



# BILLET D'ÉTAT

**WEDNESDAY, 10th DECEMBER, 2003**

**XXVIII  
2003**

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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 10th DECEMBER, 2003**, immediately after the Special Meeting already convened for that day.

**THE WATER CHARGES (AMENDMENT) ORDINANCE, 2003**

The States are asked to decide:-

I.- Whether they are of opinion to approve the draft Ordinance entitled “The Water Charges (Amendment) Ordinance, 2003”, and to direct that the same shall have effect as an Ordinance of the States.

**THE ANIMAL HEALTH (AMENDMENT) ORDINANCE, 2003**

The States are asked to decide:-

II.- Whether they are of opinion to approve the draft Ordinance entitled “The Animal Health (Amendment) Ordinance, 2003”, and to direct that the same shall have effect as an Ordinance of the States.

**THE MACHINERY OF GOVERNMENT (TRANSFER OF FUNCTIONS)  
(GUERNSEY) ORDINANCE, 2003**

The States are asked to decide:-

III.- Whether they are of opinion to approve the draft Ordinance entitled “The Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003”, and to direct that the same shall have effect as an Ordinance of the States.

**STATES ADVISORY AND FINANCE COMMITTEE****ALDERNEY INTERNET GAMBLING – BUSINESS CONTINUITY AND  
DISASTER RECOVERY**

The President  
States of Guernsey  
Royal Court House  
St Peter Port  
Guernsey  
GY1 2PB

12 November 2003

Dear Sir

**Alderney Internet Gambling – Business Continuity and Disaster Recovery**

Alderney has established a thriving niche market for Internet Gambling that is making a significant contribution to that Island's economy and public sector income with consequent benefits for Guernsey. Following consultations with the Alderney Gambling Control Commission, the Alderney Policy and Finance Committee has approached the Advisory and Finance Committee seeking assistance from Guernsey over an issue that could inhibit further development of the Internet Gambling sector.

Online service operators, including those firms that are licensed to provide Internet Gambling based in Alderney, are acutely aware that their commercial success depends on their Internet sites operating reliably, with total availability to their clients twenty-four hours a day. These firms recognise that the customer experience, their reputation and ultimately their ability to sustain their business is totally dependent on continuous service availability.

Alderney based Internet gambling operators are required to centralise their equipment and facilities in Alderney, whereby the transactions at the centre of the gambling activities are carried out in Alderney. Accordingly, firms operating online services in Alderney have designed and engineered their local systems with an emphasis on resilience and reliability to achieve the necessary availability targets. However these services are still vulnerable to the threat of either 'denial of access' or 'denial of service' arising from unforeseen or uncontrollable external circumstances, or serious catastrophic failure in the support infrastructure, including failure of telecoms links.

There is therefore a requirement to provide business continuity and/or disaster recovery facilities off Island that can take over the gambling activities either instantaneously or after a minimum of delay. Business continuity would provide for all Internet Gambling transactions in Alderney to be "mirrored" on duplicate equipment located elsewhere which could take over transactions instantly with no, or minimum loss of continuity. Disaster recovery would involve regular downloads of data from the Alderney equipment to duplicate equipment located elsewhere so that

transactions could recommence from the duplicate equipment but with a discontinuity in transactions and some loss of data.

Either approach would mean that, for a limited time whilst any denial of access or service problems are rectified, the Internet gambling activities are taking place outside the jurisdiction of Alderney. Changes to Alderney gambling legislation have been made to allow this to happen, subject to certain conditions, but the jurisdiction in which the disaster recovery facility is located must be one that does not prohibit Internet gambling either as an ongoing activity or during the period whilst the denial of access or service problems in Alderney are rectified.

Internet gambling companies based in Alderney would not want to be in a situation whereby business continuity or disaster recovery facilities were based in a jurisdiction that did not have a good reputation for regulation. Indeed, the Alderney Gambling Control Commission would be unlikely to agree to such an arrangement. Companies are therefore forced to seek business continuity or disaster recovery facilities in a jurisdiction that is well regulated, where they will incur costs for those facilities, and possibly for licensing. If that jurisdiction is also able to guarantee continuity of access and service then this will seriously undermine the attraction of locating in Alderney in the first place.

There are therefore mutual benefits to both jurisdictions if business continuity and disaster recovery facilities for Alderney Internet gambling activities are located in Guernsey.

The Gambling (Amendment) (Guernsey) Law of 1997 provides for the States to prescribe by Ordinance the circumstances in which “gambling with strangers”, the category into which Internet gambling falls, may be permitted.

Following consultation, and with the approval of the Gambling Control Committee, the Advisory and Finance Committee recommends the States to approve the enactment of an Ordinance which would:

1. Permit any entity licensed by the Alderney Gambling Control Commission to undertake Internet gambling activities in Alderney, to undertake the same activities in Guernsey only in situations when there occurs a denial of access to, or service from, facilities in Alderney arising from unforeseen or uncontrollable external circumstances;
2. Require that any switch of Internet gambling activities from Alderney to Guernsey must be undertaken as if in compliance with the relevant extant requirements of Alderney’s gambling control legislation;
3. Require that, within twenty four hours of any switch of Internet gambling activities from Alderney to Guernsey, the Alderney Gambling Control Commission advises the Guernsey Gambling Control Committee, or its successor following the restructuring of the States, of the fact that a switch of activities has taken place, of the circumstances which required the switch of activities and, within twenty four hours of switch back occurring, the duration of the switch.

Under the amendments made to the Alderney gambling legislation, the Alderney Gambling Control Commission is able to continue to oversee the activities of entities which it has licensed even during the limited period when it is necessary to undertake Internet gambling in another jurisdiction. The Advisory and Finance Committee and Gambling Control Committee do not therefore consider that it is necessary to bring the Internet gambling activities that would be permitted under these proposals within the remit of the Guernsey Gambling Control Commission or to levy a licence fee. The requirements of clause 3 above will, however, enable the Guernsey Gambling Control Committee, and its successor, to monitor the extent and circumstances of any switching of Internet gambling activities from Alderney to Guernsey that might occur.

I should be grateful if you would lay this matter before the States with appropriate propositions including one directing the preparation of the necessary legislation.

Yours faithfully

L. C. MORGAN

President  
Advisory and Finance Committee

The States are asked to decide:-

IV.- Whether, after consideration of the Report dated the 12<sup>th</sup> November, 2003, of the States Advisory and Finance Committee, they are of opinion:-

1. That an Ordinance shall be enacted which will -

- (1) permit any entity licensed by the Alderney Gambling Control Commission to undertake Internet gambling activities in Alderney, to undertake the same activities in Guernsey only in situations when there occurs a denial of access to, or service from, facilities in Alderney arising from unforeseen or uncontrollable external circumstances;
- (2) require that any switch of Internet gambling activities from Alderney to Guernsey must be undertaken as if in compliance with the relevant extant requirements of Alderney's gambling control legislation;
- (3) require that, within twenty four hours of any switch of Internet gambling activities from Alderney to Guernsey, the Alderney Gambling Control Commission advises the Guernsey Gambling Control Committee, or its successor following the restructuring of the States, of the fact that a switch of activities has taken place, of the circumstances which required the switch of activities and, within twenty four hours of switch back occurring, the duration of the switch.

2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

**STATES BOARD OF ADMINISTRATION**

**AIRPORT FEES AND CHARGES 2004**

The President  
States of Guernsey  
Royal Court House  
St Peter Port  
Guernsey  
GY1 2PB

29 October 2003

Dear Sir

**AIRPORT FEES AND CHARGES 2004**

The States Board of Administration has reviewed the fees and charges for the use of Guernsey and Alderney Airports, which should apply from 1st April 2004.

In recommending the attached schedule to the States, the Board has considered a number of changes to Airport Dues and Charges that will be introduced at Jersey Airport with effect from 1<sup>st</sup> January 2004.

**Background**

In addition to the changes in Jersey's charging structure the Board has recognised that locally Airport costs continue to rise, especially with the commissioning of the new Terminal Building in 2004, which will demand more significant support contracts.

In recognition of the harsher trading conditions experienced by airlines in 2002, **the Board did not increase fees and charges relating to passengers and aircraft in 2003** (except for charges relating to security).

On the basis of these two facts and being minded of the change recorded in the Island's Index of Retail Prices for the year ending 30th June 2003 (+4.3%) the Board is recommending various increases in fees and charges.

In general terms current fees and charges are being increased by 4.3%. The exceptions are security charges (which are subject to above RPI increases) and long haul aircraft fees which are increasing by less than RPI (+2.5%) in recognition of the increased costs on airlines caused by a proposal within this policy letter to discontinue the existing lower winter landing fee with effect from 1<sup>st</sup> November 2004.

**Changes to the basis of charging**

With effect from 1<sup>st</sup> January 2004, the Board is proposing that charging at Guernsey and Alderney Airports will be based on a per movement, rather than on a per arrival basis. This is being recommended in order to reflect an increasing tendency at other airports to charge on both the arrival and the departure. Such a change is scheduled to take place at Jersey Airport from 1<sup>st</sup> January 2004. Accordingly, should Guernsey not follow suit from that date some disparity in the charging regime between the Islands will occur and this in turn may affect Airlines' decisions on routing of aircraft between the Islands.

The Board identified a potential change to the basis of charge in its Policy Letter dated 10<sup>th</sup> September 1999, which set dues and charges for 2000.

To achieve a change to charging by movement, the current approved rates will be divided in two and then applied to each passenger and aircraft movement from 1<sup>st</sup> January 2004, until the existing approved rates expire on 31<sup>st</sup> March 2004. Thereafter, and subject to approval, the rates quoted on the attached schedules will be applied, once again, on a per movement basis.

In addition, the Board is proposing to dispense with the lower winter rates that apply to aircraft landing fees, with effect from 1<sup>st</sup> November 2004.

This recommendation is based on the fact that the lower rate was introduced some time ago in an effort to encourage airlines to maintain year-round services to the Island, rather than operate during the summer season only. Experience proves that airlines operate very similar schedules during the winter months and it can be seen from passenger movement statistics that the fluctuations between the seasons are less noticeable than in times past. Jersey Airport discontinued its seasonal differential some time ago.

In recognition of the additional costs imposed on airlines, by the removal of this concession the Board is proposing a below RPI increase (+2.5%) on the fixed aircraft charge, recognising that in November and December 2004 airlines will lose the benefit of the seasonal reduction. Overall, it is estimated the effect of these changes will represent a +4.3% increase in aircraft charges.

The effect of the discontinuation of the lower winter rates is shown overleaf in a worked example.

## EXAMPLE OF THE EFFECTS OF REMOVAL OF LOWER WINTER RATES

For the purposes of this example a comparison between January 04 and December 04 has been selected. This is on the basis that the lower winter rate will continue to be effective until 31<sup>st</sup> March 2004, but will no longer apply from 1<sup>st</sup> November 2004.

### January 2004 – Charges based on current approved rates with a lower winter Aircraft Weight Charge

#### On arrival

A 44 tonne aircraft carrying 100 passengers and arriving from the UK would be charged a sum of £634.40 on the arrival of the aircraft. This sum comprises the following elements

Aircraft Weight Charge – 44 tonnes @ £6.60	£ 290.40
100 Passengers Fee @ £1.57	£ 157.00
100 Passengers Security Charge @ £0.87	£ 87.00
100 Passengers Airport Development Charge @ £1.00	£ 100.00
Total charged on arrival	£ 634.40

#### On departure

A 44 tonne aircraft carrying 100 passengers and departing to the UK would be charged a sum of £634.40 on the departure of the aircraft. This sum comprises the following elements

Aircraft Weight Charge – 44 tonnes @ £6.60	£ 290.40
100 Passengers Fee @ £1.57	£ 157.00
100 Passengers Security Charge @ £0.87	£ 87.00
100 Passengers Airport Development Charge @ £1.00	£ 100.00
Total charged on departure	£ 634.40

The total income attributable to Guernsey Airport from this round trip would be £1,268.80.

Under current proposals to reduce landing fees in Jersey the same aircraft/passenger combination will be paying £1,560 for a round trip with effect from 1<sup>st</sup> January 2004. This represents a reduction on the 2003 charge of £1,845 for the same aircraft in that Island.

**December 2004 – Charges based on proposed rates without the lower winter Aircraft Weight Charge**

On arrival

A 44 tonne aircraft carrying 100 passengers and arriving from the UK would be charged a sum of £705.00 on the arrival of the aircraft. This sum comprises the following elements

Aircraft Weight Charge - 44 tonnes @ £7.50	£ 330.00
100 Passengers Fee @ £1.64	£ 164.00
100 Passengers Security Charge @ £1.11	£ 111.00
100 Passengers Airport Development Charge @ £1.00	£ 100.00
Total charged on arrival	£ 705.00

On departure

A 44 tonne aircraft carrying 100 passengers and departing to the UK would be charged a sum of £705.00 on the departure of the aircraft. This sum comprises the following elements

Aircraft Weight Charge - 44 tonnes @ £7.50	£ 330.00
100 Passengers Fee @ £1.64	£ 164.00
100 Passengers Security Charge @ £1.11	£ 111.00
100 Passengers Airport Development Charge @ £1.00	£ 100.00
Total charged on departure	£ 705.00

The total income attributable to Guernsey Airport from this round trip would be £1,410.00.

In recommending the removal of the lower winter landing rate, the Board recognises there will be some additional costs imposed on airlines. It has calculated that around £35k additional income will be generated during November and December 2004 as a result of the removal of the lower winter landing rate.

A straight RPI increase of +4.3% across existing long haul rates would have resulted in a net increase of approximately £89k in income. Accordingly the Board is proposing a below RPI increase (+2.5%) on the fixed aircraft charge, recognising that in November and December 2004, airlines will lose the benefit of the seasonal reduction.

Overall, it is estimated the effect of the removal of the winter discounted rates and the below RPI increase in landing charges will represent an overall +4.3% increase in aircraft charges.

In addition, it should be noted that the attached schedules of charges are only being set until 31<sup>st</sup> December 2004. This is in order to regularise the year of charge from a 1<sup>st</sup> April basis to a calendar year basis to mirror the financial accounting period under which the Airport Authority operates.

### **Guernsey Airport**

During 2003 it is currently estimated that the passenger movements recorded at Guernsey Airport will total approximately 850,000, an anticipated increase of around 2% on the previous year.

Although the Board is encouraged to note that traffic levels are better than in 2002 it recognises that the airline and travel industries are continuing to experience difficult trading conditions which, as far as Guernsey Airport is concerned, commenced in mid 2001 and whilst there is some indication of an improvement in the numbers travelling, total passenger numbers remain below 2000 levels.

A schedule setting out the existing and proposed rates is shown in Appendix 1 attached to this letter.

### **Alderney Airport**

The trading position at Alderney Airport continues to produce a substantial deficit with income from fees and charges for 2004 expected to amount to not more than 39% of total expenditure (excluding any capital expenditure).

The Board continues to examine ways and means by which the trading position at Alderney Airport might be improved, however, to date it has identified no significant changes which it is able to put forward as a means to improving this situation.

The Board, therefore, proposes that with the exception of the security fee and arrangements for parking for visiting private aircraft, all other fees and charges for the use of Alderney Airport with effect from 1st April 2004 will increase in line with the proposals for increases at Guernsey Airport. Proposals for the per movement basis of charge, and ending of long-haul seasonal discounts on aircraft fees will also be applied for Alderney Airport.

A schedule setting out the existing and proposed rates is shown in Appendix 2 attached to this letter.

### **Security**

The security procedures operated at Guernsey and Alderney Airports continue to comply with those set down in the United Kingdom's National Aviation Security Programme. By agreement between the Board and the Department for Transport,

Guernsey and Alderney Airports are subject to inspection by a senior aviation security inspector from the Department on a regular basis.

The security service at Guernsey and Alderney Airports is provided by Securicor (Guernsey) Limited and the cost for security services is funded by a security fee which is currently £1.75 for each arriving passenger at Guernsey Airport and £2.75 per arriving passenger at Alderney Airport.

The variation in fees is due to the fact that, as a matter of policy, the Board seeks to recover the cost of providing the security services by way of a levy on arriving passengers. Put more simply, the costs of providing the security services at Guernsey and Alderney Airports are divided by the number of arriving passengers that are estimated will travel into the respective Airports during the charge year.

For Guernsey Airport, security services are continuing to evolve. As a result of the move into the new terminal building additional security checks will be introduced including the introduction of 100% baggage-hold screening, which has been demanded by the Department of Transport for some time, but which can only be reasonably introduced as a result of the move to the new terminal.

As a result of providing this service, the total cost of security in 2004 has increased beyond the current rate of inflation. Consequently, the Board proposes that, with effect from 1st April 2004, the current charge of £1.75 per arriving passenger (equivalent of £0.875 per movement) should be increased to £2.22 per arriving passenger (this will be charged on a per movement basis at £1.11).

In the case of Alderney Airport, the current fee of £2.75 per arriving passenger (equivalent of £1.375 per movement) will have to be increased to £3.22 per arriving passenger (this will be charged on a per movement basis at £1.61). A fee lower than that recommended would result in a shortfall between costs and recoveries being added to the existing Alderney Airport deficit. Whilst security costs have not substantially increased at Alderney Airport, the number of passengers travelling has fallen, given a lower base over which to recover costs.

### **Other Charges**

In relation to all other charges it is recommended that these be increased by 4.3%, in accordance with the appendices attached to this policy letter.

### **Recommendations**

The Board recommends the States to:

1. To approve the adjustment in fees and charges for the use of Guernsey Airport with effect from 1<sup>st</sup> April 2004 as set out in Appendix 1 to this letter.
2. To approve the adjustment in fees and charges for the use of Alderney Airport with effect from 1<sup>st</sup> April 2004 as set out in Appendix 2 to this letter.

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

Yours faithfully

R. C. BERRY

President  
Board of Administration

GUERNSEY AIRPORTMaximum Fees and Charges under the Airport Fees Ordinance 1987  
with effect from 1 January 2004 until 31 December 20041. Aircraft in Passenger Configuration**(A) Airport Fees - Long Haul Services**

The fee for the arrival or departure of each aircraft in this category, the last point of departure is or the next point of arrival is 55 nautical miles or more from Guernsey Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003  £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed</b> 1 April 2004 to 31 December 2004 £
13.20*	6.60*	7.50

\* The rate quoted represents the current winter rate applicable from 1<sup>st</sup> November 2003 to 31<sup>st</sup> March 2004. The approved rate for the 2003 summer period was £14.65 when charged on an arrival basis, or an equivalent of £7.32 had it been charged on a per movement basis.

**(B) Airport Fees - Short Haul Services**

The fee for the arrival or departure of each aircraft in this category, the last point of departure is or the next point of arrival is less than 55 nautical miles from Guernsey Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003  £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed</b> 1 April 2004 to 31 December 2004 £
8.00	4.00	4.17

**(C) Passenger Fees**

The fee for the arrival or departure of a passenger on an aircraft in passenger configuration:-

Category of Passenger	Rate of Airport Fee per passenger		
	<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
(i) the last point of departure of which is or the next point of arrival is within the Channel Islands	1.45	0.72	0.75
(ii) the last point of departure of which is or next point of arrival is within the Channel Islands, where the passenger remained or will remain on the aircraft at that point	3.15	1.57	1.64
(iii) the last point of departure of which is or the next point of arrival will be outside of the Channel Islands	3.15	1.57	1.64

**Note.** The fee shall not be payable for any passenger who does not disembark from an aircraft at Guernsey Airport and who is on board that aircraft when it next departs from the Airport.

**(D) Security Fees**

The fee for the arrival or departure of a passenger on an aircraft in passenger configuration:-

Category of Passenger	Rate of Airport Fee per passenger		
	<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
(iv) the last point of departure of which is or the next point of arrival is within the Channel Islands	1.75	0.87	1.11
(v) the last point of departure of which is or next point of arrival is within the Channel Islands, where the passenger remained or will remain on the aircraft at that point	1.75	0.87	1.11
(vi) the last point of departure of which is or the next point of arrival will be outside of the Channel Islands	1.75	0.87	1.11

**Note.** The fee shall not be payable for any passenger who does not disembark from an aircraft at Guernsey Airport and who is on board that aircraft when it next departs from the Airport.

2. **Aircraft in Cargo Configuration/Aircraft without Passengers or Cargo**

(A) **Airport Fees - Long Haul Services**

The fee for the arrival or departure of each aircraft in either category, the last point of departure of which is or the next point of arrival is 55 nautical miles or more from Guernsey Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003  £	<b>Proposed:</b> 1 January 2004 to 31 March 2004  £	<b>Proposed:</b> 1 April 2004 to 31 December 2004  £
7.70	3.85	4.00

(B) **Airport Fees - Short Haul Services**

The fee payable for the arrival or departure of each aircraft in either category, the last point of departure of which is or the next point of arrival is less than 55 nautical miles from Guernsey Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003  £	<b>Proposed:</b> 1 January 2004 to 31 March 2004  £	<b>Proposed:</b> 1 April 2004 to 31 December 2004  £
5.30	2.65	2.75

3. **Fees for aircraft carrying out local flights**

(A) **Airport Fees**

The fee payable for the arrival or departure of each aircraft which has taken off from Guernsey Airport and returned to the Airport without having landed elsewhere.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
5.75	2.87	3.00

**(B) Passenger Fees**

The fee for the arrival or departure of a passenger on an aircraft in passenger configuration which has taken off from Guernsey Airport and returned to the Airport without having landed elsewhere.

Rate of Airport Fee per passenger		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
1.45	0.72	0.75

4. **Fees for Private Aircraft**

**(A) Aircraft not exceeding 5 metric ton maximum permissible take off weight**

(i) The fee for the arrival or departure of a private aircraft, the last point of departure of which is or the next point of arrival is 55 nautical miles or more from Guernsey Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
9.10	4.55	4.75

(ii) The fee for the arrival or departure of a private aircraft in this category, the last point of departure of which is or the next point of arrival is less than 55 nautical miles from Guernsey Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
7.35	3.67	3.83

**(B) Aircraft exceeding 5 metric ton maximum permissible take off weight**

(i) The fee for the arrival or departure of a private aircraft, the last point of departure of which is or the next point of arrival is 55 nautical miles or more from Guernsey Airport.

Rate of Airport Fee per passenger		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
13.20*	6.60*	7.50

\* The rate quoted represents the current winter rate applicable from 1<sup>st</sup> November 2003 to 31<sup>st</sup> March 2004. The approved rate for the 2003 summer period was £14.65 when charged on an arrival basis, or an equivalent of £7.32 had it been charged on a per movement basis.

(ii) The fee for the arrival or departure of a private aircraft in this category, the last point of departure of which is or the next point of arrival is less than 55 nautical miles from Guernsey Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
8.00	4.00	4.17

**Note.** Operators of private aircraft who do not make payment of fees and charges before departing from the Airport will be subject to a surcharge at the rate of 100% in respect of the fee for that aircraft.

5. **Fees for Test, Familiarisation and Training Flights**

**(A) Airport Fees**

The fee payable for the arrival or departure of an aircraft which is being used solely for a test, familiarisation or training flight.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
5.30	2.65	2.75

**(B) Runway Approach Fees**

The fee payable for an aircraft on a test, familiarisation or training flight which approaches the runway for the purposes of making a simulated landing but does not land at the Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
5.30	5.30	5.52

**(Note: This charge will continue as a single charge, as it cannot be split on a per movement basis)**

6. **Additional fees for availability of Guernsey Airport outside promulgated hours**

An additional fee shall be payable for the use of Guernsey Airport outside of the promulgated hours of operation for each movement of an aircraft.

Hours of Operation (Local Time)	Rate at Airport for each aircraft movement		
	<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
Up to 2229 hours	397.75	397.75	414.85
between 2230 hours and 2259 hours	795.20	795.20	829.40
between 2300 hours and 2329 hours	1000.00	1,000.00	1,000.00
between 2330 hours and 2359 hours	2000.00	2,000.00	2,000.00
between 2400 hours and the promulgated time of the opening of the Airport.	3000.00	3000.00	3000.00

**Note. This additional fee may be reduced or waived at the discretion of the Board.**

## 7. **Parking Fees**

(A) A parking fee shall be payable for parking at Guernsey Airport of each aircraft after the expiration of the free period set out below from the time of the aircraft's arrival at the Airport.

	Free Period		
	<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
(i) Private aircraft under 3 metric tons maximum permissible weight	24 hours	24 hours	24 hours
(ii) Private aircraft exceeding 3 metric tons maximum permissible weight	24 hours	24 hours	24 hours
(iii) Aircraft operated for hire and reward	24 hours	24 hours	24 hours

(B) The parking fee shall be calculated in respect of each period of 24 hours or part thereof after expiration of the free period appropriate to the aircraft concerned and before the time of take-off.

Hours of Operation (Local Time)	Rate of Airport Fee per metric ton or part thereof		
	<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
(i) For the first metric ton	8.75	8.75	9.12
(ii) For each additional metric ton	1.85	1.85	1.93

**Note** Unless the context otherwise requires, words and expressions used in this Appendix have the same meanings as in the Airport Fees Ordinance 1987.

ALDERNEY AIRPORTMaximum Fees and Charges under the Airport Fees Ordinance 1987  
with effect from 1 January 2004 until 31 December 20041. Aircraft in Passenger Configuration(A) **Airport Fees - Long Haul Services**

The fee for the arrival or departure of each aircraft in this category, the last point of departure is or the next point of arrival is 55 nautical miles or more from Alderney Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed</b> 1 April 2004 to 31 December 2004 £
13.20*	6.60*	7.50

\* The rate quoted represents the current winter rate applicable from 1<sup>st</sup> November 2003 to 31<sup>st</sup> March 2004. The approved rate for the 2003 summer period was £14.65 when charged on an arrival basis, or an equivalent of £7.32 had it been charged on a per movement basis.

(B) **Airport Fees - Short Haul Services**

The fee for the arrival or departure of each aircraft in this category, the last point of departure is or the next point of arrival is less than 55 nautical miles from Alderney Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed</b> 1 April 2004 to 31 December 2004 £
8.00	4.00	4.17

**(C) Passenger Fees**

The fee for the arrival or departure of a passenger on an aircraft in passenger configuration:-

Category of Passenger	Rate of Airport Fee per passenger		
	<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
(i) the last point of departure of which is or the next point of arrival is within the Channel Islands	1.45	0.72	0.75
(ii) the last point of departure of which is or next point of arrival is within the Channel Islands, where the passenger remained or will remain on the aircraft at that point	3.15	1.57	1.64
(iii) the last point of departure of which is or the next point of arrival will be outside of the Channel Islands	3.15	1.57	1.64

**Note.** The fee shall not be payable for any passenger who does not disembark from an aircraft at Alderney Airport and who is on board that aircraft when it next departs from the Airport.

**(D) Security Fees**

The fee for the arrival or departure of a passenger on an aircraft in passenger configuration:-

Category of Passenger	Rate of Airport Fee per passenger		
	<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
(vi) the last point of departure of which is or the next point of arrival is within the Channel Islands	2.75	1.37	1.61
(v) the last point of departure of which is or next point of arrival is within the Channel Islands, where the passenger remained or will remain on the aircraft at that point	2.75	1.37	1.61
(vi) the last point of departure of which is or the next point of arrival will be outside of the Channel Islands	2.75	1.37	1.61

**Note.** The fee shall not be payable for any passenger who does not disembark from an aircraft at Alderney Airport and who is on board that aircraft when it next departs from the Airport.

2. **Aircraft in Cargo Configuration/Aircraft without Passengers or Cargo**

(A) **Airport Fees - Long Haul Services**

The fee for the arrival or departure of each aircraft in either category, the last point of departure of which is or the next point of arrival is 55 nautical miles or more from Alderney Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
7.70	3.85	4.00

(B) **Airport Fees - Short Haul Services**

The fee payable for the arrival or departure of each aircraft in either category, the last point of departure of which is or the next point of arrival is less than 55 nautical miles from Alderney Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
5.30	2.65	2.75

3. **Fees for aircraft carrying out local flights**

(A) **Airport Fees**

The fee payable for the arrival or departure of each aircraft which has taken off from Alderney Airport and returned to the Airport without having landed elsewhere.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
5.75	2.87	3.00

**(B) Passenger Fees**

The fee for the arrival or departure of a passenger on an aircraft in passenger configuration which has taken off from Alderney Airport and returned to the Airport without having landed elsewhere.

Rate of Airport Fee per passenger		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
1.45	0.72	0.75

4. **Fees for Private Aircraft**

**(A) Aircraft not exceeding 5 metric ton maximum permissible take off weight**

(i) The fee for the arrival or departure of a private aircraft, the last point of departure of which is or the next point of arrival is 55 nautical miles or more from Alderney Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
9.10	4.55	4.75

(ii) The fee for the arrival or departure of a private aircraft in this category, the last point of departure of which is or the next point of arrival is less than 55 nautical miles from Alderney Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
7.35	3.67	3.83

**(B) Aircraft exceeding 5 metric ton maximum permissible take off weight**

(i) The fee for the arrival or departure of a private aircraft, the last point of departure of which is or the next point of arrival is 55 nautical miles or more from Alderney Airport.

Rate of Airport Fee per passenger		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
13.20*	6.60*	7.50

\* The rate quoted represents the current winter rate applicable from 1<sup>st</sup> November 2003 to 31<sup>st</sup> March 2004. The approved rate for the 2003 summer period was £14.65 when charged on an arrival basis, or an equivalent of £7.32 had it been charged on a per movement basis.

(ii) The fee for the arrival or departure of a private aircraft in this category, the last point of departure of which is or the next point of arrival is less than 55 nautical miles from Alderney Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
8.00	4.00	4.17

**Note.** Operators of private aircraft who do not make payment of fees and charges before departing from the Airport will be subject to a surcharge at the rate of 100% in respect of the fee for that aircraft.

5. **Fees for Test, Familiarisation and Training Flights**

**(A) Airport Fees**

The fee payable for the arrival or departure of an aircraft which is being used solely for a test, familiarisation or training flight.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
5.30	2.65	2.75

**(B) Runway Approach Fees**

The fee payable for an aircraft on a test, familiarisation or training flight which approaches the runway for the purposes of making a simulated landing but does not land at the Airport.

Rate of Airport Fee per metric ton or part thereof		
<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
5.30	5.30	5.52

**(Note: This charge will continue as a single charge, as it cannot be split on a per movement basis)**

6. **Additional fees for availability of Alderney Airport outside promulgated hours**

An additional fee shall be payable for the use of Alderney Airport outside of the promulgated hours of operation for each movement of an aircraft.

Hours of Operation (Local Time)	Rate at Airport for each aircraft movement		
	<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
Up to 2229 hours	397.75	397.75	414.85
between 2230 hours and 2259 hours	795.20	795.20	829.40
between 2300 hours and 2329 hours	1000.00	1,000.00	1,000.00
between 2330 hours and 2359 hours	2000.00	2,000.00	2,000.00
between 2400 hours and the promulgated time of the opening of the Airport.	3000.00	3000.00	3000.00

**Note. This additional fee may be reduced or waived at the discretion of the Board.**

## 7. **Parking Fees**

(A) A parking fee shall be payable for parking at Alderney Airport of each aircraft after the expiration of the free period set out below from the time of the aircraft's arrival at the Airport.

	Free Period		
	<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
(i) Private aircraft under 3 metric tons maximum permissible weight	24 hours	24 hours	24 hours
(ii) Private aircraft exceeding 3 metric tons maximum permissible weight	24 hours	24 hours	24 hours
(iii) Aircraft operated for hire and reward	24 hours	24 hours	24 hours

(B) The parking fee shall be calculated in respect of each period of 24 hours or part thereof after expiration of the free period appropriate to the aircraft concerned and before the time of take-off.

Hours of Operation (Local Time)	Rate of Airport Fee per metric ton or part thereof		
	<b>Present:</b> to 31 December 2003 £	<b>Proposed:</b> 1 January 2004 to 31 March 2004 £	<b>Proposed:</b> 1 April 2004 to 31 December 2004 £
(i) For the first metric ton	8.75	8.75	9.12
(ii) For each additional metric ton	1.85	1.85	1.93

**Note** Unless the context otherwise requires, words and expressions used in this Appendix have the same meanings as in the Airport Fees Ordinance 1987.

**(NB The States Advisory and Finance Committee supports the proposals)**

The States are asked to decide:-

V.- Whether, after consideration of the Report dated the 29<sup>th</sup> October, 2003, of the States Board of Administration, they are of opinion:-

1. To approve the adjustment in fees and charges for the use of Guernsey Airport with effect from 1<sup>st</sup> April 2004 as set out in Appendix 1 to that Report.
2. To approve the adjustment in fees and charges for the use of Alderney Airport with effect from 1<sup>st</sup> April 2004 as set out in Appendix 2 to that Report.

## STATES BOARD OF HEALTH

### THE ENVIRONMENTAL POLLUTION (GUERNSEY) LAW

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

16<sup>th</sup> September 2003

Dear Sir,

### **THE ENVIRONMENTAL POLLUTION (GUERNSEY) LAW**

#### **1. INTRODUCTION**

Following consideration of a report dated 7<sup>th</sup> February 1991, from the Board of Administration, the States resolved, inter alia, on 13<sup>th</sup> March, 1991 (Billet d'Etat VII, 1991):

1. To agree in principle to the States Board of Health assuming responsibility for setting standards and monitoring the disposal of waste at both States owned and privately owned landfill sites.
2. To request the States Board of Health to review the legislation which it administers and to report to the States with recommendations on any additional legislation which may be required to enable the Board to control the disposal of waste.

On 26<sup>th</sup> February 1997, the States considered proposals concerning the control of environmental pollution submitted by the Board of Health and resolved (Billet d'Etat II, 1997):

- (i) to approve that the Order in Council entitled "Loi relative à la Santé Publique, 1934" and the Ordonnance Relative à la Santé Publique 1936 be amended along the lines set out in paragraph 49 of this report; (see appendix 1)
- (ii) to approve that enabling legislation entitled "The Control of Environmental Pollution Law" be enacted along the lines set out in paragraph 57 of this report;
- (iii) to approve that an Ordinance entitled "The Waste Disposal Ordinance" be enacted under the enabling legislation along the lines set out in paragraph 68 of this report:

- (iv) to approve that the Ordinance entitled "The Refuse Disposal Ordinance, 1959" (as amended) be further amended along the lines set out in paragraph 70 of this report;
- (v) to approve that the Parochial Collection of Refuse (Guernsey) Law 1958 be amended along the lines set out in paragraph 71 of this report;
- (vi) to direct the Board of Health to report to the States with detailed recommendations on any additional ordinances considered necessary under the enabling law;
- (vii) to direct the Advisory and Finance Committee to take due account of the resource implications of the additional staff required as a consequence of the proposals (paragraph 111), when calculating and recommending to the States the Board of Health's annual capital and revenue expenditure limits for 1998 and subsequent years.
- (viii) To direct the Advisory and Finance Committee to take account of the recommendations for amending the Strategic and Corporate Plan (paragraph 76) when presenting to the States the 1997 Policy Planning, Economic and Financial Report.

Resolution (i) of Billet d'Etat II, 1997 resulted in the introduction of The Public Health (Amendment) Ordinance, 1998 and the Public Health (Amendment) (Guernsey) Law, 1999.

As a consequence of resolution (ii) of Billet d'Etat II, 1997 The Environmental Pollution (Guernsey) Law has been drafted for consideration by the States.

This will be an enabling law, which will allow the States to introduce environmental protection measures by Ordinance, as and when the States consider it appropriate. The intention of the Board is to introduce a Waste Ordinance as soon as the law will allow which will provide the specific legislation required to regulate waste on the island.

The law will comprise sections which include:

- the establishment of the Office of the Director of Environmental Health and Pollution Regulation, its powers and funding;
- the licensing of prescribed operations;
- appeals;
- waste management;
- water, air, and sound and light pollution;

and other sections prescribing ways in which the law will work and be enforced.

Primary legislation may require amendment by Ordinance following the introduction of this law, where the provisions supersede existing legislation or would enable the purposes and objectives of this law to be better achieved. Such legislation has been identified and will be listed in a schedule of the law.

However, further issues have arisen during the course of drafting which need to be considered by the States before the *Projet de Loi* is laid before the House

## 2. **OBJECTIVES OF THE LAW**

The objectives of the Environmental Pollution (Guernsey) Law remain those stated in Billet d'Etat II, 1997 and agreed by States resolution.

Billet d'Etat II, 1997:

### **"Proposed New Control of Environmental Pollution Law"**

#### **Prevention of Pollution**

53. *Whilst the proposals outlined in paragraph 49 of this report will enable the Board to act effectively against public health nuisances, the Board is of the opinion that new legislative provisions are needed which, rather than rectifying existing nuisances, enable control measures to be placed on those activities which present a risk of pollution. In order to protect the environment and those resources which are an essential prerequisite to good health, a proactive integrated approach, which protects the environment from harm, is essential. The general thrust of the proposed new Law is, therefore, proactive rather than reactive and this general policy of prevention rather than cure is reflected in proposals that require prior consent and/or licences to be obtained before potentially polluting activities are undertaken. The proposals recognize that, as far as is practicable, an integrated approach is required to control environmental pollution, with systems that are designed to prevent pollution rather than to deal with pollution once it has occurred. This is not only beneficial for the environment but has the added advantage of being a much more efficient and effective use of the expertise available within the Environmental Health Department, whose officers would administer the legislation on behalf of the Board.*
54. *In formulating these proposals, the Board has reviewed the provisions of the United Kingdom's Environmental Protection Act, 1990, Environment Act, 1995, Control of Pollution Act, 1974, the Clean Air Acts of 1956, 1968 and 1993, together with the relevant subsidiary legislation. It is not, however, considered appropriate to adopt the full range of these controls in Guernsey, as large parts of the UK legislation are deemed to have no relevance locally. For example, controls referring specifically to large-scale heavy industrial processes are not necessary in Guernsey, as the Island is unlikely ever to accommodate an oil refinery, chemical plant or similar process. Consequently, these specific controls do not form part of these proposals.*
55. *The advantages offered by the proposed system of controls are, therefore, as follows:*
  - (i) *The population and the environment will not have to be subjected to harm before protective controls can be applied. It will be possible to set safe limits before harm to the environment occurs.*
  - (ii) *The prior application of proven and accepted standards and safety limits will allow potential polluters to know, in advance, under what constraints they will have to work and enable them to*

*incorporate such limits in the forward planning of their operations. This is likely to be far less costly and more convenient than being required to remedy unsatisfactory conditions when they arise.*

- (iii) *Staff time and resources will be more efficiently deployed in a proactive role rather than the present reactive one. Better results can be obtained by establishing standards in advance and by monitoring of results, rather than by responding to complaints and attempting to abate nuisances once they are occurring.*

### **Legislative Framework**

- 56. *In order to deal comprehensively with the four different types of environmental pollution referred to in paragraph 5, i.e. waste, sea water, noise and air, the Board proposes the enactment of enabling legislation entitled The Control of Environmental Pollution (Guernsey) Law. This law would enable detailed proposals covering particular areas, including but not restricted to the four topics mentioned above, to be introduced by Ordinance, as and when required. This will allow legislation on particular areas (e.g. waste disposal) to be brought forward more speedily than waiting for detailed legislation to be drawn up covering all the areas outlined in this report. It will also permit future amendments to be introduced more rapidly than would be the case with a very detailed Law.*

### **General Provisions of the Proposed Law**

- 57. *As with any legislation, operational provisions need to be included in order to allow effective implementation. The Board, therefore, proposes that the following general provisions be contained within the proposed new law:*
  - (i) *The Law would define Environmental Pollution in the following terms: Pollution of the environment due to an act or default which results in the release of pollutants to air, water or land, which cause or are likely to cause harm to the health of living organisms or otherwise to interfere with the ecological systems. Whilst the Board recognises that this is a broad definition it is based on U.K. legislation and as such enables the Courts, in considering the interpretation of pollution to apply, where appropriate, U.K. case law.*
  - (ii) *Environmental Health Officers, or any other person authorised by the Board, would be provided with appropriate powers of entry;*
  - (iii) *Unjustified disclosure of information obtained for the purposes of this legislation would be prohibited;*
  - (iv) *The States would be empowered to regulate by Ordinance, the manufacture, storage, handling or use of any substance liable to cause environmental pollution. The Board recognises the need, in exercising this provision, to observe European Union conventions and obligations concerning freedom of trade and to allow the development of new industries where these are suited to the Island. It is not the Board's intention that Ordinances should be introduced where existing legislation, such as the Poisonous Substances (Guernsey Law) 1994 and the associated 1995 regulations, adequately controls the importation or use of substances. Nor is it the Board's intention that any Ordinances introduced under this provision would seek to regulate the health and safety aspects of the manufacture, storage, handling or use of*

*any substance, such regulation being covered by the provisions of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987. The intent of this provision is to enable the future regulation of technologies and substances, including fuels, which, because of their potential to pollute the environment, require additional controls or restrictions on their use.*

- (v) *Where there are significant costs in assessing the potential impact of pollution from new processes, plant etc., the Board would be able to require independently verified information prior to licensing, at the cost of the applicant. The Board recognises that environmental impact assessment in its broader meaning includes consideration of visual impact, biodiversity and land usage. These areas are, in the Boards opinion, best dealt with by the Island Development Committee and would not form part of the assessment referred to above.*
- (vi) *Provisions would exist for authorised officers to serve notices requiring compliance with the provisions of the various ordinances. The form and content of the notices would be prescribed by order of the Board.*
- (vii) *Provisions would exist for the licensing of operators, processes, disposal facilities, equipment and plant as prescribed by ordinance. Licenses may be issued by the Board subject to conditions and licences may be varied or cancelled. In considering the granting, variation or cancellation of a licence, the Board would take into account the potential risk of pollution from the matter in question, the suitability of any plant, procedure or process, the fitness of the applicant in respect of technical expertise and previous convictions for relevant offences. The Board would consult with States Committees and Parish Douzaines as appropriate.*
- (viii) *In respect of licensing provisions, the Board may levy reasonable charges to cover the basic administration costs in dealing with the licence application. The Board does not envisage that the licensing procedure should become so bureaucratic or involve such costs as to become an impediment to the development of local industry;*
- (ix) *A right to make representations against the Board's intent to refuse to grant a licence, or to vary or cancel a licence would, in the first instance, be to the Board. The Board would be required to give 14 days' notice of its intention to alter or cancel a licence, during which time representations may be made by the applicant. Appeals procedures would exist for any person aggrieved by the decision of the Board.*
- (x) *There would be the power to make ordinances to control environmental pollution. The Board has currently identified four areas, which should be regulated by means of an ordinance under this enabling legislation. Proposals and recommendations in relation to a Waste Disposal Ordinance are set out in detail in this report. Outline proposals relating to three further ordinances, which will be the subject of further policy letters, are also set out and relate to air, sea and noise pollution.*

- (xi) *Provisions for the repeal of the pollution aspects of the Public Health legislation would be included in the enabling law, in order to permit replacement legislation to be introduced by ordinance under the enabling legislation at a future date.*
- (xii) *In cases where there is a contravention of a notice requiring compliance with the provisions of an ordinance, or a contravention of a licence condition, or the Board believes that pollution is occurring or is likely to occur and that the seriousness of the pollution is such as to require immediate action, the Board would be empowered to require the taking of specified measures and in default to take those measures itself and to recover their reasonable costs from the person liable for the pollution or threat of pollution.*
- (xiii) *It would be an offence to fail to comply with the provisions of an ordinance made under this legislation or the conditions of a licence granted by virtue of such an ordinance or a notice served under this legislation."*

These objectives remain true and a Projet de Loi has been drafted and will be laid before the States in the very near future. However, in the time since the States approved the objectives, it has been necessary to consider various issues concerning how the law should be formulated and operated. These are detailed in the following paragraphs.

### **3. HUMAN RIGHTS COMPLIANCE**

In order for this legislation to comply with the Human Rights (Bailiwick of Guernsey) Law, 2000, the Law Officers have advised that it is necessary to ensure that the functions, powers and duties created by the Environmental Pollution (Guernsey) Law are undertaken with a level of independence that guarantees transparency and impartiality. It needs to be shown that States operations and private undertakings are equably regulated.

The current level of independence of the post of Chief Environmental Health Officer is not considered sufficient to satisfy this requirement.

### **4. ESTABLISHMENT OF OFFICE OF DIRECTOR OF ENVIRONMENTAL HEALTH AND POLLUTION REGULATION**

In order to ensure compliance with the Human Rights Law, the legislation will establish the appointment of a Director of Environmental Health and Pollution Regulation, which will be made by the Civil Service Board. It does not require the establishment of a new agency, such as the Guernsey Financial Services Commission but a more simple structure. This will involve the appointment of an individual, as a public servant, to a post which has the statutory title and duties of Director of Environmental Health and Pollution Regulation.

The appointment will be held jointly with that of Chief Environmental Health Officer.

When working outside the framework of this legislation, the Director will report to the Board of Health, as will his colleagues within the Environmental Health Department, in order to undertake duties specifically required of them by Board of Health legislation. This new office will not affect the Environmental Health Officers unless they are authorised by the Director and required to undertake duties under the Environmental Pollution Law, or to deputise for the Director.

## **5. POWERS OF THE DIRECTOR**

The Office of the Director will have powers conferred on him to grant licences, determine conditions surrounding the granting of licences, publish information, appoint or consult people for advice and exercise any other power which may be assigned to him under this law, or any other enactment. The Director may delegate functions or powers, in writing, as necessary.

The Director will also have powers to propose ordinances and apply charges. He will have powers of entry, examination, inspection and investigation, and to serve notices.

The Director may also be required to report to the Advisory and Finance Committee on the achievements attained regarding the purposes and objectives of the Law.

## **6. THE WASTE DISPOSAL AUTHORITY**

The Environmental Pollution (Guernsey) Law will provide for the creation, by Ordinance, of a Waste Disposal Authority, which will be the responsibility of a person or committee of the States other than the Board of Health. This Authority will be responsible for operating Guernsey's waste management system and implementing a Waste Disposal Plan. However, the law requires that this Authority consult with other committees, including the Board of Health.

## **7. WATER POLLUTION**

The opportunity is being taken to include provisions for dealing with water pollution in this legislation. It will allow the States to enact, by Ordinance, under this law, the provisions of the Prevention of Pollution (Guernsey) Law 1989 so as to consolidate pollution control measures under one piece of legislation, if considered appropriate.

## **8. ENFORCEMENT**

This law will, by Ordinance, enable the Director to issue compliance notices concerning environmental pollution. An appeal may be made against the terms of such a notice.

Contravention of this law leading to environmental pollution, or the risk of it, will be a criminal offence. Obstruction of authorised officers, as well as giving misleading information will similarly become a criminal offence.

## **9. MACHINERY OF GOVERNMENT CHANGES**

The Environmental Pollution (Guernsey) Law will make reference to current States Committees. The implementation of the proposed Machinery of Government changes

will require that the Committee responsibilities contained in this law be transferred to the appropriate new States committee by use of the 'Transfer of Powers Law'. The legislation cannot be drafted to incorporate the changes which will be brought about by the Machinery of Government in 2004.

#### **10. STAFFING RESOURCE IMPLICATIONS**

By making the post of Director a joint appointment with that of Chief Environmental Health Officer it will prevent the need for an additional post.

In Billet d'Etat II, 1997 it was indicated that one post of Technical Officer would need to be established to implement this law and some temporary clerical/administrative support will be required during the initial setting-up period. This remains the case. However, the additional post of Technical Officer will not be required immediately but will become necessary only when Ordinances that call for additional environmental monitoring are introduced.

The resources required in order to establish the appointment of the Director of Environmental Health and Pollution would include the financing of the above posts and other incidental costs associated with increased personnel.

#### **11. CONCLUSIONS**

The introduction of the Environmental Pollution (Guernsey) Law will provide the overarching legislation required to develop the enabling Ordinances to regulate the risks of environmental pollution and control the disposal of waste on the island as resolved by the States on 26<sup>th</sup> February 1997 (Billet d'Etat II, 1997).

The law also takes into account the need to comply with the Human Rights (Bailiwick) Law, 2000 by creating the independence for the Director of Environmental Health and Pollution Regulation.

Creation of the post of Director, which will be held by the Chief Environmental Health Officer, is a more cost-effective way of addressing the Human Rights issues than establishing a separate department.

The Board of Health appreciates that asking the States to approve legislation six years after the policy letter on the subject was debated can cause concern to members. It was, therefore, decided to put the information in this report before the House to update members on the original intentions of the States and the issues which have arisen since. Once decisions have been made on the supplementary issues contained in this report, it is the intention of the Board to place the Projet de Loi before the House as soon as possible.

#### **12. RECOMMENDATION**

The Board of Health recommends that the States approve the establishment of the Office of Director of Environmental Health and Pollution Regulation, with the powers as detailed in sections 4 and 5 and the other supplementary matters contained within this policy.

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

Yours faithfully,

P. J. ROFFEY

President  
States Board of Health

The President  
States of Guernsey  
Royal Court House  
St Peter Port  
Guernsey  
GY1 2BP

12 November 2003

Dear Sir

**ENVIRONMENTAL POLLUTION (GUERNSEY) LAW 2003**

I refer to the policy letter dated 16<sup>th</sup> September 2003 from the President of the Board of Health on the above subject.

The Advisory and Finance Committee supports the legislative proposals outlined in the policy letter that will enable the States to take a more active approach to the prevention of pollution and establish the arrangements necessary for the formulation and implementation of a Waste Disposal Plan for the Island. The enactment of the Environmental Pollution Law is identified as a top priority in the 2003 Policy & Resource Plan.

In considering the policy letter, the Committee has sought the comments of other relevant States Committees. Whilst there appears to be a broad basis of support for the approach being taken by the Board of Health, several committees have asked to be consulted further on the detailed content of the law and dependent ordinances. The Advisory and Finance Committee is confident that the Board of Health will take these requests into account.

Yours faithfully

L. C. MORGAN

President  
Advisory and Finance Committee

The States are asked to decide:-

VI.- Whether, after consideration of the Report dated the 16<sup>th</sup> September, 2003, of the States Board of Health, they are of opinion:-

1. To approve the establishment of the Office of Director of Environmental Health and Pollution Regulation, with the powers as detailed in sections 4 and 5 and the other supplementary matters contained within that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

**STATES BOARD OF INDUSTRY**  
**SUNDAY TRADING APPEALS TRIBUNAL**

The President  
States of Guernsey  
Royal Court House  
St Peter Port  
Guernsey  
GY1 2PB

28<sup>th</sup> October 2003

Dear Sir

**SUNDAY TRADING APPEALS TRIBUNAL**

Background

The Sunday Trading Ordinance 2002 sets out a right of appeal to the Sunday Trading Appeals Tribunal for those traders who consider their application for a licence to trade on a Sunday has been unjustly refused.

The Tribunal was originally constituted from Board members but it was subsequently felt that this was inappropriate as Board members could not be seen to be sufficiently independent as the Board has been responsible for progressing the legislation through the States and several Board members had close associations with Parish Douzaines.

In August this year the States therefore resolved that the Tribunal should be constituted in a different way. It was agreed that it should, to a large extent, mirror the Tribunal established under the regulation of utilities legislation. It is intended that an Ordinance to bring the new Sunday Trading Appeals Tribunal into effect will be placed before the States at the November meeting.

Number of Panel Members

Any particular Tribunal hearing is to consist of three panel members. Such members may include the Chairman and Deputy Chairman of the Panel.

The Board does not therefore consider it necessary to have a large number of members on the Panel, and accordingly it is recommending that the Panel consist of eight persons.

Accordingly the Board has approached a number of local persons whom it believes have the appropriate credentials to demonstrate independence from the preparation or administration of the legislation and also from retailing interests. The Board also believes that to maintain their independence, no Panel members should be sitting members of the States of Guernsey.

The Appendix to this Policy Letter sets out the names and brief details of the eight people whom the Board is recommending for membership of the Panel. All the individuals have indicated their willingness to serve as panel members.

The Board considers eight will provide a suitable “pool” to choose from.

#### Panel Chairman and Deputy Chairman

The States is required to designate a Chairman and Deputy Chairman from the Tribunal Panel. Accordingly the Board has approached Mr John Guilbert and Mr Michael Stonebridge to act as Chairman and Deputy Chairman respectively and both have agreed to act in these designated roles.

#### Remuneration

It is intended that Panel members will be paid in accordance with the rates and conditions for non-States members on States committees.

#### Timescale

In accordance with the provisions of the Sunday Trading (Amendment) Ordinance, 2003, this new Tribunal constitution shall come into effect on 1<sup>st</sup> January 2004 in relation to any appeal lodged on or after that date.

#### Summary and recommendations

The States is recommended:

1. To approve that the Sunday Trading Appeals Panel shall consist of eight members;
2. To approve that the membership of the Panel shall be those persons set out in the appendix to this letter; and
3. To approve the designation of Mr John Guilbert as Panel Chairman and Mr Michael Stonebridge as Deputy Chairman.
4. To approve the payment of Panel members in accordance with the rates and conditions for non-States members on States committees.

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

Yours faithfully

JOHN ROPER

President  
Board of Industry

## Appendix

### **Persons recommended by the Board of Industry to be members of the Sunday Trading Appeals Tribunal Panel**

#### Mr Peter Budwin

Mr Peter Budwin was born in Canada and has spent the last 9 years in Guernsey. He has a degree in Business Administration and held the position of Senior Manager in Marketing in the banking industry. Subsequently he set up a management recruitment business.

Mr Budwin is the current director of the Confederation of Guernsey Industry.

#### Mr David Cotterill

Mr Cotterill is locally born and was admitted as a Solicitor of the Supreme Court of England in 1974. He is a fellow of the Chartered Institute of Arbitrators.

Mr Cotterill specialised in commercial litigation particularly involving public companies, the stock market, share trading and hotel management contracts. He is currently owner/manager of real estate development and investment companies.

#### Mr John S Guilbert

For twenty-five years John Guilbert was the Transport and General Workers Union Full-Time Official. He was also a member of the Harwood Panel and was a member of the States Housing rents Appeals Tribunal panel.

Mr Guilbert is currently a non-States member of the Social Security Authority, a member of the States Members' Pay Review Board and is Chairman of the Public Assistance Appeals Tribunal.

#### Mr Eric Legg

Mr Legg has extensive experience of banking, particularly in the lending related sector. He has taken early retirement and is currently Treasurer of the L'Ancrese Golf Club and is Treasurer and Executive Officer of the International Island Games Association.

Mr Legg is a member of the Young Enterprise Board and is Chairman of the Guernsey Construction Industry Forum.

#### Capt Barry J E Paint

Locally born, Captain Paint gained a Master Mariners Certificate of Competence and subsequently spent several years as Captain on locally owned vessels trading in European waters.

Captain Paint has been self-employed for 16 years as a Guernsey General Marine Pilot.

Mrs Barbara E Steer

Mrs Steer has extensive professional experience in the education field, having recently retired from the position of Headteacher, a post she held for fifteen years.

Mrs Steer was Secretary of the Primary Headteachers Group and is a Committee Member of the Inner Wheel of Guernsey.

Mr Paul H Steer

Mr Steer also has extensive professional experience in the education field having held the position as Headteacher at Amherst Junior School for sixteen years.

Mr Steer has now retired from teaching but sits on the local Foster Panel, serves on the De Caf Executive Committee and is Secretary of the local Rotary Club.

Mr Michael J Stonebridge

Mr Stonebridge is locally born and has 39 years experience in the banking industry, including occupying the post of Operations Manager with a local bank. He is taking early retirement at the end of 2003.

Mr Stonebridge has been an employee panel member of the Industrial Disputes Tribunal for three years.

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**(NB The States Advisory and Finance Committee supports the proposals)**

The States are asked to decide:-

VII.- Whether, after consideration of the Report dated the 28<sup>th</sup> October, 2003, of the States Board of Industry, they are of opinion:-

1. That the Sunday Trading Appeals Panel shall consist of eight members.
2. That the membership of that Panel shall be those persons set out in the appendix to that Report.
3. To approve the designation of Mr John Guilbert as Panel Chairman and Mr Michael Stonebridge as Deputy Chairman.
4. To approve the payment of Panel members in accordance with the rates and conditions for non-States members on States committees.

**STATES TRAFFIC COMMITTEE**  
**INTEGRATED ROAD TRANSPORT STRATEGY**

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

7<sup>th</sup> November 2003

Dear Sir,

**INTEGRATED ROAD TRANSPORT STRATEGY**

**1. INTRODUCTION**

In March, 2003, the States adopted an integrated road transport strategy for the Island (Billet d'Etat IV of 2003). It resolved that the Strategy's main objective should be to reduce the level of car usage, in particular by encouraging the use of alternative forms of transport, discouraging unnecessary car travel and promoting more responsible use of the car. A full list of the States Resolutions is attached as Appendix 1.

In approving the Strategy, the States resolved that pay parking should be introduced in the long-stay parking areas at the Odeon, North Beach and Salarie car parks and in a number of on-street long-stay parking places to be determined by the Committee (resolutions 5 and 6 of article XXI of the aforementioned Billet). The Committee was required to report back to the States with proposals for the levels at which pay parking charges should be set (resolution 7).

The main provisions and objectives of the Strategy, including the introduction of pricing mechanisms to reduce car usage, were incorporated within the 2003 Policy and Resource Plan, which the States approved at its meeting in July. At the end of the July meeting, the States rejected the Committee's policy letter (Billet d'Etat XVI of 2003) recommending a maximum charge of 40p per hour for long-stay parking. Alternative proposals for 20p or 30p per hour were also rejected.

Although the States has so far rejected proposals for the rate at which pay parking should be set, its previous resolutions to introduce pay parking remain in place. The purpose of this policy letter is to explore the implications of the above

decisions for these resolutions and to consider the wider implications they have for the Strategy.

## **2. BACKGROUND**

The Committee carried out a widespread public consultation exercise before submitting its proposed Strategy to the States last March. Of almost 4000 responses, 60% were in favour of the main purpose and objectives.

Having considered the results of the above, the Committee made a number of changes to the Strategy. The most significant were the extension of plans for pay parking to some on-street areas and the introduction of additional on-street residents' parking schemes. These were in direct response to suggestions received during the consultation period to address concerns about the implications of just introducing pay parking only at the off-street car parks.

In seeking to reduce levels of car usage, the Strategy now adopted by the States is intended to provide the following benefits:

- a reduction in the levels of traffic congestion which is responsible for many of the stresses and strains being witnessed on the existing road system;
- the more efficient movement of people and goods around the Island;
- environmental benefits, particularly through reduced vehicle emissions;
- an improved quality of life for all road users and the community generally.

The Strategy contains a range of integrated policy initiatives which address concerns about traffic. These cover public transport, parking, vehicle registration and licensing, road safety and the environment. They complement each other and work together towards achieving a common objective and performance targets (see Appendix 2).

## **3. PAY PARKING AS PART OF AN INTEGRATED STRATEGY**

The Committee does not intend to rehearse in detail the Strategy approved by the States in March and the issues which were considered at that time. However, it is important to highlight the main policies and how these are integrated with each other.

### 3.1 Scheduled Bus Services

With year on year growth in bus passenger numbers over the past three years following the improvements already made to the services, including up to 40% at commuter periods and 35% during the winter months, the bus service increasingly provides a viable and cheap alternative for car drivers.

More than 1.1 million passengers per annum are now using the bus. Overall numbers increased by just under 30% in the first two years of the new arrangements. Year on year growth is continuing and, during the third year of the contract, further growth of just under 15% has been seen to date. Numbers should exceed the 1.2 million mark during the current year.

In 2003, the Committee expects to spend just under £1.6m on support for the current levels of bus services. Next year, this is expected to increase to just beneath £1.7m

The States approved the Committee's intention to make further improvements to the services prior to the introduction of pay parking (resolution 2) and plans had since been finalised for a new timetable. The main features this would have included were:

- 10 minute service frequencies on the core corridors at commuter times;
- improved commuter services from other parts of the Island with a greater choice and frequency of journeys arriving in Town before 8.50am and departing Town after 4.30pm;
- more direct services to Town;
- improved service frequencies on the Footes Lane park-and-ride;
- better off-peak service frequencies;
- better evening and Sunday services.

**These improvements would have involved additional operating expenditure of between £250,000 and £300,000 per annum, which would have eventually been funded by the revenue from pay parking. However, following the decision to reject the proposed pay parking rates, the Committee has deferred these plans.**

The States has also agreed that the Committee should continue to invest in improvements to the associated bus service infrastructure (bus shelters, cycle-and-ride, terminus waiting facilities, timetable information etc).

### 3.2 Schools Bus Services

In approving the Strategy, the States directed the Committee to report back with proposals for the provision of a free school bus service (resolution 3). The benefits of encouraging greater use of the schools bus service are three fold:

- reduced traffic congestion generally at peak periods;
- reduced traffic congestion around schools themselves, providing a less threatening and safer environment, encouraging parents to allow their children to use other alternatives, such as cycling or walking;
- relieving parents of the stress of the school run and allowing them to consider alternative forms of transport to work.

The Committee will be reporting back on free school bus services and the detailed resource implications as a matter of priority. Depending on their specification, an additional fifteen buses could be used to provide an extra 1000 seats (50% more) for school transport each morning and afternoon. This would involve capital expenditure of between £1m and £1\_m. Initial estimates suggest operating costs would increase by around £150,000, assuming the necessary part-time drivers could be recruited. **The Strategy envisages revenue from pay parking being used to help fund these costs.**

Greater staggering of school start and finish times would enable the Committee to make even better use of these vehicles and provide more capacity by spreading the “peak” requirement. However, despite repeated requests, the Education Council has advised the Committee that the existing times cannot be altered.

### 3.3 Park-and-Ride

The Committee has been directed to report back on the expansion of park-and-ride services in the Island (resolution 4). **However, the Strategy acknowledged that if long-stay parking continues to be free of charge in Town, park-and-ride is unlikely to be an attractive alternative for commuters.** Its success depends on the introduction of pay parking so the cost of long-stay parking in Town exceeds the cost of the park-and-ride journey. Park-and-ride cannot “compete” effectively against free and more convenient parking in the centre of Town. In such circumstances, an expansion of the services would be wasteful.

Park-and-ride will involve capital expenditure on additional buses and the car parks themselves, as well as additional operating expenditure. The car parks need to be of sufficient size to provide the “critical mass” of passengers necessary to justify the costs and resources involved in the operation of the bus service. Finding a location for such a car park on the periphery of Town will be challenging and, as such, the Committee intends to focus its investigations on multi-storey options on existing States owned sites. Previous investigations have

suggested, for instance, that a 360 space multi-storey car park at Sir Charles Frossard House would cost in the region of £4m. Alternatives might include the development of the existing Footes Lane site or the Salarie corner. **However, this would only be worth pursuing if parking charges are introduced.**

### 3.4 Residents Parking Schemes

The States has approved the Committee's plans for the introduction of additional on-street residents' parking schemes (resolution 9). The Committee has now started implementing these.

The schemes work by setting disc parking in the streets concerned at 2-hour periods. These spaces can continue to be used by any member of the public, such as visitors, tradesmen etc. However, residents are issued with permits allowing them to overstay the 2-hour zones by an additional ten hours. Should the extended period end after 6pm, the vehicle can remain parked until 9.30am the following morning.

This means residents can leave their cars outside their homes throughout the day so they can walk or cycle to work in Town. **Previous surveys had shown 22% of residents actually drove their car in the morning to a long-stay area elsewhere in Town because the existing parking regulations prevented them from leaving their car at home.** This was adding unnecessarily to peak period traffic movements. Under these schemes, residents generally now only have to move their cars once per day.

These schemes have been trialed successfully over the past three years in four areas of St Peter Port (Les Canichers and Bruce Lane, L'Hyvreuse, George Road and Victoria Road). The Committee has already or will shortly be implementing them **in and around** the following areas:

Saumarez Street	New Paris Road	Mount Durand
Clifton	Paris Street	Valnord Road
Union Street	Trinity Square	La Couperderie
Pedvin Street	Hauteville	Cordier Hill
Les Amballes	Les Vardes	Park Street

**The introduction of these schemes will be complete early in 2004. Other areas will be considered in the light of experience, including the possibility of setting aside part of the Salarie car park for schemes for residents of that area.**

There will be no pay parking charges in the above streets and areas, as they will be 2-hour disc zones. However, the Committee will eventually introduce an administration charge for the permits to recover the costs of the system. This will be in the region of £30 for a permit valid for 3 years. The States has already agreed that legislation should be prepared so the Committee can introduce this charge and this is currently awaiting preparation.

If pay parking is introduced, these schemes will also “protect” residents from any influx of commuters seeking to avoid paying by parking in residential streets.

### 3.5 Pay Parking

The **principal** purpose of pay parking is to encourage commuters to switch to one of the six alternative forms of transport available to them, these being the improved bus service, cycling, motorcycling, walking, car sharing or the use of compact or alternatively powered vehicles (for which free parking would be made available). It underpins the Strategy by providing a deterrent to car use and an incentive to change travel habits and take advantage of the alternatives the Strategy will make more viable.

**Motorists will have a choice. They do not have to pay to park. They can choose to use cheaper and, in some cases, free alternatives available.**

The net revenue raised by pay parking will be essential to at least partly fund many aspects of the capital and revenue costs associated with other elements of the Strategy.

Pay parking is a flexible tool which can be used to target commuter traffic to reduce the congestion on the main roads into and out of Town during peak periods. The Committee has noted comments that, by introducing it only in St Peter Port, it would be discriminating against commuters and employees there, rather than in other parts of the Island. However, the Committee does not believe it can be justified in areas such as St Sampsons or St Martins at this time, as these areas do not face the same problems as St Peter Port. As such, the use of pay parking in them would not be appropriate.

The Committee has also noted suggestions that it should consider other pricing mechanisms, such as congestion charging along the lines introduced in London. Aside from the enormous capital and operating costs such a scheme would entail, the Committee is concerned this is a much more “blunt” and indiscriminate tool which would not be appropriate for Guernsey. Any driver entering the zone is subject to the charge, whether they are a visitor, shopper or worker. Whilst exemptions and discounts for residents etc can be organised, the administrative requirements for doing so would be considerable. This suggestion also fails to take account of the fact that another pricing mechanism does already form part of the Strategy approved by the States, involving changes to the motor tax system (see section 3.8 below).

Pay parking can be used in a much more targeted fashion that is more appropriate to Guernsey’s needs. Nevertheless, the Committee very much welcomes the example London has provided in demonstrating how a pricing mechanism can

significantly reduce traffic congestion, particularly where the revenue is used to fund improved alternatives.

The Committee has not been able to consider the introduction of pay parking at car parking sites administered by the Board of Administration on behalf of the States, such as Sir Charles Frossard House or Lukis House. Such sites fall outside of the Committee's remit, which extends only to public highways and car parks. The control and regulation of spaces at such sites are matters for the Board to determine.

### 3.6 Motorcycling and Cycling

The States has agreed to encourage more motorcycling and cycling by commuters as part of the Strategy (resolution 11). This is to be achieved by:

- expanding the parking facilities available for them at the expense of existing car parking spaces;
- charging for **car** parking spaces (including vans etc), but providing motorcycle parking free of charge.

A key element in making motorcycling and cycling more attractive as alternatives involves charging for long-stay car parking spaces, but not for motorcycle (or cycle) spaces. **If car parking remains free, then efforts to encourage these alternatives will be much less effective.**

### 3.7 Car Sharing

With 90% of people travelling to work in a car or private vehicle doing so alone, the States has agreed to encourage more car sharing by commuters as part of the Strategy (resolution 11). **The principal incentive will be the financial one arising from the introduction of pay parking.** Car sharing passengers will be able to share the cost of parking charges between them, reducing the individual cost by **a minimum of 50%.**

The Committee had started work on the development of an internet based car sharing register for the Island to assist individuals and companies in planning car sharing. **However, following the decision to reject the proposed pay parking rates, further work on this project has been suspended.**

### 3.8 Motor Tax

As part of the Strategy, the States has agreed to either abolish or reduce motor tax and introduce a corresponding increase in tax on fuel (resolution 12). With the amount of tax paid increasing with the amount of fuel used, unnecessary "marginal" journeys by car will be reduced, alternative forms of transport will be

considered and congestion on the roads will fall. This change will supplement pay parking by encouraging all drivers to reduce vehicle usage.

### 3.9 Road Safety and the Environment

Reducing congestion will help to improve road safety and enhance the environment, both generally and, more specifically, for vulnerable road users such as walkers and cyclists. In doing so, it will help to position these as more viable alternatives. It will reverse the “vicious” circle whereby the situation on our roads is literally “driving” people to drive and create a more “virtuous” circle reducing dependency on the car.

The Strategy’s environmental objectives will partly be achieved through:

- introducing the “polluter” pays principle that is inherent in reducing or abolishing motor tax and increasing tax on fuel;
- promoting car sharing through the introduction of pay parking;
- ensuring **single occupancy** car based commuter trips are more expensive than bus travel, achieved through a combination of pay parking and cheap bus fares.

The Strategy also included proposals to improve driving standards, review driver licensing “age” requirements, review speed limits and review elements of the construction and use requirements for motor vehicles. Traffic calming schemes, in particular around schools, will continue to be pursued by the Committee. The walking audits around the Island’s schools have identified around 300 individual recommendations for improvements. The Committee anticipates spending around £100,000 over the next two years on implementing just the highest priority few dozen of these. **The revenue from pay parking would be an important means of helping to fund this expenditure.**

### 3.10 Funding Issues

Pay parking will also generate a significant source of revenue necessary to assist in funding many of the initiatives the States agreed in March as part of the Strategy. These include: further improvements to the scheduled bus services and the associated infrastructure; the provision of a free schools bus service for all school children; additional and improved park-and-ride services; initiatives to improve the facilities for vulnerable road users, in particular around the Island’s schools; improvements to the cycling and motorcycling infrastructure (cycle paths, cycle-and-ride facilities, cycle lockers etc).

#### 4. OPTIONS FOR CONSIDERATION

At the present time, there are “active” States Resolutions approving the introduction of pay parking in the long-stay parking places at the North Beach, Odeon and Salarie car parks and in on-street long-stay parking areas where residents’ parking schemes have not eventually been introduced by the Committee. However, in rejecting the Committee’s proposals at its July meeting, the States has chosen not to set a rate at which pay parking should be introduced.

The States now needs to determine how it wishes to deal with its own outstanding resolutions on pay parking. In doing so, it will have an opportunity to re-affirm its commitment to the strategic and integrated approach to the Island’s traffic problems approved in March. Alternatively, it could opt for a more piecemeal approach to the situation, although this will be significantly less effective and will mean having to find alternative means of funding many elements of the Strategy. A final option would be to rescind the Strategy in its entirety.

##### 4.1 Option 1

The first option effectively provides the States with an opportunity to re-affirm its previous resolutions to introduce pay parking by now agreeing to set a rate.

Pay parking will deliver the benefits and objectives of the Strategy adopted by the States if and when it is properly integrated with the other initiatives set out above.

**In isolation, none of the measures in the Strategy will be successful on their own in achieving the approved performance targets.** Without pay parking, many of the other initiatives the States has agreed will be much less effective in delivering the Strategy’s objectives and more difficult to develop. The Strategy was not designed as a “shopping list” of measures from which to pick and choose; it will only work truly effectively if it operates as a whole package.

Having considered carefully many of the comments made at the time proposals for possible rates were last put forward, the Committee has decided to recommend the following **staged approach to the introduction of pay parking linked to the development and implementation of the Strategy later on:**

- a) Firstly setting pay parking at an initial rate of 15p per hour, which equates to £1.20 for an 8 hour day. This will be a flat rate applying to all pay parking spaces, regardless of their location.

This would raise a gross sum in the region of £470,000 per annum, which would be sufficient to meet the extra annual costs of operating the improved bus service and some of the capital expenditure associated with vulnerable road users, the bus service infrastructure etc.

**The improvements to the bus services set out in 3.1 above and the residents' parking schemes set out in 3.4 above will be introduced before any parking charges commence.**

At £1.20 per day, there will still be an incentive to switch to cheaper or free alternatives available. For instance, return bus fares to Town of between 40p and £1 still provide the opportunity to travel considerably more cheaply. Sharing a car with one other passenger would reduce the cost to just 60p per person per day. Motorcycles, bicycles, compact cars and alternatively powered vehicles will be provided with free parking. Town residents will find it easier to walk to work with the advent of more residents' parking schemes;

- b) At a later date, increasing the hourly rate in 5p increments to a maximum of 25p, but only if and when detailed proposals to be brought forward by the Committee in due course for a free school bus service and the development of park-and-ride services are approved by the States. If the States approves these detailed plans, then at the same time, it will be asked to agree to these increments in the parking charges. The Committee hopes to be in a position to report back on each of these issues within 12 months of pay parking being implemented.

Once reached, an hourly rate of 25p can eventually be expected to raise between £700,000 and £800,000 per annum (gross). This would be sufficient to cover the additional operating costs associated with the Strategy.

This will leave a modest balance to contribute over time towards the capital costs as well (see 4.2 below). However, the States has previously agreed in principle the proposal for the introduction of an administration fee that would be charged upon the first registration of a vehicle in the Island. This can be expected to generate in the region of £200,000 per annum and the Strategy envisaged that this revenue should also be used to assist in funding it.

This staged approach will allow the States to retain full control over the development of the Strategy in its later stages and the mechanisms to fund it that would be appropriate at any given time.

The Committee has not yet determined which pay parking system (or systems) will be introduced. The options available are set out in Appendix 3 to this report. Factors to take into account will be the physical nature of the car park itself, the associated enforcements issues and the costs involved. Pay-on-foot or pay-on-exit "barrier" systems have the advantage of being self-policing, but would incur greater capital and operating expenditure. Conversely, a scratch card system would be very flexible and much cheaper to operate, but would require policing.

This is a matter that the Committee will consider in greater detail in conjunction with the Guernsey Police, taking into account all of the above.

## 4.2 Option 2

Pay parking is an inherent part of the Strategy, which will discourage single occupancy car based commuter trips to St Peter Port and provide an incentive for commuters to consider the cheaper or free alternatives available to them.

Without it, attempts to further promote and encourage motor cycling, cycling, car sharing, park-and-ride and the scheduled bus services will be much less effective and viable. In essence, the Island will only be paying “lip service” to the roles these can play in providing realistic alternatives to the car.

Without the reduction in traffic levels the use of alternatives will generate, then improvements in the environment for all road users, but in particular vulnerable road users such as pedestrians and cyclists, will be much harder to achieve, reducing the scope to promote these as alternatives.

Without the revenue pay parking can raise, then in taking forward the remainder of the Strategy approved by the States, the associated operating and capital costs will have to be funded from general revenue.

Nevertheless, if the States does not now wish to set a rate, then as an absolute minimum, it will under this option need to:

- a) rescind the two resolutions it made in March of this year approving the introduction of pay parking in the Odeon, Salarie and North Beach car parks and in some on-street parking places;
- b) agree in principle that the operating and capital costs associated with the remainder of the Strategy (see section 3.10) should be funded from general revenue.

Initial estimates put these costs at around the following levels:

### Operating Expenditure

a)	improved scheduled bus services:	up to £300,000 per annum
b)	free school bus services:	£150,000 per annum
c)	park-and-ride service:	£144,000 per annum
	Total:	£594,000 per annum

### Capital Expenditure

a)	Additional school buses:	£1,500,000
b)	Park-and-ride buses:	£200,000
c)	Park-and-ride car park (eg SCFH)	£4,000,000
d)	Vulnerable Road User Initiatives:	£50,000 (per annum)
e)	Bus Service Infrastructure:	£30,000 (per annum)
f)	Cycling infrastructure	£100,000
Total:		£5,880,000

In the cases of free school bus services and park-and-ride services, the States has directed the Committee to investigate these matters in more detail and report back to it with the results in due course. As such, the figures for these areas are indicative only and, in the case of the park-and-ride car park at Sir Charles Frossard House, are quoted by way of example only. Other sites may be identified which are more preferable and/or cost effective.

Option 2 will still leave the bulk of the Strategy in place. However, such an approach would be based mainly on encouraging changes in travel behaviour, rather than one providing an incentive as well. It will be one largely “without teeth” and will be reminiscent of the previous “neutral” Strategy approved by the States in 1989, since when the Island’s vehicle population has increased by 15%.

### 4.3 Option 3

Option 3 could involve rescinding the Strategy approved in March in its entirety.

The Committee is firmly of the opinion that the States made the right decision in approving the Strategy as a whole earlier this year. The decision was a meaningful one, demonstrated a real commitment to addressing the Island’s traffic problems and reflected the groundswell of public opinion expressed in the consultation exercise that something must be done. The Strategy as it is currently approved will achieve the objectives set out therein, providing tangible benefits across the community.

**Against the above background, the Committee cannot recommend this option to the States as a way forward.** It will result in no change whatsoever and no benefits or improvements for the community and environment. Traffic growth will go unchecked and, with it, the quality of life for **all** road users and the Island as a whole will continue to deteriorate.

## 5. RECOMMENDATIONS

The Committee recommends the States to either:

- (i) approve that the charge for long-stay parking should be 15p per hour and direct the Advisory and Finance Committee to increase the Traffic Committee's general revenue budget for 2004 by up to an additional £250,000 to meet the cost of introducing the additional bus services set out in section 3.1 above before pay parking is introduced; or
- (ii) rescind the outstanding resolutions of the States on the introduction of pay parking arising from its meeting held on 28<sup>th</sup> March, 2003 (resolutions 5 and 6 of Article XXI of Billet d'Etat IV of 2003) and agree in principle that the operating and capital costs associated with the remaining resolutions at that same meeting on the Integrated Road Transport Strategy should be funded from general revenue.

I would be grateful if you would lay these matters before the States with appropriate propositions, including one directing the preparation of such legislation as may be necessary to give effect to whichever approach is adopted by the States.

Yours faithfully

Deputy P Mellor  
President

**APPENDIX 1****INTEGRATED ROAD TRANSPORT STRATEGY****RESOLUTIONS OF THE STATES**

The States resolved as follows concerning Billet d'Etat No IV  
dated 7<sup>th</sup> March, 2003

XXI. After consideration of the Report dated 20<sup>th</sup> February, 2003, of the States Traffic Committee:-

1. To approve that, as a matter of principle, the main objective of the States' road transport strategy shall be to reduce the level of car usage in the Island, in particular by encouraging the use of alternative forms of transport, discouraging unnecessary car travel and promoting more responsible use of the car.
2. To approve the States Traffic Committee's intention to continue improving the scheduled bus service levels and associated network infrastructure, as set out in section 4.2.1 of that Report.
3. To direct the States Traffic Committee to return to the States in due course with proposals for the provision of free school bus travel for all pupils.
4. To approve the States Traffic Committee's intention to undertake a comprehensive review of the opportunities to improve the Island's park-and-ride infrastructure, including the introduction of new sites and services, and to report back to the States with the results of that review in due course.
5. To approve the introduction of pay parking in the long-stay parking places at the Odeon, Salarie and North Beach car parks, as set out in section 5.2.1 of that Report.
6. To approve the introduction of pay parking in other on-street long-stay parking places in St Peter Port, as set out in section 5.2.1 of that Report.
7. To enable the States, by Ordinance, to establish and review the applicable hourly rate or rates for pay parking.
8. To approve the States Traffic Committee's policies in respect of the construction of new public car parks, as set out in section 5.2.2 of that Report.

9. To approve the States Traffic Committee's proposals for the introduction of further on-street residents' parking schemes, as set out in section 5.2.3 of the Report.
10. To approve the States Traffic Committee's intention to develop proposals for the creation of off-street residents' parking facilities, as set out in section 5.2.3 of that Report.
11. To approve the States Traffic Committee's intentions in respect of motorcycle and cycle parking, car sharing, parking for the disabled and the management of the disc and approved parking systems, as set out in sections 5.2.4 to 5.2.7 of that Report.
12. To approve in principle that motor tax shall be abolished or reduced and that a corresponding increase in tax on petrol and diesel sales should be introduced and to direct the States Advisory and Finance Committee to prepare detailed proposals in that respect as part of its future budget proposals, such detailed proposals also to include, however, consideration of raising revenue through any such tax to finance end of life vehicle disposal.
13. To approve the States Traffic Committee's intention to investigate the introduction of a register of driving instructors, as set out in section 7.1.1 of that Report and direct it to report back to the States with the results in due course.
14. To approve the States Traffic Committee's intention to carry out a review of the existing policies and legislation relating to the age requirements for driver licensing.
15. To approve the States Traffic Committee's intention to commission a comprehensive and strategic review of the Island's speed limits and direct it to report back to the States with the results in due course.
16. To approve the States Traffic Committee's intentions in respect of vulnerable road users, as set out in section 7.1.4 of that Report.
17. To approve the States Traffic Committee's intention to introduce an experiment to reduce and/or limit the traffic using Church Square.
18. To approve the States Traffic Committee's intention to develop proposals for a ban on the use of "bull bars" and direct it to report back to the States with these in due course.
19. To approve the States Traffic Committee's intention to develop proposals for the introduction of compulsory emission and noise tests for vehicles and to report back to the States with these in due course.

- 19A. To direct the States Traffic Committee to report back to the States as soon as possible with proposals for legislation requiring the display on all locally registered vehicles of appropriate certificates of third-party insurance.
20. To direct the States Advisory and Finance Committee, when recommending the States Traffic Committee's annual capital allocation and expenditure limit for its revenue budget, to take account of the States Traffic Committee's responsibilities and plans associated with the provision of further improvements to the scheduled bus services, the provision of the necessary infrastructure for bus users, cyclists and motorcyclists, the provision and maintenance of pay parking systems and facilities, the introduction of traffic calming schemes and improvements for vulnerable road users and, where necessary, the appointment of traffic engineering consultants.
21. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

**APPENDIX 2****INTEGRATED ROAD TRANSPORT STRATEGY****INDICATORS OF SUCCESS****Extract from Billet d'Etat IV of 2003****INDICATORS OF SUCCESS**

The Committee intends to measure the overall success of its proposed policies using a number of “indicators”.

It is envisaging a five year period during which time the new policies, and measures to see how well they are working, will be introduced. It therefore does not anticipate that the success, or otherwise, of the new strategy could be quantified within the first year or so.

However, assuming that the Committee’s package of proposals is approved by the States in full, the following medium and long-term targets will be used to provide the basis for objective analysis:

- a reduction in traffic movements at peak commuter times (8am-9am and 5pm-6pm) measured along Fort Road, Fountain Street, St Julians Avenue and Glatigny Esplanade, with a 10% decrease recorded and sustained within the first three years;
- reduced usage of the long-stay car parks at La Salerie, North Beach and Odeon car parks, measured at 9am each morning, with a 15% decrease recorded and sustained within the first three years;
- an increase of 5% in passenger numbers on the scheduled bus services within two years and a further 5% within the following three years;
- an annual increase in passenger numbers on commuter bus services (7.30am-9am and 4.30pm-6pm), achieving a total increase of 20% within three years;
- a reduction of 1% per annum in the total number of cars licensed for circulation.

It is anticipated that the above targets will be achieved over an extended period of time. However, it is also intended that any improvements should be sustained and, if possible, increased over the medium and long-term. The Committee will therefore monitor changes in people’s travelling habits, regularly review its policies and initiatives, and amend and update these in the light of experience.

## INTEGRATED ROAD TRANSPORT STRATEGY

### PAY PARKING SYSTEMS

#### **Pay on Foot**

These systems are based on a requirement for the customer to obtain a ticket when entering the car park and to pay for their stay at a ticketing machine located away from the car park exit.

One such system is currently in use at Guernsey Airport.

The advantage of this type of system is that it reduces the amount of queuing which can occur at the exits and is suited to those car parks where space is at a premium and/or a large number of exit points cannot be accommodated.

However, it does require customers to remember to pay for their ticket before getting into their car and attempting to exit.

These systems are usually accompanied by barriers at the exits in order to reduce the potential for fees to remain unpaid. This in turn reduces the amount of policing that is required and the cost of the bureaucracy involved in issuing and collecting fixed penalty fines. It also reduces the number of court hearings for what are relatively minor offences and provides the opportunity to “divert” those policing and financial resources to other areas.

#### **Pay on Exit**

Pay on exit systems are seen at many UK car parks and are similar in design to pay on foot systems other than in respect of payment, which takes place at the exit point rather than remotely.

These systems, where there is space to locate a number of exit points, can speed up the process for motorists who do not need to remember to pay for their stay prior to exiting the car park. As with pay on foot systems, it removes the need for a penalty system as the customer cannot overstay any maximum period of parking and there are consequently the same “savings” in manpower, bureaucracy and associated costs.

However, this type of system can, at peak periods, result in some congestion and queuing.

Both pay on foot and pay on exit systems have capital and operational costs associated with the installation of barriers and ticketing equipment. At present this is estimated to cost £90,000 for each car park which would provide for the installation of two entry and two exit barriers and two payment stations in each car park. If the ticketing equipment is then linked to a central computer system, this adds a further £15,000 to the costs. Such a

system could provide a range of reports on the usage of car parks, income generated and so on. It would also monitor any faults in the equipment which would be essential if repairs were to be effected quickly in order to minimise any disruption to motorists.

Finally, there would be the operational costs of maintaining and repairing the equipment and collecting the payments, which would need to be contracted out.

### **Pay and Display**

These systems are less expensive to install and maintain. They dispense a parking card or sticker from an electronic ticketing machine which is then displayed on the vehicle's dashboard or on the windscreen. A fee is charged according to the pre-determined period for which the motorist intends to park.

Pay and display systems require the same level of policing to ensure any abuse is limited which, of course, has resource implications. In addition, unlike with the pay on foot and pay on exit systems, if you overstay the predetermined period a penalty is incurred in the form of a parking ticket or, in some locations in the UK, with the vehicle being clamped and/or towed away. Costs of retrieval vary and can be considerable.

### **Scratch Cards**

Scratch cards have a wide variety of uses. They are used in Jersey, for example, as a form of pay and display parking. The motorist purchases, in advance, a ticket or tickets which are made available from a large number of shops and other outlets.

When the motorist intends to park in a pay parking zone they simply scratch the card to show the month, day, date and time of arrival. The policing requirements remain and the motorist can still incur a parking ticket if they overstay their time in the zone. They are clearly a much more flexible system than the alternatives above and have the advantage of involving no initial capital outlay.

### **Electronic Information Systems**

Electronic information systems provide motorists with information on the locations of car parks (for visitors) and the amount of spaces available. Such systems would provide for the better overall management of the car parks. They also assist in reducing the level of traffic and congestion often associated with car parks where motorists are tempted to drive around the same car park several times in order to determine whether or not a space is available somewhere or to drive from one car park to another looking for a space. Providing advance information at appropriate points reduces the number of traffic movements and associated congestion.

The President  
States of Guernsey  
Royal Court House  
St Peter Port  
Guernsey  
GY1 2PB

13 November 2003

Dear Sir

**Integrated Road Transport Strategy**

I refer to the letter dated 7<sup>th</sup> November 2003 addressed to you by the President of the States Traffic Committee on the above matter.

The Traffic Committee has worked hard to develop effective public transport services, with highly advantageous fare structures, as an alternative to using private transport. Indeed, with the support of the Advisory & Finance Committee, considerable increased funding has been made available by the States to fund an enhanced scheduled bus service. In 2000 the sum spent on this service was £350,000. In 2003 this support is expected to exceed £1.5million. Furthermore, over £3million has been spent on a new bus fleet.

It is recognised, however, that such services are not likely to become fully viable unless pay parking is introduced. Nevertheless, the Committee firmly believes that more time is needed before submitting this controversial matter back to the States. The Committee did write to the Traffic Committee explaining this, and asking it to consider not submitting the policy letter at this time. The Traffic Committee has, however, declined to do this.

Instead of submitting the letter at this time, the Committee is strongly of the view that it would be far better for the Traffic Committee to address issues such as the Residents' Parking Schemes to demonstrate in practical terms that these matters have been addressed and are working satisfactorily.

There are also **very serious** concerns regarding the level of future funding required even under Option 1 (the Traffic Committee's favoured option). This is particularly the case given the very heavily subsidised bus fares. As every Member knows, committees are having to take hard decisions on priorities within rigidly defined cash limits. In these circumstances the "blank cheque" approach taken by the alternative recommendation (namely that General Revenue should fund further improvements to the Integrated Road Transport Strategy without any income from Pay Parking) is

particularly dangerous. The Committee strongly recommends the States to **reject** this approach.

This latter option clearly makes no sense operationally either. The Traffic Committee itself acknowledges that it is vital to have a combination of carrots and sticks if an integrated road transport policy is to succeed. If General Revenue is left to pick up all the bills then the strategy cannot possibly succeed. This confused policy must be firmly rejected by the States.

In all the circumstances the Committee must very strongly advise the States at the present time to **reject both recommendations** of the Traffic Committee.

This will enable the integrity of the strategy approved by the States to be built upon, and give the in-coming Environment Department a sound base from which to address future implementation at an appropriate time.

The Committee is disappointed that the Traffic Committee has decided to press ahead at the present time with its proposals.

Yours faithfully

L. C. MORGAN

President  
Advisory and Finance Committee

The States are asked to decide:-

VIII.- Whether, after consideration of the Report dated the 7<sup>th</sup> November, 2003, of the States Traffic Committee, they are of opinion:-

1. (1) That the charge for long-stay parking shall be 15p per hour and to direct the States Advisory and Finance Committee to increase the States Traffic Committee's general revenue budget for 2004 by up to an additional £250,000 to meet the cost of introducing the additional bus services set out in section 3.1 of that Report before pay parking is introduced.
- (2) To direct the preparation of such legislation as may be necessary to give effect to their above decision.

In the event of the States rejecting proposition 1 above, whether they are of opinion:-

2. (1) To rescind the outstanding resolutions of the States on the introduction of pay parking arising from its meeting held on 28<sup>th</sup> March, 2003 (resolutions 5 and 6 of Article XXI of Billet d'Etat IV of 2003) and to agree in principle that the operating and capital costs associated with the remaining resolutions at that same meeting on the Integrated Road Transport Strategy shall be funded from general revenue.
- (2) To direct the preparation of such legislation as may be necessary to give effect to their above decision.

**REQUÊTE**

**CONSTRUCTION OF NEW AIRPORT TERMINAL BUILDING**

**TO THE PRESIDENT AND MEMBERS  
OF THE STATES OF DELIBERATION**

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

1. A number of local businesses have reported experiencing serious financial difficulties as a result of not being paid for work undertaken and/or services or materials supplied by them in connection with the construction of the new terminal building at the States Airport.
2. Your Petitioners understand that the company responsible for making those payments, a subcontractor to the States-appointed main contractor, has itself experienced financial problems and been placed under administration.
3. The development of the new terminal building is clearly a States project, and in the opinion of your Petitioners the States Committees responsible for it ought to have ensured that it is carried out by competent and solvent contractors.

**THESE PREMISES CONSIDERED**, your Petitioners humbly pray that the States may be pleased to resolve as follows:-

To request the States Audit Commission to review the process leading to the award by the States of the contract for construction of the new terminal building at the States Airport, with particular attention to the adequacy:

- (a) of any financial checks on the main contractor carried out on behalf of the States; and
- (b) of the mechanisms, if any, which were put in place on behalf of the States for ensuring that the main contractor carried out similar financial checks on its sub-contractors;

for the purpose of making such recommendations as the Commission considers appropriate in order to prevent similar circumstances arising in any future States project.

**AND YOUR PETITIONERS WILL EVER PRAY**

**GUERNSEY**

This 8<sup>th</sup> day of October 2003

E. W. WALTERS

B. GABRIEL

D. JONES

S. EPHGRAVE

L. GALLIENNE

J. BEAUGEARD

D. P. LE CHEMINANT

G. GUILLE



STATES OF GUERNSEY  
**ADVISORY  
& FINANCE  
COMMITTEE**

---

The President  
States of Guernsey  
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St. Peter Port · Guernsey  
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Fax No. (01481) 712520

12th November 2003

Dear Sir

I refer to the Requête dated 8 October 2003 submitted by Deputy Walters and seven other signatories on the subject of the award by the States of the contract for the construction of the new terminal building at the airport.

The Board of Administration's comments on the issues covered by the Requête are contained in its letter dated 12 November, which is attached along with copies of previous exchanges of correspondence with Deputy Walters.

Deputy Walters also wrote directly to the Audit Commission requesting that it carry out an "in depth independent inquiry". The Audit Commission responded to Deputy Walters that "... it does not, as a general rule, institute inquiries at the request of individual States members or members of the public". It concluded that, at that time, it would not be appropriate for the Audit Commission to undertake an inquiry but that it would monitor the situation.

There are a number of outstanding disputes between parties involved in the airport project and these disputes are being pursued through the processes set out in the relevant commercial contracts or through civil court procedures. It is not considered that the issue of the financial checks carried out by the Board of Administration prior to the awarding of this contract is relevant to these disputes, but if it is, it will be addressed through the contractual and civil court processes.

The Committee is very mindful of the advice from HM Procureur on the prayer of the Requête, which is quoted in the Board of Administration's letter: "... it would not be in the States' interests, from a legal perspective, to conduct this type of investigation whilst the main contract is still ongoing and whilst litigation is pending or threatened between various parties involved in the project".

The Board of Administration, the Board of Industry and the Committee's Strategic Property Unit are all involved in reviewing the form and terms of contracts that should be used for future major States' projects and the practices that should be adopted in administering such projects. The Committee is not convinced of the need

for a review by the Audit Commission of the practices adopted on this specific project and certainly would not support such a review being undertaken before the project is complete and before any litigation has been resolved.

Notwithstanding the above the Committee has agreed not to oppose the prayer of the Requête on the basis that, if it is approved by the States, the Audit Commission is able to decide, having taken legal advice, when such a review could be undertaken without undermining the contractual position of the States in the pending or threatened litigation and without prejudicing completion of the contract.

Yours faithfully

A handwritten signature in black ink, appearing to be 'L C Morgan', with a stylized flourish at the end.

L C Morgan  
President  
Advisory and Finance Committee

**Encs**



STATES OF GUERNSEY  
BOARD OF  
ADMINISTRATION

Our Ref: Air 2452

12 November 2003

The President  
States Advisory and Finance Committee  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
Guernsey  
GY1 1FH

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Dear Deputy Morgan

**GUERNSEY AIRPORT TERMINAL DEVELOPMENT**

Thank you for your letter of 23 October 2003. The Board did not receive a copy of the Requête from Deputy Walters so is grateful to your Committee for having forwarded a copy.

First of all, can I say that the Board has absolutely no objection in principle to any review of its processes by the States Audit Commission as the Board has nothing to hide but I have to say that, in this particular instance, the Board considers that Deputy Walters has already been provided with the main facts of this case by the Board on a number of occasions and those facts have also been made public. The Board can, therefore, see no point whatsoever in wasting the States Audit Commission's time in either reviewing the process which led to the award by the States of the contract, examining any financial checks on the main contractor or checking the mechanism in place by the States to ensure that the main contractor carried out similar financial checks on its subcontractors. Neither does the Board see the point of making further recommendations in order to prevent similar circumstances arising in any future States project, as that process has already been in hand for some months.

In the above respect, I enclose for your information copies of the recent correspondence by the Board on this subject, together with your letter to Deputy Walters dated 25 April, all of which form part of this response by the Board of Administration and which the Board includes as part of its response to be included in the Billet.

The Board feels that it would be helpful if I set out a very brief history of how Hochtief came to be selected as the main contractor.

As explained in the Board's policy letter to the States of 20 March 2002, contractual documentation was finalised in order to invite tenders on 24 September 2001. The contract provides for Mr Phil Nokes, BAE Systems Operations Limited to be Project Manager and resident civil engineer with day to day assistance being provided by a contracted Clerk of Works. Responsibility for ensuring that the appointed contractor carries out all works in accordance with the approved design rests with Kensington Taylor, the Board's architectural consultants, and its appointed Design Team. The Design Team's Quantity Surveyors are Davis Langdon and Everest (DLE), one of the leading international consultancy/surveying firms and the Design Team's engineering consultant is Babbie. A shortlist of possible contractors was drawn up by DLE in consultation with the Board's other consultants and amongst the initial shortlist was Hochtief which was described in a letter dated 26 June 2001 from DLE to Phil Nokes of BAE Systems as:-

- very professional
- experience "second to none"
- keen to expand the UK market and views this project as a means to achieve this
- expect a competitive and keen tender

The nomination of Hochtief to the initial shortlist was initiated by Babbie. This nomination was supported by all members of the Design Team and the Board's Project Manager. Babbie has confirmed to the Board that in nominating Hochtief it was satisfied that Hochtief had considerable experience in major airport development projects as both contractors, and with others, as investors. These included schemes at Hamburg, Athens and Dusseldorf, the latter being at the time one of the largest airport projects in Europe.

Kensington Taylor has confirmed to the Board that Hochtief UK was interviewed by the Design Team on 21 June 2001 and at that interview the Design Team adopted the usual pre-tender procedure of ascertaining the credentials of the company. Kensington Taylor has confirmed that this included obtaining evidence of the financial status of Hochtief by way of checking the annual turnover of the UK company and the international parent company. In addition Kensington Taylor assessed the financial risks by checking Hochtief's "Island" experience, Airport experience and current and future workloads. Kensington Taylor also obtained at that time the accounts and annual reports of Hochtief.

At that time, correspondence also took place with the staff of the Advisory and Finance Committee and the then Head of Property Services in order to arrive at a suitable tender list. All prospective tenderers were interviewed at length by DLE and the tender list was agreed at the Board of Administration meeting held on 10 July 2001. Due to the overheated building industry both in Guernsey and the United Kingdom, it subsequently became extremely difficult to maintain a minimum of four potential main contractors on the tender list and Phil Nokes of BAE Systems wrote to the Board on 17 September 2001 stating that three of the prospective tenderers had withdrawn from the potential tender list. After considerable effort a revised tender list of four tenderers was eventually obtained and selected.

It must be stressed that the Board at this stage, as usual with major contracts, was heavily reliant upon the recommendations being made by its consultants in respect of the tender list and concurred with those recommendations as the Board had very little knowledge or experience of the firms in question. In previous contracts, the Engineers and Architects of Guernsey Technical Services have advised client committees in respect of the suitability of contractors. This has included, where the contractor is not known to the States, the need or otherwise for financial checks. In the case of the Airport contract, Guernsey Technical Services played no role and the Board expected its consultants to advise the Board as appropriate and relied on the advice and views of the consultants.

States Members will be aware that when the tenders were received, as explained in the Board's policy letter of 20 March 2002, all four tenders were considerably in excess of the cost plan budget set by the Board of Administration and the pre-tender estimate. The Board, therefore, entered into active and prolonged negotiations with the lowest tenderer, through its professional consultants, to ensure reductions in various elements of the tender price.

The Board employed two independent consultants to carry out a review of the cost plan, the lowest tender and the negotiated reductions on that tender, and the reports of the original Project Team and the independent consultants satisfied the Board that the project could still proceed at an acceptable cost and that the achieved savings were both realistic and not detrimental to the quality of the project.

Kensington Taylor assessed the financial risks of appointing Hochtief prior to tender being awarded and advised the Board as to its findings.

**It should also be noted that the Board contracted with Hochtief UK via a contract which required Parent Company Guarantees from Hochtief Ag, thus bringing the security afforded by this very large European Company to the project. Hochtief Ag has an excellent credit rating.**

**The Board must also point out that neither at that stage nor at any stage since has Hochtief's financial fitness been in question.**

The Board did itself obtain documented financial checks in March 2003 and later again in June 2003. The Board regarded both financial checks carried out at those times as satisfactory, particularly bearing in mind the strength of Hochtief's parent company, Hochtief AG, which in its 2002 Annual Report showed total assets of 2.5 billion euros, with a profit before taxation of 58 million euros. This, of course, supports the view held by Kensington Taylor at the time that Hochtief was short listed.

With regard to Deputy Walter's request that "the Audit Commission be requested to review the mechanisms, if any, which were put in place on behalf of the States for ensuring that the main contractor carried out similar financial checks on its subcontractors", I must stress that the Board had no responsibility under the contract to ensure that the main contractor carried out financial checks on its subcontractors, as the Board's contract is with the main contractor and the Board was advised by its consultants that it might be considered to be acting ultra vires if it intervened in any

way between subcontractors. The Board has been informed that Hochtief did carry out an evaluation exercise on one or more of its subcontractors but the results of that exercise are a matter between Hochtief and its subcontractors.

Deputy Walters' Requête then goes on "to instruct the States Audit Commission to further make such recommendations as the Commission considers appropriate in order to prevent similar circumstances arising in any future States project". As indicated previously by the Board, the method of employment of contractors and their subcontractors is being fully investigated and revised procedures have been promulgated and are being further developed in conjunction with the Advisory and Finance Committee. At this stage, the Strategic Property Unit is consulting with the major spending Committees on the proposed new format for checks. The Board is confident that when finalised these will represent a significant improvement on the present arrangements.

In the interim period, in respect of the Waste to Energy plant contract, the Board has introduced new safeguards aimed at protecting all parties as explained by me in answers to questions asked by Deputy Dave Jones at the October States Meeting.

As stated, the Board has nothing to hide and, furthermore, it has previously agreed with the Board of Industry that at the right time the opportunity should be taken for the States to see what lessons can be learned from the Airport Terminal Development project. The critical issue is however one of timing. **In this respect, the legal advice received from the Law Officers is that "it would not be in the States interests, from a legal perspective, to conduct this type of investigation whilst the main contract is still ongoing and whilst litigation is pending or threatened between various parties involved in the project."** Any final conclusions reached in connection with this contract need to be arrived at after the contract has been completed. It will then be feasible for the Public Accounts Committee or the Scrutiny Committee to examine every aspect of the project without disrupting the proper contractual and commercial processes.

Clearly, if it is the will of the States, the circumstances leading to the award of the contract and the financial checks carried out, can be investigated but this should be after, and not during, the contract period.

If I can provide any further information, please do not hesitate to let me know.

Yours sincerely



R C Berry OBE  
President

**BOARD OF ADMINISTRATION**

**COPY**

Our Ref: Air 2452

10 October 2003

Deputy Eric Walters  
Aurigny  
3 La Mare Estate  
Vazon  
Castel  
Guernsey  
GY5 7BL

Dear Deputy Walters

**AIRPORT TERMINAL PROJECT**

I refer to your letter of 9 October 2003 on the above subject.

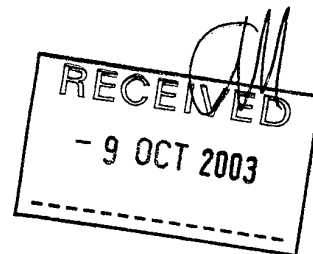
The Board has set out its position abundantly clearly to you in previous correspondence, as has the Advisory and Finance Committee, and the Board remains firmly of the view that there is nothing whatsoever to be gained from the enquiry which you are seeking.

Yours sincerely

**M E Best (signed)**

M E Best  
Vice-President

cc: The President, Advisory and Finance Committee



*Deputy Eric W. Walters*

*Member of the States of Guernsey*

*Aurigny, 3 La Mare Estate, Vazon, Castel, Guernsey. GY5 7BL*

Tel. no 01481 255544 Mobile 07781155544 Fax 01481 255544

Deputy Mike Best

Vice President States Board of Administration

Sir Charles Frossard House

La Charroterie

St Peter Port

GY1 1FH.

**Airport Terminal Project**

9<sup>th</sup> October 2003.

Dear Deputy Best,

I acknowledge receipt of your letter of 7<sup>th</sup> October 2003. I have to inform you that I will still be placing my Requete before the States in order that members will have the opportunity to decide whether further investigation into the whole affair is required.

The fact that you maintain adequate checks were carried out by the Board of Administration may very well be the case, what I am requesting is an independent investigation as to how thorough those checks were and what lessons can be learned in the future. The Board has obviously learned nothing in recent times, as this situation has arisen on three of Board of Administration's projects.

Further your duty of care did not seem to extend to making sure that your approved contractor carried out the same checks. Hochtief had the same obligation to ensure that any sub contractors appointed to the Airport Terminal project were financially solvent and were able to meet their debts to local contractors.

As far as I am concerned the Board of Administration failed to ensure as the client, on behalf of the people of Guernsey that the main contractor made the relevant checks on it's sub contractors, which resulted in the loss to local companies of many thousands of pounds.

It is important to understand that local firms have to work within the island, they have a right to expect that they won't be let down by their own government, spending millions of public money on government contracts, which they have contributed to through their company and personal taxes. A government that has shown that when things go wrong they back away leaving local companies in financial ruin.

I hope you now understand why an independent enquiry is absolutely vital, if only to protect local companies and suppliers from the sort of financial problems we have seen in the last few months on projects built with public money, but without it would seem the public confidence that the necessary checks and balances were observed by all those involved.

Yours Sincerely Deputy Eric W. Walters

**BOARD OF ADMINISTRATION**

**COPY**

Our Ref: Air 2452

7 October 2003

Deputy E W Walters  
Aurigny  
2 La Mare Estate  
Vazon  
Castel  
GY5 7BL

Dear Deputy Walters

**AIRPORT TERMINAL PROJECT**

I refer to your letter dated 3 October 2003 in response to the President's letter of 1 October. I will not restate the Board of Administration's position which was clearly set out in the President's letter of 1 October.

You quite correctly state that the new Airport Terminal is a States contract and the Board of Administration, as clients on behalf of the States, had, and indeed have, a duty to see that the contract is carried out by competent contractors who were solvent. That indeed is exactly what the Board of Administration has done. It has contracted with Hochtief and has carried out the necessary financial checks to ensure that Hochtief has the resources to meet its contract obligations. The contract signed with Hochtief was of standard form, well recognised, understood and utilised by the industry. These are, therefore, simple facts and the Board of Administration has nothing to hide.

I am pleased to note that you are not seeking an investigation into the contractual agreement between Hochtief and Concept nor, it would appear, between the claims and counterclaims between Hochtief, Concept and Concept's subcontractors and suppliers. If all you wish to ascertain is whether or not the Board entered into a proper contract with Hochtief and that before doing so the Board satisfied itself as to Hochtief's financial standing, then these issues have already been well addressed and the Board remains of the view that there is nothing to be gained from the enquiry you are seeking.

Yours sincerely

**M E Best (signed)**

M E Best  
Vice-President

cc: President, Advisory and Finance Committee



RECEIVED  
- 7 OCT 2003

Member  
of the  
States of Guernsey

Deputy Roger Berry  
President States Board of Administration  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
GY1 1FH.

Deputy E. W. Walters  
Aurigny  
2 La Mare Estate  
Castel  
Vazon  
GY5 7BL

3<sup>rd</sup> October 2003

Dear Deputy Berry,

I thank you for your letter of 1<sup>st</sup> October concerning my proposed requete calling for an independent enquiry into the Airport Terminal project.

You should not be surprised that I continue to pursue this issue, I have repeatedly called for an inquiry into the whole affair since the details came to light several months ago, my calls for an enquiry have been met with either outright dismissal by you, or excuses from A & F as to why an enquiry should not take place.

I have taken on board all that was said in the letter I received from Advisory & Finance dated the 25<sup>th</sup> of April, the contents of that particular letter basically agreed to do nothing. It was a document of fudge and dismissal, The statement that says that as *the States were not signatory and hence not a party* is pure semantics. Of course the States is a party in this whole affair, and trying to hide behind contractual agreements brings the whole of our government into disrepute.

The New Airport Terminal is clearly a States contract and the Board of Administration as the clients on behalf of the States of Guernsey had a duty to see that this contract was carried out by competent contractors who were solvent, it would appear there is a question as to whether the main contractor made adequate checks on it's sub contractors, resulting in the loss to local companies of many hundreds of thousands of pounds for goods and services provided for this project.

It is further interesting to note that since Concept Developments has gone into administration, the main contractor is currently being sued by another local company for tens of thousands of pounds for non payment of materials used on the site.

I do not consider the Administrator handling Concept Developments winding up order, as relevant, he is after all, dealing with debts incurred outside the Island as well as those of local contractors, and will not look into the areas that may shed light as to whether the proper financial checks were made on Concept Developments before they were awarded the ground works by Hochtief UK Ltd.

The commercial confidentiality you refer to, of either company has nothing whatsoever to do with whether your Board or A&F of which you are a member, carried out the necessary checks that you assured States Members were carried out in answers given to me, a short time ago in response to questions asked in the States.

My concern has always and continues to be, whether there was any failure in the way the Board of Administration or the Advisory & Finance committee carried out the financial checks on the main contractor and whether they ensured that the main contractor Hochtief UK Ltd carried out the same stringent tests on their sub contractors.

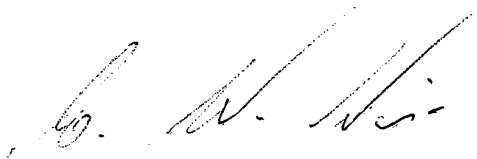
I am not asking for the Audit Commission to investigate the contractual agreements between Hochtief and Concept, I am asking the Audit Commission to investigate the Governments role in this affair. namely Advisory & Finance and the Board of Administration.

I do not believe that it is inappropriate for the Audit Commission to carry out an enquiry into how this appalling chain of events occurred, they are after all supposed to be independent and it will be for States Members to decide whether an investigation by them is necessary.

I repeat, this is a States Project carried out by States appointed contractors, spending millions of pounds of public money, and as a result of what could be construed as a failure to carry out adequate checks, local contractors have been driven to the point of bankruptcy, I believe that needs investigating and I believe other States Members will want answers too.

If the board of Administration has nothing to hide then they will have nothing to fear and rather than trying to call a halt to this enquiry they should be supporting it in the interests of open government. If you wish to circulate your correspondence together with that from Advisory & Finance to all States Members then you must do so, I will feel free also to send a copy of this letter to all States Members as well as the media.

Yours Sincerely



Deputy E Walters.

Our Ref: Air 2452

1 October 2003

Deputy E W Walters  
Aurigny  
2 La Mare Estate  
Vazon  
Castel  
GY5 7BL

Dear Deputy Walters

### **AIRPORT TERMINAL PROJECT**

I noted with interest the article in the Guernsey Press dated Wednesday 1 October 2003 entitled 'Deputy keeps pushing for Airport cash enquiry'. In that article you are quoted as stating that "*I would like to see the Requete debated as a positive move and an independent enquiry by the Audit Commission instigated by the States*". I must state that I am very surprised that, in light of the letter to you from the President of the Advisory and Finance Committee dated 25 April 2003, you are continuing to press for the States to intervene in contracts to which the States are not a signatory and hence not a party.

Rather than having "*done nothing*" as you wrongly claim, the Advisory and Finance Committee has provided you with quite specific advice, namely, "*it would be very dangerous for a client to interfere in a contractual dispute between a contractor, its subcontractors and the suppliers of goods and services*". Deputy Morgan's letter concludes by stating that "*this is a dispute between a contractor and subcontractor under a commercial contract*" and advises that the action taken pushes for an early resolution but does not "*risk delaying resolution of the dispute by attempting to cut across contractual relationships and commercial confidentiality*".

The advice provided by the Advisory and Finance Committee remains as valid today as it did in April but, in addition, Concept is now in administration and the administrator, which is a statutory appointment, will be examining the validity or otherwise of any claim that Concept may have against Hochtief. In this way, the contractual relationship between Concept and Hochtief and the existence or otherwise of outstanding monies is being investigated by an independent party, ie the administrator, without that independent party being required to cut across contractual relationships and commercial confidentiality.

The position adopted by the Board, and the advice provided to you by the Advisory and Finance Committee, is clear and consistent. It is inappropriate for a department of the States or the Audit Commission to be involved in investigating contractual issues between Hochtief and Concept, or between Concept and their subcontractors and suppliers of materials.

I must advise that, should you proceed with your intention to bring this matter to the States by means of a Requete, then this letter and the Advisory and Finance Committee's letter to you dated 25 April will be copied to all States Members.

Yours sincerely

**R C Berry (signed)**

R C Berry OBE  
President

cc: President, Advisory and Finance Committee

Deputy E.W. Walters  
Aurigny  
2 La Mare Estate  
Vazon  
Castel  
GUERNSEY  
GY5 7BL

25th April 2003

Dear Deputy Walters

I refer to your letter dated 14 April and the copy of your letter dated 3 April to the President of the Board of Administration regarding the Guernsey Airport Redevelopment. I have had also seen the response to you from the President of the Board of Administration.

At its meeting on the 16 April the Advisory and Finance Committee received an update on the situation from the President of the Board of Administration that supplemented the information contained in the response to you. Your letter of 14 April was not received in time for consideration at that meeting but it was considered at the meeting held on 23 April.

There appears to be general acceptance that the situation has arisen because of a dispute between a main contractor and a sub-contractor and subsequently between that sub-contractor and its suppliers of goods and services. The dispute relates to a disagreement about the amount, or quantities, of work carried out and on which payment is due and these quantities have or are being subjected to re-measurement by Quantity Surveyors. This is confirmed in the recent Press Release from Hochtief, a copy of which is attached.

At this stage it is too early to say which party is in the right in this contractual dispute but it is worth stressing that the main contractor is not claiming that the States is in any way in default of payment.

On a general point, whatever the nature of a contract between a client and main-contractor might be, and whether the client is the States or a private company, it would be very dangerous for a client to interfere in a contractual dispute between a contractor, its sub-contractors and the suppliers of goods and services. If a client attempted to over-ride the contractor in favour of a supplier, the client could then become directly liable for the disputed amount.

That being said, in this particular instance, the Board of Administration has made, and continues to make every effort to stress to the parties involved the implications that the dispute is having on local businesses and the need to arrive at a speedy resolution.

As you state in your letter, some of the questions that you ask should be directed to the Board of Administration but it has provided the Committee with some of the information that you have requested.

1. The Board of Administration has assured the Committee that it has carried out extensive investigations and has satisfied itself that Hochtief (UK) Construction Limited is financially sound particularly given its relationship with its parent company Hochtief AG;
2. The total States vote for the project was £17,470,066 including contingencies and Clerk of Works payments and as of the 25 April, £4,864,837 of that sum has been paid;
3. A balance of £12,605,229 is therefore available for completion of the project;
4. The sum being claimed by Concept as a subcontractor is a matter between that company and Hochtief and you should approach either or both for this information.

In relation to your specific request that the Advisory and Finance Committee instigate an inquiry into the problems I must again state that this is a dispute between a contractor and a subcontractor under a commercial contract. I can advise you that the Committee has requested the Board of Administration to keep it informed on developments and to continue to push for an early resolution. In this way we do not risk delaying resolution of the dispute by attempting to cut across contractual relationships and commercial confidentiality.

The Committee has however directed its Strategic Property Unit to see if there is merit for future contracts in strengthening the mediation role that the Board of Administration has undertaken informally in this dispute.

Yours faithfully



L C Morgan  
President  
Advisory and Finance Committee

The States are asked to decide:-

IX.- Whether, after consideration of the Requête dated the 8<sup>th</sup> October, 2003, signed by Deputy E. W. Walters and seven other Members of the States, they are of opinion:-

To request the States Audit Commission to review the process leading to the award by the States of the contract for construction of the new terminal building at the States Airport, with particular attention to the adequacy:

- (a) of any financial checks on the main contractor carried out on behalf of the States; and
- (b) of the mechanisms, if any, which were put in place on behalf of the States for ensuring that the main contractor carried out similar financial checks on its sub-contractors;

for the purpose of making such recommendations as the Commission considers appropriate in order to prevent similar circumstances arising in any future States project.

***STATUTORY INSTRUMENT LAID BEFORE THE STATES***

**THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (DESIGNATION OF  
COMPETENT AUTHORITIES) REGULATIONS, 2003**

In pursuance of the provisions of section 54(1)(c) of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, as amended, I lay before you herewith the Criminal Justice (Proceeds of Crime) (Designation of Competent Authorities) Regulations, 2003, made by the States Advisory and Finance Committee on the 5<sup>th</sup> November, 2003.

EXPLANATORY NOTE

Under the provisions of Sections 39 and 40 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law 1999 a police officer is prohibited from passing on details of a suspicious transaction report to a person outside of the Bailiwick unless the disclosure –

- (i) is for the purposes of the investigation of crime or for criminal proceedings outside the Bailiwick; or
- (ii) is made to “a competent authority” outside of the Bailiwick designated by regulations made by the Advisory and Finance Committee.

These regulations designate the United Kingdom’s Asset Recovery Agency and the Republic of Ireland’s Criminal Asset Bureau as competent authorities under Section 44(1) of the 1999 Law.

DE V. G. CAREY  
Bailiff and President of the States

The Royal Court House,  
Guernsey.  
The 21<sup>st</sup> November, 2003.

**APPENDIX****STATES EDUCATION COUNCIL****ELIZABETH COLLEGE: PRINCIPAL'S ANNUAL REPORT 2002 – 2003**

The President,  
States of Guernsey,  
Royal Court House,  
St. Peter Port,  
GUERNSEY GY1 2PB

30<sup>th</sup> October, 2003

Dear Sir,

Elizabeth College: Principal's Annual Report 2002 – 2003

The Board of Directors of Elizabeth College has requested that I forward to you the Principal's Annual Report for the academic year 2002 – 2003. I should be grateful if you would arrange for this to be published as an Appendix in the Billet d'Etat.

Yours faithfully,

M. A. OZANNE

President  
States Education Council



## ELIZABETH COLLEGE

The Principal's Annual Report of the general state of the College, the number of scholars and the course of education pursued in the academic year 2002/2003 addressed to the Board of Directors of Elizabeth College.

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

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## PRINCIPAL'S REPORT

Summaries of the AS and A2 (formerly A level) results appear elsewhere in this report. With a pass rate of nearly 99% and more than 75% of entries achieving grades A to C, the results were very pleasing. With only two fails from 157 entries there was a 100% pass rate in all but one subject. Every pupil in this group gained at least two A level passes; indeed a significant number of pupils gained additional AS level qualifications in a fourth, or in some cases fifth, subject. Within the results nine candidates gained at least three "A" grades and one of them will now go to Jesus College, Cambridge, to read Law.

The most notable feature of the AS level results, when compared with 2002, is the sharp increase in the percentage of passes at grades A – C, up to 75% from 65% in 2001. College also delivered A2 courses for a number of Ladies' College girls. Within this group there was a 100% pass rate, with over 88% at grades A – C; the results in Art were particularly striking.

These results show that the teachers at Elizabeth College continue to master the AS/A2 modular examination structure. As indicated above there has been a significant increase in the number of pupils who have AS level qualifications additional to their A2 passes. A stated intention of the introduction of AS levels was the broadening of the range of subjects adopted by sixth formers. It is pleasing to see this happening and to note that a number of pupils were helped to gain university places because of the additional AS levels that they held.

There has been a steady improvement in the examination boards' processing of results. However, as last year, there were some problems with the publication of A2 results by Edexcel. It is disappointing that such errors are still occurring and that College staff therefore spend a considerable amount of time resolving issues that should be dealt with by the examination board's administration.

At GCSE this year the overall pass rate was 100% A-F with 89% at A\*-C, within one percent of the highest levels we have ever achieved. The great majority of College boys took GCSEs in nine or ten subjects and, at 78, this was our largest GCSE entry for five years. There were some very fine individual performances within these results. Two candidates gained nine A\* grade passes plus one A, five pupils passed ten subjects at A\* or A and overall ten pupils gained seven or more passes at A\* or A.

It is interesting to note that across the cohort as a whole the results average out at well over eight A\* - C grade passes per pupil. I therefore continue to believe that the gap between our boys and the performance of girls at GCSE level is not as wide as seems to be the case in England and Wales. Furthermore a number of highly successful schools in England only enter their pupils for a maximum of eight GCSEs. In this regard it is my belief that the range of subjects we provide to our pupils encourages them to exploit their potential to the full. This in turn is a rounded preparation for the Sixth Form and helps in their pursuit of the breadth at AS level mentioned above.

As ever the pupils' achievements at A2, AS and GCSE reflect significant effort on their part, the quality of support they have received from their teachers and College's continued progress. I have indicated to the Common Room that I feel these results are a positive reflection of their efforts and congratulated all concerned.

Staff changes for the whole school are listed elsewhere in this report. Whilst there can be little doubt that nationally teacher recruitment is increasingly difficult, College has again been fortunate in being able to attract teachers of high calibre. Moreover, we have also been able to appoint a number of teachers who are island qualified by reason of birth, marriage etc. This has the potential to ease some of the problems of staff continuity associated with short-term housing licences. High housing costs and the like continue to impact upon recruitment and the decision taken two years ago to provide some single teacher accommodation continues to help College in this regard.

It was my sad duty to report to College early in September 2002 the death of Ian Rawlins-Duquemin. He had retired from College only the previous term. An Old Elizabethan, he joined the teaching staff of Elizabeth College in 1967, first at Beechwood and then, in 1973, as assistant teacher of Maths in the Upper School. In 1976 he took over the command of the CCF, a role he filled for 26 years. Staff and pupils alike will miss him.

Acorn House and Beechwood also welcomed new staff. The new Deputy Head at Beechwood is a Guernsey man with extensive experience on the island. We also have a colleague from South Africa showing that College needs to be willing to recruit widely if the best teachers are to be engaged. We continue to find ways in which the relationship between the three stages of College can be strengthened in the interests of reinforcing continuity of education across the age range.

The biennial inspection of the College CCF was held in March 2003. The inspecting officer, Captain Rymer (RN) was particularly pleased that there had been a successful transition to a new Commanding Officer. His report indicated that this inspection was "satisfactory" in every regard. He also commented that the success of the CCF continued to reflect the dynamism and enthusiasm of all the CCF staff.

College continues to encourage pupils to take part in extra-curricular activities in order that they may develop their outlook and experience character building events in a broader educational field. This year, boys from College have taken part in adventurous training including sea-kayaking, hill walking and climbing. They have visited Stratford upon Avon, Oxford and Northern France to add background to academic studies, hosted events at College such as Open Day and assisted at Parents' Evenings. We encourage and foster good relations with the community and boys take part in activities such as ecological studies and helping those who have less than themselves.

The last school year also saw the instigation of a School Council in which representatives of each age group are encouraged to have a voice in issues affecting pupil life. A major responsibility shouldered by the council has been the organisation of our charity days. Events were held in each term with the senior school raising over £1000 for “Children in Need” in the Autumn Term; an impressive total and one which reflected a high degree of pupil involvement. There was also a very good response to the “Christmas Boxes for Albania” appeal. “Red Nose Day” in March raised over £1500 by cake sales, sponsorship of staff fancy dress and the like. It was much to the boys’ credit that nearly all these events were organised by the pupils. Finally in the summer term money was raised for the Friends of Romania Charity.

Sport continues to be a College strength and one reason for this is the quality of our facilities at Memorial Field and College Field. We are also able to entertain many visiting teams through the generosity of the many parents who are willing to act as hosts. With regard to facilities the Astroturf playing surface at Memorial Field was replaced early in the school year. The upgrade of this facility was in part made possible by the generosity of the school’s supporters, including the Old Elizabethan Association. At the same time minor work on the perimeter fencing created a safe area for spectators.

Dr N D Argent, Principal

## NUMBERS AND ENTRY

Entries to College		Numbers at College		
Acorn House Pre-School	2002/2003	2003/2004	2002/2003	2003/2004
Wren, Robin and Magpie Classes	60	50	118	115
Acorn House	2002/2003	2003/2004	2002/2003	2003/2004
Reception	38	33	38	33
Year 01	5	2	34	40
Year 02	7	0	27	28
Total	50	34	99	101
Beechwood	2002/2003	2003/2004	2002/2003	2003/2004
Year 03	3	3	23	30
Year 04	2	2	37	25
Year 05	2	0	30	35
Year 06	0	1	24	25
Total	7	6	114	115
Upper School	2002/2003	2003/2004	2002/2003	2003/2004
Year 07	43	47	81	67
Year 08	1	1	61	81
Year 09	4	2	73	59
Year 10	-	1	70	70
Year 11	-	-	77	68
L6 <sup>th</sup>	4	-	59	60
U6 <sup>th</sup>	1	-	56	56
Total	53	51	476	461

### ACADEMIC ACHIEVEMENTS

University places for 2003 were offered to the following students:

NAME	READING	AT
ATKINSON, Thomas Richard Granville	Oceanography with Physical Geography	University of Southampton
BAIN, Matthew Philip	Tourism Management	Bournemouth University
BETTS, Benjamin Charles	Marine Sports Technology	University of Plymouth
BOURGOURD, Paul Gary	English Literature	University of East Anglia
BURTON, Andrew Jeffrey	Aerospace Engineering	University of Bath
BURTON, Matthew Roger	Computer Systems and Software Engineering	University of York
CHAPMAN, Thomas Bradley	Geography	University of Plymouth
CLAYTON, Adam	English	Goldsmiths College
CLEAL, Jonathan	Physics and the Universe	University of Reading
COOPER, Samuel Denis Meredyth	Mathematics with Actuarial Studies	University of Southampton
COX, Adam	Computer Science	University of Nottingham
COX, Joshua Timothy Philip	Anthropology	Goldsmiths
CRISPINI, Lorenzo	Business Management and Multimedia	University of Gloucestershire
DINGLE, Jack		Gap – University of York
EGGLESTON, Nick Frank James	Photography & Electronic Imaging	Plymouth College of Art & Design
FERBRACHE, Scott Leon	Sports Management and Leadership	University of Southampton
FOOTE, Benjamin Peter	Computing and Geography	UMIST
GALLIENNE, Luke James	Business Economics	University of Exeter
GARNER, Philip John	Animal Science	University of Newcastle-upon-Tyne
GILL, Andrew James	Music	University of Nottingham
GOOD, Daniel William	Medicine	Trinity College, Dublin
GOSSELIN, Joshua Thomas	Computer Science	University of Sussex
GREENFIELD, Michael Christopher	Licensed Retail Management	University of Bournemouth
HAITH, Iain Menzies	Financial Mathematics	University of Kent at Canterbury
HARLOW, Nicholas Andrew	History	King's College, London
HEAUME, Mathew Nicholas	Leisure & Sport Management/Sports Education	University of Gloucestershire
JACKSON, Marc	Philosophy/Classical and Archaeological Studies	University of Kent at Canterbury
LE POIDEVIN, Andrew James	Law	University of Exeter
MARTIN, Benjamin Graham	Exercise and Sports Sciences	University of Exeter

NAME	READING	AT
McCLYMONT, Christopher Miles	Agriculture	University of Newcastle-upon-Tyne
McKEARY, Richard Nevin Robinson	Classical Studies	University of Bristol
NAYLOR, Martyn James	Law	Jesus College, Cambridge University
NITCH-SMITH, Matthew Leland Peter	American and English Literature	University of East Anglia
OGIER, Thomas	Film Studies/English & American Literature	University of Kent at Canterbury
ORME, Jonathan Geoffrey	Sport Studies	University of Southampton
PARNWELL, Jack William	Nautical Studies	University of Plymouth
READ, James Matthew Kirk	Business with Entrepreneurship	Southampton Institute
SANDERS, Meurig Gwyn	Integrated Engineering	Cardiff University
SETTERS, Richard Paul	Business Studies	University of Bournemouth
TANG, Kin Cheung	Computing Science	University of East Anglia
THIBEAULT, Laurent	Law with French Law	London School of Economics
TOUZEAU, Philip	Building Construction and Management	University of Reading
TUCKER, Ross Stuart James	Sport and Exercise Sciences	Roehampton University of Surrey
WATSON, Matthew James	American History	University of East Anglia
WILLIAMS-YEAGER, Alexander Simon	Aerospace Engineering	University of Sheffield
WILMOT, Daniel Kevyn	Law with French Law	University College, London

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

**De Saumarez Exhibition:**

Michael P Bain who is reading Business, Accountancy and Finance at Newcastle University

**Mainguy Scholarship:**

Matthew J Creed who is reading Medicine at the University of Wales, Cardiff

**Mansell Exhibition:**

James A Lampert who is reading Anthropology at Durham University

**Mignot Scholarship:**

Neil R Sandwith who is reading Mechanical Engineering at the University of Bath

**Queen's Exhibition:**

Adrian S Harbour who is reading Natural Sciences at Peterhouse College, Cambridge  
and

Alexander J Khan who is reading Mathematics at Merton College, Oxford

## **STAFF APPOINTMENTS**

### **Upper School**

Mrs Jocelyn Hale joined us on a temporary contract in January 2003 having previously been teaching in New Zealand. Subsequently she was promoted to the permanent position of Head of Business Studies.

Mr Simon Huxtable joined us as Head of Geography. Mr Huxtable had previously taught geography at Hampton School, Middlesex.

Mr Mark Stevens joined us as Head of RS. Mr Stevens had previously taught RS at the grammar school.

Miss Melanie Douglas joined us as a teacher of Modern Foreign Languages from Queen's University Belfast where she had just completed a PGCE.

Mr Tim de Putron joined us as a teacher of Mathematics. A Guernsey native Mr de Putron joined us after an extensive teaching career, having most recently taught at the Academy School, London

Mr Tim Slann joined us to teach Design Technology. A Guernsey native Mr Slann joined us from local industry having previously followed a career in the Royal Navy.

We also appointed two temporary part-time teachers:

Mr Guy Plummer joined us to teach Business Studies and Psychology.

Mrs Janet Rolfe joined us to teach Drama.

### **Beechwood**

Mr Christopher Veron joined us as our new Deputy Head teacher. A Guernsey native Mr Veron joined us from Hautes Capelles Junior School.

Mr Iain Kilpatrick joined us as classroom teacher in January 2003. Mr Kilpatrick had previously been teaching in South Africa.

**STAFFING: INTERNAL POSTS**

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

**Annexe A****GCSE RESULTS**

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

**A-LEVEL RESULTS**

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

**Annexe A****ELIZABETH COLLEGE****Year 11 GCSE RESULTS 2002/2003 : SUBJECT GRADES**

(Grades achieved by number of pupils)

	<b>ENTRY</b>	<b>A*</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>Art</b>	21	1	4	9	6	0	1	0
<b>Biology</b>	26	7	12	7	0	0	0	0
<b>B. Studies</b>	27	0	2	7	11	3	3	1
<b>Classics</b>	14	0	2	7	5	0	0	0
<b>Chemistry</b>	26	3	7	6	8	2	0	0
<b>Design Technology</b>	23	0	3	13	4	3	0	0
<b>English</b>	78	0	9	40	24	3	2	0
<b>English Literature</b>	68	4	9	24	25	5	1	0
<b>French</b>	55	4	10	10	26	5	0	0
<b>German</b>	19	3	5	4	7	0	0	0
<b>Geography</b>	38	7	18	8	4	1	0	0
<b>History</b>	36	3	14	12	4	3	0	0
<b>ICT</b>	29	1	2	4	6	9	7	0
<b>Latin</b>	1	1	0	0	0	0	0	0
<b>Mathematics</b>	78	13	17	24	18	2	4	0
<b>Music</b>	6	1	3	2	0	0	0	0
<b>Physics</b>	26	6	7	11	2	0	0	0
<b>PE</b>	13	3	7	2	1	0	0	0
<b>RS</b>	7	0	3	3	1	0	0	0
<b>Science: dual award</b>	52	1	3	9	28	9	1	1
<b>Spanish</b>	18	0	4	3	6	3	2	0
<b>Totals</b>	<b>661</b>	<b>58</b>	<b>141</b>	<b>205</b>	<b>186</b>	<b>48</b>	<b>21</b>	<b>2</b>

**Annexe A****ELIZABETH COLLEGE****Upper 6th (Yr 13) A2 RESULTS 2002/2003 : SUBJECT GRADES**

(Grades achieved by numbers of pupils)

<b><u>Subject</u></b>	<b><u>No. of Entries</u></b>	<b><u>A</u></b>	<b><u>B</u></b>	<b><u>C</u></b>	<b><u>D</u></b>	<b><u>E</u></b>	<b><u>U</u></b>
Ancient History	2	0	1	0	1	0	0
Art	2	0	2	0	0	0	0
Biology	10	4	0	3	1	2	0
Business Studies	18	1	5	4	5	3	0
Chemistry	4	3	0	0	1	0	0
Classical Civilisation	3	0	2	1	0	0	0
Drama	3	0	1	2	0	0	0
Economics	7	3	3	0	1	0	0
English Literature	10	4	2	1	1	2	0
French	3	3	0	0	0	0	0
Geography	19	6	6	4	2	1	0
Graphics (D & T)	12	2	2	4	3	1	0
History	10	6	3	1	0	0	0
ICT	13	4	2	2	3	2	0
Mathematics	17	4	5	3	2	1	2
Further Mathematics	2	2	0	0	0	0	0
Music	1	1	0	0	0	0	0
PE	7	2	1	2	2	0	0
Physics	10	3	1	4	0	2	0
Religious Studies	3	0	1	2	0	0	0
<b>TOTALS</b>	<b>156</b>	<b>48</b>	<b>37</b>	<b>33</b>	<b>22</b>	<b>14</b>	<b>2</b>

**Upper 6th (Yr 13) AS RESULTS 2002/2003 : SUBJECT GRADES**

(Grades achieved by number of pupils)

<b><u>Subject</u></b>	<b><u>No. of Entries</u></b>	<b><u>A</u></b>	<b><u>B</u></b>	<b><u>C</u></b>	<b><u>D</u></b>	<b><u>E</u></b>	<b><u>U</u></b>
Film Studies	7	4	1	1	1	0	0
Music Technology	4	1	0	2	1	0	0
Photography	5	3	1	1	0	0	0
<b>TOTALS</b>	<b>16</b>	<b>8</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>

**Annexe B****PUPILS KNOWN TO HAVE GRADUATED THIS YEAR**

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

Iain RW Clarke	B.Sc. (Hons) 2:1 Architecture and Planning from University College, London
Nicholas J Clarkson	LL.B. 2:2 Law from University College, London
Andrew S Elder	B.Sc. (Hons) Mathematics with Economics from the University of London
Anthony Holland	B.A. War Studies and History King's College, London
Gordon E Hurdman	M.Eng (Hons) Civil and Structural Engineering from the University of Newcastle
David A Keates	LL.B. 2:1 Law from the University of Reading
Iain R Lowe	B.Sc. Combined Studies (Sports Science and Psychology) from the University of Southampton
James A McInnes	B.Sc (Hons) 1 <sup>st</sup> Physics with a European Language from the University of Nottingham
Nicholas J Peters	B.Sc. (Hons) 2:2 Music with Mathematics from the University of London

**Annexe C****SPORTING ACHIEVEMENTS DURING 2002/2003**

<b>GAME</b>	<b>PLAYED</b>	<b>WON</b>	<b>DRAWN</b>	<b>LOST</b>
Cricket	15	2	6	7
Hockey	12	5	1	6
Soccer	14	4	2	8
Athletics	21	11	1	10
Cross Country	8	7	0	1
Golf	1	0	0	1
Rugby	5	2	0	3

**Senior Victoria Matches**

<b>Cricket 1<sup>st</sup> XI</b>	Lost. Victoria 195-5, EC 117 ao,	<b>Athletics</b>	Lost 72 - 91
<b>Cross Country</b>	Not held	<b>Golf</b>	Lost 2½ – 3½
<b>Sailing</b>	Victoria unable to raise a team	<b>Hockey 1<sup>st</sup> XI</b>	Won 1 - 0
<b>Shooting</b>	Lost the Haines Shield (at Bisley)	<b>Soccer 1<sup>st</sup> XI</b>	Lost 0 – 1
<b>Tennis</b>	Seniors Won 6 - 0	<b>Rugby</b>	Lost 6 – 32
	U15 Lost 1 - 7		

**In addition**

**Badminton:** Winners Division 1, Runners up Division 2, Winners at U15

**Athletics:** Daniel Arblaster (Yr 7) won Hampshire County Javelin Championships. Ben Jones and Jeremy Osborne (Yr 8) and Emile Thompson, Jonathan Bailey, Ben Whitchurch, Oliver Richards and Peter le Hegarat (Yr 9) were selected to represent Guernsey Secondary Schools against Jersey. Ben Jones and Jeremy Osborne (Yr 8) and Emile Thompson, Jonathan Bailey, Ben Whitchurch, Oliver Richards and Peter le Hegarat (Yr 9) were selected to represent Guernsey Secondary Schools against Jersey. OE's: Dale Garland, Lee Garland, Chris Giles, Shaun Lacey were in the Island Games Team, with Kimberley Goodall (LC) who took A level PE at College. Staff: Alex Rusman was Guernsey Ladies' Team Manager at the Island Games and Charlie Cottam organised the Athletics.

**Sporting achievements (continued):**

- Cricket: Representative honours were gained by the following:  
 C.I. U.12: C. Wilkes-Green; A Dawson-Ball; T. Ravenscroft; C. Peatfield; A Hindle.  
 Wiltshire: C. Peatfield  
 Wiltshire and Hampshire: T. Ravenscroft  
 C.I. U.13: C. Whitworth; R. Angliss; W. Peatfield  
 C.I. U.14: R. Byrne; J. Byrne; P. Le Hegaret; L. Nussbaumer; A. Rigden; O. Richards;  
                   C. Dravers  
 C.I. U.15: J. Wilkes-Green; M. Copeland; B. Ferbrache; P. Le Hegarat  
 C.I. U.17: S. De La Rue; J. Nussbaumer  
 Wiltshire U.17: S. De La Rue  
 Guernsey U.21: Captain: L. Gallienne
- Cricket: Two members of College staff also gained representative honours:  
  
 Guernsey Senior XI: Mr. A. Bannerjee  
 Guernsey over 40's and C.I. over 50's: Mr M. Kinder
- Hockey: The 1<sup>st</sup> XI were runners up at the Taunton School tournament.  
 The 2<sup>nd</sup> XI won the G.H.A. Plate.
- Soccer: Daniel Good captained Guernsey U18 XI in the Inter-Insular.
- Squash: Christopher Simpson (Year 11) was ranked number one in England at U17
- Tennis: Patrick Ogier (Year 11) is now the Guernsey Men's Singles Champion.  
 Nicholas Thibeault (Year 07) is in the National 'Futures' Squad.

**OTHER MATTERS OF NOTE**

The first engagement for the senior members of the choir was to join with members of the Town Church Choir for the sad occasion of Mr Rawlins-Duquemin's funeral service.

The first public appearance for the three main college groups was on Open Day in early October. It was a new experience for the groups to be having rehearsals in the College Hall in front of visitors, but the boys responded well and there were some good results.

Work began in earnest for the Winter Concert and Carol Services. The former was held at the end of November and attracted the largest audience for a number of years. It featured solos from some of our more advanced players, as well as performances from the choir, string group and windbands. The two Carol Services provided opportunities for all sections of the choir to shine and the new format of the Junior Service in St James proved to be a tremendous success with both choir and string orchestra taking part.

As the rest of College began their well-deserved Christmas break the choir attended their last duty of 2002 as the invited carol singers in the Drawing Room at Government House.

2003 began with the emphasis on the junior performers, giving the senior boys a chance to concentrate on their impending examinations. The Junior Concert was a slightly longer affair this year reflecting the breadth and depth of up and coming talent in years 7-9. The standard of music belied the age of these boys and delighted the packed house.

At the end of the Lent term the senior string players teamed up with the Ladies' College strings to take part in the worldwide Practice-a-thon! Organised by Sargent Cancer Care for Children. They had a full day's rehearsal of previously unseen music followed by a concert. The evening raised over £220,00 for the charity.

At the end of term service in St James the choir gave one of their best performances of the year. From the balcony they sang Franck's *Panis Angelicus* and this was enjoyed so much that there was a spontaneous round of applause when they finished.

There were so many rehearsals for different events in May that it is surprising that the boys could keep up with what they were performing and when and where. The choir delighted the French with their singing in its annual trip to St. Malo which started this busy month and College were given a sample of the programme at the Commemoration Service. Yet again the string orchestra were performing at the Concert for Liberated Youth two days after the choir's return.

Building on last year's successful format for the Foundress's Day Concert the three main College groups combined for a grand finale. After prize-winning recitations and highlights from the year's musical performances from Acorn House, Beechwood and College, all the performers joined in the final piece. Over a hundred boys plus a handful of girls filled the stage to perform *Rhythm of Life* for a rousing end to the year's musical events.

The Junior Dramatic Society performed 'The Thwarting of Baron Bolligrew' by Robert Bolt on three evenings in mid-March. The performances were of a very high standard and thoroughly enjoyed by all that attended. The production was again organised as a promenade performance, with action taking place in the auditorium as well as on stage, with the audience seated around circular tables enjoying wine and cheese as the action unfolded.

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 11<sup>TH</sup> DAY OF DECEMBER, 2003

(Meeting adjourned from 10<sup>th</sup> December, 2003)

The States resolved as follows concerning  
Billet d'État No. XXVIII dated 21st November, 2003

**THE WATER CHARGES (AMENDMENT) ORDINANCE, 2003**

- I. To approve the draft Ordinance entitled “The Water Charges (Amendment) Ordinance, 2003”, and to direct that the same shall have effect as an Ordinance of the States.

**THE ANIMAL HEALTH (AMENDMENT) ORDINANCE, 2003**

- II. To approve the draft Ordinance entitled “The Animal Health (Amendment) Ordinance, 2003”, and to direct that the same shall have effect as an Ordinance of the States.

**THE MACHINERY OF GOVERNMENT (TRANSFER OF FUNCTIONS)  
(GUERNSEY) ORDINANCE, 2003**

- III. To approve the draft Ordinance entitled “The Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003”, and to direct that the same shall have effect as an Ordinance of the States.

**STATES ADVISORY AND FINANCE COMMITTEE**

**ALDERNEY INTERNET GAMBLING – BUSINESS CONTINUITY AND  
DISASTER RECOVERY**

- IV. After consideration of the Report dated the 12<sup>th</sup> November, 2003, of the States Advisory and Finance Committee:-

1. That an Ordinance shall be enacted which will -

- (1) permit any entity licensed by the Alderney Gambling Control Commission to undertake Internet gambling activities in Alderney, to undertake the same activities in Guernsey only in situations when there occurs a denial of access to, or service from, facilities in Alderney arising from unforeseen or uncontrollable external circumstances;

- (2) require that any switch of Internet gambling activities from Alderney to Guernsey must be undertaken as if in compliance with the relevant extant requirements of Alderney's gambling control legislation;
  - (3) require that, within twenty four hours of any switch of Internet gambling activities from Alderney to Guernsey, the Alderney Gambling Control Commission advises the Guernsey Gambling Control Committee, or its successor following the restructuring of the States, of the fact that a switch of activities has taken place, of the circumstances which required the switch of activities and, within twenty four hours of switch back occurring, the duration of the switch.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **STATES BOARD OF ADMINISTRATION**

### **AIRPORT FEES AND CHARGES 2004**

V. After consideration of the Report dated the 29<sup>th</sup> October, 2003, of the States Board of Administration:-

1. To approve the adjustment in fees and charges for the use of Guernsey Airport with effect from 1<sup>st</sup> April 2004 as set out in Appendix 1 to that Report.
2. To approve the adjustment in fees and charges for the use of Alderney Airport with effect from 1<sup>st</sup> April 2004 as set out in Appendix 2 to that Report, subject to the substitution of "72 hours" for "24 hours" wherever appearing at line (i) of the table in Part 7 (A) of that Appendix.

## **STATES BOARD OF HEALTH**

### **THE ENVIRONMENTAL POLLUTION (GUERNSEY) LAW**

VI. After consideration of the Report dated the 16<sup>th</sup> September, 2003, of the States Board of Health:-

1. To approve the establishment of the Office of Director of Environmental Health and Pollution Regulation, with the powers as detailed in sections 4 and 5 and the other supplementary matters contained within that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **STATES BOARD OF INDUSTRY**

### **SUNDAY TRADING APPEALS TRIBUNAL**

VII. After consideration of the Report dated the 28<sup>th</sup> October, 2003, of the States Board of Industry:-

1. That the Sunday Trading Appeals Panel shall consist of eight members.
2. That the membership of that Panel shall be those persons set out in the appendix to that Report.
3. To approve the designation of Mr John Guilbert as Panel Chairman and Mr Michael Stonebridge as Deputy Chairman.
4. To approve the payment of Panel members in accordance with the rates and conditions for non-States members on States committees.

## **STATES TRAFFIC COMMITTEE**

### **INTEGRATED ROAD TRANSPORT STRATEGY**

VIII. After consideration of the Report dated the 7<sup>th</sup> November, 2003, of the States Traffic Committee:-

1. TO NEGATIVE THE PROPOSITION that the charge for long-stay parking shall be 15p per hour and to direct the States Advisory and Finance Committee to increase the States Traffic Committee's general revenue budget for 2004 by up to an additional £250,000 to meet the cost of introducing the additional bus services set out in section 3.1 of that Report before pay parking is introduced: Provided that charges for long-stay parking shall not be introduced until the residents' parking schemes have been extended as set out in section 3.4 of that Report, are successful in operation, and such schemes are being made available to all residents of St. Peter Port as is appropriate.
2. TO NEGATIVE THE PROPOSITION to rescind the outstanding resolutions of the States on the introduction of pay parking arising from their meeting held on 28<sup>th</sup> March, 2003 (Resolutions 5 and 6 of Article XXI of Billet d'Etat IV of 2003) and to agree in principle that the operating and capital costs associated with the remaining resolutions at that same meeting on the Integrated Road Transport Strategy shall be funded from general revenue.

## **REQUÊTE**

### **CONSTRUCTION OF NEW AIRPORT TERMINAL BUILDING**

- IX. After consideration of the Requête dated the 8<sup>th</sup> October, 2003, signed by Deputy E. W. Walters and seven other Members of the States:-

TO GRANT LEAVE to the Petitioners to withdraw the Proposition

### ***STATUTORY INSTRUMENT LAID BEFORE THE STATES***

#### **THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (DESIGNATION OF COMPETENT AUTHORITIES) REGULATIONS, 2003**

In pursuance of the provisions of section 54(1)(c) of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, as amended, the Criminal Justice (Proceeds of Crime) (Designation of Competent Authorities) Regulations, 2003, made by the States Advisory and Finance Committee on the 5<sup>th</sup> November, 2003, were laid before the States.

**D. R. DOREY  
HER MAJESTY'S DEPUTY GREFFIER**