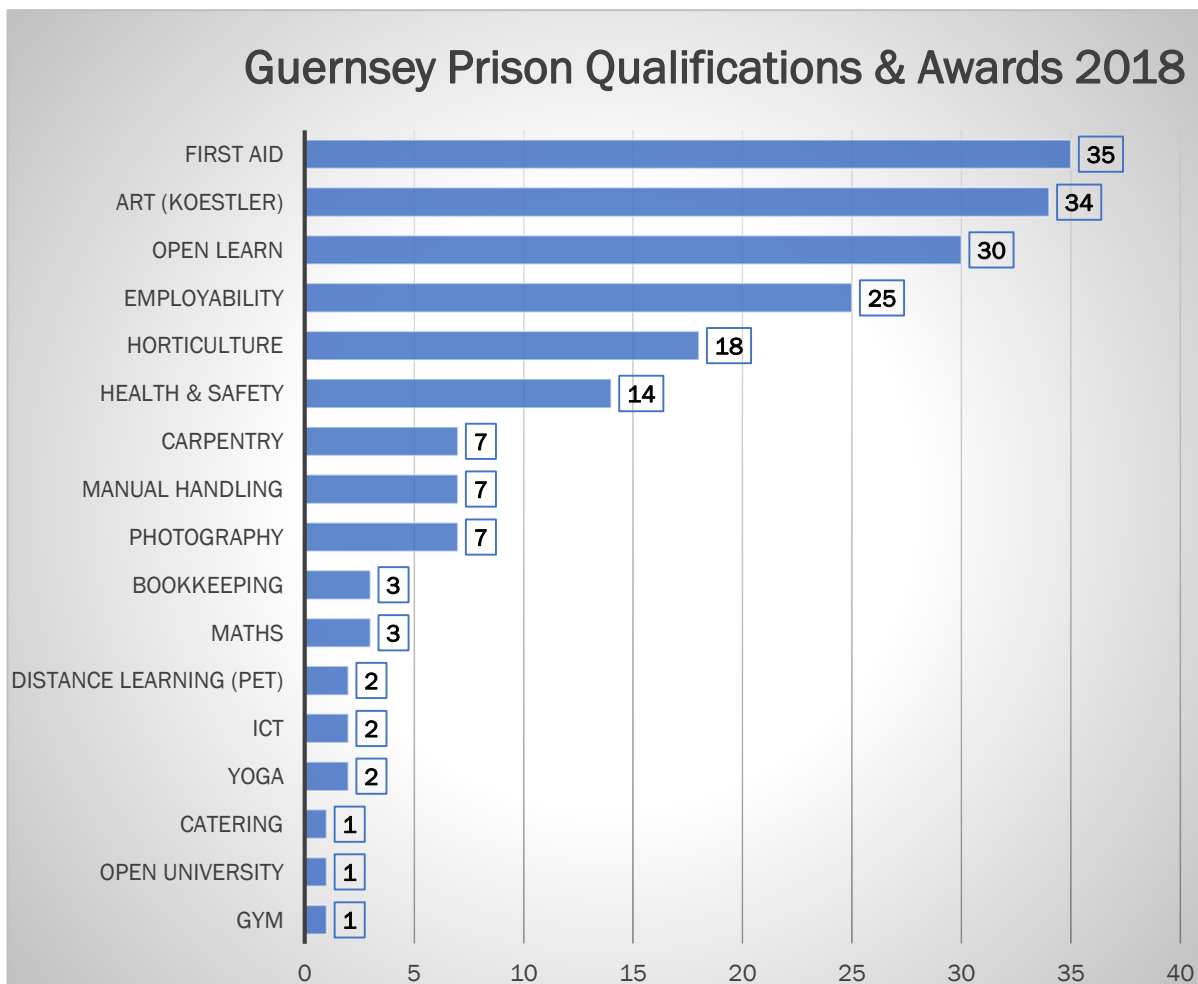




### 3.3 Learning, Skills and Regimes

From 2017 to 2018, the percentage of prisoners engaged in Education increased from 75% to over 80%. In addition, an approximate increase of 20% was seen in the number of prisoners gaining accredited learning outcomes.

The chart below demonstrates the breakdown of qualifications/awards achieved:



A total of 92 students achieved 162 qualifications/awards in 2018, compared to the 77 students who achieved 132 qualifications/awards in 2017. The most popular courses continue to be those which are vocationally relevant such as First Aid, Horticulture and Employability Skills. However, the Learning and Skills department prides itself in offering a wide spectrum of educational opportunities including academic studies for those who want them. This year, 3 GCSE qualifications were gained and one individual completed 2 modules of an Open University Degree.

The Prison is fortunate to have support in running the Prison Library from the Guilles-Alles' (GA) Community Librarian. In conjunction with GA, the Shannon Trust's peer education reading scheme (*'Turning Pages'*) was introduced into Guernsey Prison, with prisoners having been trained as mentors and a number of individuals taking up the offer of regular support over the past year. In 2018, the Prison also saw its first student to complete the "Turning Pages" reading programme.

New City and Guilds Courses in Employability and Carpentry were introduced in 2018; with 25 individuals successfully completing the Employability Course, and 7 individuals gaining awards in Carpentry. Furthermore, since August 2018, 5 students completed 30 of the new Open University “Open Learn” Courses, mainly facilitated through the use of in-cell computers.

Additionally, in 2018, the Prison received its best ever Koestler results. 27 individuals were involved in showcasing their artistry and in recognition of their talent, 17 awards were won, including 2 Gold Awards. This achievement was notable considering the 7500-plus entries submitted from across the UK. Art work was displayed in an exhibition at Southbank Centre’s Royal Festival Hall.

Additional courses for minority population groups were facilitated in 2018, including Caritas classes for Vulnerable Prisoners and a Mural project for Females. Increased one-to-one support has also been provided.

Several new tutors have joined the Education Team, covering subjects such as Art, Drama, Cookery for Employability, the Prison Magazine and Caritas cookery classes for Vulnerable Prisoners.

Guernsey Prison is proud to be a working prison, where the expectation is that prisoners who are able, will be assigned jobs and expected to go to work each day. An average of more than 99% of all eligible prisoners were in employment during 2018.

### 3.3.1 Catering

In order to work in the Prison Kitchen, prisoners must undertake a Level 2 Food Hygiene course. Once working in the Kitchen, they can then take a City & Guilds Level 1 NVQ in Hospitality (Food Preparation and Cooking).

## 3.4 Staff Learning and Development

Within Staff Learning and Development, the Prison remains committed to ensuring staff receive relevant and timely training which equips and invests in them as practitioners. Annual training in Fire, First Aid, Safeguarding and Use of Force ensures staff are best equipped to deal dynamically with incidents as they arise and contributes to the overall safety of the Prison.

During 2018, one Prison Officer Entry Level Training (POELT) Course was facilitated, training a total of 5 new officers. The Scottish Vocational Qualification in Custodial Care Level 3 continues to be delivered and there were a total of 3 candidate profiles completed in the course of the year. In addition, 4 individuals completed the Management Development Programme for Senior Officers.

## 3.5 Offender Management Unit

### 3.5.1 Community Reintegration Support Officer

This part-time post was created in May 2018; the primary responsibility being to supervise the prisoners on Stage 1 of the ROTL Progression System, “Redband” Duties. The post can supervise groups of up to 6 prisoners undertaking gardening and maintenance tasks within the prison grounds (but outside of the perimeter fence). The aim is to encourage a strong work ethic, motivation, ability to take responsibility and work both independently and as part of a team. Additionally, the Support Officer works alongside the Resettlement Officer in transitioning prisoners into appropriate voluntary work placements in the community. The Resettlement Officer is able to conduct site visits for support and monitoring purposes.

### 3.5.2 EMDR (Eye Movement, Desensitisation and Reprocessing)

In the last year, we have been able to offer EMDR through the Pathways Department as a treatment option for prisoners who have experienced trauma in their childhood or adult life. Some prisoners have found it difficult to move on with their recovery from substance misuse or to engage fully with offence related work because of untreated trauma related anxiety disorders. When a person is very upset, they cannot process information as they do ordinarily. Traumatic memory has a lasting negative effect on the way that the brain processes information.

EMDR is a complex method of psychotherapy which integrates many of the successful elements of a range of therapeutic approaches and combines them with eye movements or other forms of bilateral stimulation in ways that stimulate the brain’s information processing system. EMDR is a set of standardised protocols that have been extensively researched and proven effective.

### 3.5.3 Substance Misuse Service

In addition to the existing substance misuse work provision in the prison, Cognitive Behavioural Therapy (CBT) was introduced as a method of working by Drug Concern in 2018. CBT can be beneficial in addressing underlying issues linked to substance misuse such as depression and anxiety disorders.

## 3.6 Healthcare Report

### 3.6.1 Service Provision and Development

2018 continued to be a challenge to meet all prisoner expectations of healthcare delivery.

The nursing team provided primary care services equitable to those in the community for the extended hours of 12.25 hours per weekday and 8 hours on both weekend days, which enabled the administration of evening medication at a later time of 1845 hours, 4 days a week.

Nurse-led clinics continued to be provided daily and include: immunisation provision, well man/well women; weekly stop smoking sessions; sexual health screening, nurse ‘triage’; chronic disease management; detoxification; mental health; admission and pre-release assessments.

All newly sentenced prisoners returning from Court continue to be risk assessed by a Registered Nurse in Prison Healthcare.

The HSC Consultant Psychiatrist, CPNs and Psychologists from the HSC Psychological Therapy Team and the Learning Disability Team provided in-reach services as required, following referral and assessment by the Duty Intervention Team. Guernsey Bereavement Service provided in-reach counselling as requested throughout the year.

The Prison Dentist continued bi-weekly surgeries throughout the year, however, these were increased to weekly during December in an attempt to treat urgent cases which arose through the increase in prisoners in the final quarter of the year.

Optician clinics continued as required within the Prison.

Healthcare continued to teach prisoners in the use of Prenoxad pre-release, in an attempt to reduce the risk of opioid-related overdoses and deaths post-release.

### 3.6.2 NMC (Nurses and midwife Council) Revalidation

One nurse revalidated in 2018. Peer supervision and case discussions continued ad hoc.

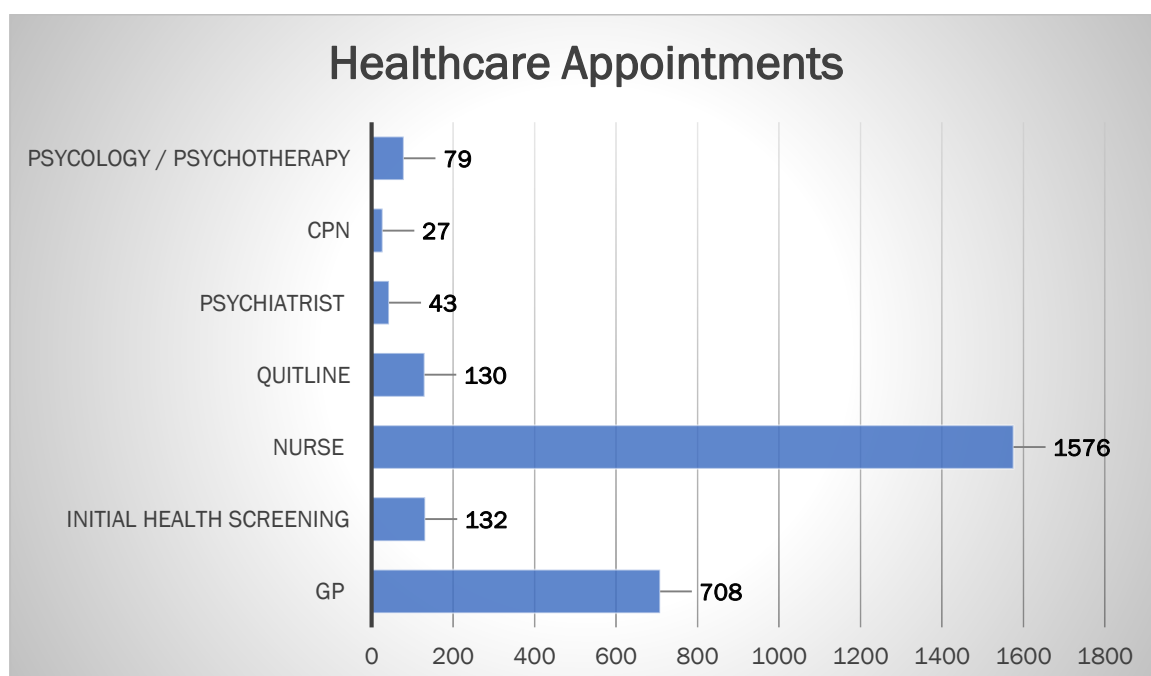
### 3.6.3 Quality assurance

10 complaints related to healthcare delivery were raised by prisoners during 2018 and were resolved, with a formal written response going to each prisoner.

All clinical notes remain paper based although there are plans in 2019 to purchase an appropriate database to maintain and manage patient information.

### 3.6.4 Statistics

The table below breaks down the 2695 prisoner appointments which were attended within the Healthcare Department:



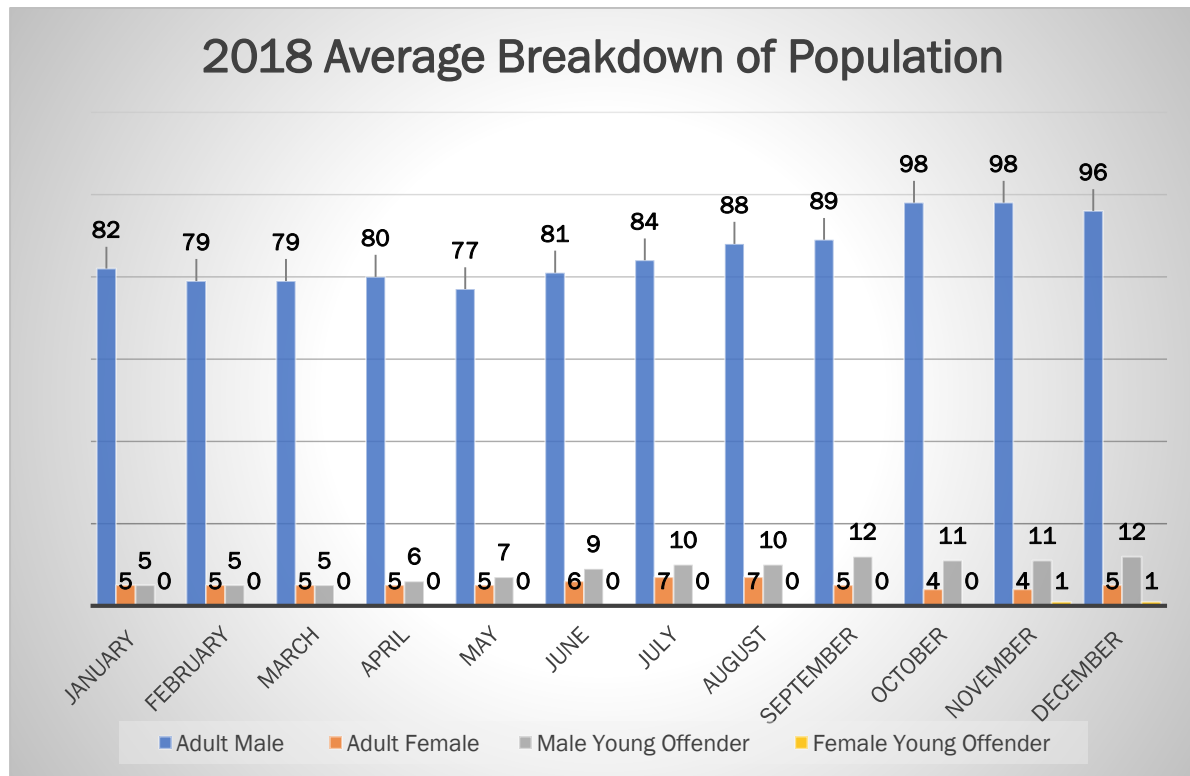
Prisoners' ages ranged from 15yrs to 79yrs.

## 4 Prison Population

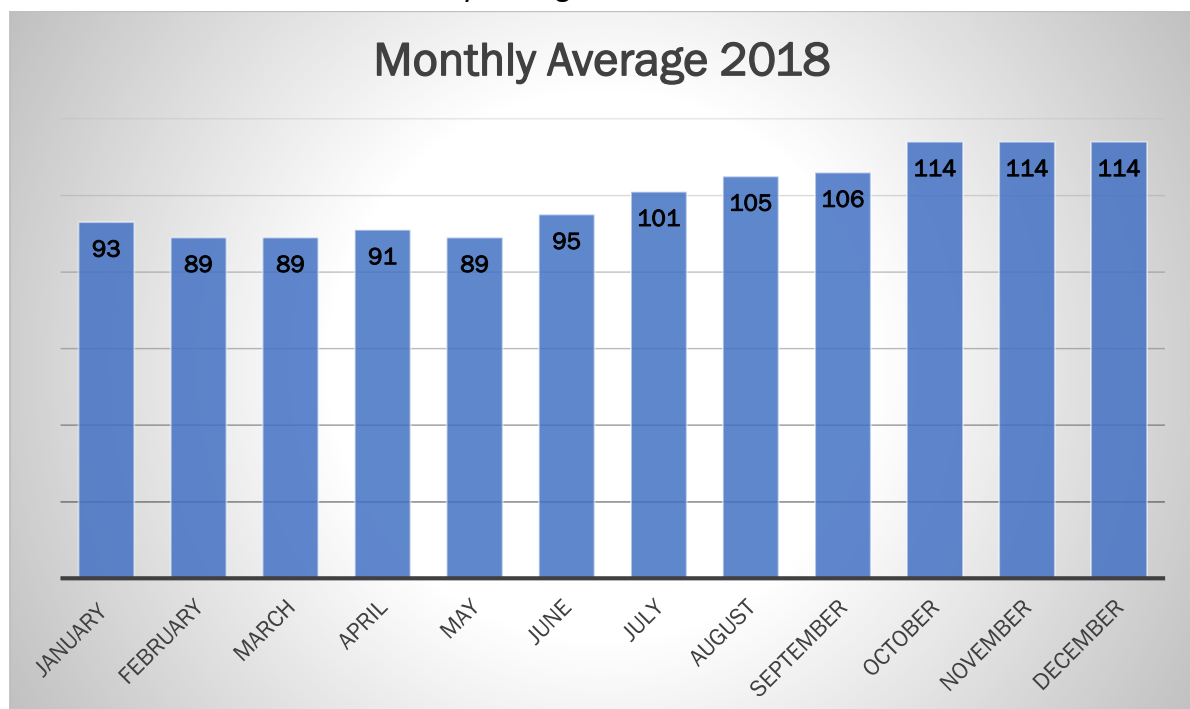
The annual average figure for 2018 was 100 prisoners, with the highest number reaching 121 and the lowest being 85.

### 4.1.1 Breakdown of Prison Population

During 2018, the average breakdown of the population was seen to increase as the year progressed. As the graph below shows, male adults were the majority of the population.



The chart below shows the monthly average:



## 5 Deaths

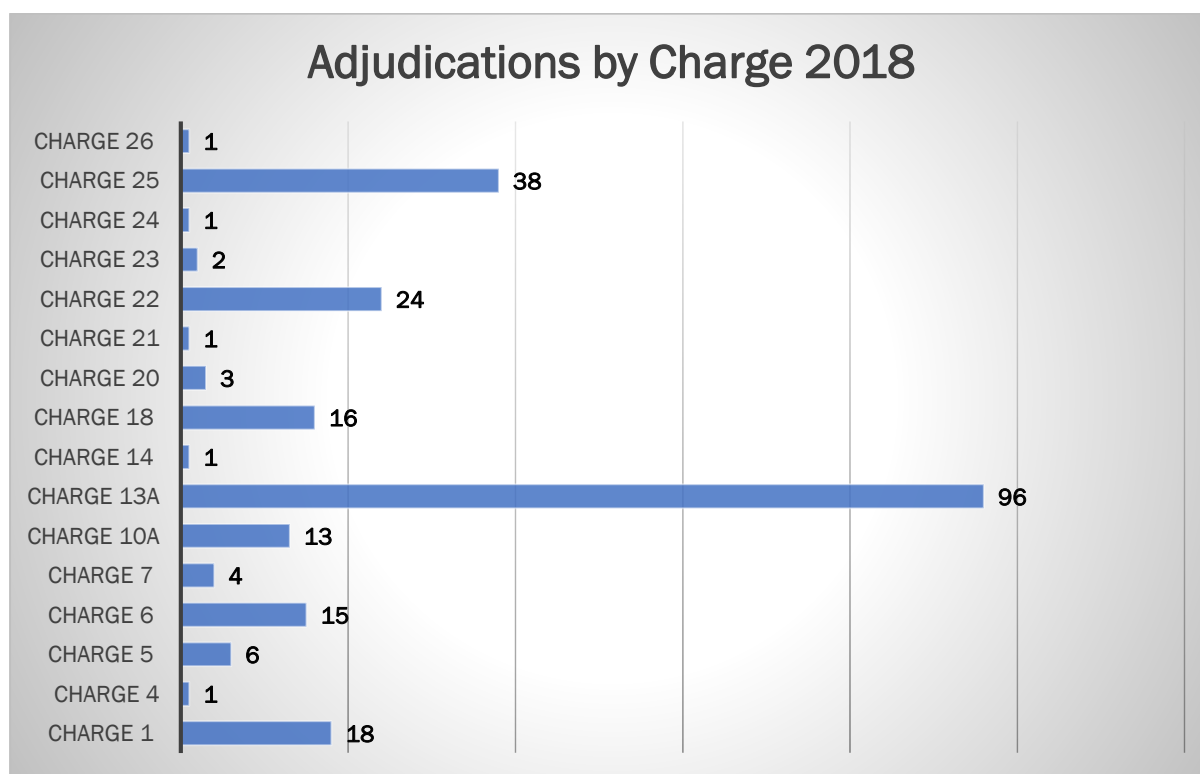
There have been no recorded deaths in custody during 2018. The Prison continues to carry out vigorous assessments and takes action accordingly with regards to the risk of suicide and self-harm.

## 6 Escapes

There have been no recorded escapes from custody and public protection remains a priority for the Prison.

## 7 Adjudications

Over the course of 2018, there were a total of 240 offences against discipline committed by a total of 62 prisoners.



Of the 240 offences, 7 were referred to the Independent Adjudicator for serious offences. 161 adjudications were awarded, 52 dismissed, 26 were not proceeded with and 1 was referred to the police. No adjudications were overturned.

The highest level of offences was 96 charges for: has in the prisoner's possession –

- (a) anything which the prisoner is not lawfully required or authorised to possess

The penalties for these charges range from cautions to loss of remission, dependent on the items in possession.

The second highest level of offences committed in 2018 was for: disobeys any lawful order.

A full breakdown of offences can be found in Appendix A.

#### 7.1.1 Appeals

There is an appeal process for prisoners against any finding of guilt or punishment awarded. There were no appeals during 2018 against any of the awards set. In general, the adjudication will not be proceeded with if technical errors are found within the process.

## 8 Key Performance Targets

The Guernsey Prison Service is fully committed to monitoring its performance and ensuring that its managers have access to the information they require to judge effectiveness and make informed decisions against the following objectives;

**Safety:** Prisoners, particularly the most vulnerable, are held safely.

**Respect:** Prisoners are treated with respect for their human dignity.

**Purposeful Activity:** Prisoners are able, and expected, to engage in activity that is likely to benefit them.

**Rehabilitation and Release planning:** Prisoners are supported to maintain and develop relationships with their family and friends. Prisoners are helped to reduce their likelihood of reoffending and their risk of harm is managed effectively. Prisoners are prepared for their release into the community.

A new set of improvement objectives have been set for 2019; please see the 2019 Delivery Plan.

## Appendix A

### Offences against discipline

- (1) commits any assault,
- (2) commits any racially aggravated assault,
- (3) detains any person against the person's will,
- (4) denies access to any part of the prison to any authorised person or visitor,
- (5) fights with any person,
- (6) intentionally endangers the health or personal safety of others or, by the prisoner's conduct, is reckless as to whether such health or personal safety is endangered,
- (7) intentionally obstructs any authorised person in the execution of the person's duty or the performance of the person's work,
- (8) escapes or absconds from prison or from the legal custody of the Governor,
- (9) fails to comply with any condition of a temporary release licence upon which the prisoner is or was temporarily released,
- (10) is found with any substance in the prisoner's urine or breath, or other bodily matter or substance taken as a sample from the prisoner, which demonstrates that –
  - (a) a controlled drug has been administered to the prisoner by that prisoner or by another person, whether in the prison or outside whilst that prisoner is on a temporary release licence (but subject to paragraph 2),
  - (b) a medicinal product has been administered to the prisoner by that prisoner or by another person, in the prison (but subject to paragraph 2), or
  - (c) the prisoner has smoked a tobacco product or any other thing at any time whilst in the prison,
- (11) is intoxicated as a consequence of consuming any intoxicating liquor (but subject to paragraph 3),
- (12) consumes any intoxicating liquor, whether or not provided to the prisoner by another person (but subject to paragraph 3),
- (13) has in the prisoner's possession –
  - (a) any thing which the prisoner is not lawfully required or authorised to possess, or
  - (b) a quantity of any thing that is greater than the quantity that that prisoner is lawfully required or authorised to possess,



- (14) supplies to any person any prohibited thing,
- (15) supplies to any person any thing which the prisoner is lawfully required or authorised to have for that prisoner's own use, unless that supply is lawfully required or authorised,
- (16) takes improperly any thing belonging to another person, the prison or the Department,
- (17) intentionally or recklessly sets fire to any part of the prison or any other property, whether or not the prisoner's own,
- (18) destroys or damages any part of the prison or any property (other than the prisoner's own),
- (19) causes racially aggravated damage to, or destruction of, any part of the prison or any other property, other than the prisoner's own,
- (20) absents the prisoner's self from any place where the prisoner is required to be, or is present at any place where the prisoner is not lawfully required or authorised to be,
- (21) is disrespectful to any authorised person or any visitor (other than a prisoner),
- (22) uses threatening, abusive or insulting words or behaviour,
- (23) uses threatening, abusive or insulting racist words or behaviour,
- (24) intentionally fails to work properly or, being required to work, refuses to do so,
- (25) disobeys any lawful order,
- (26) disobeys or fails to comply with any provision of this Ordinance, the Prison Regulations or the Prison Orders that applies to the prisoner,
- (27) receives any controlled drug, or, without the consent of an authorised officer, any other thing, during the course of a visit,
- (28) displays, attaches or draws on any part of a prison, or on any other property, threatening, abusive or insulting racist words, drawings, symbols or other material,
- (29) smokes a tobacco product or any other thing, or
- (30) (a) attempts to commit, (b) incites another prisoner to commit, or (c) assists another prisoner to commit or to attempt to commit, any of the foregoing disciplinary offences.

Guernsey Prison

## **INDEPENDENT MONITORING PANEL**



### **2018 ANNUAL REPORT**

Publication date: May 2019

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***If further information is required in relation to any matter contained within this Report please write to the Chairman of Independent Monitoring Panel c/o Sir Charles Frossard House, La Charroterie, St Peter Port, GY1 1FH or telephone 01481 717000.***

## EXECUTIVE SUMMARY BY THE CHAIRMAN

I am pleased to present my first annual report as Chairman of the Independent Monitoring Panel. As my predecessors have done I too would like to acknowledge my fellow Panel members, who are tenacious in following up and, where possible, resolving issues; they are a group of ordinary people doing an extraordinary job.

The prison continues to be an institution that the island can be proud of. It treats its charges humanely and with respect while encouraging them to improve their lives and integrate back into the community in a meaningful way. This year there have been a number of positive developments at the Prison but there are also some concerns we believe need addressing. We deal with these more fully in the section 'Panel's Observations.'

Positive developments include:

- Introduction of in-cell terminals
- Improvement of prisoner induction procedures
- Introduction of anti-drone technology known as Skyfence
- The establishment of a Community Workshop
- The development of a new running track
- Regime re-profiling exercise
- Proposals for 'virtual' visits'

Among our concerns are:

- Various Healthcare issues
- Lack of progress on J Wing refurbishment
- Drugs, 'hooch' and de-toxing
- Access to bank accounts for ex-offenders
- Increasing prison population
- Limited awareness among prisoners of the role of the IMP

We are, as always, indebted to the staff at the Guernsey Prison - especially to those prison officers who accompany members throughout their visits. I take this opportunity to thank them all for their professionalism, courtesy, patience and good humour on our visits.

Tony Talmage

## STATUTORY FUNCTION

The Guernsey Prison Service keeps in custody those legally committed to its care. Its duty is to look after them with decency and to help them lead law-abiding lives in custody and after release. The Prison holds a diverse population, including those sentenced and on remand, men and women, young offenders and juvenile and vulnerable prisoners.

The Independent Monitoring Panel is constituted under the Prison (Guernsey) Ordinance 2013 (“the Ordinance”) as a body made up of members of the public. It is charged with providing independent oversight of the day-to-day operations of the Prison and prison conditions, monitoring the administration of the prison, the treatment of prisoners and whether the statutory objectives of the prison system are being met. The Panel also oversees the general well-being of staff who are employed by the Guernsey Prison.

To enable the Panel to carry out these duties effectively, its members have right of access to every prisoner and every part of the prison and also to the prison’s records. Members:

- undertake a monthly unannounced visit of the Prison premises;
- visit prisoners personally at their request;
- visit prisoners who have been admitted to the Segregation Care and Progress Unit (SCAPU);
- attend as observers at routine prison meetings; and
- attend bi-monthly Panel meetings.

The Ordinance requires the Panel to prepare an annual report at the end of each calendar year, which must include its findings, observations, recommendations and statistical information.

## **THE PANEL'S OBSERVATIONS in 2018**

As the section above makes clear the function of the Independent Monitoring Panel is to provide independent oversight of the day-to-day operation of Guernsey Prison. Our role is to ensure that proper standards of care, decency and respect are maintained and to raise any concerns we might have. The following report arises from observations made on unannounced visits, visits requested by prisoners, informed contact with staff, attendance at prison meetings and discussions with prison management.

### **POSITIVE DEVELOPMENTS**

#### **In-cell terminals**

These terminals have now been installed and are the subject of continual development. They have a dual function - providing prisoners with the ability to pursue their education as well as manage areas of prison life normally carried out by staff such as visits booking, applications, complaints and menu choices. The system will also hold a library of communication notices and prison rules. We believe this is a major step forward in ensuring prisoners have access to information when they need it and are able to take ownership of their learning and rehabilitation.

#### **Improvement of prisoner induction procedures**

The significant amount of information imparted to prisoners on induction was one of the concerns raised in our 2017 report. At that time we felt that the induction process made it almost impossible for new prisoners to retain essential information – not least the role of the IMP. We are therefore pleased to report that a 'Team around the Prisoner' (TAP) scheme is being introduced so that each new arrival will have an individual meeting with various professionals, within 48 hours of reception, to ensure all their needs are met and that they receive essential information. We note that information about the role of the IMP is available on the in-cell terminals.

#### **Skyfence**

This is a drone defence system which is activated by a series of detectors, tuned to identify drones in the proximity of the prison. Its purpose is to prevent drugs and other contraband being 'delivered' to prisoners. Guernsey is one of the first organisations in the world to introduce such a system for security.

#### **Community workshop**

Plans are well advanced for an 11m x 11m steel portal frame workshop within the prison estate which will accommodate up to 16 prisoners working and learning daily, under tutored supervision, on projects of direct benefit to the community. This will allow the prison charity CLIP (Creative Learning in Prison) to take on larger and more ambitious projects and the additional income will enable development of a wider range of courses and classes outside of the core education curriculum funded by the States. We hope this will encourage more prisoners to engage in education across the board which we applaud, as experience

has shown that purposeful activities increase motivation and engagement and can help reduce the likelihood of re-offending once back in the community.

### **The running track**

This will be of great benefit in terms of general fitness and competitive running and is due to be commissioned early in 2019.

### **Regime re-profiling exercise**

While not due to be introduced until January 2019, a regime re-profiling exercise was conducted during the year under review. Its aim was to make more efficient use of staff and resources and to improve safety at the prison; the new rosters will increase the presence of officers on wings and at weekends and there is a change to the visiting times which will assist prison security during visits. Early consultations did provoke some unease among officers but most could see the logic of the changes.

### **Purple visits**

Plans are well advanced to introduce an 'on screen' visits portal whereby prisoners will have supervised screen-time with their loved ones when personal visits are not possible. It is expected that this facility will be introduced in 2019. The Panel are confident the security issues are being addressed and are pleased about this innovation which will help relieve some of the frustration and sense of alienation which, particularly among non-local prisoners, can arise from being cut off from the family.

## **CONCERNS**

While the appendices provide statistics on specific issues raised during visits, our chief concerns are highlighted below:

### **Healthcare**

We acknowledge that providing healthcare services to an average of 100 prisoners 24/7 throughout the year has special challenges. However, we have issues of concern, especially in the area of mental health. We believe that the quite proper need to maintain 'patient confidentiality' could, in certain circumstances, be counter-productive and not serve the best interests of either the prisoners or staff. It would seem that, while serious physical conditions such as heart problems, diabetes and epilepsy are known by both healthcare staff and prison officers, knowledge of mental conditions and associated medications are the sole province of Healthcare. This risks putting officers at a disadvantage when dealing with prisoners who present challenging behaviours, or who can be vulnerable or dangerous. In some instances behaviour that officers perceived as evidence of a mental disorder would be judged by Healthcare as a behavioural issue not requiring medical intervention. Another concern is if a prisoner is bleeding, the officers are not permitted to know if that prisoner has a transmittable blood disease. This obviously could be a danger to any officer, particularly if there was also a need for physical restraint at the time. In the event of a serious incident both the prison and healthcare would be at risk should it be found that actions could have been taken, and information shared, in order to mitigate that risk.

These are manifestations of what we have observed as a barrier between healthcare staff and prison officers and, as identified, this lack of communication could be detrimental to the welfare of both prisoners and staff.

**We recommend** that efforts be made to further enhance relationships between prison healthcare and prison officers to encourage a deeper understanding of each other's daily work challenges. In particular we urge that a way be found for relevant information about a prisoner's mental and physical conditions to be shared with prison officers. A need for change has been recognised by management and we look forward to seeing improved relationships during our visits.

**We also recommend** the recruitment of a mental health professional to the Healthcare team be made a priority.

The Healthcare Unit's effectiveness could be improved if it had access to the EMIS electronic patient health management system, used by many doctors in their primary health care practices. At present all the Healthcare Unit's clinical notes are paper-based and conversion to EMIS would enable, among other things, the notes to be computerised facilitating the sharing and collecting of data, electronic prescribing, clinical governance and health audits.

**We recommend** funding be provided to introduce the EMIS system at the Prison.

#### **Lack of progress on J Wing refurbishment**

J Wing is the prison's largest wing and the subject of most complaints about accommodation – in particular the showers which are in need of an upgrade. We understand that general refurbishment of the wing has been delayed until 2019 and plans are being progressed by States Property Services. We acknowledge that the prison's policy is to provide good quality accommodation for all prisoners and that there is a rolling refurbishment programme, but the wing's showers are falling below acceptable standards and this can impact on prisoner behaviours and compliance.

**We recommend** refurbishment of J Wing showers be made a priority.

#### **Drugs, 'hooch' and Detoxing**

Illicit drugs continue to make their way into the prison estate exacerbating the day-to-day challenges for the staff. It is hoped that the introduction of visits in the afternoon, under the new regime to be introduced in 2019, will have a beneficial impact as there will be more staff available to monitor the visits. Prisoners continue to find ingenious ways to brew hooch, despite daily cell searches and constant vigilance. This presents a risk to health and increases the potential threat of violence to staff.

At present, within 24 to 48 hours of coming into prison, a prisoner is put on a detoxification programme if they report illicit substances use or fail a drugs test. If, on admission, prisoners are already on a detox programme through CDAT (Community Drug and Alcohol Team) their existing programme is continued in the short term. Once detoxification is completed the prisoners revert to the Prison's regime. The medication and programme used by Healthcare are according to NICE guidelines. However, if the prisoner obtains drugs illicitly whilst in prison and continues his/her habit the regulations stipulate that there is no



detoxification available in these circumstances. Therefore, even if a prisoner wishes to kick the habit, they have only symptomatic relief with medications like Paracetamol and Nurofen. While this is of concern to us we acknowledge that the Prison's drugs policy is currently under review and we are hopeful that this anomaly will be addressed.

### **E-cigarettes**

While the prison's no-smoking policy was considered successful when it was introduced there are now concerns in respect of the alternative smoking apparatus which is made available for those who do not wish to quit the habit. The Panel continues to be concerned about the addictive nature of the 'e-burns' available on the market and welcome the efforts being made by prison management to source low and no-nicotine supplies.

### **Access to bank accounts for ex-offenders**

In our last report we expressed our disappointment that the inability of ex-prisoners to access bank accounts remained unresolved. We are pleased to note that two community initiatives - a community savings and a rent deposit scheme – are now in train and will be open to applicants in 2019. The prison's resettlement officer will assist those wanting to apply prior to release. Besides giving an ex-prisoner a feeling of self-esteem, having a bank account is a practical necessity when it comes to employment and paying for accommodation. Having a bank account encourages ex-offenders to see themselves as valued members of society. Not having one has the reverse effect.

### **Increasing Prison population**

With the increased prison population featuring on the Civil Contingencies Risk Register we support initiatives which alleviate the population pressure on the prison – for instance, the Panel would support some form of early conditional release for low risk prisoners who have accommodation and employment. The Panel acknowledges that this is not the prison's concern alone and we note that the States of Deliberation has directed a review of justice locally. We would urge all those who are part of the criminal justice system to examine alternatives to custodial sentences including electronic tagging. We are concerned that with the prison population edging upwards it could easily reach the Prison's Certified Normal Accommodation of 134 and this would place prisoners at increased risk of harm and would see prison budgets spike.

### **Limited awareness of the role of the IMP**

As has been raised in previous Reports, Panel members continue to find that there are prisoners who are unaware of the existence and role of the IMP. Progress has been made since our last report as information will, in 2019, be available on the in-cell terminals so that prisoners can access it at any time and make applications to see us. We have also tried to raise our profile and were pleased to feature in the Winter Edition of the prisoner-produced magazine 'Bang-up'.

**We recommend** an external publicity drive be undertaken in 2019 and that, internally, a more detailed presentation about our function, perhaps in the form of a video or PowerPoint presentation, be included as part of the induction process, as well as on the in-cell terminals.

## General comments

During 2018 we undertook to learn more about the experiences of those committed to prison by visiting the Royal Court's custody suite and talking with the officers, who are often the first point of contact for a person coming into prison. We followed a convicted person's 'journey' from court appearance to induction into the prison. We also broadened our knowledge of how other jurisdictions work by hosting, separately, members from Jersey and the Isle of Wight Independent Monitoring Boards.

We also had to get to grips with the introduction of new Data Protection legislation, which aims to further protect and respect the rights and privacy of those who we deal with in our IMP role. While Panel members are committed to ensuring the information they lawfully collect and share remains secure, we feel the new procedures and processes have created obstacles to the way information flows – particularly how we communicate with prison staff and each other. We accept that a contributing factor is our personal computer equipment not being compatible with the systems used by the States of Guernsey, for instance with SharePoint. While we have received some training and support this will not solve the hardware/software incompatibility problems. We recommend further investigation, and investment if required, to ensure all IMP Members have compatible equipment and adequate connectivity, enabling us to carry out our roles effectively.

The Panel continues to be impressed by the learning and skills initiatives on offer at the prison, and the resulting opportunities provided. The Creative Learning in Prison (CLIP) charity provides prisoners with opportunities to gain new skills such as catering, carpentry, recycling, and horticulture, the latter not only providing fulfilling employment but also fresh produce for use in the prison kitchen, thus saving money.

We are conscious that Guernsey Prison has unique challenges that apply only to island communities like ours. Unlike the UK, where prisons can 'specialise' in certain categories, Guernsey has to accommodate ALL sections of the community on its 12 wings - adult men and women, young offenders, children and vulnerable prisoners, all with varying security categories, offences and lengths of sentence, as well as those on remand. Separation of these disparate groups, avoiding disputes, intimate relationships, bullying and perceived unfair treatment, is not easy and the Panel congratulates Prison Management on achieving relative harmony under these conflicting circumstances.

Members of the IMP often acknowledge in their reports how professionally the staff at Guernsey Prison conduct themselves and it is of note that, historically, a prison officer role was that of a 'turnkey'. Nowadays, officers are trained to carry out a variety of roles and have a unique opportunity to positively influence those in their care.

As already mentioned, we have concerns relating to the impact that prison has on a person's mental health, including those who enter prison with drug dependencies and mental disorders, and we recommend further investment in this area should be prioritised.

In conclusion, responses received from the prison to visit reports, and any follow-ups, have been satisfactory and the Panel has had no need to raise any issues with the Committee for Home Affairs in 2018.

## APPENDIX 1 - STATISTICAL ANALYSIS

### 1. Total number of visits

Type of visit	2018	2017	2016	2015	2014
Unannounced	12	12	12	12	12
Requested Visits	18 <sup>+</sup>	20	38	15	9
SCAPU*	15	12	6	3	2

\*The Segregation, Care and Progress Unit (SCAPU) is used to hold prisoners separately from the main population. There are a number of reasons for a prisoner to be segregated; generally the reason for separation is that they present an increased risk to themselves, to staff, or to the rest of the population and cannot be managed effectively if they remain. SCAPU in Guernsey Prison is not used as a punishment although may be used for a period of cooling off should a prisoner be presenting aggressive behaviour. The ethos of the SCAPU within Guernsey Prison is that of individually-focused care. The intention is to support individuals so that they can safely be returned to mainstream accommodation.

There is a need to ensure that the decision to separate a prisoner, and the experience of separation for that prisoner, are governed by the stated principles of fairness and decency. Separation should never be prolonged, or indefinite, and care should be given to ensure that individuals contained within SCAPU are treated with humanity and decency at all times and to ensure that an individual's mental health is not adversely affected by the separation. To this end the IMP are automatically requested to visit when an individual has been placed in SCAPU.

<sup>+</sup> One visit was requested by a prisoner but the IMP did not attend as the individual had not followed the full complaint procedure or the procedure was in progress at the time of the request.

Monthly unannounced visits	2018		2017	
Theme of concerns raised	Number of concerns raised by prisoners	Number of enquiries made by IMP	Number of concerns raised by prisoners	Number of enquiries made by IMP
A. Accommodation & Cells	2	3		
B. Adjudications & Warnings / discipline	2	2		
C. Canteen	8	7		
D. Association Time / Gym				
E. Equality, Diversity & Discrimination				
F. Fabric or maintenance of the prison building	12	11	6	3
G. Smoking / Detoxification	1	1		
H. Healthcare	5	8	3	3
I. Incentives & Earned Privileges (IEP) Status			1	1
J. Release on Temporary Licence (ROTL)				
K. Food / Kitchen			4	2
L. Cleanliness				
M. Money / Pay	3	2		
N. Bullying / Unfair treatment			2	1
O. Personal belongings or issues	1		5	4
P. Prison Information System (PIMS)				
Q. Parole				
R. Regime – Education / Employment	2	2		
S. Sentence Planning – Access to courses		1	3	2
T. Information provided			1	
U. Use of force				
V. Visits	2	2		
W. Reception into custody / Info	4	5		
X. Support post-release & resettlement				
Y. Misc. complaints		6		
Z. No concerns raised				

Requested visits by theme	2018		2017	
Theme of concerns raised	Number of concerns raised by prisoners	Number of enquiries made by IMP	Number of concerns raised by prisoners	Number of enquiries made by IMP
A. Accommodation & Cells	3	3		
B. Adjudications & Warnings / discipline	1	1	5	1
C. Canteen				
D. Association Time / Gym			1 (group concerns)	1
E. Equality, Diversity & Discrimination	2	1		
F. Fabric or maintenance of the prison building	2	2	1	1
G. Smoking / Detoxification	1	1	3	3
H. Healthcare	4	4	1	1
I. Incentives & Earned Privileges (IEP) Status	3	2	2	2
J. Release on Temporary Licence (ROTL)				
K. Food / Kitchen	3	2		
L. Cleanliness	1	1		
M. Money / Pay	1			
N. Bullying / Unfair treatment			3	
O. Personal belongings or issues				
P. Prison Information System (PIMS)				
Q. Parole				
R. Regime – Education / Employment				
S. Sentence Planning – Access to courses			2	1
T. Information provided			1	
U. Use of force				
V. Visits				
W. Reception into custody / Info				
X. Support post-release & resettlement				
Y. Misc. complaints				
Z. No concerns raised				

## **APPENDIX 2 - ANONYMOUS EXAMPLES OF PRISONERS' CONCERNS**

### **Fabric of the Building**

The highest number of complaints from prisoners were in respect of the fabric of the building.

The Panel responded to complaints about ventilation within the prison facility; issues appear to be due to the ventilation system that was installed many years ago. Unfortunately the poor original design has been a thorn in the side of the prison and has led to numerous prisoner complaints over the years. We witnessed the vents being stuck open which resulted in prisoners asking for material to cover the vent in an attempt to stop the draught.

The Panel heard from a number of prisoners on one particular wing who were dissatisfied with the lack of adequate drainage which had caused water to lay stagnant in the showers, causing a pungent smell which permeated through the wing.

Occupants on another wing complained that a bad smell emanated from their kitchen sink, thought to be due to water laying idle in the pipes. The apparent issues with the pipe system may have also contributed towards the backing up of the washing machine, causing flooding and, as a consequence, an odour developed.

### **Equality**

The Panel have previously reported that the female population often feel that they do not get the same opportunities as the male population. In the reporting period, for instance, when speaking with the females who go out to work under Release on Temporary Licence (RoTL) we heard that, as all the females were located on one wing, there was a lack of quiet area when they returned from work. It was noted that those in the male population on RoTL had a separate wing.

As already observed in this report, the Panel are conscious that Guernsey Prison is the only facility on-island equipped to accommodate adult men and women, young offenders, children and vulnerable prisoners all with varying security categories, offences and lengths of sentence. The Panel acknowledges that the Prison Management have a difficult and unenviable task of maintaining separation for all of these groups whilst at the same time needing to access and use the same facilities.

### **Healthcare**

The Panel are mindful of the various medical requirements that exist within the custodial setting. The Panel made a number of separate enquires into waiting times for dental appointments and there were a number of concerns raised by prisoners with regards to the medical care that they received; the queries ranged from the strength and type of medication to the length of time they were having to wait before an appointment. The

Panel are pleased to report that all prisoners who required medical attention were offered the correct and appropriate level of healthcare provision to address their own specific needs, some delays notwithstanding.

### **E-Burns**

The Panel made a number of enquiries in respect of the E-Cigarettes available within the Prison, following the introduction of the smoking ban in 2013. Prisoners complained that they were unable to buy nicotine-free or low nicotine liquid for their E-Burns. In addition, prisoners have complained that when they receive an adjudication award of 'loss of canteen (LOC)' they are not allowed to purchase the products.

**STATES' ASSEMBLY & CONSTITUTION COMMITTEE**

**RECORD OF MEMBERS' ATTENDANCE AT MEETINGS OF THE STATES OF DELIBERATION, AND  
COMMITTEES**

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

31<sup>st</sup> May, 2019

Dear Sir

On the 29<sup>th</sup> October, 2010 the States resolved, inter alia:

1. ...
2. *That departments and committees shall maintain a record of their States Members' attendance at, and absence from meetings and that the reason for absence shall also be recorded.*
3. *That the records referred to in 2 above, together with a record of States Members' attendance at meetings of the States of Deliberation, shall be published from time to time as an appendix to a Billet d'État.*

In laying this report before the States, the Committee would draw attention to the fact that the tables in it record only the attendance by Members of the States at States and Committee meetings. They do not show attendance at Committee sub-committee meetings or presentations. Nor do they show the amount of work or time spent, for example, on dealing with issues raised by parishioners, correspondence and preparing for meetings.

I should be grateful if you would arrange for this report, in respect of statistics provided by Her Majesty's Greffier and Committees for the year starting 1<sup>st</sup> November 2017 and ending 31<sup>st</sup> October, 2018, to be published as an appendix to the Billet d'État for the Meeting to be held on the 17<sup>th</sup> July.

Yours faithfully,

Deputy N.R. Inder  
President  
States' Assembly & Constitution Committee



## PART I: REPORT BY COMMITTEE

### 1<sup>st</sup> November, 2017 to 31<sup>st</sup> October, 2018

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#### Policy & Resources Committee

Name of Member	Total Number of Meetings	Member Present		Member Absent			
		Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business /holiday	Other
G. A. St. Pier	60	50			2	8	
L. S. Trott	60	43	3		6	7	1*
A. H. Brouard	60	52	1		1	6	
J. P. Le Tocq	60	43	3		8	6	
T. J. Stephens	60	59				1	

\* Guernsey Finance

There were no changes to the membership of the Policy & Resources Committee between 1<sup>st</sup> November, 2017 to 31<sup>st</sup> October, 2018.

#### Committee for Economic Development

Name of Member	Total Number of Meetings	Member Present		Member Absent			
		Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business /holiday	Other
P. T. R. Ferbrache	5	1					4*
J. Kuttelwascher	10	10					
A. C. Dudley-Owen	31	28	2				1*
J. S. Merrett	10	9		1			
J. I. Mooney	31	25	4	1			1*
C.N.K. Parkinson	22	18	4				
D. de G. De Lisle	21	21					
D.A. Tindall	21	19	1			1	
J. P. Le Tocq	1	1					

\* Conflict of interest

#### Changes to the membership of the Committee for Economic Development

Deputy P.T.R. Ferbrache submitted his resignation as the President of the Committee on 22<sup>nd</sup> November, 2017 and was replaced by Deputy C.N.K. Parkinson as President on 13<sup>th</sup> December, 2017.

Deputy Kuttelwascher submitted his resignation on 13<sup>th</sup> December, 2017 and was replaced by Deputy D. de G. De Lisle on 17<sup>th</sup> January, 2018. Deputy Merrett submitted her resignation on 7<sup>th</sup> January, 2018 and was replaced by Deputy D.A. Tindall on 17<sup>th</sup> January, 2018. Deputy Dudley-Owen was appointed Vice-President of the Committee.

## Committee *for* Education, Sport & Culture

		Member Present		Member Absent			
Name of Member	Total Number of Meetings	Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business /holiday	Other
P. R. Le Pelley	18	17			1		
C. P. Meerveld	10	7	3				
D. de G. De Lisle	11	8	1			2	
A. C. Dudley- Owen	18	16	1		1		
N. R. Inder	18	16				2	
J.A.B. Gollop	8	7			1		
L.C. Queripel	2	2					

### Changes to the membership of the Committee *for* Education, Sport & Culture

Deputy C.P. Meerveld submitted his letter of resignation on 2<sup>nd</sup> December, 2017 and was replaced by Deputy J.A.B. Gollop on 13<sup>th</sup> December, 2017. Deputy D. de G. De Lisle submitted his letter of resignation on 14<sup>th</sup> December, 2017 and was replaced by Deputy L.B. Queripel on 17<sup>th</sup> January, 2018.

Deputies P.R. Le Pelley, A.C. Dudley-Owen, N.R Inder, J.A.B. Gollop and L.B. Queripel submitted their letters of resignation in January 2018 and were replaced by Deputies M.J. Fallaize (President), R. H. Graham, R. H. Tooley, P.J. Roffey and M.H. Dorey on 7<sup>th</sup> February, 2018. Deputy R. H. Graham was appointed Vice-President of the Committee.

		Member Present		Member Absent			
Name of Member	Total Number of Meetings	Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business /holiday	Other
M.J. Fallaize	25	25					
R. H. Graham	25	25					
R. H. Tooley	25	22	1			2	
P.J. Roffey	25	20	1			4	
M.H. Dorey	25	24				1	

## Committee *for* Employment & Social Security

		Member Present		Member Absent			
Name of Member	Total Number of Meetings	Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business /holiday	Other
M. K. Le Clerc	45	43				2	
S. L. Langlois	45	45					
J. A. B. Gollop	45	39		4	2		
M. J. Fallaize	45	28	1		13	3	
E. A. Yerby	45	40	1	2		2	

There were no changes to the membership of the Committee *for* Employment & Social Security between 1<sup>st</sup> November, 2017 to 31<sup>st</sup> October, 2018.

### **Committee *for* Environment & Infrastructure**

		<b>Member Present</b>		<b>Member Absent</b>			
<b>Name of Member</b>	<b>Total Number of Meetings</b>	<b>Whole Meeting</b>	<b>Part of Meeting</b>	<b>Indisposed</b>	<b>States' business</b>	<b>Personal business /holiday</b>	<b>Other</b>
B. L. Brehaut	26	24				2	
M. H. Dorey	26	25				1	
S. L. Langlois	26	25	1				
H. L. de Sausmarez	26	26					
S. T. Hansmann Rouxel	26	24	1			1	

There were no changes to the membership of the Committee *for* Environment & Infrastructure between 1<sup>st</sup> November, 2017 to 31<sup>st</sup> October, 2018.

### **Committee *for* Health & Social Care**

		<b>Member Present</b>		<b>Member Absent</b>			
<b>Name of Member</b>	<b>Total Number of Meetings</b>	<b>Whole Meeting</b>	<b>Part of Meeting</b>	<b>Indisposed</b>	<b>States' business</b>	<b>Personal business /holiday</b>	<b>Other</b>
H. J. R. Soulsby	23	23					
R. H. Tooley	23	15	4		2	2	
R. G. Prow	23	20	1			2	
E. A. Yerby	23	19	1			3	
J. I. Mooney	5	5					
D.A. Tindall	18	14	2		1	1	

### **Changes to the membership of the Committee *for* Health & Social Care**

Deputy J.I. Mooney submitted his letter of resignation on 2<sup>nd</sup> January, 2018 and was replaced by Deputy D.A. Tindall on 17<sup>th</sup> January, 2018.

### **Committee *for* Home Affairs**

		<b>Member Present</b>		<b>Member Absent</b>			
<b>Name of Member</b>	<b>Total Number of Meetings</b>	<b>Whole Meeting</b>	<b>Part of Meeting</b>	<b>Indisposed</b>	<b>States' business</b>	<b>Personal business /holiday</b>	<b>Other</b>
M. M. Lowe	49	49					
R. H. Graham	49	44	5				
V. S. Oliver	49	37	1	9		2	
R. G. Prow	49	47	1			1	
M. P. Leadbeater	49	39	5			5	

There were no changes to the membership of the Committee *for* Home Affairs between 1<sup>st</sup> November, 2017 to 31<sup>st</sup> October, 2018.

## Development & Planning Authority

		Member Present		Member Absent			
Name of Member	Total Number of Meetings	Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business /holiday	Other
J. A. B. Gollop	13	13					
D. A. Tindall	13	11	1			1	
L. C. Queripel	13	13					
V. S. Oliver	13	8	2	3			
M. P. Leadbeater	13	7	3		1	2	

There were no changes to the membership of the Development & Planning Authority between 1<sup>st</sup> November, 2017 to 31<sup>st</sup> October, 2018.

## Scrutiny Management Committee

		Member Present		Member Absent			
Name of Member	Total Number of Meetings	Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business /holiday	Other
C. J. Green	13	12				1	
P. J. Roffey	4	2				2	
L. B. Queripel	13	9	2	2			
J.S. Merrett	9	9					

### Changes to the membership of the Scrutiny Management Committee

Deputy P.J. Roffey resigned as a Member (and Vice-President) of the Committee on 7<sup>th</sup> February, 2018. Deputy J.S. Merrett was elected as a Member on 28<sup>th</sup> February, 2018. Deputy L.B. Queripel was appointed Vice-President.

## Legislation Review Panel

		Member Present		Member Absent			
Name of Member	Total Number of Meetings	Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business /holiday	Other
C. J. Green	13	9		1		3	
L. B. Queripel	13	10		1		2	
D. de G. De Lisle	13	13					
J. A. B. Gollop	13	11		1	1		
D. A. Tindall	13	9		1	1	2	

There were no changes to the membership of the Legislation Review Panel between 1<sup>st</sup> November, 2017 to 31<sup>st</sup> October, 2018.

## States' Assembly & Constitution Committee

		Member Present		Member Absent			
Name of Member	Total Number of Meetings	Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business /holiday	Other
M. J. Fallaize	5	4		1			
P. J. Roffey	15	15					
M. H. Dorey	15	15					
M. K. Le Clerc	15	12	1		1	1	
H. L. de Sausmarez	15	15					
N. R. Inder	10	8	1			1	

### Changes to the membership of the States' Assembly & Constitution Committee

Deputy M.J Fallaize resigned as President on 16<sup>th</sup> February, 2018. Deputy P.J Roffey was elected President on 28<sup>th</sup> February, 2018. Deputy N.R. Inder was elected as a Member on 21<sup>st</sup> March, 2018. Deputy H.L. de Sausmarez was appointed Vice-President.

## States' Trading Supervisory Board

		Member Present		Member Absent			
Name of Member	Total Number of Meetings	Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business /holiday	Other
C. N. K. Parkinson	14	12				2	
P. T. R. Ferbrache	8	8					
J. C. S. F. Smithies	22	20				1	1
J. Kuttelwascher	4	4					

### Changes to the membership of the States' Trading Supervisory Board

Deputy C.N.K. Parkinson resigned as President on 8<sup>th</sup> June, 2018. Deputy P.T.R. Ferbrache was elected President on 27<sup>th</sup> June, 2018.

On 20<sup>th</sup> July, 2018, the constitution of the States' Trading Supervisory Board was amended to change the number of States' Members on the Board from two (President and 1 Member) to three (President and 2 Members). Deputy J. Kuttelwascher was elected as a Member on 26<sup>th</sup> September, 2018.

## Transport Licensing Authority

		Member Present		Member Absent			
Name of Member	Total Number of Meetings	Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business /holiday	Other
B. J. E. Paint	15	15					
D. A. Tindall	5	4		1			
J. A. B. Gollop	15	15					

C. P. Meerveld	15	15					
S.D.G McKinley, OBE	15	8	1		4	2	
P. R. Le Pelley	8	8					

### Changes to the membership of the Transport Licensing Authority

Further to Deputy D.A. Tindall's election as a member of the Committee *for* Economic Development on 17<sup>th</sup> January, 2018, she was deemed to have resigned from the office of member of the Transport Licensing Authority (a member of the Committee *for* Economic Development shall not be a Member of the Transport Licensing Authority). Deputy P.R. Le Pelley was elected as a Member on 7<sup>th</sup> February, 2018.

## PART II - REPORT BY MEMBER / ELECTORAL DISTRICT

### 1<sup>st</sup> November, 2017 to 31<sup>st</sup> October, 2018

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#### Summary of Attendances at Committee Meetings

NAME OF MEMBER	TOTAL NUMBER OF MEETINGS	MEMBER PRESENT		MEMBER ABSENT			
		Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business/ holiday	Other
ST PETER PORT SOUTH							
P. T. R. Ferbrache	13	9					4
J. Kuttelwascher	14	14					
D. A. Tindall	70	57	4	2	3	4	
B. L. Brehaut	26	24				2	
R. H. Tooley	48	37	5		2	4	
ST PETER PORT NORTH							
J. A. B. Gollop	94	85		5	4		
C. N. K. Parkinson	36	30	4			2	
Lester C. Queripel	15	15					
M. K. Le Clerc	60	55	1		1	3	
M. P. Leadbeater	62	46	8		1	7	
J. I. Mooney	36	30	4	1			1
ST. SAMPSON							
L. S. Trott	60	43	3		6	7	1
P. R. Le Pelley	26	25			1		
J. S. Merrett	19	18		1			
G. A. St. Pier	60	50			2	8	
T. J. Stephens	60	59				1	
C. P. Meerveld	25	22	3				
VALE							
M. J. Fallaize	75	57	1	1	13	3	

NAME OF MEMBER	TOTAL NUMBER OF MEETINGS	MEMBER PRESENT		MEMBER ABSENT			
		Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business/ holiday	Other
N. R. Inder	28	24	1			3	
M. M. Lowe	49	49					
Laurie B. Queripel	26	19	2	3		2	
J. C. S. F. Smithies	22	20				1	1
S. T. Hansmann Rouxel	26	24	1			1	
<b>CASTEL</b>							
R. H. Graham	74	69	5				
C. J. Green	26	21		1		4	
B. J. E. Paint	15	15					
M. H. Dorey	66	64				2	
J. P. Le Tocq	61	44	3		8	6	
<b>WEST</b>							
A. H. Brouard	60	52	1		1	6	
A. C. Dudley-Owen	49	44	3		1		1
E. A. Yerby	68	59	2	2		5	
D. de G. De Lisle	45	42	1			2	
S. L. Langlois	71	70	1				
<b>SOUTH-EAST</b>							
H. J. R. Soulsby	23	23					
H. L. de Sausmarez	41	41					
P. J. Roffey	44	37	1			6	
R. G. Prow	72	67	2			3	
V. S. Oliver	62	45	3	12		2	
<b>ALDERNEY REPRESENTATIVES</b>							
L. E. Jean	0						
S. D. G. McKinley, OBE	15	8	1		4	2	

## PART III – REPORT OF ATTENDANCE AND VOTING IN THE STATES OF DELIBERATION

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NAME OF MEMBER	TOTAL NUMBER OF DAYS (or part)	DAYS ATTENDED (or part)	TOTAL NUMBER OF RECORDED VOTES	RECORDED VOTES ATTENDED	
<b>ST PETER PORT SOUTH</b>					
P. T. R. Ferbrache	33	33	107	106	- 1
J. Kuttelwascher	33	33	107	106	- 1
D. A. Tindall	33	30	107	92	- 15
B. L. Brehaut	33	33	107	107	0
R. H. Tooley	33	33	107	101	- 5
<b>ST PETER PORT NORTH</b>					
J. A. B. Gollop	33	33	107	107	0
C. N. K. Parkinson	33	32	107	102	- 5
Lester C. Queripel	33	33	107	107	0
M. K. Le Clerc	33	33	107	107	0
M. P. Leadbeater	33	30	107	91	- 16
J. I. Mooney	33	33	107	104	- 3
<b>ST SAMPSON</b>					
L. S. Trott	33	33	107	107	0
P. R. Le Pelley	33	28	107	84	- 23
J. S. Merrett	33	33	107	107	0
G. A. St. Pier	33	33	107	102	- 5
T. J. Stephens	33	32	107	104	- 3
C. P. Meerveld	33	33	107	96	- 11
<b>VALE</b>					
M. J. Fallaize	33	32	107	91	- 16
N. R. Inder	33	33	107	105	- 2
M. M. Lowe	33	33	107	107	0
Laurie B. Queripel	33	31	107	100	-7
J. C. S. F. Smithies	33	30	107	96	-11
S. T. Hansmann Rouxel	33	33	107	107	0
<b>CASTEL</b>					
R. H. Graham	33	33	107	105	-2
C. J. Green	33	33	107	104	-3
B. J. E. Paint	33	33	107	107	0
M. H. Dorey	33	33	107	107	0
J. P. Le Tocq	33	26	107	65	-42



NAME OF MEMBER	TOTAL NUMBER OF DAYS (or part)	DAYS ATTENDED (or part)	TOTAL NUMBER OF RECORDED VOTES	RECORDED VOTES ATTENDED	
<b>WEST</b>					
A. H. Brouard	33	28	107	91	-16
A. C. Dudley- Owen	33	33	107	107	0
E. A. Yerby	33	32	107	98	-9
D. de G. De Lisle	33	33	107	107	0
S. L. Langlois	33	33	107	107	0
<b>SOUTH-EAST</b>					
LH. J. R. Soulsby	33	33	107	107	0
H. L. de Sausmarez	33	33	107	107	0
P. J. Roffey	33	33	107	107	0
R. G. Prow	33	33	107	107	0
V. S. Oliver	33	24	107	79	-28
<b>ALDERNEY REPRESENTATIVES</b>					
L. E. Jean	29	28	96	82	-14
S. D. G. McKinley	32	31	105	84	-21
S. Roberts	4	3	11	8	-3
M. Dean	1	1	2	2	0

**Notes:**

- S Roberts was the nominated Alderney Representative for the four meetings from 18<sup>th</sup> July to 26<sup>th</sup> September, 2018 in place of L.E. Jean. M. Dean was the nominated Alderney Representative for the meeting held on 26<sup>th</sup> September, in place of S. D. G. McKinley.
- The only inference which can be drawn from the attendance statistics in this part of the report is that a Member was present for the roll call or was subsequently *relevé(e)*.
- Some Members recorded as absent will have been absent for reasons such as illness.

The details of all recorded votes can be found on the States' website [www.gov.gg](http://www.gov.gg) on the page for the relevant States' Meeting.