



# BILLET D'ÉTAT

WEDNESDAY, 26th July, 2000

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# ***BILLET D'ÉTAT***

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

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I have the honour to inform you that a Meeting of the States of Deliberation will be held at the **ROYAL COURT HOUSE**, on **WEDNESDAY**, the **26th July, 2000**, immediately after the Meeting already convened for that day.

**STATES LEGISLATION COMMITTEE**

**NEW MEMBER**

The States are asked:—

- I.— To elect a member of the States Legislation Committee, who need not be a sitting member of the States, to complete the unexpired portion of the term of office of Douzaine Representative R. A. R. Evans, who has been elected President of that Committee, namely, to the 31st May, 2002.

**STATES ADVISORY AND FINANCE COMMITTEE****PROPOSED CHANGES TO THE DATA PROTECTION (BAILIWICK OF GUERNSEY) LAW, 1986**

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

22nd June, 2000

Sir,

**Proposed changes to the Data Protection (Bailiwick of Guernsey) Law,  
1986**

**BACKGROUND**

The purpose of the Data Protection Law is to:

- safeguard the rights of individuals with regard to information held about them and stored and processed on computers;
- ensure that organisations and individuals holding such information register with the Advisory & Finance Committee and declare the purposes for storing the data and to whom it may be disclosed;
- ensure that these organisations and individuals ("data users") hold personal data that is accurate and only used for the purposes for which it is registered.

The law was introduced to give effect to the Council of Europe convention for the protection of individuals with regard to automatic processing of personal data. The convention was extended to the Bailiwick with effect from 1st December, 1987.

**THE REASON FOR THE PROPOSED CHANGES**

The Data Protection (Bailiwick of Guernsey) Law, 1986 ("the Law") is a close copy of the UK's Data Protection Act, 1984. After 24 October 1995 the UK had three years in which to implement European Parliament and Council Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data ("the Directive").

The UK introduced a new Data Protection Act ("the UK Act") towards the end of 1998. This Act came into force on 1st March, 2000.



The Committee recommends that a new Law be enacted along the lines of the UK Act.

This report summarises the main changes under the following headings:

1. Registration/Notification
2. The Data Protection Principles
3. Data Subject Rights
4. Transfer of Data Overseas
5. Manual Records
6. Transitional Arrangements
7. Establishment of a Supervisory Body
8. Miscellaneous matters
9. Temporary provisions.

## **1. REGISTRATION/NOTIFICATION**

The Committee proposes that existing Registration requirements should be replaced by a simpler Notification system. The format of Notifications will be less complicated and less detailed than that required by the existing Registration process.

There will be exemptions from notification covering matters such as staff administration, advertising, accounting records and non-profit making organisations. It is anticipated that those exemptions will cover many small businesses but they will still be subject to the other provisions of the law.

It is proposed that notifications should be annual rather than the present three yearly registration period. Renewal of Notifications will be simplified by the introduction of direct debit and similar arrangements. Revenue from Notification fees will be used to offset the costs of supervision.

## **2. THE DATA PROTECTION PRINCIPLES**

The eight Data Protection Principles set out in Part I of Schedule 1 to the UK Act are as follows:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless -
  - (a) at least one of the conditions in Schedule 2 is met, and
  - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.

5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

The interpretation of the principles is set out in part II of Schedule 1 to the UK Act. Schedules 2 and 3 set out important conditions. This part of Schedule 1 and Schedules 2 and 3 are attached as an Appendix to this letter.

The UK Act condenses the eight previous data protection principles into seven and imposes specific restrictions on the processing of sensitive personal data (i.e. racial or ethnic origin, political opinions, religious or other beliefs, medical health, trade union membership, sexual orientation, commission or alleged commission of any offences). Where such data are being processed the controller must meet at least one of the standard conditions defined in Schedule 2, (inter alia that processing must be necessary for the performance of a contract with the individual or because it is required under a legal obligation or to carry out a public function) but also certain stricter conditions defined in Schedule 3 of the UK Act.

Principle eight is a completely new principle concerning the transfer of data to third countries. This is discussed at point 4 below.

The Committee proposes the introduction, as under the UK Act, of new exemptions for the "special purposes" of journalistic, artistic or literary expression. These "special purposes" occur when data are processed with a view to publication, and where publication is in the public interest.

### **3. DATA SUBJECT RIGHTS**

It is proposed to enhance a Data Subject's rights of access to data about himself. As at present, a person will be entitled to have a copy of any data processed by reference to him/her. Under provisions corresponding to the UK Act he would also be entitled to a description of the data being processed, a description of the purposes for which it is being processed, a description of any potential recipients of his data, and any information as to the source of the data (where available).

The Committee proposes that in addition individuals will have the right to request to be advised of any persons or organisations to whom the data may be disclosed.

Where a decision significantly affecting a data subject is, or is likely to be, made about them by fully automated means, for the purpose of evaluating matters about them such as their performance at work, their creditworthiness, their reliability or their conduct, in most circumstances they will be entitled to be told of the logic involved in that process.

They will also have the right to object to the processing of personal data for direct marketing purposes.

Existing exemptions from subject access provisions will continue broadly unchanged. It is also proposed to exempt matters such as the investigation and enforcement work of regulatory authorities to the extent that the application of the provisions would prejudice the proper discharge of those functions.

#### **4. TRANSFERS OF PERSONAL DATA TO THIRD COUNTRIES**

Paragraph 1 of article 25 of the Directive states that "Member States shall provide that the transfer to a third country of personal data which are undergoing processing or are intended for processing after transfer may take place only if, without prejudice to compliance with the national provisions adopted pursuant to the other provisions of this Directive, the third country in question ensures an adequate level of protection".

In the context of the UK Act, and Directive Guernsey is a "Third Country". It follows, therefore, that personal data can only be freely transferred from an EU country to Guernsey if Guernsey provides an "adequate" level of data protection. Under arrangements with the EU, the principles of the directive can be expected in due course to apply to the EEA which consists of the 15 EU member states plus Norway, Iceland and Liechtenstein.

The new UK Act will require the supervisory authority to notify the European Commission and other EU Member States of cases where levels of protection in third countries are believed to be inadequate. Therefore it is vital that the Bailiwick can demonstrate that it provides "an adequate level of data protection". Otherwise it might not be possible for organisations within the EU to freely transfer data to the Bailiwick of Guernsey, and clearly this may restrict their desire or ability to bring business to the Bailiwick.

In the first instance it is for data controllers to decide whether protection is "adequate" in a receiving territory. In determining what is an "adequate level of data protection", controllers should consider for example: the nature of the personal data, the country of origin, and final destination; the law or any relevant code of conduct in force. There are exemptions where certain criteria are

satisfied. These include, inter alia, where the data subject has consented to the transfer and where the transfer is necessary for the performance of a contract between the data subject and the controller.

## **5. MANUAL RECORDS**

The current data protection legislation in the Bailiwick applies only to computerised records. In line with the Directive, the definition of data in the UK Act has been extended so that it includes information which is recorded as part of a "relevant filing system". A "relevant filing system" is a system structured by reference to individuals or criteria relating to individuals where specific information relating to a particular individual is readily accessible.

In order to comply with the Directive the Committee believes that the new Law must also cover such records.

Data controllers will need to consider their manual records to determine how far the Law applies to personal data processed in those systems. For the Law to apply the manual information must fall within the extended definition of "data" in the Law.

Where manual information does fall within the definition, data controllers will have to comply with the Law. In the UK, transitional relief is to apply for certain categories of manual information up to 24th October 2007.

As indicated in section one above the Committee believes that the majority of data controllers who process personal information in a relevant filing system manually will not be subject to notification under the Law. They will however need to comply with the data protection principles and individuals will have rights of access in the same way that they have rights of access to automated information.

The Committee has consulted the Chamber of Commerce and the Guernsey International Business Association. Both organisations agree that Guernsey Law should be brought into line with the Directive.

The Committee has also consulted the Policy and Finance Committee of the States of Alderney and the General Purposes and Advisory Committee of the Chief Pleas of Sark.

Both Committees support the principle of updating the current law.

## **6. TRANSITIONAL ARRANGEMENTS**

The UK Act provides for a transitional period for data controllers to bring their processing in line with the new requirements. In the UK, data controllers who are already registered will not have to comply with the new annual Notification system until their existing

registration expires. This means that some organisations may have up to three years (i.e. until their existing registration expires) before they need to make their first notification.

During this transitional period, data processing operations currently registered will not need to include manual records within their registration. However, organisations notifying under the new UK Act will not have the benefit of these transitional provisions, and the provisions of the UK Law will apply to them.

The Committee proposes similar transitional arrangements to enable data controllers to bring their processing in line with the new requirements.

## **7. ESTABLISHMENT OF A SUPERVISORY BODY**

The Directive requires each member state to establish one or more "supervisory authorities" and specifies the powers and duties of such authorities. In the UK this will be the existing Data Protection Registry, which will be renamed as the "Data Protection Commission" and will be headed by a "Commissioner" rather than a "Registrar".

The UK Commissioner will have wider powers of supervision and enforcement, including the power to issue enforcement notices and to enforce the data protection principles against someone who is exempt from notification. The Commissioner will have a general duty to promote good data protection practice and will be able to carry out quality assessments of controllers' data protection systems.

When the Bailiwick Law was enacted it was not thought necessary to establish an independent registrar, and the appropriate functions were conferred on the Advisory and Finance Committee.

As described in 4 above, in order for data to be freely transferable to the Bailiwick from the EU there must be an "adequate" level of protection.

The Directive requires that Member States' supervisory authorities act with complete independence in exercising the functions entrusted to them; and in assessing the adequacy of third countries' regimes the existence of an independent "regulator" is viewed as important. Although no criticisms have been made of the way in which the States Advisory and Finance Committee has carried out the functions through the Data Protection Officer in fact, it is feared that a perception of lack of independence may exist.

It should be noted that both Jersey and the Isle of Man have independent registrars and so meet this test.

The Committee has appointed a Data Protection Commissioner - Designate and it is the intention to propose his appointment to a new independent statutory office bearing that name on the coming into force of a new Law.

The Committee proposes that the Commissioner be appointed by the States on the nomination of the Committee on terms and conditions to be agreed between the Commissioner and the Committee. Safeguards will be enacted to ensure his independence.

The Committee proposes that in the new Law the Data Protection Commissioner will have duties and powers similar to the UK Commissioner. The Committee will no longer have any responsibility other than as set out above.

Appeals against decisions of the Commissioner will continue to be available to the Royal Court, the Court of Alderney or the Court of the Seneschal, as appropriate. This is the position under the current law regarding appeals against decisions of the Committee.

## **8. MISCELLANEOUS MATTERS**

The Committee proposes changes to amend the current legislation in the areas of enforcement, definitions and information notices so that the Bailiwick legislation is compatible with the provisions of the Directive.

Enforcement notices issued under the UK Act in Section 40(3) can additionally be used to block or erase data.

Under the UK Act the procedure for issuing an enforcement notice ensures that the supervisory authority explains: the suggested remedial action; any necessary immediate enforcement or remedial action; the right to make representations before any action is taken; the right of appeal.

Whilst, superficially, the definitions are similar to those in the former UK Act and the Bailiwick Law of 1986 some of the Directive's definitions do differ in important respects. As an example the definition of processing in the UK Act is much wider than in the Law. Under the current legislation "processing" of data means "augmenting, deleting or rearranging the data or extracting the information constituting the data". The new UK Act covers any operation involving personal data, whether or not by automatic means, from their collection to their destruction as well as merely holding them. This means that the UK Act will catch any automated processing of personal data whether or not it is by reference to the data subject. However the present Bailiwick Law applies only to processing by reference to the Data subject.

As now, individuals will be able to complain to the supervisory authority about any alleged breach of the new Law. The supervisory authority will be under a duty to consider complaints of substance. The new UK Act contains a new power for the supervisory authority to require controllers to provide information in certain limited circumstances. These are where the supervisory authority has reason to suspect that the Act is being breached; or where it needs the information to investigate properly a complaint made by a data

subject in accordance with Article 28.4 of the Directive which provides that if the information is refused, the supervisory authority has the ability to issue an enforcement notice requiring its provision. The existing power for the supervisory authority to seek a warrant is retained to support this.

#### **9. TEMPORARY PROVISIONS**

Under the terms of the Directive the European Commission has the power to make a finding on whether a non EEA territory has adequate data protection for the purposes of the new principle 8.

The Committee has been advised through official channels that, along with the other crown dependencies, the adequacy of the Bailiwick's current law is being examined. The Committee has been asked to respond to a "checklist" prepared for the Commission.

The Committee has replied and believes that the current law is adequate if not equivalent.

The Committee has appointed an independent Commissioner but he has no statutory duties or rights under the present law. It is the Committee's intention to propose his appointment to the statutory office which would be established under the new law.

As indicated in 7 above the current legal responsibility of the Advisory and Finance Committee may lead to a perception of a lack of independence.

The Committee is advised that the EU places great importance on the question of independent supervision and regulation.

Inevitably a new law will take some time to prepare. After consulting H.M. Comptroller the Committee proposes that an ordinance be enacted meanwhile to establish the office of an independent Data Protection Commissioner.

This Ordinance together with the Data Protection (Bailiwick of Guernsey) Law will be repealed when a new Law comes into force.

You Sir, have been good enough to permit the Draft Ordinance entitled The Data Protection (Office of Commissioner) Ordinance, 2000 to be included in the Billet d'Etat containing this policy letter.

#### **CONCLUSION**

It is proposed that the existing Bailiwick Law be amended in accordance with the above recommendations. These amendments are necessary to ensure that the Bailiwick has "an adequate level of data protection", which will allow the unfettered transfer of personal data between the Bailiwick and EU member states.

Most data flows between Guernsey and the EU are in fact with the United Kingdom. Also more Guernsey businesses are controlled by United Kingdom entities than those of any other country. Administrative and compliance systems are often closely integrated. Administration, compliance and staff training therefore will be greatly facilitated if the new Bailiwick Law is modelled as closely as practicable on the UK Act. In addition Guernsey staff receive much help and assistance from the UK authorities. This assistance is always freely given and will also be facilitated if the respective Laws are similar in essential points.

The Committee also propose that it is advisable to establish the office of an independent Data Protection Commissioner as soon as possible.

As mentioned above the Committee has appointed a Data Protection Commissioner - Designate. Mr W.C. Bull took office on 1st December, 1999. Since then he has been administering the existing law on behalf of the Committee and advising on the introduction of a new law. Mr Bull is a qualified accountant. He was employed as a Civil Servant for sixteen years rising to the position of States Treasurer before leaving to take up a post as a Finance Director in the private sector. He has now retired and subject to acceptance of its other proposals the Committee recommends that he be appointed to the office of Data Protection Commissioner.

#### RECOMMENDATIONS

The Committee recommends the States:

1. to agree to the replacement of the Data Protection (Bailiwick of Guernsey) Law, 1986 with a Law in similar terms to the Data Protection Act 1998;
2. to approve the establishment of the office of an independent Data Protection Commissioner;
3. to approve the draft ordinance entitled The Data Protection (Office of Commissioner) Ordinance, 2000 and to direct that the same shall have effect as an Ordinance of the States;
4. to appoint Mr W.C. Bull to the office of Data Protection Commissioner.

I have the honour to request that you will be good enough to lay this matter before the States with appropriate propositions including one directing the preparation of the necessary legislation.

I am, Sir,  
Your obedient Servant,  
L. C. MORGAN,  
President,  
Advisory and Finance Committee.



## DATA PROTECTION ACT 1998

## 1998 Chapter 29 - continued

## SCHEDULE 1, THE DATA PROTECTION PRINCIPLES - continued

PART II  
INTERPRETATION OF THE PRINCIPLES IN PART  
I

*The first principle*

1. - (1) In determining for the purposes of the first principle whether personal data are processed fairly, regard is to be had to the method by which they are obtained, including in particular whether any person from whom they are obtained, is deceived or misled as to the purpose or purposes for which they are to be processed.

(2) Subject to paragraph 2, for the purposes of the first principle data are to be treated as obtained fairly if they consist of information obtained from a person who-

(a) is authorised by or under any enactment to supply it, or

(b) is required to supply it by or under any enactment or by any convention or other instrument imposing an international obligation on the United Kingdom.

2. - (1) Subject to paragraph 3, for the purposes of the first principle personal data are not to be treated as processed fairly unless-

(a) in the case of data obtained from the data subject, the data controller ensures so far as practicable that the data subject has, is provided with, or has made readily available to him, the information specified in sub-paragraph (3), and

(b) in any other case, the data controller ensures so far as practicable that, before the relevant time or as soon as practicable after that time, the data subject has, is provided with, or has made readily available to him, the information specified in sub-paragraph (3).

(2) In sub-paragraph (1)(b) "the relevant time" means-

(a) the time when the data controller first processes the data, or

(b) in a case where at that time disclosure to a third party within a reasonable period is envisaged-

(i) if the data are in fact disclosed to such a person within that period, the time when the data are first disclosed,

(ii) if within that period the data controller becomes, or ought to become, aware that the data are unlikely to be disclosed to such a person within that period, the time when the data controller does become, or ought to become, so aware, or

(iii) in any other case, the end of that period.

(3) The information referred to in sub-paragraph (1) is as follows, namely-

(a) the identity of the data controller,

(b) if he has nominated a representative for the purposes of this Act, the identity of that representative,

(c) the purpose or purposes for which the data are intended to be processed, and

(d) any further information which is necessary, having regard to the specific circumstances in which the data are or are to be processed, to enable processing in respect of the data subject to be fair.

3. - (1) Paragraph 2(1)(b) does not apply where either of the primary conditions in sub-paragraph (2), together with such further conditions as may be prescribed by the Secretary of State by order, are met.

(2) The primary conditions referred to in sub-paragraph (1) are-

(a) that the provision of that information would involve a disproportionate effort, or

(b) that the recording of the information to be contained in the data by, or the disclosure of the data by, the data controller is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.

4. - (1) Personal data which contain a general identifier falling within a description prescribed by the Secretary of State by order are not to be treated as processed fairly and lawfully unless they are processed in compliance with any conditions so prescribed in relation to general identifiers of that description.

(2) In sub-paragraph (1) "a general identifier" means any identifier (such as, for example, a number or code used for identification purposes) which-

(a) relates to an individual, and

(b) forms part of a set of similar identifiers which is of general application.

*The second principle*

5. The purpose or purposes for which personal data are obtained may in particular be specified-

(a) in a notice given for the purposes of paragraph 2 by the data controller to the data subject, or

(b) in a notification given to the Commissioner under Part III of this Act.

6. In determining whether any disclosure of personal data is compatible with the purpose or purposes for which the data were obtained, regard is to be had to the purpose or purposes for which the personal data are intended to be processed by any person to whom they are disclosed.

*The fourth principle*

7. The fourth principle is not to be regarded as being contravened by reason of any inaccuracy in personal data which accurately record information obtained by the data controller from the data subject or a third party in a case where-

(a) having regard to the purpose or purposes for which the data were obtained and further processed, the data controller has taken reasonable steps to ensure the accuracy of the data, and

(b) if the data subject has notified the data controller of the data subject's view that the data are inaccurate, the data indicate that fact.

*The sixth principle*

8. A person is to be regarded as contravening the sixth principle if, but only if-

(a) he contravenes section 7 by failing to supply information in accordance with that section,

(b) he contravenes section 10 by failing to comply with a notice given under subsection (1) of that section to the extent that the notice is justified or by failing to give a notice under subsection (3) of that section,

(c) he contravenes section 11 by failing to comply with a notice given under subsection (1) of that section, or

(d) he contravenes section 12 by failing to comply with a notice given under subsection (1) or (2)(b) of that section or by failing to give a notification under subsection (2)(a) of that section or a notice under subsection (3) of that section.

### *The seventh principle*

9. Having regard to the state of technological development and the cost of implementing any measures, the measures must ensure a level of security appropriate to-

(a) the harm that might result from such unauthorised or unlawful processing or accidental loss, destruction or damage as are mentioned in the seventh principle, and

(b) the nature of the data to be protected.

10. The data controller must take reasonable steps to ensure the reliability of any employees of his who have access to the personal data.

11. Where processing of personal data is carried out by a data processor on behalf of a data controller, the data controller must in order to comply with the seventh principle-

(a) choose a data processor providing sufficient guarantees in respect of the technical and organisational security measures governing the processing to be carried out, and

(b) take reasonable steps to ensure compliance with those measures.

12. Where processing of personal data is carried out by a data processor on behalf of a data controller, the data controller is not to be regarded as complying with the seventh principle unless-

(a) the processing is carried out under a contract-

(i) which is made or evidenced in writing, and

(ii) under which the data processor is to act only on instructions from the data controller, and

(b) the contract requires the data processor to comply with obligations equivalent to those imposed on a data controller by the seventh principle.

*The eight principle*

13. An adequate level of protection is one which is adequate in all the circumstances of the case, having regard in particular to-

- (a) the nature of the personal data,
- (b) the country or territory of origin of the information contained in the data,
- (c) the country or territory of final destination of that information,
- (d) the purposes for which and period during which the data are intended to be processed,
- (e) the law in force in the country or territory in question,
- (f) the international obligations of that country or territory,
- (g) any relevant codes of conduct or other rules which are enforceable in that country or territory (whether generally or by arrangement in particular cases), and
- (h) any security measures taken in respect of the data in that country or territory.

14. The eighth principle does not apply to a transfer falling within any paragraph of Schedule 4, except in such circumstances and to such extent as the Secretary of State may by order provide.

15. - (1) Where-

- (a) in any proceedings under this Act any question arises as to whether the requirement of the eighth principle as to an adequate level of protection is met in relation to the transfer of any personal data to a country or territory outside the European Economic Area, and
- (b) a Community finding has been made in relation to transfers of the kind in question,

that question is to be determined in accordance with that finding.

(2) In sub-paragraph (1) "Community finding" means a finding of the European Commission, under the procedure provided for in Article 31(2) of the Data Protection Directive, that a country or territory outside the European Economic Area does, or does not, ensure an adequate level of protection within the meaning of Article 25(2) of the Directive.

DATA PROTECTION ACT 1998

1998 Chapter 29 - continued

SCHEDULE 2

CONDITIONS RELEVANT FOR PURPOSES OF  
THE FIRST PRINCIPLE: PROCESSING OF ANY  
PERSONAL DATA

1. The data subject has given his consent to the processing.
2. The processing is necessary-
  - (a) for the performance of a contract to which the data subject is a party, or
  - (b) for the taking of steps at the request of the data subject with a view to entering into a contract.
3. The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.
4. The processing is necessary in order to protect the vital interests of the data subject.
5. The processing is necessary-
  - (a) for the administration of justice,
  - (b) for the exercise of any functions conferred on any person by or under any enactment,
  - (c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department, or
  - (d) for the exercise of any other functions of a public nature exercised in the public interest by any person.
6. - (1) The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.
  - (2) The Secretary of State may by order specify particular circumstances in which this condition is, or is not, to be taken to be satisfied.

DATA PROTECTION ACT 1998

1998 Chapter 29 - continued

SCHEDULE 3

CONDITIONS RELEVANT FOR PURPOSES OF  
THE FIRST PRINCIPLE: PROCESSING OF  
SENSITIVE PERSONAL DATA

1. The data subject has given his explicit consent to the processing of the personal data.
2. - (1) The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on the data controller in connection with employment.  
  
(2) The Secretary of State may by order-  
  
(a) exclude the application of sub-paragraph (1) in such cases as may be specified, or  
  
(b) provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.
3. The processing is necessary-  
  
(a) in order to protect the vital interests of the data subject or another person, in a case where-  
  
(i) consent cannot be given by or on behalf of the data subject, or  
  
(ii) the data controller cannot reasonably be expected to obtain the consent of the data subject, or  
  
(b) in order to protect the vital interests of another person, in a case where consent by or on behalf of the data subject has been unreasonably withheld.
4. The processing-  
  
(a) is carried out in the course of its legitimate activities by any body or association which-  
  
(i) is not established or conducted for profit, and  
  
(ii) exists for political, philosophical, religious or trade-union purposes,

(b) is carried out with appropriate safeguards for the rights and freedoms of data subjects,

(c) relates only to individuals who either are members of the body or association or have regular contact with it in connection with its purposes, and

(d) does not involve disclosure of the personal data to a third party without the consent of the data subject.

5. The information contained in the personal data has been made public as a result of steps deliberately taken by the data subject.

6. The processing-

(a) is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings),

(b) is necessary for the purpose of obtaining legal advice, or

(c) is otherwise necessary for the purposes of establishing, exercising or defending legal rights.

7. - (1) The processing is necessary-

(a) for the administration of justice,

(b) for the exercise of any functions conferred on any person by or under an enactment, or

(c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department.

(2) The Secretary of State may by order-

(a) exclude the application of sub-paragraph (1) in such cases as may be specified, or

(b) provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.

8. - (1) The processing is necessary for medical purposes and is undertaken by-

(a) a health professional, or

(b) a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if that person were a health professional.



(2) In this paragraph "medical purposes" includes the purposes of preventative medicine, medical diagnosis, medical research, the provision of care and treatment and the management of healthcare services.

9. - (1) The processing-

(a) is of sensitive personal data consisting of information as to racial or ethnic origin,

(b) is necessary for the purpose of identifying or keeping under review the existence or absence of equality of opportunity or treatment between persons of different racial or ethnic origins, with a view to enabling such equality to be promoted or maintained, and

(c) is carried out with appropriate safeguards for the rights and freedoms of data subjects.

(2) The Secretary of State may by order specify circumstances in which processing falling within sub-paragraph (1) (a) and (b) is, or is not, to be taken for the purposes of sub-paragraph (1) (c) to be carried out with appropriate safeguards for the rights and freedoms of data subjects.

10. The personal data are processed in circumstances specified in an order made by the Secretary of State for the purposes of this paragraph.

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The States are asked to decide:—

- II.— Whether, after consideration of the Report dated the 22nd June, 2000, of the States Advisory and Finance Committee, they are of opinion:-
1. That the Data Protection (Bailiwick of Guernsey) Law, 1986, shall be replaced with a Law in similar terms to the Data Protection Act 1998.
  2. To approve the establishment of the office of an independent Data Protection Commissioner.
  3. To approve the draft Ordinance entitled “The Data Protection (Office of Commissioner) Ordinance, 2000”, and to direct that the same shall have effect as an Ordinance of the States.
  4. To appoint Mr. W. C. Bull to the office of Data Protection Commissioner.

## STATES ADVISORY AND FINANCE COMMITTEE

## INTERNATIONAL CO-OPERATION LEGISLATION

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

15th June, 2000

Sir

**INTERNATIONAL CO-OPERATION LEGISLATION**

In 1997, Billet D'Etat XVI, 1997, the Advisory and Finance Committee reported on the importance of addressing the threats posed by the increase in money laundering of the proceeds of serious crime. The Committee advised that:

*"It is more important than ever for the Bailiwick to show that it stands at the forefront of those jurisdictions who are committed to take firm and effective action to protect their economies and societies, to ensure their financial centres remain competitive and continue to attract and retain high quality business, and to play their proper part in tackling international crime".*

During the intervening period there has been significant global interest in the laws, systems and practices in respect of the regulation of international finance centres including examination of the provisions and practices in respect of international co-operation. This interest and the implementation of initiatives by the various supranational bodies is likely to continue to be a feature for the foreseeable future.

In 1991 the United Kingdom became a signatory to the 1959 European Convention on Mutual Assistance in Criminal matters. This Convention requires the contracting parties to ensure that their domestic law allows them to provide assistance to other countries in the fight against international crime of all types. To meet the requirements of the convention the United Kingdom Parliament enacted the provisions contained in part 1 of the Criminal Justice (International Co-operation) Act, 1990 which came into force on 10<sup>th</sup> June 1991.

The desirability of enacting similar domestic legislation has been highlighted both in The Edwards Report (summary 159 at paragraph 14.4.7) and the Financial Action Task Force (FATF) reports examining the effectiveness of the Bailiwick's regulation and ability to co-operate in the international fight against crime.

The principal effect of the UK legislation is to enable the United Kingdom to assist other jurisdictions: to obtain information and take evidence from witnesses; in the service of process (including the service of a summons, warrant or order ); and the transfer of prisoners (with their consent) for the purposes of giving evidence. The Committee fully supports the principle of mutual assistance in the fight against serious international crime and believes that any inadequacies of legislation, which enable criminals to avoid the due process of law by benefiting from jurisdictional boundaries, should be addressed.

The enactment of an International Co-operation Law will not only enable the Bailiwick Courts to provide assistance, it will also ensure that our law enforcement authorities are assured of receiving assistance when required from all other countries which have ratified the 1959 Convention.

The Advisory and Finance Committee has agreed to seek extension, to the Island of the UK's ratification of the 1990 Council of Europe Convention of Money Laundering, Seizure and Confiscation of Proceeds from Crime. This Convention, along with the Convention on Mutual Assistance in Criminal matters requires the implementation of international co-operation legislation before they can be extended to the Island.

#### THE PROPOSED LEGISLATION

HM Procureur has advised that the Criminal Justice (International Co-operation) Act, 1990 provides an acceptable model on which the proposed domestic legislation should be based and has commented on the provisions of the United Kingdom legislation as follows.

#### **Sections 1 and 2**

These sections provide for reciprocal arrangements with regard to the service of summonses and other judicial instruments. No similar provisions currently exist in domestic legislation. It is proposed that jurisdictions would refer requests, for assistance with the service of a summons or other process or the serving of a document issued by a court, to HM Procureur who would be empowered to cause the process or document to be served. In the United Kingdom this function is exercised by officials acting on behalf of the Home Secretary.

### **Sections 3**

This section provides for the obtaining of evidence from other jurisdictions in relation to an offence which is under investigation or for which proceedings have been instituted. No similar provisions currently exist in domestic legislation. It is proposed that if HM Procureur is satisfied that an offence has been committed and is under investigation or for which proceedings have been instituted, he may request assistance from other jurisdictions in obtaining evidence from outside of the Bailiwick.

### **Section 4**

This section provides for other jurisdictions to obtain evidence in the UK.

Under the provisions of the Drug Trafficking Offences (Bailiwick of Guernsey) Law, 1988; the Prevention of Terrorism (Bailiwick of Guernsey) Law, 1990; the Criminal Justice (Fraud Investigation) (Bailiwick of Guernsey) Law, 1991; and the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 assistance can be given to other jurisdictions before a person is charged with an offence in investigations into drug trafficking, terrorism, serious or complex fraud and money laundering. Under the Evidence (Proceedings in Other Jurisdictions) Act, 1975 which was extended to Guernsey in 1980 the Courts in the Bailiwick are able to assist other jurisdictions to obtain evidence in other types of cases, for example, armed robbery or burglary. Unfortunately, under the 1975 Act, before any help can be given, a person must be charged with a criminal offence. This requirement could potentially seriously hamper an investigation into serious offences in another jurisdiction.

It is proposed that the Bailiwick Courts be empowered to provide assistance on receipt of a request from another jurisdiction subject to HM Procureur being satisfied firstly, that an offence under the law of another country or territory has been committed or that there are reasonable grounds for suspecting that such an offence has been committed; and secondly, that proceedings in respect of the offence have been instituted in that country or that an investigation into that offence is being carried on there. The function proposed for HM Procureur is again carried out in the United Kingdom by Home Office officials acting on behalf of the Home Secretary.

In the case of fiscal offences where proceedings have not yet been instituted, it is proposed that, as in the United Kingdom, the Courts shall not be empowered to provide such assistance unless the requesting jurisdiction is a member of the Commonwealth or the request is made pursuant to a treaty to which the UK is a party and which has been extended to the Bailiwick or that the conduct in question would constitute an offence if it had occurred in the Bailiwick.

## **Sections 5 and 6**

These sections provide for reciprocal arrangements for the temporary transfer between jurisdictions of prisoners , subject to their consent, for the purpose of giving evidence or assisting in investigations. No similar provisions currently exist in domestic legislation. It is proposed that the Bailiff be empowered after hearing from HM Procureur to issue a warrant providing for a prisoner to be transferred to another jurisdiction. Such a warrant could not be issued unless the prisoner had consented to being transferred.

## **Section 7**

This section addresses the general powers for search, seizure and detention of material. It is proposed that after hearing an application from a police officer the Bailiff, if satisfied that proceedings have been instituted or that a criminal investigation is being carried out and that if the act in question had been committed in the Bailiwick it would have constituted an offence and that there are reasonable grounds for suspecting that evidence exists on premises which are in the Bailiwick and under the control of the person in question, may issue a warrant authorising a Police Officer to enter the premises and search for and seize any such evidence found.

A Police Officer would not be empowered to make such an application unless the application has been approved by HM Procureur following a request for assistance from another jurisdiction.

## **Section 8**

Addresses issues specific to Scotland and is not relevant to the proposed domestic provisions.

## **Section 9**

Provides for courts to enforce court orders made in other jurisdictions for the forfeiture and/or destruction of articles used in connection with the commission of serious crime. No similar provisions currently exist in domestic legislation. It is proposed that the States be empowered by Ordinance to provide for the enforcement within the Bailiwick of any court order, made in another jurisdiction, for the forfeiture and/or destruction or disposal of such articles. However, such a power will be available in drug trafficking cases once the Drug Trafficking (Bailiwick of Guernsey) Law, 2000 is in force later this year.

In addition to the appropriateness of the legislation in itself, failure to enact international co-operation legislation could be of considerable detriment to the Island's international reputation and business interests.

The Committee is, therefore, firmly of the view that that this legislation is necessary and desirable and strongly recommends the States to enact international co-operation legislation along the lines set out in this letter.

I have the honour to request that you will be good enough to lay this matter before the States with appropriate propositions, including one directing the preparation of the necessary legislation.

I am, Sir,  
Your obedient Servant,  
L. C. MORGAN,  
President,  
States Advisory and Finance Committee.

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The States are asked to decide:—

III.— Whether, after consideration of the Report dated the 15th June, 2000, of the States Advisory and Finance Committee, they are of opinion:-

1. That international co-operation legislation be enacted along the lines set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

**STATES CHILDREN BOARD****AMENDMENTS TO THE CHILDREN AND YOUNG PERSONS (GUERNSEY) LAW, 1967  
AND TO THE CHILD PROTECTION (GUERNSEY) LAW, 1972**

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

12th June, 2000

Sir,

**Introduction**

The Children Board is requesting that the States amend the current legislation, which relates to the circumstances under which parental rights in respect of a child are vested in the Children Board.

Currently, a child or young person is committed to the care of the Children Board under the terms of the Children and Young Persons (Guernsey) Law, 1967 by an Order of the Juvenile Court. The Children Board can also assume parental rights in respect of a child or young person under the terms of the Child Protection (Guernsey) Law, 1972, Section 25.

The Children Board is of the view that it is no longer appropriate for the fundamental decision in relation to the custody of a child or young person to be taken by a political body, under the terms of the Child Protection (Guernsey) Law, 1972. The Children Board is proposing that such decisions should only be taken by the Courts, and proposes that the legislation be amended accordingly.

**The Current Situation**

Under the terms of the Children and Young Persons (Guernsey) Law, 1967 Part II, a child or young person can be brought before the Court where Her Majesty's Procureur has reasonable grounds for believing that the child or young person is in need of care, protection or control, within the meaning of the Law. The Law stipulates that a child or young person is in need of care, protection or control, if any of the conditions mentioned in Part II section 2 (2) is satisfied with respect to him, and he is not receiving such care, protection and guidance as a good parent may reasonably be expected to give. Alternative grounds are stated in Part II 2 (1) (b) of that Law, where a child or young person is beyond the control of his parent or guardian. Where the Court is satisfied that the conditions are met, the Magistrate can commit the child or young person to the care of the Children Board as a Fit Person.



The Law provides that an application to the Court under the terms of the Children and Young Persons (Guernsey) Law, 1967 can only be made where a child is in need of care, protection or control at the time of application. In cases where a child is in the care of the Children Board on a voluntary basis, this can no longer be said in respect of that child or young person.

The Children Board aims to work in partnership with parents, and will always aim to receive a child into its care on a voluntary basis whenever possible. This means that the parents retain their parental rights in respect of the child or young person. Work will be undertaken with the child or young person and with his parents, with the aim of the problems being resolved sufficiently, so as to enable the family to be re-united. For some children and young people, this may not be possible, and the Children Board needs to have parental rights in respect of the child or young person in order to plan to ensure his future care and protection. Currently, an Assumption of parental rights by the Children Board is the only legal means for the Board to obtain the parental rights in respect of that child or young person.

The Children Board can find itself in a position where it is necessary to prevent a child in its care being removed from its care by the child's parents. Such action by the parents could mean a child returning to their care, where the latter are incapable of looking after the child, or their habits or mode of life are such as to render them unfit to have the care of the child. There may subsequently be grounds under the provisions of the Children and Young Persons (Guernsey) Law, 1967, for the child to be removed from the care of the parents, as being in need of care protection or control. It is however, clearly undesirable that the child should have to be surrendered to the parents before the matter can be placed before the Court.

The Law Officers have advised that under the circumstances described above, it is the Child Protection (Guernsey) Law, 1972 section 25, which should be followed with the Board assuming parental rights. The States Resolution in March 1969, which led to the 1972 Law, was intended to address the particular circumstances described above, and was based on Part 1 of the Children Act 1948, which then applied in the United Kingdom. This Act was repealed and replaced by the Child Care Act 1980 which in turn was repealed and replaced by the Children Act 1989.

#### The Need for Change

The Children Board is of the view that the provisions for it to assume parental rights in respect of a child or young person should be repealed for the following reasons:

- a) A decision which deprives a parent of their rights in respect of their child or young person, should not be decided by a political body, such a decision should fall within the remit of the Courts.
- b) The process that applies to the Assumption of parental rights by the Children Board, does not allow for the same scrutiny of the evidence and the cross-

examination of witnesses to establish the facts. The processes in a Court Hearing ensure that all the facts are presented to, and examined by, the Magistrate.

- c) In all applications with respect to children made before the Courts, the parents have to be offered the opportunity of legal representation, even if they are in agreement with the application being made. This is not the case with a decision taken by the Children Board.
- d) An Order to assume parental rights made by the Children Board remains in force pending any appeal to the Royal Court. This means a parent can lose their rights in respect of a child for a period of time, without having had the opportunity to challenge the Order at an impartial hearing.

The Children Act 1989 in the United Kingdom enables cases to be brought before the Court on the grounds of “the likelihood” of harm as well as situations where the child is currently at risk. This means that cases can be brought before the Court, where on past evidence, and assessments of risk, it can be proved that there are grounds to indicate that the child would suffer harm if he were to return home. Thus, children who are in care on a voluntary basis can be subsequently protected by statute, with a full examination of the facts of the case by a Court, with the parents’ views being heard through their Advocate. The Law allows for an Interim Order to be made by the Court which protects a child or young person, pending a Substantive Hearing.

#### Proposed Legislative Changes

The Children Board is proposing that the wording of the Children and Young Persons (Guernsey) Law, 1967 is amended to replace the need for the Children Board to assume parental rights in respect of a child or young person.

The wording of the Children and Young Persons (Guernsey) Law, 1967 can be so amended by inserting the words “or is not likely to receive”, in section 2 (1) (a) and the words “he is likely to be” in section 2. (1) (b). The Law would then read:

2. (1) A child or young person is in need of care, protection or control within the meaning of this Law if: –

- (a) any of the conditions mentioned in subsection (2) of this section is satisfied with respect to him, and he is not receiving, *or is not likely to receive*, such care, protection and guidance as a good parent may reasonably be expected to give;

or

(b) he is, *or is likely to be*, beyond the control of his parent or guardian.

This provision will provide protection to a child or young person in the circumstances described above.

It is further proposed that the Order in Council entitled *The Child Protection (Guernsey) Law, 1972 Part 1V entitled Assumption by the Board of parental rights*, be repealed.

The Children Board has identified the need for a full review of the Child Care Legislation, and will be returning to the States at a future date with proposals. The current minor change is necessary in advance of this, as there are children whose current situation needs a decision by the Courts. Further delay pending major legislative changes would be prejudicial to their welfare.

The Law Officers have been consulted, and are in agreement with the above proposals. There are no financial or human resource implications.

#### Conclusions and Recommendations

The Children Board is requesting the amendments to the Child Care Legislation, so that children in the care of the Children Board on a voluntary basis can be protected, if this becomes necessary, for their long - term welfare. As outlined above, the Children Board is firmly of the view that it is no longer acceptable for fundamental decisions affecting a child's future, and removing a parents rights in respect of a child or young person to be taken other than in the Courts.

The Children Board recommends the States: -

- a) To approve that the Children and Young Persons (Guernsey) Law, 1967 be amended on the lines set out in this report
- b) To approve that Part IV of the Child Protection (Guernsey) Law, 1972 be repealed.

I have the honour to request that you will be good enough to lay this matter before the States with the appropriate propositions, including one directing the preparation of the necessary legislation.

I am, Sir,  
Your obedient Servant,  
J. PRITCHARD,  
President,  
States of Guernsey Children Board.

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**[N.B. The States Advisory and Finance Committee supports the proposals.]**

The States are asked to decide:—

IV.— Whether, after consideration of the Report dated the 12th June, 2000, of the States Children Board, they are of opinion:-

- 1. (1) That the Children and Young Persons (Guernsey) Law, 1967, shall be amended along the lines set out in that Report.
- (2) That Part IV of the Child Protection (Guernsey) Law, 1972, shall be repealed.
- 2. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

**STATES BOARD OF HEALTH****KING EDWARD VII HOSPITAL – CREATION OF A DAY HOSPITAL**

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

16th June, 2000

Sir,

King Edward VII Hospital - Creation of a Day Hospital

Introduction

1. This project was identified in the Board's policy letter on the revised site development plan which was approved in principle by the States in July 1999.
2. As explained in that policy letter, the day hospital will move eventually to the Princess Elizabeth Hospital as part of the transfer of assessment and rehabilitation services for older people to that site. However, the timescale for moving these services from the King Edward VII Hospital (approximately 2007) is such that interim improvements are needed.
3. The day hospital is currently using a small room on the Allan Grut Ward and the ward corridor. The visiting prosthetic service (an integral part of the day hospital) uses the small meeting room adjacent to Allan Grut Ward and part of the maintenance workshop. All of these facilities are extremely cramped and unsuitable and the availability of some areas is not always guaranteed.
4. The Board proposes to use part of the hospital kitchen for the day hospital. The kitchen has been larger than needed since the introduction of a cook/chill meals service from the Princess Elizabeth Hospital but its re-use can only now be considered as the steam main runs through this area but will be eliminated by decentralisation of the hospital boilers as approved by the States in September 1999. This project will be complete by September 2000.

5. The newly created day hospital facility will not be wasted when the services move to the Princess Elizabeth Hospital as it will be available for the nurse-led day care service, which is temporarily using the social centre at the hospital.
6. A layout plan for the day hospital is shown in Appendix 1.

#### Description of Works and Tendering Process

7. The main elements of the project are as follows:
  - Refurbish part of old kitchen for day hospital facility. This involves demolition of redundant partitions and general building work to create the following new facilities:
    - Lobbied entrance and hairdressing room
    - Sitting and dining areas
    - Examination/treatment room
    - Assisted bathroom and toilets
    - Dirty utility and cleaners' room
  - Construct small extension (6m x 3.3m) for day hospital reception area/ waiting room. This will be a single storey, cavity block construction with flat roof.
  - Relocate existing chef's office to main kitchen.
  - Relocate existing dry food store to basement.
  - Supply and install replacement goods lift in new location to serve main kitchen (ie. to be used for food deliveries and dry foods from basement store).
  - Upgrade existing catering staff change in basement (ie. provision of changing cubicles, upgrade shower and redecoration).
  - Create a room/workshop in basement with specialist equipment/ installations for visiting prosthetic service.
  - Modify main kitchen extract system.
  - Modify and extend existing mechanical, electrical, heating, plumbing, drainage and fire alarm services.

- Supply and install suspended ceilings.
  - Supply and lay new/replacement floor coverings.
8. The Board intends to undertake the majority of the work using its own directly employed staff. Contractors will be used for some of the specialist elements of the work, for which tenders or quotations will be obtained as appropriate, in accordance with States procedures. The main cost elements of the project, as estimated by the Board's Estates Department, are set out below:

	£
Substructure	3,500
Superstructure	47,597
Internal finishes	23,355
Fittings and furnishings	7,410
Services	65,450
External works	7,120
Contingencies	<u>10,000</u>
TOTAL	164,432

The scheme, including commissioning, will have a duration of approximately 26 weeks.

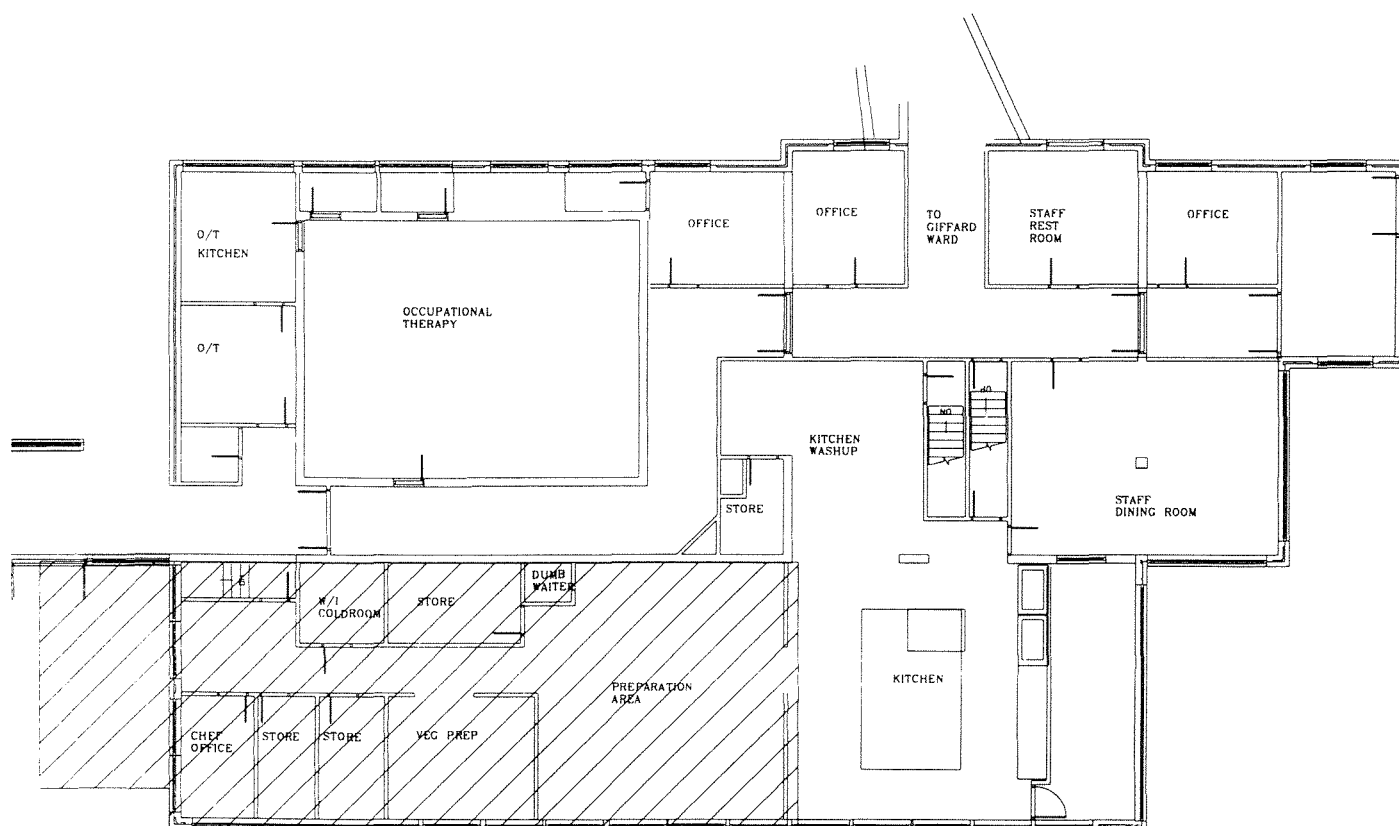
#### Recommendations

9. The Board of Health requests the States:
- i. to authorise the work required to create a day hospital at the King Edward VII Hospital;
  - ii. to vote the Board of Health a credit of £164,432 to cover the cost of the above works, which sum to be taken from the Board of Health's allocation for capital expenditure.

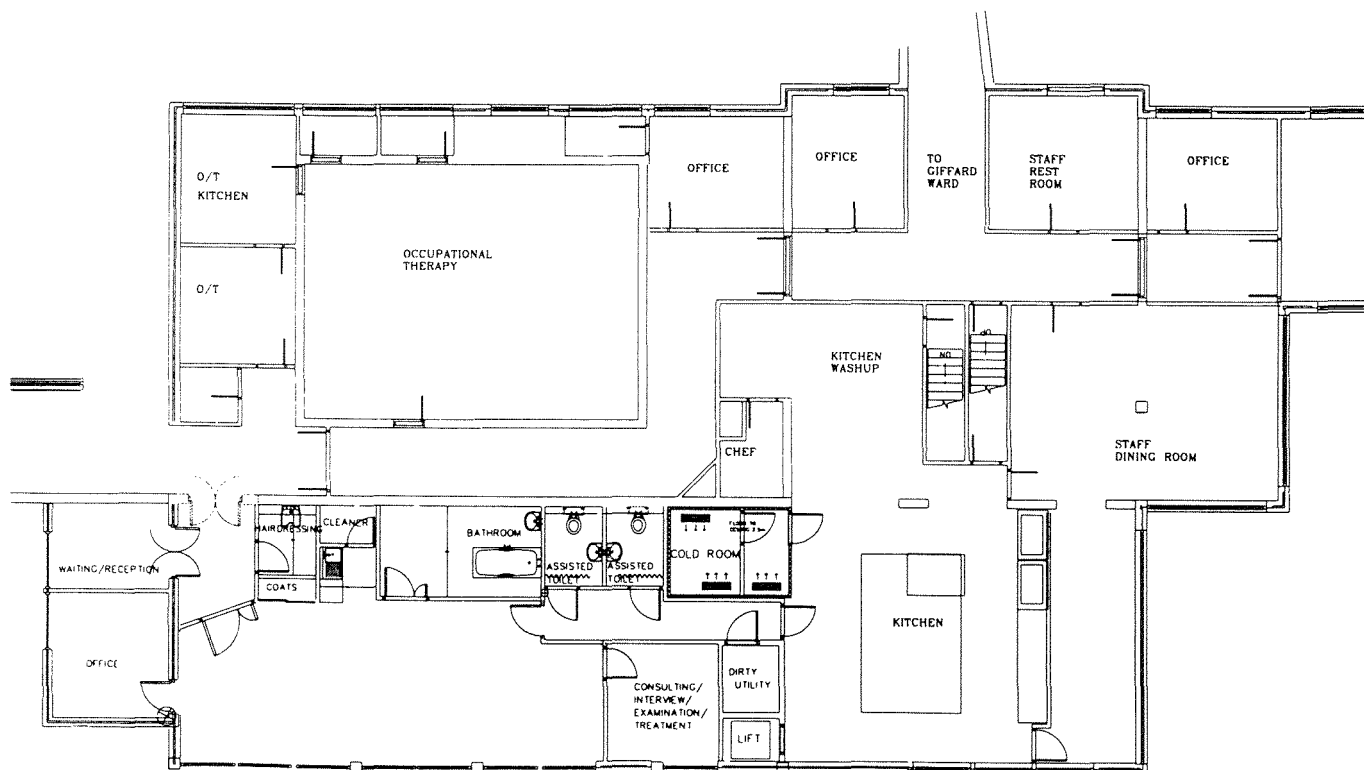
I have the honour to request that you will be good enough to lay the matter before the States with appropriate propositions.

I am, Sir,  
Your obedient Servant,  
B. RUSSELL,  
President,  
States Board of Health.

## KING EDWARD VII HOSPITAL-DAY HOSPITAL

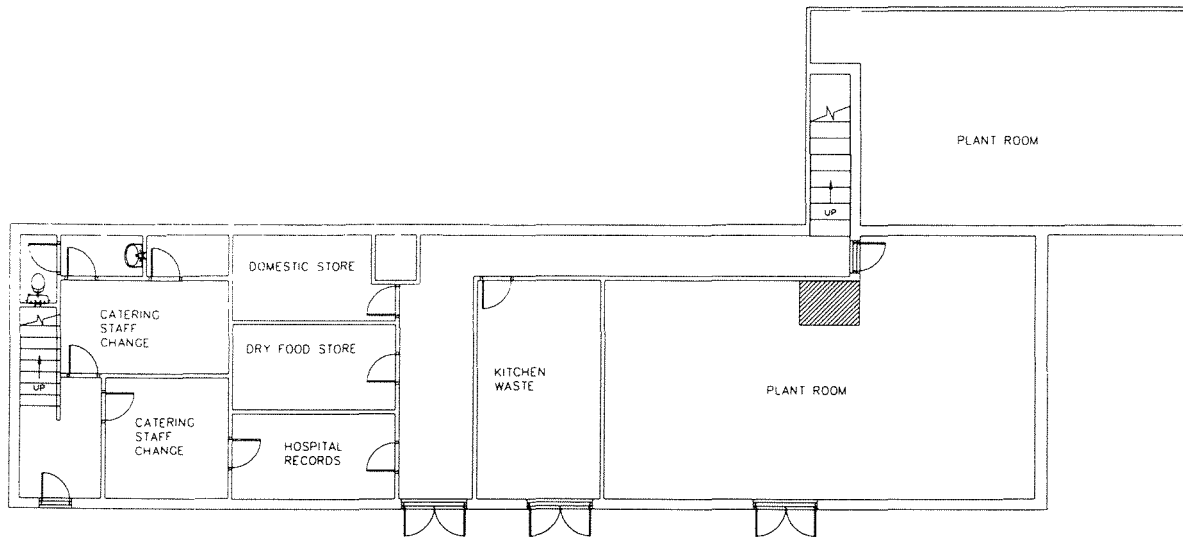


PRESENT 1st FLOOR LAYOUT

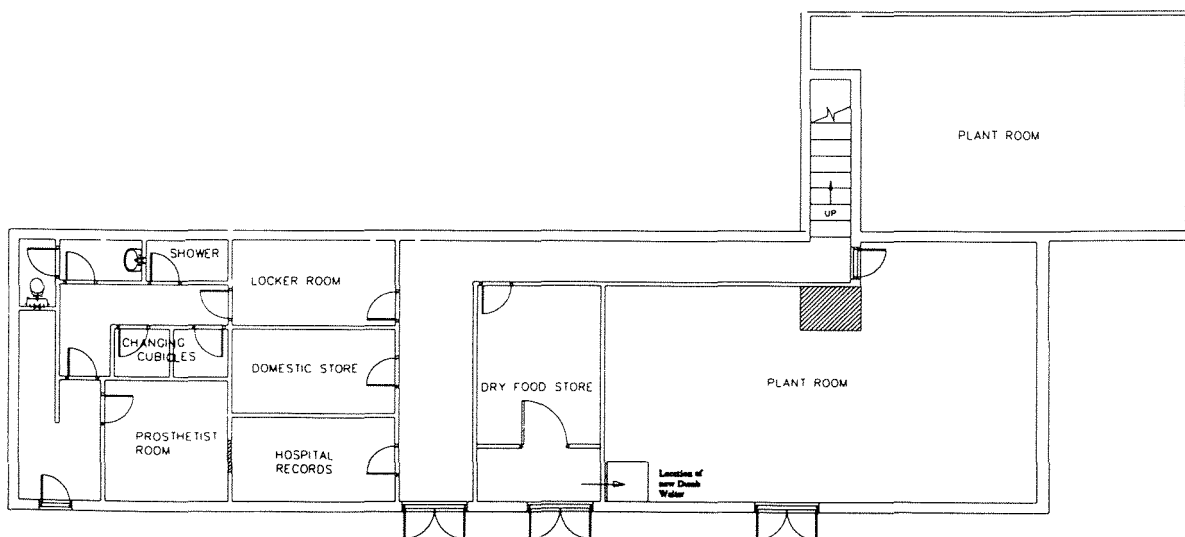


PROPOSED 1st FLOOR LAYOUT

# KING EDWARD VII HOSPITAL-DAY HOSPITAL



PRESENT BASEMENT LAYOUT



PROPOSED BASEMENT LAYOUT



**[N.B. The States Advisory and Finance Committee supports the proposals.]**

The States are asked to decide:—

- V.— Whether, after consideration of the Report dated the 16th June, 2000, of the States Board of Health, they are of opinion:-
1. To authorise the work required to create a day hospital at the King Edward VII Hospital at a total cost not exceeding £164,432.00.
  2. To vote the States Board of Health a credit of £164,432.00 to cover the cost of the above works, which sum shall be taken from that Board's allocation for capital expenditure.

**STATES PUBLIC THOROUGHFARES COMMITTEE****SURFACE WATER SEPARATION AND REHABILITATION PROGRAMME**

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

23rd June, 2000

Sir

**SURFACE WATER SEPARATION AND REHABILITATION PROGRAMME**

In its Business Plan, which the States of Deliberation noted in April 1998 (Billet d'Etat VII), the Public Thoroughfares Committee indicated its view that the foul sewer rehabilitation programme should be carried out under its General Revenue budget rather than as Capital Expenditure. The Advisory and Finance Committee recommended the transfer of the appropriate funds in its 1999 Budget report which recommendation was approved by the States. Since the beginning of 1999 term contracts for sewer rehabilitation have been operating successfully and have proved to be very cost effective, less disruptive to Island traffic and has enabled the work to progress far more quickly and efficiently than the traditional capital expenditure route would have allowed.

The Public Thoroughfares Committee now wishes to proceed with the separation of surface water from the foul water network which is urgently required to assist in preventing the surcharging of sewers during heavy rain, to minimise unnecessary pumping costs and to minimise the extent and cost of future wastewater treatment facilities. The works will include the construction of surface water gravity sewers, pumping stations and associated rising mains.

Consultations with the States Water Board have taken place and the separation of surface water from the foul water network will include some flood attenuation schemes which will present an opportunity for the States Water Board to increase its water off take. The attenuation schemes will involve the use of open land for surface water discharge and each scheme will be subject to negotiation with individual land owners.

The nature of surface water separation work is similar to sewer rehabilitation work. If carried out under a term contract the site investigation, design and construction work could be carried out as one process within a given budget, which would avoid the necessity to go out to tender for individual projects.

The Public Thoroughfares Committee has already identified the South West part of St Peter Port as an area requiring the separation of surface water from the foul water system. This work will assist in resolving flooding problems along the Quay during heavy rain. This project appears in the Committee's Firm Capital Programme which was submitted with its 2000 Budget. The cost of this phase of the work was initially estimated to be £800,000.00, however further site investigation is required and this estimate may be subject to change. Nevertheless, the Committee recommends that the whole of that provision should be transferred from its capital allocation to its revenue budgets. However, it is not anticipated that more than £500,000 will be required for the separation work to be undertaken in 2000 and the Committee recommends that only this sum be transferred from its capital allocation to its revenue budgets in 2000, with the remaining £300,000 to be so transferred in 2001.

The surface water network around other parts of the Island also require rehabilitation and separation. In particular as a result of the inflow of surface water into the foul network in the Vale area, the Lowlands and Summerfield Road area have suffered flooding problems during recent periods of heavy rain and the Committee would like to include this work in the term contract in order to resolve this problem. The removal of surface water from the foul sewer network is an essential step prior to the introduction of full wastewater treatment, therefore this work will have long term benefits for the Island. The Committee considers that, depending on the eventual programme of works, revenue funding of up to £500,000 will be required in each of the years 2001 to 2003. This means that a further £200,000 is likely to be required in 2001 in addition to the £300,000 referred to above. For 2002 and 2003, the Committee will set out in its annual Policy and Resource Planning submissions for

consideration by the Advisory and Finance Committee its anticipated expenditure in accordance with a planned programme of works in respect of surface water separation and rehabilitation. The Committee will be reducing its list of capital requests accordingly.

The programme of work should commence this year in the Lowlands area and it is anticipated that the separation and rehabilitation work would be largely completed by the end of 2003. The Public Thoroughfares Committee will report back to the States prior to the end of 2003 if further work is required after this date.

As with the foul sewer rehabilitation term contract the Public Thoroughfares Committee intends to invite a select list of civil engineering contractors to submit tenders to carry out the work based on a Schedule of Rates and proposes that approval for acceptance of the most favourable tender will be sought from the Advisory and Finance Committee.

The Public Thoroughfares Committee, therefore, recommends the States to:-

- (a) Approve the principle that Surface Water Rehabilitation and Separation from the foul sewer network be carried out under a term contract funded by the General Revenue Budget of the Public Thoroughfares Committee.
- (b) To authorise the Public Thoroughfares Committee, in consultation with the Advisory and Finance Committee, to accept a tender to carry out the work based on a Schedule of Rates submitted by a suitably qualified civil engineering contractor.
- (c) To authorise the Advisory and Finance Committee to transfer, with immediate effect, the sum of £500,000 from the capital allocation of the Public Thoroughfares Committee to its General Revenue budget for the Year 2000.
- (d) To authorise the Advisory and Finance Committee to transfer the sum of £300,000 from the capital allocation of the Public Thoroughfares Committee to its General Revenue budget for 2001.

- (e) To direct the Advisory and Finance Committee, subject to resources being available, to increase the General Revenue budget of the Public Thoroughfares Committee by up to £200,000 in 2001 in respect of surface water separation and rehabilitation.
- (f) To direct the Advisory and Finance Committee to take account of the programme of works in respect of surface water separation and rehabilitation proposed by the Public Thoroughfares Committee in its annual Policy and Resource Planning submissions in recommending to the States revenue allocations for 2002 and 2003.

I have the honour to request that you will be good enough to lay this matter before the States together with the appropriate propositions.

I am, Sir,  
Your obedient Servant,  
P. N. BOUGOURD,  
President,  
Public Thoroughfares Committee.

**[N.B. The States Advisory and Finance Committee supports the proposals.]**

The States are asked to decide:—

VI.— Whether, after consideration of the Report dated the 23rd June, 2000, of the States Public Thoroughfares Committee, they are of opinion:-

1. To approve the principle that Surface Water Rehabilitation and Separation from the foul sewer network be carried out under a term contract funded by the General Revenue Budget of the States Public Thoroughfares Committee.
2. To authorise the States Public Thoroughfares Committee, in consultation with the States Advisory and Finance Committee, to accept a tender to carry out the work based on a Schedule of Rates submitted by a suitably qualified civil engineering contractor.
3. To authorise the States Advisory and Finance Committee to transfer, with immediate effect, the sum of £500,000 from the capital allocation of the States Public Thoroughfares Committee to its General Revenue budget for the Year 2000.
4. To authorise the States Advisory and Finance Committee to transfer the sum of £300,000 from the capital allocation of the States Public Thoroughfares Committee to its General Revenue budget for 2001.
5. To direct the States Advisory and Finance Committee, subject to resources being available, to increase the General Revenue budget of the States Public Thoroughfares Committee by up to £200,000 in 2001 in respect of surface water separation and rehabilitation.
6. To direct the States Advisory and Finance Committee to take account of the programme of works in respect of surface water separation and rehabilitation proposed by the States Public Thoroughfares Committee in its annual Policy and Resource Planning submissions in recommending to the States revenue allocations for 2002 and 2003.

**STATES HOUSING AUTHORITY****ALTERATIONS TO THE HOUSING REGISTER**

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

25th May, 2000

Sir

Alterations to the Housing Register

I have the honour to present the following report, concerning the inscription of dwellings in Part A of the Housing Register, for the consideration of the States.

**Background**

Since the commencement of the Housing (Control of Occupation) (Guernsey) Law, 1982 the Housing Register has been closed for new inscriptions by the Housing Authority. Section 30 of the current Law refers.

However, Section 52 of the Housing (Control of Occupation) (Guernsey) Law 1994 provides that the States may, by Ordinance, permit the Authority to inscribe any dwelling in Part A or Part B of the Housing Register.

The purpose of this report is to request the States to agree that eight proposed new dwellings may be inscribed in Part A of the Housing Register.

**"The Savoy Site"**

The site of the former Savoy Hotel forms part of the Glategny Esplanade Mixed Use Redevelopment Area (MURA).

It is proposed that the development of this site will include 28 dwellings.

The owners, Umbrella Holdings Limited, have requested the Authority to agree that a proportion of the dwellings be made eligible for inscription in Part A of the Housing Register if, in return, the Company arranges for an equivalent number of dwellings which are currently inscribed in Part A of the Register to be deleted from, and rendered ineligible for re-inscription in, the Register.

(Dwellings which are deleted at the request of the owner are rendered ineligible for re-inscription under the provisions of Section 33 of the 1994 Law.)

#### **Views of the Advisory and Finance Committee**

The Authority referred the initial request to the Advisory and Finance Committee and indicated in its letter to that Committee that it was minded to recommend the States to agree the request for the following reasons:-

- "- the first is simply that it is important that the site redevelopment should proceed as soon as possible and an element of open market accommodation may be the 'pump priming' that achieves that;
- the second is that the development of flats on a prestigious site could well attract new wealth to the Island."

In its reply, the Advisory and Finance Committee commented that there appeared to be merit in the suggestion.

#### **Views of the Housing Authority**

As stated above, the Authority regards the redevelopment of the Glatigny MURA as important. It forms part of a gateway to Guernsey which is currently blighted and its redevelopment will also make a useful contribution to the housing stock.

The Authority recognises that an open market element in the development will benefit the site's owners, but the fact that eight dwellings will be removed from the existing open market stock - which will thus be available on the local market - will mean that there will be neither a loss of local market dwellings nor a gain of open market dwellings. Provided that eight dwellings are deleted from the open market Register, the eight new inscriptions can be viewed as the straight replacement of the deleted open market dwellings.

Furthermore the Authority continues to hold the view that there would be a general housing benefit in that dwellings which are more suited to the local market will cease to be inscribed in the Register, while eight dwellings on this prestigious site could well attract new wealth to the Island.



However, the Authority stresses that it is the specific nature of this MURA which persuaded it to support the request, and it would not wish this to be regarded as an indication of any particular policy. Nevertheless, if the Authority receives any future specific application which it considers has similar merit it will bring the matter to the States for decision.

The Authority has therefore advised Umbrella Holdings Limited that it would recommend the States to permit eight dwellings in the Savoy site redevelopment to be inscribed in Part A of the Register if the company arranged for eight dwellings, which are currently inscribed, to be deleted.

The company has asked the Authority to proceed with the matter indicating that it has earmarked eight dwellings for deletion.

### **The Proposals**

The Authority therefore proposes that the States agree to the preparation of an Ordinance which would permit the Authority to inscribe eight new dwellings on the Savoy Hotel redevelopment site to be inscribed in Part A of the Register.

Section 52 of the Law provides that the owner of a dwelling specified in such an Ordinance has to make application for its inscription in the Register within three months of the commencement date of the Ordinance.

The inscription of the eight dwellings will however be subject to the following:-

1. The deletion of eight existing dwellings from the Register; and
2. The completion of the construction of the eight dwellings on the Savoy site which would be inscribed; and
3. The completion of construction of all twenty eight dwellings on the Savoy site.

It is therefore not appropriate to proceed with the preparation of the Ordinance until such time as the development is nearing completion.

Consequently, the Authority requests that the States agrees in principle that it will be prepared to approve an Ordinance permitting the Authority to inscribe eight dwellings on the Savoy site in Part A of the Register subject to:

- the completion of all twenty eight dwellings in the development; and
- the deletion of eight existing dwellings from Part A of the Register.

If the States so agrees the Authority will request the Law Officers to submit the Ordinance for the approval of the States when the above conditions have been satisfied.

Accordingly the Authority recommends the States:

- (a) to direct that an Ordinance be prepared to enable the Authority to inscribe in Part A of the Housing Register by virtue of Section 52 of the Housing (Control of Occupation) (Guernsey) Law 1994, eight dwellings which will be constructed on property owned by Umbrella Holdings Limited, comprising the site of the former Savoy Hotel and adjoining land:
- (b) to agree that the Ordinance should not be placed before the States for approval until:
  - (i) the construction of not less than 28 dwellings on the said site owned by Umbrella Holdings has been completed; and
  - (ii) the deletion of eight dwellings from Part A of the Register has been effected.

I have the honour to request that you will be good enough to place this matter before the States with appropriate propositions.

I am, Sir,  
 Your obedient Servant,  
 G. J. NORMAN,  
 Vice President,  
 States Housing Authority.

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**[N.B. The States Advisory and Finance Committee supports the proposals.]**

The States are asked to decide:—

VII.— Whether after consideration of the Report dated the 25th May, 2000, of the States Housing Authority, they are of opinion:-

1. To direct that an Ordinance be prepared to enable the States Housing Authority to inscribe in Part A of the Housing Register by virtue of Section 52 of the Housing (Control of Occupation) (Guernsey) Law 1994, eight dwellings which will be constructed on property owned by Umbrella Holdings Limited, comprising the site of the former Savoy Hotel and adjoining land.
2. That that Ordinance shall not be placed before the States for approval until:
  - (i) the construction of not less than 28 dwellings on the said site owned by Umbrella Holdings Limited has been completed; and
  - (ii) the deletion of eight dwellings from Part A of the Register has been effected.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## STATES HOUSING AUTHORITY

## REFURBISHMENT OF COURTIL JACQUES, ST MARTIN'S

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

15th June, 2000

Sir

Refurbishment of Courtil Jacques, St Martins

I have the honour to present the following report on the proposed refurbishment of Courtil Jacques, which is situated at the rear of Longue Rue House.

**Background**

Courtil Jacques was developed in the early 1970's as a block of 16 sheltered bedsitting units with a warden's house attached.

In a policy letter dated 5 August 1997, which was published in Billet XVIII of that year, the Authority set out proposals for the conversion of the existing building to eight two person flats and the extension of the building to provide a further twelve flats.

The States approved the proposals at the September 1997 meeting and authorised the construction of the extension to proceed as the first phase. This contract was completed in 1999 and the 16 original bedsitting units were then vacated, with the remaining occupants being accommodated in the new flats.

The Authority then undertook a thorough appraisal of the proposed refurbishment and conversion of the original building and now wishes to proceed with its conversion to eight flats.

The principal reasons for the proposals remain as set out in the 1997 policy letter which included the following statements:-

"Although the Authority considers the Longue Rue House/Courtil Jacques complex to have been a great success, the one drawback is in the style and layout of the accommodation in Courtil Jacques.

Each bedsitting unit consists of a single room measuring approximately 13 feet by 13 feet. In this room the tenant has to live, sleep, cook and eat.

Each tenant has access to W C's and bathrooms which are shared in the ratios, one W C to two tenants and one bathroom to four tenants.

The Authority regards these conditions as unacceptable by current standards."

## **Tenders for Phase 2**

After the preparation of detailed plans by the States Department of Architecture tenders were sought in May 2000.

5 tenders were received as follows:-

Contractor	Tender
E Littlewood & Co Limited	£625,023.09
R G Falla Limited	£673,577.90
W A Mosgrove Limited	£683,036.02
MGF Limited	£698,553.06
Vidamour & Greenway Limited	£701,841.95

After minor adjustments were made the tender from E Littlewood and Company Limited was amended to £623,048.66.

The Authority recommends acceptance of the adjusted tender from E Littlewood and Company Limited in the sum of £623,048.66.

To this figure should be added the following:-

Consultants' fees	- £14,000
Site Investigation costs	- £3,500
Allowance for possible increased costs	- £15,000
Contingency for asbestos removal	- £5,000

The full cost of the project will therefore not exceed £660,548.66.

While the overall cost of this project may appear relatively high it is worthy of note that the building is nearly thirty years old and approximately 25% of the cost relates to items of maintenance which would have been necessary even if the building had remained in use in its existing form.

#### **Increased Sheltered Housing Provision**

The Authority considers that the provision of sheltered housing is an important part of the current housing requirement. Indeed, the considerable under-provision in sheltered housing has been highlighted in several recent reports and is referred to in the current Strategic and Corporate Plan.

The Authority would therefore draw attention to the fact that although on the completion of this second phase the total number of units will only have increased from 16 to 20 units, the 20 units will be capable of accommodating a total of 28 persons, ie 12 single persons and 8 couples, compared with 16 persons in the original bed-sitting units.

Furthermore, the standard of the accommodation will be much more appropriate for the present day. The deficiencies in the initial 16 single person units, with minimal accommodation and shared facilities, were no longer tolerable and the occupants will now be accommodated in modern comfortable self-contained accommodation. The Authority believes that these improved living conditions will assist their older occupants to maintain their independence for as long as possible, thereby delaying their admission to formal long-term residential or nursing home care.

Taking all the above into account, the Authority trusts that the States will recognise that this is a worthwhile project which should proceed without delay.

#### **Recommendations**

Accordingly, the Authority recommends the States as follows:-

1. To confirm the decision taken in September 1997, to approve the conversion of the original building at Courtil Jacques into 8 two person self contained flats;
2. To authorise the conversion work at a total cost not exceeding £660,548.66, inclusive of £14,000 for consultants' fees; £3,500 for site investigation costs; an allowance of £15,000 for possible increased costs during the contract period; and a contingency sum of £5,000 for asbestos removal;

3. To authorise the States Housing Authority to accept the adjusted tender from E Littlewood and Company Limited in the sum of £623,048.66; and
4. To vote the States Housing Authority a credit of £660,548.66 to cover the cost of the project which sum shall be taken from the Authority's allocation for capital expenditure.

I have the honour to request that you will be good enough to place this matter before the States with appropriate propositions.

I am, Sir,  
Your obedient Servant,  
J. E. LANGLOIS,  
President,  
States Housing Authority.

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**[N.B. The States Advisory and Finance Committee supports the proposals.]**

The States are asked to decide:—

VIII.—Whether, after consideration of the Report dated the 15th June 2000, of the States Housing Authority, they are of opinion:—

1. To confirm the decision taken in September, 1997, to approve the conversion of the original building at Courtil Jacques into 8 two person self-contained flats.
2. To authorise the conversion work at a total cost not exceeding £660,548.66, inclusive of £14,000 for consultants' fees; £3,500 for site investigation costs; an allowance of £15,000 for possible increased costs during the contract period; and a contingency sum of £5,000 for asbestos removal.
3. To authorise the States Housing Authority to accept the adjusted tender in the sum of £623,048.66 submitted by E. Littlewood and Company Limited for the above works.
4. To vote the States Housing Authority a credit of £660,548.66 to cover the cost of the project which sum shall be taken from that Authority's allocation for capital expenditure.

**STATES EDUCATION COUNCIL****STATES REGISTERED APPRENTICESHIP SCHEME  
GRANTS FOR REGISTERED EMPLOYERS**

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

26th May, 2000

Sir,

**STATES REGISTERED APPRENTICESHIP SCHEME - Grants for Registered Employers**

- 1.1 In September 1983 the States approved proposals from the Education Council for the payment of grants over an initial three year period to employers registered under the States Apprenticeship Scheme. Continuation of the payment of grants to employers was then approved by the States for the period 1st October 1986 to 30th September 1991 and the Education Council was asked to return to the States with proposals and funding requirements for the scheme at intervals no greater than 5 years. An extension to the grant scheme was approved from 1st October 1991 to 30th September 1996. Further extensions were then approved for the periods 1st October 1996 to 30th September 1997, 1st October 1997 to 30th September 1998 and for 1st October 1998 to 30th September 2000.
- 1.2 The Education Council is responsible to the States for the Apprenticeship Scheme and administers it through a sub-committee known as the Apprenticeship and Youth Employment Committee. Advisory Committees, consisting of representatives from local industry and education, advise the Committee on various aspects of employment and training within the economic sectors represented by these Committees. The Advisory Committees, with local Employers' Associations, appoint Assessment Panels which assist in the selection of new employers wishing to become registered under the scheme. The number of employers registered in the scheme is gradually increasing and now stands at around 460. Employers are admitted to the scheme on the understanding that certain requirements must be satisfied. A major requirement is that employers must be prepared to allow their apprentices to attend relevant courses at the College of Further Education unless, as is the case with a small number of firms engaged in specialist trades, they are given special exemption from this by the Apprenticeship Committee. In these cases, apprentices normally attend a day release course in Jersey or a short course programme operated by a UK college or training institution.
- 1.3 College of Further Education courses are normally offered on a day release basis. However, initial training for apprentice motor mechanics is offered on the basis of three days in College per week. The College has introduced assessments for National Vocational Qualifications (NVQs) into the training programmes of some apprentices although many continue to follow the traditional style Craft and Advanced Craft Certificates favoured by many employers. The UK's Modern Apprenticeship Scheme, which is similar in some

ways to the States Registered Apprenticeship Scheme, is closely tied into the NVQ system. There are five levels of NVQs, each representing different levels of competence. Level 1 is the simplest, local apprentices are normally trained to level 2 or 3, and level 5 covers professional qualifications. Some NVQs can be achieved through the College of Further Education with little involvement of the employer in the assessment process, but the NVQ system is designed to allow employers to both train and assess solely in the workplace - provided that the assessment is undertaken by a qualified assessor.

- 2.1 In 1981 the States decided to pay back to all registered employers the cost in basic wages of sending their apprentices on day release to the College of Further Education. This payment encouraged many employers to continue supporting apprenticeship training. By 1983, however, despite relatively high unemployment and shortages of craftsmen in various trades, recruitment of apprentices had fallen to approximately half the number recruited in 1977. At a series of meetings held with registered employers, the employers maintained that the cost of training an apprentice was very high. However, it was acknowledged that, during periods of comparatively strong economic growth, there would be a need for an increased number of qualified craftsmen. Therefore it was considered essential to maintain a high level of apprenticeship training and desirable to arrange a partnership between registered employers and the States in the training of young people.
- 2.2 After careful consideration of all the facts, the following system was proposed and approved by the States: that financial help should be made available to employers in the form of a percentage grant of apprentices' basic wages and Social Insurance payments as follows:

#### **Grants for 1st and 2nd years of apprenticeships**

	<b>1st Year</b>	<b>2nd Year</b>
<b>5 Year Apprenticeships</b>	50%	40%
<b>4 Year Apprenticeships</b>	50%	25%
<b>3 Year Apprenticeships</b>	50%	NIL

**N.B.** Day release payments are made, where applicable, to States registered employers of third, fourth and fifth year apprentices and also for those apprentices who are in the second year of a three year apprenticeship.

- 2.3 As a result of the States decision to offer registered employers day release payments and grants, the number of apprentices registered in the scheme rose. At the end of March 1980 there were 232 registered apprentices, but since the introduction of grant aid payments, the number of registered apprentices has remained at a significantly higher level. The number of apprentices is now again rising strongly and associated costs are also running at a higher level, as the next table shows.
- The estimate for 2000 exceeded the Council's original estimate by £125,000. In its Policy and Resource Planning Report for 2000 the Advisory and Finance Committee recommended to the States that the Education Council's General Revenue Budget for 2000 be increased by £805,000. This sum included a provision of £125,000 for additional costs arising from the Apprenticeship Scheme.



	<u>Actual</u>							<u>Estimates</u>	
Year	1993	1994	1995	1996	1997	1998	1999	2000	2001
<b>Grant Aid Costs (x £1,000)</b>	223*	262	182**	351**	290	296	396	401	410
<b>Day Release Costs (x £1,000)</b>	145	128	123	136	158	161	143	173	186
<b>Alderney Budget Costs (x £1,000)</b>							47†	51	54
<b>Total (x £1,000)</b>	<b>368</b>	<b>390</b>	<b>305**</b>	<b>497**</b>	<b>448</b>	<b>457</b>	<b>586</b>	<b>625</b>	<b>650</b>

\* Grant aid was not paid for apprentices in the first three months of their apprenticeships during these years following an Education Council decision temporarily to reduce grant expenditure.

\*\* Changes to the grant aid payment schedule have lowered these figures for 1995 and raised them for 1996.

† The budget for accommodation and travel costs for Alderney apprentices is listed separately from 1999 onwards.

Estimates are given for 2000 and 2001 based on the assumptions that both the local economy and recruitment onto the scheme will remain relatively strong.

- 3.1 Employers in the Bailiwick believe that grant aid support has proved its value during the past decade. In particular, it is recognised that the grant aid scheme enabled them to continue training apprentices through a period of recession at the beginning of the 1990s. Apprentices training during this period are now fully qualified craftsmen at a time when a healthy economic situation has increased the demand for their skills. Grant aid support has contributed in a large measure to the success of the States Registered Apprenticeship Scheme. The numbers of young people who attain craft status in the Bailiwick each year continues, proportionately, to exceed the numbers qualifying through the UK's Modern Apprenticeships and the Jersey Apprenticeship Scheme. This, in turn, has contributed towards the island's success in maintaining a sufficiently large core of skilled tradesmen, thus largely avoiding the skill shortage problems of the UK and significant importation of skilled labour as in Jersey.
- 3.2 In 1999, the States Education Council continued to develop policies promoting Lifelong Learning. In recognition of the States Registered Apprenticeship Scheme as a vital link between school-based education and the workplace, responsibility for the administration of the scheme was given to Head of the Lifelong Learning Division/ Principal of Guernsey College of Further Education. The administration of the scheme - currently undertaken by the Guernsey College of Further Education - and its operation are currently under review.
- 3.3 The States Education Council believes that the profile of the Apprenticeship Scheme must be raised and that apprentices who become registered with the scheme must be guaranteed a high quality training programme. To this end, a new range of promotional materials are being produced and full details of the scheme, together with current apprenticeship vacancies, are posted on the Guernsey Careers Service website at <http://www.gcs.gov.gg>.

- 4.1 The payment of grant aid to employers registered with the States Apprenticeship Scheme is, in effect, one side of a partnership between the States Education Council and the employers in question. Grant aid enables registered employers to allocate staff time and resources to the on-the-job training of apprentices. The States Education Council believes that whilst off-the-job college based training is necessary, employers also have a crucial role to play in training their apprentices.  
Before an employer can be registered with the Apprenticeship Scheme, an assessment panel (with members drawn from other employers in the trade and from the College of Further Education) must first visit and certify that the employer is qualified and able to provide a high standard of on-the-job training and also has facilities that enable apprentices to fully learn their trades. Additionally, the employer is required to report on the progress of employed apprentices each term.
- 4.2 The States Education Council is currently implementing further arrangements to ensure high quality on-the-job training for all apprentices. In particular, the Advisory Committees are assuming a new role which embraces quality assurance for on-the-job training.  
The Committees will undertake to maintain on-the-job training frameworks in all trades for which the scheme caters. All registered employers will be expected to follow these training frameworks with their apprentices and will be required to report more comprehensively on the progress of their training programmes.
- 4.3 The benefits of a state supported high quality Apprenticeship Scheme are now recognised by many European countries. The United Kingdom's "Modern Apprenticeship Scheme" which was introduced in 1995 acknowledges the need for direct financial incentives for employers who train apprentices.  
Although the UK Scheme has introduced apprenticeships into new areas, the Apprenticeship Committee remains convinced that the local Apprenticeship Scheme should continue to focus support on established craft trades and on sectors that require well-qualified technicians such as information technology.  
In this way, it is felt, the Bailiwick will continue to develop a skills base that will be of general benefit to the economy and which will greatly reduce the pressure for importation of skilled craftsmen.
- 4.4 The establishment of the Lifelong Learning Division, the Training Agency and the growing importance of lifelong learning to the community will ensure that attention will increasingly be focussed upon training in the years to come.  
It is likely that the next few years will see continuing refinements to the States Apprenticeship Scheme. In such a period of change, the States Education Council do not wish to recommend approval of grant aid payments to registered employers for a full five year period.
- 4.5 The Education Council is therefore proposing that the present funding arrangements for the States Apprenticeship Scheme are extended for a further three years. Developments in qualifications, training methods and on-the-job training frameworks may, in the future, result in the need to change the financial support arrangements for registered employers within the constraints of existing budgets.
- 4.6 The Council therefore recommends the States:
- i) to continue to approve the payment of grants to employers of States registered apprentices, at the percentages indicated in this report for the period 1st October 2000 to 30th September 2003;
  - ii) to authorise the Education Council to continue to make appropriate budgetary provision for the period 1st October 2000 to 30th September 2003;

- iii) to agree that Council should report back to the States not later than December 2002 either with proposals for the continuation of the grant scheme or for a new system of funding apprenticeship training within existing financial constraints.

I have the honour to request that you will place this matter before the States with appropriate propositions.

I am, Sir,  
Your obedient Servant,  
M. A. OZANNE,  
President,  
States Education Council.

---

**[N.B. The States Advisory and Finance Committee supports the proposals.]**

The States are asked to decide:—

- IX.— Whether, after consideration of the Report dated the 26th May, 2000, of the States Education Council, they are of opinion:-
1. To continue to approve the payment of grants to employers of States registered apprentices, at the percentages indicated in that Report for the period 1st October, 2000 to 30th September, 2003.
  2. To authorise the States Education Council to continue to make appropriate budgetary provision for the period 1st October, 2000 to 30th September, 2003.
  3. That the States Education Council shall report back to the States not later than December 2002 either with proposals for the continuation of the grants scheme or for a new system of funding apprenticeship training within existing financial constraints.

**STATES EDUCATION COUNCIL**

**DEVELOPMENT OF THE EDUCATION COUNCIL'S STRATEGY FOR  
INFORMATION AND COMMUNICATION TECHNOLOGY PHASES 2 AND 3**

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

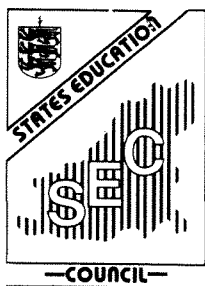
22nd June, 2000

Sir,

**DEVELOPMENT OF THE EDUCATION COUNCIL'S STRATEGY FOR  
INFORMATION AND COMMUNICATION TECHNOLOGY PHASES 2 AND 3**

I have pleasure in forwarding to you two signed copies of the Education Council's Policy Letter on the development of the Education Council's Strategy for Information and Communication Technology and have the honour to request that you will be good enough to arrange for it to be published in the Billet d'Etat for debate by the States at the July meeting.

I am, Sir,  
Your obedient Servant,  
M. A. OZANNE,  
President,  
States Education Council.



# STATES OF GUERNSEY

## STATES EDUCATION COUNCIL

EDUCATION DEPARTMENT  
Grange Road, St. Peter Port,  
Guernsey, GY1 1RQ.  
Telephone: (01481) 710821  
Fax: (01481) 714475

Your Ref:

Date:

2881/167/RC/JB

Our Ref:

22<sup>nd</sup> June, 2000

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

Sir,

### DEVELOPMENT OF THE EDUCATION COUNCIL'S STRATEGY FOR INFORMATION AND COMMUNICATION TECHNOLOGY PHASES 2 AND 3

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#### Appendix

1. Glossary of Terms.
2. Comparison of ICT Strategy Cost Estimates - Capital

## PURPOSE OF THE POLICY LETTER

### 1.1 The purpose of this Policy Letter is to:

- explain the progress of Phase 1 of the ICT Strategy since the original policy letter considered by the States in July 1999
- explain why a significant upward revision of the cost of the project is now considered essential for Phases 2 and 3
- ask for States approval in principle for capital funding of £12.6 million and
- ask the States to vote the Council credits of:

£5,753,013 for the purchase of equipment and service

£155,743 for ICT suitability survey and design

£182,561 for electronic communications equipment, server and software.

This will allow the Council to extend the Guernsey Grid for Learning (GGfL) to all schools and education services in the Bailiwick, within the original time-scale of 2000 to 2003 through the development of the GGfL.

### 1.2 The July 1999 ICT Policy Letter identified the following goals to be achieved by 2003 through the development of the GGfL.

#### A. Infrastructure objectives

- to give all students access to the latest networked industry-standard computers
- to provide a rich diversity of learning resources
- to link schools and educational services in the Bailiwick to each other and the World Wide Web
- to open the GGfL

#### B. Support and training objectives

- 80% of the Council's teaching and support staff should be using ICT as a routine part of their work
- enhancement of the technical support available for ICT within the Education Service

#### C. Outcomes expected

- teaching and learning will be enhanced
- standards will be raised
- ICT will become a core feature of pupils' learning along

- with literacy and numeracy
- improved communication will give efficiency savings
- the sharing of information and collaborative working will be increased
- libraries will become multimedia.

### 1.3 Glossary of terms used (Appendix 1)

## SUMMARY

- 2.1 The Education Council wishes to reaffirm the aims and objectives of the ICT Strategy and to maintain the time scales for its phased implementation as detailed in the policy letter approved by the States in July 1999.
- 2.2 The project remains firmly linked to the requirements of the National Curriculum (Guernsey), which is closely aligned to the English National Curriculum, and the national examination bodies, which now require access to networked computers by all students for specific studies.
- 2.3 Most Local Education Authorities in the UK, Jersey and the Isle of Man are establishing, or have established, similar ICT initiatives with wide area networks (WAN). In all cases this has needed to be supported by an unprecedented level of funding.
- 2.4 The IT Training Survey of May 2000 produced by the IT Training Strategy Group; a sub group of the Advisory & Finance IT in Society Working Party, refers to the need to improve levels of training in IT for the wide community. It identifies the potential benefits of the GGfL infrastructure in delivering on-line learning via homes, community centres and businesses.
- 2.5 Although Phase 1 of the strategy is nearing completion, most schools are significantly below the planned levels and specification of computers and most staff still require training to become competent and confident in their use and to appreciate their full potential for teaching and learning.
- 2.6 Substantial progress has been made in Phase 1 of the Strategy within the allocated resources of £500,000. However, the review of Phase 1 has highlighted a number of structural, technical and management issues which have required major amendment to the strategy.
- 2.7 **First**, most prominent and urgent of these issues is the poor condition of the electrical circuits in most of the schools and the difficulties of adapting many of the buildings for the installation of a networked computer system.
- 2.8 The installation of the computer networks in Phase 1 revealed the extent of this and confirmed the earlier findings of the building Condition Survey which were reported in September 1999.
- 2.9 In order to meet the Council's obligation to connect all schools from September 2000 and to address the electrical and associated building issues, the installation element of the Strategy has, therefore, had to be amended as follows:

- Limited surveys of schools have been undertaken to specify and design installations of small computer networks. These core networks will be installed following a limited upgrade of electrical circuits.
- These limited electrical upgrades will take place from late June 2000, allowing all schools to be connected to the GGfL as planned during the Autumn Term 2000.
- A more extensive survey of entire school buildings for ICT suitability is proposed to take place during August and September 2000. This survey will provide specifications and designs for the more extensive electrical upgrades and associated building work necessary to complete the remaining phases of the ICT Strategy.
- A building programme for this more extensive work will then be scheduled for the remaining period of the Strategy, 2000 – 2003.
- The Local Area Network (LAN) in each school will then be expanded following completion of building works.

2.10 The estimated cost of the Strategy has been amended to accommodate the surveys and building work. The additional cost of the surveys is £176,000 and the estimated additional cost of the electrical upgrades and building work is £4.2 million.

2.11 **Second**, since the start of the project, the rate of development of computer technology has been so rapid that, in order to provide an acceptable industry-standard resource in the schools, it has been necessary to revise the technical specification of the project. The estimated cost of this technology has now been revised upward from £3.7 million to £5.8 million owing to the inclusion of more complex software and additional hardware including computers for teachers.

2.12 **Third**, it has also become evident that schools will require a higher level of contracted managed service to reduce the demand on ICT teachers for the technical maintenance of systems at the expense of their teaching commitments. This will increase the annual managed service cost from £340,000 to £660,000.

2.13 **Fourth**, the technical specification for the Wide Area Network (WAN) has had to be revised to take account of the substantial progress in communications technology and the requirements of the broadband network. This has resulted in the need to purchase higher specification equipment from Guernsey Telecoms than was originally envisaged. The cost has had to be revised upwards from £32,000 to £182,500.

2.14 **Fifth**, the recent experience of the UK in the implementation of the National Grid for Learning has conclusively demonstrated that the enormous task of training teachers (described as the largest ever peacetime training initiative) has been of crucial importance. The UK has allowed teachers to purchase subsidised laptops; Jersey and the Isle of Man are providing free laptops to the teachers. However the difficulties of such schemes are now becoming more evident. Although the Council at this stage does not want to commit itself definitely to such a scheme, it is clear that the necessary training for teachers will not be achievable without other hardware and software resources being available for off-site, own-time access to training. The



anticipated additional cost arising from this resource is in the order of £1.2 million which is included in the overall cost of £5.8m for ICT equipment and services.

- 2.15 **Sixth**, the Phase 1 Technical Implementation Appraisal has shown how much the complexity of the project has grown because of the combination of factors previously mentioned. In order to complete Phases 2 and 3 successfully, an expanded project management and consultancy will be essential to ensure adequate supervision, co-ordination and regulation. An additional cost of £780,000 is estimated for the expanded project management and consultancy.
- 2.16 The Council's original estimate in July 1999 for a capital allocation for Phases 2 & 3 of the ICT Strategy was £4.07million. This excluded any building works and the cost of Phase 1. In the light of developments detailed above, the total capital figure for Phases 2 & 3 is now £12.60 million comprising:

Hardware and software including	
computers for teachers' professional development	£ 8.2 m
Anticipated building works	<u>£ 4.4 m</u>
Total	£12.6 m

- 2.17 The Council is seeking support in principle for its revised proposals and capital funding of £12,567,259 for Phases 2 and 3 of the project. It is also seeking approval for the following specific votes to enable it to continue with the implementation of the revised strategy:

A vote of £5,753,013 for the purchase of ICT equipment and services from Research Machines PLC over the period 2000 to 2003.

A vote of £155,743 for ICT suitability survey and design, to be undertaken by Capita.

A vote of £182,561 for electronic communications equipment, server and software provided by Guernsey Telecoms.

## THE RATIONALE AND BACKGROUND TO THE STRATEGY

- 3.1 In common with the policy of most developed countries, the UK government has adopted targets for the application of information and communication technology in society as a whole and, particularly, for education and training. The targets are ambitious and, if achieved, will result in an ICT competent workforce within the near future. The UK has allocated an additional £1billion up to 2002 to connect schools, colleges, universities and libraries and has recently introduced substantial further initiatives such as free computers for the disadvantaged, network connections for inner city estates and 700 community learning centres to support those with few or no ICT skills.
- 3.2 The allocations are representative of the world-wide intent of governments to take their communities swiftly into the information age. It is now widely accepted that digital technologies will become a part of every-day life and that international competitiveness will depend on their adoption.
- 3.3 The necessity for the establishment of Guernsey's complex and widespread computer network, the Guernsey Grid for Learning, followed the UK Government's decision to construct a 'National Grid for Learning' comprised of similar networks in all Local Education Authorities. Most Local Authorities in the UK have either completed, or are actively implementing, similar wide area networks. Jersey has now completed the tender process for the establishment of a wide area network linking schools and services and will soon begin its construction. In the early stages of the design, the Council was advised by the Birmingham Education Department, which was itself in the process of completing a city wide 'Grid' to connect its 500 schools and education services. The 'Birmingham Grid for Learning' was recognised as a leading development in the UK and has since been awarded 'pathfinder status' by the UK government, giving it official recognition as an example of good practice.
- 3.4 In developing this Strategy for ICT, Guernsey is not, therefore, acting in isolation. It is responding to global changes in education and training delivery. An increasing number of countries in the developed world have government sponsored programmes to utilise internet and digital broadcasting technologies to raise skill levels across their communities, both for the school age and adult population.
- 3.5 The IT Training Survey of May 2000 produced by the IT Training Strategy Group, a sub group of the Advisory & Finance IT in Society Working Party, has identified a shortfall in IT skills, in particular higher order technical skills, in Guernsey. It also draws attention to the low level of adoption of IT in smaller firms and in the retail, construction, hotel, restaurant and catering sectors. The report recommends the provision of on-line IT training that is currently difficult to obtain by conventional means within the Island and the establishment of a structure to deliver it. The report also refers to the potential of the GGfL to deliver such training in both IT and a wide variety of applications.
- 3.6 The Council's Strategy for ICT represents an investment by the States of Guernsey in training not just for school age students but also for the community as a whole. In the early stages of the project, schools are considering ways to make their high-speed networks available for community access through arrangements such as evening classes. Some primary schools are also expecting to hold regular parent sessions.

- 3.7 The initial driver for high levels of connectivity was the potential for improvement in teaching and learning provided by the GGfL for schools, the College of Further Education and education services. The same infrastructure may in the future be augmented to provide a highly efficient method of delivering life-long learning into the community via homes, community centres and businesses at any time of day.
- 3.8 The IT Training Survey of May 2000 also states that it is important to note that the GGfL does not focus simply on training. The main benefit will be the ability to connect people and the social impact that arises from the connections. A community network is viewed in many countries as a core facility for an information society and the next step in satisfying the information needs of individuals and ordinary businesses. Information on demand is likely to be a universal requirement in the early part of this century.

### **PROGRESS IN PHASE 1 OF THE PROJECT**

- 4.1 The States Education Council outlined its Strategy for the development of Information Communications Technology (ICT) in its Policy Letter approved by the States in July 1999. It stated that 'The strategy is far reaching and will result in the creation of an ICT infrastructure, the 'Guernsey Grid for Learning' (GGfL), which will support teaching and learning within schools, give access to lifelong learning in the wide community and support the management of the service. It will re-equip the schools with up-to-date computers and networking facilities. It will provide the technical support and guidance necessary to manage the technology and keep it updated. It will provide the large scale training necessary to increase teachers' ICT skills for the benefit of their pupils.'
- 4.2 The Policy Letter detailed the way in which ICT will be used in the Education Service to enhance teaching and learning. The Education Council asked the States to:-
  - i. Approve in principle the States Education Council's proposals for the development of ICT as set out in the report.
  - ii. Authorise the Council to seek tenders for the preliminary work as set out in the report and to award contracts with the agreement of the Advisory and Finance Committee.
  - iii. Vote the Council a credit of £500,000 to cover the cost of the preliminary work, which sum shall be charged to the Council's capital allocation.
  - iv. Authorise the Council to submit a budget for 2000 in excess of its revenue expenditure limit in respect of further funding requirements for ICT up to a maximum £300,000 as set out in the report.
- 4.3 The States resolved to approve the Council's proposals. It should be noted that the additional revenue expenditure was in addition to the Council's ICT revenue budget of £300,000; therefore the total available from 2000 was £600,000.

4.4 The Strategy comprises three phases:

**Phase 1** - the establishment of technical appraisals of ICT networks at both school and Bailiwick level (known as the Technical Implementation Project [TIP]). The sites involved were; St Anne's School, Alderney; Castel Primary School; Forest Primary School; St Peter Port Secondary; The Education Department.

**Phase 2** - the extension of networks to other schools on a progressive basis and the launch of the GGfL network service across the Bailiwick.

**Phase 3** - the enhancement of the service offered through the GGfL, and its extension into the wide community. The continuing expansion of networks within schools following the electrical and structural works necessary to accommodate the technology.

- 4.5 The Education Council's request for a capital vote of £500,000 to be made available from July 1999 was to allow the preliminary appraisals and development work within Phase 1 to be undertaken. The remainder of funds for the project, then estimated at £4.07 million, would then be required on a staged basis, with the majority of the expenditure in Phase 2 of the project.
- 4.6 The Council has made substantial progress in Phase 1 of the project. It has completed the scheduled installation of computer networks in the four schools and the Education Department. The limited networks have been in use for teaching and administration and have performed satisfactorily. They have been managed remotely by Research Machines plc with a reduced requirement for technical assistance to be provided within schools. Guernsey Telecoms has completed the high-speed connections between these sites free of charge, including a connection to Alderney as part of its 'Millennium Initiative'. This contribution to the initiative by Guernsey Telecoms has been instrumental in allowing the creation of the Guernsey Grid for Learning. The Council has also entered into a commercial contract with Guernsey Telecoms to install and commission a central server for the Guernsey Grid for Learning at Centenary House, and for the provision of filtered internet and email services to limit the reception and transmission of unsuitable material. Web pages and the content of the GGfL have been designed in collaboration with the Education Council and produced by the Actis Group. These are now in use as part of the pilot GGfL service.
- 4.7 However, the majority of the project remains to be implemented. Currently many of our schools are poorly equipped for ICT. The equipment in most schools is at least five years old and the majority of computers are 'stand-alone', with no connection to networks. Many teachers feel that they lack the level of skill required to use ICT within the classroom.
- 4.8 The wide variety of ageing ICT systems currently in use in schools will eventually be replaced by new purchases. However, many schools have accepted donated second-hand computers in recent years in order to increase the number of machines available to students. Although beneficial to schools in the short term, this has resulted in an increased requirement for technical support that the Council is attempting to meet at the same time as preparing for the extensive installations in Phases 2 and 3 of the Strategy. Additional technical assistance has been obtained on a contracted basis to support this equipment and provision has been made within the revised estimate to

continue with this arrangement, prior to the implementation of an externally managed service at all sites in the autumn 2002.

- 4.9 The implementation of the managed service for the ICT networks within the pilot schools has greatly reduced the amount of time spent on technical maintenance and allowed staff to concentrate on teaching and learning with ICT. The experience of these schools is positive with some reporting increased student motivation within a reliable ICT environment. Teachers in all the pilot sites have undergone initial training. Many of them report a better than expected assimilation of the new technology which has been aided by the reliability of the equipment and the quality of the software. Teachers in one school are actively engaged in a national staff development programme which makes use of web-based conferencing for tutorial support.
- 4.10 The advantages enjoyed by the pilot schools have served to emphasise the importance of making a similar service available to all students and teachers on the island as soon as possible.
- 4.11 The progress detailed above has been achieved within the £500,000 initial capital vote and according to the initial specification, a financial summary of which is shown in paragraph 6.1. However, the outcome of the appraisal of Phase 1 has caused the Council to amend its Strategy for implementing Phases 2 and 3, and to increase its estimates of expenditure for these phases to ensure that they are completed satisfactorily.
- 4.12 The appraisal has highlighted a number of structural and management issues, which have become evident within this new 'technological' environment. These issues which are explained below, include problems relating to the suitability of buildings to accept ICT; changes to the technical specifications of the project; the need for an enhanced managed service and project management support, and a clearer understanding of the size and nature of the training required.
- 4.13 As these issues have been identified, strategies have been put in place to address them and to maintain the goals and time-scale for the project, which remains firmly linked to the requirements for raising the standards in the National Curriculum and national examinations. These requirements are themselves determined by the schedule of the UK Government in its drive to integrate information and communication technologies throughout the school system, Further Education and Higher Education.

## **THE NEED FOR REVISION OF THE ICT STRATEGY AND THE COST IMPLICATIONS**

### **(i) The suitability of buildings to accept ICT**

- 5.1 During the July 1999 States' discussion of the Council's ICT Strategy Policy Letter, the Council brought to the attention of members that the speed with which schools would be equipped with computers was likely to be governed by the quality of their electrical circuits and the suitability of the buildings to accept large numbers of computers. The States were informed that the Council would include a survey of these factors in its Condition Survey, which was then in progress, and that the

outcome was likely to reveal the need for a substantial investment in the fabric of school buildings. The President of the Council undertook to present the capital requirement for the necessary upgrading of buildings, including electrical rewiring, in this Policy Letter.

- 5.2 The initial findings of the buildings Condition Survey were presented to Council in autumn 1999 and revealed a wide range of structural, mechanical and electrical defects. The visual inspection of the electrical circuits revealed many to be in a poor condition and that a more detailed electrical survey was required in order to formulate an approach to undertaking the necessary electrical upgrades prior to the installation of ICT. This is to be approached in two stages: the initial core installation (to connect all schools to the GGfL) and then the full installation throughout each school.
- 5.3 The installation of computer networks in the Phase 1 pilot schools commenced in November 1999. The computer networks planned for this phase were smaller than the full installations and designed to minimise the need for electrical and building work. However, even these installations revealed the extent of the inadequate electrical circuits and significant building problems, so confirming the outcome of the Condition Survey. In December 1999 the Council commissioned a detailed survey of one representative school and the production of a design for the installation of a full computer network. The result of this study, augmented by the electrical information from the Condition Survey, was used to cost and construct a provisional programme for the necessary electrical work in the remaining schools. It was apparent that this work needed to be undertaken prior to the installation of the full computer networks at all schools. Associated building works for construction of ICT rooms and to address sufficiency issues still require costing; the estimate for the electrical works for ICT installation was £3m, and excluded some other electrical needs.
- 5.4 It is important that all schools are connected to the GGfL from September 2000 in order to deliver the requirements of the revised National Curriculum (Guernsey). The revisions require the use of ICT in all subject areas and entail more extensive use of management information systems, for example in the analysis of target-setting data to raise standards. The Council thus decided to install limited networks in all schools as a preliminary action, in recognition of the difficulty of undertaking extensive electrical upgrades at each school in the short time available. The more extensive upgrades necessary for the installation of the full networks would then be undertaken on a progressive basis over the remaining period of the project, the timing to be agreed with individual schools.
- 5.5 The Council approached the Advisory and Finance Committee on the 12<sup>th</sup> January 2000 for a further vote of £20,000 to be taken from the Council's capital allocation for consultants to undertake surveys, and to produce designs and tender documentation for the installation of core local area networks in 23 schools. The limited survey, which was completed by the end of February 2000, confirmed that the electrical circuits in schools, which were constructed before the widespread use of computer networks, would not safely support the electrical demands of enhanced ICT. It is therefore necessary to upgrade electrical circuits in all but the Forest Primary School as a matter of urgency if schools are to develop teaching and learning as required in the National Curriculum (Guernsey).

- 5.6 It is necessary to complete the core electrical installations by the beginning of the autumn term 2000 in order to receive the ICT equipment from September 2000. Given the restricted time scale it was necessary to begin in June, as the summer holiday period is too short to complete the necessary work.
- 5.7 Tenders were issued on the 7<sup>th</sup> April to local contractors and returned on the 27<sup>th</sup> April. Following evaluation of these tenders by Council's consultants, Sheffield Design and Property Architects Division, the Council proposed to appoint contractors to undertake the work, divided into four contracts covering 23 schools, as follows:

Contract 1	Electrical Installations	£53,349.00
Contract 2	F W Rihoy & Sons Ltd	£33,883.59
Contract 3	Electrical installations	£52,643.00
Contract 4	F W Rihoy & Sons Ltd	£44,699.63

In addition, a contingency sum of £45,000 was proposed for unexpected building costs and £10,000 for contract supervision by a qualified electrical engineer. In requesting capital votes for these projects, it was open to interpretation whether the Advisory and Finance Committee could give approval for each contract to be regarded as a separate project under the States financial procedures for small capital projects. The Advisory and Finance Committee was aware of the importance and urgency of undertaking the works and took the view that, as the work to be undertaken in each school could have been regarded as a separate project and approved accordingly, it would approve votes for the contracts as grouped above.

- 5.8 The Council also required detailed surveys, designs and tender documentation for the major electrical and building works required in schools prior to the installation of the full local area networks. Tenders for this work were invited on the 11<sup>th</sup> May and received on the 26<sup>th</sup> May. Six companies responded and the States Department of Architecture evaluated their tenders for the Education Council. On that advice two companies were subsequently invited to make a presentation and to clarify aspects of their tender responses following which a common price base was established as follows:

Capita Education Services	£141,585
McDermott Consulting	£143,584

To each of these tenders the States Architect's Quantity Surveyor suggests a contingency sum of 10% of the tender total be added to cover additional work which may be required. Such additional work may result in more extensive rewiring where electrical mains or earthing problems become evident during the detailed electrical survey.

- 5.9 Following the presentations by both companies it is proposed that Capita Education Services be appointed to carry out the survey work. Although the cost difference between the two companies is marginal, Capita Education Services is the preferred company as it has extensive experience in an education environment with similar ICT projects and a larger number of staff available to carry out the work during the relatively short summer holiday period. It is thus proposed to contract Capita

Education Services at a cost of £155,743 inclusive of the 10% contingency sum above.

- 5.10 It had previously been estimated, using the survey of one school, that a sum in the order of £3m may be required to rewire and upgrade the electrical systems in the island schools in preparation for the full ICT installation. This survey work is therefore important in order to identify more accurately the resources required.
  - 5.11 The Capital Works Sub Committee agreed on 14 April 2000 that it would be sensible for the Council to investigate potential problems with asbestos before commencing a major programme of rewiring and data cabling in the island schools. Accordingly it was agreed in principle that the Council should appoint a consultant to carry out a risk assessment and detailed survey work, subject to the appointment being approved by the Advisory and Finance Committee. The tender documentation has been prepared and in due course a recommendation for the appointment will be submitted for approval by the Advisory and Finance Committee. The financial implications stemming from the risk assessment and survey are unknown, but are expected to be substantial and of a similar order to the electrical wiring. A sum has been provided in the Council's requests for additional capital allocation in the Policy and Resource Planning Report.
  - 5.12 Other building issues associated with the ICT installations, for example the remodelling and provision of additional spaces in schools, the installation of appropriate lighting, ventilation and some specialised furniture have been estimated at approximately £1.0m and this sum has been included in the summary total of capital expenditure for this project.
- (ii) **Revisions to the technical specification and management support for the Local Area Networks (LANS)**
- 5.13 The Strategy brought to the States in July 1999 contained the initial specification for the network, drawn up early in 1999. The cost of establishing the network and equipping schools was then estimated to be £4.57million for the three Phases. However, the Council recognised the need to undertake preliminary pilot work to develop the specification. This has taken place in collaboration with Guernsey Telecoms, Research Machines, the chosen supplier of ICT equipment for the TIP phase and services, and consultants, the Actis Group. Identification of some building-related issues has been supplied by Sheffield Design and Property Architects Division.
  - 5.14 Experience in Phase 1 showed the need for a revision of the school local area networks (LANs) to take account of the rapid changes in technology. It is anticipated that these changes will continue to cause specifications to be amended.
  - 5.15 During 1999 the use of computer technology in education accelerated, owing to the encouragement of the UK government. It was clear that ICT equipment and services, which had not been included in the original specification for Guernsey, were to become commonplace in UK schools. Equipment such as interactive whiteboards, digital cameras, and laptop computers was being widely distributed in association with national initiatives. Similarly, expensive specialist educational software was being advocated to support learning, in particular numeracy and literacy. Such



software was provided for UK schools through the 'standards fund', a central government administered fund, as it was perceived to have the potential to raise standards of literacy and numeracy. Over the same period the Department for Education & Employment has made significant progress towards its aim to 'ensure that general administrative communications between education bodies and the [UK] Government and its agencies cease to be largely paper based. This has required an early and extensive revision of management information systems currently used in schools and the department and the development of new systems in preparation for the DfEE target date of 2002.

- 5.16 In formulating its Strategy the Council was aware that management support of the LANs would be of prime importance. The network is expected to grow to over 2000 computers. As the use of ICT becomes central to the functioning of the education service, mechanisms will have to be in place to ensure high availability of networks. The Education Council thus contracted a managed service for the supply, installation, maintenance and management of the networks in Phase 1. The contractor, Research Machines, has been required to provide remote management of the school networks, and the Education Department network, through the GGfL connections. Should on-site technical support prove necessary, this is provided either by Research Machines personnel or their local agents, Itex.
- 5.17 The provision of a 'network managed service' has removed much of the technical support requirement from the Council and enabled schools to gain maximum benefit from computer networks which are well maintained and have a high level of accessibility. However, preliminary work has shown that it is necessary to contract the highest level of managed service support, as a less comprehensive arrangement will make excessive technical demands upon users. The estimate for the extension of the managed service to all schools in Phase 2 and 3 has thus been amended to account for the increased cost of this level of service from the estimate in July 1999 of £340,000 to the current estimate of £660,000 when all systems are installed.
- 5.18 The Council has produced tender documentation for the provision of ICT equipment for Phases 2 and 3 of Council's Strategy to take account of the above changes. The specification is based upon current technology for the purposes of the tender exercise. The outcome of the tender is a cost based upon current-day prices and current-day equipment, to allow the Council to realise its Strategy. However, as the equipment will be purchased in a number of stages over the period 2000 - 2003, technology may well change and cause the Council to re-visit its specification and amend its Strategy. It may, for example, be appropriate to substitute pupils' workstations with alternative devices as the technology develops. The proposed vote below, for the purchase of ICT equipment and services, should thus be viewed as a facility for the development of the ICT Strategy over time rather than a rigidly identified 'shopping list'.
- 5.19 It is intended that the Council will make purchases over the next few years as a series of 'call offs' against the proposed vote. Each of these 'call offs' will specify particular sites for installation following the necessary electrical upgrades .
- 5.20 Following invitations for expressions of interest, tenders were sought from a total of eleven contractors for the supply of ICT services, hardware, peripherals and associated software for the three academic years 2000 to 2003. Two companies responded, one of which, Research Machines plc, provided a similar service in Phase 1. The following tenders have been received:

	Equipment & Software	Managed Service
Research Machines plc	£5,753,013	£1,979,946
Capita Education Services	£5,951,951	£1,509,000

The cost of the managed service is the total cost for three years 2000-2003 assuming all equipment has been installed. The annual cost of the managed service will be met from the Council's revenue budget and will be below the above estimates until all installations are complete.

- 5.21 Following evaluation of these tenders, which included a subsequent presentation by the contractors and extensive clarification of the elements of the proposals, the Council proposes to enter into an arrangement with Research Machines plc to purchase the equipment, software and services for the local area networks for the period until September 2003 by a series of 'call offs' to the value of £5,753,013. This arrangement allows the Council to size the project and obtain best value for money. As it is accepted that technology changes, the Council will meet with Research Machines plc before each 'call off' and revise each order according to current price and specification. The Council has reserved the right formally to review performance at quarterly intervals and to cancel the contract should some aspect of the supplier's performance fall below an acceptable level.
- 5.22 The Council will continue to examine options for the procurement of the above equipment, including leasing. If, the States having approved the Council's proposals, the leasing option was shown to offer best value and was, therefore, chosen the expenditure would be revenue rather than capital. The Council, with the agreement of the Advisory and Finance Committee recommends, therefore, that the Committee be delegated authority to adjust the approved capital and revenue budgets accordingly, subject to the proviso that such adjustments do not represent an overall increase in the cost of procurement as set out in this Report.

**(iii) Revisions to the Technical Specification: The Wide Area Network (WAN)**

- 5.23 The development of the wide area network (WAN), in conjunction with Guernsey Telecoms, has continued throughout Phase 1. Following an initial assessment of the internet and email-filtering requirement, it was proposed that Guernsey Telecoms would implement filtering software and hardware for the Council on a commercial basis. The solution is more comprehensive than that originally specified and represents an additional cost, but it is considered by the Council as essential that all students have filtered access to the internet and email.
- 5.24 The GGfL connections to all schools and services are provided free of charge to the Council as part of the Guernsey Telecoms 'millennium' offer. Services beyond these connections are provided on a commercial basis and include the supply and installation of communications hardware at each site, the supply, installation, commissioning and maintenance of a central server housed at Centenary House, the technical maintenance of the wide area network, maintenance of a stock supply of spares, and the provision, installation and commissioning of content and email filtering. With the exception of the content and email filtering, this service has been in operation throughout the pilot phase. The provision of the WAN infrastructure is

fundamental to the continuation of the Guernsey Grid for Learning and the Council proposes to enter into an agreement with Guernsey Telecoms for the continued provision and maintenance of the infrastructure until September 2003 at a cost of £182,561.

- 5.25 The content for the Phase 1 has been provided by the Actis Group, a then unique specialist designer of educational web sites recommended to the Council by leading local education authorities in the UK for its work in this pioneering area. In the preliminary phase the Council proposed to work with Actis to provide the pilot GGfL web site, and to draw up a specification for the continuing service with the intention of inviting tenders for its provision. Unfortunately it has taken longer than anticipated to install all the elements of the WAN infrastructure, owing to delays caused by longer than expected lead times required by third party suppliers. The GGfL web site and content is now available to staff and students, and training on the use of the content has commenced. However, the Council requires additional time to evaluate the design of the web site and the range of content provided. It is therefore proposed that development work is continued for a further academic year at a cost of £120,000 in order to complete the specification and to evaluate its performance prior to inviting tenders for this element of the GGfL.

**(iv) Revisions to the Training Strategy for ICT**

- 5.26 In its initial strategy the Council's objective for training in ICT was that 80% of teaching and support staff should be using ICT as a routine part of their work by 2003. It has been recognised from the outset that training is fundamental to the success of the project. It remains the Council's aim that training provision will be of the highest quality and delivered in a manner to ensure consistency across the organisation. This is one of the largest training initiatives ever undertaken in the education service. The Council intends to draw upon large-scale ICT initiatives taking place throughout the UK to gain access to training resources of the substantial size required. These initiatives have been funded by the National Lottery, from which £230 million has been provided to support the national training schemes in the UK.
- 5.27 The rapid adoption of ICT in education and the extent to which it will be employed in teaching and learning mean that it is no longer feasible for teachers to remain unskilled in ICT. The Council's objective for training is that all teaching and support staff should routinely be using ICT.
- 5.28 A large scale pilot project to evaluate the effectiveness of providing laptop computers for teachers to assist with the enormous task of training in ICT was carried out in 1998 by the the British Educational Computing and Training Agency (BECTA). The scheme was an overwhelming success and resulted in a far more rapid assimilation of IT skills by the teachers who had ready access to the technology either at home or in the workplace. Following this scheme further funding has been made available to provide laptop computers for specific groups such as new trainees and headteachers. Some authorities, including Jersey and the Isle of Man, have provided such computers for all teachers. In view of the scale of the training challenge faced by the Council it is proposed to evaluate the effectiveness of this initiative before committing to it. However, the additional cost of such a proposal and the increased training provision resulting in the revision of the training objective is included within the proposed contract above for the provision of ICT equipment and services for Phases 2 and 3.

(v) **Revisions to the Project Management of the Strategy**

5.29 The ICT project is one of great complexity and touches every aspect of working practice in schools and the Education Department. Currently there is great pressure on the resources available within the Department as the team is maintaining the existing computer systems, planning and installing the new systems and planning the remaining phases of the project. It is anticipated that during the life of the project these demands will peak and then level off. The rate of development in this new environment probably means that continued change is the only certainty. However, the demands during this initial phase are thought to be exceptional and are expected to modify into monitoring and maintenance over time.

5.30 Information gained during the pilot phase about the nature, scope and complexity of the project has clarified the nature of the type of project management which will be essential for success of the project in the original timescale. Additional project management to support the current resources of the Education Council is essential for successful completion of the project.

5.31 The key areas where additional support is required:

**Technical**

- Project management of individual sites regarding planning and implementation of ICT installations, commissioning and acceptance.
- Survey, design, tender specification with appropriate project management of building works associated with core and extended installations
- Specification and tender preparation for purchase of ICT equipment
- Wide area network service development

**Professional**

- Advice on the educational content of the wide area network
- Contractual documentation and contract management
- Development of a common management information framework for schools and the Department
- Subsequent transfer of information between schools and the Department
- Transfer of information between the Department and other States Committees including financial information
- Policy advice on ICT compliance and security issues, including disaster recovery

**Training**

- Advice regarding appropriate sources of training
- Evaluation of training schemes and materials
- The collaborative development of a training strategy to cover all members of staff for their various functions
- The delivery of the strategy.

**Communications and public relations**

- Internal publishing of a newsletter and training programme for all staff
- External communications for the development and delivery of a media strategy.

5.32 Approaches have been made to four well-known and established companies associated with this field of work and to date only one has suggested that it could

provide the range of expertise required by the Education Council. Owing to the poor response it is proposed to place an advertisement to see if further interest in this work can be identified which would allow cost comparisons to be carried out. It is possible that, with the demand for ICT staff on the island and in the UK, it will be difficult to obtain the range of support from one multifunctional company. Working with one company would be considered the most desirable way of co-ordinating delivery for all aspects with the Special Projects Co-ordinator for the Education Council. If additional project management were not to be resourced, then it is inevitable that the project would have to be implemented more slowly and the completion delayed.

- 5.33 A sum of £780,000 has been included in the revised estimate for consultancy in addition to the £20,000 expended in Phase 1. Of this sum £180,000 is identified for the management of installations at individual sites, £100,000 for consultancy leading to policy development for management information systems and £500,000 for overall management and co-ordination of the project at authority level.

## CAPITAL ALLOCATION AND BUDGETARY PROVISION

- 6.1 Education Council received a capital vote of £500,000 in July 1999 to allow the preliminary appraisals and development work within Phase 1 to be undertaken. The Council considered that the remainder of funds for the project, then estimated in total for the three phases at £4.57 million, would be required on a staged basis. The expenditure for Phase 1 is as follows:

### Phase 1

Item	Estimated Expenditure (£)
ICT equipment and services	318,000
Data Cabling	12,845
Project management	20,000
Wide area network equipment and services	47,439
Intranet content and management	85,472
Contingency	<u>16,244</u>
Total	500,000

- 6.2 The Council's original estimate in July 1999 for a capital budget for Phases 2 & 3 of the ICT Strategy was £4.07 million. This excluded any building works and the cost of the pilot. In the light of developments detailed above, the total capital figure for Phases 2 & 3 is now in the order of £12.6 million made up of:

Hardware and software including computers for teachers' professional development	£ 8.2 m
Anticipated building works	<u>£ 4.4 m</u>
Total	£12.6 m

Appendix 2 provides a detailed analysis of the change in capital requirement.

The initiation of the ICT project has exposed sufficiency and suitability issues, many of which have needed to be addressed over a period of time when the resources have not been available. Further details of the associated building works will be brought to the States in the autumn following the development of tender documentation.

- 6.3 It should be noted that the resource requirement is for a three year period to 2003, which is the expected time scale of the project. As reported in July 1999, from 2003 there will be an ongoing requirement for replacement and updating of equipment estimated to be equivalent to an additional 4% of the Council's revenue budget now approximately £1.6million/annum.

#### 6.4 Summary of proposed Capital expenditure for the period 2000 - 2003

The following table shows for Phase 2 & 3 - (a) Committed funds for elements of the project already underway. (b) Expenditure proposed within this Policy Letter as a result of tenders received and (c) estimates of future expenditure for which tenders have not yet been sought.

Item	(a) Committed expenditure	(b) Proposed vote	(c) Estimated future expenditure
ICT equipment and services		5,753,013	
Contingency		508,390	
Wide Area Network equipment purchase (Guernsey Telecoms)		182,561	
Project Management and consultancy			780,000
Training of 900 teaching and non-teaching staff			599,200
Education Management Information Systems			309,000
<b>Sub Total</b> ICT Equipment, services and implementation		<b>6,443,964</b>	<b>1,688,200</b>
Limited ICT suitability survey	20,000		
Electrical upgrades and data cabling core installation	259,352		3,000,000
Full ICT suitability survey		155,743	
Associated building works			1,000,000
<b>Sub Total</b> Surveys, electrical upgrades and associated building work	<b>279,352</b>	<b>155,743</b>	<b>4,000,000</b>

**Grand Total of estimated capital expenditure for ICT and building works £12,567,259**

- 6.5 In recognition of the uncertainties with regard to the timing and estimated costs for the major electrical and building works associated with the continuing development of the ICT strategy, the Advisory and Finance Committee has agreed that funding for the project could be considered a proper call on the Capital Reserve.
- 6.6 Accordingly, the Council, with the agreement of the Advisory and Finance Committee, recommends to the States that the Committee be authorised to take account of the States Education Council's balance of capital allocation and its other capital priorities at relevant times and to release to that allocation from the Capital reserve appropriate sums up to a total of £10m for the continuing development of the Council's ICT Strategy. The Council and the Committee have agreed that the remaining monies can be found from the capital allocation, subject to the approval by

the States in July 2000 of the Committee's recommendations in the Policy and Resource Planning Report.

## REVENUE ALLOCATION AND BUDGETARY PROVISION

- 7.1 The Council's Policy Letter of July 12<sup>th</sup> 1999 stated that the revenue requirements for 2000 could not be precisely determined until the rate of progress of the implementation of the Guernsey Grid for Learning was known. The revenue expenditure was estimated to be £600,000 per annum for the duration of the project. As explained above, the extent of the managed service has increased significantly and this is reflected in a greater revenue requirement. Other additional costs include higher management charges from Guernsey Telecoms for the wide area network and additional contracted technical support.
- 7.2 The estimate of approximately £600,000 per annum for revenue expenditure for the period 2001-2003 included in the 1999 policy letter was subsequently revised to £650,000 to take account of the increased costs outlined in paragraph 7.1. Owing largely to a further increase in the estimated cost of the managed service the revenue requirement has increased above and beyond the expected £650,000 as shown in the table 7.3 below.

### 7.3 Table of revenue requirement

Revenue item	description	2000	2001	2002	2003
ICT Managed Service	Charge for number of systems deployed	250,000	550,000	650,000	659,982
ICT Contracted Technical Support	Additional technical assistance for implementation	50,000	50,000	50,000	
Specialist ICT Training (Technical staff)	Conversion courses for new technology	15,000	15,000	15,000	15,000
Guernsey Telecoms	Technical management of wide area network	68,000	68,000	68,000	68,000
Intranet Content Management (currently Actis)	Management of content, email and filtering	120,000	120,000	120,000	120,000
Management Information System	Licence costs for software (schools and department).	20,000	24,251	24,251	24,251
Digital map	Annual licence for all schools and services	10,000	10,000	10,000	10,000
<b>Total Revenue</b>		<b>553,000</b>	<b>837,251</b>	<b>937,251</b>	<b>897,233</b>

- 7.4 The size of the managed service is directly linked to the size of the ICT installation. The Council can accurately predict the cost of the managed service necessary to service the first 'call off' of equipment in Phase 2. These systems will be installed from September 2000 throughout the autumn term. However, schools have placed a high priority on expanding networks as electrical circuits are deemed suitable and it will be difficult to predict accurately the rate of expansion in 2001 – 2003 at this



stage. The estimates for the managed service costs for these years are therefore difficult to predict. However, expenditure in 2000 is expected to be within the planned figure of £600,000. The maximum cost of the managed service is shown in table 7.3 as the figure for 2003.

- 7.5 The development of the ICT project has created additional workloads for many staff within the Education Department. A vital component of the Council's ICT initiative is the training strategy for all staff. In the course of the development of the ICT project it has become apparent that, in addition to the existing IT advisory teacher currently employed, there is now a need for another member of staff to oversee the training strategy. The person would be responsible for identifying the needs of the service with regard to the use of ICT for curriculum and administrative purposes, devising a comprehensive and coherent training strategy to meet those needs and ensuring that the programme is delivered effectively. The detail of such a proposal will be brought forward as part of the Council's human resources Policy Letter in the Autumn 2000. It is identified in this Report as there are revenue implications for this ICT Project.

### **RECOMMENDATIONS**

To approve in principle the States Education Council's proposals for the continuing development of the ICT Strategy as set out in the Report at a total estimated cost of £12.6m;

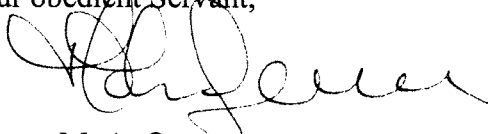
- 8.2 To authorise the Council to seek and accept, subject to the approval of the Advisory and Finance Committee, tenders for the supply of the following:
- i. electrical upgrades and data cabling;
  - ii. associated building works;
  - iii. project management and consultancy;
  - iv. training resources;
  - v. management information systems;
- 8.3 To authorise the Council to accept the tender in the sum of £5,753,013 for the purchase of ICT equipment and services from Research Machines plc over the period 2000 to 2003;
- 8.4 To authorise the States Education Council to accept the tender in the sum of £141,585 from Capita Education Services to undertake detailed suitability surveys, associated design and production of tender documentation for the major electrical and building works;
- 8.5 To authorise the Council to enter into agreement with Guernsey Telecoms for the supply of communications equipment, server and software in the sum of £182,561;
- 8.6 To vote the States Education Council a credit of £6,091,317 to cover the above capital costs and to provide a contingency allowance of 10% with regard to the tender from Capital Education Services, which total sum shall be charged to the capital allocation of the States Education Council;
- 8.7 To authorise the States Advisory and Finance Committee to adjust the approved capital and revenue budgets to take account of changes in the means of procurement

of ICT equipment, subject to the proviso that such adjustments do not represent an overall increase in the cost of procurement as set out in this Report.

- 8.8 To authorise the States Education Council to submit a budget for 2001 in excess of its revenue expenditure limit in respect of the increased revenue costs up to a maximum of £237,251 as set out in this Report;
- 8.9 To direct the States Advisory and Finance Committee when recommending to the States revenue allocations for the States Education Council in 2002 and 2003, to take account of the costs associated with the continuing development of the Council's ICT Strategy.

I have the honour to request that you will be good enough to lay this matter before the States with the appropriate propositions.

I am, Sir,  
Your obedient Servant,



Deputy M. A. Ozanne,  
President,  
States Education Council.

## **Appendix 1**

### **Glossary**

#### **Broadband**

Broadband networks refer to high-speed telephone links often using fibre-optics to transfer large amounts of data at high speed; functions include broadcast-quality video, video conferencing and interactive two-way switched services.

#### **Connectivity**

Features of a connection between computers exchanging data over a distance.

#### **Electronic mail (e-mail)**

Communication by sending and receiving electronic messages containing words and graphics.

#### **Infrastructure**

The cabling and network components e.g. routers, that enable computers to exchange data.

#### **Managed Service**

The maintenance of software and services on a computer network undertaken by a contractor.

#### **Internet**

The world-wide 'network of networks' connected by telephone communication systems, the Internet provides on-line databases, file transfer, electronic mail, news and other services.

#### **Intranet**

An intranet is a private network (within a school or company, for example) which uses Internet protocol and facilities such as e-mail or Web pages and can be searched using a browser.

#### **Local area network (LAN)**

A communications system linking computers within a restricted geographical area such as a building or campus, which allows computers to share information from a central source.

#### **WAN (Wide Area Network)**

As opposed to a local area network which links computers at the same site, a WAN links computers over a larger geographical area.

#### **Server**

In a network, the computer which 'serves' as a central storage facility, 'serving' for example applications and files to 'client' computers.

#### **Video conferencing**

This involves the use of video links to hold meetings between people who are in different locations.

#### **Guernsey Grid for Learning**

The Guernsey Grid for Learning – the name given to the local WAN.

## STATES EDUCATION COUNCIL

### Comparison of ICT Strategy Cost Estimates - Capital

Project Element	Description	Estimate 1999 Phases 1, 2, 3 *	Phase 2 / 3	
			Policy Planning 2000	Estimate July 2000
ICT Hardware and software	Additional cost of a higher specification for computers and peripheral equipment	3,740,027	4,326,793	
Integrated learning system for students	New application, evaluated in the pilot schools, now in widespread use in the UK which allows individual tuition by computer, demonstrated to achieve significant learning gains		578,784	5,753,013
Computers for Teachers	Initially for professional development, ongoing for administration and teaching preparation.		1,240,000	
Guernsey Telecoms	Services in addition to the 'Millennium' offer of free connectivity now include the provision of active networking equipment (switches) to all schools, supply and installation of filtering software. All items now of a higher specification to match high bandwidths made available to schools	32,000	182,561	182,561
Consultancy	Extended consultancy to advise on increased complexity of management information systems and rapid rate of change	30,000	100,000	100,000
Project management of site installations	Project management of site installations in addition to that provided by main contractors, necessitated by tight time scales and complexity of implementation		180,000	180,000
Contracted project management consultancy	Assistance with overall management of project during implementation of Phases 2 and 3.		500,000	500,000
Training of teaching and non-teaching staff	Training costs for 900 staff over a 3 year period.	499,200	599,200	599,200
Schools management software (SIMS), and matching Education Department management system (EMS)	Range of SIMS management modules now extended to include assessment manager and others, further development anticipated	25,000	59,000	59,000
Education Department management software	A further requirement to develop a relational database for remaining administrative and management functions lying outside of EMS	135,000	250,000	250,000
Limited ICT Electrical survey	Limited survey of the electrical condition to allow core installation from September 2000. Undertaken by Sheffield Design and Property		20,000	20,000
Electrical upgrades and data cabling	Building work resulting from limited ICT electrical survey.		230,000	259,352
Full ICT Electrical Survey	Comprehensive survey of electrical condition of all buildings to precede roll-out of full implementation		120,000	155,743
Electrical upgrades and data cabling	Estimated cost of building work for main installation.		3,000,000	3,000,000
Associated Building Works	Room alterations, furniture etc.		1,000,000	1,000,000
Contingency sum	Contingency sum	108,773	508,390	508,390
<b>TOTAL CAPITAL REQUIREMENT</b>		<b>4,570,000</b>	<b>12,894,728</b>	<b>12,567,259</b>

\* Note: The Estimate prepared in July 1999 was for Phases 1, 2, and 3 of the project. The cost of Phase 1 was £500,000 and the combined costs of Phases 2 and 3 were £4,070,000.

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

27th June, 2000

Sir,

I have the honour to refer to the letter dated 22 June 2000 from the President of the States Education Council concerning the Development of the Council's Strategy for Information and Communication Technology (ICT) Phases 2 and 3.

Notwithstanding the substantial increase in the previously anticipated cost for the implementation of the ICT Strategy, to which reference is made later, the Advisory and Finance Committee supports strongly the Council's proposals to achieve, within a relatively short timescale, the educational foundation to enable the Island to exploit the benefits of developments in communications technology.

The Committee, in a letter of comment last year, supported the Council's initial proposals for the development of the ICT Strategy that were approved in principle by the States in July 1999. At that time a capital vote of £500,000 was approved to enable the Council to undertake preliminary works. In its policy letter the Council anticipated that it would approach the States again in the Spring of 2000 for the remainder of the then total estimated costs for the Strategy of £4.57m.

As regards the present proposals, the Committee, in its Policy and Resource Planning Report for 2000 (Billet d'État XV for 12 July 2000), has commented on the substantial increase and the high overall cost of the Strategy, considering that the States should have the opportunity of reviewing in detail these developments before agreeing to a major increase in the Council's capital allocation. The Committee has also stated that the development of the ICT Strategy would be a probable call on the Capital Reserve. Accordingly, the Council has recommended, with the agreement of the Committee, that the Committee be authorised, subject to certain conditions, to release to the Council's capital allocation from the Capital Reserve appropriate sums up to a total of £10m in this regard. In so doing, the Committee will keep under review progress in the Council's capital programme and take account of the Council's ability to fund all of its priority projects, including ICT, from its existing capital allocation.

The Committee has expressed its concern generally at the considerable increase in demands from States committees for additional capital resources. The Council has explained that the cost for implementation of the ICT Strategy is some £8m higher than the figure originally advised to the States and that around £4.5m of this figure is attributable to building and electrical works for which no provision had been made in the earlier estimates. The Committee accepts the reasons for this and, in supporting the present proposals, recognises the well-founded arguments put forward by the Council to justify the increased range and specification of the technology required to fulfil its obligations under the National Curriculum (Guernsey), which is closely linked to the English National Curriculum.

The Committee is also very much aware of the potential benefits to be gained in the short and long term from the implementation across the whole community of the Guernsey Grid for Learning, not least in relation to the development of telecommunications and e-commerce on which the Committee comments at some length in the 2000 Policy and Resource Planning Report. The Committee believes that the Council's proposals represent an investment for the future benefit of the Island community as a whole and that the integration of ICT into the education curriculum is essential.

I am, Sir,  
Your obedient Servant,  
L. C. MORGAN,  
President,  
States Advisory and Finance Committee

The States are asked to decide:—

- X.— Whether, after consideration of the Report dated the 22nd June, 2000, of the States Education Council, they are of opinion:—
1. To approve in principle the States Education Council's proposals for the continuing development of the ICT Strategy as set out in that Report at a total estimated cost of £12.6m.
  2. To authorise the States Education Council to seek and accept, subject to the approval of the States Advisory and Finance Committee, tenders for the supply of the following:
    - i. electrical upgrades and data cabling;
    - ii. associated building works;
    - iii. project management and consultancy;
    - iv. training resources;
    - v. management information systems.
  3. To authorise the States Education Council to accept the tender in the sum of £5,753,013 for the purchase of ICT equipment and services from Research Machines plc over the period 2000 to 2003.
  4. To authorise the States Education Council to accept the tender in the sum of £141,585 from Capita Education Services to undertake detailed suitability surveys, associated design and production of tender documentation for the major electrical and building works.
  5. To authorise the States Education Council to enter into agreement with Guernsey Telecoms for the supply of communications equipment, server and software in the sum of £182,561.
  6. To vote the States Education Council a credit of £6,091,317 to cover the above capital costs and to provide a contingency allowance of 10% with regard to the tender from Capital Education Services, which total sum shall be charged to the capital allocation of the States Education Council.
  7. To authorise the States Advisory and Finance Committee to adjust the approved capital and revenue budgets to take account of charges in the means of procurement of ICT equipment, subject to the proviso that such adjustments do not represent an overall increase in the cost of procurement as set out in that Report.
  8. To authorise the States Education Council to submit a budget for 2001 in excess of its revenue expenditure limit in respect of the increased revenue costs up to a maximum of £237,251 as set out in that Report.
  9. To direct the States Advisory and Finance Committee when recommending to the States revenue allocations for the States Education Council in 2002 and 2003, to take account of the costs associated with the continuing development of that Council's ICT Strategy.

**STATES BOARD OF ADMINISTRATION  
AND  
STATES COMMITTEE FOR HOME AFFAIRS**

**DETENTION OF SUSPECTS WITHOUT CHARGE  
PROVISION OF ANNUAL STATISTICS**

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

18th April, 2000

Sir

**Numbers of Searches of Person by Police and Customs – Provision of Annual Statistics.**

**A. Introduction**

The policy letter in relation to the Detention of Suspects Without Charge appeared in Billet d'Etat XVI 1997 (July 1997).

In respect of providing annual statistics the States resolved:-

*'to direct the States Committee for Home Affairs and Board of Administration, to lay annually before the States, a report detailing the number of strip and intimate body searches carried out at the insistence of Police and Customs Officers, and the number of successful prosecutions flowing from such procedures, such report to include separate sections showing the statistics for each type of search.'*

**B. Provision of Police Statistics – January to December 1999**

Relevant statistics in relation to searches carried out at the insistence of Police Officers are as follows:-

Total number of strip searches	=	19
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Number of successful prosecutions flowing from such strip searches	=	7
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There were no intimate searches carried out during 1999.

### **FURTHER INFORMATION**

- i) All searches were carried out on persons who were arrested on suspicion of having committed a serious offence.
- ii) During two of the searches concealed items were discovered.
- iii) The seven persons subsequently prosecuted were so prosecuted for at least one offence as a result of the incident that prompted the search.
- iv) All searches were undertaken in the Custody area of the Police Station.
- v) All searches were carried out within the guidelines laid down by the Guernsey Police Standing Order 1/91 entitled 'Detention, Questioning and Treatment of Persons by the Police'.
- vi) The reasons for the searches were in relation to drug offences – searching for further concealed drugs; safety of prisoners – searching for items which may cause self harm; officer safety – searching for concealed items which may be used as weapons.
- vii) No complaints were received from any persons on whom strip searches were carried out.

### **C. Provision of Customs Statistics – January to December 1999**

Relevant statistics in relation to searches carried out at the insistence of Customs Officers are as follows:-

Total number of strip searches	=	99
Number of successful prosecutions flowing from such strip searches	=	45 ( 1 pending)
Total number of intimate searches	=	7
Number of successful prosecutions flowing from such intimate searches	=	3

## **FURTHER INFORMATION**

- i) Of the number of strip searches carried out 56 were on persons who had been arrested on suspicion of having committed a serious Customs offence (i.e. found to be carrying drugs or suspected of having drugs concealed internally).

37 successful prosecutions flowed from these 56 strip searches (1 prosecution remains pending).

- ii) All 56 strip searches were carried out in accordance with Staff Instructions and Codes of Practice issued relative to the Detention, Treatment and Questioning of Persons by Customs Officers.
- iii) The other 43 strip searches were carried out in approved Customs facilities on persons, not under arrest, arriving into or departing from the Island, in accordance with Section 72 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1971, as amended (Customs Law).

8 successful prosecutions flowed from these 43 strip searches.

- iv) Of the 43 searches carried out on persons not under arrest none asked to be referred to a superior of the officer concerned and 1 to a Jurat. The person referred to a Jurat was subsequently successfully prosecuted.
- v) The 43 strip searches were carried out in accordance with Staff Instructions and under strict guidelines, Codes of Practice and safeguards imposed under Section 72 of the Customs Law, which states that there must be reasonable grounds before the search can proceed.
- vi) The reasonable grounds for the 43 strip searches were:

14 persons proved positive to drug tests (of which 2 were subsequently successfully prosecuted).

17 persons met a Customs smuggling profile (of which 2 were subsequently successfully prosecuted).

12 persons had positive and evaluated intelligence held on them (of which 4 were subsequently successfully prosecuted).

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

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

- viii) Of the total of 99 persons strip searched 7 were referred to a Medical practitioner for the purpose of an intimate body search of which 3 were subsequently successfully prosecuted.
- ix) No complaints were received from any persons on whom strip or intimate searches were carried out.

- x) In 1996 a total of 183 searches of person took place of which 59 were subsequently successfully prosecuted.

In 1997 a total of 220 searches of person took place of which 53 were subsequently successfully prosecuted.

In 1998 a total of 143 searches of person took place of which 57 were subsequently successfully prosecuted.

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

#### **D. Recommendations**

The Board and the Committee recommend the States note the contents of this report.

I have the honour to request that you will be good enough to lay this matter before the States with appropriate recommendations.

I am, Sir,  
Your obedient Servant,  
R. C. BERRY,  
President,  
Board of Administration.

I am, Sir,  
Your obedient Servant,  
M. W. TORODE,  
President,  
Committee for Home Affairs.

**ISLAND POLICE****SEARCH OF PERSON STATISTICS****JANUARY – DECEMBER 1999**

	<b>NUMBER STRIP SEARCHES</b>	<b>SUCCESSFUL PROSECUTIONS</b>	<b>AGE 17-24</b>	<b>AGE 25-34</b>	<b>AGE 35-44</b>	<b>AGE 45 +</b>
MALE	18	7	9 (3)	7 (4)	1 (0)	1 (0)
FEMALE	1	0	1 (0)	0 (0)	0 (0)	0 (0)
<b>TOTAL</b>	<b>19</b>	<b>7</b>	<b>10 (3)</b>	<b>7 (4)</b>	<b>1 (0)</b>	<b>1 (0)</b>

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

**CUSTOMS AND EXCISE****SEARCH OF PERSON STATISTICS****JANUARY – DECEMBER 1999**

	<b>NUMBER STRIP SEARCHES</b>	<b>SUCCESSFUL PROSECUTIONS</b>	<b>AGE 17-24</b>	<b>AGE 25-34</b>	<b>AGE 35-44</b>	<b>AGE 45 +</b>
MALE	84	44 - 1 Pending	30 (16)	31 (16) 1 Pending	18 (10)	5 (2)
FEMALE	15	1	6 (1)	4 (0)	4 (0)	1 (0)
TOTAL	99	45 - 1 Pending	36 (17)	35 (16) 1 Pending	22 (10)	6 (2)

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

	<b>NUMBER INTIMATE SEARCHES</b>	<b>SUCCESSFUL PROSECUTIONS</b>	<b>AGE 17-24</b>	<b>AGE 25-34</b>	<b>AGE 35-44</b>	<b>AGE 45 +</b>
MALE	2	2	-	1 (1)	1 (1)	-
FEMALE	5	1	3 (1)	1 (0)	-	1 (0)
TOTAL	7	3	3 (1)	2 (1)	1 (1)	1 (0)

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

**[N.B. The States Advisory and Finance Committee supports the proposals.]**

The States are asked to decide:—

XI.— Whether after consideration of the Joint Report dated the 18th April, 2000 of the States Board of Administration and States Committee for Home Affairs, they are of opinion:-

To note the contents of that Report.

**STATES BOARD OF ADMINISTRATION****ST SAMPSON'S MARINA**

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

20th June, 2000

Sir,

**ST SAMPSON'S MARINA****Introduction**

The Board of Administration presented its proposals for the development of deep water berths at St Sampson to the States of Deliberation in July 1999 (Billet D'Etat XV 1999). At that time the Board of Administration stated its intention to report back (to the States) within 12 months with proposals for leisure facilities within St Sampson's Harbour.

This report recommends increasing and upgrading the leisure facilities of St Sampson's Harbour by building a marina within the Harbour in the area currently occupied by local moorings. The proposals will both increase the capacity and enhance the appearance of St Sampson.

To facilitate construction, and to provide low cost mooring facilities for those boat owners who do not wish to use a marina, the Board also recommends that the Longue Hougue reclamation site should be opened up and used as a mooring facility for at least 15 years. The forecast rate of filling indicates that it will be over 50 years before the reclamation site becomes full. Utilising this sheltered area of water for low cost moorings will allow Islanders to gain extra benefit from this expensive investment that would otherwise remain unused for many years.

**Demand for Berths**

A survey of residents who had placed their names on the mooring waiting list was carried out in November 1998 to provide accurate information on the demand for berths in St Peter Port and St Sampson. A questionnaire was sent to those people who had registered on the waiting list for berths, and the survey showed that there

was a total of 422 Islanders who would wish to take up moorings within the Island's Ports. Over 370 of them expressed a preference for a marina berth.

The Board of Administration considered two options to address this waiting list. The first was to improve the utilisation of the present marinas by more efficient management and the second was to increase the number of moorings by improving the present harbour facilities. The first option is being progressed and a new mooring contract became effective from April 2000. It is expected that, as a result of the new contract, the waiting list will be reduced by between 50 and 100 boats. It is, however, still clear from this survey that there is an urgent requirement for at least 300 additional berths now and demand is expected to continue to increase each year.

### **St Sampson's Current Situation**

Currently all the boats in St Sampson are on fore and aft moorings and dry at low water. The drying heights vary from Chart Datum +3.5m to +4.5m in the central part of the harbour, and +5.0m to +6.0m in the inner harbour. The harbour bed is muddy and unpleasant, and access times are generally poor, particularly in the inner harbour. The mooring charges are low to reflect these deficiencies.

Current mooring numbers are:

Inner Harbour	52
Central Harbour	107

### **Longue Hougue Current Situation**

The Longue Hougue reclamation site is an enclosed area of sheltered water and foreshore of some 30 acres, and on current forecasts it will take over 50 years to complete. There is sufficient water space with depths in excess of 3.0m to accommodate 160 boats on chain moorings. In the longer term this area of reclaimed land would be required for use if the future development of deep water berths proceeds. The Board estimates that this development would be required at circa 2020.

Tipping at Longue Hougue will continue unhindered as the area proposed for the marina development is well away from the tipping face and will be for many years to come. Any fine material which remains in suspension may well be washed out through the proposed entrance but this should not be a problem as the fines at present that remain in suspension are already washed out through the permeable rubble mound breakwater.

Longue Hougue is the site recommended by the Board's consultants for the siting of a waste to energy plant. If the Board and the States should eventually agree this recommendation, the Board will take all necessary steps to ensure that the waste to energy plant does not have an adverse effect on the mooring facility. Similarly, should it be decided that ash from the incinerator should be deposited in Longue



Hougue the Board will take appropriate action to avoid any detrimental effect on the mooring facility.

### **Proposed St Sampson's Marina (see drawing at Annex One)**

Plans of the proposals have been deposited at H M Greffe for the benefit of States Members.

Safety. The Major Hazards Assessment Unit in the United Kingdom has been consulted through the Guernsey Health and Safety Executive, and has confirmed that the development of a visitor marina in the inner St Sampson's Harbour and a non-residential marina in the central part of the Harbour are acceptable.

The safety implications of mixing leisure and commercial craft have been addressed by the Board and need to be considered in the context of the relatively small number of leisure craft in use at any one time. Leisure craft and commercial vessels are mixed in almost all ports and it is a question of degree. In St Peter Port the levels of commercial, fishing and leisure craft operations are approaching the maximum safe operating levels and require a number of vessel control measures to ensure safe separation. The commercial vessel movements in St Peter Port are 56 per day during the summer season with nearly 2,000 local boats operating from the Port. In addition to this there are over 10,000 visiting yachts. At St Sampson however, the average commercial vessel movements are 1.6 per day and even if freight and ro-ro operations were transferred to the proposed deep water harbour, the number of commercial movements would only increase by 3 to 4 movements per day. Clearly the addition of 200 extra boats moored within St Sampson's Harbour, of which one might reasonably expect 20 to be in use at any one time, does not represent the scale of operations that are currently managed without difficulty in St Peter Port. The Board will, however, put in place a control system to ensure that leisure craft and commercial vessel movements do not adversely affect each other. This will be a similar arrangement to that in St Peter Port with the use of harbour control lights. The marina will be primarily for local boats and the Board would not encourage visiting yachtsmen to use it nor will it provide visitor facilities. A small number of visiting yachtsmen could however use vacant berths by prior arrangement with the Harbour Authority. The Pilots and Commercial Port Users have been consulted and have raised no objections provided that the increased number of leisure craft is closely controlled during movements of commercial vessels in the Harbour.

Tidal flows at the mouth of the proposed deep water harbour at St Sampson have also been considered. They are being modelled at HR Wallingford at the present time, and are more significant for large commercial vessels, in particular tankers, which have to enter the Port at very slow speeds, than for leisure craft, which are generally far more manoeuvrable and have considerably better power to weight ratios. The designs for the proposed deep water port will have to ensure that the tidal flows are acceptable for tanker and ro-ro vessels and as such the port would be suitable for any well-found leisure craft capable of navigating in Channel Island waters.

Marina Capacity. The provision of pontoon berthing would enable approximately 350 boats to be accommodated at an average size of 25ft. Smaller and shallower draught boats will be located in the inner harbour with larger boats in the central section.

Marina Construction and Accessibility. The main problem to be overcome in the construction of a marina in St Sampson concerns the level of the bed in the central and inner harbours. Typically, the drying height in these areas of St Sampson varies from +3.5m to +6.9m above Chart Datum with the majority of the area above +4.5m. This compares with the QEII Marina where the heights after excavation generally range from +1.8m to +2.3m in places. To provide a marina with reasonable access and utility it will be necessary to excavate most of the inner and central areas, protect the foundations of the present harbour walls, and provide a sill, navigation gate similar to that in the QEII Marina and wave screen. Preliminary site investigations indicate that the excavations to the required levels can be achieved.

Subject to States approval, the marina can be built over an 8 month period between September 2001 and June 2002. It would be necessary to remove the vessels currently moored in the area and in order to facilitate this it is proposed that the Longue Hougue reclamation site is opened up and moorings laid prior to starting construction on the marina in September 2001. This would allow all the leisure craft currently mooring in St Sampson to be relocated to Longue Hougue or laid up ashore while work was in progress. Dredged material will be removed through the harbour entrance for disposal either at sea or into the Longue Hougue reclamation site. Most of the construction work will be carried out during the low water period and disruption to pedestrian and vehicular traffic will be kept to a minimum.

Marina Water Levels and Depths. The impounded level would be +4.5m providing depths of around 2.0m in the central harbour and 1.0m in the inner harbour. The navigation gate will be tidally activated and will lower to 3.5m, which is the same as the QEII Marina.

Facilities. The present use of Le Crocq slip and the fisherman's drying pad will be maintained. This will allow for operations such as the drying out of Condor 9 and the launching of large yachts.

A lay by berth to replace number 6 berth will be provided by extending number 5 berth on Abraham's Bosom and will be suitable for 500 tonne coasters.

The marina pontoons will be fitted to the same standards as the QEII Marina to include electricity and water, and a fuelling concession will be offered subject to the necessary planning and safety approvals. The road tanker fuelling facility for diesel will remain on Abraham's Bosom.

Marine and General Engineers. Access to the Marine and General slip and quay will be by a fairway 25m wide, which will allow access for vessels such as Condor

9. The Company has been consulted and is supportive of the proposals to develop the marina.

Parking and traffic. The parking and traffic implications of this development have been considered carefully by the Board in consultation with the States Traffic Committee and advice from the States Engineering Department's Principal Engineer (Roads and Traffic). When considering the parking and traffic implications of marine boating facilities, it is important to understand the extremely low utilisation rates of leisure craft. It is extremely rare for more than 10% of the vessels to be in use at any one time and the periods of maximum utilisation are normally outside working hours during the summer season. Considered in the context of a maximum of 20 additional boats in use during the evenings or weekends, there will be little impact on traffic flows and parking in the area. After consultation with the States Traffic Committee, the Board proposes the following parking arrangements:

- Six Guernsey Boatowners Association (GBA) nominated parks on Le Crocq and six on the Bosom for the summer period only, for use for long stay car parking under the control of the GBA.
- One Marine Traders space on each quay.
- The States Traffic Committee has suggested that the parallel parking on the South Side of St Sampson's Harbour to the east of Le Crocq jetty should be adjusted to angle parking, which would generate an additional 25 x 10-hour car parking spaces.
- Le Crocq jetty and Abraham's Bosom could accommodate 55 and 70 cars respectively during the summer period when they are not used as boat lay-up areas.
- It is the Board's intention that apart from the six nominated summertime parking spaces for the GBA, the remainder of these jetties should be continue to be available on an unregulated basis.

#### **Proposed Longue Hougue Mooring Facility (See drawing at Annex Two)**

Plans of the proposals have been deposited at H M Greffe for the benefit of States Members.

Access to Longue Hougue would be provided through a 20m wide entrance made through the old breakwater. The position and level of the entrance will depend on survey results, but it is expected to be towards the outer end of the old breakwater at a level of less than Chart Datum +2.0m. This will give much improved access times and at neap tides shallow draught vessels will have 24-hour access.

It will be possible to moor 160 vessels at an average size of 25ft in at least 3.0m of water. The Harbour Authority would provide mooring sinkers and stud link chain, and mooring holders would provide the remainder of the mooring gear similar to the St Peter Port pool moorings. Additional drying moorings could also be made available in the shallow areas if required. The land access will be by the road to the north of Mont Crevelt Tower which will be resurfaced, and parking for approximately 40 cars could be made available.

A dinghy pontoon and walkway will be provided with water and lighting.

### **Financial Issues**

The estimated costs are as follows:

#### Construction

St Sampson's Marina, dredging and construction of sills, drop gate and pontoons with water and electricity	£1,750,000
Longue Hougue, provide access through breakwater, services, dinghy pontoon and walkway, road and parking	£ 450,000
Reinstate breakwater when required	£ 50,000
<u>Total construction costs</u>	<u>£2,250,000</u>
Capital loan charges and repayment at 7% over 20 years	£ 212,384 pa
Operating costs	£ 40,000 pa
<u>Total annual cost</u>	<u>£ 252,384 pa</u>
Potential income	
Marina - 350 boats at 25ft x 8ft at £3.07 per square ft	£ 214,900 pa
Longue Hougue - 160 boats at 25ft at £10.88 per ft	£ 43,520 pa
<u>Total potential income</u>	<u>£ 258,420 pa</u>
<u>Potential surplus during 20 year repayment period</u>	<u>£ 6,036 pa</u>

Discounted Cash Flows (DCF). These have been calculated to illustrate cash flow variations for differing levels of financial return and occupancy. Based on the standard set of assumptions, ie full occupancy, all costs to budget etc, it can be seen that over its twenty year life, the two projects together ("the project") are producing a financial return of in excess of 7%. The financial performance target for the Ports is set at 5%, making the project financially viable, although one needs to bear in mind that the investment return currently earned on Ports Holding Account funds

exceeds this figure. The project continues to be viable on a 5% basis across all of the eleven scenarios considered.

Not surprisingly, the greatest erosion in the project's Net Present Value is brought about by an increase in the budgeted capital/construction costs. A 5% increase in construction and deconstruction costs (from £2,250k to £2,364k) will give rise to the project returning just over 6%, whereas a 10% increase (from £2,250k to £2,475k) will mean the project only being viable at a 5% level of return.

The project's financial worth is at its strongest when the average boat size within the Marina increases from 25 feet by 8 feet to 28 feet by 9 feet from year five. In this instance, the project is able to return a healthy 8% over the twenty-year period.

In order to enable the project to be progressed with the minimum of delay following the receipt of tenders, the Board recommends that, rather than having to submit tenders to the States for approval, the authority to accept a tender should be delegated to the Advisory and Finance Committee, with the matter being referred back to the States only if the total cost is to exceed the estimated £2,250,000 quoted above.

Subject to the project's going ahead, the Board recommends that it should be funded by way of a twenty-year loan from the Ports Holding Account for a principal amount not to exceed £2,250,000, and for associated loan charges to be imposed on the ordinary revenue account of St Sampson's Harbour over the term of the loan.

### **Berth Prices**

The development of a marina at St Sampson will result in the loss of drying berths which are currently the least expensive mooring available. The Board has consulted with the Guernsey Boatowners Association and sent a questionnaire to all current mooring holders in St Sampson and over 120 expressed a wish to retain low cost moorings. Charges for a 25ft boat in St Sampson for the year 2000/2001 are:

HSS	Inner Harbour	£ 55 pa
HSS	Central Harbour North	£131 pa
HSS	Central Harbour South	£ 76 pa

In St Peter Port a similar sized boat would be charged:

HSPP	Marina	£614 pa
HSPP	Pool Mooring	£272 pa
HSPP	Drying Area B	£131 pa
HSPP	Drying Area C	£ 76 pa

The new marina and Longue Hougue facilities will be of a similar standard to those at St Peter Port. The Board proposes to charge the same price for berths in all its marinas, and afloat single point moorings will be charged at the same rate as St Peter Port pool moorings. The drying moorings in both Ports are already the same

price and these rates will continue to apply subject to the allocated area. New drying areas will be designated for Longue Hougue depending on access times, and put to the States with the annual mooring charges Billet in the normal course.

To compensate existing mooring holders for having to move moorings and replace mooring chains etc, the Board proposes to waive the annual charge for one year for those transferring to berths in Longue Hougue. The Board will give existing mooring holders priority for the choice of berthing positions either in the new marina or the low cost mooring facility in Longue Hougue, subject to size and draught restrictions.

### **Consultation**

The following organisations and groups have been consulted and those written responses which were received are attached at Annex Three.

St Sampson's and Vale Douzaine  
 States Traffic Committee  
 Island Development Committee  
 Guernsey Boatowners Association  
 Guernsey Commercial Port Users Association  
 Guernsey Marine Traders Association  
 Guernsey Pilots  
 Marine and General Engineers  
 Guernsey Chamber of Commerce  
 Sea Fisheries Committee  
 Guernsey Yacht Club and Royal Channel Islands Yacht Club

### **Conclusions**

The Island's local leisure craft facilities are filled to capacity and there is no doubt that an additional 350 marina berths would be welcomed by potential Island boat owners.

St Sampson's Harbour is a suitable site in which to construct a marina. The marina would be both operationally and financially viable.

Longue Hougue reclamation site is currently under utilised and is available for use as a low cost mooring facility for at least 15 years.

The interests of existing St Sampson's mooring holders have been considered. They will be given priority for choice of berthing positions either in the new marina or the Longue Hougue site and will be compensated for the move.

A marina could be constructed without significant disruption to the Town, traffic, parking and marine operations.

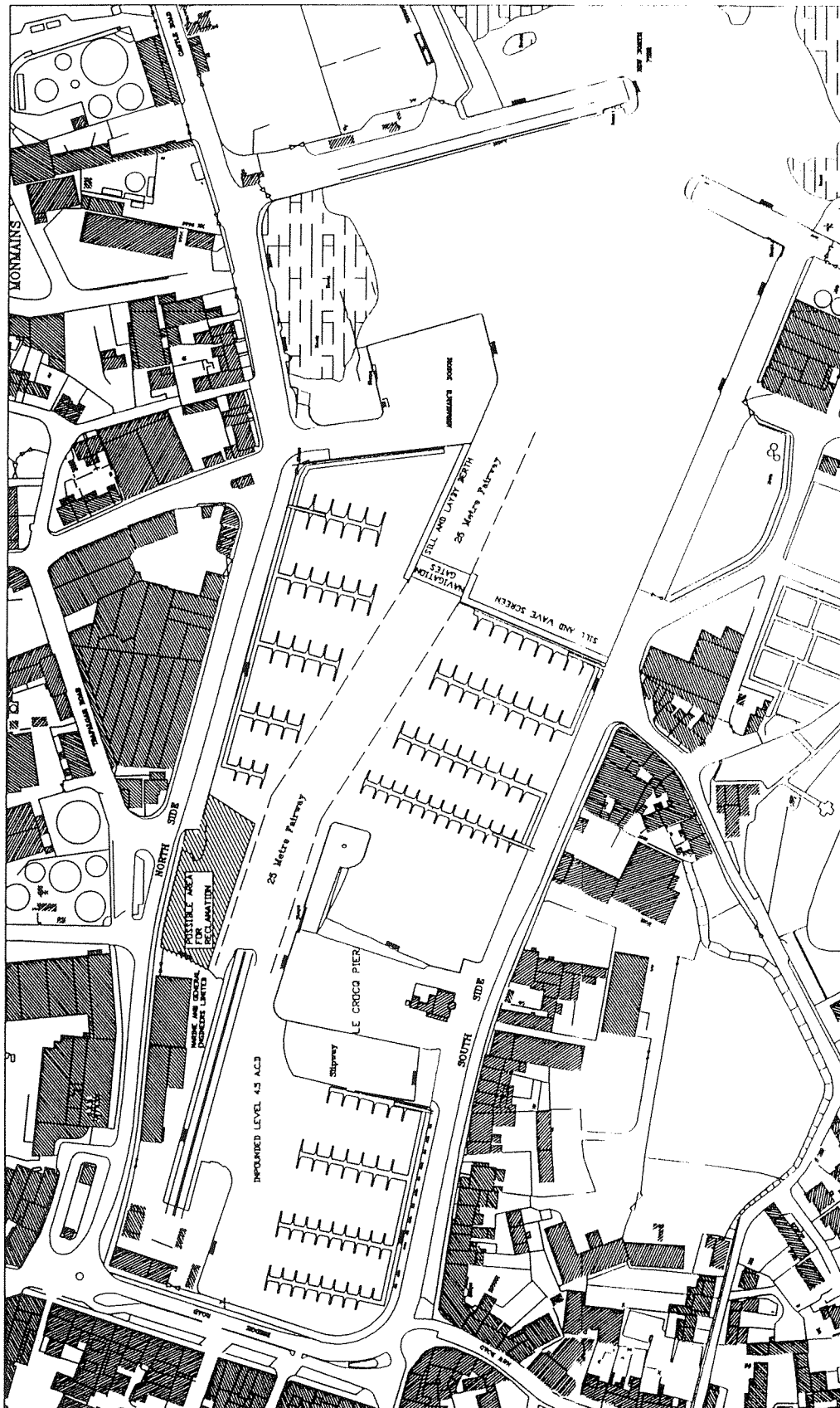
Additional berthing facilities at St Sampson's will provide a welcome stimulus to the marine leisure industry in the Island and improve the appearance of the Harbour.

### **Recommendations**

The Board recommends the States -

- i) to approve in principle the construction of a marina at St Sampson and a low cost mooring facility within Longue Hougue as set out in this report.
- ii) to authorise the Board to prepare contract documents and obtain tenders for the construction of the marina and mooring facility for a total cost not exceeding £2,250,000.
- iii) to authorise the Board to award the contract with the agreement of the States Advisory and Finance Committee for the construction of a new marina and mooring facility at a total cost not exceeding £2,250,000, or to resubmit the proposals to the States of Deliberation should the tender exceed this figure.

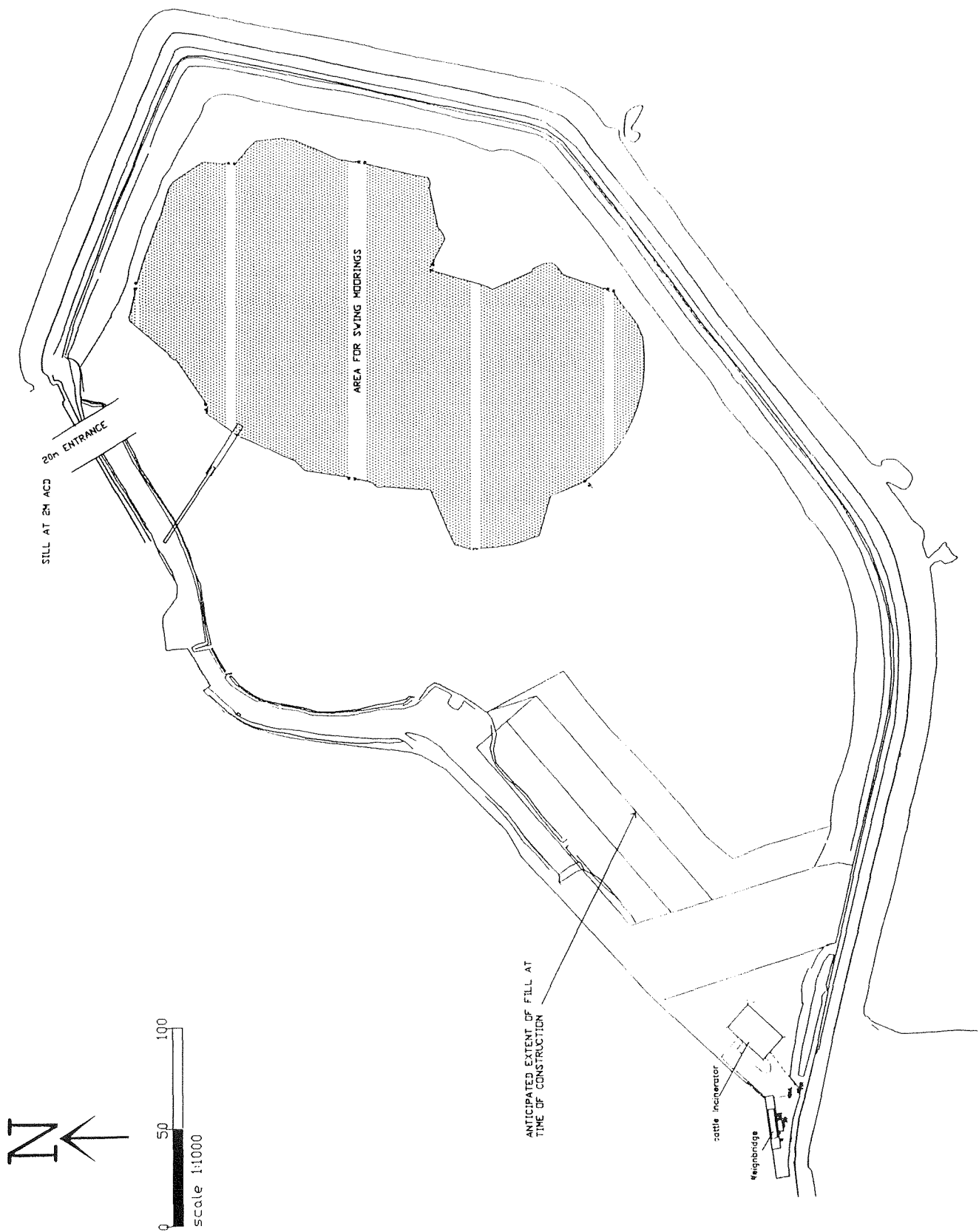
I am, Sir,  
Your obedient Servant,  
M. A. OZANNE,  
Vice-President,  
States Board of Administration.



PLAN

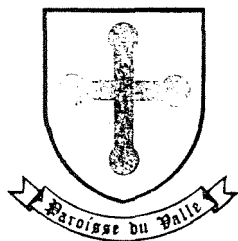






**ANNEX THREE**

**CONSULTATION RESPONSES**

*Constables of the Vale*

- 7 JUN 2000

*Douzaine Room,  
Maraitaine Road,  
Vale, Guernsey,  
GY3 5QE.*

*Tel: 44155**Fax: 48485*

The President  
States Board of Administration  
Sir Charles Frossard House  
P.O. Box 43  
La Charroterie  
St. Peter Port  
GUERNSEY GY1 1FH

6 June 2000

Dear Sir,

**ST. SAMPSON'S MARINA – DRAFT POLICY LETTER**

Firstly may I apologise for the delay in replying to your letter.

The Vale Douzaine met and discussed the proposals for a marina at St. Sampson's Harbour. There were no points that they wished to bring up regarding the layout etc.

The points that they did raise were concerning the traffic and parking arrangements, this generated much discussion. The Bridge is a very busy area and with extra traffic and extra parking needed they felt this needed to be addressed. One suggestion that was made concerned the through traffic and it was suggested that a swing bridge or the like be installed at Le Crocq to Abraham's bosom so that this could take the traffic not intending to visit the Bridge itself.

The Douzaine took a vote on the proposals to develop

- 1) St. Sampson's Harbour Marina and there was a small majority of the Douzaine in favour and
- 2) Longue Hougue a large majority in favour.

I thank you for consulting the Vale Douzaine and giving it the chance to air its views.

Yours faithfully,

*M/C*  
Margaret Cleal,  
Constable.



STATES OF GUERNSEY  
BOARD OF  
ADMINISTRATION

Sir Charles Frossard House  
P.O. Box 43 · La Charroterie  
St. Peter Port · Guernsey  
GY1 1FH · Channel Islands  
Switchboard (01481) 717000  
Direct Line (01481) 717  
Fax No. (01481) 725887

COPY

Ref: Harb 1181

5 June 2000

The President  
States Traffic Committee  
PO Box 145  
Bulwer Avenue  
St Sampson's  
Guernsey  
GY1 3HY

Dear Deputy Bougourd

**ST SAMPSON'S MARINA – CONSULTATION DOCUMENT**

I refer to your letter dated 24 May 2000 concerning the above.

The Board is pleased that the Traffic Committee supports the proposals for additional parking in the St Sampson's Harbour area as set out in the Harbour Master's letter of 8 May 2000.

I should be grateful to receive confirmation that the south side is sufficiently wide to introduce angled parking to replace parallel parking when you have concluded your studies.

The Board of Administration has not undertaken a study into the feasibility of building a bridge across the Harbour from Le Crocq to the north side and does not believe that this should form part of the marina development project.

Any bridge would have to be a lifting or swing bridge to ensure access for boats to the inner harbour, which would be expensive. It would also have significant implications for the use of Le Crocq Pier as a laying up area for leisure craft during the winter period and lay up facilities are already in short supply on the Island. Le Crocq also provides public parking and is the fisherman's refit and repair berth hence turning it into a two-way road would mean losing at least half of this valuable area.

The Board believes that if there are concerns about the level of traffic congestion on The Bridge that this should form part of a study by the Traffic Committee and should not form part of the marina development.

Yours sincerely

**R C Berry (signed)**

R C Berry  
President

25 MAY 2000



The President  
Board of Administration  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
Guernsey GY1 1FH

24<sup>H</sup> May, 2000

Dear Conseiller Berry

**ST SAMPSONS MARINA – CONSULTATION DOCUMENT**

I refer to the previous correspondence between the Committee's Chief Executive and the Harbour Master in respect of the above, which rests with Captain Barton's letter of 8<sup>th</sup> May, 2000.

The Committee has recently had an opportunity to consider this matter further and I am pleased to confirm that it is supportive of the approach which the Board intends to take to parking on its land adjacent to St Sampson's Harbour, as set out in Captain Barton's letter.

The Committee has also decided, in principle, to create additional parking at the South Side by introducing angled parking there. We are currently in the process of confirming that the road is sufficiently wide for this purpose, but as you will be aware, our initial observations were that this would be the case.

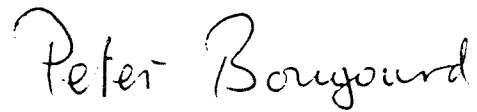
In considering this matter, the Committee did discuss the merits associated with the possibility of building a bridge across the Harbour from Le Crocq to the North Side. This would, as I am sure you will appreciate, offer considerable scope to reduce the amount of through traffic that needed to use The Bridge itself, which would in turn be of benefit to all road users, shoppers and businesses there. Clearly, any such facility would need to be designed in such a way to ensure that access could still be maintained for boats to the inner harbour area.

The Committee wondered whether the Board had previously ever undertaken any studies into the feasibility and costs of such an idea and, if not, has asked whether the

it would be prepared to consider investigating the matter in developing its plans for the area.

I look forward to hearing from you in due course.

Yours sincerely

A handwritten signature in cursive script that reads "Peter Bougourd". The letters are fluid and connected, with a prominent loop at the start of the first name.

P N Bougourd  
President



STATES OF GUERNSEY  
BOARD OF ADMINISTRATION

# STATES HARBOURS

HARBOUR OFFICE  
ST JULIAN'S EMPLACEMENT  
ST. PETER PORT  
GUERNSEY C.I. GY1 2LW

Tel. 44(0)1481 720229 Fax. 44(0)1481 714177

Our Ref: HM\Traffic Committee

Chief Executive  
States Traffic Committee  
Bulwer Avenue  
St Sampsons  
Guernsey GY1 3HY

8<sup>th</sup> May, 2000

Dear Mr Holmes

Thank you for your very helpful correspondence concerning the proposed marina development in St Sampson's Harbour and for the input of the Principal Engineer (Roads & Traffic) and your Deputy at a recent meeting to discuss the proposals.

As a result of your advice and recommendations, the Board intends to make the following parking arrangements on Harbour land.

Six Guernsey Boatowners Association controlled spaces and one Marine Traders allocated parking slots on Le Crocq, and also on the Bosom. The remainder of these areas would remain unrestricted, as is currently the case.

Turning to the disc parking areas under your control, these would remain unaltered with the exception of the 10-hour parallel parking on the south side, which would be angled to provide an additional 25 x 10-hour parking slots.

The situation would be kept under review and any adjustments to the parking arrangements would be made by negotiation through the normal channels should the need arise.

As we discussed at our meeting, I believe it is important to emphasise the relatively low utilisation rates of leisure craft, and while I accept Peter Tidd's calculations on the basis of a third of the boats in use at any one time, it is our experience in St Peter Port that utilisation rates are significantly less than one third and rarely exceed 10% at any one time. It is however best to cater for the worst scenario and I believe we have sufficient flexibility at St Sampson's to ensure that the development will not generate any parking or traffic problems in the area.

Could I thank you once again for your assistance with this project.

Yours sincerely

Captain R P Barton  
Harbour Master

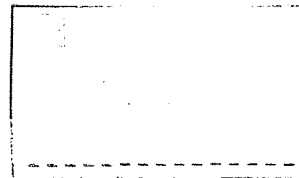
cc Chief Executive, Board of Administration  
Principal Engineer (Harbours & Airports), Department of Engineering  
Principal Engineer (Roads & Traffic), Department of Engineering

## Memorandum

**To:** Harbour Master, Harbour Authority

**From:** Chief Executive, States Traffic Committee

**Date:** 10 April, 2000



**Ref:**

---

### ST SAMPSON'S MARINA – CONSULTATION DOCUMENT

I refer to our recent correspondence concerning the proposed redevelopment of St Sampson's Harbour.

As indicated in my previous letter to you I had referred the consultation document to the Department of Engineering for advice on the various traffic related implications.

I have taken this opportunity to enclose a copy of a memorandum which I have now received from the Principal Engineer (Roads and Traffic), Department of Engineering in which he sets out his comments and advice.

Can I suggest that if you would like to discuss Peter Tidd's views in greater detail that you contact him direct at the Department of Engineering.

D.R. Holmes  
Encs.



## Memorandum

**TO:** The Chief Executive, States Traffic Committee.

**FROM:** Principal Engineer (Roads and Traffic), Department of Engineering.

**DATE:** Wednesday, 05 April 2000 **Our Ref:** SPW

### ST SAMPSON'S MARINA – CONSULTATION DOCUMENT

I refer to your memorandum dated the 29 February 2000 to the Head of Engineering Services, concerning the proposal to create marina facilities at St Sampson's Harbour leading to an additional 191 berths over the existing provision.

With a marina the greatest impact due to this proposal is likely to occur over the weekend especially Saturday when there is likely to be substantial demand to use the proposed facilities and the subsequent traffic generation and increase in demand for parking will be at their peak.

Traffic generated by this proposal is likely to have an impact on traffic flow, due to the increased requirement to "slip" boats in and out of the marina and by boat owners visiting their boats, however this is not likely to be significant given the overall traffic flows through the Bridge area and the widths of roads concerned.

Likely Parking Demand Generated by Marina Proposals:		
<u>Parking Area</u>	<u>Nos of Berths:</u>	<u>Parking Demand<sup>1</sup></u>
<u>Le Crocq (including BoA area)</u>	<u>240</u>	<u>80</u>
<u>Abraham's Bosom</u>	<u>120</u>	<u>40</u>
<sup>1</sup> Assuming only a third of the boats will be taken out during on the busiest weekend in the summer season and 1 car parking space per boat, both assumptions I would suggest are conservative and parking demand is likely to exceed this figures.		

It can be seen by the table above that there is the potential for significant conflict along the Southside between boat owners and Bridge shoppers/workers looking for parking spaces.

It is likely that approximately 55 additional spaces could be provided on Le Crocq if all boats were removed. 25 spaces could be created along the South Quay if perpendicular parking was used instead of the existing parallel parking system this would reduce the overall road width. Approximately 70 spaces could be created on Abraham's Bosom if all boats were removed.

There will be a requirement to improve quayside access for both vehicles and pedestrians in order to service the pontoons located along Northside and Southside.

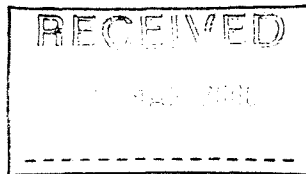
This proposal is unlikely to have a significant effect on road safety but will affect the parking and traffic management regimes in the area, especially along Southside.

It should be noted that the estimation of parking demand is conservative, and the duration of stay for boat owner is likely to be significantly longer than typical for shoppers and therefore have a greater impact.

P Tidd

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

Principal Engineer (Roads and Traffic)



STATES  TRAFFIC

States of Guernsey Traffic Committee

The Harbour Master  
Harbour Office  
St Julian's Emplacement  
St Peter Port  
Guernsey GY1 2LW

9 March, 2000

Dear Mr Barton

**ST SAMPSON'S MARINA – CONSULTATION DOCUMENT**

Many thanks for your letter of 23 February, 2000 and enclosures concerning the Board of Administration's proposals to provide leisure marina facilities within St Sampson's Harbour.

From the information provided, it is difficult to envisage what, if any, significant traffic implications are likely to arise with this particular project. It is of course likely that some disruption to vehicular traffic will occur during the construction phase although we would work closely with both yourselves and the appointed contractors to ensure that any impact is reduced to an absolute minimum.

The proposal to construct additional parking by reclaiming the unused rocky area of land on the north side opposite Le Crocq, could have some traffic management implications by increasing the level of traffic. I note that the new development would provide for around a further 200 berths; in addition to the existing 159.

Obviously, by allocating specific parking to the Guernsey Boat Owners' Association on Le Crocq and Abraham's Bosom, some of which I believe may currently be available for general public use, this could impact to a limited extent on shoppers and employees using the area. In this respect I note that you are consulting with the Chamber of Commerce and presumably the Bridge Traders Association.

I think it is fair to say that at peak periods there is some pressure on the parking arrangements around St Sampson's Harbour and in particular the Bridge, and increasing the amount of parking by a limited amount as part of this project will obviously be of some assistance.

In the longer term, the Committee is aware of proposals to redevelop the Leales Yard Mixed Use Redevelopment Area (MURA) and we believe much can be achieved in terms of improving both the level and location of public parking as well as significantly enhancing the environment around St Sampson's Harbour and the Bridge to the benefit of businesses, shoppers, tourists and residents. To this end, enhancing

St Sampson's harbour through the provision of additional marine leisure facilities would seem to be a sensible and complementary project to undertake.

I have taken the liberty of copying your letter to the Committee's traffic engineering advisers within the Department of Engineering for their comment and once I have received their advice I will pass this on to you for consideration.

Finally, can I take this opportunity to express the Committee's appreciation for taking the time to consult with us on this particular project.

Yours sincerely

A handwritten signature in black ink, appearing to be 'D.R. Holmes', with a long horizontal flourish extending to the right.

D.R. Holmes  
Chief Executive



STATES OF GUERNSEY  
ISLAND  
DEVELOPMENT  
COMMITTEE

Our ref: FP 317

The President  
Board of Administration  
Sir Charles Frossard House  
PO Box 43  
La Charroterie  
St. Peter Port  
Guernsey  
GY1 1FH

Sir Charles Frossard House  
P.O. Box 43 · La Charroterie  
St. Peter Port · Guernsey  
GY1 1FH · Channel Islands  
Tel. (01481) 717000  
Fax. (01481) 717099

23 June 2000

Dear Deputy Berry

**SOLID WASTE STRATEGY ENVIRONMENTAL IMPACT ASSESSMENT  
STAGE 2 REPORT: SCOPING DOCUMENT FOR STAGE 3 OF THE EIA.**

**DEVELOPMENT OF ST. SAMPSON'S HARBOUR AND FUTURE USE OF THE  
LONGUE HOUGUE RECLAMATION SITE**

Further to your consultation letter for Stage 2 of the Waste Strategy Environmental Impact Assessment and your letters of 24<sup>th</sup> May and 19<sup>th</sup> June 2000 concerning the proposed moorings at Longue Hougue, the Island Development Committee considered both items together at its meeting, held on 20<sup>th</sup> June 2000. The Committee continues to believe in the value of corporate working on these important matters and resolved as follows:-

1. The Island Development Committee supports the choice of the Longue Hougue Reclamation Site as the preferred option for siting a Waste to Energy Plant in Guernsey.
2. In addition to its support for a Waste to Energy Plant as the principal use for Longue Hougue, the Committee also conditionally supports the concept of using the remainder of the unfilled area for temporary boat mooring until that area is required for industrial use.

That conditional support is on the basis that the Board of Administration, on presenting a detailed scheme for the moorings, will be able to demonstrate to the Island Development Committee that the scheme will not prejudice the implementation of the Waste to Energy Plant and that the Plant (and its ancillary

functions) will not cause harm or distress to persons using the boat moorings. In this respect, the Island Development Committee will take into account:

- The views of the Health and Safety Executive;
- The views of the States Traffic Committee;
- The findings of the survey which the Board of Administration is currently undertaking on the position of the marine entrance to the moorings.

3. The Island Development Committee would specifically wish to see an assessment of the following matters covered in Stage 3 of the EIA:-

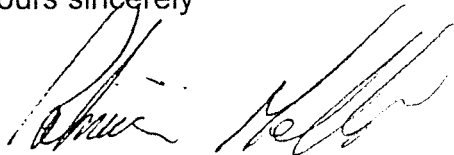
- air emission modelling of the impacts of air emissions in all directions from a Waste to Energy Plant at Longue Hougue
- traffic impact studies
- landscape and visual impacts of constructing a Waste to Energy plant at Longue Hougue – especially on 'Gateway to Guernsey' viewpoints and distant views from the eastern sea board and St. Peter Port
- methods of mitigating the height and bulk of the Waste to Energy Plant
- ash disposal studies, including an assessment of the impact of marine dispersal of fine particles
- Risk Assessment of the impact of the Waste to Energy Plant on existing and proposed hazardous uses at Longue Hougue and vice versa.
- impacts arising from the proposed juxtaposition of the Waste to Energy Plant and boat moorings at Longue Hougue

4. The Island Development Committee has resolved to commence work immediately on the preparation of an Outline Planning Brief for Longue Hougue, to be undertaken in parallel with Stage 3 of the EIA.

In respect of this, the Committee wishes to undertake a site visit to Longue Hougue and it would be helpful for that site visit if the Committee could be provided with a copy of any preliminary plans which the Board might have for the proposed boat moorings.

Finally, the Committee notes your comments regarding a possible visit to French incinerators. The Committee will arrange a visit via the Department of Engineering, as you suggest.

Yours sincerely



Deputy P Mellor  
Vice-President



STATES OF GUERNSEY  
BOARD OF  
ADMINISTRATION

Sir Charles Frossard House  
P.O. Box 43 · La Charroterie  
St. Peter Port · Guernsey  
GY1 1FH · Channel Islands

Switchboard (01481) 717000  
Direct Line (01481) 717  
Fax No. (01481) 725887

**COPY**

Our Ref: Harb 1881 / RR 2212

24 May 2000

The President  
States Island Development Committee  
Sir Charles Frossard House  
PO Box 43  
La Charroterie  
St Peter Port  
Guernsey  
GY1 1FH

Dear Deputy Langlois

**LONGUE HOUGUE RECLAMATION SITE – TEMPORARY MARINA  
DEVELOPMENT**

The Board of Administration is currently preparing a policy letter on the Development of St Sampson's Harbour. To facilitate construction of a marina within St Sampson's Harbour and to provide low cost mooring facilities for those boat owners who do not wish to use a marina, in this policy letter the Board will recommend that the Longue Hougue reclamation site should be opened up and used as a mooring facility for at least 15 years.

The forecast rate of filling indicates that the reclamation site will take in excess of 50 years before it becomes full. Utilising this sheltered area of water as a temporary marina will allow the Island to gain extra benefit from this expensive investment that would otherwise remain unused for many years.

The Longue Hougue site is an enclosed area of sheltered water with sufficient water space and depth to accommodate 160 boats on chain moorings.

The Harbour Authority would provide mooring sinkers and stud link chain and mooring holders would provide the remainder of the mooring gear. A dinghy pontoon and walkway would be provided with water and lighting.

It is proposed that the Longue Hougue site is opened up and the moorings laid prior to starting construction on the St Sampson's marina. This would allow all the leisure craft currently mooring in St Sampson's to be relocated to Longue Hougue while work was in progress.

Access to Longue Hougue would be provided through a 20 metre wide entrance made through the breakwater. The position and level of the entrance will depend on survey results but is expected to be towards the outer end of the old breakwater at a level of less than Chart Datum + 2.0 metres.

Land access would be by the road to the north of Mont Crevelt Tower which would be resurfaced and parking for approximately 40 cars could be made available.

I should be grateful for any comments your Committee may have on this additional proposal to be included as part of the Development of St Sampson's Harbour policy letter.

Yours sincerely

**R C Berry (signed)**

R C Berry  
President



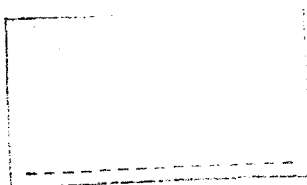


STATES OF GUERNSEY  
ISLAND  
DEVELOPMENT  
COMMITTEE

Sir Charles Frossard House  
P.O. Box 43 · La Charroterie  
St. Peter Port · Guernsey  
GY1 1FH · Channel Islands  
Tel. (01481) 717000  
Fax. (01481) 717099

Your ref: HMIDC

Our ref: GA3.1



Captain R.P. Barton,  
Harbour Master,  
Harbour Office,  
St. Julian's Emplacement,  
St. Peter Port,  
Guernsey,  
GY1 2LW.

15<sup>th</sup> May, 2000

Dear Sir,

**ST. SAMPSON'S MARINA CONSULTATION DOCUMENT**

Thank you very much for your response to my letter of 2<sup>nd</sup> May, 2000.

The additional information you have supplied will be reported to the Committee at the next available meeting and if members have any further queries I will endeavour to contact you by 31<sup>st</sup> May, 2000.

Yours faithfully,

W.E. Lockwood,  
Chief Planning Officer



STATES OF GUERNSEY  
BOARD OF ADMINISTRATION

## STATES HARBOURS

HARBOUR OFFICE  
ST JULIAN'S EMPLACEMENT  
ST. PETER PORT  
GUERNSEY C.I. GY1 2LW

Tel. 44(0)1481 720229 Fax. 44(0)1481 714177

Our Ref: HM\IDC

Mr W E Lockwood  
Chief Planning Officer  
Island Development Committee  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
Guernsey

10<sup>th</sup> May, 2000

Dear Sir

### *St Sampson's Marina Consultation Document*

Thank you for your letter of 2<sup>nd</sup> May, 2000 commenting on the above consultation document.

Many of the points raised in your letter have already been addressed by the Board and will be covered in more detail in the policy letter, which will be circulated to you in the normal course. In the meantime, I offer the following comment on the points raised in your letter.

The parking and traffic implications of this development have been considered carefully by the Board in consultation with the States Traffic Committee and advice from the States Engineering Department's Principal Engineer (Roads and Traffic) Mr Peter Tidd. When considering the parking and traffic implications of marine boating facilities, it is important to understand the extremely low utilisation rates of leisure craft. It is extremely rare for more than 10% of the vessels to be in use at any one time and the periods of maximum utilisation are normally outside working hours during the summer season. Considered in the context of a maximum of 20 additional boats in use during the evenings or weekends, I am sure you will agree that traffic flows and parking are not going to be a major issue. After consultation with the States Traffic Committee, the Board proposes the following parking arrangements:

- Six Guernsey Boatowners Association nominated parks on Le Crocq and six on the Bosom for the summer period only, and for use for long stay car parking under the control of the GBA.
- The States Traffic Committee has suggested that the parallel parking on the South Side of St Sampson's Harbour to the east of Le Crocq jetty should be adjusted to angle parking, which would generate an additional 25 x 10-hour car parking spaces.
- Le Crocq jetty and the Bosom could accommodate 55 and 70 cars respectively during the summer period when they are not used as boat lay-up areas.

- It is the Board's intention that apart from the six nominated summertime parking spaces for the GBA, the remainder of these jetties should be continue to be available on an unregulated basis.

The safety implications of mixing leisure and commercial craft have also been addressed by the Board and they also need to be considered in the context of the relatively small number of leisure craft in use at any one time. Leisure craft and commercial vessels are mixed in almost all ports and it is a question of degree. In St Peter Port the levels of commercial, fishing and leisure craft operations are approaching the maximum safe operating levels and require a number of vessel control measures to ensure safe separation. In St Peter Port, for example, the commercial vessel movements are 56 per day during the summer season with nearly 2,000 local boats operating from the Port. In addition to this, we have to handle over 10,000 visiting yachts. At St Sampson's however, the average commercial vessel movements are 1.6 per day and even if freight and ro-ro operations were transferred to the proposed deep water berth, the number of commercial movements would only increase by 3 to 4 movements per day. Clearly the addition of 200 extra boats moored within St Sampson's Harbour, of which one might reasonably expect 20 to be in use at any one time, does not represent anything like the scale of operations that we are currently managing without difficulty in St Peter Port. The Board will, however, put in place a control system to ensure that leisure craft and commercial vessel movements do not adversely affect each other. This will be a similar arrangement to that in St Peter Port with the use of harbour control lights.

The proposed marina facility will be in the same location as the existing leisure mooring facilities, which have operated without too much adverse effect from the "dirty" industrial activities further to the east, as indeed have the shops and public areas around the western end of the harbour. The Board does not see this as a significant issue, particularly as in the long term these "dirty" activities may be relocated to the deep water berths even further to the east.

A road tanker refuelling facility currently exists on the South Side of the Bosom for diesel refuelling. It is the Board's intention that a petrol fuelling facility will be put out to tender within the marina facility, and the most suitable site is on the Marine and General Shipyard, subject of course, to the appropriate planning, health and safety and petrol licensing approvals.

Discussions have already taken place with the States Engineers regarding the affect of the proposed marina on the drainage in the St Sampson's area, and this is not considered to be a problem as the impounded water level remains below the outflow of the St Sampson's drainage system. However this will be further considered in the design process.

Tidal flows at the mouth of the proposed deep water harbour at St Sampson are being modelled at HR Wallingford at the present time, and are more significant for large commercial vessels, in particular tankers, which have to enter the Port at very slow speeds than for leisure craft, which are generally far more manoeuvrable and have considerably better power to weight ratios. The designs for the proposed deep water port will have to ensure that the tidal flows are acceptable for tanker and ro-ro operations and as such the Port would be suitable for any well-found leisure craft capable of navigating in Channel Island waters.

In the short term, the Board has no intention of relocating the existing patent slip and Marine and General Boatyard as there is no suitable alternative site. However this will be considered in the longer term in association with the proposed deep water development.

The Board is also conscious of the need to ensure that the design of the sill and wave wall are handled sensitively and will submit details to the Island Development Committee for consideration.

The Board has considered the security implications of the proposed marina development and will limit access to the pontoons to the absolute minimum. It will take whatever other security measures that are required, such as security cameras, swipe cards should the need arise.

Could I thank you for your input to the consultation process, and I trust that the answers provided above will reassure your Committee that the development has much to offer and that there are no serious difficulties to prevent the proposals from going forward to the States for consideration.

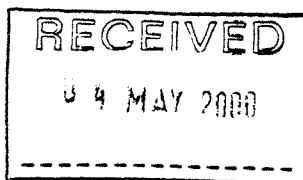
If you have any further comments to make, will you please let me have them no later than 31<sup>st</sup> May, 2000 as the Board intends to submit its proposals to the States as soon as possible. If I do not receive any further comments by then, I shall assume that, having considered my comments set out in the letter, the Island Development Committee is in complete agreement with the proposals.

Yours faithfully

Captain R P Barton  
Harbour Master

RPB/AJC

cc     Chief Executive, Board of Administration  
        Principal Engineer (Harbours & Airports), Department of Engineering



STATES OF GUERNSEY  
ISLAND  
DEVELOPMENT  
COMMITTEE

Our ref: GA3.2

Sir Charles Frossard House  
P.O. Box 43 · La Charroterie  
St. Peter Port · Guernsey  
GY1 1FH · Channel Islands  
Tel. (01481) 717000  
Fax. (01481) 717099

The Harbour Master,  
Harbour Master's Office,  
White Rock,  
St. Peter Port,  
Guernsey.

2<sup>nd</sup> May, 2000

Dear Sir,

**ST. SAMPSON'S MARINA CONSULTATION DOCUMENT**

I refer to the above consultation document and to your telephone conversation with the Forward Planning Officer, Damon Hackley, during which you kindly agreed to accept the Committee's comments after your deadline date of 31<sup>st</sup> March, 2000.

The Committee has carefully considered the Board's proposals for leisure facilities within St. Sampson's Harbour and notes that the Board considers that the building of a marina within the harbour area currently occupied by local moorings will both increase the capacity and enhance the appearance of St. Sampson's.

The consultation document highlights a number of areas which the Committee considers require further thought. In this respect a number of questions are put forward which the Committee feels need to be addressed before any firm ideas for the redevelopment of St. Sampson's Harbour are developed.

The consultation document raises a number of issues regarding access and infrastructure. The Committee believes that further consideration should be given to the following points.

An increase of almost 200 berths within the St. Sampson's Harbour will without doubt increase the requirement for additional long-stay car parking within the immediate locality. In this respect, the Committee considers that the Board should carry out a comprehensive review of access and parking issues. This should include, for example, questioning whether there should be an alternative highway route north/south in this area in addition to The Bridge and auditing the number and quality of parking areas around the harbour with the aim of achieving environmental enhancement.

The Committee has previously noted the Board of Administration's desire to construct deep-water berths within a harbour extension development. These latest proposals

appear to promote the mixing of an increased volume of leisure craft with, potentially, an increased number of commercial vessels. The Committee is of the understanding that the Board has previously argued that the extension to the St. Sampson's Harbour would enable the separation of leisure and commercial craft at St. Peter Port yet the proposals for the marina appear contrary to this previous argument. The Committee considers that before a decision is taken on this the Board should carry out a risk assessment of these latest proposals, taking into account the future role of both harbours.

Similarly, the Committee notes that the proposed marina would result in approximately 350 leisure craft moored within close proximity to the 'dirty' industrial activities to the east. The Committee fully accepts that Guernsey requires a port for this sort of industry but questions mixing it with leisure based activities.

The Committee also notes that no reference is made to the refuelling of the leisure craft. At present the Committee is not aware of the existence of refuelling facilities within St. Sampson's Harbour.

The Urban Area Plan identifies the land to the immediate west of the harbour as a Mixed Use Redevelopment Area. The redevelopment of this area is likely to result in additional pressure on the existing local infrastructure and the Committee believes that investigations need to be undertaken to assess whether an increased water level within the inner harbour would have any effect on the drainage into the enclosed marina. Discussions with States Engineers suggest that a constant rise in water level may result in it no longer being possible to gravity drain into the harbour.

Information previously supplied to the Committee relating to the extension of St. Sampson's Harbour has indicated that if it were to go ahead, the tidal flow at the mouth of the harbour could change significantly and increase the rate of flow in this area. In this respect the consultation document does not mention the possible effect this may have on small craft, especially sailing vessels and their ability to navigate this area successfully. The Committee respects, of course, that you are best placed to evaluate whether this is a genuine concern.

It is noted from the submitted plan that the Board intends to plan the marina around the existing patent slip and Marine and General boatyard. No argument has been made within the consultation document to suggest whether the relocating of Marine and General has been considered.

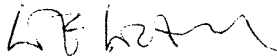
The Committee is aware that in some cases marinas require wave screens and gates to be installed within the marina entrance/exit and it is concerned that, if not handled sensitively these, together with the required cill, could add unattractive features to the presently unspoilt traditional harbour area.

The Committee would, therefore, request that the design and build of a cill and wave screen be the subject of particular consultation with the Island Development Committee.

Although security issues are not normally an IDC consideration, the Committee has also asked that I raise with you the issue of access points to the marina pontoons and whether limited physical access from the harbourside would be beneficial.

Once again, on behalf of my Committee, I thank you for providing us with the opportunity to comment on your proposals at this stage.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'W.E. Lockwood', with a stylized flourish at the end.

W.E. Lockwood,  
Chief Planning Officer



STATES OF GUERNSEY  
BOARD OF ADMINISTRATION

## STATES HARBOURS

HARBOUR OFFICE  
ST JULIAN'S EMPLACEMENT  
ST. PETER PORT  
GUERNSEY C.I. GY1 2LW

Tel. 44(0)1481 720229 Fax. 44(0)1481 714177

Our Ref: HM\GBA

Mr D Evans  
Vice-President  
Guernsey Boatowners Association  
c/o Honorary Secretary  
Chardon Chaumiere  
87 Mount Durand  
St Peter Port  
Guernsey GY1 1DY

8<sup>th</sup> May, 2000

Dear Mr Evans

### St Sampson's Marina Consultation Document

Thank you for your helpful letter of 19<sup>th</sup> April, 2000 following our meeting on 12<sup>th</sup> April, 2000 at which your Committee and I were able to discuss the proposals for the new marina at St Sampson's.

The Board have considered the responses to the consultation process and the points raised in your letter of 19<sup>th</sup> April, 2000, which will in due course be reflected in the policy letter that will go to the States of Deliberation. In the meantime, I offer the following comment.

The over-riding reasons for carrying out this development are to maximise the opportunities for islanders to make use of our marine leisure facilities with the least disruption to other marine related activities within the Port. The Board therefore does not intend to restrict the activities of the fishermen, Marine and General and other commercial port users.

The concerns raised by the Association with regard to the construction of the marina have been passed to the States Engineering Department, who will consider them in the design and construction phase.

Following the results of the questionnaire, and feedback from your Association and the current mooring holders, the Board is concerned to ensure that low cost mooring facilities remain available for all those who require them in the St Sampson's area. To this end, the Board has decided that it will open up the Longue Hougue site for low cost mooring facilities and there will be sufficient space to accommodate all the current St Sampson's berth holders who wish to take up this option. Although the exact costings have yet to be calculated, the Board would not wish the rates to exceed those of 'pool' moorings in St Peter Port, which currently stand at £10.88 per foot. The Board is also considering options to alleviate any dramatic price increases, although these are likely to be less significant now that the decision has been made to proceed with the Longue Hougue moorings.



Turning to more detailed issues, the parking arrangements have been considered by the States Traffic Committee and the Principal Engineer (Roads & Traffic) and the Board has decided to allocate six seasonal GBA parking slots and one Marine Trader slot on both Le Crocq and the Bosom for long stay parking under your control and for the use of Marine Traders on the same basis as St Peter Port. The remainder of Le Crocq and the Bosom will remain unrestricted as is currently the case.

The States Traffic Committee are considering changing the 10-hour parallel parking, on the South Side to the east of Le Crocq, to angled parking, which will provide a further 25 x 10-hour parking slots. The remainder of the disc parking zones will remain as currently configured and the situation will be monitored.

Road access and additional parking will be provided for the Longue Hougue mooring holders.

Existing mooring holders who wish to be accommodated in the new marina will be given favourable consideration for the choice of berths, obviously subject to the size and draught in relation to the depth of water available and the pontoon sizing.

The over the wall refuelling facility for diesel on the Bosom will remain and the Board will seek a concession for petrol within the marina.

The access points to the pontoons will be kept to a minimum to aid security and the Board will consider whatever security measures such as controlled access and CCTV should the need arise.

There will be no additional staff and the leisure facilities will continue to be looked after by the existing marina and maintenance staff. This is essential if we are to keep the operating costs, and therefore the berthing fees, as low as possible, and is also in line with the States Manpower Limitation Policy.

The marina will have all the normal electricity and water facilities and the Longue Hougue site will be provided with a dinghy pontoon and a watering facility. It will not be feasible to provide a lay-by pontoon for use at low water, given the drying heights of the Port and its approaches.

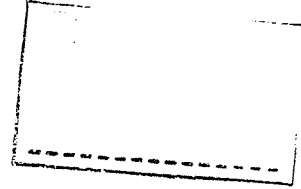
Could I thank the Association for their constructive and helpful input to the consultation process and I trust that the above information will reassure your members that this project has much to offer existing and future boatowners, and I look forward to working with you as the project progresses.

Yours sincerely

Captain R P Barton  
Harbour Master

cc Chief Executive, Board of Administration  
Principal Engineer (Harbours & Airports), Department of Engineering

# Guernsey Boatowners' Association



Hon. Secretary: Chardon Chaumiere, 87, Mount Durand, St. Peter Port, GY1 1DY.

19<sup>th</sup>. April 2000

Captain R Barton,  
Harbour Master's office  
Cambridge Berth  
St Peter port  
Guernsey.

Dear Captain Barton,

## **St Sampson's Harbour, proposals for a Marina.**

Further to our meeting on 12 April the Committee has now discussed these proposals and would make the following comments.

The Harbour Master and B o A are asked to be aware of some of the problems that frequently occur at St Sampson's Harbour, viz:

Shot blasting and steam cleaning occur on the Work Area at South Side,  
Sates Electricity discharge cooling water and chemicals into harbour,  
Discharge of sewage is washed back into harbour from Public Works  
Installation,  
Unloading of cargo boats often causes heavy pollution by grit and coal dust,  
There is often oil pollution.

Concerns have been expressed by the current Mooring Holders and they ask:

How long will the facility of the fisherman's drying pad last? Large boats are worked on for months creating dirt and dust, which are an inconvenience to Pleasure craft.

Access will be restricted when Marine and General have large vessels, such as Condor 9 in the inner harbour.

The offer of drying moorings in St Peter Port (presumably the Careening Hard) is not an option favoured by existing Berth Holders.

It is noted that this Association would be offered car-parking facilities similar

to those enjoyed at St Peter Port Harbour, will this jeopardise the laying up facility that currently exists or will it be seasonal only? Parking and traffic flow in general was seen as a possible area of contention with other Bridge users.

If plans for a Marina are carried through will the following be installed at the same time?

A fuel berth as well as bunkering facilities, as now, for those boats wishing to take on large quantities of fuel,  
Electricity and water on the pontoons,  
CCTV security,  
Permanent Marina staff on 24 hour cover to aid security. Boats will be very vulnerable when pontoon berths are installed, particularly in the inner harbour,  
A lay by pontoon for low water use,  
It was felt that Le Crocq Beach would not be suitable for drying moorings.

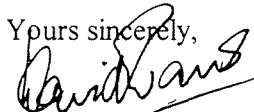
Deputy Peter Bourgourd suggested that "Grandfather Rights" with regard to fees should be available to existing mooring holders. This is recognised as being impracticable as all mooring contracts are issued for one year's duration and may be renewed by agreement. However existing berth holders have enjoyed fees that reflect the amenities that they have enjoyed and with the advent of much improved facilities do not relish paying much-enhanced fees, which would be in line with similar installations in St Peter Port. Indeed some would not be able to continue boating. In order to alleviate this dramatic increase it was suggested that a stepped increase in fees may be imposed spread over a period of say ten years showing an increase of RPI plus a fixed payment of say £70 to £100 per annum until levels equalised.

The Committee was of the opinion that all these concerns may be met if Longue Houge was opened up, close to the old breakwater, and adequate lighting put in place so that night entry and security consideration would be satisfied. If this were to be the case then a reasonably modest increase in fees for those taking up the offer of fore and aft moorings there would be acceptable. This should be done before work started on work in the main harbour and would accommodate all those who otherwise would have had their moorings disrupted.

The Committee was mostly in agreement with the principle of establishing a Marina in St Sampson's Harbour as this would go some way to solving the problems of a long waiting list. Before supporting the proposition it was suggested that a small delegation meet with the Board to discuss formal plans as soon as possible.

I trust that you will find our comments useful and look forward to hearing from you shortly.

Yours sincerely,



David Evans,  
Vice-President.



STATES OF GUERNSEY  
BOARD OF ADMINISTRATION

## STATES HARBOURS

HARBOUR OFFICE  
ST JULIAN'S EMPLACEMENT  
ST. PETER PORT  
GUERNSEY C.I. GY1 2LW

Tel. 44(0)1481 720229 Fax. 44(0)1481 714177

Our Ref: HM\GMTA

Mr M Phillips  
President  
Guernsey Marine Traders Association  
c/o Sunsport Marine Ltd  
South Side  
St Sampsons  
Guernsey  
GY2 4QJ

27<sup>th</sup> March, 2000

Dear Mr Phillips

### St Sampson's Marina Consultation Document

Thank you for your letter of 27<sup>th</sup> March, 2000 offering the support of your Association for this proposed development.

In reply to the questions raised, I offer the following answers:

- We intend to continue to retain the area at the top of Le Crocq slipway for drying berths, currently none of these are permanently allocated to berth holders, and this remains an option if required.
- We have carried out a number of test digs in the harbour bed and we are confident that we can dredge the impounded area to achieve approximately 2m depth of water in the central area and 1m in the inner harbour. It will be necessary, particularly in the inner harbour, to leave an area at the base of the harbour walls to protect harbour wall foundations. There is no intention to dredge a channel from the sill to the pierheads and effectively the marina area would be sumped, similar to the arrangement that has been built in Carteret.
- The primary purpose of this marina is to provide berthing facilities for local boatowners. Having said this, there will clearly be the option to allow visitors to use the facilities there as well, but this presents us with a number of difficulties. The main concern is that visitor boats would increase the amount of yachts who are not familiar with local regulations transiting through the commercial area of the port and possibly causing difficulties with commercial ship operations. Additionally there are currently no plans to build any visiting yacht facilities, toilets, showers etc for this marina as we already have full facilities available for visiting yachtsmen along with the necessary staff in St Peter Port. The existing facilities in St Peter Port are grossly under utilised and it would be very difficult to make a case to provide cost-effective visitor facilities at St Sampson.

- I note that you would wish to see parking slots allocated to marine traders and I can see no reason why this cannot be included.
- The security of the marina will be considered when the detailed plans are drawn up and we will certainly consider reducing the access points to the pontoons and the use of other security techniques.

Could I thank you and your Association for your support in this matter and the constructive points that you have raised in your letter, which will be considered in the continuing consultation process.

Yours sincerely

Captain R P Barton  
Harbour Master

RPB/AJC



*Please reply to:*

The President,  
G.M.T.A.  
C/o Sunsport Marine Ltd.  
South Side,  
St. Sampsons,  
Guernsey.  
GY2 4QJ

Captain R.P. Barton,  
Harbour Master,  
States Harbours,  
Harbour Office,  
St. Julian's Emplacement,  
St. Peter Port,  
Guernsey. GY1 2LW.

27<sup>th</sup> March 2000

Dear Captain Barton,

St. Sampson's Marina Consultation Document

Thank you for inviting us to comment on the proposed plans to develop St. Sampson's Harbour into a marina.

I feel your conclusions on Page 4 sum up the proposals admirably. There are however a few points I would like to raise:

You have stated that it would be possible to retain 50 drying berths on the Crocq beach and slip areas. The letter also states that the slip facilities and drying pad would be retained. If so, where would the moorings, if any, be situated on the slip side of the Crocq?

With regard to the drying heights of the marina you have indicated a similar height to the QEII Marina. How close do you think you can get to this level? Also, do you intend to dredge the fairway from the pierheads to the sill to allow access to the layby berth?

The Guernsey Health and Safety Executive have stated that they have no objection to the inner harbour being used for visitors. Is this your intention, or will this marina be solely for local boat owners?

You have stated that parking will be provided for boat owners on the Crocq and Bosom. Will there also be parking allocated to Marine Traders as seen at the QEII Marina?

In recent years the Bridge has become a gathering place for young people and incidents of unruly behaviour have been reported to the Police. With easy access to boats that a marina would provide, what provision has been made for security and restricting access to the pontoons?

Apart from these few points, which I am sure you have already taken into consideration, the Guernsey Marine Traders Association would like to offer their support for this proposed development.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Phillips', with a stylized flourish at the end.

M. Phillips  
President



STATES OF GUERNSEY  
BOARD OF ADMINISTRATION

## STATES HARBOURS

HARBOUR OFFICE  
ST JULIAN'S EMPLACEMENT  
ST. PETER PORT  
GUERNSEY C.I. GY1 2LW  
Tel. 44(0)1481 720229 Fax. 44(0)1481 714177

Our Ref: HM/M&G

Mr D Norman  
Managing Director  
Marine & General Engineers Ltd  
PO Box 470  
The Shipyard  
St Sampsons Harbour  
Guernsey  
GY1 6AT

3<sup>rd</sup> April, 2000

Dear Mr Norman

*St Sampson's Marina Consultation Document*

Thank you for your letter of 30<sup>th</sup> March, 2000 on the above subject.

I have noted the points that you have made in relation to the marina development regarding car parking and the provision of a low water slipway into the marina, which will be considered in the ongoing development process.

Turning to the issues that relate to your lease for the Marine and General Yard and Griffiths Yard, I have passed your letter to the Board of Administration's Property Department for consideration. I believe it would be beneficial if we could arrange to meet with them to discuss the issues in more detail.

Yours sincerely

Captain R P Barton  
Harbour Master

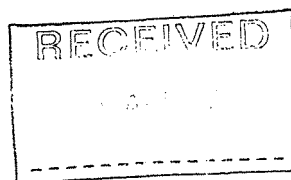
RPB/AJC

cc Chief Executive, Board of Administration  
Estates Manager, Board of Administration





**Marine & General**  
**ENGINEERS**



*Marine & General Engineers Limited*  
*P.O. Box 470, The Shipyard*  
*St. Sampsons Harbour, Guernsey*  
*Channel Islands GY1 6AT*  
*E-mail [mandgeng@cinergy.co.uk](mailto:mandgeng@cinergy.co.uk)*

**Shipyard & Management**  
Telephone (01481) 245808  
Facsimile (01481) 248765

**Stores Department**  
Telephone (01481) 249583  
Facsimile (01481) 242239

**Boatyard & Outboard Services**  
Telephone (01481) 243048  
Facsimile (01481) 243058

Capt R Barton  
Harbourmaster  
St Julians Emplacement  
St Peter Port  
Guernsey  
GY1 2LW

30/3/00

Dear Sir

**St Sampsons Marina Consultation Document**

Thank you for your letters dated 23<sup>rd</sup> of February 2000 and your letter dated 10<sup>th</sup> of December 1999.

Surprisingly parking in the area of St Sampsons Harbour is a currently a problem and we believe that consideration should be given for additional parking spaces to be made permanently available on the Crocq and on the Bosom for general parking and marina related parking .

When the marina is developed there will be no suitable low water slipway for the launching of small boats into the marina . We feel it would be beneficial for our Outboard department, Sunsport Marine , Capelles Marine , other members of the marine trade and the general public who currently launch small motor boats from trailers into the QE2 at low water to be able to launch into the new St Sampsons Marina in the same way . I would have thought that it would be a relatively simple job to construct a concrete slipway say 20 ft wide down the west side of the Crocq slipway and below the new sill level for this purpose before the marina is built.

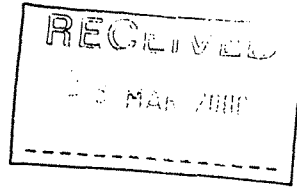
I am concerned about your comments concerning the M&G layby berth M&G has occupied the site since the 1940's and I understand that at no time in that period has the Harbour office ever put a boat on this berth. The company with the exception of Condor 9 due the vessels size has never sought permission from the Harbour Office to put a boat on this berth . The berth is within the M&G compound area which is locked and as such members of the public are excluded from the area except as customers of M&G. We view the layby berth as being included in the lease of the property and as being for the "quiet enjoyment" of the Company. It is evident that the quay surface is clearly leased by the Company . We believe that M&G should be able to use the berth for the mooring of vessels or for the positioning of a pontoon for the same purpose

when the marina is developed . I would like to reach agreement on this matter in the near future .

We would also like to progress discussions concerning M&G positioning a boat hoist to operate from the New North Pier adjacent to the M&G Boatyard as we see this as being a necessary development for the increased marina population of Guernsey.

Yours sincerely  
David Norman  
Managing Director

A handwritten signature in black ink, appearing to be 'D. Norman', written in a cursive style with a long horizontal stroke extending to the right.



Suite 3, 16 Glatigny Esplanade  
 St. Peter Port, Guernsey GY1 1WN  
 Telephone: (01481) 727483  
 Facsimile: (01481) 710755  
 e-mail: [director@chamber.guernsey.net](mailto:director@chamber.guernsey.net)  
 Internet: <http://chamber.guernsey.net>

22<sup>nd</sup> March 2000

R P Barton  
 Harbour Master  
 States Harbours  
 St Julian's Emplacement  
 St Peter Port  
 GY1 2LW

Dear Captain Barton / *Robert*.

**St Sampson's Marina Consultation Document**

President David Cherry wished me to advise you that the Chamber Council discussed your letter on Monday 20<sup>th</sup> March.

The Council concluded they were generally supportive of the proposed Marina project. Some discussion did take place as to whether it might affect car parking for shoppers and also to whether it might be a first step in even a larger project.

Mr Jeff Vidamour, a member of Council answered both the above points to Council's satisfaction so we are pleased to offer Chambers general support at this time.

Thank you for your assistance to Chamber when the issues of Harbours have arisen in the past.

Yours sincerely

Rodney Reed  
 Director

**[N.B. The States Advisory and Finance Committee supports the proposals.]**

The States are asked to decide:—

XII.— Whether, after consideration of the Report dated the 20th June, 2000, of the States Board of Administration, they are of opinion:—

1. To approve in principle the construction of a marina at St Sampson and a low cost mooring facility within Longue Hougue as set out in that Report.
2. To authorise the States Board of Administration to prepare contract documents and obtain tenders for the construction of the marina and mooring facility for a total cost not exceeding £2,250,000.
3. To authorise the States Board of Administration to award the contract with the agreement of the States Advisory and Finance Committee for the construction of a new marina and mooring facility at a total cost not exceeding £2,250,000, or to resubmit the proposals to the States of Deliberation should the tender exceed that figure.

**STATUTORY INSTRUMENT LAID BEFORE THE STATES****THE CRIMINAL JUSTICE (PROCEEDS OF CRIME)  
(BAILIWICK OF GUERNSEY) (AMENDMENT) REGULATIONS, 2000**

In pursuance of the provisions of Section 54 (1) (c) of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, I lay before you herewith the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Regulations, 2000, made by the States Advisory and Finance Committee on the 30th May, 2000.

**EXPLANATORY NOTE**

This amendment to the Regulations increases the period of retention of records for financial services businesses. Prior to this amendment records were required to be kept for either three, five or six years depending on the type of record. However, it is desirable to increase this requirement to six years for all records for the following reasons:-

- (i) The OECD's Financial Action Task Force on Money Laundering states in its 40 Recommendations that "Financial institutions should maintain, for at least five years, all necessary records on transactions, both domestic and international, to enable them to comply swiftly with information requests from the competent authorities" (Recommendation 12). The Committee has fully endorsed the FATF Recommendations on two separate occasions. Guernsey's requirement to keep certain supporting documentation only for three years has been noted and criticised by FATF.
- (ii) Legal action based on a contractual relationship may be commenced at any time within six years of a particular act or omission.
- (iii) The Guernsey Financial Services Commission has noted during its on-site reviews that financial services businesses generally keep records for at least six years.

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

The Royal Court House,  
Guernsey.  
The 7th July, 2000.

# APPENDIX

## STATES EDUCATION COUNCIL

### LA MARE DE CARTERET SECONDARY SCHOOL VALIDATION REPORT

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

19th June, 2000

Sir,

#### La Mare de Carteret Secondary School

#### Validation Report

I enclose two copies of the summary of the validation report and Council's response for the above school. I have the honour to request that you will be good enough to arrange for this to be published as an appendix to the Billet d'Etat for July.

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

I am, Sir,  
Your obedient Servant,  
M. A. OZANNE,  
President,  
States Education Council.

## SUMMARY OF THE VALIDATION REPORT

### LA MARE DE CARTERET SECONDARY SCHOOL

La Mare de Carteret is a non-selective secondary modern school  
for boys and girls aged 11 - 16

There are 410 students on role, 203 boys and 207 girls

They are taught by 34 staff, providing a student/teacher ratio of 12.5 : 1 and a contact ratio of 75.5%

### Background

The school was visited by a validation team of 12 inspectors during the week of March 13th 2000. The school provided a range of documentation in advance of the inspection, having spent a year on a range of self-evaluation activities. During the week, 148 lessons were observed, in addition to school assemblies, registrations, tutor periods and a music concert. Planned discussions were held with teaching and non-teaching staff. All teachers were observed on at least one occasion. Informal discussions were held with students and parents. Pupils' current and previous work was scrutinised. The results of a parental survey were analysed. Observations and recommendations were discussed with appropriate staff during the week.

### Main Findings

- \* The headteacher, senior management and staff have successfully established a positive and caring ethos in the school, which is supportive of good teaching and learning.
- \* The school's self-evaluation programme was carefully planned to involve all staff in the process. Additional information was sought and provided during the validation week relating to curriculum, leadership and management. The school has accurately reported on its strengths and development needs in many areas of its work, and has made a number of realistic proposals for improvement. The school is very successful in rebuilding the confidence of students following the 11+ selection procedure, and the 1999 Key Stage 3 national test results in English, mathematics and science show that good progress is being made.
- \* Educational standards achieved by students at Key Stage 4 compare very favourably with those for UK non-selective schools, and in many subjects are either in-line with or better than those for all maintained schools. Girls are performing particularly well, while some boys are under-achieving. Results are particularly good in mathematics, English, RE, French, German, art and design, but are below expectations in science and geography.
- \* A total of 148 lessons was observed during the week, in addition to assemblies, registrations and a music concert. Overall, 89% were satisfactory or better, with 11% having some shortfalls in the teaching and learning. A commendable 48% of the lessons seen were of good or outstanding quality. Teaching is mostly well planned and purposeful.

\* Observations of lessons and students' work, together with the results of available tests and examinations on pupils' entry and departure from the institution, indicate that the school is achieving a very positive measure of 'value-added' performance.

\* The school has clear policies and procedures to promote good behaviour. Relationships in the school are good and students behave well. The small minority of disaffected students who present challenging behaviour in some lessons or around the school are usually swiftly checked and dealt with effectively by teachers or senior staff.

\* The school provides a broadly based curriculum with equality of access and opportunity for the vast majority of pupils. The school meets the requirements of the National Curriculum (Guernsey), with the exception of some aspects of ICT at Key Stage 3. Students benefit from link courses at the College of Further Education, PSHE and community studies, and a good range of extra-curricular activities, sporting events and outside visits.

\* The overall direction, monitoring, co-ordination and planning of the curriculum needs attention, with more clearly designated roles and responsibilities. The link courses place particular restrictions on school timetabling, which is leading to imbalances in the provision for some subjects. The time devoted to science at Key Stage 4 (12%) is well below the UK average of 20%.

\* The school's systems of assessment, recording and reporting to parents are variable in quality and lack consistency. The regular analysis of assessment data is also inconsistent across subject areas.

\* The school operates effective procedures for the support, guidance and welfare of its pupils. Attendance is generally good, and most pupils are punctual for lessons. Year tutors work effectively to support staff through the monitoring of reports, referrals, and exit procedures, and they liaise well with the senior management team and the co-ordinator for special educational needs (SENCO). There are good links with a range of outside support agencies. The PSHE and community studies programmes are effectively taught. The provision for students with special educational needs is well managed by the SENCO. It would be further strengthened by the more widespread development of differentiated materials across subject areas, by the provision of learning support assistants, and by a more coherent approach to the implementation of a whole school policy for SEN.

\* The school development plan (SDP), as currently constituted, does not provide a helpful basis for the strategic management of the school, for prioritising key whole school issues and determining the allocation of available staffing and material resources.

\* The school's self-review rightly draws attention to the need for improved lines of internal communication, and for currently overlapping senior management team roles to be more clearly defined. Action points, staff responsibilities and timelines for addressing key issues resulting from decisions taken at senior management meetings would benefit from being more clearly promulgated across the whole staff.

\* The school wisely intends to establish a system of annual meetings between individual teachers and the headteacher, at which responsibilities, job descriptions, examination results and progress can be reviewed with a view to agreeing future targets and planning appropriate INSET and staff development.

\* The school does not at present employ a system with stated criteria to assist with its budget allocation to subject areas, and the senior management is aware of the need to address imbalances in



distribution. The school is at an early stage of evaluating the effectiveness of spending decisions. The school has inherited an historical and traditional pattern of staff allowances and responsibilities which does not always relate appropriately to existing curriculum demands and pastoral responsibilities. Efficient oversight of ordering and spending within the school's financial systems is provided by the headteacher and secretary.

\* The school benefits from extra funding through the School Association, school fund activities and the parishes. Funds are used well to enhance the educational provision for students.

\* The self-review has correctly identified the need to address and co-ordinate a whole school approach to students' spiritual, moral, social and cultural development (SMSC). The moral and social areas are currently the strongest, with school assemblies, PSHE and RE lessons making particularly good contributions to most aspects of SMSC.

\* The school is adequately staffed and resourced to meet the demands of the National Curriculum (Guernsey). Many staff have attended relevant in-service training courses in order to prepare themselves for new initiatives, and are anxious for more INSET opportunities.

\* The school makes good use of most of its available accommodation, which is well supervised and cleaned. The school office is welcoming and efficient. Daily routines run smoothly. The lack of some specialist accommodation, and the poor condition of some parts of the building which raise health and safety issues are rightly identified by the school as areas for improvement. The library is currently under-used to support and develop learning.

\* The returns from the parental questionnaire indicate that there is widespread support within the community for many areas of the school's work. The school is addressing concerns relating to homework and the provision of more information to parents about the curriculum, students' progress and their levels of attainment. An expanded newsletter to parents is planned.

### **Key Issues that the School Needs to Address**

\* In addition to the school's declared intentions to address the issues of curriculum, timetabling, ICT expansion, staff development and INSET, homework and the upgrading of its buildings, the validation team recommends that the school should :

- produce a strategic school development plan which prioritises actions to be taken as a result of the internal and external reports; it should guide the school's work and help to determine the most efficient distribution of available staffing and material resources;
- review and clarify senior management team roles and responsibilities, with particular regard to monitoring, oversight and direction of the curriculum;
- establish a clear policy and consistent practices for the assessment, recording and reporting of students' progress and attainment;
- address the whole school issues of the co-ordination of SMSC development, internal communication of senior management decisions, and raising the levels of boys' attainment to match those of the girls'.

*The school is responsible for drawing up an action plan after receiving the report, showing what it is going to do about the issues raised and how it will incorporate them in the school's Development Plan. A follow-up visit to the school will be made in the spring/summer of 2001 in order to monitor and discuss progress, and a written report will be made to the Director of Education.*

**STATES OF GUERNSEY**

**EDUCATION DEPARTMENT**

**Response to the Validation Report on La Mare de Carteret Secondary School**

The Education Council and La Mare de Carteret Secondary School welcome and accept the Validation Report of May 2000. The school's own evaluation successfully identifies strengths and areas for development. The Education Council is pleased that the Validation Team found a positive and caring ethos, supportive of teaching and learning. The Team found that 89% of lessons are satisfactory or better and the commendable figure of 48% was achieved for good or outstanding lessons.

Educational standards at Key Stage 4 compare very favourably with similar schools in the UK and the school is achieving good value-added results. Girls are achieving particularly well but some boys could be doing better and policies will be put in place to address this issue. The behaviour of students is good. Relationships between staff and pupils are excellent and are the result of the caring attitudes and hard work of the staff. There are good pastoral systems to support and guide students and provide for their welfare. A wide range of activities is provided beyond the classroom for the benefit of students.

The school's own evaluation identifies the need to review its processes for the monitoring, co-ordination and planning of the curriculum. Assessment, recording and reporting processes will be further developed. The school also wishes to improve lines of internal communication and review and clarify senior management team roles and responsibilities, particularly in regard to curriculum development. Financial management will be reviewed and the homework policy updated. Some of the fabric of the buildings and some resource areas will need attention when resources allow.

The school benefits from the work of its School Association, from fund-raising activities and the support of the parishes. Finally, the response to the parental questionnaire indicates that there is widespread support for the school within the community.



