



BILLET D'ÉTAT

WEDNESDAY, 25th FEBRUARY, 2004

II
2004

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BILLET D'ÉTAT

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE, on WEDNESDAY, the 25th FEBRUARY, 2004**, at 9.30 a.m.

PROJET DE LOI

entitled

**THE INTELLECTUAL PROPERTY (ENABLING PROVISIONS)
(BAILIWICK OF GUERNSEY) LAW, 2004**

The States are asked:-

I.- Whether they are of opinion to approve the Projet de Loi entitled “The Intellectual Property (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004”, and to direct the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

THE ELECTIONS ORDINANCE, 2004

The States are asked:-

II.- Whether they are of opinion to approve the draft Ordinance entitled “The Elections Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

**THE REFORM (AMENDMENT) (GUERNSEY) LAW, 1972 (AMENDMENT)
ORDINANCE, 2004**

The States are asked:-

III. Whether they are of opinion to approve the draft Ordinance entitled “The Reform (Amendment) (Guernsey) Law, 1972 (Amendment) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

**THE REGULATION OF INVESTIGATORY POWERS (BAILIWICK OF
GUERNSEY) LAW, 2003 (COMMENCEMENT) ORDINANCE, 2004**

The States are asked:-

IV.- Whether they are of opinion to approve the draft Ordinance entitled “The Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003 (Commencement) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

STATES ADVISORY AND FINANCE COMMITTEE**THE HUMAN RIGHTS (BAILIWICK OF GUERNSEY) LAW, 2000**

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

9th January 2004

Dear Sir

The Human Rights (Bailiwick of Guernsey) Law, 2000

Her Majesty's Procureur has written to the Advisory and Finance Committee concerning the Human Rights (Bailiwick of Guernsey) Law, 2000 which, it is anticipated, will now take effect in the autumn of this year.

He has drawn the Committee's attention to the fact that there is no power in that Law (as there is in the equivalent UK Act) to enact subordinate legislation to amend any legislation that is found to be incompatible with the Convention. This means that, should there be any successful challenge to existing Guernsey Laws, or should any area of non-compliance be found, we would, if the non-compliant section were contained in an Order in Council, have to correct any incompatibility by Order in Council, rather than by enacting an Ordinance of the States.

In the light of H. M. Procureur's advice it is proposed that legislation be drafted to provide the States with a mechanism to respond swiftly to any area of non-compliance rather than having to go down the time-consuming route of amending by means of an Order in Council. There will also be a need for a minor consequential amendment to the Human Rights (Bailiwick of Guernsey) Law, 2000.

The authorities in Alderney and Sark have indicated that they are in agreement with the proposals.

The effect of the new legislation would be to enable the States to amend a non-compliant provision by Ordinance. In respect of Laws having effect only in Alderney and Sark, this

power would be vested in the States of Alderney or, as the case may be, Chief Pleas of Sark.

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

J.E. LANGLOIS

Vice President
Advisory and Finance Committee

The States are asked to decide:-

V.- Whether, after consideration of the Report dated the 9th January, 2004, of the States Advisory and Finance Committee, they are of opinion:-

1. That legislation shall be enacted to enable the States to amend a non-compliant provision by Ordinance as set out in that Report and including a minor consequential amendment to the Human Rights (Bailiwick of Guernsey) Law, 2000.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

PUBLIC HOLIDAYS – DECEMBER 2004 AND JANUARY 2005

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

16th January 2004

Dear Sir,

PUBLIC HOLIDAYS - DECEMBER 2004 AND JANUARY 2005

Section One of the Public Holidays Ordinance 1994 specifies certain days which shall be public holidays in any year. It also specifies an alternative day as a public holiday in any year in which the 26th December or New Year's Day fall on a Sunday. There is, however, no similar provision when Christmas Day or New Year's Day fall on a Saturday which, since the wide-spread adoption of the five-day working week, is a non-working day for many people. Christmas Day 2004 and New Year's Day 2005 will fall on a Saturday.

It is expected that Her Majesty The Queen, by a Proclamation pursuant to the Banking and Financial Dealings Act 1971, will formally confirm that Tuesday 28th December, 2004 and Monday 3rd January 2005 shall be bank holidays in England, Wales and Northern Ireland.

The Advisory and Finance Committee is of the opinion that the position of Guernsey with regard to public holidays over the Christmas 2004/New Year 2005 period should be the same as in England, Wales and Northern Ireland.

The Committee therefore recommends that the Public Holidays Ordinance, 1994, as amended, be further amended to the extent that

- (a) Tuesday, 28th December 2004 and
- (b) Monday, 3rd January 2005

shall be additional public holidays in Guernsey.

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,

J. E. LANGLOIS

Vice-President
Advisory and Finance Committee

The States are asked to decide:-

VI.- Whether, after consideration of the Report dated the 16th January, 2004, of the States Advisory and Finance Committee, they are of opinion:-

1. That the Public Holidays Ordinance, 1994, as amended, shall be further amended to the extent that –
 - (a) Tuesday, 28th December, 2004 and
 - (b) Monday, 3rd January, 2005shall be additional public holidays in Guernsey.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

GUERNSEY TAX TRIBUNAL

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

16th January 2004

Dear Sir,

GUERNSEY TAX TRIBUNAL

The President of the Guernsey Tax Tribunal has written to me in the following terms:

"The Tribunal was created under the Income Tax (Amendment) (Guernsey) Law, 1990. Its functions consist of hearing and determining appeals, and stating and signing cases for submission to the Ordinary Court in any matter that may be referred to it under, and in accordance with the provisions of any enactment.

In the light of experience gained in the first 13 years of its operation, the Tribunal considers that some minor changes in the legislation would assist in the effectiveness of its working. It has consulted both with the Law Officers and the Administrator of Income Tax and as a result proposes that some amendments be made to the Income Tax (Guernsey) Law 1975.

Under the present provisions, section 80 of the Income Tax (Guernsey) Law 1975 does not permit a matter to be referred to the Royal Court until the Tribunal has determined an appeal. The Royal Court is only empowered to deal with questions of law, the determination of the facts being a matter entirely within the power of the Tribunal. Situations can arise when the parties to an appeal are not in dispute over facts, but are solely in dispute over matters of law. It would make for speedier determination of appeals if the Tribunal had the power, if the two parties concurred, to refer a dispute in matters of law directly to the Royal Court. An amendment to the current law is required to permit this to be done.

Equivalent United Kingdom legislation provides for detailed regulation by Statutory Instrument of the way in which Cases Stated are prepared for hearing by the appellate Court. At present although the Royal Court, the Tribunal, and the parties to an appeal might look to such Statutory Instruments for guidance, they do not have the force of law. As a result there is sometimes a delay in the preparation of a Case Stated due to uncertainty as to what is required. It is considered that it would be appropriate to give the Royal Court the power to make Rules of Court governing the preparation and conduct of any appeal from the Guernsey Tax Tribunal to the Royal Court. A minor amendment to the current Law is necessary to give the Royal Court such an enabling power.

Under the provisions of section 5(2) of the Third Schedule to the Income Tax (Guernsey) Law, 1975, a quorum of three members of the Tribunal can hear an appeal but the one that presides must be either the President or the Vice-President. Of necessity, appeal dates are set well in advance and cannot easily be altered at short notice. Sometimes an appellant and their professional representatives may need to travel to Guernsey for an appeal. Under the present legislation, an appeal cannot go ahead if, at the last minute, totally unforeseen circumstances prevent both the President and Vice-President from attending. The consequences are, firstly that an appeal hearing may be delayed for several months and, secondly that the appellant may be put to considerable and irrecoverable expense. To avoid this situation it is proposed that there be a change in the legislation to the effect that if neither the President or the Vice-President are able to attend an appeal hearing then the members present may elect from amongst themselves an acting-President for the purposes of that hearing. This would also avoid a possible conflict situation when both the President and Vice-President have had a professional connection with an appellant and as such are unable to sit. It is proposed that the current Law be amended to cover this eventuality.

Further, under the provision of that section 5(2), three members are necessary to constitute a quorum. Occasionally, it is necessary for the parties to meet with the Tribunal to obtain directions in connection with the preparation of an appeal. Under the present provisions, it appears that three members must assemble for that purpose. It is proposed that the current Law be amended so that for matters involving the giving of directions, including applications for postponements or adjournments, the President or a member deputed by him may sit alone.

Under section 198 of the Income Tax (Guernsey) Law, 1975, the maximum fine that the Tribunal can impose upon a witness that fails to respond to a summons is £300. This level was fixed in 1975 and no provision currently exists for its revision along with changes in the cost of living. An effect of this is that a potential witness may find it more cost-effective to pay a fine rather than attend a hearing. The Income Tax Authority has been reviewing the penalties that the Administrator can impose under other sections of the Law and may be making recommendations to the States that provision be included in the Law for ongoing revision. It would be logical for the powers available to the Tribunal to be dealt with on a similar basis. It is therefore proposed that the penalty that may be imposed under section 198 of the Law be increased to Level 5 on the Uniform Scale of Fines and that provision be made for its revision".

The States Advisory and Finance Committee concurs with the view expressed by the Guernsey Tax Tribunal and recommends the States to agree that the Income Tax (Guernsey) Law, 1975, as amended be further amended on the lines set out above.

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,

J. E. LANGLOIS

Vice-President
Advisory and Finance Committee

The States are asked to decide:-

VII.- Whether, after consideration of the Report dated the 16th January, 2004, of the States Advisory and Finance Committee, they are of opinion:-

1. That the Income Tax (Guernsey) Law, 1975, as amended, shall be further amended along the lines set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

PROPOSAL FOR A NEW ARBITRATION (GUERNSEY) LAW

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

22nd January 2004

Dear Sir,

PROPOSAL FOR NEW ARBITRATION (GUERNSEY) LAW

The Guernsey Members of the Channel Islands Branch of the Chartered Institute of Arbitrators have written to the Advisory and Finance Committee in the following terms:

“The law relating to arbitration in the Islands of Guernsey, Herm and Jethou (“Guernsey”) is governed by the provisions of the Arbitration (Guernsey) Laws, 1982 and 1986, and certain international conventions which have been registered by the Royal Court. These Laws were modeled on the United Kingdom Arbitration Acts 1950 to 1979 (“the U.K. Acts”), which governed the law of arbitration in England, Wales and Northern Ireland at the time. As the Arbitration Laws in Guernsey were based on the U.K. Acts arbitrators in Guernsey have in the past been able to look for guidance from the arbitration institutions in England as well as decisions of the English courts interpreting the U.K. Acts. These arrangements have served the island well. However, in 1995 the U.K. Acts were replaced by a new Act, namely, the Arbitration Act 1995 (“the new Act”) governing arbitration in England, Wales and Northern Ireland. The Guernsey members of the Channel Islands Branch of the Chartered Institute of Arbitrators wish to propose to the States the enactment of a new Arbitration Law based on the new Act.

The new Act takes account of international concepts of arbitration law adopted by the United Nations Commission on International Trade Law (UNCITRAL). In 1985 UNCITRAL published a draft uniform law (“the Model Law”) on arbitration procedure to seek to standardise arbitration law and practice around the globe. Whilst the United Kingdom took a full part in the discussions at UNCITRAL which led to the Model Law, it was finally decided that it should not be adopted (except in Scotland) but that a new Act would be enacted which would embody many of the principles of

the Model Law and should be largely compatible with it but yet retain the many elements of arbitration law which served England well in the past.

The decision was based on a number of considerations. Whilst the Model Law was seen as being possibly suitable for states with no developed law or practice of arbitration, for those with a reasonably modern law but not much practice and for those with outdated or inaccessible laws, it was not thought suitable for a country such as England, where the law of arbitration was up-to-date and where there was extensive current practice.

The new Act was designed to bring the practice of arbitration into the modern age by giving increased powers to arbitrators and laying upon them new obligations to adopt suitable procedures for each case, to avoid unnecessary delay and expense, plus immunity and the promise of reduced judicial intervention. The idea was that arbitrators would need to be more pro-active, imaginative and innovative than previously and abandon the idea that arbitration should be modelled on adversarial court procedures. The new Act was a fresh attempt to lay down a clear, flexible, fair, efficient, modern, accessible and intelligible set of rules to govern the conduct of arbitration in England, Wales and Northern Ireland.

The new Act has retained what was best in the previous law of arbitration while making changes to bring the practice of arbitration closer to the older and simpler ideals by which it was once practised. So the emphasis of the new Act is on the speedy and cost-effective resolution of disputes by an impartial tribunal, in accordance with procedures very largely determined by the parties, and with no, or minimal, intervention by the courts.

The new Act introduces a radical new approach designed to keep arbitration in England, Wales and Northern Ireland in the forefront of choice for international parties, and new powers for arbitrators to permit them to redefine arbitration as a dispute resolution process with unique qualities. It was drafted with the following features in mind:

- (1) It should comprise a statement in statutory form of the more important principles of the English law of arbitration.*
- (2) It should be limited to those principles whose existence and effect are uncontroversial.*
- (3) It should be set out in logical order, and expressed in user-friendly language, which was sufficiently clear and free from technicalities to be readily comprehensible to the layman.*
- (4) It should in general apply to domestic and international arbitrations alike, although there could be exceptions to take account of treaty obligations.*

- (5) *It should not be limited to the subject-matter of the Model Law.*
- (6) *It should, so far as possible, have the same structure and language as the Model Law, so as to enhance its accessibility to those who were familiar with the Model Law internationally.*

The new Act was enacted with these characteristics and has governed arbitrations commenced on and after 31 January 1997.

Just as the United Kingdom has seen the importance of amending its arbitration law to align it to an increasingly international clientele, it is equally important, and probably even more so, for Guernsey to do the same, particularly as Guernsey is an international financial centre where disputes are likely to arise between parties from many different parts of the world.

It is therefore proposed that the States enact a new Arbitration Law which would reflect the principles and procedures set out in the new Act in the United Kingdom. The changes introduced by the new Act, which it is proposed be reflected in a new Guernsey Projet de Loi are as follows:

1. **Immunity.** *An arbitrator has been given immunity from liability for anything done or omitted in the discharge or purported discharge of his functions as arbitrator in the absence of bad faith and that similar, although more limited, immunity has been given to arbitration institutions. For years before the passing of the new Act there was debate as to whether arbitrators in fact had any such immunity, and as to whether indeed they should have it. Neither the legal nor the moral positions were thought to be clear. In the new Act Parliament has, and without any subsequent difficulty being experienced in the intervening six years, given protection to arbitrators and institutions.*
2. **Interest.** *Arbitrators may now award either simple or compound interest.*
3. **Arbitrators' powers.** *Subject to any contrary agreement by the parties, arbitrators now have very wide-ranging powers over the way in which proceedings are to be conducted, including whether to hold an oral hearing or not, and if so for what purposes.*
4. **Costs.** *The new Act contains a power (which the parties may overrule by agreement) enabling arbitrators to direct that the recoverable costs of an arbitration shall be limited to a specified amount. In other words they may 'cap' recoverable costs, leaving parties free to spend whatever they like but in the knowledge that any recovery they make at the end of the day will be limited to the previously agreed sum. An arbitrator*

wanting to exercise the power to cap costs must ask himself whether so doing might hinder the fair resolution of the case, whether he is acting impartially, whether he is helping the parties to avoid unnecessary expense and whether capping the costs might prevent either party from having a reasonable opportunity to put his case and deal with that of his opponent.

5. **Overriding principle of arbitration.** *The new Act sets out the overriding objectives of arbitration, and the principles as to how arbitrations must be run, which are as follows:*

(a) *The object of arbitration is defined as being “to obtain the fair resolution of disputes by an impartial tribunal without unnecessary delay or expense”.*

(b) *The parties “should be free to agree how their disputes are resolved, subject only to such safeguards as are necessary in the public interest”.*

(c) *Arbitrators have a duty to act “fairly and impartially as between the parties, giving each party a reasonable opportunity of putting his case and dealing with that of his opponent”.*

(d) *Arbitrators are required to “adopt procedures suitable to the circumstances of the particular case, avoiding unnecessary delay or expense, so as to provide a fair means for the resolution of disputes”.*

(e) *The parties have a duty to “do all things necessary for the proper and expeditious conduct” of the proceedings.*

6. **Freedom to determine procedure.** *So far as is consistent with the requirements of public policy, parties to arbitration agreements should have the maximum possible freedom to choose how their arbitral tribunals are to be structured, how their cases are to be run, what their awards are to contain, and so on.*

7. **Court intervention.** *Court intervention should be available to support arbitration, not to interfere with it.*

8. **Governing law.** *The new Act introduces the concept of ‘the seat of the arbitration’ for the first time into English law, that is to say, the jurisdiction to which the arbitration is subject.*

9. **Institutions.** *The new Act recognises the part that arbitral institutions have to play in many arbitrations. One of the provisions of the Act is that if the rules of any relevant institution provide for some process which the courts might otherwise exercise, that process must be exhausted before the courts can be approached.*

10. **Separability.** *The separability of an arbitration agreement from a main contract is confirmed by the new Act. Although the concept of separability was one to which English common law had finally come, this only happened shortly before the Act was passed.*

11. **Staying court proceedings.** *Under the new Act there is no distinction between domestic and non-domestic arbitrations inasmuch as there is no discretion given to the court to hold that there are sufficient grounds for not holding parties to an arbitration agreement.*

12. **Time limits.** *The new Act has abolished the concept of 'undue hardship' in relation to the extension of time by the court for the commencement of arbitration proceedings which has been replaced by a requirement that the court shall only extend time if the circumstances were such as were outside the reasonable contemplation of the parties when they agreed the time limit, and that it would be just to extend the time; or where one party's conduct makes it unjust to hold the other to the strict terms of the time limit provisions.*

13. **No majority decision.** *In a three-man tribunal if there is no majority decision the view of the chairman will prevail.*

14. **Removal of arbitrators.** *The courts retain their power to remove an arbitrator albeit on restricted grounds. If an arbitrator resigns his appointment he may apply to the court for relief from any liability thereby incurred and for an appropriate order in respect of his fees and expenses.*

15. **Repayment of excessive fees.** *The court can now order the repayment by an arbitrator of his fees and expenses where they can be shown to be excessive. Previously, at least where an award had been made and paid for without protest or the costs being paid into court, no such possibility existed.*

16. **Jurisdiction.** *There is now an express power given to arbitral tribunals to rule on their own jurisdiction, that is to say, as to the existence of a valid arbitration agreement, the proper constitution of the tribunal and what matters have been submitted to arbitration. Any party objecting to the substantive jurisdiction of an arbitral tribunal must do so at the outset of the proceedings, and any objection as to excessive jurisdiction must be made as soon as possible after the matter giving rise to the objection occurs. The new Act states how arbitrators and the courts may deal with questions as to substantive jurisdiction, and for the possible loss of the right to object if objections are not raised within a reasonable time.*

17. **Arbitrators' powers.** *The new Act lists some of the procedural and evidential matters which arbitrators may decide, subject to any contrary*

agreement between the parties. These include where to hold proceedings, the language in which the proceedings are to be conducted, the form of statements of case (if any), disclosure of documents, evidence, and even the possibility of the tribunal itself taking the initiative to ascertain the facts or law.

18. **Security for costs.** Under the new Act arbitrators may order the provision of security for the costs of an arbitration, subject to any agreement between the parties. However, they may not exercise this power on the ground that the claimant party is either an individual or a corporation or similar body essentially outside the United Kingdom.

19. **Provisional orders.** Whilst arbitrators have always had the power to make interim awards dealing with parts of a reference to arbitration, under the new Act they have power to make provisional orders, if the parties so agree, which may be subject to final adjudication at a later stage.

20. **Peremptory orders.** The new Act gives the courts the power to make orders requiring the parties to comply with arbitrators' peremptory orders, such as an order to attend a hearing, to take evidence and to preserve evidence and property.

21. **Equity clauses.** The Act provides that the parties may agree that arbitrators may decide cases other than in accordance with strict law, for example, on a fair and equitable basis, and obliges arbitrators then so to act.

22. **Reasoned awards.** Whatever the basis on which the arbitrator has made his award, it must contain reasons unless the parties have agreed otherwise or unless it is an agreed award.

23. **Supplementary awards.** If it should happen that an arbitrator omits to deal with a claim inadvertently, he is able to make an additional award in respect of that claim.

24. **Costs.** Arbitrators have always been bound to follow the practice of the courts in awarding costs on the general principle that they should follow the event. This concept is now encapsulated in the new Act but with the saving that an arbitrator may decline to follow that principle where it appears that in the circumstances it would not be appropriate to do so.

25. **Misconduct.** Under the new Act the concept of an arbitrator's 'misconduct', whether technical or otherwise, has now been replaced by the concept of 'serious irregularity'. The new Act sets out the grounds on which the courts are able to set aside or remit awards, such as the failure by arbitrators to comply with their duties.

26. **Appeals.** *As previously, the new Act provides that the intervention of the court may also be sought in relation to appeals on points of law.*

27. **Waiver.** *A new section of the new Act provides for parties to lose the right to object to matters relating to substantive jurisdiction, the conduct of an arbitration, compliance with the arbitration agreement or the new Act or, indeed, any other irregularity affecting the tribunal or the proceedings, unless that objection is taken promptly.*

28. **Technical matters.** *Certain new matters of a technical nature are dealt with in the new Act such as the service of documents and how periods of time are to be calculated under the new Act. Some new definitions are included, such as the definition of 'dispute' which now includes any difference between the parties.*

Conclusion. *Guernsey, as a major international financial centre, needs to remain in the mainstream of non-litigious dispute resolution in order to service the needs of both international and local clientele. The Guernsey members of the Channel Islands Branch of the Chartered Institute of Arbitrators commend to the States this proposal to update the Arbitration (Guernsey) Laws 1982 and 1986 in order to bring arbitration law in Guernsey up to the current norms of modern international law and practice.”.*

H. M. Procureur has advised the Committee in the following terms:

“I have perused the letter from the Channel Islands' Branch of the Chartered Institute of Arbitrators to the President of the Advisory and Finance Committee, and have no substantive comments thereon. In my opinion, it fairly and succinctly summarises what is intended to be achieved by the new legislation, and is sufficient to enable this matter to be taken forward with due despatch.

I confirm that I support the enactment of legislation along the lines proposed, i.e. that the 1996 legislation be enacted locally, with such exceptions, modifications and adaptations as make it suitable for Guernsey, and I also propose that the legislation contains the power to amend by Ordinance, to enable the States to respond swiftly to enact necessary or desirable amendments.”.

The Advisory and Finance Committee concurs with the views expressed by the Guernsey Members of the Channel Islands Branch of the Chartered Institute of Arbitrators and H. M. Procureur and recommends that legislation be enacted on the lines set out in this report.

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:-

VIII.- Whether, after consideration of the Report dated the 22nd January, 2004, of the States Advisory and Finance Committee, they are of opinion:-

1. That legislation be enacted on the lines set out in that Report with respect to a new Arbitration Law.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

**STATES AUDIT COMMISSION'S FOLLOW UP REPORT ON THE
ADMINISTRATION OF STATES PROPERTY**

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

7 January 2004.

Dear Sir,

**States Audit Commission's Follow Up Report on the Administration of States
Property**

The States Audit Commission's Report on the Administration of States Property was published as an appendix to the Billet d'Etat XXV, December 1998.

The Advisory and Finance Committee welcomes the Commission's recently completed Follow Up Report which concludes that there have been some major improvements in the property management structure within the States and that there are encouraging signs of this work continuing.

However, the Committee, as it did with the original report, acknowledges that there is still much to do and very much welcomes the Commission's contribution to this ongoing improvement process which must be embraced by the new departmental structure, in particular by the Treasury and Resources Department and the other Departments with major property assets.

The Committee recommends the States to note the contents of the States Audit Commission's Report, in particular its recommendation that this matter be revisited in two years' time by the Public Accounts Committee.

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

Yours faithfully,

L. C. MORGAN
President,
States Advisory and Finance Committee



STATES AUDIT COMMISSION

FOLLOW UP REVIEW OF THE COMMISSION'S REPORT ON

“THE ADMINISTRATION OF STATES PROPERTY”

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1. INTRODUCTION

1.1 Purpose of Review

The States Audit Commission report “The Administration of States Property” was published as an appendix to Billet D’Etat XXV in December 1998. At the time, the value of States property was conservatively estimated to be approaching £1 billion. That figure now rests at £1.5 billion. This includes a large variety of property including offices, schools, hospitals, residential properties etc.

The Terms of Reference of the Commission’s original report were as follows:

- 1) To identify existing policies, procedures and practices relating to all aspects of property owned, administered or occupied by the various committees and undertakings of the States of Guernsey.
- 2) To consider whether the States currently obtains value for money from its properties and whether holding such property is consistent with existing States Policies.
- 3) To identify potential improvements in respect of property, in particular:
 - * The continuing need to own all of the present States property.
 - * Any gaps in the States property portfolio.
 - * The systems and procedures in place to ensure that property is adequately maintained.
 - * The systems and procedures in place to ensure that property provides value for money.
 - * Accounting procedures and policies in respect of capital assets.
- 4) To make recommendations regarding future property policies and practices in the States of Guernsey.

This current review seeks to identify the progress made against the recommendations arising from the Commission’s original report, and to outline the current position regarding the management of property within the States of Guernsey.

The review focussed its attention on the four major committees with responsibility for the administration of States property, (namely the Board of Administration, the Board of Health, the Education Council and the Housing Authority, as these committees account for approximately 90% of the property portfolio), and on the role of the Advisory & Finance Committee in coordinating and advising on property management

2. EXECUTIVE SUMMARY

2.1 Developments in Property Management within the States of Guernsey

Whilst only a limited number of recommendations raised in the original report have been fully implemented, there is an acknowledgement from committees that they must strive further to address all of the issues raised and recommendations made. Section 5 of this report sets out in detail the progress made against each of the original recommendations.

Increased focus has been given to property issues and this has been reflected in the establishment of the Estates Sub-Committee of the Advisory & Finance Committee. Increased resources have also been allocated within that committee to the management of the property portfolio on a strategic and corporate basis.

There have been a number of initiatives commenced within Advisory & Finance and some of the larger property-owning committees that seek to improve the management of the States' property portfolio.

Whilst the Audit Commission is disappointed that it has taken almost 5 years to get to this position, it accepts that change is "better late than never", and is confident that these improvements will derive real benefit to the significant portfolio of assets entrusted to the States of Guernsey, provided that the impetus can be maintained.

Section 2 of this report details further the developments and improvements made towards better management of property within the States.

2.2 Further Opportunities for Improvement

Notwithstanding the above, the Audit Commission feels that there is still work to be done. The Commission was delighted to see, within the recent Machinery of Government proposals, the intention to bring the Board of Administration Property Section and the Advisory & Finance Strategic Property Unit together within the Treasury & Resources Department. This greater centralisation of property management resources is a positive move. The Commission hopes that the new Unit will be a position to exercise effective control over all Departments in their use and management of property assets, hopefully reducing the potential for inefficiencies noted in our original report.

The Commission is, however, concerned that a central Strategic Property Unit cannot be truly effective when committees have the power to override strategic decisions because those decisions do not suit the committee's own agenda. Many of the improvements noted in this report will be to little avail if the Unit's attempts to manage property in a truly strategic manner are hampered in such a way.

Finally, the Audit Commission is mindful of the current overheating of the local construction industry, and is fully supportive of the current aims to prioritise major capital spending. In particular it supports the recommendation that spending should be phased to avoid a "stop and go" situation. The Audit Commission believes that many of the problems highlighted in its original report resulted from such a situation whereby significant investment is followed by long periods of under-investment,

during which properties deteriorated to a condition where they become no longer fit for purpose. This results in further significant spending to renew or replace buildings which may have had extended useful life had they been properly managed and maintained over time. The need to prioritise is a much-debated reality, and the Commission encourages all committees to play their part in this important exercise.

Further expansion of the remaining concerns noted by the Commission is included at Section 4 of this report.

2.3 Conclusion

The Audit Commission has been pleased to note, during this follow up review, some major improvements in the property management structure within the States. Although it may be some time before this strengthened management structure generates significant improvements in the property portfolio itself, it is nonetheless encouraging to see a greater commitment to this end.

The Commission also welcomes the States commitment in the 2003 Policy Planning process (ref section 7.4.3) to commit to further investment in property maintenance, including the ring-fencing of maintenance budgets.

The Audit Commission wishes to encourage States committees to allocate sufficient priority to property issues and afford property the consideration that assets of such a high value merit.

The Audit Commission will cease to exist from Spring 2004, hence it will not be able to perform a further follow up of this review. However, we would recommend that this matter be revisited in two years' time by the Public Accounts Committee.

3. PROPERTY MANAGEMENT DEVELOPMENTS

In 2000, external consultants completed a review of the property functions within the States of Guernsey, with the result that a complete restructuring of the Property functions was recommended. All of the recommendations contained within that review were accepted by Advisory & Finance Committee and the main points arising were that: -

- The old Advisory & Finance Capital Works Sub Committee (CWSC) should be provided with a wider remit and receive independent advice from the new Strategic Property Unit
- The CWSC should be restyled as the Estates Sub Committee (ESC)
- The ESC should give strategic proactive consideration to property utilisation
- The ESC should be mandated with political accountability and ownership of the strategic property plan
- The ESC should have input to the capital planning cycle having regard to the strategic property plan
- The ESC should ensure committees comply with the strategic property plan and
- The ESC should scrutinise individual projects on behalf of the Advisory and Finance Committee

As a result of the report, the Departments of Architects and Engineers were amalgamated to form the Technical Services Department and a new post of Head of the Strategic Property Unit was created. The staff resources of the Unit have also since been increased.

The Estates Sub-Committee has been in operation for some time now, and it has generated notable benefits through greater scrutiny of property matters, greater discipline being enforced within committees (e.g. in terms of having proper business cases to support cost estimates, and proper project management in place), and through its alignment of committees' aspirations to the corporate objectives.

Further improvements that have come about in the recent past include:

- The development of a Strategic Property Plan, which shows not only the current construction work and projected spend, the projected workstreams and spend over the next 10 years per Committee, but also will (when completed) provide a database of States current land and property assets their details and Planned Preventative Maintenance required.
- Portfolio condition surveys are underway at the Education Council, to be followed by an update of those completed at the Housing Authority, the Board of Administration and the Board of Health.

- Detailed site development plans prepared for all of the larger committees, which are used to feed into the Strategic Property Plan and also into the Policy and Resource Plan to enable more accurate budgeting for future property-related expenditure.
- An island-wide Housing Needs Survey which is being used to plan the housing stock requirements of the future.
- The Estates Sub-Committee now has the option to commission independent reviews into the site development plans submitted by committees as a form of “reality check”. This provides a layer of independent scrutiny over what are normally very significant levels of spending.
- The increased use of full life cycle costings in the planning stages of a property’s development, so that decisions are made on the basis of total cost and not just initial outlay.
- The appointment of professional project managers to manage the larger property development projects (the Audit Commission’s Report on “Project Management” refers, Billet d’Etat XIII, June 2003).
- Formal property valuations completed by Rushtons on behalf of the Board of Administration on approximately 50% of the property portfolio, and an independent valuation completed by King Sturge on the ports.
- Public / private partnering arrangements commenced, for example between the Housing Authority and a local construction company, for the on-going maintenance of the States housing portfolio.
- Outsourcing the provision of traditionally “public” buildings, such as the creation of the Housing Association, the provision of transition homes for teenagers through the National Children Homes organisation, and the “design and operate” contract for the Energy from Waste facility. By utilising the services of these organisations to provide buildings the States would otherwise have had to provide, and by expecting these properties pay for themselves to a large extent, the burden on the public purse, both in the initial capital outlay and in terms of their on-going management, reduces significantly.
- The use of new and innovative ways to develop new buildings, such as the pre-fabricated concrete units used in the prison development, which should enable both a 40-bed extension and a new visitor centre to be delivered in just fifteen months, and has also saved funds by avoiding the high local cost of ready-mixed concrete. Doing the majority of the construction off-island also provided benefit to the island by alleviating further pressure on the local industry and infrastructure.
- Post implementation reviews and technical audits are beginning to be completed at the conclusion of major building projects to ensure that the projects were appropriately managed and that the original anticipated benefits were achieved within the estimated time and cost.
- The Board of Industry’s report on the local construction industry “Guernsey: Constructing the Future” and the development of the construction industry

economic model, both of which have brought a reality check to the future plans for public capital spending and therefore played a key part in the current acceptance of the need to prioritise.

- The decision to ring-fence maintenance budgets (announced in the July 2003 Policy & Resource Planning process) is, in our opinion, a simple but major step forward. No longer will committees face the temptation to use crucial maintenance budgets to fund other aspects of their core services. Previously, this tendency to take the short-term view, by delaying maintenance, was a major contributor to the current position the States finds itself in now, with buildings having deteriorated to a position where they require significant investment to rectify.

Generally, the review found that committees have demonstrated a willingness to be proactive, as opposed to a reactive approach to the maintenance of property invested in their care. The States of Guernsey, as a whole, has increased the financial resources allocated to property issues, although the availability of qualified staff has led to problems in being able to fully achieve the recommendations contained within the original report.

4. OPPORTUNITIES FOR IMPROVEMENT

Whilst the Audit Commission is optimistic that the above developments in the management of the States' property portfolio will generate real benefits, the Audit Commission still has some reservations in other areas.

4.1 Resource Management

The Audit Commission, whilst refraining from being involved in executive decisions, is concerned that major decisions, in regard to property, appear to be being made without full consideration to the wider resource implications.

The Board of Health Development Plan and the Education Council Development Plans focus on the property aspects, quite rightly. However, little emphasis appears to be given to the associated resource implications. How will the new buildings and services be staffed? If the staff are to be sourced from off-island, where will they be housed? What are the costs of equipping the new buildings and staff with their associated IT needs?

Moreover, in the drive to raise standards of schooling, hospitals etc. are committees mindful of the higher revenue costs associated with supporting these higher expectations, e.g. the future planned maintenance requirements for the new buildings?

Whilst the Commission appreciates the need for the property portfolio to be developed in line with improved services and public expectation, all development should be in a sustainable manner, with due regard for the wider impact on public funds.

4.2 Skills

As noted in the Commission's report on Project Management (Billet d'Etat XIII, June 2003), the States suffers from a lack of skilled resources to manage large building projects. Similarly, the review found that the implementation of many of the original recommendations had been hampered by a lack of skills and resources in the field of property management generally throughout the States.

This scenario is a similar problem to the one concerning maintenance budgets. Just as committees, when facing a shortage of money to fund core services, may be tempted to utilise funds set aside for maintenance, so there is a similar temptation, when facing staff number limitations, to cut down on support services (such as property management) to enable greater numbers of core service staff.

The reader might feel it irresponsible of the Audit Commission to recommend for the second time that staff resources be increased. However, that is not our intention. It is our firm belief that the management and maintenance of property is a function best served centrally. We believe that committees should be free to concentrate on providing core services, such as educating children and caring for the sick, and any specialist or unique property requirements, whilst their general property needs are provided by a central body.

This is already the case for many committees who look to the Board of Administration as their landlord. But some committees are still free to look after their own property portfolio and to make decisions that may not be in line with the overall strategic best interests of the States.

The centralisation of resources for property management and maintenance (supported by service level agreements to provide the committees with assurance that their needs will be met appropriately) has the potential to generate significant savings, both in terms of funds and staff numbers. Better two or three suitably qualified property professionals employed centrally, than six or seven staff wearing a “property hat” among many others.

The Commission is concerned that a central Strategic Property Unit cannot be truly effective when committees have the power to override strategic decisions because those decisions do not suit the committee’s own agenda. To a certain extent, the Unit is being asked to act with its hands tied behind its back. A classic example of this include the fact that the old Post Office Headquarters building remains empty some eleven months after it was vacated, despite several committees hoping to use it.

4.3 Optimisation of Use

The Commission was concerned to note a continuing culture that property is “free”. Committees have little incentive to make sure they are optimising the use of the properties entrusted to their care, and to take decisions concerning those properties on the basis of good commercial sense.

A recent study by the RICS (The Royal Institution of Chartered Surveyors) indicated that organisations that made nominal charges to departments and sub-business units for the space allocated to them, generated 35% greater efficiency in the use of the space available. [Reference Property in Business – a waste of space? For the RICS by Capital Economics Ltd. 2002]. This is a staggering figure and an example of why this should be pursued as a matter of urgency. The States may be relatively property rich, but in the current pressure to build more new public buildings, at significant cost, the States must be seen to do whatever it can to maximise the use of the buildings it has.

4.4 Benchmarking

The Audit Commission has long endorsed the need for public services to benchmark their performance against relevant targets and standards. In our opinion, this applies equally to property management within the States. There is a need for committees to benchmark their property management against each other, and for this to be promoted centrally. Targets to measure could include maintenance spend per capita, rate of “emergency” works completed (which might indicate a lack of pre-planned essential maintenance), square footage per desk to compare the utilisation of space etc.

The Commission would encourage the Strategic Property Unit to consider the use of benchmarking within the annual Policy Planning submissions from committees.

5. PROGRESS AGAINST DETAILED RECOMMENDATIONS

- 5.1 It is essential that all States properties be kept under continual review and administered as a total package.

Progress

The Strategic Property Unit's "Strategic Property Plan" is a major step forward towards this aim.

It lays out a broad overview of States-wide land and property assets, both current and projected. It is made up of two main sections, current States Assets and the States Committees' proposed construction programme.

The first section deals with a database of current assets presently being put together, and a phased land and property asset condition survey, starting with a review of the States Education Council's properties. Basic data will be held centrally (e.g. type of property, size, use, condition etc.) and updated regularly by the relevant Committee. Data of this calibre will be used in a rationalisation exercise to examine sufficiency and suitability, which includes fitness for purpose and value for money.

The second section has brought together all Committees' current projects (on-site or with States resolution), planned projects (over the next 10 years) and the Trading Boards' current and planned projects. This serves two main purposes, firstly it shows the magnitude of the work, on-site and proposed, for the Construction Industry and Island infrastructure, and secondly the huge sums of capital that would be required to achieve these plans. This section also, very importantly, deals with the hitherto less publicised and somewhat neglected area of planned preventive maintenance, which will be informed and updated by the results of the Land and Property Asset condition survey.

- 5.2 Property administration is a long-term process. Therefore, it is essential that (once every five years) each and every States building and parcel of land is subject to a formal review to evaluate whether it remains appropriate to continue with the existing use of that site for the foreseeable future and, if not, what long term alternatives are available. Such reviews should take into account the overall States property portfolio. It is not acceptable to allow property matters to drift indefinitely. If a committee has allowed a property to remain vacant or significantly under utilised for a predetermined period (say 3 years) it should be "released" for redistribution to another committee or for disposal unless continuation of the situation can be justified.

Progress

As noted above, formal site development plans and forward capital programmes are now being seen more frequently, and are certainly in place for large property portfolios such as those at the Education Council and the Board of Health.

Once the Condition Survey results are collated, this will allow yearly updating and will provide base data to enable strategic overview.

However, these plans focus on future needs. The review of existing buildings is still not a formal and common process, and evidence suggests that the lack of a truly strategic and corporate process for reallocating empty buildings (such as the old Post Office Headquarters) still causes delays.

Moreover, the lack of a central decision-taking body for property matters means there is no clear mechanism for resolving disputes over properties. An example of this is the wholly inadequate conditions within which the Heritage Objects Collection is housed. This problem is well known and has existed for over a decade. Yet the conflicting objectives of the various committees involved means that a mutually agreeable solution continues to allude them. In the meantime, prime real estate remains subject to a wholly inappropriate use.

- 5.3 Sufficient and appropriately skilled staff resources must be available to ensure that States property is administered in a satisfactory manner. Those individuals with responsibility for property administration must have the necessary skills and motivation to enable them to discharge their duties with the proficiency that the community has the right to expect.

Progress

Whilst it is notable that some of the major property-holding committees have employed dedicated property staff since the original report, we have commented above that we do not believe this to be an efficient manner in which to employ and utilise such resources.

The Board of Administration has appointed an Estates Manager, Property Assistant and an Executive Assistant (Property) since the issue of the original report, and the Board of Health has appointed two new Estates Managers to assist in property management. Whilst this will undoubtedly improve the management of the property portfolios at these committees, we believe there is scope for greater efficiency through sharing these crucial resources.

As mentioned above, the creation and expansion of the Strategic Property Unit within Advisory & Finance Committee has been boosted by the recruitment of a qualified Chartered Building Surveyor and more recently by the recruitment of a member of staff with broad property and project management experience.

- 5.4 In order to ensure that States property is used effectively and efficiently, it is essential that committees and their management are aware of the value and associated costs of the property assets for which they are responsible. As a minimum, the States annual accounts should include an estimate of the value of the property used by each committee.

Progress

There has been progress in one particular aspect of this matter, insofar as the recent independent valuation of the Ports has enabled the ports to be accounted for on a commercial basis for the first time within the 2002 year-end accounts.

The States housing portfolio is also now valued in the year-end accounts. However, despite insurance valuations having been obtained on the other major general revenue properties, no progress has been made to include valuations within the accounts.

If property values are not recorded in the States annual accounts, then it is not possible to demonstrate a true representation of the States financial situation. Moreover, without the concept of “value” being recognised by the committees occupying those properties, there is little incentive for committees to rationalise and maximise the use of those properties.

- 5.5 The Commission strongly supports the Advisory and Finance Committee's intention to revise the accounting policy for fixed assets, including property, for the year-end accounts of General Revenue Committees and urges the Committee to tackle this substantial, but necessary, task as soon as practicable.

Progress

Fixed Assets are still not included in the year-end accounts of General Revenue Committees.

- 5.6 The Commission supports the principle that committees should be charged for property where this will help to improve property usage. However, care must be taken to ensure that committees are given real incentives (and disincentives) to maximise the use of their property rather than introducing a potentially wasteful paper chase.

Progress

No progress has been made against this recommendation. See also 5.4 above.

- 5.7 Every States property should be the subject of a formal maintenance schedule, which sets out its current condition, usage levels and details a maintenance and repair programme.

Progress

The Board of Administration performs regular annual maintenance inspections of its properties, which result in annual maintenance plans being created.

The Board of Health has developed a full planned preventative breakdown maintenance system and the Education Council has prepared a development management plan up to 2011.

Maintenance plans are apparent in some other committees, but not all.

- 5.8 Maintenance schedules should be developed as far as possible in a co-ordinated manner, both within and across committees, so that repair and maintenance work and associated purchases can be managed in an efficient manner.

Progress

Whilst maintenance plans are being developed in some cases, committees are doing so individually.

The Commission is disappointed to note this continues to be the case and believes this is again an area where there are real opportunities for efficiencies and economies of scale.

- 5.9 Within the constraints of overall public sector expenditure, no States property should be allowed to deteriorate to such an extent that it becomes unfit for the purpose for which it is intended or, due to neglect, its value is significantly reduced.

Progress

Unfortunately, despite the higher profile given to the need for maintenance in the 2003 Policy and Resource Plan, planned maintenance is still considered an option in some cases. Examples are still coming to light of the attitude whereby things are not fixed until they are broken. Restorative maintenance is usually more costly than preventative, not least because restorative maintenance is often required as a matter of urgency.

- 5.10 Individual committees with responsibility for property should set aside an amount each year out of their expenditure budgets specifically for property maintenance and repair.

Progress

This is an area where progress has definitely been made. It was announced during the 2003 Policy & Resource Planning process that maintenance budgets are to be ring-fenced and may not be used in future for any other purpose than that for which they were intended.

This is a simple but major step forward, and the Commission is confident it should help to avoid buildings falling into a state almost beyond redemption, as has been allowed to happen in the past, thus incurring massive investment to rectify. The Commission believes this is a large cause of the “stop and go” approach to capital spending that the Advisory & Finance has recently expressed concern over.

Time will inevitably prove whether the levels of investment in (i.e. the budgets allocated to) maintenance are sufficient, but the ring-fencing should at least impose some discipline over committees.

- 5.11 It is essential that those committees, which have responsibility for the administration of their own property, do so within a States-wide framework setting out defined maintenance standards, occupancy levels etc. Responsibility for establishing and monitoring property standards to ensure that committees obtain maximum benefit from their property assets should rest with the Strategic Property Advisory, Advisory and Finance Committee with assistance from the Property Section of the Board of

Administration. A system of benchmarking, including between committees, should be established to monitor committees' property usage.

Progress

No progress has been made with regard to this recommendation.

- 5.12 The States must continually review its present and likely future property needs to ensure that when strategically important property becomes available any acquisition can be achieved without unnecessary delay. The acquisition of any additional property must be subject to the States overall financial constraints and appropriate cost-benefit or appraisal analysis.

Progress

The Education Council, Board of Administration and the Board of Health have become more proactive in identifying future property needs through the use of condition surveys and the implementation of long-term and annual maintenance plans and site development plans.

The Education Council has formulated benchmarking and analysis to determine future needs for primary, secondary and tertiary education, and the Housing Authority has completed a Housing Needs Survey within the Island to determine its future housing stock requirements. However, evidence of other committees linking their property development plans to identified future service needs is not common.

It was noted as an important point that the Estates Sub-Committee, whilst scrutinising committees' property development plans, does so on the assumption that those committees have first identified their future service provision obligations, and that the property development plans are based on realistic future property requirements. This assumption may not be sound, and the Estates Sub-Committee may wish to consider testing that assumption in future cases.

The Strategic Property Unit does perform reviews of property needs but there are no formal procedures to ensure that acquisitions of strategically important property can be achieved without delay. Also, we consider there is a need to look at streamlining the processes for property disposal.

- 5.13 Where, for commercial or strategic reasons, the States has decided to continue to own property but lease it out to a third party, it is essential that the financial performance of these assets is monitored closely.

Progress

Regular rental reviews are carried out by the Board of Administration under the terms of its various leases. The Board of Administration instructs professional valuers to assist where necessary and the emphasis is on achieving market rentals. A full review of harbours' properties was undertaken in 1999 to assess performance. Individual rentals were subsequently increased.

The Housing Authority review rental rates on an annual basis. Rents are normally linked to inflation rises. However, there has been some public debate through the media as to whether these rents are at a commercial value.

A number of States Trading Boards are renting out residential properties for less than market forces would deem to be reasonable. Whilst it would not be cost effective to use external consultants to provide a fair market value for all properties, an internal review should clarify what might be deemed as a realistic charge for the rental States owned property.

- 5.14 The total net financial performance of the States Housing portfolio must be made clearer either within or supplementary to the States annual accounts.

Progress

All accounting information relating to the States housing portfolio is now amalgamated within the new "States Houses Fund" within the year-end accounts. This enables a much clearer picture of the housing portfolio operating surplus or loss than was previously possible. This is a significant step forward.

- 5.15 The Board of Administration's property database must be kept fully up to date and expanded to include all States properties. The information maintained on the database should be available to all States committees.

Progress

There is no definitive database of the States' property portfolio. The Board of Administration's database system "ECS" proved to be inappropriate for its needs, and the Board has yet to find a suitable replacement solution.

The task of populating such a database will be significant. However, the Strategic Property Unit has recently applied for funding to commission a full survey of the portfolio and hopes to complete that exercise within X years.

The resources required to keep that database up-to-date and consistent should not be underestimated and again is an area where centralisation of the process would be simpler and more cost-effective. Ideally committees would be given visibility of the system and its contents.

- 5.16 The respective duties of States committees must be clearly defined, particularly where one committee is acting as "landlord" and another as "tenant".

Progress

Leases are reviewed on a rolling basis by staff within the Board of Administration to ensure that the roles and responsibilities of the Board and the "tenant" are clearly defined. Agreement still needs to be reached, however, on a service level agreement between the Board of Administration and the Priaulx Library Council in respect of the Priaulx Library building.

- 5.17 Each committee should have a security policy that should be kept under review. The security of each States site should reflect not only its usage but also the fact that it is a public building.

Progress

Progress has been made with regard to security policies, although the amount of progress made varies between committees. Security policies are now in place at most committees, notably at Sir Charles Frossard House and the Board of Health, and some of the larger public buildings, such as Edward T. Wheadon House, Raymond Falla House and the Income Tax Authority offices have increased security through the use of Cotag or keypad entry systems.

With regard to Sir Charles Frossard House, security of access has improved dramatically, and other security measures have been introduced to protect the functions and staff in the building.

- 5.18 A Site Security Officer should be nominated, from existing staff, for each States site with responsibility for ensuring that adequate security measures (including health and safety issues) are installed and maintained.

Progress

The Board of Health has nominated site security officers for Princess Elizabeth, Castel and King Edward VII Hospitals. Sir Charles Frossard House has a nominated site security officer established within the Committee Secretariat.

With regard to the Education Council, each head teacher has a role in the management of the site and is ultimately responsible for security, although this arrangement has not been formalised.

At many of the smaller committees and sites, there is no one person charged with responsibility for security, and general security levels across States sites is considered to be relatively poor. The Commission is mindful that the risk may be considered minor at the present time, but is conscious that crime levels in the island are increasing, and therefore stresses the need for committees to protect their staff, services and resources, and also members of the public who may enter those premises.

- 5.19 In order to ensure that the essential activities of States Departments can continue in the event of a particular property becoming unusable, Disaster Recovery or Business Continuity Plans should be prepared. Such plans must be commensurate with the importance and urgency of the activities undertaken in each particular property.

Progress

The Commission is aware that the States is currently addressing the whole area of business continuity, and is in the process of tendering for the provision of a business continuity solution that all committees can utilise.

Through the encouragement of the Internal Audit Department, the vast majority of committees now have some form of business continuity plan in place, or are in the process of developing one. However, we are concerned that a few notable exceptions are well behind in developing an adequate plan to ensure that continuity of their services.

- 5.20 It is essential that all States committees comply with all relevant Health & Safety standards and codes of best conduct to protect States properties and, more importantly, their users.

Progress

The work of the Internal Audit Department indicates that generally there is a lack of formal Health & Safety policies evident within States committees, although of course there are exceptions.

The Commission believes it is essential that States committees have adequate policies in place to protect the health and safety of the staff and visitors entering States' buildings.

As such, the Commission has instructed the Internal Audit Department to complete a full review of Health & Safety across the States of Guernsey, for completion during 2004.

6. CONCLUSION

The Commission was encouraged to note significant areas of improvement within the States in attempting to manage the property portfolio more effectively. Unquestionably, the most notable improvements are in the creation and strengthening of the Advisory & Finance Committee Strategic Property Unit and the Estates Sub-Committee, although the Commission is concerned that the Strategic Property Unit must be empowered to act.

Moreover, the Commission was encouraged to note the development of forward capital plans (or site development plans) within the major property using committees, which should enable better forward planning of building development and the associated budget requirements. Perhaps the most notable examples of these are the development plans for the Education Council and the Board of Health approved by the States during 2003.

Whilst it is true that many of the Commission's original recommendations have yet to be delivered, which is of course a disappointment to the Commission, the improvements noted set the scene for much better property management in the long run, and the Commission hopes to see its recommendations being implemented in the near future.

As such, the Commission would like to encourage all States committees, and all States employees involved in the administration of States Property, to address the recommendations made in the original report, and to strive for further improvements in increasing the profile and importance of property as a valuable asset of the States.

States committees must work together in order that the property portfolio can be administered in a more structured manner, that duplication of effort can be minimised and to ensure that all States property is given the significant consideration that it deserves and not permitted to deteriorate to unacceptable levels. Committees are also encouraged to view the wider picture and focus more on corporate needs than individual committee needs.

The Audit Commission will cease to exist from Spring 2004, hence it will not be able to perform a further follow up of this review. However, we would recommend that the Public Accounts Committee revisit this matter in two years' time, by which time it is hoped that a streamlined government structure, and the foundations currently being laid, will have generated a well-managed property portfolio for the future provision of public services.

STATES AUDIT COMMISSION:

<i>Mr. J. P. Lee</i>	<i>(Chairman)</i>
<i>Mr. R. Benjamin</i>	<i>(Vice Chairman)</i>
<i>Mrs. M. Perkins</i>	
<i>Mrs. S. Farnon</i>	
<i>Mr. C. Bradshaw</i>	
<i>Mrs. J. Tasker</i>	

The States are asked to decide:-

IX.- Whether, after consideration of the Report dated the 7th January, 2004, of the States Advisory and Finance Committee, they are of opinion:-

To note the contents of the States Audit Commission's Report, in particular its recommendation that this matter be revisited in two year's time by the Public Accounts Committee.

STATES CIVIL SERVICE BOARD
PUBLIC SERVANTS' PENSION SCHEME

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

23 January 2004

Dear Sir

PUBLIC SERVANTS' PENSION SCHEME

Introduction

1. The Board is responsible for making recommendations to the States in respect of the provisions of the Public Servants' Pension Scheme (the Scheme) – the Scheme which encompasses all States employees (and some others) with the exception of teachers and lecturers. The Board makes such recommendations following discussions with the elected representatives of States employees within the forum of the Pensions Consultative Committee (the PCC) and, where appropriate, directly with the Scheme members concerned.
2. This policy letter concerns three issues which could be applicable to members of the Scheme generally and one which concerns a specific 'group'. These relate to:
 - * the retirement age of members of the established staff of the States of Guernsey
 - * the Rules concerning the repayment of refunds
 - * membership of both the Scheme and the Teachers' Scheme
 - * the Crown Officers and Magistrate.

The Retirement Age of Members of the Established Staff

3. Since 1965 the contracts of employment of members of the established staff of the States of Guernsey (in common terms 'civil servants') have specified a 'retirement' age of 60. Since 1972 this term has been reflected in the Rules of the Scheme in that both the 'normal' and 'compulsory' retirement ages of members of the established staff are 60.

- N.B. ‘normal retirement age’ – is the earliest age at which an individual may choose to retire and receive immediate payment of unreduced pension benefits
- ‘compulsory retirement age’ – is the age beyond which an employee may not continue in post without the employer’s consent.
4. The Board has reviewed this aspect of the contract of employment, in consultation with the Association of Guernsey Civil Servants, in accordance with its policy of equal opportunities and, in particular, that aspect which relates to the removal of age discrimination.
 5. As a result of this exercise the Board and the Association have agreed that the contracts of employment of both current and future members of the established staff should specify a ‘retirement’ age of 65. However, it is necessary to reflect this change by an amendment to the Rules of the Scheme such that the compulsory retirement age of members of the established staff becomes 65.
 6. The effect of these changes in the contract of service and the Rules of the Scheme will be to bring members of the established staff back into line with ‘standard’ non-established staff such that they will:
 - * be able to retire at age 60 without abatement of pension (as now)
 - * have the right to continue in employment until age 65
 - * have the possibility of continuing in employment, with the employer’s consent, on a year to year basis until age 70.
 7. It should be noted that this change will not result in any increased liability on the Superannuation Fund.

The Repayment of Refunds

8. One of the options available to members of the Scheme who leave before retirement age is a refund of their own contributions plus appropriate interest. In such cases the Scheme has no further obligations.
9. An employee who has chosen to take a refund of contributions but then re-enters employment and the Scheme has the option of repaying the refund plus interest to enable the previous period of service (if the break has been less than twelve months) or such part of it as the Actuary may determine (if the break has been more than twelve months) to be recognised as continuous with the subsequent period of membership.

10. As the value of the refund would diminish with time there is, in respect of breaks of more than twelve months, provision for the payment of interest on the refund covering the period of the break of membership.
11. However, the Rules envisage that the member's choice on repayment has to be exercised immediately on rejoining because there is no provision for charging interest on the period after rejoining.
12. The Scheme's Actuary has advised that there is no reason why the Rules should not be amended such that interest could be charged on the period after rejoining the Scheme and this would provide the flexibility for members to exercise the option at a later date when their financial circumstances might permit. Such option would not result in any increased cost for the Fund as this would be covered by the additional interest charged.
13. The Board believes it is appropriate to amend the Rules to provide for the more flexible arrangement.

Membership of both the Scheme and the Teachers' Scheme

14. Rule 5 (2) (f) precludes membership of the Scheme to:

"a person in the employment of the States who is a member of, or contributor to, any provident, superannuation, pensions or other similar Scheme or fund to which the States contribute other than the Scheme of social insurance established by the Social Insurance (Guernsey) Law, 1964 as amended".
15. Whist the origin of this Rule can be traced back to the first pension scheme for States employees in 1919 the reason for it is not known.
16. Now that membership is open to part-time employees the position can arise where an individual is employed in two separate posts which, but for the above Rule, would enable membership of both the Scheme and the Teachers' Scheme.
17. The Board considers that it is entirely inappropriate that such an employee should be precluded from membership of the Scheme and therefore recommends that this Rule be repealed.

N.B. The Board and the Education Council are currently in discussions with the elected representatives of Teachers and Lecturers which may result in the merger of the two schemes.

Provisions applicable to Crown Officers and Magistrate(s)

18. The Scheme includes various groups who have 'special' conditions based in each case on the arrangements which apply to comparable posts elsewhere. Included within this category are the four Crown Officers and the Magistrate for whom each year of reckonable service counts double for the purposes of calculating the retirement pension.

19. In 1988 the States endorsed the principle that members of the special groups should contribute one third of the (extra) cost of those special provisions.
20. The expected retirement age of the Crown Officers and the Magistrate is now lower than anticipated in 1988 and, consequently, the cost of their special provisions is higher. The States Actuaries have, therefore, advised that in order to comply with the principle endorsed in 1988 the postholders' (extra) contribution rate would need to increase from 1% to 3.3%. (The States contribution would increase from 2% to 6.7%.)
21. The Board has discussed and agreed the appropriate adjustment with the postholders – to be implemented, as on the previous occasion, in respect of future appointments to the rank of Crown Officer or Office of Magistrate.
22. The employer's contribution rate will be adjusted in the normal way following the next valuation of the Superannuation Fund.
23. As a related issue, the current Rules of the Scheme permit membership to the person holding the office of Magistrate. Recently a stipendiary post of Assistant Magistrate has been created and it is necessary to amend the Rules to enable the holder of the new office to be a member of the Scheme under the same terms as the Magistrate.

SUMMARY

24. **In summary**, the Board is recommending a number of amendments to the rules of the Scheme each of which has been discussed and agreed with the elected representatives of States employees and, in the case of the Crown Officers and Magistrate, with the postholders.
25. To achieve the above the Civil Service Board recommends the States to approve the draft States of Guernsey (Public Servants) (Pensions and Other Benefits) (Amendment) Rules, 2004, which are attached as an Appendix to this report.
26. I should be grateful if you would lay this matter before the States with appropriate propositions.

Yours faithfully

A. SAUVARIN

President
Civil Service Board

The States of Guernsey (Public Servants) (Pensions and other Benefits) (Amendment) Rules, 2004

THE STATES, in pursuance of their Resolution of the 25th February 2004, have approved the following Rules:

Membership of more than one States-funded scheme.

1. In Rule 5 (2) of the States of Guernsey (Public Servants) (Pensions and other Benefits) Rules, 1972 as amended (hereinafter referred to as “the 1972 Rules”) subparagraph (f) is repealed.

Election on or after rejoining.

2. For Rules 13 and 14 of the 1972 Rules there is substituted:

“**13.** (1) This Rule applies where a member of the Scheme has received a refund of his contributions plus interest in accordance with Rule 10 of these Rules on leaving the employment of the States without being entitled to a pension or other benefit, and subsequently becomes a member of the Scheme on again entering the employment of the States.

(2) Where this Rule applies the person concerned may elect at any time during any subsequent period of membership of the Scheme to pay to the Board the amount of any such refund and interest received, together with further interest at the rate of 3% per annum with yearly rests in respect of the time between the end of the period of his employment by the States in respect of which he makes that election, and the date of his making that election: **PROVIDED** that no such further interest is payable if that time does not exceed 12 months.

(3) If he does so, then:

- (a) his current period of membership of the Scheme shall be deemed to be continuous with his previous period(s) of such membership in respect of which he makes that election, and
- (b) the aggregate of those periods (up to such aggregate number of years as the Actuary shall determine where the interval between any such period and the next exceeded 12 months) shall be years of reckonable service, but
- (c) no part of an interval between any of those periods shall be years of reckonable service.”.

Established staff retirement ages.

3. In Rule 16 (2) of the 1972 Rules, for sub-paragraph (a) there is substituted:

- “(a) a person who becomes a member of the Scheme on or after the appointed day may retire from the employment of the States on attaining the age of 60 years and shall so retire on attaining the age of 65 years;”.

Crown Officers and Magistrates.

4. (1) In Rule 42 of the 1972 Rules, for the definition of “the Magistrate” there is substituted:

“Magistrate” means a person appointed on a salary as a Magistrate or Assistant Magistrate under section 2 or section 7 of the Magistrate’s Court (Guernsey) Law, 1954 as amended, and “the Magistrate” includes any such person;”.

(2) In the First Schedule to the 1972 Rules, in paragraph 8 for “seven per centum” there is substituted “9.3%”.

(3) In the Second Schedule to the 1972 Rules, in paragraph 7 for “seven per centum” there is substituted “9.3%”.

Commencement and saving.

5. (1) These rules shall be deemed to have come into force on 1st January 2004.

(2) The amendments made by paragraphs (2) and (3) of Rule 4 of these Rules do not apply in the case of a person who was a member of the Scheme holding any of the offices mentioned in paragraph 8 of the First Schedule or paragraph 7 of the Second Schedule to the 1972 Rules on 1st January 2004.

Construction, citation and collective title.

6. (1) These Rules and the 1972 Rules shall be construed as one.

(2) These Rules may be cited as the States of Guernsey (Public Servants) (Pensions and other Benefits) (Amendment) Rules, 2004.

(3) These Rules and the States of Guernsey (Public Servants) (Pensions and other Benefits) Rules, 1972 to 2001 may be cited together as the States of Guernsey (Public Servants) (Pensions and other Benefits) Rules, 1972 to 2004.

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

The States are asked to decide:-

X.- Whether, after consideration of the Report dated the 23rd January, 2004, of the States Civil Service Board, they are of opinion:-

To approve the draft States of Guernsey (Public Servants) (Pensions and Other Benefits) (Amendment) Rules, 2004, attached as an Appendix to that Report.

STATES EDUCATION COUNCIL

PROGRESSING THE EDUCATION DEVELOPMENT PLAN:

- 1. PROGRAMME 1 (REBUILDING) FUNDING AND PHASING**
- 2. CONSTRUCTION OF ADDITIONAL POST-16 FACILITIES**

The President,
States of Guernsey,
Royal Court House,
ST. PETER PORT.
GY1 2PB

23rd January, 2004

Dear Sir,

Progressing the Education Development Plan:

- 1. Programme 1 (Rebuilding) Funding and Phasing**
- 2. Construction of Additional Post-16 Facilities**

Executive Summary

Purpose of the Policy Letter

1. This report seeks:

- to inform the States of the progress which has been made by the Education Council on Programme 1 (the rebuilding programme) of the Site Development Plan for Education (hereafter the Education Development Plan). The plan was approved in principle by the States in April 2002 and further progressed and approved by the States in February 2003
- the approval of the States for four aspects of the plan which now require to be resolved so that further progress can be made.

2. These aspects are:

- to approve the Education Council's phasing and funding proposals, as outlined in this policy letter, which have now been reviewed and revised following both the Council's Strategic Review of the Education Development Plan and in the light of the Advisory and Finance Committee's request to all States Committees to review and where possible delay their capital spending plans
- to agree, as approved in principle by the February 2003 States resolution on the Phase One projects, to the building of additional facilities for students at the Grammar School and the College of Further Education to cope with the expansion in post-16 education and training
- to authorise the Advisory and Finance Committee to transfer £12,750,000 immediately to the Education Council's capital allocation and to note and have due regard to the need to work on the basis of transferring another £12,750,000 annually from 2005 to 2008, subject to affordability and availability, to allow the Programme 1 Phases One and Two site developments to be progressed in a timely and cost-effective manner
- to agree to the building of said additional facilities at the Grammar School at a total cost not exceeding £5,580,000 and to the building of said additional facilities for the College of Further Education on its new site at St. Peter Port Secondary School at a total cost not exceeding £8,130,000, such sums to be charged to the capital allocation of the States Education Council.

Background

Previous States Resolutions

3. At its meeting held on **26th February, 2003**, the States resolved to approve, subject to the final recommendations of the Strategic Review, the States Education Council's (SEC) proposals for the phasing for the building projects in Programme 1 of the Education Development Plan.

4. The States also resolved to authorise the SEC to proceed with Phase One of the rebuilding programme, subject to the States' approval of individual projects. The rebuilding programme was the result of resolutions approved, following amendment, by the States in **May 2001**, when members considered the Council's policy letter on "*The Future of Secondary and Tertiary Education in the Bailiwick of Guernsey*". The States directed the Council to:
 - *retain the Grammar School as an 11-18 school incorporating a Sixth Form Centre*
 - *report back to the States as soon as may be with proposals to develop three new High Schools, such proposals to include outline costs for the complete redevelopment*
 - *report back to the States with proposals to develop an improved College of Further Education on its existing site or such alternative site as the Council considers appropriate, such proposals to include costs for the complete development*
 - *raise the school leaving age to 16 by the beginning of the academic year 2008/9 or sooner if resources and curriculum arrangements permit.*
5. In **April 2002** the States considered the Education Council's follow-up policy letter *A Site Development Plan for the Reorganisation of Secondary, Post-16 and Special Needs Education in the Bailiwick of Guernsey*. The States approved, inter alia, the following resolutions:
 - *to approve in principle the outline proposals for the reorganisation of secondary, post-16 and special needs education in the Bailiwick of Guernsey*
 - *to approve in principle the Council's proposals for the relocation of education facilities, alterations to premises and construction of new buildings as set out in its Site Development Plan.*

6. In **February 2003** the States agreed to progress the Plan by authorising the States Advisory and Finance Committee to transfer a sum of £32,000,000 from the Capital Reserve to the capital allocation of the SEC for that purpose. An additional £2,000,000 was added to the £4,000,000 previously allocated in April 2002 to cover the initial planning costs of Phases One and Two of the programme.
7. The States agreed to note that, for planning purposes only, the SEC, in conjunction with the Advisory and Finance Committee, would work on the basis of a minimum of £15,000,000 per annum being made available from 2004 for the purposes of progressing the remaining phases of Programme 1 (the secondary, post-16 and Special Needs rebuilding programme) of the Education Development Plan.
8. The Council emphasised in the February 2003 policy letter that the phasing proposals it laid before the States had been designed to ensure that throughout the five phases of the plan the educational needs and demands of the Island would continue to be met, and that adequate facilities would be available at all times and able to be staffed appropriately.
9. The Council also assured the States that it recognised the need to design the phasing programme to be flexible so that the phasing could be brought forward or deferred depending on the availability of funds and so that any individual project that was being progressed had the ability to be suspended at three key stages:
 - Project Initiation
 - Stage D (budget approval and planning drawings)
 - Construction Contract (Financial close)

The Funding and the Phasing of the Education Development Plan

10. The construction projects in Phases 1 and 2 comprise:

<u>Phase One</u>		
<u>Site</u>	<u>Building</u>	<u>Complete</u>
Forest	Le Rondin Special School and Centre	Sept. 2005
Grammar School	Sixth Form classroom, administration and social facilities block	Sept. 2005
St. Peter Port Secondary	Phase A works-multi-purpose hall and teaching spaces for CFE	Sept. 2006
Les Nicolles	Special Needs Secondary School	Sept. 2007
<u>Phase Two</u>		
<u>Site</u>	<u>Building</u>	<u>Complete</u>
Les Nicolles	Mainstream Secondary School	Sept. 2007
Les Beaucamps	Phase A works - sports hall & classrooms for Les Beaucamps Secondary School	Sept. 2007
Oakvale	Alterations for development as Centre for children with emotional and behavioural difficulties	Sept. 2008
St. Peter Port Secondary	Phase B works – alterations for relocation of CFE Grange House and Brock Road facilities	Dec. 2008

11. The SEC has a duty to ensure that its educational buildings meet its mandated obligations. These obligations are:

<u>capacity</u>	to provide sufficient accommodation to meet the educational demands of the community
<u>fitness for purpose</u>	to provide facilities that meet the demands of the curriculum prescribed according to the age, ability and aptitude of pupils and students
<u>condition</u>	to provide buildings of a suitable standard in terms of appearance, health, safety, ventilation, acoustic performance, heating, lighting and sanitation.

12. **In examining its priorities for Phase One projects, the Council identified its most critical and urgent need as being additional facilities for students entering post-compulsory education and training and for pupils with Special Educational Needs. The Council is currently failing to meet the first two criteria of capacity and fitness for purpose for these sites.**

- **The Special Education facilities** to be provided at Le Rondin Primary Special School and Les Nicolles Secondary Special School and the conversion of Oakvale are desperately needed because of the inadequacy of the facilities and the shortage of space at the Longfield Centre, Mont Varouf School and Oakvale School.
- **The shortage of suitable accommodation for post-16 students** at both the Grammar School and the College of Further Education is also at a critical stage. The existing facilities were neither designed for the numbers now wishing to access post-16 courses in Guernsey, nor for the differences in the types of course which now form part of the standard post-16 curriculum provision.
- In addition, with the **development of the 14-19 curriculum and the raising of the school leaving age to 16** in 2008, more accommodation will be necessary at the College for the partnership courses it will continue to develop with the secondary schools.

13. The Council noted in its February 2003 policy letter that:

- *By the end of Phase 1 very positive improvements in the Education estate will have been achieved. The relocation of Special Needs pupils from their existing schools to their new purpose built schools will have been completed. The Longfield and Mont Varouf School sites will be released for use for other purposes and Oakvale School will be freed to await conversion to become a Centre for children with emotional and behavioural difficulties.*
- *The College of Further Education will have gained major improvements to its facilities. The auditorium and adjacent teaching rooms and studios will allow the College to invigilate its own examinations on site, have a meeting and performance space, add new curriculum facilities to the courses it provides for the Island, reduce the overcrowding at the main Coutanchez site and allow the process of removal from the Old Boys Grammar Site in Brock Road to begin. In addition the Island will gain a new venue for meetings, performances and exhibitions.*
- *The Sixth Form students at the Grammar School will have gained their own Centre building which will give them much needed private study facilities, additional classrooms, careers facilities and social and recreational space. This will ease the pressure on the accommodation in the rest of the Grammar School building.*

14. **There are five phases in total for Programme 1 of the Education Development Plan. The Council identified the need to complete both Phase One and Phase Two as being of crucial significance. At the end of Phase One:**

- *Key aspects of the reorganisation proposals approved by the States in April 2002 will be still to happen. The four secondary schools will not have begun the process of merging into three and this will delay the curriculum benefits which will be gained by the larger schools having more flexibility to set pupils, to appoint specialist staff and to use the new schools as a recruitment incentive for new staff.*

- *Until the new North School is built on the same site, the children in the Special Secondary School (at Les Nicolles) will not have the opportunity to gain access to the facilities in the mainstream secondary school. The EBD Centre at Oakvale will, similarly, still be on hold until the next phase is completed.*
- *The College of Further Education will still be on its existing sites and until St. Peter Port School can be closed the process of moving completely to the new site cannot begin. The sites which will eventually be able to be returned to the States – Brock Road, Les Coutanchez and Grange House – will continue to be used for the College until the further relocation can be effected.*
- *However, once Phase Two has been completed, a significant milestone in the reorganisation will have been reached: the four secondary schools will have been merged into three, the North Special School will have access to mainstream secondary facilities; the new Centre for children with emotional and behavioural difficulties will have been set up in Oakvale; more facilities will have been created for the College of Further Education, and Grange House (and possibly the Brock Road) site will have been released to the States.*
- *It is essential for the Council's reorganisation plans that Phases One and Two be completed as quickly as possible. Until both Phases One and Two are achieved the Council will be unable to effect, even on a temporary basis, the reorganisation of the four secondary schools into three and the final elements of special needs reorganisation. This will create serious problems with the efficient redeployment of staff to the new schools and could leave some pupils in half empty schools until the final stages of transfer can be effected. Similarly, the provision of new courses to meet the demands of Lifelong Learning at the College of Further Education will be put at risk as numbers of students increase unless new facilities can be provided expeditiously.*

Progress since the February 2003 Policy Letter

15. The Strategic Review which has been completed since the February 2003 policy letter has taken full account of the Board of Industry's economic model in analysing construction capacity on the Island and the cash flow implications of the phasing programme which has been prepared.
16. Design Teams have been working with the Council and its Client Representative Team, King Sturge, to develop the designs, assess costs and programme the works efficiently. Meetings have been held with local contractors, and discussions have taken place on the coordination of the Education projects with the other States capital projects being planned. In addition the impact of maintenance requirements and the condition of the existing buildings have also been assessed.
17. **These discussions and investigations have led to a lengthening of the phasing to mitigate the impact on construction capacity as requested of the Council by the Advisory and Finance Committee. The Council is satisfied that in extending the phasing it will, nevertheless, still be able to fulfil its educational obligations without significant adverse educational impact. However, any further delay beyond the new proposed timescale will further exacerbate the difficulties in using these existing buildings.**

Financial Position

18. The Council's Strategic Review published in June 2003 comprised a detailed analysis of the philosophy, principles of design, programme and budget cost implications. The first Phase One and Phase Two projects have now been developed in greater detail so as to move from the initial concept designs to functional, costed projects.
19. The additional **Sixth Form accommodation at the Grammar School** and the **Phase A works of the College of Further Education** have been developed to Stage D for financial approval and consultants have been appointed to design these projects fully and tender them competitively. The programme for each of these two projects is shown in paragraphs 62 and 86.
20. The States, in April 2002 and February 2003 approved funding for the initial planning for the individual elements to the end of Phase Two of Programme 1. In the Policy Planning debate in July 2003 a further £1 million was allocated.

21. The present funding position can be summarised as follows:

<u>Vote Date</u>	<u>Description</u>	<u>Credit £ million</u>	<u>Vote £ million</u>	<u>Balance £ million</u>
April 2002	Initial vote for planning and implementing projects	4.0		4.0
February 2003	Additional vote for planning and implementing projects	2.0		6.0
February 2003	Allocation from Capital Reserve	32.0		38.0
February 2003	Le Rondin Special Needs Centre		13.9	24.1
July 2003	Capital Allocation	1.0		25.1
Commitments	Planning for specific Phase One and Two projects		1.2	23.9
	Central project and Education administration costs		1.5	22.4

22. The balance of £22.4 million is already allocated by the States and available for funding the remaining projects, planning and central administration and staffing costs.

Future Funding

23. In approving the February 2003 policy letter, the States resolved to note that the Education Council, in conjunction with the Advisory and Finance Committee, and for planning purposes only, would work on the basis of a minimum of £15 million per annum being made available from 2004 for the purposes of progressing the remaining phases of Programme 1 for the Education Development Plan.
24. As agreed with the Advisory and Finance Committee, the outline financial projections made at that time did not allow for costs associated with essential land purchases, offsite highways works or additional inflation allowances above the Strategic budget that required quantifying and possible additional funding.
- 25. In light of the pressures on the available capital funding for the States, the Education Council has reconsidered the overall programme and funding position. In accordance with the request from the Advisory and Finance Committee, the programme has, therefore, been re-profiled to defer its major projects and reduce the construction spend in 2004 and 2005. It has also included these previously excluded costs within the annual funding requirement.**

26. **By extending the planned completion of Phases One and Two and adjusting other elements of the overall programme, the Education Council believes that it can plan these first two phases up to 2008 on the basis of £12.75 million per annum being made available compared with the £15 million envisaged in February 2003.**
27. This reduction is possible due to the more detailed information that is now available, the extension of the programme and discussions that have been held with contractors and suppliers. The Education Council has given careful consideration to the Island's educational priorities and user group needs in order to maintain compliance with the latest educational standards and guidance. Careful consideration has also been given to reducing maintenance and lifecycle replacement costs.
28. If £12.75 million per annum can be made available, the Education Council will schedule the Phase One and Two projects to align with the availability of funds and absorb previously excluded costs. It is intended that costs omitted from the initial estimates for land purchases and onsite road requirements will now therefore also be met from such funding. Furthermore, on the phased projects the Education Council has made provision within its designs to minimise future expenditure by carefully planning to avoid abortive works should reprofiling become necessary.
29. It should be noted that much of the existing stock of buildings is in a poor condition and will therefore continue to require a significant investment in maintenance work to the existing buildings for the additional period of time. The Education Council is currently working with the Advisory and Finance Committee in carrying out condition surveys on the overall estate and will be planning the conditions works alongside Programme 1 for the Education Development Plan.
30. If the States approve the Education Council proposals for allocation of the first annual amount in 2004 and the building of the Sixth Form facilities and the CFE Phase A works, the balance of capital allocation available for funding the remaining projects, planning and central administration and staffing costs will be as follows:

	£ million	£ million
Current balance of capital allocation		22.40
<u>Less:</u>		
Phase A of College of Further Education	8.13	
Grammar School Sixth Form facilities	5.58	13.71
		8.69
<u>Add:</u>		
Proposed 2004 allocation		12.75
		£ 21.44m

31. The Education Council will continue to work with the Advisory and Finance Committee and its successor Department to report back to the States annually confirming progress and programme, recommending funding allocations and requesting project approvals.
32. The £21.44 million will complete the Phase One projects and get the Phase Two projects underway: the Education Council intends to come back to the States early in 2005 with the next project proposals for Les Nicolles and Les Beaucamps.
33. By using the remaining balance of capital allocation together with future annual allocations of £12.75 million to achieve the Phase One and Two projects, the Council will be able to meet the immediate strategic education objectives of:
 1. the raising of the school leaving age to 16 by 2008/9
 2. reorganising Special Needs Education
 3. addressing the critical post-16 shortage of accommodation problems at the College of Further Education and Grammar School.
34. It should be noted, however, that these objectives will have to be achieved partly through temporary works on the Les Beaucamps, La Mare de Carteret and St. Peter Port Secondary sites pending the completion of the remaining Phases Three to Five.
35. The funding and programming of Phases Three to Five can be reviewed towards the end of Phase Two and, depending on the financial position of the States, decisions can then be taken on how to fund the next phases.

The Design Brief for the Post-16 Projects

36. The change in A-level qualifications and increasing participation in post-16 education mean a wider range of courses needs to be resourced and a wider range of options needs to be available. The Grammar School, therefore, requires more teaching spaces and social and administration facilities for its Sixth Form. The Sixth Form has grown from 197 when the school opened in 1985 to 385 in 2003 and is projected to continue to grow. At present students are having to be taught in hired rooms in the Garenne Grandstand, in huts and in the school canteen. The Sixth Form students have no social areas for breaks and lunchtimes.

37. This growth in demand for post-16 learning will also be accommodated in the Island by providing expanded facilities in the new College of Further Education for full time 16-19 vocational courses. The improved and expanded facilities on both sites within easy walking distance of each other will benefit the partnership which has already been established: students will have more opportunities to mix and match courses from both institutions and the sharing of facilities and expertise will be further enhanced for the benefit of the students. In addition to this post-16 growth, the development of the 14-19 curriculum and the increased partnership obligations this requires between the College of Further Education and the Secondary Schools means that more facilities need to be made available at the College.

38. Many courses of study at post-16 are now available through different qualification routes and appeal to students from different educational backgrounds. A good current example of this is the different Art courses on offer at post-16 level. At the Grammar School Art is offered as an A-level as one of a student's 3 or 4 A-level course of study. At the College of Further Education Art is offered as a full time course, with qualifications assessed as a BTEC National Diploma. The nature of the courses, their time allocation, the qualification achieved and the course methodology are all different and will appeal to students of different abilities and aptitudes. In the same way, the Drama and Media and Sports Studies courses to be offered at the College of Further Education will appeal to students who do not necessarily want the route of studying for 3 or 4 A-levels, but who will then pursue these options in Higher Education courses or as career choices.

Additional Sixth Form Facilities at the Grammar School

39. The existing Grammar School was opened in 1985. The new extension to the Grammar School will act as the **Sixth Form Centre**. It will have its own identity whilst maintaining a link to the Grammar School, both physically in terms of the building, and educationally. The Sixth Form Centre will provide much needed private study facilities, additional classrooms, IT work areas, career facilities and social and recreational space. This will significantly ease the pressure on the accommodation in the rest of the Grammar School building.

Design Brief

40. The Sixth Form Centre will be the hub for the sixth formers in the Grammar School. Teaching will occur within the twelve new classrooms as well as in the original classroom facilities within the Grammar School.
41. The twelve classrooms will be used for four curriculum areas: Psychology, Media Studies, Business Studies and Sports Sciences, together with additional General Teaching classrooms. The classrooms have been designed with the particular curriculum activity in mind, although they remain adaptable, should these activities change in the future.
42. Each of the teaching areas will accommodate approximately eighteen pupils, providing additional teaching facilities at any one time for some 220 students.

Classrooms: Psychology

43. The suite of three Psychology classrooms will be provided on the first floor. They will all be similar in size and shape. A movable partition will be provided between two of the rooms allowing for the possibility of opening this into a single space.

Classrooms: Media Studies

44. Two Media Studies classrooms will allow production work and theory work. Provision has been made for IT equipment to the perimeter of the room with the possibility of bringing the group together into the centre of the room for teaching and group work.

Classrooms: Business Studies

45. The suite of three Business Studies classrooms will provide similar accommodation to that of Psychology, including the provision of a movable wall to allow two of the classrooms to be opened up into a single room.

Classrooms: Sports Sciences

46. The suite of two classrooms will be provided on the ground floor with easy access to the playing fields. Within the main room, space will be allowed for gym equipment and storage of sports equipment as well as a teaching area. The second classroom will allow for more standard teaching facilities.

Classrooms: General Teaching

47. Two additional classrooms will be provided for general teaching and are not allocated to specialist areas of the curriculum.

Private Study Work Area

48. The facility will provide space for up to 30 students to work independently in an area away from the classrooms. The room will have booth type desk areas with full ICT facilities. This facility will be provided in an enclosed room with good natural daylight.

Administration and Social Areas

49. The entrance area will provide an open airy environment with a refectory area, comfortable seating areas and reception facilities providing registration. It will also house archive records.
50. As well as the dedicated teaching facilities, there will be an open communal area leading off the entrance and adjacent to the refectory area and the Careers Area allowing students to work individually or in groups. It is anticipated that by locating this in the same area as the Careers facility it will promote careers interest and, therefore, use of the Careers resources, which will also include Internet terminals.

51. The Careers area will be a prominent part of this main area with attractive displays and Internet terminals linked to the College of Further Education for access to further education information. The area will also link to the outside seating area with views over the playing fields. It is anticipated that this will become a key part of the identity of the Centre and give the sixth form students a sense of “home” for their studies.
52. A Staff area will provide for both work facilities and break time areas away from the teaching facilities. An informal meeting area outside the Staff area will allow students and teachers to chat informally. A more discreet meeting room will also be provided, should confidentiality be a requirement.
53. The administrative areas will include office facilities for the Director of Sixth Form and the two Heads of Year. A meeting room is located adjacent to these offices for meeting with students or parents. A larger meeting room will also be available for more formal meetings and for occasional teaching use.
54. The entire Sixth Form Centre is designed to allow for easy wheelchair access. The entrance points will have level thresholds and a lift facility provides access to the first floor. A disabled toilet is provided on both floors in the same area as the other toilets. The ramps provided within the building, including the link block, are appropriate for wheel chair access. The levels in the building have been set to allow for wheelchair access between the Grammar School and the Sixth Form Centre.
55. The scheme has been developed based upon the DfES BB82 Guidelines for School Buildings.

Building Design

56. The building is set out as a two-storey block with a central circulation area from which all classrooms and other facilities are accessed. The building is connected to the existing Grammar School by a link block at first floor only. This allows for external access to be maintained at ground floor level to the Grammar School boiler room.
57. The internal environment seeks to provide openness to the front of the building and a key aspect of the design incorporates openness in the proposals allowing natural light and ventilation wherever possible.

58. The need to limit noise transmission has been considered with higher rated stud walls proposed to most areas and by zoning of the areas themselves. The internal areas seek to create identity to spaces by the varied use of lighting, colour and articulation of space. This aspect will be further developed in the Detailed Design stage.
59. Externally the proposed building will compliment the design of the Grammar School building, other adjacent development and have its own approach and entrance.
60. External areas will balance the required mix of Hard and Soft Landscaping to provide:
 - 86 car parking spaces (27 additional, once lost spaces have been calculated)
 - 2 netball courts
 - hard surfaced play area
 - soft landscape areas
 - retention of the balancing/wild life pond
 - pedestrian and vehicular access

Future Stages of the Development

61. With the approval of the Advisory and Finance Committee, consultants have been appointed to take the project to Stage D for financial approval.
62. In summary the project provides two-storey accommodation of approximately 1,700m² with a target budget of £5,580,000.
63. Following Stage D submission in December 2003 and the approval of the States, the remainder of the programme is as follows.

• Detail Design	November 2003 – February 2004
• Enabling Works	January 2004 – April 2004
• Construction Contract	June 2004 – June 2005
• Decant and Mobilisation	July 2005 – September 2005

64. **The key requirement for this project is occupation and operation of the Sixth Form Centre by September 2005 and to achieve this a traditional procurement route (JCT98 Standard Form of Contract) has been recommended for the main works, with a separate enabling works contract for the diversion of a water main, surface water drainage and site clearance.**

Revenue Implications

65. As determined in the Options Appraisal and confirmed in the Strategic Review, the creation of a new modern school estate will necessitate a review of the methodology for operation of the schools. A maintenance policy will be prepared for the new Estate and will be used by the project team for each development to prepare a planned preventative maintenance schedule. This will form part of a maintenance plan for each development confirming the type, expected cost, type of expertise required and permitted intervals of maintenance work. The schedule can assist in establishing the required maintenance budget for the life of the building.
66. Some increased revenue costs will result from the opening of these additional Grammar School facilities.
67. The Education Council annual policy planning estimates take account of the increased numbers of pupils and teaching staff due to demographic growth and the raising of the school leaving age by 2008/9. The school is likely to redeploy existing Grammar school administration staff to the Centre but additional time is likely to be required for staffing the reception together with cleaning and caretaker requirements.
68. With provisions for energy, maintenance contracts etc the additional annual revenue costs at today's values are presently estimated and summarised as follows:

	£
Non-teaching staff costs	36,000
Maintenance contracts etc	8,500
Heat, light and water	14,000
General supplies etc	10,000

69. In addition, as mentioned above, a planned preventative maintenance schedule will be produced during the construction project and used with the Advisory and Finance Committee to determine the ongoing schedule of maintenance.

70. These revenue estimates are very approximate at this early stage. Work will continue to identify possible rationalisation of both staff and other costs. The Education Council will continue to work with the Advisory and Finance Committee to identify and manage all the Revenue budget implications.

The College of Further Education – Phase A – Multi-purpose Hall and associated post-16 teaching facilities

Educational Background

71. The educational rationale to redevelop the College of Further Education is founded on three developing needs:
- 1) **Implications for Life Long learning.**
At post-16 level there is a global expansion in lifelong learning and the Island has to meet not only the demands of a knowledge based service economy, which is heavily reliant on ICT capability and with a requirement for reskilling opportunities to be provided, but also has to recognise the increasing importance in the UK and European economy of the so called “culture industries”. These industries already represent 4.6% of total employment in the European Union and an estimated 7.2 million jobs. Guernsey’s particular talents in these areas signify a potential employment market to be developed as well as providing opportunities for cultural activities for recreation and enjoyment. Further information is provided in Appendix 1.
 - 2) Increases in participation rates, both for the 16–19 age range and for adult learners in general means that the current facilities at the Grammar School and the College of Further Education can no longer cope. Students are staying longer in full time education or enrolling in growing numbers on Apprenticeship Schemes. In total during 2002-3 there were 4,365 enrolments at the College of Further Education for different courses.
 - 3) The development of a 14–19 curriculum and the need to provide alternative vocational courses, as the school leaving age is raised to 16 by 2008/9 means the College of Further Education requires more accommodation and more teaching resources. No further space provision is possible on the existing College sites. The current accommodation has evolved over the years and is wholly unsuited for the range of curriculum studies anticipated in the future. The buildings have exceeded their anticipated life span and extensive maintenance costs are expected.

College of Further Education Site Master Plan

72. **The States approved in April 2002 the Council's proposal to site the College of Further Education on the current St Peter Port School site. As the site will also be the home of the Youth Service, the Youth Theatre, the Schools' Music Service and the enhanced Careers Service, it is important that the site is sufficiently central in the Town, as well as close to the Grammar School, to ensure that the intended users of the site gain maximum benefit from the facilities.**

73. In view of the need to phase the proposals, the States approved in February 2003 the in principle phasing of the CFE development as a multi-phase project linked to the progression of other EDP1 projects over the next 10 years.

74. Careful consideration has been given to the master planning of the site, taking into consideration the physical constraints of the site, for example the site location and surrounding areas, landscaping, the existing school and its facilities, available funding and the ability to relocate the three existing CFE sites onto the St Peter Port School site over a number of years. In broad terms the phasing of the overall CFE project is as follows:-
 - Phase A** Multi-purpose hall and teaching spaces.

 - Phase B** Minor refurbishment of existing St Peter Port School to allow Brock Road and Grange House CFE functions to relocate pending construction of new facilities.

 - Phase C** Construction of new CFE facilities allowing existing school to be demolished.

 - Phase D** Final phase of CFE facilities enabling closure of the Le Coutanchez site

75. The existing St Peter Port School will remain operational during the construction of the first phase of the CFE, and hence the siting of the first phase in context of the overall masterplan is critical to the overall successful redevelopment of the site.

The Design Brief

76. Once the Council had identified the need to provide additional facilities for its post-16 students at the College of Further Education as a key priority in its Education Development Plan, it had to decide how to prioritise the phases of development of the College onto its new site at St. Peter Port Secondary.
77. The Council identified the new auditorium and teaching spaces which constitute the Phase A project as a result of an Option Appraisal which considered eight separate aspects. This building will act as the key focal point of the College as it develops on its new site.

ii Curriculum

78. Although there will be extremely important benefits from the project as a civic amenity, the predominant focus of the buildings will be for educational purposes as a teaching resource. No other facilities are available at post-16 level on the Island for the development of performing arts courses which are now a standard and significant aspect of Further Education provision in other jurisdictions and a well established area of the National Curriculum in primary and secondary education.
79. For **post-16 students** the new facilities will allow for the development of drama, media, music technology, theatre production, sound technology, stage and event lighting technology and dance, for all of which there is a growing demand on the Island. Courses in performing arts are some of the most popular subject courses in UK colleges at levels 2 and 3 (GCSE and A-level equivalent standard). Over 230 colleges are currently offering such courses, but there is no provision in Guernsey at the post-16 phase for students to move on to full-time courses which cover the various aspects of the performing arts.
80. For those students who are vocationally orientated to these areas, and for whom the 3-4 A-level Grammar School route is not suited, the new courses will lead on to BTEC qualifications and BTEC National Diplomas and then either to employment or to University degrees and qualifications at specialist Performing Arts Colleges.
81. The A-level Theatre Studies students at the Grammar School will be able to use the facilities for performance and for study of the technical aspects of performance, as will GCSE drama students at the Secondary schools.

82. As the **school leaving age is increased to 16** by 2008 and more young people will be taking part in the **new 14-19 curriculum options**, the development of curriculum partnerships between the College of Further Education and the Secondary Schools will increase. For many years the College has successfully operated link courses for the schools in the traditional trades areas and these have been expanded in recent years to include business studies and health and social care areas. There is now an increasing demand for courses in the creative arts and in life skills which the new facilities and courses at the College will be able to support.
83. Not only will the facilities be able to be used by the schools for teaching sessions, but they will be available to the schools as a performance venue for dance, drama and music events and this performance use may also extend to the primary schools in due course.
84. **The Schools' Music Service**, currently supporting over 900 Island children both in peripatetic lessons and in the Music Centre orchestras, bands and choirs, will eventually relocate to the new College site. At present it is housed in cramped accommodation hired from the States Works Department in St. Sampson's. In order to hold its rehearsals every Saturday, the Music Service has to use the St. Peter Port School and the Grammar School. Once St. Peter Port is developed to become the new College, the Music Centre's rehearsal venue will be lost and the new Phase A facilities are designed to be used as a rehearsal venue on Saturdays as well as another venue for the many performances the Music Centre gives during the year.

iii) Special Education Needs

85. The support for children at the Special Educational Needs schools at Le Rondin and Les Nicolles will be continued by further provision at the College of Further Education for those children with special educational needs who will benefit from such opportunities.

86. A crucial aspect of the educational support given to pupils with such needs is the development of life skills to enable them to lead as independent a life as possible in the adult world. A major component of their education is, therefore, focused on life skills and in particular their communication skills and their ability to interact successfully in social situations. The opportunity to use the specialist facilities of the dance and drama spaces and the technical equipment available will enable pupils to take part in entry level courses and to participate in music therapy and drama therapy courses. Such courses will provide valuable support in helping children with learning difficulties or physical disabilities as they prepare to leave full time education and move on to adulthood.

iii] Recreational Courses / Community Uses

87. It is estimated that in the UK there are more people actively engaged in recreational activities such as dance, drama and music than there is actively participating in sporting activities. Similarly, there are a multitude of clubs, societies, groups and evening classes contributing greatly to Island life through choirs, amateur dramatic societies, orchestras and dance groups. In the past the Island had more venues for concerts, the auditorium at Candie, St. George's Hall, the Little Theatre, the Lyric Theatre and the St. Julian's Hall. The Arts Committee has identified the need for another performance venue with better facilities. Even with Beau Sejour and St. James, there is still a great demand for another, smaller venue which can be used for such community purposes and this will also lead to the generation of some income from the hire of the premises. In addition, the Council believes other professional or semi-professional groups may wish to hire the venue for performances.
88. The Island's thriving **Youth Theatre**, currently located at the Old Boys' Grammar buildings in Brock Road, will need to be housed elsewhere before the Brock Road premises can be returned to the States. In the Council's Masterplan for the site there is in a later phase the building of a separate "Black Box facility" for the Youth Theatre to be attached to the side of the Phase A facilities so that the Youth Theatre can share the front of house facilities of foyer, box office and cloakrooms. Until such time as the Youth Theatre can be housed in its own adjacent accommodation, it will need to use the facilities at the Phase A buildings and in the vacated St. Peter Port Secondary before Brock Road can be vacated.

iv) Other College / Community Uses

89. The College is seriously lacking any large space for meetings, assemblies of students and for large examinations.
90. The hall and the other spaces in the new premises will, therefore, provide much needed additional facilities for the College. The Hall is essentially a large open space (N.B. at 370m² it compares with the St. Peter Port School Hall at 340m², and is roughly half the size of the Grammar School Sports Hall), acoustically secure and air conditioned, and, therefore, it can be used for examinations, meetings, other lectures, parents evenings, careers fairs and exhibitions. Such uses will also be available to community and hirer users and it is expected that its flexibility of layout will make it attractive to users from other States Departments, and commerce and industry as well as to clubs and societies.

v) The Core Building

91. The College is currently situated on three sites. As it relocates to the single site of St. Peter Port Secondary, and as the Youth Centre and Youth Theatre are relocated from Brock Road and the Careers Service moves from the Education Department in The Grange, the Phase A building will become the key building in the development of the new College. It will be the focal point for students, staff and visitors to the College as it develops on the new site. It will provide the facilities for those functions of the College which require large assemblies of staff and students, the lack of which is one of the most serious flaws in the current provision of facilities for CFE students.

vi) Asset for St. Peter Port School

92. The Council has acknowledged that further development of the College site may be delayed. It has, therefore, carefully planned that the Phase A development, while meeting the immediate curriculum need for the College, can survive usefully on the St. Peter Port site as a stand alone building of the College and also able to be used partly by the school for as long as the school remains on the site. The location has, therefore, been chosen to minimise any detriment to the amenities the school currently enjoys and to avoid any unnecessary disruption both during its construction and during its subsequent operation. Similarly, the building has been designed to minimise its impact on neighbouring properties and to ensure that traffic movement to the premises can be effectively managed.

viii] Economic Contribution

93. The Performing Arts are no longer the preserve of a select few, either as a recreational interest or as a vocational choice. They are increasingly becoming an important part of the economy. The “Culture Industries” in the UK alone account for 5% of the GDP and employ approximately 1.3 million staff. Similarly in Guernsey an increasing number of young people are opting for careers in acting, dance, music, design, marketing, television, radio, advertising and public relations. These occupational groups on the Island have identified not only the need for such skills to be developed, but also the need for facilities to be increased on the Island to allow their own employees’ and clients’ needs to be provided for. In Guernsey growth in this area will allow further diversification of the economy.

viii] Return of Sites

94. The College’s three sites: Les Coutanchez, Brock Road and Grange House, will all eventually be returned to the States once the College is fully developed on its new site. Removal from Brock Road and Grange House will only be completed once the facilities at St. Peter Port Secondary are able to take them. Although the vacated school buildings will be able to house temporarily some of the relocated facilities, the shortage of space, the courses the College needs to offer and the type of accommodation required means that the relocation from the three sites can only commence once the Phase A facilities are available to supplement those in the existing St. Peter Port Secondary buildings.

Design Criteria

95. The following key design criteria have been developed:
- to construct a cost effective, value for money building, on time and within budget
 - to construct a building that has its own identity, whilst retaining the flexibility to link to the future phases of the College
 - to minimize as far as practically possible the impact of the new building on the operation of the existing school site and neighbouring properties
 - to position and orientate the building on the site so as to make most effective use of the site and retain its open appearance

- to design a building that is flexible and able to accommodate future change in working practice
- to construct a building with a minimum life expectancy of 50 years
- to construct a sustainable building that reduces maintenance and life cycle expenditure to an optimum level
- to ensure that the architectural qualities of the design are in keeping with its use and surrounding environment
- to provide a building that can be accessed by disabled students/staff and building users.

96. The building has been designed to an area of 1,850m² and will provide the following multi purpose accommodation giving ten teaching spaces:

- a multi function hall space with seating provision for between 250–400 people depending upon the seating configuration. The seating will be largely retractable to allow for maximum flexibility of use

Multi-purpose hall/Stage (370m²)

The hall floor and stage floor will be on one level to produce a large, flat, open space suitable for many different purposes, including teaching, lectures, examinations, assemblies, meetings and performance. There will be fixed seating and a balcony around the whole of first floor level. On the ground floor retractable seating will be able to be extended when required. Beneath removable covers there will be an orchestra pit. This will be able to be used by musicians, but it will also have retractable seating. The hall will support various seating configurations and has a capacity of around 260 seats in traditional format, with other formats supporting up to a maximum of 400.

In examination format, approximately 100 candidates can be seated. On the second floor is a technical gallery and movable bridge, which not only provides full flexibility, but also allows supervised access by students on related courses. Because of its acoustic security, the hall will be an ideal venue for examinations as well as teaching and performance.

Dance Studio (79m²)

There will be a sprung floor and high ceiling within the dance rehearsal room. The room will be used as a teaching space for dance and as a general teaching area, as well as being available for external users. The room will be used as additional circulation space during performances with large audiences.

Drama Classroom (102m²)

The drama room will have a high ceiling level to permit lighting bars to be used, and will be used for teaching, rehearsals and small performances. A small amount of storage will be provided for lights, props and other items.

Green Room (78m²)

The green room will be used predominantly as a teaching space, but will be suitable for use during performances by external groups. The room will include a lockable ICT area to provide students with access to ICT resources to support their studies.

2 Dressing Rooms (102m²)

Two large dressing rooms with adjacent locker, shower and toilet facilities will be provided. These will be for use mainly by students, but will also be available for use by hirer groups. Both of these will be able to be used as teaching spaces.

Store room and laundry (75m²)

The store room provides general storage for costumes, props, large musical instruments (e.g. Timpani) and smaller items of scenery. Within the store room is an enclosed laundry facility to allow the cleaning of costumes and the dyeing of materials for costumes, curtains or props. This area will support the teaching of areas such as wardrobe management, costume construction and mask making.

Scene Dock (67m², double height)

The additional height of this space allows scenery to be assembled and/or stored within it. This area will be used as a teaching space for set construction and will include “finishing” workshop facilities (any significant construction work will take place in the College of Further Education’s main workshops).

Both the scene dock and store room are accessible from a covered external loading bay, the height of which will be set to match the typical height of delivery vehicles.

Control Room (35m²)

All lighting and sound will be controlled from the control room and, as this forms a key part of many courses, will be used as a teaching space for small groups of students.

Foyer and Circulation Space

The foyer is a large double height area providing access to the hall space at two levels. The foyer and circulation areas have been designed as flexible spaces. An area on the first floor will be used either as a social area or as a teaching space, and the splitting of the circulation space between the two floors maximises the availability of space before and after performances with large audiences.

Box Office (20m²)

The Box Office provides a base for the centre manager and for booking/ticketing facilities. This will be used both for administrative purposes during performances and as a teaching space for small groups of students studying the management of performance facilities.

Other facilities

Toilet, cloakroom, general storage and ICT/communications facilities will be provided. The design of the building has been arranged so that it will be physically linked to the main College of Further Education when the later phases are completed, but in the first phase will have all the facilities required to function as a stand alone building.

Office (20m²)

Members of teaching and support staff will be using the hall and facilities. The office will provide them with an administrative base.

Refreshment Area (21m²)

Many groups using the centre will require access to refreshment facilities. It will be secured when not in use and stand alone vending machines will be provided elsewhere in the entrance area to enable refreshments and snacks to be purchased at other times.

- the building will be designed in accordance with the established requirements for long life, low energy, loose fit and low maintenance, with a flexible building design that can adapt to the future requirements of the College's curriculum

Future Stages of the Development

97. With the approval of the Advisory and Finance Committee, this project has been taken to Stage D for financial approval and consultants have been appointed to take the project to this stage.
98. In summary the project provides a main hall and supporting teaching space on two storeys to a total area of 1,900m² with a budget of £8,130,000.
99. Following Stage D which is projected to conclude in January 2003 and subject to the approval of the States, the remainder of the programme is as follows:

Design/procurement	January 2004 – July 2004
Construction (Programme to be confirmed)	August 2004 – Early 2006
Decant/Mobilisation	Early –Mid 2006
Operation	Mid 2006 (Term dates to be coordinated)

100. The Council originally recommended procurement through a two-stage design and build procurement route, allowing the Council to have a positive input to the quality of the design as it is developed with the Contractor. This was to be a JCT98 with Contractor's design format. However, the Council is keen to continue working with the Advisory and Finance Committee and the Board of Industry to support the sustainability and viability of the local construction industry. Following discussion with these committees, the Council has produced an agreed amendment to the procurement methodology, which will utilise a JCT98 Standard format, utilising Bills of Quantities, Specification and Drawings.
101. The original budget for the project had been £7,980,000, but an additional provision of £150,000 has been made in the total budget for enabling this different procurement methodology to be adopted. The Council will continue to work with the Advisory and Finance Committee on the most appropriate form of procurement for its future projects.

Revenue Implications

102. In line with the Sixth Form Centre a maintenance plan for each development confirming the type, expected cost, type of expertise required and permitted intervals of maintenance work will be developed. The schedule will assist in establishing the required maintenance budget for the life of the building.
103. Increased revenue costs will result from the opening of these additional Post 16 facilities.
104. The Education Council is working with the Arts Committee and Recreation Committee in order to make best use of staff. The involvement of the new Arts Development Officer is being investigated as is the sharing of Recreation technician staff and facilities booking arrangements.
105. The Phase A building will need a centre manager, 2 technicians, a receptionist and caretaking and cleaning staff. The Education Council policy planning estimates take account of the increased number of pupils and teaching staff due to demographic growth and the lecturing staff moving into these areas form part of the annual policy planning adjustments for teaching staff deployment.
106. These estimates are very approximate at this early stage and are before any possible savings from consultations with the Arts and Recreation Committees (the future Culture and Leisure Department). Work will continue in order to identify rationalisation of both staff and other costs. The costs will be dependant on the actual usage of the building during and outside of school hours.
107. In light of the new facilities in this and the other new schools, the Education Council will review and determine the policy for charging for use of the facilities. The Education Council policy is to encourage the community use of its facilities outside of education hours in order to make best use of the facilities for the island as a whole.
108. It is likely that costs will at least be recovered for hire of the facilities but the possibility of different levels of charge being applied for different types of user e.g. local groups, other States' committees, charities, etc. will be reviewed in view of the new or improved facilities.

109. With provisions for energy, maintenance contracts etc the additional annual revenue costs at today's values are presently estimated and summarised as follows:

	£
Non teaching staff costs	151,000
Maintenance contracts etc	18,000
Heat, light and water	52,000
General supplies etc	15,000

110. As mentioned in the Grammar School Sixth Form Centre section above, a planned preventative maintenance schedule will be produced during the construction project and used to assess with the Advisory and Finance Committee the ongoing schedule of maintenance that will determine likely future budget needs.

Consultations with the Island Development Committee (IDC)

111. Following the April 2002 decision of the States to support the Council's Site Development Plan proposals, the Council's officers and consultants have been grateful for the many meetings with officers of the IDC relating to the development of the eight separate sites in the Plan.
112. The Council has taken on board the comments received at staff level from the IDC. The letter from the Chief Planning Officer to the Director of Education dated 31st December, 2003 and the exchange of letters between the President of the Education Council and the President of the IDC dated 19th January, 2004 and 22nd January, 2004 respectively are appended (Appendix 3), so that the IDC's concerns are reported to the States.
113. From this correspondence it is clear that the IDC has some reservations on planning grounds to the siting of the Sixth Form Centre and the new College of Further Education.
114. However, in its presentations to States members before the States debate and in the debate itself, the Council explained the educational reasons for the siting of the buildings on the proposed sites. In particular, it explained the reasons for the siting of the Sixth Form Centre adjacent to the existing Grammar School and the need to move from all three of the sites currently occupied by the College of Further Education to the St. Peter Port Secondary site, which would be vacated once the four secondary schools had reduced to three.

115. The States' support for the Council's proposals has been followed by many meetings and discussions, not only with IDC officers, but also with the users of the sites, neighbours and other committees. More are planned to follow. The design teams appointed to develop the plans have included landscape consultants and highway consultants and their advice has been incorporated into the planning.
116. On educational grounds the Council is sure that its proposals not only meet the requirements of the users of the site and are their preferred option, but also that they represent the most effective, functional development of educational facilities on the sites.
117. The opportunities for resiting of the Sixth Form Centre are very limited, especially as Elizabeth College has indicated its reluctance to allow any of its playing fields adjacent to the Grammar School to be used for the building work. The present footprint of the building is regarded by the Council and the Grammar School itself as the most suitable location, both in order to create a facility which is linked to the main school, but which also establishes a building with a separate identity for its Sixth Form students, fifty per cent of whom join the Sixth Form from other schools.
118. The use of the St. Peter Port School site is crucial to the development of the Council's plans to relocate not only the College of Further Education, but also the Youth Centre, the CFE Art Department and the Youth Theatre from their existing sites at the Coutanchez, Grange House and the Old Boys' Grammar School in Brock Road. In addition, the site will house the Schools' Music Service, currently occupying temporary accommodation in the States Works offices in St. Sampson's, and the Careers Service, currently situated in wooden huts on the Education Department site in the Grange. The need for these facilities to be centrally located in town for easy access for their users, and for them to be within walking distance of the students at the Grammar School means that educationally the site is ideal for the development proposed by the Council.
119. The Council acknowledges that, as with its development of the Le Rondin site, all its plans for the two sites will be subject to modification in discussion with the IDC. Within the informal process of consultation with the IDC, the Council has already responded to its suggestions by revising its plans for the siting of the Phase A buildings for the College of Further Education on the St. Peter Port site.

120. Formal consultation and response will be sought from the IDC once the Stage D submissions for the two projects have been made. The Council is aware that if it cannot reach agreement with the IDC on the plans it will need to decide how to refer the matter back to the States for decision.
121. The Council will comply fully with the requirement that formal responses from the IDC will be sought once Stage D submissions have been made and more detailed plans are available for scrutiny.

Propositions

122. The Education Council therefore asks the States:

1. (1) To transfer the sum of £12,750,000 from the Capital Reserve to the capital allocation of the States Education Council for the purposes of continuing Phases One and Two of the Council rebuilding programme (Programme 1);

(2) To note that the Treasury and Resources Department will have due regard to the need to work on the basis of transferring annually from January 2005 to January 2008, subject to the affordability and availability of funds, the sum of £12,750,000 in January each year to the capital allocation of the Education Department for the purposes of completing Phases One and Two of the Department rebuilding programme (Programme 1);

2. (1) To approve the construction of additional new sixth form facilities for the Grammar School and the College of Further Education Phase A works as set out in this report;

(2) To authorise the States Education Council to seek tenders for contractors and other professional services required to progress these projects;

(3) To authorise the Advisory and Finance Committee to approve the acceptance of tenders in connection with these projects;

(4) To authorise the States Advisory and Finance Committee to approve a capital vote not exceeding £13,560,000, comprising £5,580,000 for the additional new sixth form facilities for the Grammar School and £8,130,000 for the College of Further Education Phase A work, such sum to be charged to the capital allocation of the States Education Council.

Yours faithfully,

M. A. OZANNE

President,
States Education Council.

Appendix 1

Performing Arts

Figures obtained from the Arts Council of the UK indicate that creative industries account for over £112 billion in revenues, 5% of the GDP, and employ approximately 1.3 million staff. (*Creative Industries Mapping Document 2001*)

Between 1998 and 1999 the gross revenue from live performances in the UK was £470 million with 760,000 staff employed in delivering these performances. (*Arts Council of the UK, 2000*)

Across the UK there are more individuals involved in amateur dramatics than take part in amateur sporting events.

Edexcel (BTEC) is the main awarding body for performing arts courses in colleges of further education. Currently 230 colleges of further education are offering their courses. Performing Arts is one of the most popular choices in UK colleges for students at levels 2 and 3.

In Guernsey all the secondary schools offer drama as an option to their pupils and there are many opportunities for youngsters to access elements of performing arts outside of school. There are nine dance schools which attract hundreds of pupils each year as well as two theatre schools catering for younger pupils.

The highly successful Music Service provides a range of learning opportunities for over nine hundred youngsters and there are several private music teachers who, amongst other things, teach voice and singing.

The Grammar School and the grant-aided Colleges offer AS and A2 level courses in theatre studies. However, currently there is no provision at the post-16 phase for students to move on to a full time course which covers all the various elements of performing arts. These include acting, voice, dance, music, production, design and technical subjects such as sound and lighting.

Such courses are available at all levels from entry level up to level 3.

Entry level courses are appropriate for special needs students and those with low academic attainment. At this level there are also courses suitable for drama and music therapy, valuable tools in helping students with learning difficulties or physical disabilities.

Level 1 courses, such as the BTEC Introductory Certificate, are suitable for foundation students who are not yet confident enough to take their GCSEs. These courses will also be extremely useful in the implementation of the 14-16 curriculum.

Level 2 courses, such as the BTEC First Diploma, are GCSE equivalent courses and provide an intermediate level course for students who have not yet acquired 4 or 5 C grades at GCSE. Again, these courses could also be included in the 14-16 curriculum offering.

The BTEC National Certificates and Diplomas are level 3 courses, equivalent to 2 or 3 A-levels. Students completing these two-year courses will be able, should they wish, to progress to university degrees or to specialist performing arts colleges on the mainland.

Useful quotations

Peter Hewitt, Arts Council Chief Executive, said:

“The arts are a growing source of employment and an increasingly important part of our economy. Just in terms of hard economics, people working in the arts and culture contribute more to society than they take out – and that’s before taking into account their positive and transforming impact on the quality of life in this country.

“Alongside this massive growth in employment we know there is a huge public demand for the arts and culture – an appreciation of the unique qualities of an original work of art, the power of live performance and a recognition of the value of the arts in our communities.”

Press Release June 2003

1998 saw the publication of the *Creative Industries: 1998 Mapping Document* (DCMS, 1998), which sought to provide a national overview of the economic contribution of the creative industries. The Report estimated that the creative industries generate £60 billion in revenues and an estimated £7.5 billion exports per year, account for over 1.4 million jobs, and have a growth rate of 5%, faster than any other sector in the economy. The authors suggested that if the sector grew by only 4% a year to 2007, it would generate £81 billion in revenues and account for 1.5 million jobs (Creative Industries Task Force, 1998).

More recently, the *Creative Industries Mapping Document 2001 (DMCS, 2001)* suggested that the revenues generated by UK creative industries has grown to around £112.5 billion and that exports contribute some £10.3 billion to the balance of trade. Further, creative industries now account for over 5% of the Gross Domestic Product and employ around 1.3 million people.

Arts Council, 2003

Contribution of arts and culture to society

Direct social impacts	The arts and culture provide 'socially valuable' leisure activities, 'elevate' people's thinking and contribute positively to their psychological and social well-being and enhance their sensitivity.
Indirect social impacts	<p>The arts enrich the social environment with stimulating or pleasing public amenities.</p> <p>They are a source of 'civilising' impacts and of social organisation (eg, amateur arts).</p> <p>Artistic activity, by stimulating creativity and a disregard for established models of thinking, enhances innovation.</p> <p>They provide a collective 'memory' for a community and serve as a reservoir of creative and intellectual ideas for future generations.</p> <p>Arts and cultural institutions improve the quality of life and so in urban areas enhance personal security and reduce the incidence of street crime and hooliganism.</p>

Source: The European Task Force on Culture and Development, 1997

Post-16 Options in Drama and Performing Arts

A Level

Edexcel, AQA and WJEC offer AS and A Level specifications for Drama and Theatre Arts. The thrust of these specifications is on the study of plays and devised theatre. There are no specific technical options though candidates may choose to work as performers, designers or directors.

GNVQ

GNVQs are modular vocational courses available at 3 levels:

Advanced (12 modules equivalent to 2 A levels - NVQ Level 3);

Intermediate (6 modules equivalent to 4 GCSEs grade A* - C NVQ Level 2);
and

Foundation (6 modules equivalent to 4 GCSEs grades D – GNVQ Level 1)

AVCE

In 2000 David Blunkett announced that Advanced GNVQs would become vocational A Levels and formally known as Advanced Vocational Certificate of Education. 3 modules of such a course equates to an AS qualification. 6 modules equates to a full A level.

BTEC

All awarding bodies may offer AVCE courses, but BTEC is specifically an Edexcel product.

At NVQ Level 3 BTEC offers the following qualifications in Performing Arts:

National Diploma

National Certificate

National Award

At NVQ Level 2 BTEC offers this qualification in Performing Arts:

First Diploma (GCSE A* - C)

BTEC First Diploma in Performing Arts

The **BTEC First Diploma in Performing Arts** is a six unit qualification at NVQ Level 2 and is equivalent to GCSE A* - C. Candidates may specialise in Dance, Acting, Music or Production.

All candidates must take part in a Production Project (which counts as two units). They must also take the specialist unit on the Performing Arts Business (except Music candidates who take The Music Business) and three further specialist units from the following:

Acting:	Devising Plays Acting	Performing Plays Musical Theatre	Body Workshop
Dance:	Understanding Dance Contemporary Dance	Performing Dance Jazz Dance	
Music:	Understanding Music Recording	Performing Music Sequencing	Composing DJ Technology
Production:	Lighting Operations Set Construction Wardrobe Management	Sound Operations Costume Construction Mask Making	Crewing Make-up

The choice is not entirely free, but depends on which specialism candidates wish to pursue.

The Production Project is externally assessed and designed to take up 120 hrs of guided learning. Each option is internally designed to take 60 hrs giving a total course length of 300 hrs. This implies that over a two year course candidates would need around 6hrs teaching per week.

BTEC National Diploma

The **BTEC National Diploma** consists of 18 units and so is equivalent to 3 A levels. Candidates may specialise in Production (Design, Technical, Production, Make up, Costume, Set Construction, Stage Design, Stage Management, Theatre Technology and Arts Management) or Performance (Acting, Dance, Performance or Musical Theatre).

Candidates must take the following 6 compulsory Units:

- Performance Workshop
- The Performing Arts Business
- Performing Arts in Context
- Rehearsing
- Performing (double unit)

Then, depending on which specialism they are following, they must take 12 options from an extensive list:

Acting:	Devising, Theatre in Education, Theatre for Children, Classical Theatre Performance, Contemporary Theatre Performance, Musical Theatre Performance, Variety Performance, Performing with Masks, Voice, Acting, Improvisation, Radio Acting, Film & TV Acting, Mime, Directing, Script Writing, The Freelance World
Dance:	Dance Performance, Choreography, Dance Improvisation, Physical Theatre, Body Maintenance, Ballet, Contemporary, Jazz Dance, Tap, Circus Skills, Movement, The Freelance World
Performance:	All of the above
Musical Theatre:	Selected choices from the above list as well as Singing and Music Performance
Design:	Drawing Development, Materials Techniques and Processes, Design Method, Stage Design, Model Making, Costume Making, Wardrobe, Costume Design, Period Costume, Masks, Puppet Design, Puppet Construction, Period Props, Make up for Performers, Make up Design, Special Effects Make up, Period Make up, Hair Design for Performers, Hair Styling and Dressing, Legal Aspects
Technical:	Background to Performance, Arts in the Community, Arts Administration, Events Management, ASM, DSM, SM, Technical Maintenance, Electrical Installation, Electronics in Theatre, Technical Theatre Operations, Lighting, Automated Lighting, Sound, Live Sound, Scenic Construction, Scenic Painting, Freelance World, Legal Aspects
Production:	Choice from all of the above

BTEC National Certificate

The **National Certificate** is a 12 unit course and so equates to 2 A Levels. To achieve the National Certificate candidates must take the following 5 compulsory Units:

- Performance Workshop
- The Performing Arts Business
- Rehearsing
- Performing (double unit)

Then, depending on which specialism they are following, they must take 8 options from a list derived from that offered for the Diploma.

BTEC National Award

The **National Award** has 6 units and is, therefore, worth 1 A Level. To achieve the Award candidates must take the following 3 compulsory Units:

- Rehearsing
- Performing (double unit)

Then, depending on which specialism they are following, they must take 4 options from a list derived from that offered for the Diploma.

Edexcel GNVQ Intermediate Performing Arts

This is a 6 unit course equivalent to 4 GCSEs at Grade A* - C. There are 3 compulsory units:

- Opportunities in Performing Arts
- Skills Development
- Performing Work

They must then take 3 of the following optional units:

- Organising and Evaluating an Event
- Performing Arts in Context
- Creating Work for Performance
- Administrative Support
- Technical Support
- Making Music
- Making Music with Technology
- Acting Skills
- Dance Techniques

Edexcel Advanced Certificate of Education in Performing Arts

This is a six unit course equivalent to one A Level.

There are 3 compulsory units:

- Investigating Performing Arts Industries (externally assessed)
- Skills Development
- Performing Work

They must then take 3 of the following optional units (one of which must be externally assessed):

Externally assessed units:

- Working in performing arts
- Developing performance ideas
- Preparing for work in the performing arts

Internally assessed units:

Historical and contemporary contexts	Creating work for performance
Movement skills	Contemporary dance
Jazz dance	Vocal skills
Devising drama	Text in performance
Keyboard skills	Music performance studies
Improvising music	Recording
Sequencing	Stage managing a performance
Theatre design	Lighting and sound operation
Marketing and finance	Box office and front of house
Freelance work.	

The **Double Award** is equivalent to two A Levels.

This is a twelve unit course with 6 compulsory units:

- Investigating Performing Arts Industries (externally assessed)
- Skills Development
- Performing Work
- Historical and contemporary contexts
- Creating work for performance
- Working in performing arts

Candidates then select 6 optional units, one of which must be tested.

Resource Implications

The following table provides an ‘at a glance’ summary of the logistical resources required to deliver the full spectrum of options in the above mentioned specifications as they are delineated in those specifications. Good library facilities are a pre-requisite to all courses. In the performing arts this includes a wide range of theoretical and historical books, play scripts, musical scores, videos and sound recordings of professional performances.

Specification	Option/Module	Necessary Resources
AQA/Edexcel <u>AS/A2</u>		Classroom and studio spaces. ICT research facilities. General rehearsal and performance spaces. Facilities for costume and set design and production.
BTEC First	A1 The Performing Arts Business	Access to IT. Use of Admin Box office software.
	A2 Devising Plays	Practical space. Video equipment. Range of stimulus material e.g. costume, props, sound, masks etc.
	A3 Understanding Dance	Space with sprung floor and mirrors. Sound and video recording and playback facilities. Internet.
	A4 Performing Dance	Space with sprung floor and mirrors. Sound and video recording and playback facilities. Internet.
	A5 Performing Plays	Practical rehearsal and performance space. Video equipment. Access to texts and research material.
	A6 Body Workshop	Space with sprung floor and mirrors. Sound and video recording and playback facilities.
	A7 Contemporary Dance	Space with sprung floor and mirrors. Sound and video recording and playback facilities. Piano.

	A8 Jazz Dance	Space with sprung floor and mirrors. Sound and video recording and playback facilities.
	A9 Acting	Practical rehearsal and performance space. Video equipment. Access to texts and research material.
	A10 Musical Theatre	Practical rehearsal and performance space. Video equipment. Access to texts and research material. Piano.
	B1 The Music Business	IT access.
	B2 Understanding Music	Studio with piano or keyboard facilities. Sound equipment, whiteboard with manuscript. Practice rooms. Listening facilities. IT access.
	B3 Performing Music	Access to large instruments e.g. piano, drums, amplification equipment.
	B4 Composing	Access to piano and keyboard facilities and sound playback and recording equipment.
	B5 Recording	Access to omni- and uni-directional mics. Multi track recording facility.
	B6 Sequencing	Specialist IT equipment with appropriate software.
	B7 DJ Technology	DJ turntables and mixing desks, recording and sound reinforcement equipment.
	C1 Lighting Operations	Standard range of lanterns. Minimum two pre-set board.
	C2 Sound Operations	Mixing desk (minimum 8 input channel).
	C3 Crewing	Range of manual and power tools. Workshop area. Headset intercom facility.

	C4 Set Construction	Workshop space. Studio resources for planning, research and technical drawing work. IT access.
	C5 Costume Construction	Workshop space with cutting and measuring tools, sewing machines, model, cutting tables and dyeing and painting facilities.
	C6 Wardrobe Management	Wardrobe storage space with access to backstage area. Laundry. Access to IT facilities.
	C7 Mask Making	Workshop with good cleaning facilities.
	C8 Make up	Well-lit and well ventilated area.
Edexcel GNVQ Intermediate	1. Opportunities in the Performing Arts	Classroom and IT facilities.
	2. Skills Development	Access to appropriate spaces and equipment for dance, drama, music, music technology, technical and production aspect, arts admin. and marketing.
	3. Performing Work	Appropriate performance space for selected specialism.
	4. Organising and Event	Access to venue management, box office and marketing facilities.
	5. Performing Arts in Context	Classroom and research facilities e.g. IT.
	6. Creating Work for Performance	Rehearsal space. Access to IT for research. Sound and video recording and playback facilities.
	7. Admin Support	Access to FoH facilities and computerised box office systems.
	8. Technical Support	Workshop facilities for set, props, mask and costume construction. Access to lighting, sound and stage management facilities.
	9. Making Music	Rehearsal rooms. Diverse performance areas.

	10. Music with Technology	Workstations with keyboard, sequencer and multitrack recording facility. Live recording facilities.
	11. Acting Skills	Rehearsal and performance spaces, changing facilities. Access to play scripts.
	12. Dance Techniques	Space with sprung floor and mirrors. Changing facilities.
Edexcel GNVQ Advanced	1. Investigating Performing Arts Industries	Access to marketing and management professionals. IT facilities.
	2. Historical & Contemporary Contexts	Classroom and IT facilities.
	3. Skills Development	Access to appropriate spaces and equipment for dance, drama, music, music technology, technical and production aspect.
	4. Creating Work for Performance	Rehearsal and performance spaces with sound and lighting equipment, dressing room facilities, video recording and playback.
	5. Performing Work	Performance space with lighting and sound equipment. Dressing room facilities. Video recording and playback facilities.
	6. Working in Performing Arts	IT facilities for research and design and production of promotional materials.
	7. Developing Performance Ideas	Rehearsal and performance spaces with lighting, sound and music technology equipment. IT research facilities.
	8. Preparing for Work in the Performing Arts	Suitable studio spaces for drama and dance including lighting facilities and piano accompaniment.
	9. Movement Skills	Suitable rehearsal space. Access to IT for research. Video recording and playback facility.
	10. Contemporary Dance	Space with sprung floor and mirrors. Access to IT for research. Video recording and playback facility. Piano for accompaniment.

	11. Jazz Dance	Space with sprung floor and mirrors. Access to IT for research. Video recording and playback facility. Piano for accompaniment.
	12. Vocal Skills	Rehearsal space with basic voice recoding facilities.
	13. Devising Drama	Rehearsal and performance space with lighting and sound equipment. Dressing room facilities. Video recording and playback facilities.
	14. Text in Performance	Rehearsal and performance space with lighting and sound equipment. Dressing room facilities. Video recording and playback facilities. IT research facilities.
	15. Keyboard Skills	Practice and rehearsal rooms with range of acoustic and electronic keyboards and recording equipment.
	16. Music Performance Studies	Practice rooms.
	17. Improvising Music	Good sized rehearsal / workshop space. Recording facilities.
	18. Recording	Recording space with range of directional and omnidirectional mics. Recording desk with mixing facilities.
	19. Sequencing	Multimedia computer workstations with ISDN links and peripherals.
	20 Stage Managing a Performance	Range of manual and power tools. Workshop area. Headset intercom facility.
	21. Theatre Design	Range of manual and power tools. Workshop and design area. IT facilities for research.
	22. Lighting and Sound Operation	Well equipped theatre space with modern lighting and sound recording and play back facilities.
	23. Marketing and Finance	IT research facilities. Space and facilities to design and produce publicity material.

	24. Box Office and FoH	IT research facilities. Access to professional FoH management facilities.
	25. Freelance Work	IT research and communication facilities.

Appendix 2**Drama in Schools**

The Performing Arts are key subjects in the curriculum of UK schools. In particular, the Education Council, in accordance with the Department for Education and Skills and the Arts Council of Great Britain, believes that children should be exposed to a wide range of dramatic experience during their years at school.

Drama**Skills**

It is included in the curriculum for the following reasons:

- for personal, social, moral and cultural development
- developing self-esteem and confidence
- addressing PSHE and other social issues
- communication skills both verbal and non-verbal
- allowing self expression, creative, cognitive and imagination
- motivating youngsters who are otherwise dis-engaged from school
- allowing the development of practical skills

GCSE Examination

In 2003, 118 students took GCSE drama. This is 22% of the 16 year olds taking GCSE examinations.

Grammar School	30
La Mare de Carteret	14
Les Beaucamps	21
St Peter Port	8
St Sampson's	24
The Ladies' College	21

Comparisons with other subjects show:

Art	32%	CDT	14%
English Literature	82%	Food Technology	6%
French	61%	German	13%
History	30%	Maths	99%
Music	9%	PE	15%
Physics	17%	RE	17%
Spanish	9%		

A-Level Examination

In 2003, 66 students took Drama or Theatre Studies at Level 3.

In 2003, 26 students took A2 Theatre Studies. This is 3.6% of the Upper Sixth students taking examinations.

(This is a more text based course academic route)

Grammar School	18
The Ladies' College	5
Elizabeth College	3

Comparisons with other subjects show:

English Literature	6.6%
French	2.1%
German	0.84%
History	3.5%
Home Economics	0%
Maths	8.2%
Physics	5.2%

In 2003, 40 students sat AS Drama/Theatre Studies

Grammar School	29
The Ladies' College	11

Vocational Drama

At present, there are no vocational courses offered in performing arts at any level (see Appendix 1). The schools and College of Further Education have reported that they anticipate a high level of interest in such courses if they could offer Levels 1 to 3 courses i.e. GCSE and A-level equivalence.

Modules include:

Performance
The Performing Arts Business
Rehearsing
Production Planning
Drama, Dance, Music Technology

The Council's research shows that most Colleges in the UK offer Performing Arts at Level 3, either as a BTec vocational course or AVCE.

Higher Education

About 46/834 students, or 5½%, are studying on a range of performing arts courses. This excludes those who went to study media, film, single music and art. It is recognized by the Careers Service that many more students would be likely to pursue such courses if more pathways were open to them in Guernsey.

Curriculum / Extra Drama

School organized drama workshops continue to be very well received by schools and popular.

For example, the Council has just had Aidan Dooley for a week giving performances in 7 secondary schools for about 350 school children and he is also visiting for a 6 week tour from January–March 2004 to give workshops. This has been requested by 30 schools.

APPENDIX 3



STATES OF GUERNSEY
ISLAND
DEVELOPMENT
COMMITTEE

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

Our ref: SEC/ajr

Mr D Neale
Director of Education
States Education Council
The Grange
St Peter Port
Guernsey
GY1 1RQ

31 December 2003

Dear Sir

STATES EDUCATION COUNCIL SCHOOLS PROGRAMME

I refer to the above and in particular proposals for the Grammar School Sixth Form development which have recently been provided for the Committee's informal comments.

Having considered these proposals on an informal basis at its meeting on 23 December 2003 in the light of the information provided, the Committee has raised similar concerns to those that I previously expressed at the staff level meeting held on 14 November 2003. In particular, the Committee is of the view that as a result of positioning the building as currently proposed, and the size and shape of the site presently available, the site layout is not working satisfactorily with regard especially to access/circulation to the front of the building and also in relation to the assimilation of the development as a whole within what should be a substantially landscaped setting. The Committee appreciates that these issues have been considered by the Education Council and its consultants since the meeting in November, but is very concerned that a satisfactory siting and layout is nevertheless not currently being achieved. The Committee would encourage you to resolve this issue as a prerequisite, before considering more detailed aspects such as the design or finishes for the building.

Regarding the other school sites, it is noted that revised proposals for the College of Further Education were tabled at a staff level meeting on 16 December 2003. The Committee would invite your Council's formal consultation on these proposals at the earliest possible stage, to enable the scheme to be publicised and the Committee's formal comments to be made.


Similarly, it is understood that a formal consultation on the proposals for Les Beaucamps will now be submitted and this is currently awaited.

Cont'd...

With regard to the Les Nicolles site, the Committee is concerned that issues to do with the access to the site and potential use of peripheral areas for other forms of development have not yet been resolved. It is requested that the Committee be consulted formally as a matter of urgency on these issues, given that they will need to be resolved before the planning brief can be finalised and meaningful comment can be made on any proposals for the layout of the schools development on the site.

I hope that the above comments are helpful in clarifying the Committee's position, and look forward to receiving your response regarding these matters as soon as possible.

Yours faithfully



W E LOCKWOOD
Chief Planning Officer

c.c. Mr I Neary, King Sturge



STATES OF GUERNSEY

STATES EDUCATION COUNCIL

EDUCATION DEPARTMENT

Grange Road, St. Peter Port,
Guernsey, GY1 1RQ.

Telephone: (01481) 710821

Fax: (01481) 714475

Your Ref:

Date:

19th January, 2004

Our Ref: 110/1/1/DN/MJC

The President,
Island Development Committee,
Sir Charles Frossard House,
La Charroterie,
ST. PETER PORT.
GY1 1FH

Dear Deputy Langlois,

Progressing the Education Development Plan
1. Programme 1 (Rebuilding) Funding and Phasing
2. Construction of Additional Post-16 Facilities

The Education Council is grateful for the continuing support it has received from the officers of the IDC in its progression of the Education Development Plan. We are working to tight deadlines with the individual projects which comprise the plan, particularly as the Council needs to aim for practical completion in good time to allow buildings to be functional at the start of a school year.

With regard to the development of the Sixth Form Centre building at the Grammar School and the Phase A building for the new College of Further Education on the St. Peter Port Secondary site, the Council had expected that, as with the earlier Le Rondin site development, the formal detailed consultation and response from the IDC would come with the submission of the Stage D plans. However, the policy letter asking for votes to be allocated for these projects is due to be placed before the States in February and I have included in this letter the section of the policy letter which relates to the current status of consultations with the IDC and which identifies that the IDC has some present concerns.

It is the Council's intention to append to the policy letter the informal letter of comment from the Chief Planning Officer to the Director of Education of 31st December, 2003. The Council is aware that time is short to seek any additional comments from your committee, but would be very grateful to receive any comments you wish to make by Monday 26th January.

The Council wishes to assure you and your members that it will continue to work in close cooperation and consultation with the IDC in the development of the EDP1 projects.

Yours sincerely

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

Enc.

The President
States Education Council
Education Department
Grange Road
St Peter Port
Guernsey
GY1 1RQ

22 January 2004

Dear Deputy Ozanne

PROGRESSING THE EDUCATION DEVELOPMENT PLAN
1. PROGRAMME 1 (REBUILDING) FUNDING AND PHASING
2. CONSTRUCTION OF ADDITIONAL POST-16 FACILITIES


Thank you for your letter of 19 January 2004 and the attached excerpt from your proposed Policy Letter regarding the above, which were considered by the Committee at its meeting on 20 January 2004.

The Committee wishes to make it clear that, as your staff have recently acknowledged, it has yet to be formally consulted on any of the proposed schemes for the new schools and has therefore had no opportunity to make its formal views on any of the proposals known. Importantly, the schemes have got to be placed in the public domain to allow affected neighbours, and other third parties, the opportunity to view the proposals and comment accordingly.

It appears from your correspondence and proposed Policy Letter excerpt that you are intending to refer the above matter to the States without the Committee's formal comments. This would be in breach of the protocol set out in the relevant States Resolutions of 1991 relating to development by States committees.

The Committee believes that reference of the matter to the States at this stage without its formal views would prejudice its ability to make meaningful comment on the proposals, and the potential for affected neighbours or other third parties to influence the form or impact of the development proposed. The Committee therefore requests that you do not pursue such a course of action in respect of these substantial development projects and that you instead formally consult the Committee, as has been previously requested, in accordance with the relevant States Resolutions of 1991.

Yours faithfully



Deputy J E Langlois
President

c.c. The President, States Advisory and Finance Committee

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

26 January 2004

Dear Sir

I refer to the letter dated 23 January 2004 addressed to you by the President, States Education Council on the subject of Progressing the Education Development Plan.

From the time of the original April 2001 proposals on the 11+ selection process, secondary and tertiary education the Advisory and Finance Committee has advised that the Island's ability to fund a major capital programme for the improvement of education facilities was dependent on the continuing strength of the Island's economy, its ability to generate public sector income and other priorities for expenditure particularly on health and housing. Concerns have also been expressed about the effect that any peaks and troughs in the volume of States capital works may have on the Island's construction industry in terms of sustainability, building price inflation and the need to import labour.

These considerations have become even more relevant as the Education Development Plan (EDP) has been expanded into 3 Site Development Plans covering all areas of education with the cost of the first of those Plans (EDP1) being estimated at approximately £160m at today's building prices but with current levels of building price inflation taking that sum to nearer £200m over the development period.

Since the submission of the original proposals in April 2001 the economy has continued to perform strongly but revenue expenditure continues to increase at a rate relative to income in a way that decreases the operating surpluses available for capital expenditure or to be put to reserves. In addition, the States is committed to revising its corporate tax structure from 2008 in order to maintain its status as a world-class international finance centre. There is no reason to believe that these changes will, in the medium to long term, adversely affect economic performance or overall public sector income but in the short term there will inevitably be a degree of uncertainty.

In view of the above the Committee commissioned Cambridge Projects Ltd., a consultancy firm with considerable skills and experience in public sector developments in the UK and with access to education expertise, to review the approach being taken to

implement the EDP bearing in mind not only education considerations but also possible effects on the construction industry.

A copy of the report received from Cambridge Projects Ltd. has been circulated to States members and made available to the public but the main conclusions are:

- The development of two new High Schools with 1000+ pupils rather than three of 720 pupils as currently proposed would save between £10m and £20m of capital expenditure, reduce revenue expenditure requirements and could bring educational benefits.
- Class sizes of between 27 and 30 pupils rather than providing for class sizes of 24 as currently proposed would also significantly reduce building requirements.
- The local construction industry could better cope with the development of two new high schools phased appropriately than with three as currently proposed but even if the Island goes forward with three, re-phasing the developments over the same timescale as currently envisaged would bring benefits.

The Education Council has commented on the practicalities of developing larger schools on available sites and the preference of most teachers and many parents for smaller schools with smaller class sizes. Flexibility in the design of teaching spaces would, however, allow for classes of up to 30 to be accommodated within the current proposals. The Council is concerned that increasing local class sizes could result in the need for the employment of classroom assistants and higher running costs, would adversely affect education standards and the ability to recruit teachers and would be contrary to UK trends.

The Committee acknowledges that at this stage in the planning design and implementation of the EDP and given the comments from the Education Council, it is not realistic to ask the States to review its decision on the number of High Schools to be developed even though there may be potential for considerable capital and revenue savings without prejudicing education standards. The Committee nevertheless considered that it was beneficial for the States to be advised of the results of the Cambridge Projects review so that, when considering future phases of the EDP and other proposals for investment in education, it is aware that the facilities being provided are already in excess of UK benchmarks.

The Committee commends the Education Council for dividing EDP1 into a number of Phases to assist in flexing the timetable for developments and for adopting a flexible attitude to the forms of contract to be adopted which will assist in matching the demands on the local construction industry to its capacity to meet those demands. The Education Council has advised the Committee that the EDP1 timescale has already been extended and the Committee is grateful that the Council has agreed to further review the phasing in the light of the Cambridge Projects conclusions.

In regard to the current proposals, it could be argued that Le Rondin Special Needs Centre, the development of which is already underway, and the 6th Form Centre at the Grammar School, the development of which forms part of the current proposals, are stand alone in building terms although there are educational inter-relationships with other projects. The development of an auditorium and associated teaching areas at St Peter Port School is the first part of a programme to relocate the College of Further Education to the site. However, until some of the new High School facilities are completed later on in the programme, the 16+ students using the new facilities will be sharing the site with the existing secondary pupils.

This in itself has led to a view in the Committee that, given the now extended timescale for the completion of the EDP, a development resulting in the sharing of the St Peter Port site should be deferred until later in the programme. There is also concern within the Committee that the current design of the auditorium provides facilities in excess of those required for educational purposes and duplicates those available at other venues. By a majority, the Committee does not support this project going ahead at this time.

Paragraph 21 of the policy letter identifies the sums that have already been released for the funding of the EDP. It will be seen that, having debited the sum required for the development of Le Rondin, the Council has a remaining allocation of £25.1m. If the States approves the Council's recommendation for the development of the 6th Form Centre and the auditorium and teaching spaces at St Peter Port School for a total of £13.6m, this will still leave a balance of £11.5m. This will provide more than sufficient funding for planning to continue on the next projects in the EDP. When planning has progressed to a stage whereby an approach can be made to the States for approval to take those projects to tender stage, the States can also consider proposals for the release of whatever additional funding is required. The Council, however, is recommending an immediate transfer from the Capital Reserve of £12.75m and further transfers of the same amount for each of the next 4 years, subject to affordability.

The States has previously agreed that planning on the implementation of the EDP should progress on the basis of an assumed release of capital funds over the coming decade, in effect to adopt a “rolling programme” to achieve the agreed strategic objectives for the provision of educational facilities. It is necessary to maintain continuity of planning for each phase of the Plan but the timing of developments within each phase needs to be considered against the availability of financial resources, the priority for the allocation of those resources and the capacity of the local construction industry.

The Education Council will need to ensure that the sequence of projects within the EDP reflects its priorities for the provision of new facilities, minimises the risk of disruption in the provision of education using current facilities and the creation of “stranded assets” should elements of the EDP be delayed in the future. The Committee is aware that the longer the timescale over which the EDP is completed then the longer existing facilities will need to continue in use and incur high levels of maintenance costs.

Having ensured that sufficient monies are available to the Education Council to complete the Phase 1 projects taken to tender stage and maintain continuity of planning for remaining Phase 1 and for Phase 2 projects the Committee considers that it could unreasonably constrain future prioritisation decisions of the Policy Council if, at this stage, additional funds from the Capital Reserve which may be needed for higher priority projects, were transferred and retained in the Council's Capital Allocation. By a majority, the Committee opposes the immediate transfer of £12.75m from the Capital Reserve. Planning should, however, continue on the assumption that sums of this magnitude may be made available for the EDP annually but the actual magnitude and timing of future transfers of funds will need to be determined by the Policy Council as part of its capital program prioritisation process.

In order to assist the Policy Council in its prioritising decisions, the Committee has commissioned Cambridge Projects Ltd. to expand its review of the EDP to encompass construction industry issues relating to health, housing and other major capital programmes and to propose a comprehensive phasing programme.

Summary and Recommendations

The Committee continues to support the objectives of the Education Development Plan that has evolved since April 2001. The Plan represents a rolling programme, the timetable for implementing each phase of which needs to be determined against: the availability of funds; the States overall priorities for allocating those funds and the capacity of the local construction industry and balanced against the educational and maintenance cost implications of continuing to use existing tired facilities.

Sufficient funds have already been allocated to the Council to enable it to complete the Phase 1 projects taken to tender stage and maintain continuity of planning on remaining Phase 1, and on Phase 2 projects. By a majority, the Committee does not support the release of additional funds at this time.

By a majority, the Committee does not support the priority given by the Education Council to the development of an auditorium and teaching spaces at St Peter Port School as the first phase of the transfer of the College of Further Education to that site nor the extent of the proposed development. The Committee does support the construction of a new 6th Form Centre at the Grammar School.

The Committee therefore recommends the States to:

1. Reject the proposal to transfer the sum of £12,750,000 from the Capital Reserve to the Capital Allocation of the Education Council but note that, for planning purposes only, work on the EDP will continue on the assumption that sums of this magnitude may be released annually subject to future affordability and prioritisation considerations.

2. Agree the construction of additional new 6th Form facilities for the Grammar School but reject the construction of Phase A College of Further Education facilities (an auditorium and teaching areas at St Peter Port School).
3. Agree that the Education Council should seek tenders to progress the 6th Form Centre project and authorise the Advisory and Finance Committee to approve acceptance of a tender and a capital vote not exceeding £5,580,000 for the project.

Yours faithfully

J. E. LANGLOIS

Vice President
Advisory and Finance Committee

The States are asked to decide:-

XI.- Whether after consideration of the Report date the 23rd January, 2004, of the States Education Council, they are of opinion:-

1. (1) To transfer the sum of £12,750,000 from the Capital Reserve to the capital allocation of the States Education Council for the purposes of continuing Phases One and Two of the States Education Council's rebuilding programme (Programme 1).
- (2) To note that the Treasury and Resources Department will have due regard to the need to work on the basis of transferring annually from January 2005 to January 2008, subject to the affordability and availability of funds, the sum of £12,750,000 in January each year to the capital allocation of the Education Department for the purposes of completing Phases One and Two of the Department rebuilding programme (Programme 1).
2. (1) To approve the construction of additional new sixth form facilities for the Grammar School and the College of Further Education Phase A works as set out in that Report.
- (2) To authorise the States Education Council to seek tenders for contractors and other professional services required to progress these projects.
- (3) To authorise the States Advisory and Finance Committee to approve the acceptance of tenders in connection with these projects.
- (4) To authorise the States Advisory and Finance Committee to approve a capital vote not exceeding £13,560,000, comprising £5,580,000 for the additional new sixth form facilities for the Grammar School and £8,130,000 for the College of Further Education Phase A work, such sum to be charged to the capital allocation of the States Education Council.

STATES BOARD OF HEALTH

RECLASSIFICATION OF CANNABIS FROM A CLASS B TO CLASS C DRUG UNDER THE MISUSE OF DRUGS (BAILIWICK OF GUERNSEY) LAW, 1974

The President
States of Guernsey
Royal Court
St Peter Port
Guernsey

21st January 2004

Dear Sir

RECLASSIFICATION OF CANNABIS FROM A CLASS B TO CLASS C DRUG UNDER THE ‘*MISUSE OF DRUGS (BAILIWICK OF GUERNSEY) LAW*’ 1974

1.0 Background

- 1.1 Drugs are chemical substances, which have specific and generally reproducible effects on the body. They may be taken for both therapeutic and non-therapeutic purposes.
- 1.2 Their use in Guernsey is currently regulated by the *Poisons and Pharmacy Ordinance* 1970 for their therapeutic uses and the ‘*Misuse of Drugs (Bailiwick of Guernsey) Law*’ 1974, and its Amendments, for non-therapeutic use.
- 1.3 However, the distinction between therapeutic and non-therapeutic substances is by no means as clear cut as might be assumed. A joint report from the Royal Colleges of Physicians and Psychiatrists (2000) states:

‘This distinction between illicit and licit substances is not based on any scientific assessment of their social and medical benefits and dangers, of their capacity to produce dangerous intoxication or dependence, or of their long term toxic effects. It is based largely on the assumptions, prejudices, customs and above all the economic interests of the Western European and North American nations who were the dominant influence on the League of Nations in the 1920’s and 1930’s’.

..... *'If China, India and the Muslim world had been the dominant world powers at the time when international attitudes to psychoactive substances and international regulations governing trade in these substances were first determined, the lists of substances which are freely used and traded, and of those which are proscribed and traded only by criminals might look rather different.'*

2.0 Existing and proposed legislation

- 2.1 Guernsey law is based broadly on pre-existing British law, including the *Pharmacy and Poisons Act 1933*, *Therapeutic Substances Act 1956*, *Food and Drugs Act 1955*, *Penicillin Act 1947*, (since consolidated by the '*Medicines Act*' 1968), and the '*Misuse of Drugs Act 1971*' which replaced the '*Dangerous Drugs Acts* of 1965 and 1967' and brought all controlled drugs under the same statutory framework. An extract from the *Misuse of Drugs (Bailiwick of Guernsey) Law 1974* is attached to this report. (See appendix 1).
- 2.2 Guernsey's '*Poisons and Pharmacy*' 1970 legislation is now very much out of date. There have been hundreds of therapeutic substances introduced over the last 30 years which lack adequate classification under our present legislation. However, an unwritten understanding between the local medical profession, pharmacists and the Board of Health means that we generally try to remain in line with drug and therapeutics classification in the UK.
- 2.3 However, a number of mail order companies and others with connections to the Bailiwick have been exploiting such loopholes during recent years, and the Board of Health has received a number of complaints from the Medicines and Healthcare products Regulatory Agency (MHRA) (previously known as the Medicines Control Agency or MCA) stating that they feel that such activities are in contravention of Guernsey's trade obligations under Protocol 3 and that they need as a matter of urgency, to be brought into line with UK and European practice.
- 2.4 For these reasons, the Board of Health has used the services of an external consultant to advise on a complete review and revision of Guernsey's medicines legislation. The final draft of this proposed new *Medicines (Guernsey) Law 2004* is currently with the Law Officers of the Crown, and the Board hopes to bring this to the States in the very early part of 2004.
- 2.5 The new legislation basically accepts that Guernsey has neither the resources nor the expertise to consider individually the dozens of new drugs and therapeutic substances which enter the market every year, and to decide on their appropriate classification. As a broad principle, it

therefore considers that we should follow the UK classification for all such drugs, unless there are overriding local circumstances to determine otherwise.

3.0 The appropriate classification of cannabis

3.1 ‘The *‘Misuse of Drugs (Bailiwick of Guernsey) Law’* 1974 is broadly based on the 1971 *Misuse of Drugs Act* in the United Kingdom, and seeks to classify controlled drugs on the basis of the harm they may cause:

- **Class A** - (the most harmful) includes morphine, methadone, diamorphine [heroin], opium, cocaine and cocaine derivatives, LSD, ecstasy and related substances.
- **Class B** – (an intermediate category) includes amphetamines, barbiturates, codeine, cannabis and cannabis resin;
- **Class C** – (the least harmful) includes anabolic steroids, benzodiazepines, bupromorphine and growth hormones.

3.2 The *‘Misuse of Drugs’* Act 1971 established the *Advisory Council on the Misuse of Drugs* (ACMD) as the UK Government’s statutory independent advisory body. Its terms of reference, as set out in the Act, are:

‘To keep under review the situation in the United Kingdom with respect to drugs which are being or appear to them likely to be misused under which the misuse is having or appears to them capable of having harmful effects sufficient to constitute a social problem; and to advise Ministers of means to be taken.’

3.3 The ACMD therefore advises the Home Secretary on the classification of drugs in the light of current scientific evidence. When advising on the harmfulness of drugs, the Council takes account of the physical harm they may cause, their pleasurable effects, any associated withdrawal reactions after chronic use, and the harm that misuse may bring to their families and to society at large.

3.4 The ACMD currently has 34 members and comprises academic experts and practitioners from a wide range of areas relating to drug misuse. The Chair is Professor Sir Michael Rawlins, Head of the Wolfson Unit of Clinical Pharmacology at the University of Newcastle upon Tyne.

3.5 In October 2001, the Home Secretary, the Right Honourable David Blunkett MP requested the Advisory Committee on the Misuse of Drugs to

‘review the classification of cannabis preparations in the light of current scientific evidence.’

3.6 In their report of March 2002, the ACMD concluded:

‘The Council recommends the reclassification of cannabis preparations from Class B to Class C. The Council believes that the current classification of cannabis is disproportionate in relation both to its inherent toxicity, and to that of other substances (such as amphetamines, barbiturates, and codeine-like compounds) that are currently in Class B.’

‘In making this recommendation, however, the Council wishes it to be clearly understood, that cannabis is unquestionably harmful, and that it should continue to be controlled under the Misuse of Drugs Act.’

3.7 This report from the ACMD was further considered by the House of Commons Home Affairs Committee, a cross party committee, who published a wide ranging review of current drugs policy under the title; *‘The Government’s Drug Policy: Is it working?’* in May 2002. They concluded:

Para 120 *‘We accept that cannabis can be harmful and that its use should be discouraged. We accept that in some cases the taking of cannabis can be a gateway to the taking of more damaging drugs. However, whether or not cannabis is a gateway drug, we do not believe that there is anything to be gained by exaggerating its harmfulness. On the contrary, exaggeration undermines credibility of messages that we wish to send regarding more harmful drugs.’*

Para 121 *‘We support the Home Secretary’s proposal to reclassify cannabis from Class B to Class C.’*

3.8 On 11^h July 2002, Mr Blunkett told the Commons:

‘We will launch an education campaign, targeted at young people, with a message that all drugs are harmful and Class A drugs are killers..... However, the message to young people and families must be open, honest and believable.’

That is why I asked the Advisory Council on the Misuse of Drugs to review the classification of cannabis. It is recommended that the current classification is disproportionate in relation to the harmfulness and nature of other controlled drugs.

It was clear, and so am I, that cannabis is potentially harmful, and should remain illegal. However, it is not comparable with crack, heroin or ecstasy. The Council made it clear that greater differentiation between drugs that kill and drugs that cause harm will be both scientifically justified and educationally sensible.'

3.9 The matter was further considered by the House of Commons on 29th October 2003, when MP's agreed by a majority of 316 votes to 160 that possession of cannabis should be reclassified from Class B to Class C under the *Misuse of Drugs Act 1971*, with effect from 29th January 2004.

3.10 This reclassification will apply across the United Kingdom. The production (which includes cultivation), supply and possession of cannabis are illegal and will remain illegal. However, it is expected that, for most offences of cannabis possession, a police warning and confiscation of the drug will be sufficient.

3.11 Following this debate, the Government commented:

'Reclassification of cannabis should help the Government to convey an effective and credible message – to young people in particular – about the dangers of misusing drugs.'

'The Government believes that all controlled drugs, including cannabis, are harmful and that no one should take them. It also believes that having the law reflect the relative harmfulness of drugs accurately is vital to this message being open, honest and balanced.'

'The reclassification of cannabis is also designed to continue to deter use of the drug (because of its continued illegality) while allowing the police to redeploy their resources to tackling more serious offences, including dealing in Class A drugs, like heroin and crack cocaine, which do the most harm. The Home Secretary has made clear that it is his priority to tackle Class A drugs.'

'The Government believes that reclassification will enhance the credibility of our drugs laws as a whole by making clearer the distinction between cannabis and Class A drugs to give its drug strategy the right balance and focus.'

4.0 Need for consistency in Guernsey

4.1 The Board of Health has the authority to change the classification of drugs under the *Misuse of Drugs (Bailiwick of Guernsey) Law 1974* by Order.

- 4.2 The Board believes that it possesses neither the expertise nor the resources to decide on the appropriate classification of the dozens of new substances which have the potential for misuse. The Board therefore believes it should follow the best scientific advice available as to their most appropriate classification – in this case that of the Advisory Council on the Misuse of Drugs (ACMD).
- 4.3 In pursuance of this policy, earlier this the year Board of Health implemented advice from ACMD and reclassified *gamma hydroxy butyrate* (GHB) from a ‘food substance’ to a Scheduled Class C drug. At the same time, thirty three benzodiazepines with the potential for use as ‘date rape’ drugs, and thirty six new ‘ecstasy type’ substances were also reclassified.
- 4.4 On the same basis, the Board of Health believes that we should remain consistent with regard to cannabis and take the best scientific advice available - that it is more appropriately classified as a Class C rather than a Class B substance.
- 4.5 In the UK, the classification of cannabis and the policing in respect of cannabis have been considered in tandem and this has caused confusion in some quarters between these two separate issues. There is a view in the UK that, not only should cannabis be re-classified according to the potential level of harm arising from cannabis use, but also there is a need for the limited police resources to be concentrated on the other categories of drug use.
- 4.6 In Guernsey, although police resources are limited, the proposed re-classification of cannabis is proposed solely on the basis of the appropriateness of the classification to the potential for harm to the individual and society. It will still, as in the UK, remain an illegal substance for unauthorised use and it will be for the Island Police and the future Home Department to determine their priorities for police work. This is a matter completely outside the mandate of the Board of Health and is not addressed in this policy letter.

5.0 The classification of drugs and appropriate legal penalties

- 5.1 Although the Board of Health would wish that the classification of drugs should reflect the best scientific advice on their known likelihood to cause harm, and has the delegated powers to achieve such reclassification ‘by Order’, it also believes that the appropriate penalties associated with the production (including cultivation), supply and possession of cannabis are a separate issue, and one of wider responsibility and concern outside of health considerations.

- 5.2 When the new law comes into effect in the UK on 29th January 2004, cannabis will remain illegal and possession will still be a criminal offence. However, it is understood that the police policy will only be to arrest if the drug is used in a public place, near a school, or deliberately smoked in front of a police officer. The Association of Chief Police Officers recommend that apprehended users will be issued with two formal warnings for possession, before being arrested for a third. The maximum jail sentence for possession will be reduced from 5 years to 2 years.
- 5.3 However, the maximum jail sentence for supply of cannabis will remain at 14 years, as the maximum for Class C drugs is to be raised to 14 years, if these proposals are approved.
- 5.4 In considering whether Guernsey should mirror the changes in the UK, it is important to realise that there are three quite separate issues under consideration. Firstly, there is the correct classification of cannabis; secondly, policing policy in relation to cannabis offences; and thirdly, the maximum penalties for such offences.
- 5.5 The question of classification should, in the view of the Board of Health, be less of a political issue and more of a clinical one, based on the best advice in respect to relative harm. The best expert advice on this is clear and it is that cannabis is correctly classified as a Class C drug rather than a Class B drug and the Board recommends that it is reclassified accordingly.
- 5.6 As has been stated earlier, the question of policing policy is not one for the Board of Health, so it is not addressed in this policy letter.
- 5.7 The third issue is that of maximum penalties. This is a political issue for the States and the wider community to consider. There is no reason why these penalties have to be the same locally as in the UK but, in some cases, there may be good reasons for them to be equivalent.
- 5.8 For instance, whether or not cannabis is reclassified, the Board of Health considers it unwise for Guernsey to have lower maximum penalties for supplying Class C drugs than the UK and accordingly recommends that these penalties are increased from 10 years imprisonment to 14 years imprisonment.
- 5.9 The maximum penalty for possession of a Class C drug in the UK will be 2 years, in Guernsey it is 4 years. There is no compelling practical reason for these maximum penalties to be the same. However, the Board of Health has taken this opportunity to consider whether the present penalties are appropriate. It is clear from sentencing policy that a maximum penalty of 2 years' imprisonment for simple possession of Class C drugs is

sufficient to give the Guernsey courts the range of sentencing options they require and the Board recommends that the law is adjusted accordingly.

- 5.10 The fear has been expressed in some quarters that reclassifying cannabis as a Class C drug will ‘send out the wrong message’. Hopefully, this policy letter makes it clear that cannabis is a harmful substance, that will remain strictly illegal and that cannabis offences, in particular offences relating to supply, will continue to attract potentially severe penalties. However, the Board of Health does not believe that the truth can ever be regarded as ‘the wrong message’ and nor does it believe that there is anything to gain from exaggerating the harmful effects of cannabis.

6.0 What effect would reclassification of cannabis have in Guernsey?

- 6.1 When considering the likely impact of reclassification of cannabis from Class B to Class C in the United Kingdom, the Advisory Council on the Misuse of Drugs stated in their report:

‘In attempting to analyse the likely impact on prevalence of reclassification there is very little relevant domestic learning to draw on. But it is possible to look at the experience of other countries, albeit in circumstances where civil penalties have replaced criminal sanctions. In particular, the experience in Australia, the Netherlands and the United States are illustrative. In each of these countries, a reduction in the penalties for using cannabis has not led to a significant increase in use.’

- 6.2 Taking up this theme, the House of Commons Home Affairs Committee state in their report; *‘The Government Drugs Policy: is it working?’*

Para 1 ‘There are few subjects more emotive than illegal drugs, it is widely recognised that existing efforts to deal with them have failed, but as to solutions there is an absolute difference of opinion amongst experts of every relevant profession – doctors, police and social workers. Opinions, all advanced with equal passion – range from those who argue that prohibition has failed, and should therefore be abandoned, to those who argue that all drugs are harmful and that existing bans and proscriptions should be maintained or indeed tightened. In between are many shades of grey.’

Para 2 ‘The same division of opinion is reflected internationally between, on the one hand, countries such as Sweden which maintain a hard line against all forms of drug abuse, and countries such as Switzerland and the Netherlands where the emphasis is cautiously moving away from law enforcement towards regulation and harm

reduction. All three countries maintain that their policies are successful.'

Para 7 'We could find no link across 15 Member States between the robustness of their policies and the level of prevalence. There are some countries with high prevalence, harsh policies, some countries with low prevalence, harsh policies, other countries with liberal policies and low prevalence. There is no link, there is no conceivable link.'

- 6.3 The Mori poll conducted for the Police Federation's *Independent Inquiry* found that the main reason why people do not take drugs is personal choice rather than fear of the consequences or the legal implications. 56% of people questioned said the main reason they did not take drugs is they simply did not want to; 51% cited fears for health; 50% fear of death and 46% fear of addiction. 30% of adults and 19% of children felt they did not take drugs because they did not wish to break the law, 17% (12% of children) said they did not because they were afraid of being caught by the police.'
- 6.4 In the latest '*Health Related Behaviour Survey*' conducted amongst all secondary school students in Guernsey in January 2003, 51% of Year 10 boys (15 years old) and 52% of Year 10 girls were '*fairly sure*' or '*certain*' that they personally knew someone who took 'illegal' drugs, 35% of Year 10 boys and 28% of Year 10 girls claimed they had been personally offered cannabis, whilst 22% of Year 10 boys and 19% of Year 10 girls stated they had previously experimented with drugs on at least one occasion despite Guernsey's perceived 'tougher stance' on drugs.
- 6.5 Although these rates are somewhat less than those reported from Britain (where in a 2002 survey 38% of 15 year old boys and 33% of 15 year old girls claimed to have used drugs within the past year), they are still higher than reported levels from several other European countries. Such findings generally show weak evidence of any link between reported drug use and local legal and criminal justice approaches.
- 6.6. The Board of Health has sought the advice of the Director of Public Health and the Chief Pharmacist for their views on the likely impact of reclassification of cannabis in Guernsey. They confirm that, in their professional opinions, cannabis is undoubtedly harmful and should remain illegal. However, they both believe that, on the basis of current knowledge, on both pharmacological and health grounds, cannabis would be more appropriately classified as a Class C rather than a Class B substance.

- 6.7 On the evidence available, it is probable that the reclassification of cannabis would have very little effect on the prevalence of use of cannabis in Guernsey. It would, however, send out a more credible and scientifically sound message and thereby enable the education, health and criminal justice systems in Guernsey to give greater emphasis to the reduction, supply and use of Class A and Class B drugs, which really do cause far more serious health and social harm. The following table sets out the current and proposed maximum penalties in Guernsey and the UK.

Classification of Drugs

	Guernsey				UK		
	Current		Proposed		Current		Proposed
		Class B	Class C	Class C		Class B	Class C
Production		Life or a fine or both	10 years fine or both	14 years or fine or both		14 years or fine or both	5 years or fine or both
Supplying or offering to supply		Life or a fine or both	10 years fine or both	14 years or fine or both		14 years or fine or both	5 years or fine or both
Possession		10 years or fine or both	4 years or fine or both	2 years or fine or both		5 years or fine or both	2 years or fine or both
Cultivation of Cannabis Plant			General Life or fine or both	General 14 years or fine or both			

Reference

Misuse of Drugs (Bailiwick of Guernsey) Law 1974 as amended by
Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 1988 as amended

Misuse of Drugs Act 1971 as amended

7.0 Consultation

- 7.1 The Board of Health consulted the following regarding this policy letter:-
 Board of Administration
 HM Procureur
 Committee for Home Affairs
 Probation Service
- 7.2 The main intention of the consultation exercise was to gain the views of other relevant bodies on the proposal to increase the maximum penalties for supplying Class C drugs to 14 years imprisonment. This was generally supported by the consultees but there was opposition to the proposed reclassification of cannabis.
- 7.3 Ultimately, however, the Board considers that classification should be determined purely on the basis of the degree of harm caused by various substances, although it is acknowledged that a number of those Committees consulted did not believe that this principle should be followed.

8.0 Summary

- 8.1 The Board of Health is convinced, both by expert advice from the UK and the advice of its own clinical experts, that the correct classification of cannabis is as a Class C drug under the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974.
- 8.2 Such classification will not affect policing policy, which will remain a matter for the Home Department and the Police themselves.
- 8.3 There are strong arguments for increasing the maximum penalties for supply related offences in respect of Class C drugs, while moderating the maximum penalties for simple possession of Class C drugs.

9.0 Recommendations

The Board of Health recommends the States:

- i That the maximum penalties for Part III Class C drugs under Section 3(2) for the production, Section 3 (3) for supplying and offering to supply and Section 4 (3) offences (possession with intent to supply), increase from 10 years to 14 years or fine or both and that the maximum penalties for Section 5(2) cultivation of the cannabis plant reduce from life or fine or both to 14 years imprisonment or fine or both.

- ii That the maximum penalty for possession of a Class C drug is reduced from 4 years or fine or both to 2 years or fine or both.
- iii Following the change being made to the maximum penalties in i above, for cannabis and cannabis resin to be transferred from Part II Class B drug to Part III Class C drug under the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended.

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

Yours faithfully

P. J. ROFFEY

President
Board of Health

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

29th January 2004

Dear Sir

Board of Health – reclassification of cannabis from a Class B to Class C drug under the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974

I refer to the letter dated 21 January 2004 from the President of the Board of Health concerning the above matter.

After careful consideration, the Advisory and Finance Committee decided, by a majority, that it could not support the recommendation set out in section 9.0 (iii) of the Board's policy letter, that is, the reclassification of cannabis from a Class B to Class C drug.

Guernsey takes a strong and determined stance on the use of illegal drugs in the Island. The Committee considers that, should the above recommendation be approved, then it could send out very confusing messages on the use of illegal drugs in Guernsey.

The States approved an enhanced Bailiwick Drug Strategy towards the end of last year at a cost of some £500,000 over its three-year duration, although the Board's policy letter makes no direct reference to this important commitment. The Committee is concerned that States approval of the recommendation to reclassify cannabis could seriously undermine the Strategy.

In regard to the other two recommendations contained within the Board of Health's policy letter, which mainly concern sentencing issues relating to Class C drugs and cannabis, the Advisory and Finance Committee recommends that it be left to Members of the House to decide on this matter according to their own views.

Yours faithfully

L C MORGAN

President
 States Advisory and Finance Committee

The States are asked to decide:-

XII.- Whether, after consideration of the Report dated the 21st January, 2004, of the States Board of Health, they are of opinion:-

1. That the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended, shall be further amended as follows-
 - (a) the maximum penalties for Part III Class C drugs under Section 3(2) for the production, Section 3 (3) for supplying and offering to supply and Section 4 (3) offences (possession with intent to supply), shall be increased from 10 years or a fine or both to 14 years or a fine or both and that the maximum penalties for Section 5(2) cultivation of the cannabis plant shall be reduced from life or a fine or both to 14 years imprisonment or a fine or both;
 - (b) that the maximum penalty for possession of a Class C drug shall be reduced from 4 years imprisonment or a fine or both to 2 years imprisonment or a fine or both;
 - (c) that following the change proposed in proposition 1(a) above to the maximum penalties, cannabis and cannabis resin shall be transferred from a Part II Class B drug to a Part III Class C drug under that Law.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

ORDINANCE LAID BEFORE THE STATES

**THE BURMA (EXPORT OF GOODS & FREEZING OF FUNDS)
(AMENDMENT) ORDINANCE, 2004**

In pursuance of the proviso to paragraph 66 of the Reform (Guernsey) Law, 1948, as amended, I lay before you herewith the Burma (Export of Goods & Freezing of Funds) (Amendment) Ordinance, 2004, made by the States Legislation Committee on the 12th January, 2004.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**THE SOCIAL INSURANCE (SPECIAL CASES) (REPEAL) REGULATIONS,
2003**

In pursuance of the provisions of section 117 of the Social Insurance (Guernsey) Law, 1978, as amended, I lay before you herewith the Social Insurance (Special Cases) (Repeal) Regulations, 2003, made by the Guernsey Social Security Authority on the 19th December, 2003.

EXPLANATORY NOTE

These regulations formally repeal these little-used regulations, the effective provisions of which have already been incorporated into others as part of the process of consolidation.

**THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT)
REGULATIONS, 2003**

**THE HEALTH SERVICE (PAYMENT OF AUTHORISED SUPPLIERS)
REGULATIONS, 2003**

**THE HEALTH SERVICE (PAYMENT OF AUTHORISED APPLIANCE
SUPPLIERS) REGULATIONS, 2003**

In pursuance of the provisions of section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, I lay before you herewith the following Regulations made by the Guernsey Social Security Authority on the 31st December, 2003:-

**THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT)
REGULATIONS, 2003**

EXPLANATORY NOTE

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

**THE HEALTH SERVICE (PAYMENT OF AUTHORISED SUPPLIERS)
REGULATIONS, 2003**

EXPLANATORY NOTE

These Regulations provide for:-

- (1) the payment of authorised suppliers in respect of pharmaceutical benefit supplied by them under the Health Service (Benefit) (Guernsey) Law, 1990, as amended;
- (2) for the manner in which the payment is to be calculated;
- (3) the provision of information by authorised suppliers and for surveys of their places of business.

The Regulations also provide for amounts to be paid in respect of controlled drugs supplied on a medical prescription endorsed with the initial letters “C.D.”; for additional dispensing fees in respect of medical prescriptions dispensed urgently by pharmacists and for the full or partial reimbursement of the out-of-pocket expenses of pharmacists in obtaining pharmaceutical benefit which is very exceptionally required to be supplied.

**THE HEALTH SERVICE (PAYMENT OF AUTHORISED APPLIANCE
SUPPLIERS) REGULATIONS, 2003**

EXPLANATORY NOTE

These Regulations provide for –

- (a) the payment of authorised appliance suppliers in respect of medical appliances supplied by them under the Health Service (Benefit) (Guernsey) Law, 1990;
- (b) the manner in which payment is to be calculated;
- (c) the provision by authorised appliance suppliers of information and for surveys of their places of business;
- (d) the payment of additional dispensing fees for medical appliances dispensed urgently by authorised appliance suppliers who are not medical practitioners.

**THE SEA FISH LICENSING (LICENCES AND NOTICES) (BAILIWICK OF
GUERNSEY) REGULATIONS, 2004**

In pursuance of the provisions of section 5(3)(c) of the Sea Fish Licensing (Guernsey) Ordinance, 2003, the Sea Fish Licensing (Alderney) Ordinance, 2003 and the Sea Fish Licensing (Sark) Ordinance, 2003, I lay before you herewith the Sea Fish Licensing (Licences and Notices) (Bailiwick of Guernsey) Regulations, 2004, made by the States Sea Fisheries Committee on the 12th January, 2004.

EXPLANATORY NOTE

These regulations prescribe, for the purposes of section 5 of the Sea Fish Licensing (Guernsey) Ordinance, 2003, the Sea Fish Licensing (Alderney) Ordinance, 2003 and the Sea Fish Licensing (Sark) Ordinance, 2003 –

- (a) the manner in which a licence to fish under those Ordinances is to be granted or a variation, suspension or revocation is to be effected; and
- (b) the time when a licence or a variation, suspension or revocation shall have effect.

THE BOARDING PERMIT FEES ORDER, 2004

In pursuance of the provisions of section 17(3) of the Tourist (Guernsey) Law, 1948, as amended, I lay before you herewith the Boarding Permit Fees Order, 2004, made by the States Tourist Board on the 19th January, 2004.

EXPLANATORY NOTE

This Order prescribes the fees payable by the holder of a boarding permit from 1 April, 2004 and replaces the Boarding Permit Fees order, 2003.

THE MISUSE OF DRUGS (MODIFICATION) ORDER, 2003

In pursuance of the provisions of section 30(3) of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended, I lay before you herewith the Misuse of Drugs (Modification) Order, 2003, made by the States Board of Health on the 14th July, 2003.

EXPLANATORY NOTE

This Order replaces the First Schedule to the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 with a new Schedule, and makes a number of modifications to the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997. A number of substances and products are brought under the controls of the 1974 Law and the 1997 Ordinance for the first time. The list of Class A controlled drugs in the 1974 Law now includes thirty nine additional substances, and three substances have been added to the list of Class B drugs. Six additional prohibited substances have been included in the list of Class C drugs, including the drug 4-Hydroxy-n-Butyric Acid, also known as Gammahydroxy-butyrate (GHB).

The 1997 Ordinance has been amended to reflect the inclusion of these additional substances. In addition, Schedule 4 of the Ordinance has been replaced with a new Schedule divided into two parts. The first part relates to benzodiazepine drugs formerly in Schedule 4, which will be subject to a number of controls including prohibitions upon possession and upon import and export. The second part relates to the newly added 54 anabolic substances which will be subject to similar controls,

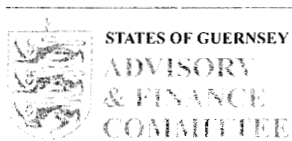
with a limited exception for possession, import or export by an individual in a medicinal form for his own personal administration.

(NB The States Board of Health apologises for the delay in placing this Statutory Instrument before the States and therefore not complying immediately with the provisions of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, concerning the laying of Orders before the States.)

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

The Royal Court House,
Guernsey.
The 6th February, 2004

APPENDIX I



Policy and Research Unit

Thursday
22 January 2004

Issued by:
Policy and Research Unit
Sir Charles Frossard House
P O Box 43
La Charroterie
St Peter Port
Guernsey
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Next publication date:
22 April 2004

GUERNSEY RETAIL PRICES INDEX

3.9% annual change as at 31 December 2003

At the end of December, Guernsey's annual rate of inflation, as measured by changes in the Index of Retail Prices, was 3.9% compared with 3.3% at the end of the previous quarter.

RPI X, the rate of inflation that excludes mortgage interest payments stands as 3.4%

Table 1

The Index Figures at the end of December 2003 were:
114.8 (Dec 99=100)
136.3 (Mar 1994 =100)
184.2 (Dec 1988 =100)
246.2 (Dec 1983 =100)
390.9 (Dec 1978 =100)

Period	%	Period	%
3 Months	1.0	2 Years	8.5
6 Months	1.3	3 Years	10.6
9 Months	2.0	4 Years	14.8
12 Months	3.9	5 Years	17.7

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

Compared to December 2002, the largest contributors to inflation were Housing (1.5% out of 3.9%), Food (0.7%), Personal Goods (0.3%), and Motoring (0.3%). There were smaller increases within the following groups: Alcohol, Household Goods and Fares and Other Travel. There were very small changes in the Clothing and Fuel, Light and Power groups, but overall these made no contribution to inflation.

Compared to the previous year, once again the Housing Group had the greatest contribution to inflation at 1.5%. This was due to a combination of factors, including an increase in interest rates, the cost of major house improvements, building work, and house heating maintenance and repairs.

The Food group has contributed 0.7% for the second quarter running. The price of bread rose by up to 15%; an effect due to a price rise of flour. Dairy produce, fresh fruit and vegetables have also risen in price.

An increase in the Personal Goods group was mainly due to medical insurance, hairdressing and toiletries. The largest increases in the Motoring group were car insurance, repairs and servicing.

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

The main contributors to inflation over the last **three months** were increases in the costs of bread, seasonal increases in fruit, mens' clothing and repairs/servicing to vehicles other than cars. Downward effects on the quarterly change included women's clothing and games consoles.

Annual % Changes for each quarter

Table 2

	March	June	September	December
1990	10.2	9.7	10.4	9.8
1991	8.6	8.7	6.1	5.5
1992	4.6	4.1	3.6	3.2
1993	2.3	1.5	1.8	1.4
1994	2.9	2.3	2.0	2.4
1995	3.0	3.5	4.0	3.6
1996	2.5	2.1	2.0	2.8
1997	3.1	4.0	4.4	4.7
1998	4.1	4.0	4.0	3.2
1999	2.1	2.2	1.8	2.4
2000	3.8	4.4	4.5	3.9
2001	3.3	2.3	2.6	1.9
2002	2.9	3.3	3.9	4.4
2003	4.7	4.3	3.3	3.9

GUERNSEY RETAIL PRICES INDEX - DECEMBER 2003

PERCENTAGE CHANGES IN GROUP INFLATION AND THEIR CONTRIBUTION TO OVERALL INFLATION

Table 3 **GUERNSEY INFLATION RATE (+3.9%)**

	Weight	Quarterly %Change	Annual %Change	% Contribution
Food	127	0.8	5.4	0.7
Alcoholic Drink	52	-0.1	4.1	0.2
Tobacco	19	0.0	4.6	0.1
Housing	216	2.4	6.9	1.5
Fuel, Light and Power	41	2.8	0.3	0.0
Household Goods	79	-0.6	2.1	0.2
Household Services	33	0.1	1.5	0.1
Clothing & Footwear	56	0.7	0.6	0.0
Personal Goods	49	0.2	6.1	0.3
Motoring Expenditure	85	0.3	3.4	0.3
Fares/Other Travel	33	2.7	7.3	0.2
Leisure Goods	63	0.9	1.1	0.1
Leisure Services	92	-0.1	0.4	0.1
Food Away from Home	55	0.1	2.3	0.1
Overall	1000			
All Items				3.9

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

Retail Prices Index (RPI)

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

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

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

GUERNSEY RETAIL PRICES INDEX - DECEMBER 2003

Figure 1

Annualised Percentage change in RPI Groups
(December 2002 to December 2003)

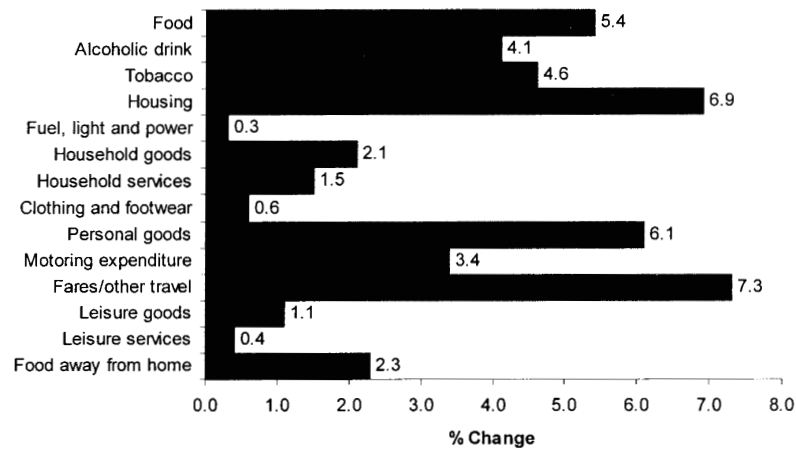


Figure 2

Percentage Contributions to overall inflation

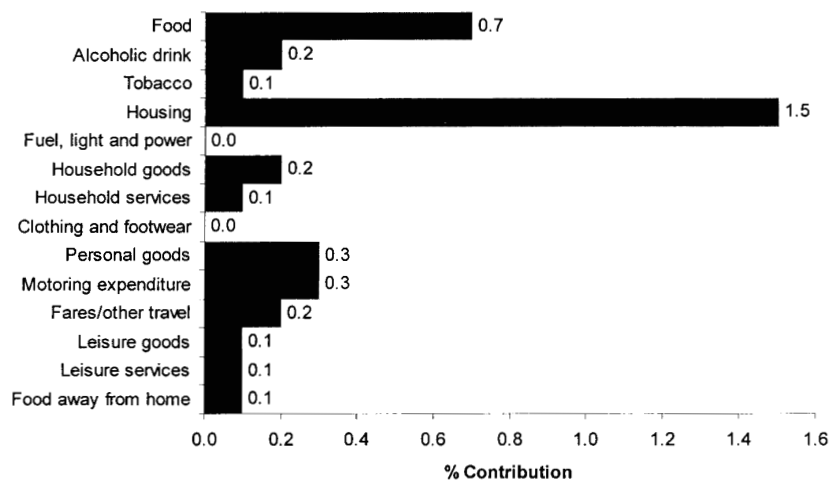
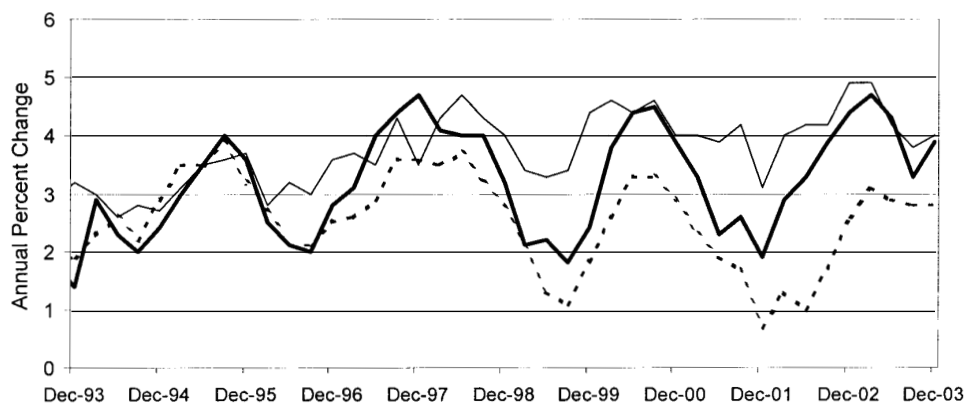


Figure 3

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



GUERNSEY RETAIL PRICES INDEX - DECEMBER 2003

RPI comparison with Jersey and the UK

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

Table 4

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

RPI X

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

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APPENDIX II
STATES EDUCATION COUNCIL
THE LADIES' COLLEGE: ANNUAL REPORT 2002-2003

The President,
States of Guernsey,
Royal Court House,
ST. PETER PORT.

5th January, 2003.

Dear Sir,

The Ladies' College : Annual Report 2002-2003

I enclose the annual report of the Principal of The Ladies' College for the academic year 2002-2003. I should be grateful if you will arrange for the report to be published as an Appendix to the Billet d'État for February 2004.

Yours faithfully,



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

Enc.

PRINCIPAL'S REPORT to the States of Guernsey 2002 – 2003

The year 2002/3 has been both good and bad for the Ladies' College. On the one hand, the students have been outstandingly successful with the best ever examination results at A level and at GCSE. Pupil numbers have continued to rise and the students have achieved notable success in every field of activity. On the other hand, the small signs of progress towards a proper programme of capital development for the College which seemed detectable in 2001/2, were extinguished in the Autumn of 2002. The Ladies' College thus remains unable to provide adequately for either its present or its future needs and is, in a very real sense, the prisoner, not only of its outdated building, but also of its constitution.

Examinations

There was 100% pass rate at A level at Grades A-E with 50.4% of these passes being at A grade and 90.2% being at Grades A to C. Michelle Le Cheminant achieved five A grade passes, Alison Gaudion achieved four A grade passes, Victoria Allen, Anna Medland, Sarah Morris and Sarah Willis achieved three A grades at A level and an A at AS level. Frances Browning achieved three A grades at A level, one being in Art where she gained full marks. At GCSE, the results were also excellent. There was 100% pass rate at Grades A* to G, with 98.2% at Grades A* to C and 66.3% at A* or A grade. Eighteen girls achieved A* or A grades in all ten subjects with Jessica Robinson and Chloe Grover achieving A* grades in all ten subjects. Chloe also received a special award for being among the top ten candidates in the UK for the Edexcel Geography Syllabus B examination. These outstanding results at both A level and GCSE have established a new record of academic excellence for the College.

Destinations

The success that the Year 13 students enjoyed at A level meant that nearly all of them obtained places at the university of their first choice. A full list of the destinations of U6 leavers is attached.

Curriculum

A decision was taken this year not to enter Year 9 students for the Key Stage 3 tests. Changes had been introduced to the syllabuses which made the programmes of study more prescriptive and the removal of the extension papers meant that it was no longer possible for the ablest students to achieve Level 8. In place of the Key Stage 3 tests, more time will be spent laying the foundations for GCSE work. Students in Year 6 at Melrose were, however, entered for the Key Stage 2 tests. Thirteen achieved Level 5 in Science, six achieved Level 5 in English and eleven achieved Level 5 in Mathematics. This year, the first group of Design and Technology students completed their GCSE course with an impressive exhibition of furniture that they had made for their coursework projects. This new subject has proved extremely popular and is now well established as a GCSE option.

ICT

Considerable progress has been made in the field of ICT. As part of the Education Council's Policy of expanding the use of ICT in schools, data cables were installed throughout the Senior School building extending our computer network to every classroom. To extend this further, the College added radio links to the many outlying buildings. We have, in addition, installed a new server and upgraded our system from Windows 98 to Windows XP. Staff training in ICT has formed a major part of the Professional Development Programme throughout the year.

Sport

The Island Games was in many ways the climax of the school year. It fell in the last week of term and all normal lessons were suspended in order that as many students as possible could be released to watch the events. The Senior School was linked to the island of St Helena and Melrose was linked to Prince Edward Island. We were pleased to be able to welcome to the school the young athletes from St Helena who had travelled so far to compete in the Island Games. Ten Ladies' College students were members of the Guernsey Team. Gail Strobridge, Rebecca Charlton, Louisa Jurkiewicz and Jennifer Salmon in Swimming; Stephanie Ozanne in Athletics; Fiona Strobridge in Gymnastics; Charlotte Koller in Tennis; Elena Johnson in Badminton; Sorrel Chandler in Dinghy Sailing and Chantelle Goubert in Archery. Together they contributed to nine Gold medals, nine Silver medals and three Bronze medals to Guernsey's winning total. Elena Johnson has had an excellent season, playing for the England Under-19 Badminton team and Clare Chapple is a member of the British Laser Team. The Under-16 Swimming team comprising Rebecca Charlton, Elizabeth Falla, Louisa Jurkiewicz and Jennifer Salmon were placed fourth in the All-England Schools Bazuka Championship this year. Ladies' College girls have represented the Island or the Channel Islands in Athletics, Badminton, Gymnastics, Hockey, Netball, Swimming, Tennis, Sailing and Bowling.

Music and Drama

150 girls participate in extra-curricular Music groups with 54 girls playing in the Training Orchestra and 60 singing in the Junior Choir. 12 girls play in the Channel Islands Youth Orchestra and 30 girls have passed Associated Boards examinations. Two students, Anjelique Lihou and Katherine Sproule, were awarded places at the highly competitive Purcell School of Music. The Music and Drama departments collaborated this year to stage an outstanding production of 'The King and I' at St James in the Autumn term. A production of 'A Midsummer Night's Dream' was the other main Drama event of the year. Several girls entered for the individual Trinity College Speech and Drama examinations. Anne Harris was given a Special Award for achieving over 90% in Grade 5 and Chantelle Willey received two awards for getting over 90% in both Grade 7 and Grade 8.

Extra-curricular Activities

This year, a large number of girls participated in Young Enterprise with conspicuous success. Fabienne Ogier won the award of Young Achiever of the Year; Jade Simpson and Alexandra Monkhouse shared the Managing Director's Award; Victoria Marr

won the Operations Director's Award; Emma Wolfe the Company Secretary's Award and Sally Ede-Golightly the Finance Director's Award. The winning company, Bok, came second in the Regional Finals. The Duke of Edinburgh's Award continues to flourish at the Ladies' College and this year, 34 girls have gained the Bronze Award, 32 have completed their Silver Award and 16 have completed their Gold Award. The Award Scheme remains a vital part of the community spirit at the College with the Gold Award girls making a substantial contribution to the training of the younger Bronze candidates. In the Design-an-Ad Competition, fifteen girls won prizes and Emily Rugg gained the award of Senior Designer of the Year. The girls have raised about £4,500 for charity this year. Approximately £1,500 was raised during the very successful Charities Fayre at the end of the Spring term. Frances Browning, with a wonderful record of community service, especially helping the handicapped, represented Guernsey in the Regional Finals of the Lions Club Youth Award.

Staff Changes

There were more changes of staff than usual this year and the last two terms were particularly busy ones with recruitment. Finding staff of good calibre is not easy and the cost of housing in the Island is a considerable deterrent, especially for younger teachers. Island life is not attractive to all and few teachers with school age children are willing to take up posts that carry only five-year licenses. Seven new teachers joined the Ladies' College in September 2002. Mr Arblaster and Mr Turner in the Science department, Dr Ellerby in the History department, Mrs Rolfs as a part-time teacher of Design and Technology, Mrs Ellerby and Miss Russell at Melrose and Mrs Masterton for one year as a part-time teacher of English. At Christmas, Mrs Tucker went on maternity leave and was replaced for two terms by Miss Young in the English and Drama departments. In December, Mrs Ozanne retired having taught Mathematics at the Ladies' College for 21 years. She was succeeded by Miss Armand Smith who, in May, took over the additional pastoral responsibility of Junior Co-ordinator. Eleven staff left at the end of the Summer term. Dr and Mrs Ellerby and Mrs Rolfs returned to England, Mrs Masterton ended her one-year appointment, Mrs Guilbert and Mrs Watts left Melrose, Mrs Grand and Mrs Wheeler moved over to the Education Department to take up key administrative posts, Miss Robilliard moved to the post of Head of Chemistry at the Grammar School and Mr Davis and Mrs Anthony retired. Mrs Anthony is a very long-serving member of staff who has taught at Melrose for 31 years, the last 15 of which she has also held the responsibility of Deputy Head. In the administrative and support staff, Mrs Ashworth succeeded Mrs Hughes as secretary at Melrose and Mr Welton succeeded Mr Mauger as senior caretaker.

Resources and Buildings

The Ladies' College has an urgent need of capital to replace its temporary buildings and bring its accommodation up to modern standards. The Senior School was built in the early 1960s and shares the same limitations and inadequacies as Les Beaucamps School, St Peter Port School and La Mare de Carteret School. Although the College has maintained its buildings carefully to prolong their useful life, fundamental flaws in the construction still mean that water comes in on wet days and the insulation and soundproofing are poor. More serious, however, are the deficiencies in accommodation. The main building has no provision at all for Drama, Music, Design

and Technology or Art. The PE changing rooms are wholly inadequate; there is almost no storage space and no cloakrooms; there is no lift, and very limited disabled access. Working areas for staff and students, Sixth Form teaching rooms, circulation space, canteen facilities and premises for caretakers and cleaners are all too small, in the wrong place or non-existent. The outdoor sports areas are in need of major upgrading and the grass sports field is unusable in damp weather. These deficiencies have been obvious for well over ten years and the College submitted a Development Plan to the Education Council in 1994, drawing attention to the need for major development. A second Development Plan was submitted in 1998 and a third in January 2001. This Plan was validated by Brian Barnett in May of 2001 with further evaluation in December. In the Autumn of 2002, Kings Sturge conducted a site survey but there has been no further progress since then.

The urgency of our need for more space is overwhelming, and in order to provide for current needs, the College has added two more mobile classrooms to the nine already in use. The Sports Pavilion and Groundsman's Workshop have been refurbished as an office for the PE department and the staffroom has been re-designed in an open plan style to accommodate more people and make room for a reprographics area.

The building is now placing marked limitations on the efficient working of the school and the high standards achieved by the students are all the more admirable given the inconvenient and difficult conditions under which staff and students have to work. If the Ladies' College is to be capable of providing this standard of education for the girls of the Island in the future, adequate capital funding is an urgent and absolute necessity.

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THE LADIES' COLLEGE GUERNSEY

Les Gravées, St. Peter Port, Guernsey, GY1 1RW.

Telephone (01481) 721602 Facsimile (01481) 724209 Email: office@ladiescollege.sch.gg

Principal:
Miss M. Macdonald,
M.A., Dip. Ed.

DESTINATIONS OF SIXTH FORM LEAVERS JULY 2003

<u>Name</u>	<u>Institution</u>	<u>Course</u>
Victoria Allen	University of Nottingham	B.A. (Hons) Geography
Samantha Bell	University of Nottingham	B.A. (Hons) French and German
Kathryn Bodnarchuk	North Tyneside College	BTech National Diploma in Dance
Frances Browning	University of Wales, College of Medicine	BSc. (Hons) Physiotherapy
Felicity Calderwood	University of Surrey	BSc. (Hons) Business Management
Stephanie Caldwell	Bournemouth University	B.A. (Hons) Tourism Studies
Emily Carre	King' Alfred's, Winchester	B.A. (Hons with QTS) Primary Education (Geography)
Holly Davis	Oxford Brookes University	BSc. (Hons) Information Systems and Software Engineering
Franziska Evison	University of Durham	BSc. (Hons) Psychology
Kathryn Falla	University of Bristol	B.A. (Hons) History of Art
Alison Gaudion	St John's College, Cambridge University	B.A. (Hons) Natural Sciences
Chantelle Goubert	University of Portsmouth	B.A. (Hons) Computer Animation
Joanne Griffiths	Loughborough University	Foundation Studies in Art and Design
Claire Guilbert	University of Plymouth	BSc. (Hons) Business and Tourism
Stephanie Hamel	Royal Holloway, University of London	B.A. (Hons) History
Rachel Hassall	Local Employment (Studying ACCA through Civil Service Board)	Internal Audit Department, States of Guernsey

Michelle Le Cheminant	Newnham College, Cambridge University	MB Medical Sciences
Renee Lowe	University of Exeter	B.A. (Hons) French and German
Anna Mauger	Royal Holloway, University of London	B.A. (Hons) History
Anna Medland	University of Nottingham	B Arch. Architecture
Sarah Morris	University of Sheffield	MB ChB Medicine
Gemma Mortimer	University of Southampton	LLB (Hons) Law
Charlotte Nichols	Brock University, Canada (Scholarship)	Psychology
Katie Nicolle	Local Employment Barings (Guernsey) Ltd	Trust Administration
Gemma Piercey	University College, Chichester	BSc. (Hons) Sports Therapy
Laura Plumley	University of Leicester	MB ChB Medicine
Catherine Pratt	University of Southampton	BSc. (Hons) Physiotherapy
Ella Pritchard	Kingston University	Foundation Course, Art and Design
Victoria Read	Roehampton, University of Surrey	B.A. (Hons) Film Studies and Screen Practice
Anna Rudd	University of Exeter	B.A. (Hons) Economics
Samata Russell	University of Exeter	B.A. (Hons) Drama
Laura Sallabank	GAP Year – Local Employment. Applying for Entry 2004. Law	Carey, Olsen Advocates
Samantha Sexton	GAP Year. Applying for Entry 2004.	Travelling in Australia
Rebecca Singer	Chichester College of Arts, Science and Technology	HND Beauty and Health Therapy Management
Sarah Solway	King Alfred's, Winchester	B.A. (Hons with QTS) Primary Education (Mathematics)
Bianca Swan	University of Portsmouth	Diploma in Foundation Studies (Art)
Sarah Willis	University of Leeds	B.A. (Hons) Theology and Religious Studies
Sarah Woodington	University of Southampton	BSc. (Hons) Management Studies

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 25TH DAY OF FEBRUARY, 2004

The States resolved as follows concerning Billet d'Etat No. II
dated 6th February, 2004

PROJET DE LOI

entitled

**THE INTELLECTUAL PROPERTY (ENABLING PROVISIONS)
(BAILIWICK OF GUERNSEY) LAW, 2004**

I.- To approve, subject to the following amendment, the Projet de Loi entitled “The Intellectual Property (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004”, and to direct the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

AMENDMENT

- (a) in section 1, immediately after paragraph (l) (printed on page 2 of the Brochure to the Billet d'État), insert the following paragraph -

"(m) image rights;"

and re-letter the following paragraphs “(n)” to “(s)” (instead of “(m)” to “(r)”);

- (b) in section 2(1), immediately after the definition of "geographical indication" (printed on page 4 of the Brochure to the Billet d'État), insert the following definition -

"image rights" means rights which relate to a person's name, voice, signature, photograph, characteristic or likeness;"

- (c) in section 2(2) (printed on page 10 of the Brochure to the Billet d'État) immediately after the “"geographical indication",” insert “"image rights,"”.

THE ELECTIONS ORDINANCE, 2004

- II.- This Article was deleted. See Ordinances laid before the States, following Article XII

THE REFORM (AMENDMENT) (GUERNSEY) LAW, 1972 (AMENDMENT) ORDINANCE, 2004

- III. To approve the draft Ordinance entitled “The Reform (Amendment) (Guernsey) Law, 1972 (Amendment) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

THE REGULATION OF INVESTIGATORY POWERS (BAILIWICK OF GUERNSEY) LAW, 2003 (COMMENCEMENT) ORDINANCE, 2004

- IV. To approve, subject to the following amendment, the draft Ordinance entitled “The Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003 (Commencement) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

AMENDMENT

In section 1 (printed on page 22 of the Brochure to the Billet d’État), for “1st March, 2004” substitute “14th June, 2004”.)

STATES ADVISORY AND FINANCE COMMITTEE

THE HUMAN RIGHTS (BAILIWICK OF GUERNSEY) LAW, 2000

- V. After consideration of the Report dated the 9th January, 2004, of the States Advisory and Finance Committee:-
1. That legislation shall be enacted to enable the States to amend a non-compliant provision by Ordinance as set out in that Report and including a minor consequential amendment to the Human Rights (Bailiwick of Guernsey) Law, 2000.
 2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

PUBLIC HOLIDAYS – DECEMBER 2004 AND JANUARY 2005

VI. After consideration of the Report dated the 16th January, 2004, of the States Advisory and Finance Committee:-

1. That the Public Holidays Ordinance, 1994, as amended, shall be further amended to the extent that –
 - (a) Tuesday, 28th December, 2004 and
 - (b) Monday, 3rd January, 2005shall be additional public holidays in Guernsey.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

GUERNSEY TAX TRIBUNAL

VII. After consideration of the Report dated the 16th January, 2004, of the States Advisory and Finance Committee:-

1. That the Income Tax (Guernsey) Law, 1975, as amended, shall be further amended along the lines set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

PROPOSAL FOR A NEW ARBITRATION (GUERNSEY) LAW

VIII. After consideration of the Report dated the 22nd January, 2004, of the States Advisory and Finance Committee:-

1. That legislation be enacted on the lines set out in that Report with respect to a new Arbitration Law.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

STATES AUDIT COMMISSION'S FOLLOW UP REPORT ON THE ADMINISTRATION OF STATES PROPERTY

IX. After consideration of the Report dated the 7th January, 2004, of the States Advisory and Finance Committee:-

To note the contents of the States Audit Commission's Report, in particular its recommendation that this matter be revisited in two years' time by the Public Accounts Committee.

STATES CIVIL SERVICE BOARD

PUBLIC SERVANTS' PENSION SCHEME

X.- After consideration of the Report dated the 23rd January, 2004, of the States Civil Service Board:-

To approve the draft States of Guernsey (Public Servants) (Pensions and Other Benefits) (Amendment) Rules, 2004, attached as an Appendix to that Report.

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 26TH DAY OF FEBRUARY, 2004

(Meeting adjourned from 25th February, 2004)

The States resolved as follows concerning
Billet d'État No. II dated 6th February, 2004

STATES EDUCATION COUNCIL

PROGRESSING THE EDUCATION DEVELOPMENT PLAN:

1. PROGRAMME 1 (REBUILDING) FUNDING AND PHASING
2. CONSTRUCTION OF ADDITIONAL POST-16 FACILITIES

XI. After consideration of the Report dated the 23rd January, 2004, of the States Education Council:-

1. (1) To transfer the sum of £12,750,000 from the Capital Reserve to the capital allocation of the States Education Council for the purposes of continuing Phases One and Two of the States Education Council's rebuilding programme (Programme 1).
- (2) To note that the Treasury and Resources Department will have due regard to the need to work on the basis of transferring annually from January 2005 to January 2008, subject to the affordability and availability of funds, the sum of £12,750,000 in January each year to the capital allocation of the Education Department for the purposes of completing Phases One and Two of the Department rebuilding programme (Programme 1).
2. (1) To approve the construction of additional new sixth form facilities for the Grammar School and the College of Further Education Phase A works as set out in that Report.
- (2) To authorise the States Education Council to seek tenders for contractors and other professional services required to progress these projects.
- (3) To authorise the States Advisory and Finance Committee to approve the acceptance of tenders in connection with these projects.

- (4) To authorise the States Advisory and Finance Committee to approve a capital vote not exceeding £13,710,000, comprising £5,580,000 for the additional new sixth form facilities for the Grammar School and £8,130,000 for the College of Further Education Phase A work, such sum to be charged to the capital allocation of the States Education Council.

STATES BOARD OF HEALTH

RECLASSIFICATION OF CANNABIS FROM A CLASS B TO CLASS C DRUG UNDER THE MISUSE OF DRUGS (BAILIWICK OF GUERNSEY) LAW, 1974

XII. After consideration of the Report dated the 21st January, 2004, of the States Board of Health:-

1. That the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended, shall be further amended as follows-

that the maximum penalties for Part III Class C drugs under Section 3(2) for the production, Section 3 (3) for supplying and offering to supply and Section 4 (3) offences (possession with intent to supply), shall be increased from 10 years or a fine or both to 14 years or a fine or both and that the maximum penalties for Section 5(2) cultivation of the cannabis plant shall be reduced from life or a fine or both to 14 years imprisonment or a fine or both;

2. TO NEGATIVE THE PROPOSITION THAT the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended, shall be further amended as follows:-

- (a) that the maximum penalty for possession of a Class C drug shall be reduced from 4 years imprisonment or a fine or both to 2 years imprisonment or a fine or both;

- (b) that following the change proposed in proposition 1 above to the maximum penalties, cannabis and cannabis resin shall be transferred from a Part II Class B drug to a Part III Class C drug under that Law.

3. To direct the preparation of such legislation as may be necessary to give effect to their decision in Resolution 1 above.

ORDINANCES LAID BEFORE THE STATES

THE ELECTIONS ORDINANCE, 2004

In pursuance of the provisions of the proviso to paragraph 66 of the Reform (Guernsey) Law, 1948, as amended, the Elections Ordinance, 2004, made by the States Legislation Committee on the 12th January, 2004, was laid before the States.

THE BURMA (EXPORT OF GOODS & FREEZING OF FUNDS) (AMENDMENT) ORDINANCE, 2004

In pursuance of the proviso to paragraph 66 of the Reform (Guernsey) Law, 1948, as amended, the Burma (Export of Goods & Freezing of Funds) (Amendment) Ordinance, 2004, made by the States Legislation Committee on the 12th January, 2004, was laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE SOCIAL INSURANCE (SPECIAL CASES) (REPEAL) REGULATIONS, 2003

In pursuance of the provisions of section 117 of the Social Insurance (Guernsey) Law, 1978, as amended, the Social Insurance (Special Cases) (Repeal) Regulations, 2003, made by the Guernsey Social Security Authority on the 19th December, 2003, were laid before the States.

THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT) REGULATIONS, 2003

THE HEALTH SERVICE (PAYMENT OF AUTHORISED SUPPLIERS) REGULATIONS, 2003

THE HEALTH SERVICE (PAYMENT OF AUTHORISED APPLIANCE SUPPLIERS) REGULATIONS, 2003

In pursuance of the provisions of section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the above Regulations made by the Guernsey Social Security Authority on the 31st December, 2003, were laid before the States.

**THE SEA FISH LICENSING (LICENCES AND NOTICES)
(BAILIWICK OF GUERNSEY) REGULATIONS, 2004**

In pursuance of the provisions of section 5(3)(c) of the Sea Fish Licensing (Guernsey) Ordinance, 2003, the Sea Fish Licensing (Alderney) Ordinance, 2003 and the Sea Fish Licensing (Sark) Ordinance, 2003, the Sea Fish Licensing (Licences and Notices) (Bailiwick of Guernsey) Regulations, 2004, made by the States Sea Fisheries Committee on the 12th January, 2004, were laid before the States.

THE BOARDING PERMIT FEES ORDER, 2004

In pursuance of the provisions of section 17(3) of the Tourist (Guernsey) Law, 1948, as amended, the Boarding Permit Fees Order, 2004, made by the States Tourist Board on the 19th January, 2004, was laid before the States.

THE MISUSE OF DRUGS (MODIFICATION) ORDER, 2003

In pursuance of the provisions of section 30(3) of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended, the Misuse of Drugs (Modification) Order, 2003, made by the States Board of Health on the 14th July, 2003, was laid before the States.

K. H. TOUGH

HER MAJESTY'S GREFFIER