



# BILLET D'ÉTAT

WEDNESDAY, 27th FEBRUARY, 2008

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2008

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# ***B I L L E T D ' É T A T***

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

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I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE, on WEDNESDAY, the 27<sup>th</sup> FEBRUARY, 2008,** at 9.30am, to consider the items contained in this Billet d'État which have been submitted for debate by the Policy Council.

**G. R. ROWLAND**  
Bailiff and Presiding Officer

The Royal Court House  
Guernsey  
8 February 2008

## HOUSE COMMITTEE

### DOUZENIERS – TERM OF OFFICE AND RESIGNATION FROM OFFICE

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

7<sup>th</sup> January 2008

Dear Sir

1. On the 1<sup>st</sup> November 2007 the States resolved, inter alia, that the term of office of Douzeniers be reduced from six years to four years and that Constables and Douzeniers be permitted to vacate office by resignation rather than having to obtain a discharge from the Royal Court.
2. The Projet de Loi entitled The Reform (Guernsey) (Amendment) Law, 2008 has been drafted to bring that resolution into effect. The Projet de Loi was sent to the Douzaines primarily to ensure the accuracy of the details set out in the Schedule to Law. However, that consultation has raised two issues which have been considered by the House Committee and which are addressed in this report.
3. Analysis of the table in the Schedule to the Law shows that
  - 40 Douzeniers will have their term of office shortened by two years;
  - 64 Douzeniers will have their term of office shortened by one year;
  - 28 Douzeniers' terms will remain unchanged.

The Vale Douzaine has expressed concern that a large number of Douzeniers will, if the draft Law is approved, have their term of office shortened. They submit that Douzeniers presently in office should be permitted to serve their current six year term in full and that the new four year term be introduced over the period in which the six year terms will expire.

4. The Vale Douzaine scheme would mean a gradual introduction of the four –year term of office which would not be fully implemented until the end of 2015. Their scheme would mean that in each of the four years from 2009 to 2012 douzeniers would be elected for different terms of office so that, from 2013 onwards an equal number of Douzeniers would retire each year. The effect of the Vale scheme in detail is as follows -

<u>Year</u>	<u>St. Peter Port</u> <u>20 Douzeniers</u>	<u>Vale</u> <u>16 Douzeniers</u>	<u>Other Parishes</u> <u>12 Douzeniers</u>
2008	2 elected for 4 years	2 elected for 4 years	2 elected for 4 years
2009	2 elected for 3 years	2 elected for 3 years	1 elected for 4 years 1 elected for 3 years
2010	3 elected for 3 years 1 elected for 2 years	3 elected for 3 years	2 elected for 3 years
2011	2 elected for 3 years 2 elected for 2 years	2 elected for 3 years 1 elected for 2 years	2 elected for 3 years
2012	1 elected for 3 years 3 elected for 2 years	1 elected for 3 years 2 elected for 2 years	1 elected for 3 years 1 elected for 2 years
2013	4 elected for 2 years	3 elected for 2 years	2 elected for 2 years

5. This scheme would also mean that in some years the parish would have to elect Douzeniers for two separate terms – for example, three Douzeniers would be elected for three years, whilst one would be elected for only two year years. In the case of a contested election it is assumed that the successful candidate polling the least number of votes would serve the shorter term. However, as approximately 80% of Douzeniers' elections are unopposed<sup>1</sup> provision would need to be made as to how, in an uncontested election, the holder of the shorter term would be determined.
6. With regard to precedence for shortening a term of office, it will be recalled that in 1997 the six year term of office of the Conseillers elected in the General Election of that year was shortened to three years. The House Committee has considered the representations made by the Vale Douzaine but is of the view that a phasing-in of the reduced term of office of Douzeniers, whilst technically possible is really not practicable and would lead to considerable confusion. Furthermore, the Policy Council's report considered by the States in November did not refer to any transitional period leading up to a time when an equal number of Douzeniers would be elected each year. The Committee therefore recommends the States to approve the draft Law as set out in the brochure.
7. The Douzaine of St. Martin's advised the Committee that it remained opposed to removing the requirement to apply for Royal Court permission to be relieved from the office of Douzenier or Constable. In the original Policy Council report it was noted that the requirement for obtaining leave of the Royal Court to vacate office is that under customary law a person can be compelled to serve in

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<sup>1</sup> All parishes ten year average

those offices. The report went on to state that such compulsion is unlikely to be held to be Human Rights compliant. That being so the House Committee supports the view of the majority of the Douzaines that Douzeniers and Constables wishing to be relieved from office should be able to do so without recourse to the Royal Court and therefore recommends the States to approve the draft Law as set out in the brochure.

8. The St. Martin's Douzaine also asked the Committee to review the requirement that vacancies in the office of Douzenier occurring more than five months before the end of the term of office must be filled. The Committee undertakes to consider that point in the course of a review of the Reform Law as a whole which is likely to be undertaken in 2009.
9. The House Committee recommends the States -
  - (a) to note this report;
  - (b) to confirm that the expiry of the terms of office of Douzeniers presently in office shall, subject to the enactment of the necessary legislation, be amended as set out in the Schedule to the Projet de Loi entitled The Reform (Amendment) Law, 2008;
  - (c) to approve the Projet de Loi entitled "The Reform (Guernsey) (Amendment) Law, 2008" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying Her Royal Sanction thereto.

Yours faithfully

B M Flouquet  
Chairman

**(NB The Policy Council has no comment on the proposals. However, when the matter is debated by the States, Members will vote in accordance with their individual views.)**

**(NB The Treasury and Resources Department has no comment on the proposals.)**

The States are asked to decide:-

I.- Whether, after consideration of the Report dated 7<sup>th</sup> January, 2008, of the House Committee, they are of the opinion:-

1. To note that Report.
2. To confirm that the expiry of the terms of office of Douzeniers presently in office shall, subject to the enactment of the necessary legislation, be amended as set out in the Schedule to the Projet de Loi entitled The Reform (Amendment) Law, 2008;
3. To approve the Projet de Loi entitled “The Reform (Guernsey) (Amendment) Law, 2008” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying Her Royal Sanction thereto.

## **SOCIAL SECURITY DEPARTMENT**

### **THE HEALTH SERVICE (ALDERNEY HOSPITAL BENEFIT) (AMENDMENT) ORDINANCE, 2008**

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

28<sup>th</sup> December 2007

Dear Sir

#### **Executive summary**

1. This report recommends an amendment to legislation to enable the Social Security Department and the Health and Social Services Department to contract with a single medical practice for the provision of medical services at the Mignot Memorial Hospital instead of the two medical practices specifically named in the existing legislation.

#### **Background**

2. The Social Security Department and the Health and Social Services Department (“the Departments”) are jointly responsible for ensuring medical care services are provided to patients of the Mignot Memorial Hospital, including temporary residents and visitors, who are eligible for either Alderney Hospital Benefit under the Health Service (Benefit) (Guernsey) Law, 1990, as amended, or for treatment under any reciprocal health conventions.
3. Alderney Hospital Benefit was introduced in 1997 as a result of concerns expressed by the Alderney Health, Welfare and Education Committee and the Alderney Medical Association over Alderney residents, admitted and treated at the Mignot Memorial Hospital, being disadvantaged compared with Guernsey residents admitted to the Princess Elizabeth Hospital.
4. Following the introduction of the specialist health insurance scheme on 1 January 1996, acute patients at the Princess Elizabeth Hospital were attended by a member of the Medical Specialist Group under the contract with the States, and did not receive a bill for treatment unless the patient had expressly requested to be treated in the Victoria Wing as a wholly private patient. In the Mignot Memorial Hospital, Alderney residents who were admitted as in-patients for acute medical care, in particular patients who had been transferred from the Princess Elizabeth Hospital following specialist treatment in Guernsey, were

generally attended by one of the Alderney practitioners and received a bill for those services. These patients would have received free treatment under the specialist health insurance scheme had they been in Guernsey.

5. To address this issue for Alderney residents, who were liable for health insurance contributions to the scheme at the same rate as Guernsey residents, the States resolved, in January 1997 (Billet d'État I of 1997) to extend the specialist health insurance scheme to cover in-patient medical treatment.
6. At present, the States of Guernsey, acting through the Departments, contracts with the Island Medical Centre and the Eagle Medical Practice, the two medical practices on Alderney, for the provision of medical care services at the Mignot Memorial Hospital. The terms of that contract, and such contracts as extend or replace it, are the responsibility of the Departments and do not require approval or endorsement by the States of Deliberation.
7. On 15 April 2004, the Departments entered into an Agreement with the Island Medical Centre and the Eagle Medical Practice, with a term that would expire on 31 December 2007. In accordance with the advance notice required by the Agreement, on 21 December 2006, the Departments gave the Island Medical Centre and the Eagle Medical Practice 12 months' notice that the Departments did not wish to renew the Agreement.
8. In October 2007, the Departments invited tenders for the provision of medical care services at the Mignot Memorial Hospital, for a period of five years from an anticipated start date of 1 January 2008.

#### **Required legislative changes**

9. As a result of that tender exercise, the Departments are intending to enter an agreement with the Island Medical Centre. The Law Officers have advised, however, that if the service is to be provided under a contract with a single medical practice instead of the two Alderney medical practices which currently provide the service, an amendment to the Health Service (Alderney Hospital Benefit) Ordinance, 1997, as amended, is required to enable benefit payments to be made out of the Guernsey Health Service Fund.
10. Section 1(3)(e)(iv) of the Health Service (Benefit) (Guernsey) Law, 1990, provides for payment from the Guernsey Health Service Fund, of any sums payable pursuant to the provisions of the Alderney hospital contract. 'Alderney hospital contract' is defined in paragraph 3(a) of the Schedule to the Health Service (Alderney Hospital Benefit) Ordinance, 1997, as amended, as follows:

*“the Alderney hospital contract” means the contract for the provision of Alderney hospital benefit made between the States of Guernsey and the partners of the practices known as the Island Medical Centre, Alderney and the Eagle Medical Practice, Alderney, as amended, renewed or replaced from time to time by agreement of the parties.”*

11. As the Departments wish to contract with the Island Medical Centre only, this definition needs to be amended. The following more generic definition is recommended:

*“the Alderney hospital contract” means any agreement, for the time being in force, for the provision of Alderney hospital benefit at the Mignot Memorial Hospital, Alderney, made between the States of Guernsey and a supplier of medical care services approved for the purposes by the States Health and Social Services Department.”*

12. The definition of an “approved nurse” in the case of Alderney hospital benefit, provided in paragraph 3(c) of the Schedule to the Health Service (Alderney Hospital Benefit) Ordinance, 1997, as amended, also needs to be amended as it refers to the two Alderney medical practices by name.
13. Pending these legislative changes, the Senior Partners of the two Alderney medical practices have agreed to extend, by two months, the current agreement that would otherwise have terminated on 31 December 2007.
14. As the tender submitted by the Island Medical Practice remains valid until 28 February 2008, being 90 days after the closing date, and as the extension of the current Agreement with the two medical practices expires on 29 February 2008, there is an urgent need to amend the legislation to allow a new Agreement to commence with the Island Medical Centre alone from 1 March 2008.
15. Having regard to the urgency, the Law Officers have prepared the necessary legislation in advance of States’ consideration of this matter. The Policy Council, with the concurrence of the Presiding Officer, has agreed that, in the circumstances, this States Report and The Health Service (Alderney Hospital Benefit) (Amendment) Ordinance, 2008, may appear in the same Billet D’État.
16. The Health and Social Services Department has worked closely with the Social Security Department in this matter and fully supports the recommendation below.

### **Recommendation**

17. The Social Security Department recommends that the States approve the draft Ordinance entitled “The Health Service (Alderney Hospital Benefit) (Amendment) Ordinance, 2008” and directs that the same shall have effect as an Ordinance of the States.

Yours faithfully

D E Lewis  
Minister

**(NB The Policy Council supports the proposals.)**

**(NB The Treasury and Resources Department has no comment on the proposals.)**

The States are asked to decide:-

II.- Whether, after consideration of the Report dated 28<sup>th</sup> December, 2007, of the Social Security Department, they are of the opinion:-

To approve the draft Ordinance entitled “The Health Service (Alderney Hospital Benefit) (Amendment) Ordinance, 2008” and to direct that the same shall have effect as an Ordinance of the States

**PROJET DE LOI**

entitled

**THE MEDICINES (HUMAN AND VETERINARY)  
(BAILIWICK OF GUERNSEY) LAW, 2008**

The States are asked to decide:-

III.- Whether they are of the opinion to approve the Projet de Loi entitled “The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE BOATS AND VESSELS (REGISTRATION, SPEED LIMITS AND  
ABATEMENT OF NOISE) (AMENDMENT) ORDINANCE, 2008**

The States are asked to decide:-

IV.- Whether they are of the opinion to approve the draft Ordinance entitled “The Boats and Vessels (Registration, Speed Limits and Abatement of Noise) (Amendment) Ordinance, 2008” and to direct that the same shall have effect as an Ordinance of the States.

**EDUCATION DEPARTMENT**

NEW MEMBER

The States are asked:-

V.- To elect a sitting Member of the States as a member of the Education Department to complete the unexpired portion of the term of office of Deputy D P Le Cheminant, who has resigned as a member of that Department, namely to serve until May 2008 in accordance with Rule 7 of the Constitution and Operation of States Departments and Committees.

## POLICY COUNCIL

### STATES OFFICIAL GAZETTE

#### **Executive Summary**

While Guernsey has been well served by La Gazette Officielle as a primary means of public communication, it is now clear that a mechanism designed to meet the needs of the 19<sup>th</sup> Century is no longer entirely appropriate to the commercial and community needs of the 21<sup>st</sup> Century.

Accordingly in order to achieve a more cost effective modern approach to communication the Policy Council proposes that the States should establish a States Official Gazette, in which all official notices and information would be published, and enact enabling legislation by which any notice, document or information required by law or custom to be published in La Gazette Officielle will be published instead in the States Official Gazette. Furthermore the States Official Gazette will in future be presented in an electronic format.

#### **Background History**

1. Since at least the early part of the 19<sup>th</sup> century, official notices had been published in the weekly journal known as ‘La Gazette de Guernesey’. In 1935, the company publishing that journal informed the Royal Court that it would not be possible to continue, and accordingly by the *Loi par rapport à la Publication des Annonces Officielles, 1936*, every notice then (i.e. before 30<sup>th</sup> November, 1936) required by Law, Ordinance or custom to be published in ‘La Gazette de Guernesey’ was to be published in each of two daily newspapers published in the English language in Guernsey, or if thereafter there should be only one such newspaper, published therein; and the Royal Court was authorised to make Ordinances relating to such publications.
2. Interestingly, the 1936 Law provided for notices to be made either in French or in English. *The Ordonnance par rapport à la Publication des Annonces Officielles, 1936*, made by the Royal Court to give effect to the 1936 Law, provided for the creation of what was to become known as ‘La Gazette Officielle’, to be published in the then two local newspapers, the ‘Guernsey Evening Press’ and ‘The Star’. It further provided that every notice shall be “authenticated with the signature stamp or seal of an official or Advocate of the Royal Court, or of a President of a States Committee, or of a States or Parochial Official as may be appropriate”.
3. The 1936 Ordinance required the Guernsey Evening Press and The Star to publish such notices in “the first column of the last page but one”, with the column being headed with “the arms of the Island of Guernsey” followed by the words “La Gazette Officielle” on each day but excluding public holidays, and

each was obliged to publish any such notice delivered to their offices before 12.30 p.m. on the day preceding publication.

4. The Policy Council is not aware of the basis upon which 'La Gazette de Guernesey' came to be officially responsible for the publication of official notices. Of course by the early 19<sup>th</sup> century, 'The London Gazette' had been established for nearly 200 years as a government publication which, whilst originally carrying news, came eventually to be the official means by which public notices should be published. 'The London Gazette' – as also its regional equivalents 'The Edinburgh Gazette' and 'The Belfast Gazette' – has been available not only in hard copy but on line for some years.

### **The Case for Change**

5. Priority 12 of the Government Business Plan includes a specific work stream to improve communication between the States and the community. Against this background the Policy Council believes there is a compelling case both on the grounds of costs and the need to communicate on line to create and publish under the *aegis* of the States of Guernsey an official gazette, in which would be placed all those notices that are currently published in 'La Gazette Officielle'. So what is so published, and under what authority?
6. Certain Guernsey legislation requires that, in particular circumstances, certain matters must be notified in 'La Gazette Officielle' on a number of occasions. Historically, legal and formal notices were displayed in the respective porches of Guernsey Parish Churches, and indeed on the outside of the west wall of Sark's Church are still mounted boxes which display notices of a legal and administrative nature, that being the practice in Sark. For the purposes of this Report it is not necessary to identify all those instances in which publication in 'La Gazette Officielle' is required, because, in the opinion of the Policy Council a relatively straightforward approach should be adopted, which was, of course, the purpose behind the enactment of the 1936 Law and the 1936 Ordinance, both of which are recommended for repeal and replacement if the proposals that follow are accepted.
7. Even with the advent of radio and television, newspapers were the only means, on a daily or weekly or whatever basis, of 'officially' publishing notices, other than by *ad hoc* handbills or notices in e.g. Church porches, and, of course, publication in a newspaper provides some written record of the fact of publication, unlike radio and television which are, in their reception at least, transient media.
8. The internet is changing all this, and is available not only in Guernsey but internationally, i.e. anyone worldwide with access to the internet can obtain information. In its newspaper published format 'La Gazette Officielle', as prepared and printed by and in the 'Guernsey Press', is ordinarily available only daily in Guernsey and the other Islands, although the 'Guernsey Press' together

with 'La Gazette Officielle' is also published on the internet. However, Gazette Officielle notices currently remain online for a period of one week only .

9. Departments and Committees of the States have provided the Policy Council with the approximate cost of notices published in 'La Gazette Officielle' in 2005. The Parishes were also asked to supply similar statistics, but St Sampson's and St Martin's did not reply, and St Andrew provided insufficient details. Notwithstanding the incomplete replies the following represents in approximate terms the cost of notices published by the States and the Parishes in 'La Gazette Officielle' in 2005 (the figures are net of discounts given by the publishers):

States Departments and Committees	£20,000
Parishes	£24,000
H.M. Greffier	<u>£23,000*</u>
	<u>£67,000</u>

*\*of which £17,000 relates to companies' strike-off notices*

10. The cost of publishing notices in 'La Gazette Officielle' in respect of the Planning Inquiry on Rural Area Review No 1 was in the region of £120,000. There is, however, no legal requirement for such notices, but it had been a political decision in such cases that notices should be so published. Subsequently it was decided not to publish such notices for future planning inquiries.

### **The Proposal**

11. The Policy Council proposes that the States should
- i) Establish and maintain a States Official Gazette, in which official notices, not only of States' Departments and Committees but also of the Parishes, and all those other notices required by law to be published, including Royal Court, Greffe and other judicial and administrative notices, and company notices, would be published.
  - ii) Initially publish such notices both on-line and in hard copy, displayed at such location and frequency as Regulations of the Policy Council would prescribe.
  - iii) Prescribe by means of Regulations fees to be charged by the States for the publication of notices in the States Official Gazette.
12. It is envisaged that persons submitting a notice for publication will be required to do so in a prescribed format which will ensure that only a minimal effort is required by Policy Council staff to add the notice to the States website.

### **Enabling Law**

13. Accordingly, the Policy Council recommends enactment of a simple enabling Project de Loi by which any requirement by or pursuant to any Law, Ordinance or other legislation, or any rule of law or custom, that any notice, document or information is published in 'La Gazette Officielle' would, in future, be by publication in the States' Official Gazette, which could be published appropriately on the States' website and also maintained in hard copy form, and as such displayed appropriately at the Royal Court and Sir Charles Frossard House.
14. The legislation would repeal the requirement to publish in 'La Gazette Officielle'.
15. This proposal has been substantially anticipated in Alderney, where the States are responsible for preparing and publishing an official gazette, pursuant to the *Official Gazette (Alderney) Law, 1994*. In Alderney the Official Gazette is normally published fortnightly on a Friday subject to copy being supplied by noon on the preceding Wednesday. Copies are sold at 20p each or by annual subscription (Bailiwick rate £39.05).
16. The proposed legislation, apart from the general provision referred to above, would enable the States by Ordinance, not only to set up and maintain the States' Official Gazette but also to prescribe particular matters, e.g. locations at and/or occasions on which particular documents, notices or information might require to be published. In relation to any matters relating to or arising out of any judicial proceedings either in Guernsey or elsewhere, the Royal Court should be consulted before enactment of any such Ordinance for its views as to the frequency or duration of publication.
17. The Policy Council felt cautious about presently abandoning a hard copy States Official Gazette. Eventually it may be that a hard copy will be found unnecessary, but the Policy Council must assume that not everybody has access to the internet, whereas the present system assumes that everybody has access to the Guernsey Press. However, recent statistics indicate that over 70% of the Island's adult population have access to the internet at home. The Policy Council will ensure that provision is made to ensure that important public notices are still communicated to those persons who do not have internet access, or are not inclined to use it.

### **Communicating to Commerce**

18. A moment's reflection suggests that for many of the commercial and corporate matters for which publication in 'La Gazette Officielle' of notices are required, publication on the inside back page of Guernsey's local newspaper is an inappropriate means nowadays of bringing such notices to the attention of those

actually concerned, particularly as the majority of notices relate to the affairs of companies and are a means of bringing matters to the notice of third parties affected, many of whom being out of Guernsey will not have access to a hard copy of the Guernsey Press.

19. The Policy Council regards this proposal as one of importance, having regard not only to the development of the internet, but also to the purely domestic circulation of the Guernsey Press, and also to the costs attendant on publication in 'La Gazette Officielle'. Indeed in recognition of these facts Guernsey's new intellectual property regime provides for the Registrar of Intellectual Property to publish information that would formally have appeared in La Gazette Officielle by means of the Registry's website and in hard copy form on notice boards at the Registry and the Greffe. Building on this approach and against the background of recent States approval of the new electronic Company Registry the new Company Law provides for the Registrar of Companies to adopt a similar approach whereby notices can be published on the website and in hard copy.

### **Charges**

20. The States should not publish their Official Gazette without charge: it should at least cover its costs, and may, with prudent management, be expected to make a modest profit, to accrue to the revenues of the States. It almost certainly will be cheaper to publish in the States Official Gazette rather than in 'La Gazette Officielle', which is nowadays considered rather expensive. By way of example, the cost of publishing notices relating to the annual parish meetings is now in the region of £1,000 per parish, taking into account the Constables' notices, Churchwardens' notices and Remède notice).

### **Resource Implications**

21. Establishing the States Official Gazette is a function for which the Policy Council will be responsible. Once States approval has been received, detailed work will commence on identifying the most practical and cost effective means of developing and maintaining a States Official Gazette. It may be that the Policy Council will prepare and maintain the official gazette within its own staff or it might arrange for the functions to be handled by another States Department or body. The review will also examine the merits of outsourcing this rôle. Apart from its initial 'start-up' costs, the project is intended to be self-funding. Whilst it is difficult to quantify with precision the staff time which will be required, it is anticipated that provision can be made from existing resources.

### **Human Rights**

22. The proposal has no human rights implications.

### **Implementation**

23. Subject to completion of the legislative process it is anticipated that the States Official Gazette will commence on the 1<sup>st</sup> July 2009.

### **Consultation**

24. The Policy Council has consulted with the Guernsey Press Company Limited which recognises the desire for change and in particular appreciates the appropriateness of providing company information on line. The Company welcomes the phasing of the approach whereby company information will be published on line by the Registrar during 2008 with the new legislation establishing the States Official Gazette coming into force in the middle of 2009.
25. The Law Officers have been consulted and raise no objection to the proposals.

### **Recommendation**

26. The Policy Council therefore recommends the States to direct the preparation of legislation regarding the establishment and maintenance of the States Official Gazette, as set out in this report.

M W Torode  
Chief Minister

14<sup>th</sup> January 2008

**(NB The Treasury and Resources Department supports the proposal but has confined its consideration of the matter solely to resource issues in line with its mandate.)**

The States are asked to decide:-

VI.- Whether, after consideration of the Report dated 14<sup>th</sup> January, 2008, of the Policy Council, they are of the opinion:-

To direct the preparation of such legislation as may be necessary for the establishment and maintenance of the States Official Gazette, as set out in that Report.

## POLICY COUNCIL

### PAROCHIAL TAXATION

#### **Executive Summary**

This report proposes amending the legislation relating to parochial taxation to the extent that parochial rates shall in future be assessed on the same basis as that used for the assessment of the Tax on Real Property and that property owners, rather than occupiers, shall be liable for the payment of parochial rates. It also proposes an amendment to the penalties for late payment of parochial taxes.

#### **Report**

1. In 2005 the States enacted enabling legislation regarding taxation of real property<sup>1</sup>; in March 2006 the States approved in principle proposals for a simplification of the current system of Tax on Rateable Values and in June 2007 approved detailed proposals to replace the Tax on Rateable Values with a Tax on Real Property. Those detailed proposals are given effect by Ordinance of the States<sup>2</sup>.
2. In essence the new Tax on Real Property is based on the property area measured in square metres, in place of the Tax on Rateable Values which is based on a theoretical Annual Rental Value determined on principles which have not been revised since 1947.
3. The Treasury and Resources Department has now ceased assessing the Annual Rental Value of new properties and revising the Annual Rental Value assessments of existing properties for Tax on Rateable Values purposes as the new Tax on Real Property will be levied for the first time in 2008 based on the new criteria approved by the States.
4. A consequential effect of the decision not to continue with assessments based on Annual Rental Value is reflected in the administration of legislation relating to parochial taxation. Each parish levies two taxes: firstly an Occupier's Rate pursuant to the Loi relative à la Taxation Paroissiale of 1923 as amended<sup>3</sup> and secondly a Refuse Rate pursuant to the Parochial Collection of Refuse (Guernsey) Law, 2001<sup>4</sup>.

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<sup>1</sup> The Taxation of Real Property (Enabling Provisions) (Guernsey and Alderney) Law, 2005 – Ordres en Conseil No. X of 2006

<sup>2</sup> The Taxation of Real Property (Guernsey and Alderney) Ordinance 2007 No. XXXIII of 2007

<sup>3</sup> Ordres en Conseil Vol. VII, pp. 146 and 392; Vol. XIII, p.351; Vol. XIX, p.152; No. XV of 1993; No. XII of 1997; No. IX of 2002

<sup>4</sup> Ordres en Conseil No. IX of 2002

5. In both cases the rate is assessed on the Rateable Value of properties as determined by the Cadastre which, as previously noted, is no longer being maintained. Discussions have taken place with the parochial authorities and all parishes are agreed that parochial taxation should be levied on the same basis as the new Tax on Real Property, that is, relative to property area.
6. There are two further issues with regard to parochial taxation which need to be addressed. The first is that the Tax on Rateable Values is payable by the property owner and this will continue to be the case with regard to the new Tax on Real Property. However the situation with regard to parochial taxation is slightly more complicated.
7. Insofar as the Refuse Rate is concerned the liability rests with the occupier in the case of dwelling houses and with the owner in the case of tenement houses. With regard to Occupier's Rate the tax is levied on the occupier, save that
  - (a) where a house is let by the proprietor, or sub-let by the tenant the tax is levied on the proprietor or the tenant, as the case may be (in both cases the proprietor/tenant may recover the tax from the occupier); and
  - (b) where the land is of £14 Rateable Value or less the tax is levied on the proprietor.
8. All the parishes are agreed that the liability to pay parochial taxes should in future be on the proprietor and that proprietors should be able to recover the tax from the occupiers.
9. The other issue relates to the penalty which may be imposed for the late payment of parochial taxes. Provision is currently made in this regard by Article 6 of the Ordonnance relative aux Taxes Paroissiales<sup>5</sup> which states that parochial taxes must be paid within 30 days of the receipt of the tax demand failing which the Constables may claim, in addition to the tax due, the sum of £10 "for their time and expenses". The penalty was last increased in 1996. Allowing for inflation the equivalent figure would be in excess of £15.
10. Insofar as the unpaid Tax on Real Property is concerned, the Treasury and Resources Department may, at its discretion, levy the greater of a flat rate penalty of £25 for each month or part month in which the tax is unpaid or interest on the sum due at 10% per annum from the date on which payment is due until the date on which payment is made.
11. The Policy Council is of the view that there is no reason why the penalty provisions prescribed in respect of non-payment of the Tax on Real Property should not apply with regard to the non-payment of parish taxes, and so therefore recommends that the Law be amended accordingly.

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<sup>5</sup> Recueil d'Ordonnances Tome V, p.387; Tome XXIII, p.254; Tome XXVII, p. 52

### **Consultation**

12. The Law Officers have been consulted and have advised that there is no legal obstacle to amending the Loi relative à la Taxation Paroissiale of 1923, the Parochial Collection of Refuse (Guernsey) Law, 2001 and the Ordonnance relative aux Taxes Paroissiales in the manner recommended in this report.
13. All the Douzaines were consulted. St. Peter Port supported the proposal subject to a drafting point which has been incorporated. St. Pierre du Bois expressed concern at the penalty provisions preferring a standard penalty of £25. No response was received from the other parishes but most had supported a previously circulated draft.

### **Recommendation**

The Policy Council recommends the States to agree that legislation be enacted to provide that from 2009 onwards

- (1) rates levied pursuant to the Loi relative à la Taxation Paroissiale of 1923, as amended and the Parochial Collection of Refuse (Guernsey) Law, 2001 shall be levied on the same basis as the new Tax on Real Property; and the owners of the properties subject to the said rates shall be liable for payment thereof, with power for them to recover the rates paid from the occupiers;
- (2) the penalties or interest for late payment of parochial taxes shall be, at the discretion of the Constables and Douzaine, the greater of a flat rate penalty of £25 for each month or part of a month in which the tax is unpaid, or interest on the sum due at the rate of 10% per annum calculated from the date on which payment becomes due until the date on which payment is made.

M W Torode  
Chief Minister

14<sup>th</sup> January 2008

**(NB The Treasury and Resources Department has no comment on the proposals.)**

The States are asked to decide:-

VII.- Whether, after consideration of the Report dated 14<sup>th</sup> January, 2008, of the Policy Council, they are of the opinion:-

1. That legislation be enacted to provide that from 2009 onwards
  - (1) rates levied pursuant to the Loi relative à la Taxation Paroissiale of 1923, as amended and the Parochial Collection of Refuse (Guernsey) Law, 2001 shall be levied on the same basis as the new Tax on Real Property; and the owners of the properties subject to the said rates shall be liable for payment thereof, with power for them to recover the rates paid from the occupiers;
  - (2) the penalties or interest for late payment of parochial taxes shall be, at the discretion of the Constables and Douzaine, the greater of a flat rate penalty of £25 for each month or part of a month in which the tax is unpaid, or interest on the sum due at the rate of 10% per annum calculated from the date on which payment becomes due until the date on which payment is made.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## POLICY COUNCIL

### LIVE-LINK EVIDENCE

#### Executive Summary

This report proposes the enactment of legislation which will facilitate the giving of evidence by live-link before any court in the Bailiwick in relation to criminal matters and in the Guernsey and Alderney courts in relation to civil matters.

#### Report

1. Section 85 of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 provides that in relation to any criminal proceedings in any court in the Bailiwick, the States may by Ordinance make provision as appropriate in relation to the receipt of evidence and the disclosure of material in those proceedings.
2. Section 23 of the Evidence in Civil Proceedings (Guernsey and Alderney) Law, 2008 (which is to be laid before the States at the March meeting) will provide, inter alia, for the States, by Ordinance, to make provision regarding the manner in which evidence is adduced, and for the taking of evidence in Guernsey and Alderney or elsewhere for use in civil proceedings in the Bailiwick or elsewhere.
3. Her Majesty's Comptroller has written to the Policy Council in the following terms:

*“The technology for remote appearance before the courts is now working. It can already be used for criminal matters prior to trial (e.g. remands, bail applications, Royal Court plea and directions hearings etc); it can also be used for courts to hear argument and give directions remotely in civil cases (indeed less sophisticated equipment has been used for such purposes in the past). But it could not be used for hearing witnesses without the full and informed agreement of the parties; and there are concerns that even with such agreement expressed there could be subsequent challenges (especially in criminal cases); so that is the purpose of the present proposal, which I request be put before the States of Guernsey for their approval as soon as possible.”*

4. HM Comptroller's proposal is that an Ordinance made under the provisions referred to in paragraphs 1 and 2 of this Report should provide that in criminal proceedings before any court in the Bailiwick and in civil proceedings before any court in Guernsey or Alderney, the court may direct that any specified witness may give his evidence from a location other than the courtroom, if the court is satisfied with the equipment and arrangements, and that it is in the interests of justice to do so.

5. The Policy Council concurs with the view expressed by HM Comptroller. The Ordinance would apply in criminal proceedings in all of the Bailiwick's Courts and in civil proceedings in Guernsey and Alderney courts. Insofar as concerns civil proceedings the Policy and Finance Committee of the States of Alderney has been consulted and has indicated that it wishes the Ordinance to apply to civil proceedings in the Court of Alderney.

**Recommendation**

The Policy Council recommends the States to agree that legislation be enacted on the lines set out in this report.

M W Torode  
Chief Minister

14<sup>th</sup> January 2008

**(NB The Treasury and Resources Department has no comment on the proposals.)**

The States are asked to decide:-

VIII.- Whether, after consideration of the Report dated 14<sup>th</sup> January, 2008, of the Policy Council, they are of the opinion:-

1. That legislation be enacted on 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.

## POLICY COUNCIL

### REVIEW OF STATES MEMBERS AND NON-STATES MEMBERS PAY

#### Executive Summary

1. This States Report presents to the States the Report of the States Members Pay Independent Review Board to the Policy Council and sets out recommendations to enable States Members to vote upon the Board's proposals.

#### Background

2. On 28 January 2004 the States resolved that the remuneration of States Members and non-States Members of States Departments, Committees and Non-Governmental bodies be again subject to independent review when the patterns of workload and responsibility resulting from the machinery of government changes had become clear and that such a review should, in any event, take place before the 2008 General Election.
3. In 2007 the Policy Council accordingly established an Independent Review Board (IRB) to review the remuneration of States Members and non-States Members. The following, who all confirmed that they are not intending to stand in the 2008 General Election, agreed to serve on the IRB:

A C K Day, CBE, Chairman  
Mrs S A Farnon  
Mrs S Martel-Dunn

4. The terms of reference of the IRB were

*“To examine the existing system of payments to States Members and non-States Members of Departments and Committees and to consult on the existing arrangements in order to:-*

1. *determine whether or not the main principles under which payments are now made appear to be justified including whether the current system fairly and properly reflects the nature of the roles of all Members and those elected to positions of special responsibility;*
2. *determine whether there are any deficiencies and, if so, how these should be addressed;*

*and to submit a report to the Policy Council with recommendations on the future arrangements for payments to States Members and non-States*

*Members including how future payments should be determined in the intervening years prior to the next review.”*

5. The Policy Council asked the IRB to report in time for its Report to be submitted to the States prior to the 2008 General Election.
6. The IRB submitted its Report on 18 December 2007 and it is appended to this States Report.
7. The Policy Council would like to take this opportunity publicly to thank the Chairman and Members of the IRB for their hard work in undertaking this review and for producing an interesting and informative Report.

### **The Report of the Independent Review Board**

8. In response to the above quoted mandate, the IRB
  - confirms that the underlying principles under which payments are made continue to be justified (para 51 of the IRB Report)
  - recommends setting the allowances at a level to continue in force for the four years of the new States and that a further review be held prior to the 2012 General Election (para 59 of the IRB Report)
  - identifies two deficiencies which should be rectified (para 61 of the IRB Report)
    - the differentials between basic pay and other entitlements, particularly as far as Ministers are concerned, are insufficient
    - combinations of duties below Ministerial level can produce a higher rate overall payment for a Member than that received by a Minister
  - recommends revised allowances producing (para 62 of the IRB Report)
    - a substantial increase in workload and responsibility allowances

but

  - a far more modest overall percentage increase in member's combined Allowances over four years, before taking into further account the recommended maximum levels

[details of the proposed allowances and maximum allowances are set out in paras 10 and 11 below].

9. There are a number of other specific points made in the IRB Report which are worthy of noting

- the IRB has not reviewed the pension arrangements for Members and former Members (para 3)
- the IRB comments (para 57) that
  - the House Committee/States should review the position where Members with senior positions of responsibility unfortunately fall sick for an extended period
  - it does not consider that the equivalent of redundancy payments are appropriate when Members fail to be re-elected
  - it has a certain sympathy with the anxiety of some Members about the level of Social Insurance contributions after 1 January 2008 but regards this as a matter for the Social Security Department
- the IRB comments that it understands that the IT assistance to be offered to the new States will be updated and extensively improved (para 66) – the Policy Council has approved a revised package which will be introduced with effect from 1 May 2008.

10. The allowances recommended by the IRB for the new States are as follows:

Basic	£22,000
Chief Minister's and Minister's Expense	£ 3,000
Non-Minister Expense	£ 2,000
Department Membership	£ 3,750
Scrutiny, Public Accounts and Public Sector	
Remuneration Committee Membership	£ 3,000
Legislation Select and House Committees Membership	£ 1,875
Special Committee Membership	£ 1,000

#### **Special Responsibility Allowance**

Chief Minister	£23,000
Deputy Chief Minister	£ 2,000
Minister*	£15,000
Deputy Minister*	£ 5,625
Chairmen, Scrutiny, Public Accounts and Public	
Sector Remuneration Committees*	£12,000
Vice-Chairmen, Scrutiny, Public Accounts and Public	
Sector Remuneration Committees*	£ 4,500
Chairmen, Legislation Select and House Committees*	£ 7,500
Vice-Chairmen, Legislation Select and House Committees*	£ 2,800
Chairmen, Special Committees*	£ 2,000
Vice-Chairmen, Special Committees*	£ 1,000

- \* Ministers, Deputy Ministers, Chairmen and Vice-Chairmen are only entitled to their special responsibility allowance for that Department or Committee and are not entitled to Departmental or Committee Membership allowances as well.

### **Alderney Representatives**

Basic Allowance	£10,000
Expense	£ 1,000

### **Non-States Members**

Allowance per half-day attendance	£ 60
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11. The IRB also recommends five basic maximum levels of allowances

Chief Minister	£48,000
Deputy Chief Minister	£42,000
Ministers and Chairmen of Scrutiny, Public Accounts and Public Sector Remuneration Committees	£40,000
Deputy Ministers and Chairmen of Legislation Select and House Committees	£37,000
All other Members	£34,000

12. The IRB comments that the overall cost of its recommendations will be about the same in 2008/9 as in 2007/8 (approximately £1.5 million, excluding the States annual contribution to the pension scheme, etc) but point out that the real cost will reduce annually over the period 2009/12 depending on inflation (para 86 of the IRB Report).

### **The Policy Council's consideration of the IRB Report**

13. The Policy Council has taken the same position as that of the Advisory and Finance Committee commenting on the 2003 independent report on States Members pay that it is neither in a position to, nor would it be appropriate for it to, develop or present alternative proposals. In arriving at this position the Policy Council has been mindful of the fact that individual States Members will have their own views on what they consider to be an appropriate system and level of remuneration. The Policy Council believes that it is for each States Member to vote on the proposals according to his/her conscience.
14. The Policy Council has therefore included in this States Report specific recommendations which will enable the States to vote on the IRB proposals.

**Recommendations**

15. The States are asked to vote on the following recommendations based on the proposals contained in the States Members Pay Independent Review Board Report
- (1) that the allowances to be paid to States Members and Non-States Members of Departments and Committees with effect from 1 May 2008 shall remain in force until 30 April 2012;
  - (2) that the allowances to be paid to States Members and Non-States Members of Departments and Committees with effect from 1 May 2008 shall be as set out in paragraph 10 of this States Report subject to the maximum allowances set out in paragraph 11 of this States Report;
  - (3) to direct the Policy Council to set up an independent review of the allowances to be paid to States Members and Non-States Members of Departments and Committees in advance of the 2012 General Election; and
  - (4) to direct the House Committee to review the position where Members with senior positions of responsibility unfortunately fall sick for an extended period and to report back to the States with its conclusions.

M W Torode  
Chief Minister

21<sup>st</sup> January 2008

**STATES MEMBERS PAY INDEPENDENT REVIEW BOARD****REPORT TO THE POLICY COUNCIL**

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18<sup>th</sup> December 2007

## Introduction

1. In early June, 2007, the Members of this Independent Review Board accepted the invitation of the Policy Council to review the remuneration of States Members (“Members”) including the Alderney Representatives, and Non-States Member (that is, persons who are not Deputies who serve on a States Department or Committee). We have been asked to report to the Policy Council in time for it to report to the States prior to the 2008 General Election. We have, however, attempted to draft our report with the general public in mind, rather than the narrower specialist political audience.
  
2. Our terms of reference are as follows:
 

*“To examine the existing system of payments to States Members and Non-States Members of Departments and Committees and to consult on the existing arrangements in order to:-*

  1. *determine whether or not the main principles under which payments are now made appear to be justified including whether the current system fairly and properly reflects the nature of the roles of all Members and those elected to positions of special responsibility;*
  
  2. *determine whether there are any deficiencies and, if so, how these should be addressed;*

*and to submit a report to the Policy Council with recommendations on the future arrangements for payments to States Members and Non-States Members including how future payments should be determined in the intervening years prior to the next Review.”*
  
3. Our mandate does not include review of pensions for Members and former Members (Alderney Representatives are not in the current pension scheme).
  
4. To stimulate the consultation required of us, we wrote in July to all Members and Non-States Members inviting either a written representation to, or a personal meeting with, the Review Board, or both. Similar invitations were extended to all members of the public, by means of advertisements placed in the Guernsey Press. Further invitations, including by radio, were extended at the beginning of September. It cannot be said that the response either from the Members and Non-States Members or members of the public has been overwhelming.
  
5. We have gathered a limited amount of information in respect of pay entitlements for elected representatives in other jurisdictions, and most importantly have the current public data relating to rates of pay and workload responsibilities of Guernsey Deputies. That local data includes:- the various States Resolutions relating to the Constitution, Operation, Mandates and

Membership of States Departments and Committees; the Rules for Payments to Members and Non-States Members; and the official Record of Meetings of the States, Departments and Committees, including sub-committees, and of Members' attendance at them. (Unfortunately, the Record does not, at the moment, extend beyond October 2006). We also have a reasonable amount of information relating to various rates of pay generally in the Island.

6. This Review of Members' remuneration is required by Resolution of the States of 28<sup>th</sup> January 2004, which in turn followed the recommendation of the previous Independent Review Board (Messrs D J Warr (Chairman), D J Cherry and J S Guilbert) to that effect in October 2003 ("the 2003 Review Board" – the Review can be found at States Website [www.gov.gg](http://www.gov.gg) Billet d'Etat I 2004, Item 9). The sensible reasoning behind that recommendation (and Resolution) was that the new structure of government, which would come into effect from 1<sup>st</sup> May 2004, and to which the new proposed rates and structure of payments were to apply, must be put into practice for some time before any realistic evaluation of the new patterns of workload and responsibility could properly be undertaken.

#### **The Position Prior to 1<sup>st</sup> May 2004**

7. Prior to 1<sup>st</sup> May 2004, the States comprised 57 Members (including the two Alderney Representatives) and there were about 40 standing committees which undertook the work of government and administration on behalf of the States as a whole. Those Committees varied enormously in mandate and importance and were graded accordingly, from Advisory and Finance at the top down to such as the Ecclesiastical Committee at the bottom. There were no scrutinising Committees as there are now, such as Scrutiny and Public Accounts.
8. Members were entitled to what was described as a compensation payment of £9,987 per year, an attendance allowance of a maximum of £29.96 per half day, and an expense allowance of £1,998 per year free of tax. Presidential allowances were also payable, ranging from nil to £4,994 per year depending upon the grading of the Committee or Committees concerned, though no individual could be paid more than £4,994 however many Presidencies that person might hold. A main element of that pay scheme was thus, potentially, the attendance allowance, one of the perceived drawbacks of which was the amount of work it generated to administer.
9. The 2003 Review Board very helpfully provided a number of pay profiles based on attendance claims and other statistics for 2002. Thus, at the lower end of the scale, a Member might typically hold no Committee Presidency and claim attendance allowance for 55 half days per year, which would result in an annual payment of about £13,600. In the middle of the scale, a Member claiming attendance allowance for 120 half days would receive about £15,600 per year; if in addition the Presidency of a C Grade Committee was held this would increase the annual pay to about £16,600. At the top of the scale a

Member sitting on a number of busy Committees, requiring 200 half days attendance, together with holding the Presidency of an A or B Committee, might receive about £23,000 per year.

10. The pattern of Members' work varied considerably, as of course it still does. As a general rule it is probably fair to suggest that, in 2003, more Members were more widely involved in the overall work of government and administration than they are at present, though it is also true to say that a relatively small group of Members had a heavy workload and extensive responsibilities.

### **The Current Position**

11. The current structure of government and the current structure and rates of pay are markedly different.
12. The States now comprises 47 Members (including the two Alderney Representatives). The work of administration and government business is undertaken by the Policy Council and ten Departments, (Treasury and Resources, Commerce and Employment, Education, etc) presided over respectively by a Chief Minister and Ministers. Basically, in addition to the Minister, a Department comprises four Members elected by the States (of whom one will be elected by the members of the Department as Deputy Minister) with the facility to appoint two non-voting, Non-States Members serving the same term of office (as from 2008 such appointments will be subject to States approval).
13. There are five Standing (that is, permanent) Committees, three of which - Scrutiny, Public Accounts and, in a sense, Legislation - scrutinise the work of the government Departments. In addition, the House Committee has a general overview of the constitution and operation of the States and its Departments and Committees, whilst the Public Sector Remuneration Committee is responsible for remuneration and conditions of service of States employees. The Standing Committees vary in size and composition, (some have no Non-States Members, others an equality), and all Members, as in the case of Departments, are entitled to be paid. There are also 2 Special States Committees (that is, set up by the States to investigate and report on a specific issue, and therefore of a temporary nature, for example Inheritance Law), a Review Board and 3 Non-Governmental Bodies. For the Special States Committees the usual Committee Allowances apply for Members, but they receive no payment for sitting on the Review Board or Non-Governmental Bodies (Non-States Members however receive their Attendance Allowance for attending meetings).
14. The new structure and rates of pay were formally put into place by the States on the 28<sup>th</sup> January, 2004, to take effect from the 1<sup>st</sup> May that year. Their Resolutions followed in full the recommendations of the 2003 Review Board in

respect of the new structure for payments, but amended in part the specific rates which it had proposed.

15. The present pay structure comprises a number of elements: a Basic Allowance together with an Expense Allowance (tax free) for all Members; additional workload Allowances for members of a Department, and a Standing or Special States Committee; and further Special Responsibility Allowances for the Chief Minister, Deputy Chief Minister, Ministers and Deputy Ministers of Departments, and Chairman and Vice-Chairman of Committees. With regard to the different rates of pay, the only changes made to the 2003 Review Board's recommendations were to reduce from £35,000 a year to £20,000 a year the Chief Minister's Allowance, and from £10,000 a year to £5,000 a year the Deputy Chief Minister's Allowance. In addition, the Public Accounts Committee was given the same status as Scrutiny, both of which Committees were equated to a Department for remuneration purposes.
16. It was further resolved that all the Allowances should be increased on an annual basis in line with the Retail Price Index, and, as already indicated, a further review was to take place prior to the 2008 General Election, and successive elections thereafter. Limits were put on the total amount of Departmental, Standing and Special Committee membership Allowances payable to any individual Member, and on Special Responsibility Allowances (including the Deputy Chief Minister). For completeness, it was recommended that a new pension scheme for States Members should be put into place, but we repeat that our mandate does not extend to that area of potential remuneration.
17. At their meeting in March 2006 the States, following a report from the Policy Council, considered and reviewed the working of the new system of government. A number of issues relating to pay were raised at that time, but the States resolved to follow in full their earlier Resolution, that is to await an independent review in 2007/2008. (Refer to States Website – [www.gov.gg](http://www.gov.gg) Billet d'État VII 2006 – Item 1).
18. In accordance with the recommendations of the 2003 Review Board and subsequent States Resolutions, the different Allowances were raised automatically in line with the increase in the Guernsey Retail Price Index ("RPI") for the first two years of the present States; for the last two years the rate of increase, by States decision at the request of the Policy Council, has been RPI less 1%. Overall the rate of increase for the period 2004-2008 (three annual increases) has been just under 11%.
19. The current rates of Allowances (with effect from 1<sup>st</sup> May 2007) are shown in Appendix 1, the contents of which we trust are self-evident. We would add the following comments. The Allowances are cumulative, so that, for example, a Minister will receive the basic, expense, departmental and ministerial Allowances – with capping at the departmental and ministerial/chairmanship levels. With regard to the Alderney Representatives, they are entitled to the

Expense Allowance and the same membership and Special Responsibility Allowances as a Guernsey Deputy if so elected. It should be noted that the 2003 Review Board considered that the Alderney Representatives should be paid on exactly the same basis as Guernsey Deputies, i.e. should be entitled to the Basic Allowance. However, by amendment placed by the Alderney Representatives at the time, the States agreed that they should receive the half day attendance Allowance rather than the Basic Allowance. The Alderney Representatives are also entitled to have their additional costs (travel etc) reimbursed for attending States related meetings.

20. It must be emphasised that all these figures, save for expenses, are gross and subject to income tax (at source).
21. At the time of writing, we note that for the purposes of social security contributions States Members with no other employment are treated as self-employed persons; but as employees if they have another source of employed income. However, we understand that, after 1<sup>st</sup> January, 2008, all Members will pay contributions on their States remuneration at the self-employed rate, and on other sources of employed income separately.
22. IT Equipment Allowances are also available for States Members. This may take the form of a PC or lap top and printer being provided by the States, or alternatively the Member can receive £375 p.a. for use of his own equipment (tax free).
23. The total of Allowances paid to Members, including Non-States Members and Alderney Representatives (but excluding the latter's expenses), for 2006 amounted to just under £1.5M (also excluding the States contribution to the pension scheme, etc).
24. From the public records relating to rates of pay and membership of Departments, etc, it is possible to construct a number of different pay profiles for Members. It must be emphasised that the figures we give are gross (save for the Expense Allowance element), and that they are merely entitlements which Members may or may not claim, a matter entirely for them. Entitlements range from just under £25,000 p.a., for an ordinary Deputy who does not serve on any Department or Committee and receives no workload or responsibility Allowances, to just over £47,000 for the Chief Minister. A Minister is entitled to about £36,000 p.a. (by convention, with one exception, he holds no other Departmental post, and cannot, by the Rules, hold more than one other). A Deputy who is an ordinary member of a sufficient number of Departments or Committees so that his total membership allowances are capped, could receive slightly over £33,000 p.a. The Deputy Chief Minister must, by definition, also be a Minister and accordingly is entitled to over £41,000 p.a; if he held other positions (which is possible) he could indeed earn more than the Chief Minister. A Deputy who has one Special Responsibility Allowance (not being that of a Minister,) and is a member of a sufficient

number of other Departments or Committees so that his total Special Responsibility Allowances are capped, could, and in a few cases do, receive over £41,000 p.a. (As already indicated, in practice a Minister will receive considerably less).

25. The official Record relating to Members' attendance at meetings of the States, the Policy Council, Departments and Committees (including various steering and such like groups) and (largely) departmental sub-committees also makes interesting reading. It is not possible accurately to construct similar, helpful workload profiles as in the case of pay, because the Record cannot differentiate between the length and importance of a meeting, nor reflect the amount of preparatory work necessary, nor the length of attendance or contribution of any particular Member (though it does indicate if attendance was part only). Nor does this Record incorporate Ministers' attendances at, or communications with, their departments nor meeting with their counterparts from other jurisdictions.
26. Nevertheless, the official record, supported by the anecdotal evidence, reveal the high volume of meetings, not least of sub-committees (hardly surprising, since 10 Departments have replaced 40 plus Committees). Perhaps 30% of Members have over 100, and in some cases well over 100, meetings requiring their presence every year, and for the large part such Members appear to be very conscientious in their attendance. At the other end of the scale, the number of Members who have few meetings to attend is well under 10%. The balance of over 60% of Members are certainly kept busy, and, again for the greater part, appear to be dutiful in their attendance. It is clear that certain Departments have considerably more meetings than others, and that the sub-committee or steering group meetings, under the aegis of the Policy Council, are a major part of governmental business, particularly in the areas of strategy, finance and commerce. It is also interesting to note that a handful of Deputies without ministerial responsibilities are required to, and do, attend a large number of meetings, as part of their Departmental duties (thus without additional pay), and that there is thus in these few cases no direct correlation between the apparent workload and pay entitlement.

### **Representations**

27. Whether written or oral, or both, we received 45 representations in total (which included no comment from two Members). That total comprised 23 Members, (including the 2 no comments), 5 Non-States Members and 13 members of the general public (including 4 former Members in the last 2 categories). In addition we had 4 representations from Alderney. The only thing we can say for certain about that limited number of representations is that they were very varied. Many were interesting and most were thought provoking one way or another, for which we were grateful.

28. With regard to the Basic Allowance, 5 considered it should be increased, 7 that it should be decreased, and 15 that it was adequate or should remain the same or should be subject only to minor “tweaking” (in some cases because of the present financial circumstances). With regard to Non-States Members, opinion was equally divided between those who thought they should receive more and those who thought they should continue to receive the same (3 each). With regard to Special Responsibility Allowances, 4 considered the Chief Minister should receive more (and 1 that he should receive less), 4 that the Treasury and Resources Minister should receive more, 6 that Ministers should receive more (some of those considered that in addition the Basic Allowance should be reduced), and 4 that the cap for Departmental membership allowances should be reduced from 3 to 2 (i.e. in effect the cap should be reduced from £8,310 to £5,540). Two Members specifically raised the burden of States Insurance contributions (being treated as self-employed persons). We received little comment either on the rate of the Expense Allowance or the IT assistance provided by the States.
29. We received views on a number of representations on less pay specific matters.
30. Only two suggested that there should be a return to the Attendance Allowance system in one way or another, though slightly more envisaged some kind of penalty system for non-attendance at meetings. One Member wished to link pay to a civil service grading (to take the question out of the political arena) and one member of the public interestingly wished to relate Members’ pay to attendance and effectiveness (though he admitted that his suggestions as how to do so were complicated). On the other hand, far more approved of the present general structure for payments, but were concerned with improving the balance between Basic and Responsibility Allowances, in view of the (increasing) governmental workload (and stress). Most accepted, and four emphasised, the vocational nature of States work, and a further 4 made similar representations in respect of Non-States Members. A number referred to the need, or at least the desirability, of attracting more persons of “calibre”, but for the most part acknowledged that there was no realistic Basic Allowance that could provide such financial inducement. Opinion, what there was of it, was divided as to whether being a Member of the States was a full-time or part-time occupation. The main thrust of a number of representations (almost entirely from Members) related more to the structure of government, and how it was or was not working, rather than to pay. A couple raised the question of “parachute” payments, or resettlement grants, on leaving office as a Deputy.
31. We were informed that the majority of the current States of Alderney Deputies considered that payment for that island’s representatives attending the States of Deliberation in Guernsey should be on the basis originally proposed by the 2003 Review Board, namely that they should have the same Basic Allowance as the Guernsey Deputies, but, importantly, it should be reduced by a percentage. The minority Alderney view was that Attendance Allowances should be retained but the rate should be increased.

32. That, for what it is worth, is a brief synopsis of the representations that we have received. Interesting but statistically meaningless. The views of the very small number of members of the general public which we have received, whilst interesting, offer no particular guidance. We are sure there may be many and sound reasons why less than half of Members have contacted us. Some have clearly made their views known on earlier occasions, some do not want to express views on their own pay, and others will not be standing again. But we cannot help but ask ourselves why the percentage has not been higher. If one can gather any consensus from Members' representations, it might be that there is no general desire for changing the basic structure of pay at the moment (i.e. Basic plus Responsibility Allowances), and that the overall level should basically remain the same but that the differentials might need adjusting.

### **Other Jurisdictions**

33. Some comparative rates of pay for elected representatives in other jurisdictions are at Appendix 2. We note that in Jersey all members of their States are paid the same, regardless of responsibilities, which rate from 1<sup>st</sup> January 2008 will be just under £40,000 p.a. (plus expenses). Elsewhere, pay does reflect responsibilities, but again at rates higher than ours. Those jurisdictions have a ministerial system of government which we do not. Whilst it is always interesting and instructive to look outside the Island for comparisons, we do not think it is of any great assistance to us. We cannot, for a start, begin to assess what is required of elected representatives in those other jurisdictions. Our duty is to look, firstly, at what basic pay may be appropriate in Guernsey to attract a reasonably wide range of candidate for election, without making pay too much an incentive; and secondly, to evaluate in the local context, including comparisons with pay for differing jobs, what it is right and fair for exercising the different functions of States Membership. In any event, why should we be led by examples elsewhere? It is established policy to pursue and enhance the Guernsey identity.

### **Various Issues and Conclusions**

34. We turn now to address various issues which have arisen during our deliberations, and to offer our conclusions both on them and generally.
35. We preface our remarks by commenting that any evidential base for our conclusions is limited. We have a certain amount of hard evidence to guide us, such as the official Rules for Payments to Members, the membership of departments and committees, the attendance records, and information relating to differing rates of pay within the Island. In addition, we have the benefit both of the opinions we have received, some being usefully based on personal experience and observation, and more widely. In turn, our conclusions can only be our opinions.

36. It is sometimes stated that there are not enough “quality” people in the States, and more should be done to attract them. “Quality”, of course, is in the eye of the beholder, but we infer from the context in which such statements are made, that by persons of “quality” are meant up and coming or established professionals and business people, whose particular skills and experience could be well used in the government of the Island. However, even if such an objective was desirable, the problem is that the high level of pay which might attract such persons would be impossible to provide – a view largely reflected by those we have discussed it with. We believe a greater deterrent than pay amongst such people is “the system”, whether structural or procedural. Moreover, pay rates as high, or nearly as high, as might be necessary could attract candidates entirely for the wrong reason - money. Politics requires particular abilities, ambitions, or aptitudes, - and we strongly believe that “vocation” is an important attribute.
37. Nor, as far as younger persons are concerned, can there be any assured career prospects; there are no “safe seats” as in some jurisdictions with party politics. Deputies must always be faced with removal from office every four years. Nor can they be assured of election by their peers to ministerial, departmental or committee responsibilities. It is a risky occupation, likely to deter many with established jobs, families and mortgages, as well as the deterrent of the “system”. We also note that there appears to be no greater percentage of younger elected representatives elsewhere than there are here.
38. We do, however, agree with the concept of trying to attract people from all walks of life to stand as candidates for election, as far as is reasonable and practicable.
39. Another matter which we have had to consider is what account, if any, we should take of the approaching new tax regime and its financial/economic effects (“zero ten”). We believe that we should propose rates of pay at levels which we consider right, and fair to both those who receive and those who pay. The general perception, whether right or not, of the likely effects on the community of the introduction of the “zero ten” regime, and the stated policy of the States for restraint, are but one factor in our overall assessment. However, the total annual cost to the taxpayer, in our view, should be held in reasonable check.
40. The next question to ask is – what are the functions of Members? What are they elected by the public to do? In the first place they have their constituency work, whatever that may precisely involve. Secondly, they are the legislators and have to approve both the principle and, in theory, the precise terms of legislation. Thirdly, their decision-making functions extend far wider, to matters more obviously of governmental policy. The States as a whole are thus still “the government”, as Sir John Leale said in 1946 (in his evidence to the Chuter Ede Commission) and the Harwood Panel reiterated in 2000. There is

no distinct identifiable body which might be called “the government”, in contrast, for example, to the United Kingdom.

41. For these three roles, Members are paid the Basic plus Expense allowances. However, we would emphasise our firm view that the Basic Allowance does not entitle Deputies merely to do some constituency work and attend States meetings. More is expected of them, (e.g. sitting on the Priaulx Library Council) even though no particular proportion of the Basic Allowance is attributable to such additional duties or functions.
42. In practice, of course, the States delegates “government” in the administrative or executive sense to Departments, elected from the Members, the vast majority of whom carry out some ministerial or departmental duties. As “the Executive”, apart from some administrative functions, they are merely the creators of policy; not the ultimate decision makers. Additionally, the States since 2004 have delegated to Committees some of the initial scrutinising of the policies and operation of departments, whilst maintaining the ultimate control. It is these two areas of responsibility which attract the further Allowances. Again, we emphasise that these Allowances extend beyond the mere preparation for and attendance at Policy Council, Departmental or Committee meetings; whatever further is reasonably expected of Members is part of the package – sitting on sub-committees or steering groups for example.
43. We turn to the question of whether being a States Member is a full-time or part-time occupation. The ordinary Member with no further responsibilities – carrying out the duties of constituency work, legislation and ultimate governmental decision making – does not have a full-time occupation and therefore cannot be rewarded as if it is, despite the serious responsibilities which those roles impose. Nor do we consider that such ordinary membership, combined perhaps with membership of one or two Departments or Committees, can properly be assessed as being a full-time occupation, despite the number of sub-committee meetings which such a person might be required to attend.
44. The only positions which we consider even approaching the threshold of full-time are Ministerial. Some Ministers, by personal choice, will spend more time at their Department or on departmental matters than others. Whether that is the proper course is not for us; rather the question is – what does the job require them to do? Even in the case of the Departments with the heaviest workloads we cannot conclude that they are, or should, be full-time. Nevertheless the responsibilities of Ministers are considerable, more onerous than any other position in the States, save that of Chief Minister, involving those duties arising from their membership of the Policy Council and the stress which may accompany heading a Department, which in most cases has an extensive mandate and in some a large budget. Whilst the Chief Minister has no Department to run, he should, in addition to providing political leadership and chairing the Policy Council, keep abreast of all that is happening politically and

administratively, as well as attending to the ambassadorial and civic demands of the post.

45. We appreciate that for many Members it may not be easy to combine States and outside work – the tolerance of employers for example – but that cannot justify the taxpayer paying rates of pay which States work does not justify. Nor do we think there is any inherent conflict between States and outside work, notwithstanding the contrary and genuine view of some Members. Some, indeed, might consider outside interests to be desirable, to maintain a wider perspective.
46. As already indicated, one of the reasons for the establishment of this Review Board was that it was impossible in 2003/04 to anticipate with any clarity what the patterns of workload and responsibility under the new structure of government might be. In some ways those patterns are now clearer; in others they certainly are not.
47. We sense that the structure of government is still evolving. We suspect that the conflicting tectonic plates, towards greater or lesser concentration of executive power in a few hands, are still moving. We suspect that the compromise established in 2004 between ministerial and the traditional committee-based government (whether called Committees or Departments) is not set in tablets of stone. Moreover there are many other areas which we believe may receive attention. For example, with regard to the Departments themselves, there are perceived differences in their workloads and responsibilities. Will their numbers and mandates be amended? What may be the practical effects of the Government Business Plan? Are the functions of the Scrutiny, Public Accounts and Public Sector Remuneration Committees still evolving? Are their compositions correct?
48. Are there Departments or Committees membership of which should preclude sitting on any other? Should there be limits to the number of Departments or Committees of which a Member may sit (apart from financial “capping”)?
49. The question for us is whether we can, or rather should, seek to influence that possible evolution by way of the recommendations which we make with regard to pay. We give but one simple example. Should we recommend, with regard to the workload of different Departments, anything similar to the former “grading” system (of Committees) prior to 2004, relating to the pay of Ministers, Deputy Ministers and departmental members? We conclude that it is not within our mandate, nor have we the depth of knowledge, to recommend pay structures which might have the effect of seriously impinging on the current structure of government, whether by design or default. Such basic alterations must be left to others, such as the House Committee and, of course, the States as a whole. Nevertheless, certain areas of workload and responsibility have become sufficiently clear for us not to feel constrained in making some recommendations for appropriate adjustments.

50. We return to our mandate, namely *“to determine whether or not the main principles under which payments are now made appear to be justified including whether the current system fairly and properly reflects the nature of the roles of all Members and those elected to positions of special responsibility”*; and *“determine whether there are any deficiencies and, if so, how these should be addressed”*.
51. In answer to the questions posed, we consider that the underlying principles under which payments are made continue to be justified: - remuneration should be sufficient to provide all members of the community with the opportunity to stand for election; people should not be encouraged to stand for purely financial reasons; service to the community remains an inherent aspect of the job; remuneration should as far as possible be linked to the varying levels of contribution and commitment, whilst recognising that some will always work harder than others for similar reward; and that any system of pay should be transparent, administratively straightforward and fair. Simplification has been harder to achieve than we had hoped.
52. Discounting the views that Members should be paid nothing (unacceptable) or by results (interesting perhaps but impractical), we consider that the present payment structure (reflecting responsibility rather than attendance) is generally correct, and that such deficiencies as we feel able to address can be remedied, at least for the time being, by adjusting the rates for different allowances and the maximum payable at different levels of responsibility. We accept that there are a few Members whose numerous sub-committee obligations do not appear to be adequately remunerated, but, on reflection, we think that any return to a special attendance allowance for them would be a retrograde step.
53. With regard to the contribution of Members, one sometimes hears that they are ineffective, lazy and largely undeserving of their financial rewards. Whilst acknowledging that those criticisms exist we do not accept them. Contemptuous criticisms of the States were probably as prevalent fifty years ago as they are now, if not so publicised. Whilst the effectiveness of Members is not a matter on which we would comment, we have no doubt that to a large extent they are hard working, some extremely so. We have already commented (see paragraph 26) on the question of workloads, driven by the remorseless growth (for better or for worse) in the amount of work undertaken by the States over the years, which workload appears to be spread unevenly.
54. We would emphasise that it is the position or office, the different duties which should be required of a Member, which needs to be evaluated, not the person who is temporarily occupying it.
55. With regard to evaluating levels of commitment, on an individual basis, we consider that, realistically, it is impossible for us to do so - it can only be left, firstly to the States as a whole, and secondly to the electorate.

56. We have considered carefully the view expressed by a number who have made representations (Members and the public alike), that a Deputy should be financially penalised for non-attendance at States (or other) meetings. We conclude that it would be extremely difficult to do so fairly, and it also would be administratively cumbersome. Would reasons for absence be called for, and then analysed? Would there be a right of appeal? The solution to non-attendance must lie with colleagues and the electorate, bearing in mind that comprehensive lists of Members' attendances at States and all other official meetings are published.
57. For completeness we turn to three further matters. Firstly, we consider that the House Committee/States should review the position where Members with senior positions of responsibility unfortunately fall sick for an extended period. The unfairness which may result, of course, is that the ministerial duties may have to be undertaken by the Deputy Minister with no compensating reward. Secondly, we do not consider that the equivalent of redundancy payments are appropriate when Members fail to be re-elected. Thirdly, we have a certain sympathy with the anxiety of some Members about the level of Social Insurance contributions which, after 1<sup>st</sup> January 2008, all Members will be required to pay. However, whether Members should be treated as self-employed for their States remuneration and their contributions assessed accordingly must be a matter for the Social Security Department. But should Members be treated differently to any other self-employed person?
58. Finally, we have received a number of representations to the effect that whatever rates we propose should be fixed for the full life of a States, and not subject to annual increases in line with RPI. We think there is merit in that argument. It might be taken a stage further. One benefit of having no RPI increases is to take the question of Members pay out of the political arena. We believe, in theory, that benefit could be enhanced by holding further reviews at such a time that they would come into effect mid-term, and therefore take the question of pay out of the electioneering period. However, as we suspect that the States may in due course adjust the structures of government, leading to wider considerations, perhaps, of pay structures, we realise it may be unrealistic to recommend the first such mid-term review in 2010. Perhaps it might be borne in mind some time in the future.

### **Recommendations**

59. **We believe that whatever rates the States in due course approve they should be in place for a full term (i.e. 4 years).** If the States decide to reinstate an annual RPI increase, they should bear in mind that in arriving at the rates which we recommend below, we have taken full account of potential RPI increases, from 2007 to 2011. As already indicated, we do not recommend that new rates should be established mid-term of the next States as realistically it

would be too early to do so. **For now, we recommend a further pay review to take place prior to the 2012 general election.**

60. It is difficult to place a value on the role of Deputies and the different combinations of their responsibilities. There is no direct recruitment market for them. For the reasons stated (at paragraph 33), we gain little assistance from the rates in the usual comparators (Jersey and the Isle of Man). However, we do have the benefit of the recently published official figures on Personal Earned Income (for 2005) in Guernsey issued by the Policy Council. They reveal that the mean personal earned income (for 2005) was £26,055, a figure which we understand would have been lower but for the 2.2% earning over £100,000 p.a. These official figures also reveal that, in 2005, 73% of the population had an earned income of less than £30,000 p.a., and a further 12.4% earned £30-£40,000 p.a. We also have the benefit of other data relating to the pay of those in States employment and otherwise.
61. We believe that there are two particular deficiencies in the present pay structure which the experience of the last 3½ years has revealed. Firstly, the differentials between the basic pay and other entitlements, particularly as far as Ministers are concerned, are insufficient. Secondly, and as importantly, combinations (however fortuitous) of duties below Ministerial level can produce a higher rate of overall payment for a Member than that received by a Minister. To repeat what we stated earlier (paragraph 24), the current maximum amount payable to an individual member, excluding the Chief Minister and the Deputy Chief Minister, entitled to Special Responsibility Allowances is £41,550. In practice (with two exceptions) Ministers receive about £36,000. Both these deficiencies should be rectified. We are not attempting to control how many posts a Deputy may hold – that is a matter for the States. But we believe that financial rewards should and can be more appropriately capped.
62. We recommend (see below) a substantial percentage increase in workload and Responsibility Allowances. However, it is more relevant in our view to consider the overall percentage change of a Member's combined Allowances, which is far more modest over four years, before taking into further account the maximum levels we are recommending. We have calculated a variety of entitlements and percentage changes, in a multitude of formats. We do not propose to inundate the reader with them, but enclose a few hypothetical examples in Appendix 4. The overall effects should be clear, not least to Members who may have a particular interest. There will be some winners, and some losers in real terms (over four years). We also recognise that there are anomalies, which in our view could only be removed by over-complication.
63. We retain the current description of Allowances:- Basic, Expense, Departmental and Committee, and Special Responsibility. We emphasise that all Special Responsibility Allowances automatically include the Departmental and Committee membership Allowances, they are not cumulative as at present.

64. A summary of our proposed rates and maximum levels of Allowances are at Appendix 3, for ease of reference.

### **Maximum Payments**

65. **We propose five basic maximum levels of Allowances: - namely, the first for Ministers and the Chairmen of the Scrutiny, Public Accounts and Public Sector Remuneration Committees; the second for Deputy Ministers and the Chairmen of the House and Legislation Select Committees; and the third for everyone else. Those maximum levels we set at £40,000, £37,000 and £34,000 respectively, regardless, in each case, of how many other posts that Member may hold. The maximum level for the Chief Minister we set at £48,000 and for the Deputy Chief Minister at £42,000 respectively**

### **Expense Allowance**

66. The Expense Allowance should be to compensate for expenses actually and reasonably incurred in order properly to discharge a Deputy's duties. Overall, we do not consider the present level (£2,770) to be appropriate. We are mindful that the States already provide basic IT assistance and equipment (or cash in lieu); and understand (and hope) that the assistance to be offered to the new States will be updated and extensively improved. Some of us may be personally sympathetic to those Deputies who are not fully IT literate, or inclined, but we do not believe they should be indulged at the taxpayer's expense. For States business, as opposed to constituency matters, we believe that Members should fully avail themselves of the assistance the States (tax payer) can and will provide, or a reasonable annual payment in lieu. **Overall, we recommend that the Expense Allowance be set at £2,000 for all Deputies save for Ministers and the Chief Minister. With regard to the latter, we consider that their current Allowance is about right, bearing in mind that they have greater responsibilities than all other Members. We set it at £3,000.** Either Expense Allowance is, of course, tax free and in addition to the improved IT facilities to be provided by the States.

### **Basic Allowance**

67. The Basic Allowance is designed to cover the three basic duties of Deputies as States Members, namely their constituency, legislative and ultimate governmental functions, as outlined in paragraph 40 above. Those are important functions. We also reiterate what we stated at paragraph 41, that the Basic Allowance requires more than just some constituency work, preparation for and attendance at States meetings. Nevertheless, these basic duties can in no way be described as full-time employment. Nor does the position require any qualification or training (in contrast to teachers, nurses, or firemen, for example). Whilst we firmly believe that the basic pay should be sufficient to provide all members of the community with the chance to stand for election,

anyone so elected can realistically expect to receive at least one further allowance. Even if that was the lowest that we propose, the overall income would not be far short of the mean personal income in the Island (£26,055 for 2005). **We propose a Basic Allowance of £22,000.**

### Ministers

68. For reasons stated earlier (paragraph 44) we consider this role, together with that of the Chief Minister, to be crucial. We consider the current Ministerial Allowance of £11,080 (combined with the Departmental membership Allowance) to be too low. **We consider this Allowance should be set at £15,000 (in total).** With Basic and Expense Allowances, the full ministerial entitlement would be £40,000.
69. We appreciate that this sum may appear generous, perhaps, in respect of the less onerous Departments; but as we stated in paragraph 49, the number, grading and range of responsibilities of Departments is for the States to decide.
70. The current pay ratio between membership and leadership of a Department or Committee is one to four. We consider that ratio to be correct, except for Special Committees (see below). The pay ratio between the deputy and leader of a Department or Committee is currently one to two. Whilst we acknowledge that the amount of work required of a deputy may depend on the mandate of the Department and on the leader, we consider the current pay ratio is too narrow. We accordingly set the rates for those deputy positions at 37.5% (or  $\frac{3}{8}$ ths) of the Minister/Chairman. Finally, the current ratio between Committees and Departments (save for Scrutiny and PAC) is one to two. We consider that is correct, save for PSRC (see below). We have therefore, in line with these ratios, set the other Allowances as follows.

### Departmental Membership

71. **£3,750**

### Deputy Ministers

72. **£5,625 (in total)**

### Chairmen of Scrutiny, Public Accounts, and Public Sector Remuneration Committees

73. For the purposes of pay, we would equate PSRC with the other two specified Committees, having regard to what we can ascertain with regard to their workload and responsibilities. However, we do not consider that the current equivalence between the Scrutiny and Public Accounts Committees on the one hand and Departments on the other to be justified. None of them have the Departmental and Policy Council duties which are required of a Minister. We

consider that the differential between these Committees and the Departments should be 80%. **Accordingly we propose a Responsibility Allowance of £12,000 for the Chairman of these Committees (in total).** However we set their maximum level of Allowances at the same figure as applies to Ministers (we acknowledge the anomaly with regard to expenses).

74. We appreciate that this “grading” of Committees is, at least superficially, in contrast to our refusal to attempt any grading exercise in respect of Departments. But the States have already graded the Scrutiny and Public Accounts Committees differently from the other three Standing Committees, and in their debate in March 2006, in reviewing the New System of Government (Billet d’État VII 2006), specifically indicated their wish for the next independent pay review to address the question of differentials between Standing Committees.

#### **Members of Scrutiny, Public Accounts and Public Sector Remuneration Committees**

75. **£3,000** (i.e. 80% of a Department Membership Allowance)

#### **Vice-Chairmen of Scrutiny, Public Accounts and Public Sector Remuneration Committees**

76. **£4,500 (in total)** (i.e. 80% of a Deputy Minister Allowance).

#### **Chairmen of Legislation Select and House Committees**

77. **£7,500 (in total).**

#### **Members of Legislation Select and House Committees**

78. **£1,875.**

#### **Vice-Chairman of Legislation and House Committees**

79. **£2,800 (Rounded) (in total).**

#### **Chief Minister**

80. **We set it at £23,000, giving an overall entitlement of £48,000.**

#### **Deputy Chief Minister**

81. The post holder already holds a ministerial position, by definition. To provide a fair differential with the Chief Minister’s overall entitlement, we propose to reduce the Deputy Chief Ministerial Allowance to **£2,000. His maximum overall entitlement should be £42,000.**

### Special States Committees

82. Currently the remuneration for all posts on Special Committees equates with the Legislation Select, House and Public Sector Remuneration Committees (though they could by States Resolution on formation equate with Departments). We do not think either equality is correct (which will require amendment to the Rates for Payments to States Members). If Members are elected by their peers to these positions, it should reflect that they have a knowledge of or interest in, the particular subject matter. Sitting on such Committees should therefore be part of that Member's overall vocational commitment. Accordingly, we set the rate of remuneration for **the Chairman of such Committees at £2,000** per annum and for all other **Members (including Vice-Chairmen) at £1,000**. Neither figure corresponds to any Allowance for Departments or Standing (permanent) Committees.

### Alderney Representatives

83. We accept the representations of the majority of the Alderney politicians, namely that the rate of remuneration for the Alderney Representatives should be a percentage of the Basic Allowance for all Members, reverting in part to what was originally recommended in 2004. We note that the role of the Alderney Representatives and therefore their Allowance cannot include the constituency work and the extra involvement expected of Guernsey Deputies. **We therefore set their Basic Allowance at £10,000 in place of any entitlement to an Attendance Allowance.** For similar reasons, we do not consider that Alderney Representatives should receive the same Expense Allowance as Guernsey Deputies, and their travelling and subsistence expenses are paid separately. **We set their Expense Allowance at £1,000.**
84. **The total entitlement** of the Alderney Representatives we **therefore** set at **£11,000, though they should continue to receive additionally any Allowances attaching to an office or position to which they are elected.** We would emphasise that our proposal that the Alderney Representatives be entitled to the Basic Allowance must not give rise to any expectation on their part to be included in the current pension scheme for Members.

### Non-States Members

85. With regard to Non-States Members' pay, we consider the current basis (Attendance allowances) and rates (£50.86 per half day) to be reasonable. A few representations submitted that rates were too low, certainly to attract professional persons whose expertise might often be required. We disagree. We doubt that pay, for the most part, is a significant factor at all in persuading people to accept requests to join Departments/Committees. We believe a sense of duty is a much stronger influence. As in the case of Members, we believe allowances for Non-States Members should be set for the full four year term of the States. Accordingly, **we set that rate at £60 per half day** attendance. We

understand that this rate may commonly be used for other positions which members of the general public are invited to occupy (membership of various tribunals, for example). If that leads to unfairness or inadequacy in those other positions is not a matter for us, but rather for those making these appointments.

### **Overall Cost**

86. It is impossible to be precise as to the total annual cost of our recommendations, not least because it will partly depend upon the exact allotment of responsibilities in the new States in 2008. However, we understand that in actual terms it will be about the same in 2008/9 as in 2007/8 (approximately £1.5M, excluding the States contribution to the pension scheme, etc). Under our proposals, the actual annual cost will remain constant for the years 2009-2012. In real terms, that cost will reduce annually depending upon inflation (i.e. the increase in RPI over these years).
87. Finally, we would like to express our gratitude to all those who took the time and trouble to make submissions to us, and to Members of the Civil Service who provided information and advice on a range of matters. In particular, we thank unreservedly Julie Evely who has acted as Secretary to the Review Board, and Gloria Mills who has had the unenviable task of providing secretarial assistance. Their expertise, and extraordinary patience, are greatly appreciated.

.....  
Mrs S Farnon

.....  
Mrs S Martel-Dunn

.....  
A C K Day (Chairman)

18<sup>th</sup> December 2007

**APPENDIX 1****PAYMENTS TO STATES MEMBERS – 2007/2008**

	<b>2007 – 2008 £</b>
<b>ALLOWANCES</b>	
Basic	<b>22,160</b>
Expense	<b>2,770</b>
Departmental Membership (including Scrutiny and PAC)	<b>2,770</b>
Committee Membership	<b>1,385</b>
<b>SPECIAL RESPONSIBILITY ALLOWANCES</b>	
Chief Minister	<b>22,160</b>
Deputy Chief Minister	<b>5,540</b>
Department Minister (including Scrutiny and PAC)	<b>8,310</b>
Deputy Department Minister (including Scrutiny and PAC)	<b>2,770</b>
Chairman Standing Committee	<b>4,155</b>
Vice Chairman Standing Committee	<b>1,385</b>
<b>NON-STATES MEMBERS/ALDERNEY REPRESENTATIVES</b>	
Allowance per half day	<b>50.86</b>

Notes:

- (1) Maximum amount of Departmental, Committee and Special Committee Membership Allowances £8,310.
- (2) Maximum Special Responsibility Allowance payable to Deputy Chief Minister is £24,930.
- (3) Maximum Special Responsibility Allowance payable to any individual Member, excluding Chief Minister and Deputy Chief Minister, is £16,620.
- (4) The Members' Allowances are cumulative (e.g. a Minister receives £2,770 (Department Allowance) and £8,310 (Special Responsibility) = £11,080).

**APPENDIX 2**

	<u>Guernsey</u>	<u>Jersey</u>	<u>England</u>	<u>Wales</u>	<u>Isle of Man</u>	<u>Scotland</u>	<u>Gibraltar</u>
<b>Representatives</b>	45	53	644	60	24	129	17
<b>Constituents per Rep</b>	1,984	1,685	78,824	49,431	3,336	39,667	1,699
<b>REMUNERATION</b>							
<b>Chief Minister (or equivalent)</b>	<i>From 1.05.07</i> £22,160 (Chief Minister) and £22,160 (basic allowance)	<i>From 1.01.08</i> £39,568 salary	<i>From 1.04.07</i> £188,849	<i>From 1.04.07</i> £76,996 (First Secretary) and £46,496 (Member's pay)	<i>From 1.04.07</i> £28,004 (Chief Minister) and £35,006 (Member's pay)	<i>From 1.04.07</i> £76,907 (First Minister) and £53,091 (Member's pay)	<i>As at 11/07</i> £71,179 (Chief Minister) and £26,042 (Member's pay)
<b>Minister (or equivalent)</b>	£8,310 (Minister) plus £22,160 (basic allowance) and £2,770 (Departmental membership)	£39,568 salary	£137,579	£5,819 (Chair of Committee) and £46,496 (Member's pay)	£17,502 (Minister) and £35,006 (Member's pay)	£39,897 (Minister) and £53,091 (Member's pay)	£48,399 (Minister) and £26,042 (Member's pay)
<b>Elected Member (or equivalent)</b>	£22,160 (basic allowance)	£39,568 salary	£60,675	£46,496	£35,006 (Member's pay)	£53,091 (Member's pay)	£26,042
<b>Additions - costs and allowances etc.</b>	Pension scheme. Expense Allowance £2,770. Per departmental membership = £2,770 & per committee membership = £1,385. No allowance payable for Policy Council membership. An IT allowance (option of equipment or annual lump sum)	Expense allowance £3,650, plus one month's pay after member leaves office.	Plus allowances	Pension scheme. Expenses - car mileage & other travel, costs allowance (for work-related overnight stays), staff salaries' allowance (up to 2.5 staff), office costs allowance, on leaving the Assembly (1) a resettlement allowance & (2) a winding up allowance	Pension scheme. Expenses Allowance £5,935, member of Treasury £14,002, member of Department £10,501	Pension scheme, expenses and allowances (Edinburgh accommodation, resettlement, overnight stays rate, winding up, Members' support, travel for Members, family & employees)	Unconfirmed at time of going to print 12/07
<b>Population's Average Annual Earnings</b>	2005 = £26,055 mean earned personal income	2005 = £28,400	2006 = £23,244	2006 = £24,430	2006 = £27,899 per F/T employee	2006 = £22,464	£20,471

**APPENDIX 3****PROPOSED ANNUAL PAYMENTS TO STATES MEMBERS – 2008 – 2012**

The proposed maximum payments (including the Expense Allowance but excluding any IT allowance) payable to States Members are as follows:

	<b>£</b>
Chief Minister	48,000
Deputy Chief Minister	42,000
Ministers & Chairmen of Scrutiny, PAC & PSRC	40,000
Deputy Ministers & Chairmen of House & Legislation	37,000
All other Members	34,000

The individual Allowances are as follows:

<b>Allowance</b>	<b>£</b>
Basic	22,000
Chief Minister's and Minister's Expense	3,000
Non-Minister Expense	2,000
Department Membership	3,750
Scrutiny, PAC & PSRC Membership	3,000
Standing Committee Membership	1,875
Special Committee Membership	1,000
<b>Special Responsibility Allowances</b>	
Chief Minister	23,000
Deputy Chief Minister	2,000
Minister	15,000
Deputy Minister	5,625
Chairmen, Scrutiny, PAC & PSRC	12,000
Vice-Chairmen, Scrutiny, PAC & PSRC	4,500
Chairmen, Standing Committee	7,500
Vice-Chairmen, Standing Committee	2,800
Chairmen, Special Committee	2,000
Vice-Chairmen, Special Committee	1,000

<b>Alderney Representatives</b>	<b>£</b>
Basic Allowance	10,000
Expenses	1,000
<b>Non-States Members</b>	
Allowance per half-day attendance	60

Notes:

1. Ministers, Deputy Ministers, Chairmen & Vice-Chairmen are only entitled to their special responsibility allowance for that Department or Committee, and are not entitled to the Department or Committee Membership allowances as well.
2. The Standing Committees referred to above are The House Committee and The Legislation Select Committee.
3. The Expense Allowance is tax free.

**APPENDIX 4****HYPOTHETICAL EXAMPLES OF NEW ENTITLEMENTS**

		<b>TOTAL RECEIVABLE</b>
Member A -	No extra responsibilities. Basic (£22,000) + Expense (£2,000) = £24,000	£24,000
Member B -	Member of 1 Department and House Committee £24,000 + £3,750 + £1,875 = £29,625	£29,625
Member C -	Deputy Minister and Member 1 Special Committee £24,000 + £5,625 + £1,000 = £30,625	£30,625
Member D -	Minister £25,000 + £15,000 = £40,000	£40,000
Member E -	Member of 3 Departments £24,000 + (3 x £3,750) = £35,250	£34,000 (Maximum)
Member F -	Chairman PSRC + Member of 1 Department + 1 Special Committee £24,000 + £12,000 + £3,750 + £1,000 = £40,750	£40,000 (Maximum)
Member G -	Chairman of House Committee, Chairman of 1 Special Committee and Member of 1 Department £24,000 + £7,500 + £2,000 + £3,750 = £37,250	£37,000 (Maximum)
Member H -	Deputy Chairman of Scrutiny, Deputy Chairman of 1 Special Committee and Member of 2 Departments £24,000 + £4,500 + £1,000 + (£3,750 x 2) = £37,000	£34,000 (Maximum)
Member I -	Alderney Representative and Member of PAC £11,000 (Basic and Expense) + £3000 = £14,000	£14,000

**(NB The Treasury and Resources Department has no comment on the proposals.)**

The States are asked to decide:-

IX.- Whether, after consideration of the Report dated 21<sup>st</sup> January, 2008, of the Policy Council, they are of the opinion:-

1. That the allowances to be paid to States Members and Non-States Members of Departments and Committees with effect from 1 May 2008 shall remain in force until 30 April 2012.
2. That the allowances to be paid to States Members and Non-States Members of Departments and Committees with effect from 1 May 2008 shall be as set out in paragraph 10 of that Report subject to the maximum allowances set out in paragraph 11 of that Report.
3. To direct the Policy Council to set up an independent review of the allowances to be paid to States Members and Non-States Members of Departments and Committees in advance of the 2012 General Election.
4. To direct the House Committee to review the position where Members with senior positions of responsibility unfortunately fall sick for an extended period and to report back to the States with its conclusions.

## ENVIRONMENT DEPARTMENT

### PROBATIONARY SCHEME FOR NEWLY QUALIFIED DRIVERS

The Chief Minister  
 Policy Council  
 Sir Charles Frossard House  
 La Charroterie  
 St Peter Port

17<sup>th</sup> December 2007

Dear Sir

#### **Executive Summary**

In the course of the States debate on the Environment Department's Road Transport Strategy in March 2006, Deputy Brouard successfully introduced an amendment as follows:

31. *To direct the Environment Department to investigate the desirability, feasibility, enforceability and likely effect of imposing a probationary scheme on recently qualified drivers<sup>1</sup>, and to report back to the States no later than February 2008 with such recommendations as that Department may consider appropriate.*

#### **Substantive Findings and Conclusions**

This Report deals with the above resolution and examines the desirability, feasibility, enforceability and likely effect of probationary schemes for newly qualified drivers in terms of:

- The introduction of P-plates as a cautionary notice to other drivers and/ or a means of identifying a new driver to whom certain restrictions apply.
- Particular stipulations involved with P-plates such as:
  - The length of time they should be displayed
  - The speed limits that drivers should observe
  - A requirement for a 'second' test after the P-plate period

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<sup>1</sup> The term *driver(s)* in this report refers to anyone in charge of a motor vehicle of whatever type.

- Restrictions on the carriage of passengers
- Restrictions on the hours of driving (e.g. time of day)

As part of its research on this matter, the Department made contact with various interested bodies and issued a public consultation document, the findings from which are summarised in Appendix Two of this report. The public consultation showed a broad consensus in favour of the introduction of P-plates with some ambivalence regarding exemptions for certain vehicles or drivers.

It has been noted that there are various stipulations included in probationary driving schemes in other jurisdictions, but not necessarily all would be appropriate or required in Guernsey.

Following analysis of the above this Report finds that any restrictions on novice drivers in terms of speed, hours of driving and an additional 'second' test after a probationary period would be impractical and undesirable in Guernsey.

This Report does however find that the introduction of P-plates as a cautionary notice to other road users, with the general restriction that all passengers must wear a serviceable seatbelt, could be used as a positive system to encourage safe and responsible driving standards whilst being practical to introduce, police and enforce.

## **Recommendations**

Following consideration of this Report, the Department recommends States Members to:

- (1) Give approval for the introduction of P-plates for newly qualified drivers, to be kept in place for a period of 12 full months commencing from the date the driver first passes a driving test in the categories of licence set out in this report. This requirement to exclude periods during which a licence is under suspension.
- (2) Give approval for the stipulation that passengers travelling with a P-plate car driver must wear a serviceable seat belt, including those in the rear seats.
- (3) Allow exemption from displaying a P-plate for officers of the police, fire and ambulance services, when in the course of carrying out their duties.
- (4) Allow exemption from displaying a P-plate for holders of licence categories D and D1 (bus and coach drivers) when in the course of undertaking professional or voluntary work involving driving a bus or coach.
- (5) Allow exemption for motorists from the requirement in respect of seat belts where existing laws do not require the fitting of seat belts and seat belts are not fitted.

- (6) Give approval for the stipulation that overseas drivers who take out a licence in the Bailiwick must display a P-plate until a full twelve months driving experience on a full licence has been completed, including such time as may have been accumulated on an overseas licence.
- (7) Give authority for the drafting of the appropriate legislation.

## **1. Background**

- 1.1 In the course of the States debate on the Environment Department's Road Transport Strategy in March 2006, Deputy Brouard successfully introduced an amendment as follows:

*31. To direct the Environment Department to investigate the desirability, feasibility, enforceability and likely effect of imposing a probationary scheme on recently qualified drivers, and to report back to the States no later than February 2008 with such recommendations as that Department may consider appropriate.*

- 1.2 In subsequent discussions it was made clear that the amendment had been put forward with the intention of bringing in a scheme involving some form of identification for newly qualified drivers in order to caution other road users. This would give other road users the opportunity to make allowances for the inexperienced driver, such as exercising patience, giving more room, acting with greater care, etc.
- 1.3 Deputy Brouard further stated that he would support a change in the law to make it obligatory for all passengers travelling with a newly qualified driver to wear a serviceable seat belt.
- 1.4 In order to produce a workable scheme that is, by the terms of the amendment, desirable, feasible, and enforceable, the Environment Department investigated measures taken in other jurisdictions to ascertain if they might be successfully applied in the Bailiwick of Guernsey. Consultations with local individuals and organisations, including STEPS (Stop Traffic Endangering Pedestrian Safety), St John Ambulance and the Police Service, were also carried out. Appendix One contains the initial consultation letter.
- 1.5 Results from these investigations were presented to the Environment Department Board and, after consideration, it was agreed that members of the public should also be consulted. A public consultation document was duly published in October 2007.
- 1.6 The document set out the issues and put forward suggestions for additional consideration and invited members of the public to recommend measures that might assist the Department in fulfilling the spirit of the amendment within the

bounds of reasonable practicality and economy. The outline results of this consultation process are included as Appendix Two of this report.

- 1.7 Further correspondence was exchanged with the Law Officers of the Crown on the legislative practicality of introducing P-plates and seat belt restrictions.
- 1.8 It is against this background that the Department is now able to present its findings and recommendations in respect of Deputy Brouard's amendment.

## **2. The Factors for Consideration**

2.1 There is a range of factors that must be taken into account in any consideration of the introduction of a probationary scheme for newly qualified drivers. The following sets out the items that are considered in this Report:

- P (for "Probationary") plates:
  - The length of time they should be displayed;
  - The speed limits that drivers should observe;
  - A requirement for a 'second' test after the P-plate period;
  - Restrictions on the carriage of passengers;
  - Restrictions on the hours of driving (e.g. time of day);
  - Exemptions – drivers;
  - Retaking the driving examination.
- The use of seat belts by passengers travelling with a newly qualified driver
  - Exemptions/prohibitions – vehicles.
- The Licence Categories for which any measures might be applied
- Assisting a Learner driver
- Drivers from Overseas
- Driving Overseas

## **3. Criteria Used in Making Assessments**

3.1 The amendment specifically states that the Department should report on the *desirability, feasibility, enforceability and likely effect of imposing a probationary scheme on recently qualified drivers* and this forms the basis of the

analysis within this Report. However, the amendment was brought as part of the Environment Department's Road Transport Strategy and consideration must also be given to the fundamental principles underpinning it. These may be summarised as:

- to reduce the adverse environmental, economic and social impacts of vehicle use in the Island, in particular, by encouraging the use of alternative forms of transport;
- discouraging unnecessary motor vehicle usage;
- promoting more responsible use of vehicles;
- promoting more efficient use of the Island's transport infrastructure.

3.2 In consideration of what might be *desirable* in implementing a probationary scheme, the following factors have been considered:

- Would it contribute to the objectives of the Strategy as outlined above?
- Would it contribute to road safety in general?

3.3 In consideration of what may be *feasible, enforceable* and *the likely effects* of imposing a probationary scheme, the following factors have been considered:

- Would it require new and complex legislation?
- Would it be easily managed?
- Would it be easily enforced?
- Would it impinge on other operations?

#### **4. P (Probationary) Plates**

4.1 Early on it became evident that the requirement for newly qualified drivers to display a symbol of some description would be the simplest means of showing identification. This is a common practice in different places in the world and the obvious choice is for a plate, similar to the learner driver plate (L-plate). In the first instance, therefore, it is proposed that P (for "probationary") plates be affixed to the vehicle used by the newly qualified driver.

4.2 The P-plate acts as a cautionary notice to indicate to other road users that the driver is inexperienced and allowances should be made for such. It is designed to promote more responsible use of vehicles, together with safe and responsible driving standards.

4.3 The display of P-plates can also be used to identify newly qualified drivers to whom certain restrictions may apply. This can provide a useful visual aid for policing and enforcement purposes.

4.4 From a legislative point of view, the Law Officers of the Crown identify the introduction of P-plates as a relatively simple matter. Its success or otherwise would ultimately depend on policing and enforcement.

4.5 *A 12 month restriction*

4.5.1 In other jurisdictions where similar constraints apply, there is a general consensus that the P-plate should be displayed for a period of twelve months. In the absence of any good reason to do otherwise, the Department views this as an appropriate period for Guernsey.

4.6 *The speed limits that P-plate drivers should observe*

4.6.1 Restricting speed limits for newly qualified drivers is often a key measure for probationary schemes in other jurisdictions. In Northern Ireland, probationary drivers are restricted from the national speed limit of 70mph, to a limit of 45mph.

4.6.2 It is difficult, however, to make direct comparisons of motoring conditions in Guernsey with those in other, larger jurisdictions. A speed restriction in the Bailiwick, where the limits are already set at relatively low levels, could not easily be seen as a benefit and it would be difficult to view such a measure as *desirable*. Further, the enforcement of a “two tier” speed control system on Guernsey roads would be difficult to enforce and may cause problems in traffic management. In this respect, such a scheme is considered to be not *feasible*.

4.6.3 *Likely effects* could include frustration from the general motoring public if they are held up by a restricted driver, and vice versa if the new driver feels responsible for holding up the traffic flow. This could have adverse social impacts between groups of drivers, and discourage some drivers from displaying their P-plates.

4.6.4 Also, it would make little sense to impose a speed limit upon a P-plate driver that did not also apply to a learner driver. If restrictions were imposed throughout learner and novice licence holder status, driving experience would be necessarily limited which would run counter to the objective of encouraging safe and responsible driving standards.

4.6.5 In view of the foregoing it is not considered appropriate to restrict the speed at which novice drivers are permitted to travel.

4.7 *A requirement for a ‘second’ test after the P-plate period;*

4.7.1 The purpose of a ‘second’ driving examination is further to test the novice driver and encourage consistent safe and responsible driving

standards. In other jurisdictions, passing the second test often signals the end of the novice driver's probationary period; previous restrictions are lifted; P-plates are removed, and the driver functions as a full licence holder.

- 4.7.2 The requirement for a second test after a probationary period may be *desirable* in terms of encouraging safe and responsible driving standards, but it could be argued that the extent of any benefits would depend on the period of time passed since the initial driving test. If the probationary period was 12 months, a second test after this relatively short time may not achieve substantial long term benefits.
- 4.7.3 There are also numerous difficulties associated with additional testing. For the examination authority there would be an increase in administration and in demand for driving examiners. For the drivers, difficulties arise if they are scheduled to be away, for example at University, and when they could take a second test and what might be the consequences of not taking a second test.
- 4.7.4 In view of the foregoing it is not considered appropriate to introduce a second test after completion of the probationary period.

#### 4.8 *Restrictions on the carriage of passengers*

- 4.8.1 Restricting the carriage of passengers, either by age or total numbers, is commonly imposed upon probationary drivers by various jurisdictions – this is a feature in many Australian States. However, it is often confined to certain times of day and/or motorways and maximum speed limit highways and it is difficult to argue that this type of restriction would be appropriate for Guernsey, especially given the comparatively low speed limits that operate across the Island.
- 4.8.2 Restricting passengers based on age also causes further difficulties. The obvious issues lie with enforcement; it would be very difficult to police and could necessitate random roadside stops.
- 4.8.3 One significant and undesirable effect would be the limitation placed upon P-plate drivers to become involved in car sharing initiatives. Restricting passengers in some ways contradicts the Road Transport Strategy aim of discouraging unnecessary motor vehicle usage.
- 4.8.4 In the absence of a clear safety benefit, legislating against such legitimate requirements would be undesirable and, in view of the foregoing, it is not considered appropriate to introduce restrictions on the carriage of passengers by drivers displaying 'P' plates.

#### 4.9 *Restrictions on the hours of driving (e.g. time of day)*

- 4.9.1 As mentioned above, it is not uncommon for newly qualified and novice drivers to be restricted in the hours of the day during which they are permitted to drive. In Florida, USA, for example, young drivers are not permitted to drive between midnight and 6 am.
- 4.9.2 Clearly such a proposal presents some difficulties for the situation as it prevails in Guernsey. Enforcement of such a measure would be difficult, possibly requiring random checks of motorists. Individuals may be frustrated by not being permitted to return home after an evening out.
- 4.9.3 There could be significant impacts for individuals who have legitimate reasons for driving at particular times – shift workers, for example, could be affected.
- 4.9.4 In the absence of a clear safety benefit, legislating against such legitimate requirements would be undesirable.
- 4.9.5 In view of the foregoing it is not considered appropriate to introduce restrictions on the hours of the day during which motorists displaying P-plates are permitted to drive.

### **5. Exemptions - Drivers**

- 5.1 It would seem expedient to release certain drivers from the requirement to display a P-plate. Those coming into this category would include police officers, ambulance drivers and others engaged in driving as part of their work in operating the recognised, publicly funded emergency services. It would not be appropriate to exempt such drivers from the requirement in regard to their private travel arrangements.

#### 5.2 *Retaking the Driving Examination*

- 5.2.1 Motorists are occasionally required to retake the driving examination, usually as a result of a licence suspension. In view of the fact that the P-plate is designed to indicate a novice driver (as opposed to a poor driver), it is not considered appropriate to extend the measure to motorists required to retake the driving test.

### **6. The use of seat belts by passengers travelling with a newly qualified driver**

- 6.1 Restricting the carriage of passengers by limiting all passengers to a seat with a working seat belt is a key stipulation imposed on novice drivers in Canada and many parts of Australia. In these jurisdictions it is a requirement for all passengers in a P-plate car to wear a serviceable seat belt – a stipulation designed to ensure a level of passenger safety in age groups that are often over represented in road traffic accident statistics.

- 6.2 In terms of *desirability*, a positive approach to passenger safety is vital in encouraging safe and responsible driving standards. Well established statistics demonstrate that the wearing of seat belts by passengers (as well as drivers) has positive benefits in reducing injuries resulting from road traffic accidents.
- 6.3 In terms of *feasibility*, the Law Officers of the Crown have advised that legislation requiring passengers travelling in a motor car with a P-plate driver to wear serviceable seatbelts would not be problematic (including young persons and babies).
- 6.4 In terms of *enforceability*, novice drivers should be easily distinguished by display of P-plates and passengers identified as either wearing a seat-belt or not, much in the same way that the existing seat belt law is enforced.
- 6.5 *Prohibitions/Exemptions – Vehicles*
- 6.5.1 There are clearly some issues regarding certain vehicles in respect of the suggested requirement for passengers travelling with a driver displaying P-plates to wear a seat belt. It may be impractical, for example, to expect a passenger on an ordinary motor scooter/bike, a quad bike or a motor tricycle to wear a seat belt.
- 6.5.2 Equally, where the existing law does not require the fitting of seat belts, such as on vintage or veteran vehicles, then it would not be appropriate for P-plate legislation to override that contingency.
- 6.5.3 In the absence of a clear safety benefit, legislation restricting the legitimate needs of drivers of such vehicles to carry passengers may be considered undesirable. For this reason, the Department is not seeking to prohibit P-plate drivers from carrying passengers in a vehicle for which there is no legal requirement to have fitted seatbelts.
- 6.5.4 It might be construed that only a very few drivers ordinarily required to display a P-plate would regularly drive a vintage or veteran vehicle, or, indeed any vehicle for which seat belts are not required to be fitted (apart from motor scooters/bikes, quad bikes or motor tricycles). In view of this and so as not to override existing legislation in regard to the fitting of seatbelts, the Department proposes that drivers in vehicles that are not legally required to have fitted seat belts and do not have fitted seat belts should be exempted from the stipulation that all passengers wear a seatbelt.

## **7. Displaying a P-plate at the Instruction of a Magistrate**

- 7.1 It is possible that a driver could be convicted of a motoring offence in the course of the twelve months during which he/she is required to display a P-plate.
- 7.2 In such cases, it seems reasonable that the Magistrate should be given the discretionary power to order that the driver will display the P-plate for a further period (over and above the stipulated twelve months). However, given the

power of Magistrates to order the retaking of the Driving Examination in addition to any standard penalty for an infraction of the law it is not considered necessary to make this provision.

## 8. The Licence Categories for which any measures might be applied

8.1 Guernsey driving licences are issued according to a schedule of categories for different vehicles. There are different testing and age restrictions for drivers depending upon the category of licence held. The following table sets out the categories in an abbreviated form:

Category	Description	Minimum Age
P	Moped – with cylinder capacity not exceeding 50cc.	14
A1	Light motorcycle with a cubic capacity exceeding 50cc but not exceeding 125cc and of a power not exceeding 11 kilowatts	17 (or 16 if a full category P licence has been held for at least 12 months)
A	Motorcycle with a cubic capacity exceeding 125cc	18 (or 17 if a full category A1 licence has been held for at least 12 months)
B	Motor vehicle with an authorised mass not exceeding 3,500 kilograms and not having more than 8 seats (including the driver's seat)  This category also allows a trailer where:  the maximum authorised mass of the trailer does not exceed the unladen weight of the vehicle and,  the maximum authorised mass of the combined vehicle and trailer does not exceed 3,500 kilograms.	17
B + E	A combination of a motor vehicle in category B and a trailer which exceeds the restrictions allowed under category B	17
C	Large goods vehicle where the maximum authorised mass exceeds 7,500 kilograms including any trailer which should not exceed 750 kilograms.	21

C1	Goods vehicle where the maximum authorised mass exceeds 3.500 kilograms but not exceeding 7,500 kilograms including any trailer which should not exceed 750 kilograms.	18
D	Large passenger carrying vehicle with more than 8 seats.	21
D1	Minibus between 8 and 16 seats.	18
F	Agricultural tractor	17
G	Road Repairing Machine	17
L	Electrically propelled vehicle.	17

8.2 In deciding which categories of licence holder should be subject to the requirement to display a P-plate, it is perhaps helpful to explore a range of scenarios, as follows:

*Scenario One*

8.3 An individual, aged 14, takes out a provisional category P driving licence and, after six months or so, passes the examination for a full category P licence. By this time the licence holder is 15 years of age and continues to drive a moped style motorcycle until she reaches her seventeenth birthday, having displayed a P-plate for the required 12 months period. At this time she obtains a larger motorcycle and takes out a provisional category A1 licence. Within six months of having acquired the larger motorcycle, she passes the required test for the higher category. Should she be obliged to display the P-plate for a further twelve months?

8.4 It would be reasonable to answer this question in the negative – after all, it can be stated that the driving experience is not so very different for the individual simply because she has a slightly larger engine to handle.

8.5 However, if, as this implies, it is made obligatory for a novice driver to display a P-plate for just one 12 month period following success in a driving examination, it is necessary to consider if this is a reasonable proposal in all cases.

*Scenario Two*

8.6 As with the previous case, an individual aged 14 takes out a provisional category P driving licence and, after six months or so, passes the examination for a full category P licence. She then continues to drive a moped until 21 years of age, including completion of twelve months driving whilst displaying a P-plate. At age 21 she seeks to obtain a category C licence, in order to drive large goods

vehicles. She is informed that she must first obtain a full category B licence and duly takes instruction and passes the required examination. A month later she is ready to take the examination for a category C licence and is successful in this test.

- 8.7 If, as a negative response to the question posed in relation to Scenario One would seem to imply, she does not now have to display a P-plate, then she is effectively moving from driving a light motor cycle to a heavy goods vehicle without any requirement to display a plate indicating that she is novice driver in the higher category. This could, in fact, be construed as indicating that she is an experienced driver of large goods vehicles.
- 8.8 The question posed in Scenario One is not so easily answered in the negative in this instance.

### *Scenario Three*

- 8.9 An individual is 60 years of age and has been driving a motor car on a full category B licence for over forty years. He has a good driving record.
- 8.10 Having retired from work, the individual is invited to assist the local home for the elderly by driving the minibus once a week to take the residents on outings. He is obliged to obtain a category D1 licence and must pass the required examination.
- 8.11 Having done so, if it is decreed that all categories of licence are included in the scheme, he would have to display a P-plate for twelve months. This would sit strangely with the fact that he is an extremely experienced driver with responsibility for up to 15 elderly individuals as his passengers. If, unfortunately, he was to have an accident, could it be construed that the home (and/or the driver) was reckless in putting the residents into the care of a “novice” driver?
- 8.12 Taken together, these scenarios illustrate the difficulties that P-plates present when considered in unusual but not impossible situations. The options for consideration in this matter are as follows:
1. That a driver has only to display a P-plate for twelve months following the first occasion that he/she passes a recognised driving examination.
  2. That a driver must display a P-plate for a period of twelve months following each and every time that he/she passes a recognised driving examination.
- 8.13 This covers the majority of the different categories of licence, but does not deal with categories D and D1, relating to passenger carrying vehicles (buses, coaches and minibuses). Clearly, matters would not be satisfactory if a newly

qualified coach/bus driver is required to display a P-plate – this would give the mixed message that the driver is not experienced but that it is acceptable for him/her to carry passengers.

8.14 The most equitable way forward, therefore, would appear to be acceptance of option 2. above with the stipulation that drivers holding categories D and D1 licences are exempted. This may cause grievance among newly qualified drivers holding, for example, category C and C1 licences, but there does not seem a fair or reasonable means for overcoming this slight anomaly.

8.15 In short, therefore, it is proposed that:

*A driver must display a P-plate for a period of twelve months following each and every time that he/she passes a recognised driving examination except that a driver obtaining a full licence in categories D and D1 will not be required to display a P-plate following successful completion of the relevant driving examination.*

## **9. Assisting a Learner Driver**

9.1 A person holding a provisional licence in category B (motor car) must display L-plates and must be accompanied by a driver holding a full category B licence when in charge of a vehicle. According to the law as at present, the accompanying driver must have held the full category B licence for 12 months before assisting a provisional licence holder.

9.2 In view of this, and given the suggestion that a P-plate should be in place for a full twelve months after passing the driving examination, it should not be necessary to stipulate that a driver obliged to display a P-plate cannot act as a “qualifying” driver for a learner. It should be emphasised, however, that an individual must have completed a *full* twelve months – excluding any periods of licence suspension – as a P-plate driver, before assisting with the instruction of a learner driver.

## **10. Drivers from Overseas**

10.1 Visitors to the Island and others who stay temporarily for work, may seek to drive without taking out a Bailiwick of Guernsey licence. In such cases, where there are no existing legal constraints on the individual driving, the requirement for inexperienced drivers to display a P-plate should not apply.

10.2 In cases where a visiting driver seeks to exchange an overseas licence for one issued in the Bailiwick of Guernsey, then the individual should be required to display a P-plate according to the same stipulations that apply to Guernsey drivers. For example, if the incoming driver has held a full overseas licence (that is recognised in the Bailiwick) for six months, then he/she would be required to display a P-plate for a further six months until it can be shown that a full twelve months driving experience has been achieved.

## **11. Driving Overseas**

- 11.1 Evidently, it is not within the authority of the Island to legislate for restrictions on drivers licensed in the Bailiwick of Guernsey when travelling overseas.
- 11.2 Drivers should recognise, however, that overseas licensing authorities will ordinarily require that visiting drivers comply with the stipulations of the authority issuing the licence that they hold. This may mean that drivers who are required to display P-plates according to Bailiwick of Guernsey legislation, must also do so when travelling overseas.

## **12. Conclusions**

- 12.1 In endeavouring to fulfil the spirit of the amendment, the Department has investigated the possibility of introducing P (for “Probationary”) plates to the Island.
- 12.2 The introduction of P-plates for newly qualified drivers, to be displayed for a period of twelve months, could be construed as desirable, feasible and enforceable, given the criteria used for meeting the requirements of the amendment.
- 12.3 It is evident that, in general, it would not be desirable, feasible or easily enforceable to impose restrictions on newly qualified drivers in terms of speed limits, the carrying of numbers of passengers (or passengers by age) or hours of driving.
- 12.4 It would appear that, in general, to enforce a ‘second’ testing of novice motorists after the probationary period would be desirable to an extent, but not feasible or enforceable.
- 12.5 It would not be desirable for employees of the recognised, publicly funded emergency services to be required to display a P-plate when driving in the course of their employment.
- 12.6 Motorists ordered to retake the driving examination, (for example, following a period of suspension) should not be required to display a P-plate for a further twelve months.
- 12.7 The introduction of a requirement for passengers in a P-plate car to wear a serviceable seat belt, with certain exceptions, is desirable and feasible given the criteria used in making this assessment, and particularly in the interests of passenger safety.
- 12.8 In respect of certain vehicles, including motor scooters/bikes, quad bikes, motor tricycles and veteran or vintage motor cars, for which existing legislation does not require the fitting of seat belts, drivers should be exempted from the seat

belts requirement, unless seat belts are in fact fitted.

- 12.9 It would appear that, although desirable, it is not feasible to require P-plates to be displayed for twelve months following successful completion of the driving examinations for all categories of licence and, in this regard, drivers obtaining licences in categories D and D1 should be exempted from the requirement to display P-plates.
- 12.10 A driver required to display a P-plate should not be permitted to accompany (“qualify”) a learner driver.
- 12.11 Visitors seeking to drive on the Island’s roads using an overseas licence (provided it is legitimate to do so) should not be required to comply with the stipulations regarding P-plates.
- 12.12 Individuals seeking to exchange an overseas licence for a local licence should be subject to requirements to display P-plates with the allowance that experience gained overseas as a full licence holder can be considered as part of the stipulated twelve months period.
- 12.13 It may be the case that drivers required to display a P-plate according to local legislation, will also have to do so when travelling overseas.

### **13. Recommendations**

- 13.1 Following consideration of this Report, the Department recommends States Members to:
1. Give approval for the introduction of P-plates for newly qualified drivers, to be kept in place for a period of 12 full months commencing from the date the driver first passes a driving examination in the categories of licence set out in this report. This requirement to exclude periods during which a licence is under suspension.
  2. Give approval for the stipulation that passengers travelling with a P-plate car driver must wear a serviceable seat belt, including those in the rear seats.
  3. Allow exemption from displaying a P-plate for officers of the police, fire and ambulance services, when in the course of carrying out their duties.
  4. Allow exemption from displaying a P-plate for holders of licence categories D and D1 (bus and coach drivers) when in the course of undertaking professional or voluntary work involving driving a bus or coach.
  5. Allow exemption for motorists from the requirement in respect of seat

belts where existing laws do not require the fitting of seat belts and seat belts are not fitted.

6. Give approval for the stipulation that overseas drivers who take out a licence in the Bailiwick must display a P-plate until a full twelve months driving experience on a full licence has been completed, including such time as may have been accumulated on an overseas licence.
7. Give authority for the drafting of the appropriate legislation.

Yours faithfully

David De Lisle PhD  
Minister

## Appendix One

June 2007

Dear XXXX

### Probationary Driver Plates

I write to you as an organisation that has an interest in traffic management and road safety within the Island.

In March 2006 the States of Guernsey gave general approval for the Environment Department's Road Transport Strategy which contained a range of proposals for improving and developing Guernsey's system of road and traffic management. Many of the measures in the Strategy are designed to encourage good practice by road users in order to advance road safety and reduce accidents. An important proposition is:

*To direct the Environment Department to investigate the desirability, feasibility, enforceability and likely effect of imposing a probationary scheme on recently qualified drivers, and to report back to the States no later than February 2008 with such recommendations as the Department may consider appropriate.*

In order to progress this workstream I should be grateful if you could assist the Department by providing some indication of where your organisation stands on the issue of "P" plates. In particular, I should be keen to receive your views on the following:

1. Would your organisation view the introduction of a "P" plate scheme as helpful in promoting good driving practice?
2. Would the primary purpose of a P plate be as a cautionary notice to other drivers or would it be a means of identifying a new driver to whom certain restrictions apply?
3. Would you recommend any particular stipulations regarding "P" plates, such as:
  - the length of time they should be displayed;
  - the speed limits that drivers should observe;
  - a requirement for a "second" test at the expiration of the "P" plate period;
  - restrictions on the carriage of passengers;
  - restrictions on the hours of driving (for example time of the day )
  - any other aspects that you may consider important.

I should also be grateful to receive your comments on whether the introduction of a “P” plate scheme would be desirable and feasible, as well as any views you might have regarding enforceability and the likely effects of such a scheme.

Your response to these and any other matters that you may wish to put forward regarding the subject would be most helpful to us in completing our States Report. Should you require any further information in the meantime, please feel free to contact me on 01481 717024 (DL) or [REDACTED]

It would greatly assist us if you could respond to this letter by 2<sup>nd</sup> July 2007.

Yours sincerely

[REDACTED]

## Appendix Two

**Responses received to the Public Consultation Document, issued 29<sup>th</sup> October 2007**

## Question 1

That the amendment to the Road Transport Strategy is enacted by the introduction of a system of P plates for all vehicles, including motor scooters/bikes, quad bikes, motor tricycles, etc.

**For = 9      Against = 6      No Comment = 1**

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## Question 2

That novice drivers are required to display P plates for a period of twelve full months following success in a driving examination.

**For = 10      Against = 6      No Comment = 0**

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## Question 3

That passengers travelling with drivers required to display P plate must wear a serviceable seat belt.

**For = 13      Against = 2      No Comment = 1**

Review should be for all drivers

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## Question 4

That drivers of certain vehicles should be exempt from the stipulated requirements in respect of passengers wearing seat belts, or should be prohibited from carrying passengers.

**Exempt = 4      Prohibit = 2      Other comments = 4      No comment = 6**

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## Question 5

That the requirement for novice drivers to display a P plate should apply to all categories of licence except D and D1 (buses/coaches and minibuses).

**For = 7      Against = 7      No Comment = 2**

**(NB The Policy Council has no comment on the proposals.)**

**(NB The Treasury and Resources Department has no comment on the proposals.)**

The States are asked to decide:-

X.- Whether, after consideration of the Report dated 17<sup>th</sup> December, 2007, of the Environment Department, they are of the opinion:-

1. To approve the introduction of P-plates for newly qualified drivers, to be kept in place for a period of 12 full months commencing from the date the driver first passes a driving examination in the categories of licence set out in this report. This requirement to exclude periods during which a licence is under suspension.
2. To approve the stipulation that passengers travelling with a P-plate car driver must wear a serviceable seat belt, including those in the rear seats.
3. To allow exemption from displaying a P-plate for officers of the police, fire and ambulance services, when in the course of carrying out their duties.
4. To allow exemption from displaying a P-plate for holders of licence categories D and D1 (bus and coach drivers) when in the course of undertaking professional or voluntary work involving driving a bus or coach.
5. To allow exemption for motorists from the requirement in respect of seat belts where existing laws do not require the fitting of seat belts and seat belts are not fitted.
6. To approve the stipulation that overseas drivers who take out a licence in the Bailiwick must display a P-plate until a full twelve months driving experience on a full licence has been completed, including such time as may have been accumulated on an overseas licence.
7. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## ENVIRONMENT DEPARTMENT

### A GUERNSEY COASTAL DEFENCE STRATEGY PHASE 1 DETAILED STUDIES

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

20<sup>th</sup> December 2007

Dear Sir

#### **1 Background**

The Environment Department manages the island's coastal defences (Map 1) on an ongoing basis prioritising works following annual and ad hoc inspections carried out by the Engineers of the Treasury and Resources Department.

Routine works, undertaken year on year and funded from the Department's land management budget, include repointing, reprofiling, minor patch rock armouring and underpinning. These works have ensured that the coastal defences, in the main, remain fit for purpose, under current conditions, whilst maintaining capital expenditure within very restricted limits. The Environment Department is extremely grateful to the engineers for their assistance in maintaining the island's coastal defences.

However, the maintenance programme is largely reactive with works being directed at problems as they arise. To date this approach has generally been successful in protecting the coastal assets from flooding and erosion. It is, however, becoming increasingly apparent that there are problems with the defences that are not being satisfactorily addressed by this reactive approach. These problems relate to the lowered beach levels which can result in increased wave overtopping of the seawalls and lead to the foundations of the sea walls being undermined. Although not directly relevant to coastal defence, the low beach levels are also reducing the amenity value of the coastline.

The intention is to establish a more strategic approach to the sustainable maintenance and improvement of the coastal defences and as such the former Board of Administration and now the Environment Department have commissioned specialist reports to that end.

In 1999 the then Board of Administration engaged Posford Duvivier to carry out an independent review of the island's coastal defences and to formulate a strategy for the

future. That review was largely considered necessary as there was a strongly held perception that the day to day maintenance practices were not keeping pace with the wear and tear impacts being faced by the defences and that a new approach to coastal defence management might be necessary. The review assessed the structural integrity of the defences, the extent of erosion or undermining of the toe of the structures and the condition of the foreshore.

Posford Duvivier's report found that the coastal defences were largely fit for purpose and that, in the majority of cases, continuation of existing practices was appropriate and desirable. Clearly some defences were identified as requiring higher priority treatment than others. However, the Posford Duvivier study and resulting strategy was based on an assumed sea water rise of 10cm. Information subsequently received through the Environment Department's collaborative working with the British Irish Council and the Hadley Centre revealed that it would be prudent to base future coastal defence strategies on an assumed sea level rise of 9 to 69cm. In addition the Posford Duvivier report noted the need for longer term beach profile and sand level monitoring in order to ensure the robustness of some of the assumptions. As such the Department commissioned Royal Haskoning to carry out a further review of coastal defences and their performance since the 1999 review. The Haskoning report also examined the beach profile monitoring that had been carried out on an annual basis since the Posford Duvivier Report and in light of that information and the up rated assumptions of sea level rise, Haskoning reviewed the robustness of the previous strategy recommendations.

The strategic objectives of the report were set as:

- *To provide appropriate coastal defences which are technically sound, economically justified and environmentally acceptable;*
- *To manage the [coastal] frontage in sympathy with natural and coastal processes;*
- *To provide best value for money considering capital, maintenance and emergency expenditure in achieving a sustainable coastal defence and beach management;*
- *To provide a framework which can ensure consistency of approach to the management of defences within the study;*
- *To formulate a comprehensive management plan.*

It should be noted that to carry out such a study effectively an integrated package of skills was required which were not available within the States. These included a detailed understanding of Integrated Coastal Zone Management (ICZM), Modelling of Wave Climate, Understanding of Coastal Processes and Design of Coastal Structures.

## 2. Outputs

The Posford Duvivier and Royal Haskoning reports have been placed in the public domain and are available at the libraries and on the States web site. In addition the Department précised the Haskoning report in a consultation document widely circulated between October and November 2007. A copy a synopsis of consultation responses received (Appendix A) and the consultation document (Appendix B) is appended to this report.

A significant majority of responses were drafted on an assumption that specified works would or would not take place within a given coastal defence unit and on a subsequent presumption as to the effect of those works. This is particularly noticeable in respect of Coastal unit 14 where there is an assumption from a number of respondents that the coastal defence wall will be allowed to fail and that the resultant erosion and flooding would be so extreme as to result in the loss of a significant proportion of L'Ancrese Common.

The Department would stress that no decision has been taken to abandon any defence nor has it determined the nature of any enhancement works. As such the assumption is misplaced. In addition, the report clearly states the need for further studies to determine the severity and acceptability of overtopping, flooding or erosion in those coastal units where defence performance is questioned. In the absence of such studies the presumption that erosion, flooding or overtopping will be so significant as to be unacceptable is, if not misplaced, premature.

## 3. Changing Climate

The understanding of climate change is increasingly essential to the coastal communities and environments. In the past the Inter-government Panel on Climate Change (IPPC) has concluded that climate change is already happening, the average global surface temperature has risen by 0.7C and global sea levels have risen 10-20cm over the past 100 years.

Changes in winds and storm severity are difficult to predict. They mostly occur in shallow water regions and are most damaging when they occur at high tide; how frequently they occur in future will not only depend on rising sea levels but also on the changes in winds and pressures.

The Haskoning strategy adopted the following data taken from the UKCIP Hadley centre and British Irish Council climate change projections:

- Relative Sea Level +0.65m
- Surge Height 0.8m
- Wave height +10%
- Wave Period +5%
- Wind Speed +5%
- Rise due 2080s

A rising sea level will allow waves to break closer inshore increasing the energy thus increasing impacts on erosion and overtopping.

#### **4. Key findings**

Again, for the majority of defences, the Haskoning report found that existing ongoing maintenance practices were effective and would be sufficient to maintain the defence through the life of the strategy.

The Haskoning report identified some urgent minor works (appendix B). The majority of these works had already been, or would have been, noted during the engineers routine inspections and addressed within the current maintenance practices. With the exception of the L'Anresse sea wall which has received significant repairs to damage caused during winter storms over recent years, none of the urgent works identified presented significant safety, flooding or defence failure issues. All of these minor works, as listed in the appendix, have now been attended to.

A key difference between the Posford Duvivier report and the Haskoning report was the recognition that some limited managed retreat and some construction of localised engineered defences **might** present a more sustainable and cost effective approach to coastal management than the more traditional approach of constructing linear concrete or rock armour defences along the line of the bay.

The report recognises that the ongoing beach level monitoring programmes have been of assistance in improving knowledge of beach behaviour which is an important first step to designing any localised coastal defence improvements or alterations. The report recommends ongoing monitoring and some extension of the monitoring programme. This work is already funded within existing resources and is underway.

Significantly the report identified a number of Coastal Defence Units where more detailed studies of overtopping, flood risk, defence stability and viability, and environmental impact are required before a long term strategy can be set and works commissioned. In respect of these units there is no urgent need to enhance the defence unit but there is an urgent need to commence the more detailed studies and to consult on the options. It is largely in this respect that the remainder of this report will focus. Extracts in italics are taken from the Haskoning report.

#### **5. Further detailed studies**

A.) Coastal Unit 3: Fort Grey to L'Eree Headland.

*“Beach levels are generally low.” Rock Outcrops bring out localised longshore drift... holding sediment in their lee thus accentuating lower beach levels between outcrops.”*  
*“The unit is effectively a sediment cell with a limited input of sediment and with even more limited loss of material.”*

*“Overtopping in this unit is a problem.... particularly within the centre of Rocquaine Bay where beach levels are relatively low.”*

*“Beach recharge as an option on its own is unlikely to be successful.”*

**Key Finding**

*“The policy to hold the line ... is still sensible in the short term, however, ....will not address the immediate.... or the longer term increasing problem of overtopping. In addition ....there is increasing concern associated with the lowering of the beach levels”*

*“Over **Defence Unit 4** ...it is proposed that an open structured revetment be constructed to the toe of the wall.... 400 metres of defence phased between years 5 and 15.”*

**Outline Strategy**

*“It is felt that a more discrete approach needs to be taken to the different sections of the bay. A more detailed survey and assessment of actual flood risk due to overtopping should be undertaken.*

*“At the **Northern end**... Should there be a need this defence may be raised possibly setting back a retired flood wall. A coastal management policy should be adopted restricting development of the area immediately behind the sea wall.”*

**B.) Coastal Unit 4: L’Eree Headland and Lihou Island**

*“Generally naturally defended by rocky outcrops but erosion of the soft upper cliffs occurs along the exposed southern and eastern edges of the headland.*

*“The entire unit is classified as an Area of Special Environmental Importance”*

**Key Finding**

*“...perhaps one of the most prominent and historically important areas along the west coast...the low cliff yielding the pottery is presently prone to coastal erosion and important archaeological remains are being lost.”*

**Outline Strategy**

*“There are no specific problems where emergency works are required.”*

*“Continued maintenance of existing defences with limited tipping of rock to the existing rock protection.”*

*“Critical to the management is the scope and extent of the archaeology that is at risk.....there needs to be specific identification of what is at risk and where [in light of this information] detailed excavation of those areas most at risk from erosion and/or protection of the cliff section to ensure loss of archaeological interest through erosion is limited.”*

*During storms considerable offshore sediment movement occurs leading to significant profile changes within the shingle bank and exposure of the seawall's toe protection".*

*"Generally the defences are in good condition having a residual life of between 10 and 25 years"*

#### Key Finding

*"On the eastern side of the unit the policy to hold the line is still sensible and sustainable although there is a concern that overtopping will increase."*

*"Even with extensive recharge [beach and shingle bank replenishment] there is going to be increasing pressure for this bank to migrate inland and, without recharge, to breach. Action taken to resist this would be setting in motion a management policy which, in the long term (50 years) would be unsustainable"*

*"Reprofiling will not significantly improve the occurrence of a major breach."*

#### Outline Strategy

*"It is recommended that in the long term, management of the frontage should work towards acceptance of the lowering of the defence provided by the shingle bank and that measures are put in place to mitigate this in terms of flooding to the wider area and the rerouting of the coastal road"..... "Establishing a retired flood defence".*

***"This needs to be examined in greater detail"***

*"Subject to environmental issues [and cost benefit appraisal].... local recharge is considered to the shingle beach to maintain a degree of flood risk prevention whilst other issues are examined."*

*"Total import of some 40,000meters cubed of material."*

#### D.) Coastal Unit 6: Le Catioloc to Fort Richmond (Perelle Bay)

As indicated in C.) above, in order to further inform policy in respect of coastal unit 5, a detailed investigation of the extent of flood risk is required. Similar concerns are expressed for coastal units 6 (overtopping and flood risk).

*"Wave approach broadly normal to the shore line.... limited longshore movement of sediment through the bay. Rock Outcrops have localised longshore effect."*

*"High wave energy combined with wave direction in Rocquaine bay results in cross shore movement of material during storm attack."*

*"The tall masonry seawall is in generally good condition ...open surface drainage beside the slipway has caused toe undermining and will require an extension to the concrete surface drain"*

*“There are no areas where emergency works are required”*

Key Finding

*“The conclusions of the previous strategy [to hold the line] still hold and the option for recharge [beach replenishment] is still recommended”*

*“The main frontage ....will require beach replenishment to reduce overtopping and to protect the toe of the main wall”*

*“The apparent need for beach replenishment is moved back a further 10 years”*

*“The main issue requiring further examination is in how wave action could be modified to provide support to the beach recharge and address more local interactions...”*

Outline Strategy

*“Detailed examination as to the use of structures such as either a revetment or shore connected structures to absorb or modify wave action in [the southwest] corner.”*

*“Other structures, possibly of a more modest extent could be used along the main frontage...”*

*“The overall approach [beach replenishment] is confirmed but with the further recommendation that consideration is given to local management techniques discussed above.”*

*“Within this overall strategic approach it is recommended that a more detailed examination of the actual overtopping flood risk is undertaken to establish the time scale for implementing improvements.”*

*“Subject to environmental issues [and cost benefit appraisal]..... local recharge is considered to the shingle beach to maintain a degree of flood risk prevention whilst other issues are examined.”*

*“Total import of some 40,000meters cubed of material.”*

E.) Coastal Unit 8: Fort Le Crocq to Fort Houmet (Vazon)

*“A sandy foreshore with some localised pockets of shingle. Western end dominated by rocky outcrops. In several areas... the underlying soft peat and clay is exposed.”*

*Waves generally approach... in a normal direction...longshore transport is limited... the bay is effectively a sediment cell with a limited input or loss of sediment.*

*“High wave energy... combined with wave direction in Vazon bay leads to significant cross shore movements of material during storm attack.”*

*“In sections the line of defence [is] in advance of the natural curved shape of the bay. This has led to increased wave reflection and lowering of the beach. Overtopping subsequently occurs...”*

*“The concrete and masonry walls at the western end are in generally good condition and have residual expectancies between 10 and 15 years. The terraced concrete walls seem to be in fair condition. To the east of the outcrop...the wall is in fine condition...the beach level has decreased substantially. Overtopping is frequent in this [area of groynes] area. Generally the defences in the northern east side are in reasonably good condition with a residual life of between 10 and 25 years. However, there are areas of lower beach level and evidence of overtopping”*

#### Key Finding

*“The beach is reasonably healthy over the Northern section but much lower to the South.”*

*“Variability indicates a vulnerability of the defences to undermining and for periods when overtopping would increase.”*

*“There is a good indication that there is natural material available to the beach.”*

*“The policy to hold the line is still sensible and sustainable”*

*“The real areas of concern relate to quite specific sections of the frontage where overtopping is a major problem”.*

#### Outline Strategy

*“Local areas comprising control structures ...aligned to the gap in the rock outcrops on the lower foreshore....and possibly recharge could be applied to frontage [key areas].”*

*“This would require more detailed examination [supported by] a detailed analysis of overtopping and flood risk”*

#### F.) Coastal Unit 10: Le Guet to Grandes Rocques

*The south western end of the unit is rocky.... as the orientation of the bay alters to a more north south alignment the foreshore becomes sandy.”*

*“Waves are channelled into the bay through the two major breaks in the rock outcrops...leading to exposure to wave attack, low beaches and overtopping of the sea wall. This causes the coast road to be closed particularly during winter months”*

*“The defences at the northern end protect a large area with potential for flood risk”*

*“Generally the rock protection, natural and man made defences are in good condition having a residual life of between 10 and 25 years although there are areas where the protection would appear to be quite light.”*

**Key Finding**

*“There is a good possibility that the lost volume will be recovered naturally in the future. The inspection tends to confirm this with much of the upper beach being just above the vrac level visible at the time. With defences just at this critical position the beach is able to recover. There is concern however that any increase in sea level could tip this balance.”*

*“The policy to hold the line is still sensible and sustainable.”*

**Outline Strategy**

*“Maintaining the defences [with current practices] is appropriate. However, there will be increased pressure and over the period from year ten this may become more difficult. A key factor is accepting over the short term the current levels of overtopping.”*

*“The sand beach in front of the centre of Cobo village is the area where the main concern lies. At present the beach is controlled by the rock outcrops. If this natural control were reinforced this section.... Could be separated from the rest of the bay [and within this area] beach recharge could then be undertaken. The feasibility of this approach would need to be examined in more detail [along with] examining the actual flood risk.”*

**G.) Coastal Unit 12: Rousse to Chouet**

*“The Ladies Bay beaches are the most exposed to direct wave attack....Longshore transport is limited in Ladies Bay. The sheltering effect of the headlands suggests that beach material is not permanently lost from the bay and beaches can rebuild after storm.”*

*“Grand Havre is more sheltered...longshore movement of sediment is not significant.”*

*“The unit is effectively a sediment cell with limited input to or loss of material from the unit.”*

*“Both the bay and L’Ancresse common are identified as SNCIs”*

**Key Finding**

*“Concern is reported over the flood risk associated with a section of the natural shingle bank just in the lee of the Picquerel headland....a possible flood risk extending from this area through to the general low lying land of the northern end of the island. At present this risk is seen as predominantly in relation to the immediate area behind the headland. This needs to be confirmed with detailed survey information.”*

*“The potential flood risk to the hinterland also needs to be examined.”*

Outline Strategy

*“The overall intent of the strategy must be to maintain the defence standard.”*

*“In the lee of Picquerel headland quite minor works in raising the level of the road could address the [potential flooding] problem.”*

*“In other areas a detailed assessment of flood risk needs to be undertaken. This may highlight where softer approach in the long term to some of the hard defences”*

*“Over Ladies bay there is an opportunity to realign the defence to create a more sustainable approach without significant loss of assets.”*

## H.) Coastal Unit 14: Fort Pembroke to L’Ancrese

*“Both bays have a wide flat sandy foreshore. Waves attack in a broadly normal direction. This limits longshore transport.”*

*“Although the defences [built as anti tank defences rather than coastal defences] are at the crest of the beach, rock outcrops...draw the beach forward resulting in areas of better protection and areas under greater pressure.”*

*“Overtopping is a problem...between Pembroke and the Western end of L’Ancrese.”*

*“The short length of rock revetment on the Western side is in healthy condition. The German built concrete wall has a residual life of between 10 and 25 years.”*

*“The man made defences protecting the majority of the frontage within Pembroke and L’Ancrese bays have residual lives of between 0 and 10 years (but significantly less than 10).”*

Key Finding

*“It is still questionable as to whether major investment in defending the existing line of defences would be justified in terms of the hard assets defended.”*

*“The beach monitoring data has shown that the beach is relatively stable. In the absence of defences there would not be excessive erosion, with the possible exception of the German wall to the west of the bay.”*

*“Without major investment the central wall between Pembroke and L’Ancrese is likely to fail within the next three years. Even with major works this will result in increasing costs to maintain the line in the future.”*

Outline Strategy

*“Further detailed examination is required to assess the impact [of the potential erosion] on the golf course but it is envisaged that the developed area of the golf course would not be affected.”*

*“The German wall to the west potentially provides a flood defence across the headland to Ladies Bay. This needs to be confirmed in detail.”*

*“From the assessment made in this strategy **and without a broader scale plan for the area**, the conclusion of the strategy is to revise the policy to one of no further active intervention.”*

## I.) Coastal Unit 19: Spur point to La Salerie

*“The coastline is predominantly rocky with pockets of shingle and sand.”*

*“There is little evidence of longshore transport but the beaches are susceptible to cross shore losses.”*

Key Finding

*“Overtopping is a serious problem in the southern end of the unit where the beaches are significantly lower”*

*“The man made defences have an estimated life of between 10 and 25 years.”*

*There is a very large area of potential flood risk over the northern part of the island ...the defences at Belle Greve may be significant in providing defence against this.”*

*“Although walls to the south have the worst record for overtopping, there is increased concern that the semi natural shingle bank could pose the more significant risk to inundation.”*

Outline Strategy

*“The policy to hold the line is still sensible and sustainable”*

*“Option 2 [ ongoing maintenance and raising local sections of the seawall] provides a sensible approach. There may however be difficulty in raising some of the walls...a combination of techniques may be more appropriate... [perhaps including] examining ...a set back, retires flood wall.”*

*“This would require detailed examination of overtopping and crest and road levels.”*

*“Over the shingle ridge the initial task is seen as assessing the actual risk to the larger potential flood plain.”*

J.) Coastal Unit 20 – La Salerie to La Vallette

*“There is little mobile sediment. Sediment is effectively trapped by the Castle Pier and the rocky headland of La Vallette.”*

*“The unit is dominated by the [structures] of the harbours.”*

Key Finding

*“The masonry walls have a residual life of between 10 and 25 years.”*

*“Overtopping of the wall behind the harbour and overtopping at the northern corner of the Havelet Bay wall [are identified as priority issues].*

Outline Strategy

*“The approach [option 2 – maintain and raise local sections of sea wall] is sustainable.”*

*“A detailed level survey is required [to the wall to the rear of the harbour]”*

*“In the case of Havelet - understanding the basic mechanism of overtopping in this area is important.”*

## 6. Implementation Plan

An implementation plan for the full strategy was set out in the Haskoning Report and is given in abbreviated form in the consultation document attached as appendix B. The immediate works included a commitment to continue the ongoing monitoring of beach levels undertaken over the past five years. This monitoring is continuing, as is the annual monitoring of defences and cliffs. The programme also included minor immediate works of repointing and patch repair. These works are undertaken on an ongoing annual basis and the works identified have been or are being addressed.

The Haskoning strategy also set out the need for more detailed studies and the primary purpose of this report (as clearly given in the title) has been to set out those works as the first phase of the implementation. The Department is of the view that a greater understanding of the flood risk and the future extent and acceptability of overtopping is the fundamental first step. The Department holds the view that it would be counter productive to commence studies on beach recharge and/or design of additional defences before the required studies have been undertaken to enable the States to take a view on the need for and the justification of expenditure on such coastal enhancement works.

## 7. Way Forward

The Department has identified three studies which it considers of higher importance and has discussed the detail of these studies with Haskoning and obtained indicative costs at 2007 prices. In light of initial findings on flood risk further detailed studies can be carried out into the management, practicality and desirability of beach recharge schemes as well as more detailed investigations into the nature of localised coastal defence improvements as set out in the report. These further studies can not currently be funded or overseen within the constraints of the Department's current resources and are therefore deferred for consideration as subsequent phases.

Initially it would be the Board's intention to commence the 2008/2009 studies as set out below funding those studies, as far as possible within its existing resources.

<b>Coastal Defence - Studies and Works to be undertaken 2008 to 2010</b>				
<i>Coastal Defence Unit no.</i>	<i>Coastal area</i>	<i>Studies or works</i>	<i>Year</i>	<i>Initial capital costs (£)</i>
CU 3	Rocquaine and L'Eree Bay	Detailed assessment of risk of flood	2008/09	20,400
CU 14	Fort Pembroke to L'Anresse	Detailed analysis of coastal processes to refine and reassess the viability of abandoning the wall	2008/09	33,000
CU 10 CU 11 CU 12 CU 17 CU 18 CU 19	Le Guet to Grandes Rocques Grandes Rocques to Rousse Rousse to Chouet Bordeaux to Vale Castle Vale Castle to Spur Point Spur Point to La Salerie	Detailed flood risk to the northern section of the island, linked to a critical assessment of defence levels within these units.	2008/09	32,250

<b>Coastal Defence - Studies and Works to be undertaken 2008 to 2010</b>				
<i>Coastal Defence Unit no.</i>	<i>Coastal area</i>	<i>Studies or works</i>	<i>Year</i>	<i>Initial capital costs (£)</i>
CU 3	Rocquaine and L'Eree Bay	Undertake consultation with local interests over sea wall raisings	2008/09	Not costed
CU 10	Le Guet to Grandes Rocques			
CU 19	Spur Point to La Salerie			
CU 20	La Salerie to La Vallette			
CU 5	Fort Saumarez to Le Catoroc	Study of the proposed beach nourishment schemes within these units (including environmental issues)	2010 onwards	Not costed
CU 6	Le Catoroc to Fort Richmond			
CU 8	Fort Le Crocq to Fort Hommet			
CU12	Rousse to Chouet	Undertake detailed study to develop potential realignment options	2010 onwards	Not costed
CU 5	Fort Saumarez to Le Catoroc	Detailed study of environmental viability of the inland flood bank scheme and select preferred option	2010 onwards	Not costed
CU 5	Fort Saumarez to Le Catoroc	Subject to study short-term recharge to shingle bank	2010	Not costed

## 8. Conclusion

The islands coastal units are generally in good condition. Most immediate works identified can be prioritised and accommodated within the Departments general revenue commitments. More major works potentially required are generally preceded by the need to carry out more detailed modelling, consultation, analysis and engineering design before a firm commitment can be made towards any specific strategy or coastal defence improvement programme.

The general thrust of the responses (appendix A) was in respect of specific coastal defence works (or the lack of them). Those respondents have, in general, formed a view on the resultant impacts of specific coastal defence works and concluded that the "presumed" impact is unacceptable. Whilst those views of the resultant impacts and their acceptability or otherwise may prove to be accurate, unless the further detailed

investigation and modelling as recommended in the report is carried out there can be little certainty of the nature and extent of any presumed impact. As such the Department is strongly of the view that further studies are necessary before views can be taken on the desirability or otherwise of committing substantial capital and revenue sums on any given coastal defence solution.

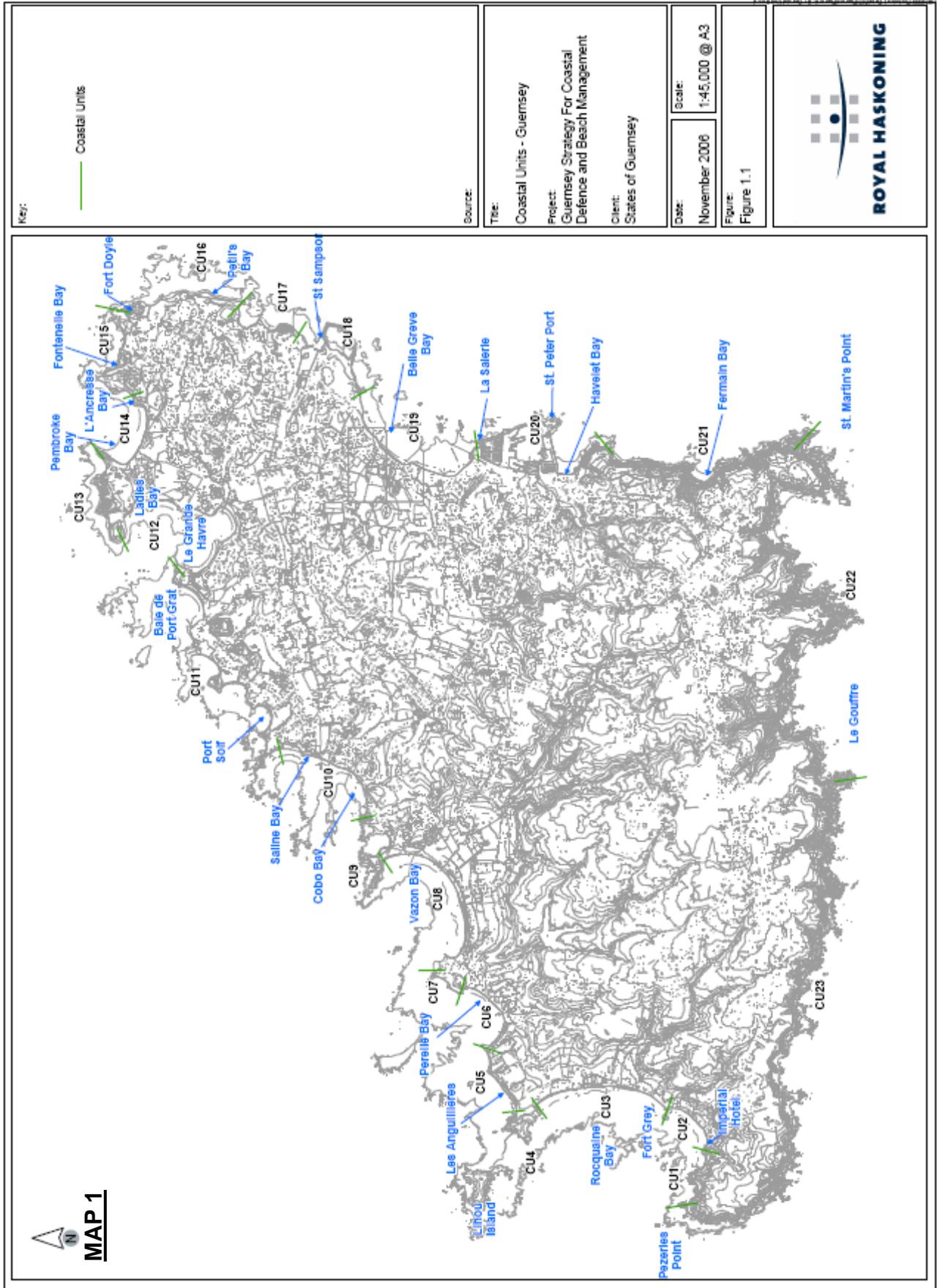
The Department will seek to utilise some of its unspent revenue balances to carry out the further studies identified in the Haskoning report, prioritising those studies as appropriate. In light of the outcome of those studies the Department will return to the States with specific recommendations on capital expenditure and strategy adoption as and when necessary.

### **9. Recommendation**

The Environment Department recommends the States to note this report.

Yours faithfully

Deputy David de Lisle  
Minister



## **Appendix A**

### **Coastal Defence Consultation Respondents**

The following sets out a summary of responses received during the Department's public consultation on the coastal defence green paper. A significant majority of responses were drafted on an assumption that specified works would or would not take place within a given coastal defence unit and on a subsequent presumption as to the effect of those works. This is particularly noticeable in respect of Coastal unit 14 where there is an assumption from a number of respondents that the coastal defence wall will be allowed to fail and that the resultant erosion and flooding would be so extreme as to result in the loss of a significant proportion of the common.

The Department would stress that no decision has been taken to abandon any defence nor has it determined the nature of any enhancement works. As such the assumption is misplaced. In addition, the report clearly states the need for further studies to determine the severity and acceptability of overtopping, flooding or erosion in those coastal units where defence performance is questioned. In the absence of such studies the presumption that erosion flooding or overtopping will be so significant as to be unacceptable is, if not misplaced, premature.

Total number of responses: 15

#### **L'Ancrese (10)**

D Chilton, Chief Officer, Culture & Leisure  
 Mr William Audoire  
 Adv. Roger Dadd  
 L'Ancrese Golf Club  
 Royal Guernsey Golf Club  
 Mrs Michele Trott  
 Mr Keith Opie  
 Vale Commons Council  
 Mr Colin & Mrs Dorothy Smith, Constables of the Vale

#### **L'Eree (2)**

Constables of St Pierre du Boise  
 Mr T J Queripel

#### **Les Dicqs/Rousse Headland (1)**

Mr Bryan Vandertang, Ard-na-Mara, Route de Picquerel, St Sampson

#### **Climate change/sea level rise (2)**

La Societe Guernesiale  
 Prof. Nick Day, Dr Andrew Casebow, Mr Richard Lord (joint letter)

<b>SUMMARY OF COASTAL DEFENSE CONSULTATION RESPONSES</b>	
<b>Climate change / sea level rise</b>	
La Societe Guernesiaise	<p>Welcomed balanced report and recognition of importance of natural protection – dunes, shingle bank.</p> <p>Considers projected sea-level rise at low end of expected scale – cites new report (Nov 07) from IPCC. Will send further more detailed response before Christmas.</p> <p>Wishes involvement in any discussions involving L'Eree, L'Ancrese, Les Dunes.</p>
Prof Nick Day, Andrew Casebow, Nick Lord	<p>Considers report balanced and exhaustive review of present situation but that lower level figure for 2080 looks increasingly implausible based on 'increasing criticism from wide sections of the scientific community' of the IPCC report.</p> <p>Suggests (1) Env Dept updates estimates of possible sea level rise in second half of century by consulting Hadley Centre directly and then consider impact on recommendations on Haskoning Report;</p> <p>(2) Env Dept ensures that potential impact of plausible level of sea level rise is made clear to the States in the planning of any major capital projects, particularly on Eastern seaboard, e.g. sewage, waste disposal.</p>
<b>L'Eree shingle bank</b>	
Constables of St Peters	<p>Considers proposition to allow the shingle bank to breach and move inland was 'totally untenable' due to 'colossal loss of property and land, including Ramsar site. (Appears to assume no mitigating works would take place to protect properties.)</p> <p>Suggests armouring seaward side of shingle bank with massed quarry boulders.</p>
Mr T J Queripel	<p>Considers shingle bank has eroded on seaward side and needs to be rebuilt.</p> <p>Suggests a 'heavy boulder barrier' on the seaward side of the shingle bank below the high water mark to reduce wave energy.</p>

<b>SUMMARY OF COASTAL DEFENSE CONSULTATION RESPONSES</b>	
<b>Les Dicqs and Rousse Headland</b>	
Bryan Vandertang	Submitted historical background/photographs of area, largely reclaimed using quarry waste during early 1800s. Considers the ‘new’ (c. late 1950s) outfall in Grand Havre (Rousse side) responsible for movement of significant quantity of shingle and sand towards Le Picquerel which has raised beach level and causes overtopping at spring tides onto coastal footpath. Suggests (1) continuation of reinforcement of Port Grat bank to western corner of Rousse headland; (2) continuation and armouring of raised bank from western corner of Rousse headland to the foot of the ground rising to Rousse Tower; (3) raising and armouring of the level from Rousse kiosk to raised bank near Peninsula Hotel.
<b>L’Ancresse and area</b>	
William Audoire	Suggested a ‘cheap solution’ - deposition of a wall of 1 tonne bags of sand across mouth of Pembroke to encourage ‘backfill of sand and so raising the beach to approx 3 to four feet’. (This has been looked at by Royal Haskoning who have commented this would be a very costly exercise – a similarly constructed 30m surfing reef off Bournemouth has cost £1.4m.)
Roger Dadd	Stated personal interest in Fontenelle bay. Deplored ‘Do nothing option’. Concerned at loss of land through coastal erosion, considers area/coastal path should be protected through rock armouring.
L’Ancresse Golf Club	Concerned at potential loss of anti-tank wall and subsequent loss of Club’s investment in high quality facilities, potential loss of 30 jobs(between two clubs) if sites became unviable due to loss of land. Cites impact on local visitor economy, loss of recreational area for walkers, cyclists. Looks forward to further consultation with Department
Royal Guernsey Golf	As above. Also concerned at potential loss of two Martello towers and other historic sites.

<b>SUMMARY OF COASTAL DEFENSE CONSULTATION RESPONSES</b>	
<b>L'Ancrese and area</b> (continued)	
Michele Trott	Concerned at loss of wall and effect on beaches and recreational value of Common, and affect of flooding to households inland.
Keith Opie	Concerned that consideration is being given to planning the loss of any island coastal defence due to disrepair or 'exclusion from proper maintenance'. Island too small to allow any of it to be lost to erosion. Suggests reclamation from sea, particularly Belle Greve bay.
Mr & Mrs Colin Smith	Concerned at loss of wall and impact on recreational value and wildlife habitat. Environment Department should be 'planning to increase coastal defences, not the reverse.'
Constables of the Vale	Most concerned at the 'Do nothing' option, and potential loss of the wall and ramifications of steady erosion of the Common which would follow. Supports stance of L'Ancrese Commons Council. Wall acts as sea defence and wind break. Part of Hitler's Atlantic Wall, only part on British territory – questions the destruction of this historic site.
Vale Commons Council	Strong opposition to 'do nothing' option. No other comment except recommendation that Department again studies the correspondence following the consultants' report of 1999 as the Council's view remains unchanged and continues to hold concerns over erosion and flooding.
Ch. Officer, Culture and Leisure	Concern expressed at the very modest nominal value placed on the land which is considered inappropriate given the Common's recreational significance (particularly golf) and the historical importance of the Martello towers.

**Appendix B****16<sup>th</sup> October 2007****COASTAL DEFENCE STRATEGY****A Consultation Document****Introduction**

In 1998/1999 the former Board of Administration commissioned consultants Posford Duvivier (now Royal Haskoning) to examine the coastal defence strategy for Guernsey. The report identified that coastal defences were generally in very good condition but that in the longer term some units could require additional engineering to keep them fit for purpose.

In the intervening years the Board of Administration and more recently the Environment Department has continued the traditional practice of maintaining the defences through ongoing monitoring and repair. However, in light of concerns over Sea Level rise and increased storms resulting from Climate Change, as identified British-Irish Council's 'Climate Change Scenarios for islands within the BIC region' of 2003, the Environment Department decided to review the previous work taking into account the most up to date sea level rise predictions.

This consultation document has been drawn from the resultant report which is available on line and at the Libraries. It sets out in broad terms the findings of the consultants' report and the key issues for future consideration and on which the Department would welcome your views.

The Environment Department is pleased to note that overall Guernsey's coastal defences are still considered to be in generally good condition and can be maintained to a good standard by continuing current practices of regular inspection and maintenance. Where those practices are considered unsustainable for the life of the strategy there are no significant urgent works, or changes in practice required within the next five years. However, during that time it is recommended that some more detailed studies and consultations take place in order that any major expenditure to deliver the chosen long-term strategy can be programmed. This document starts that process of consultation and studies. In light of the comments received the Department will be taking recommendations to the States in the early part of next year



Deputy David De Lisle PhD.

**Minister – Environment Department**

## 1 Executive Summary

1.1 The purpose of this document is to stimulate debate on the issues and options in respect of those coastal units in order that work on sustaining Guernsey's coastal defences, in the light of impacts that may occur from Climate change

1.2 The island's coastal defences are maintained on an ongoing basis following annual inspection – routine works include re-pointing, re-profiling, minor rock armouring, and underpinning.

1.3 'The Guernsey Strategy for Coastal Defence and Beach Management', produced by Posford Duvivier in 1999 found coastal defences were in good condition and effective with a sustainable life in the region 10 to 25 years or more. In the vast majority of cases it found that it would be satisfactory to continue current maintenance practices in the future. Posford Duvivier's strategy was based upon a figure for sea level rise of 10cm over 50 years.

1.4 However, The British-Irish Council's 'Climate Change Scenarios for islands within the BIC region' of 2003 forecast sea level rise of between 9cm and 69 cm by 2080. In light of this and the time lapse since Posford Duvivier's detailed survey the Environment Department commissioned a further full study to update the last strategy of 1999.

1.5 The findings of the study by Royal Haskoning (previously Posford Duvivier) 'Guernsey Coastal Defence Strategy' of March 2007 is set out in Appendix II. This study establishes a 50-year strategy for the management of the Island's coastal defences and develops a coastal protection scheme for the implementation of the strategy.

1.6 The report identified two coastal units (the Imperial Hotel and La Vallette) requiring urgent minor works. Both these areas had, in any case, been identified during scheduled annual inspections and masonry repairs (repointing and toe protection) have been completed

1.7 The report confirms an area identified by the Environment Department requiring urgent works of a more major nature at Pembroke/L'Anresse where voids had developed under the Eastern section of the anti-tank wall and apron. Repair works to this area have been completed to ensure the short term safety of the structure pending consideration of the longer term strategy.

1.8 The report recommended that the programme of ongoing studies into beach levels at Rocquaine, Vazon, Cobo/Saline and Belle Greve, which commenced in 1999, should continue. The Environment Department has already committed to continue this monitoring.

1.9 The report identified a number of coastal units where more detailed studies of overtopping, flood risk, defence stability and viability, and environmental and archaeological impact are required before a long term strategy can be set and works

commissioned. In respect of these units there is no urgent need to enhance the coastal defences but there is an initial need to commence the more detailed studies and to consult on the options. The Department is currently obtaining more detailed specifications and costings for these studies.

1.10 This work can proceed in accordance with the Government Business Plan priority 11:

*“To investigate the potential local impact of climate change on sea water levels, atmospheric temperature, precipitation, wind and extreme weather events.”*

## **2. Background**

2.1 Posford Duvivier’s Strategy of 1999 divided the coast of Guernsey and Herm into 25 coastal units and reviewed the defences in each unit. Short and long-term options for each unit were investigated although it was identified that, for some units, there was insufficient data to complete this process.

2.2 Posford Duvivier’s Strategy took into account some assumptions about natural beach replenishment (sand movement with the seasons). As a result, one of the original report recommendations was to gather beach level survey data and this has been undertaken over the last seven years.

2.3 The British Irish Council’s publication of July 2003, ‘Climate change scenarios for islands in the BIC region’, reported a rise in sea level in the range of 9 to 69 cm by 2080 specifically modelled on the Channel Islands region. This reflects the fact that climate change (weather patterns, storm frequencies and sea level rise) will depend on future emissions of greenhouse gases. If emissions can be kept low then sea level rise could be limited to 9cm over the next 80 years (i.e in line with the historic 1 to 2mm per annum). If emissions are high then the rise in the Channel Islands could be in the order of 69 cm by 2080. This uncertainty is less marked during the first 40 years as climate change during that period is more dependent on the green house gases that have already been emitted. Between now and the 2050s possible sea level rise ranges from 7cm to 36 cm.

2.4 A decision was taken by the Board of the Environment Department to undertake a review of the 1999 Posford Duvivier Strategy and its recommendations in light of the beach level survey data and the findings of the BIC report of 2003.

2.5 Royal Haskoning (previously Posford Duvivier) undertook a review of the Island’s coastal defences in 2006 and the report ‘‘Guernsey Coastal Defence Strategy’ was received by the Environment Department in April 2007.

## **3. Economic setting**

3.1 The costs of the maintenance and repair of coastal defences since 2004 are set out below:

<b>Year</b>	<b>Expenditure</b>
2004	£33,500
2005	£42,100
2006	£52,800
2007	£49,000 as at September 2007

3.2 It should be noted that to date no capital sums have been set aside for coastal defence works. The Royal Haskoning report indicated that the Island's coastal defences are in good condition and effective. This good standard has been achieved through annual inspection of coastal defences and planned regular maintenance. It should be noted that expenditure has been carefully managed at a level consistently within the budget of £60k for several years. Annual maintenance work includes masonry re-pointing and repair of walls, repair of storm damage, re-profiling of shingle banks, dune management and new dune development.

#### **4. Royal Haskoning Report findings, 2007**

4.1 As in 1999, Guernsey's coastline was inspected through 23 Coastal Units ('CU'), the boundaries of which are based on coastal processes. Herm's coastline was inspected through two Coastal Units. Coastal Units are further divided into Defence Units ('DU').

4.2 The attributes of each Coastal Unit were surveyed under the following headings: Coastal Processes and Beach Behaviour; Existing defences; Land Use, Human and Built Environment; Natural Environment; Planning Policies; and Key interests within the Unit. Each Coastal Unit was surveyed to assess performance since the 1999 Strategy on Performance of coastal defences; and impacts of climate change. In addition a Review of the 1999 Strategy and Scheme Options were considered for each Coastal Unit, comprising Assessment of Policy; Overview of the 1999 proposed strategy; Environmental Appraisal; and Economic Appraisal. The Summary of Appraisal (Table 7.2) is shown in Appendix A.

<i>Coastal Unit No.</i>	<i>Name</i>
1.	Pezeries Point to Imperial Hotel
2.	Imperial Hotel to Fort Grey
3.	Fort Grey to L'Eree Headland
4.	L'Eree Headland to Lihou Island
5.	Fort Saumarez to Le Catiaroc
6.	Le Catiaroc to Fort Richmond (Perelle Bay)
7.	Richmond Fort to Fort le Crocq
8.	Fort le Crocq to Fort Hommet (Vazon Bay)
9.	Fort Hommet to Le Guet
10.	Le Guet to Grandes Rocques (Cobo Bay and Saline Bay)
11.	Grandes Rocques to Rousse
12.	Rousse to Chouet (Le Grande Havre and Ladies Bay)

13. Chouet to Fort Pembroke
14. Fort Pembroke to L'Ancrese (Pembroke and L'Ancrese Bay)
15. L'Ancrese to Fort Doyle (L'Ancrese Bay & Fontenelle Bay)
16. Fort Doyle to Bordeaux
17. Bordeaux to Vale Castle
18. Vale Castle to Spur Point (St Sampson)
19. Spur Point to La Salerie (Belle Greve Bay)
20. La Salerie to La Vallette (St Peter Port)
21. La Vallette to St Martin's Point
22. St Martin's Point to Le Gouffre
23. Le Gouffre to Pezeries Point
24. Herm (South)
25. Herm (North)

4.3 In respect of the long term strategy Royal Haskoning has recommended 'Do Something' options in 21 out of 25 Coastal Units. Of these 21,, the recommended option in 13 Coastal Units is to continue existing practices ('to sustain'), and in eight Coastal Units to take further steps ('to improve'). In the remaining four Coastal Units the recommendation is 'Do Nothing'.

## **5. Immediate works, monitoring and investigation**

### **5.1 Immediate works**

Coastal Units 2, 5, 10, 12, 14, and 20 were highlighted in Royal Haskoning's 2007 Strategy as requiring immediate works. These immediate works of a relatively minor nature are intended to maintain the unit in a safe and functioning condition whilst longer term decisions are taken following feasibility studies.

#### *5.1.1. Unit 2 - Imperial Hotel to Fort Grey*

Works were required to a small area which was undermined immediately below the sea facing wall at the bus turning point, outside the Imperial Hotel.

On going maintenance (pointing and toe protection) is necessary to retain the remainder of the defences in this unit.

Status: Works completed July 2007

#### *5.1.2. Unit 5 – Fort Saumarez to Le Catiaroc*

Works are required to protect the badly corroded sheet piling from undermining in the Eastern section.

Status: A scheme for works is to be planned and costed, works scheduled to be carried out in 2009.

#### *5.1.3. Unit 10 - Le Guet to Grandes Rocques*

The works referred to in the Strategy refer to the movement of the German concrete wall constructed in front of a German bunker where a gap had formed between the two and is indicating some movement. Options for consideration included removal of the wall thus using the bunker as the coastal defence, or tying the wall to the bunker.

Status: Royal Haskoning has confirmed this is of no immediate concern. This area was already the subject of detailed monitoring and investigation including trial holes dug to the foundations. A schedule of ongoing monitoring of any movement of the German bunker has been established.

#### 5.1.4 *Unit 12 - Rousse to Chouet*

Works were identified by Haskoning in respect of concrete toe protection to the rock armoured revetment in Ladies Bay. The Engineers would continue to monitor the gap in the toe of the defence. However, the horizon of the armour stone defence has remained level over the last thirty years indicating defence stability despite the gap in the concrete toe protection. Any slump would be investigated.

Status: The revetment will be monitored for any future movement.

#### 5.1.5. *Unit 14 – Fort Pembroke – L’Ancrese*

Immediate measures to ensure public safety, as opposed to coastal protection, were required due to the deterioration of the German built anti-tank wall in the Eastern section where a series of voids had formed, both beneath the wall and the concrete apron. It was agreed that short-term works should not compromise the viability of medium/long term options. Short-term works were subsequently undertaken to remove shingle and re-fill the voids with concrete.

Status: Works completed July 2007

Cost: £12,350

#### 5.1.6. *Unit 20 - La Salerie to La Vallette*

The urgent works referred to in the Strategy related to masonry repairs to a section of toe undercutting at La Vallette.

Status: Works completed July 2007

Cost: £1,000

### 5.2 Immediate Monitoring

A number of areas of monitoring were proposed in the Strategy:

5.2.1 Continuation of the established programme of summer and winter beach surveys to gain information on beach levels within coastal units 3 (DU5), 8 (DU6 to DU10), 10 (DU2) and 14 (DU4). This established programme will continue.

5.2.2 Commencement of summer and winter beach surveys within coastal units 2, 3 (DU1, 3 and 4), 19 (DU7 to DU8). The established programme will be extended to cover these units.

5.2.3 Annual inspection of coastal defences in all units. A programme of annual inspection is already established and will continue. A five-yearly inspection programme of the cliffs in CU1 (Pezeries Point to Imperial Hotel) will commence.

### 5.3 Areas for more detailed investigation/ assessment

5.3.1 *CU 3 Fort Grey to L’Eree Headland*, A detailed survey and assessment of flood risk due to overtopping for a given estimated increase in sea level. Royal

Haskoning has been approached to provide further detail on the scope and timing of works associated with such a study.

*5.3.2 CU 10 Le Guet to Grandes Rocques; CU 11 Grandes Rocques to Rouse; CU 12 Rouse to Chouet; CU 13 Chouet to Fort Pembroke; CU 14 Fort Pembroke to L'Ancrese; CU 16 Fort Doyle to Bordeaux; CU 17 Bordeaux to Vale Castle.*

A detailed flood risk assessment for the northern section of the island, associated with level survey of defences in the key coastal units identified in section 5 of the report. Royal Haskoning has been approached to provide further detail on the scope and timing of works associated with such a study.

*5.3.3 CU 4 - L'Eree Headland and Lihou Island* A study to decide on the best approach for protecting the archaeological resource within this area. The Culture and Leisure Department has been approached with respect to this section of the Royal Haskoning report in order that consideration can be given to the feasibility of improvements and conditions required to protect archaeology in the area.

*5.3.4 CU 5 - Fort Saumarez to Le Catiaroc* A detailed study to investigate the environmental viability of the inland flood bank scheme in order to determine the best management option for the unit. This study is likely to entail substantial cost and will require a full Environmental Impact Assessment. .

*5.3.5 CU 5 - Fort Saumarez to Le Catiaroc, CU 6 - Le Catiaroc to Fort Richmond, and CU 8 - Fort Le Crocq to Fort Hommet (Vazon Bay)* - A study of the proposed beach nourishment scheme (to include consideration of environmental issues) within these units. A full Environmental Impact Assessment will be required for CU5. The Royal Haskoning Report indicates that beach replenishment should not be necessary prior to circa 2017.

*5.3.6 CU 14 - Fort Pembroke to L'Ancrese* A report on the engineering and coastal process impact of abandoning the German-built anti-tank wall. A detailed consultation would be undertaken once the potential impacts of abandoning the wall have been quantified.

## **6 Monitoring, Studies and Works to be undertaken within three years**

### **6.1 Monitoring**

6.1.1 Inspection of archaeological interest within Coastal Units 9, 11, 12, 13, 15 and 16.

6.1.2 Establishment of a regular programme of beach surveys of any Coastal units for which the decision may be taken to nourish within the following units: Coastal Units 5 (DU2), 6 (DU2), 8 (DU6 to DU10).

## 6.2 Studies

6.2.1 Undertake a detailed study to develop potential realignment options in Coastal Unit 12 (Rousse to Chouet).

6.2.2 Undertake public consultation on the possibility of raising seawalls in Coastal Unit 3, 10, 19 and 20.

## 6.3 Works

6.3.1 Undertake minor toe protection works in Coastal Units, 3, 6, and 8.

6.3.2 Undertake works to protect archaeological resources (and/or undertake excavation) in Coastal Unit 4.

6.3.3 Undertake construction of an inland flood bank (subject to findings of the recommended studies) within Coastal Unit 5.

6.3.4 Undertake beach nourishment (subject to the findings of the recommended studies) within Coastal Unit 5, 6 and 8.

6.3.5 Undertake local protection and repairs to defences in Coastal Unit 19.

6.3.6 Commence management of the dunes along Mouisonniere Beach in Unit 25.

## 7. **After five years**

### 7.1 Studies

7.1.1 Assessment studies of beach behaviour, including confirming future trends of beach movement, within Coastal Units 2, 3, 5, 8, 10, 14 and 19.

### 7.2 Possible Works (within five years)

7.2.1 Seawall raising within Coastal Units 3, 10, 19 and 20

7.2.2 Improve drainage to track in Coastal Unit 24.

7.2.3 Royal Haskoning also recommend continuation of maintenance of the defences.

## 8. **Capital assessment and Benefit-cost ratio**

### 8.1 Benefits

8.1.1 Royal Haskoning have undertaken an economic appraisal of each Coastal Unit, to determine:

- (a) the benefits derived from providing defences; and
- (b) the costs of providing defences.

The ratio of the two values is referred to as the 'Benefit-cost ratio'. If this ratio is greater than unity, then the scheme may be considered economically viable.

8.1.2 Royal Haskoning has defined benefits as those assets protected on the landward side of coastal defences from erosion and/or flooding. The monetary value of assets such as the coast road and 'ribbon' residential development adjacent to the road protected from erosion has been established based on the length of road and the length of ribbon development protected. The benefits derived from the prevention of flooding has been determined by calculating areas of developed and undeveloped land protected. Developed land is defined as land used for residential, commercial and industrial purposes, with the remainder of land defined as undeveloped (i.e. rural and agricultural land). The monetary value of these assets has been established based on the area of land protected.

8.1.3 It is assumed that these assets would be totally lost when the residual life of the defences expires. The present (or capitalised) value of these assets (and the benefit of providing defences) has been calculated using a discount factor of 6% per annum.

8.1.4 Royal Haskoning consulted island Estate Agents in arriving at the values applied to residential development, developed and undeveloped land. Assessments were made in a number of units to calculate the average number of houses per hectare with the results applied to the rest of the coastal units for consistency.

- (a) The average value per house has been estimated as having a write-off value of £381,000.
- (b) The value of developed land has been assessed at £2,070,000 per hectare.
- (c) The value of ribbon development (using the value of developed land) with a typical bandwidth of 25m, was assessed at £4,400,000/km of frontage.
- (d) The write-off value of undeveloped land was assessed at £24,700 per hectare. (This is lower than the price band for good agricultural land as not all land behind the coastline can be classified as 'good').

8.1.5 Royal Haskoning determined the cost of replacing roads using a value from Spon's Civil Engineering and Highway Works Price Book (2006), with an adjustment to account for island construction costs. The value of replacing a minor road was assessed at £400/m run and for replacing a coast road at £1,200/m run.

## 8.2 Costs

8.2.1 Royal Haskoning estimated the costs for each option based on previous defence works carried out on the Island, with the prices updated using the Retail Price Index. In considering the cost spent on maintenance, the cost was approximated by dividing the

budget spent per annum by the total length of coastline requiring maintenance. In brief, the value of costs have been assessed as follows:

- (a) Maintenance – assessed to be £6,000/km of defence per annum
- (b) Toe Protection – assessed to be £4,000/m
- (c) Raising of Seawall – assessed to be £180/m
- (d) Construction of off-shore breakers – assessed at £70/m<sup>3</sup> of material used
- (e) Construction of Rock Revetment – assessed at £4,600/m
- (f) Construction of Rock Protection – assessed at £800/m.
- (g) Removal or Rock Protection and Nourishment - £800/m.
- (h) Reconstruction of Seawall – As in Unit 14, assessed at £5,400/m and includes demolition costs.

8.3 Benefit-cost ratio summary - attached at Appendix III

## 9. The Way forward

9.1 Publication of this document constitutes the commencement of a four-week period of public consultation. A full copy of the Haskoning report is available on the States of Guernsey website, [www.gov.gg](http://www.gov.gg), and for public viewing at Environment Department Reception at Sir Charles Frossard House and at the Guille-Alles Library.

9.2 Following the consideration of the public consultation, a States Report will be prepared for debate by the States with a target date of March 2008. The primary objective of the States debate will be to seek funds to commence the detailed studies recommended, as outlined in 5.3 and 6.2 above and to commence political debate on the options and priorities identified by this Coastal Defence strategy.

## 10. Responding to this consultation document

10.1 The Haskoning report, in two volumes, covers some 600 pages. As such it is impossible to cover all the issues raised and all the statements and assumptions made in this brief consultation document. For many consultees, however, it will not be necessary to read the full Haskoning report and it will be sufficient to restrict one's review and comment to the Coastal Unit and, in some cases the smaller defence unit, of particular interest to the consultee. Therefore, rather than seeking responses to a host of questions which may not all be of interest to every consultee the Department has decided to leave it to consultees to comment on those issues or coastal units they consider of specific importance.

10.2 Notwithstanding the above, the Department would particularly wish to receive views from the public on the following key issues:

- The L'Eree flood defence options
- Desirability of retaining the L'Ancrese wall in terms of historical importance
- Desirability of beach nourishment with sand or shingle over hard defences (concrete revetments)

- Desirability of detached breakwaters

10.3 Consultees are requested to submit their responses in writing by **Friday 16<sup>th</sup> November 2007** to:

The Chief Officer  
Environment Department (Coastal Defence)  
PO Box 43  
Sir Charles Frossard House,  
La Charroterie  
St Peter Port  
Guernsey  
GY1 1FH

**Appendix 1(of B)****ASSESSMENT OF COASTAL DEFENCES*****CU1 Pezeries Point to Imperial Hotel***

**Recommendations:** Due consideration of the entire coastal strip which is designated an Area of Special Environmental Importance, the Pleinmont headland forms part of the Southern Cliffs and Cliff Valleys Site of Nature Conservation Interest.

Option 1: Continue Existing Practice (To Sustain), comprising:-  
Continue regular re-pointing of masonry structures;  
Five-yearly inspections of the cliff section to assess levels of erosion and any impacts within the unit.

Value of protected assets: £95,500 (Discounted Total)  
(includes minor road)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	N/A	N/A	3,100/yr	79,360

***CU2 Imperial Hotel to Fort Grey***

**Recommendations:** Continued maintenance of masonry structure. Monitoring of toe protection of defences after storm events and repair works as necessary.  
Study into beach behaviour through summer and winter beach surveys.

Value of assets protected: £2,680,000 (Discounted Total)  
(includes coast road, ribbon development)

Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
	Capital	Maintenance	
N/A	273,000	4,800/yr	541,300

***CU3 Fort Grey to L'Eree Headland***

**Recommendations:** Due consideration of high environmental value of Ramsar site to minimise impact of any works in this unit. Discrete approach to different sections of the bay, with detailed assessment of actual flood risk due to overtopping. Consideration of coastal management policy to restrict development immediately behind the sea wall. Consideration of rock armouring as sustainable solution on one section of the bay.

Value of assets protected: £15,277,000 (Discounted Total)  
(includes coast road, ribbon development, developed and undeveloped land)

**CU3 Fort Grey to L'Eree Headland** (continued)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	40,000	40,000/10yrs	11,100/yr	380,000
2	220,000	40,000/10yrs	11,100/yr	530,000
3	16,530,000	3,305,000/10yrs	11,100/yr	19,268,000
4	18,224,000	1,654,000/10yrs	18,300/yr	18,348,000
Revised	220,000	1,840,000/15 yrs	11,100/yr	3,350,000

**CU4 L'Eree headland and Lihou Island**

**Recommendations:** Due consideration of high environmental and archaeological value of Ramsar site to minimise impact of any works in this unit. Area of Special Environmental Importance. Full consultation with local archaeological authorities. Excavation and/or protection of archaeological resource.

Value of assets protected: £367,200 (Discounted Total)  
(includes ribbon development)

Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
	Capital	Maintenance	
60,000	N/A	720/yr	54,300

**CU5 Fort Saumarez to Le Catiroc**

**Recommendations:** Due consideration of high environmental value of Ramsar site to minimise impact of any works in this unit, which includes the shingle ridge at Les Anguillières and La Claire Mare Nature Reserve. An area of Special Environmental Importance. Examination of flood risk and re-routing of coastal road with view to adaptation management over next 20 years. Repair/replacement of sheet piling in area of central slipway.

- Option 1: Continue existing practice (Sustain), comprising:-  
Management of shingle bank, limited tipping of rock, re-pointing of masonry structures.
- Option 2: Beach nourishment (To improve), comprising:-  
As Option 1, except no re-profiling of the shingle bank, beach nourishment with shingle, regular surveys of the newly nourished beach.
- Option 3: Rock revetment (To improve), comprising:-  
As Option 1, except no re-profiling of the shingle bank,  
Rock revetment along the shingle ridge.

Option 4: Reinforce concrete or Masonry wall (To improve), comprising:-  
As Option 1, except no re-profiling of the shingle bank,

Option 5: Inland Flood Bank (To Retreat), comprising:-  
As Option 1, except no re-profiling of the shingle bank,  
Abandonment of the shingle bank defences,  
Construction of an inland flood bank and realignment of coast road

**NOTE:** Royal Haskoning consider Options 3 and 4 to be unacceptable on economic and environmental impact grounds. Option 5 was the recommended long term approach.

Value of protected assets: £11,910,000 (Discounted Total)  
(includes developed and undeveloped land, coast road)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	N/A	N/A	6,300/yr	161,300
2	1,399,000	279,000/10 yrs	6,300/yr	2,005,400
3	1,681,000	N/A	8,500/yr	1,633,000
4	2,461,000	N/A	8,500/yr	2,289,700
5	745,000	N/A	6,300/yr	788,600

**CU6 Le Catoroc to Fort Richmond (Perelle Bay)**

**Recommendations:** Due consideration of the coastal frontage, an Area of Special Environmental Importance and coast road, classified as Built Up Area. Address continuing problem of overtopping.

Option 1: Continue existing practice (To Sustain), comprising:-  
Regular re-pointing of masonry structures, toe protection to undermined section of wall, monitor toe protection after storm events and repair as necessary.

Option 2: Raise Local Sections of Seawall (To Improve), comprising:-  
As Option 1 with regard to continued practice,  
Raise local sections of seawall to reduce the effects of overtopping.

Option 3: Beach Nourishment (To Improve), comprising:-  
As Option 1 with regard to continued practice,  
Beach nourishment with shingle and regular surveys of nourished beach.

Option 4: Beach Nourishment and Detached Breakwaters (To Improve)  
As Option 3, plus detached breakwaters

**NOTE:** Royal Haskoning recommended a revised approach of Option 3 with local management techniques to control local movement of shingle,

however at present the apparent need for beach replenishment is moved back a further ten years.

Value of protected assets: £5,028,000 (Discounted Total)  
(includes developed and undeveloped land, coast road and ribbon development)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	802,000	201,000/10 yrs	6,000/yr	1,165,000
2	860,000	201,000/10 yrs	6,000/yr	1,200,000
3	2,770,000	553,000/10 yrs	6,000/yr	3,273,000
4	5,112,000	227,000/10 yrs	11,000/yr	3,935,000
Revised approach	Subject to detailed consideration of options, costs at present assessed as similar to Option 3.			

#### **CU7 Fort Richmond to Fort Le Crocq**

**Recommendations:** Due consideration of Richmond headland as an Area of Archaeological Importance and the privately managed SNCI in the vicinity of Fort Le Crocq. The shoreline and landward edge is an Area of Special Environmental Importance, the headland and islets are major roosting and feeding areas for wading birds. No significant loss of property envisaged due to climate change.

‘Do Nothing’ (including continued maintenance of existing defences and slipways).

#### **CU8 Fort Le Crocq to Fort Hommet (Vazon Bay)**

**Recommendations:** Due consideration of the coastal strip, an Area of Special Environmental Importance and the land behind the coast road classified as an Area of Landscape Value.

- Option 1: Continue existing practice and minor works (To Sustain), comprising:-  
Regular re-pointing of masonry structures, toe protection to undermined section of wall, monitor toe protection after storm events and repair as necessary, dune management.
- Option 2: Raise Local Sections of Seawall (To Improve), comprising:-  
As Option 1;  
Raise local sections of seawall to reduce the effects of overtopping.
- Option 3: Beach Nourishment (To Improve), comprising:-  
Continue regular re-pointing of exposed masonry structures;  
Beach nourishment with sand and regular surveys of nourished beach.
- Option 4: Beach Nourishment and Detached Breakwaters (To Improve)  
As Option 3, plus detached breakwaters

**NOTE:** Royal Haskoning consider Options 1 and 2 could not be considered as sustainable although may be considered as a short term measure to reduce flood risk. RH consider Option 4 should be rejected due to the impact on the natural environment and coastal landscape. A revised approach of Option 3, together with control structures/recharge of the beach in local areas offers a more sympathetic approach, though this would be subject to detailed local appraisal and study of existing overtopping/flood risk, together with establishment of environmental baseline for the area.

Value of protected assets: £78,667,000 (Discounted Total)  
(includes developed and undeveloped land, and coast road)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	209,000	21,440/10 yrs	13,500/yr	555,000
2	686,000	209,000/10 yrs	13,500/yr	1,244,000
3	8,760,000	1,750,000/10 yrs	13,500/yr	10,404,000
4	12,300,000	870,000/10 yrs	21,500/yr	12,240,000
Revised	4,000,000	1,000,000/10 yrs	10,000/yr	5,157,000

#### ***CU9 Fort Hommet to Le Guet***

**Recommendations:** Due consideration of Fort Hommet headland and coastal strip as Area of Special Environmental Importance and archaeological interest of Fort Hommet and Chateau d'Albecq.

Continue existing practice by re-pointing masonry structures and limited tipping of rock onto existing rock protection. Consider longer term need to improve management of overtopping.

Value of protected assets: £78,027,000 (Discounted Total)  
(includes developed and undeveloped land, minor road, coast road and ribbon development)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	N/A	50,000/15 yrs	2,200/yr	133,000

#### ***CU10 Le Guet to Grandes Rocques (Cobo Bay and Saline Bay)***

**Recommendations:** Due consideration of the high amenity value of Cobo Village, classified as a Built-Up Area, together with land on either side of the village, classified as an Area of Special Environmental Importance. The residential area at the base of Le Guet is classified as a Conservation Area. Continued monitoring of movement/crack in German concrete wall.

- Option 1: Continue existing practice and minor works (To Sustain), comprising:- Regular re-pointing of masonry structures, toe protection to undermined section of wall, monitor toe protection after storm events and repair as necessary, beach surveys.
- Option 2: Raise Local Sections of Seawall (To Improve), comprising:- As Option 1; Raise local sections of seawall to reduce the effects of overtopping.
- Option 3: Beach Nourishment (To Improve), comprising:- Continue regular re-pointing of exposed masonry structures; Beach nourishment with sand.
- Option 4: Beach Nourishment and Detached Breakwaters (To Improve) As Option 3, plus detached breakwaters

NOTE: Royal Haskoning consider Option 1 would provide a suitable approach in the short term. Options 2 and 3 are environmentally acceptable, subject to consultation with local residents over seawall raising (Option 2) and consideration of the impacts of beach nourishment on the intertidal habitats (Option 3). Option 4 is not considered acceptable due to the impacts on the natural environment and coastal landscape. A revised approach of a combination of Options 2 and 3, (subject to initial examination of actual flood risk and detailed examination of the approach). Defences would be raised as required to protect the toe of the walls and revetments, whilst undertaking beach recharge and reinforcing the natural control features of the bay.

Value of protected assets: £185,193,000 (Discounted Total)  
(includes developed and undeveloped land, minor road, coast road and ribbon development)

***CU10 Le Guet to Grandes Rocques (Cobo Bay and Saline Ba) (continued)***

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	6,700	106,500/10 yrs	11,400/yr	396,000
2	173,000	106,500/10 yrs	11,400/yr	495,000
3	5,653,000	1,131,000/10 yrs	11,400/yr	4,725,000
4	6,177,000	574,000/10 yrs	19,000/yr	4,711,000
Revised	130,000	1,800,000/10 yrs	11,400/yr	2,054,000

***CUI1 Grandes Rocques to Rousse***

**Recommendations:** Due consideration of the archaeological interest in the headlands in this unit, together with Sites of Nature Conservation Interest at Grande Rocques headland, Port Soif sand dune habitat, Pulias Pond. The entire coastal frontage is an Area of Special Environmental Importance.

Continue existing practice by limited tipping of rock to the existing rock protection, looking to locally strengthen specific areas. Regular re-pointing of the masonry structures. Consideration of management techniques of the semi-mobile dune at Port Soif.

Value of protected assets: £185,193,000 (Discounted Total)  
(includes developed and undeveloped land, minor road, coast road and ribbon development)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	N/A	3,000,000/30yrs	13,000/yr	3,141,000

***CUI2 Rousse to Chouet (Le Grand Havre and Ladies Bay)***

**Recommendations:** Due consideration of important archaeological sites on L'Ancrese Common. Both the Bay and L'Ancrese Common are Sites of Nature Conservation Interest. The entire coastal frontage, and L'Ancrese Common on the eastern side of the bay, is an Area of Special Environmental Importance.

Option 1: Continue Existing Practice (To Sustain), comprising:-  
Continue existing practice by limited tipping of rock into the existing rock;  
Protection of structures and regular re-pointing of the masonry wall.

Option 2: Removal of Rock Protection (Sustain), comprising:  
Selective removal or rock protection;  
Selective beach nourishment (dune creation).

NOTE: Royal Haskoning recommend Option 1 to ensure integrity of defences.

Value of protected assets: £185,193,000 (Discounted Total)  
(includes developed and undeveloped land, minor road, coast road and ribbon development)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	3,300	3,300/10yrs	7,200/yr	188,000
2	377,800	N/A	3,600/yr	250,000

**CU13 Chouet to Fort Pembroke**

**Recommendations:** Due consideration of important archaeological sites on L'Ancrese Common. The entire coastal frontage within the unit is an Area of Special Environmental Importance. The western end of Chouet headland is a designated Area of Safeguarded Mineral Resources.

Option 1: Continue Existing Practice (To Sustain), comprising:-  
Protection of structures and rebuilding earth embankments as necessary.

Value of protected assets: £2,509,000 (Discounted Total)  
(includes developed and undeveloped land, minor road and ribbon development)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	N/A	N/A	1,200/yr	30,800

**CU14 Fort Pembroke to L'Ancrese (Pembroke and L'Ancrese Bay**

**Recommendations:** Due consideration for the area of archaeological importance which includes the headlands and L'Ancrese Common. L'Ancrese Common is a Site of Nature Conservation Interest. Due consideration to the recreational value of the beach and adjacent golf course.

Option 1: Major Repairs and Rebuilding (To Improve), comprising:-  
Undertake major repairs to and rebuilding of sections of the wall;  
Raise the seawall locally;  
Monitor toe protection of all defences after storm events, repair as necessary;  
Regular monitoring of the wall so works can be planned before the condition of the wall becomes critical.

Option 2: Beach Nourishment (To Improve), comprising:-  
Minor repairs to existing walls;  
Beach nourishment with sand;  
Regular surveys of the newly nourished beach.

Option 3: Beach Nourishment with Detached Breakwaters (To Improve)  
As Option 2 with detached breakwaters.

Option 4: Abandon Defences (To Retreat), comprising:-  
Abandon the defences, and clear debris from the beach;  
Allow natural alignment of the bay to develop;  
Beach nourishment (dune creation).

**NOTE:** Royal Haskoning considers Options 1, 2, and 3 are not economically viable based solely on protection of existing assets, and that Option 4 is not viable in the absence of a broader management plan.

The recommended revised approach is ‘Do Nothing’ with careful management of the abandoned defences. If this was not acceptable then Option 4 is considered to be preferred.

Value of protected assets: £169,000 (Discounted Total)  
(includes minor road)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	100,000	300,000/20 yrs	5,500/yr	685,000
2	6,866,000	1,383,000/10 yrs	5,500/yr	8,042,000
3	9,910,000	691,000/10 yrs	18,000/yr	9,864,000
4	200,000	* 73,000/10 yrs	* 800/yr	301,000
Revised policy	Costs of safety measures and removal of wall debris to maintain amenity value of the beach.			

\* Demolition costs incurred in years 5, 10, and 20

#### ***CU15 L’Ancresse to Fort Doyle (L’Ancresse Bay and Fontelle Bay)***

**Recommendations:** Due consideration for the area of archaeological importance of the Banque á Barque headland and L’Ancresse Common. The entire coastal frontage and the eastern part of L’Ancresse Common to the south of the bay, is an Area of Special Environmental Importance. The small area of low-lying agricultural land at Hougue Patris is classified as an Area of Landscape Value.

In the absence of any significant assets at risk the policy of ‘Do Nothing’ is recommended. Whilst this would result in minor economic damage to continued erosion the selection of a ‘Do Something’ cannot be justified on environmental or economic grounds. Periodic monitoring of the area for evidence of archaeological artefacts or structures should be carried out. If significant finds are made then either excavation should be undertaken or protection from further erosion provided.

#### ***CU16 Fort Doyle to Bordeaux***

**Recommendations:** Due consideration of the archaeological importance of the islets of Hommet Benes and Hommet Paradis, and Petils Bay.

Option 1: Continued Existing Practice (To Sustain), comprising:-  
Continue existing practice by limited tipping of rock into the existing rock protection

Value of protected assets: £179,000 (Discounted Total)  
(includes minor road)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	N/A	N/A	2,400/yr	61,500

### ***CU17 Bordeaux to Vale Castle***

**Recommendations:** Due consideration of the entire coastal frontage which is classified as an Area of Special Environmental Importance. Bordeaux Village is classified as a Conservation Area.

Option 1: Continued Existing Practice (To Sustain), comprising:-  
Continue regular re-pointing of masonry structures;  
Minor repairs and works to the walls in Bordeaux Harbour and adjacent to Vale Castle;  
Monitor toe protection of defences after storm events and repair as necessary.

Value of protected assets: £185,193,000 (Discounted Total)  
(includes developed and undeveloped land, minor road, coast road, ribbon development)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	14,000	14/10 years	7,700/yr	218,600

### ***CU18 Vale Castle to Spur Point (St Sampson)***

**Recommendations:** Due consideration of St Sampson Harbour, an Area of Archaeological Importance (early modern) and an Urban Conservation Area.

Option 1: Continuing Existing Practice (Sustain), comprising:-  
Continuing regular re-pointing of the masonry structures.

Value of protected assets: £185,193,000 (Discounted Total)  
(includes developed and undeveloped land, minor road, coast road, ribbon development)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	N/A	N/A	10,800/yr	276,500

### ***CU19 Spur Point to La Salerie (Belle Greve Bay)***

**Recommendations:** Due consideration of La Salerie Harbour, a post-medieval development of archaeological interest. The coastal frontage includes an Urban Conservation Area. The intertidal area is valuable habitat for birds.

- Option 1: Continue Existing Practice and Minor Works (To Sustain), comprising:-  
Continue regular re-pointing of masonry structures;  
Minor toe protection to the short length of undermined wall;  
Monitor toe protection of all defences after storms, undertake repair as necessary;  
Repair sheet piles;
- Option 2: Raise Local Sections of Seawall (To Improve), comprising:-  
As Option 1;  
Raise local sections of seawall to reduce the effects of overtopping.
- Option 3: As Option 1 without repairs to sheet piles;  
Beach nourishment with shingle;  
Regular surveys of the newly nourished beach.

**NOTE:** Royal Haskoning consider Option 1 only viable over the short term, Option 3 is not considered necessary.  
The recommended approach is Option 2 with survey work of the crest levels of defences; detailed examination to identify critical local areas of overtopping; and assessment of risk to large area of hinterland.

Value of protected assets: £185,193,000 (Discounted Total)  
(includes developed and undeveloped land, minor road, coast road and ribbon development)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	266,000	1,400/10 yrs	12,000/yr	468,000
2	500,000	800,000/10 yrs	12,000/yr	1,832,000
3	2,179,000	383,000/10 yrs	12,000/yr	2,195,000

**CU20 La Salerie to La Vallette (St Peter Port)**

Recommendations: Due consideration to St Peter Port Harbour and Castle Cornet, both Urban Conservation Areas. Havelet Bay is split with the main part comprising a Central Activity Area and Urban Conservation Area, the southern part of the Bay is classified as an Area of Special Environmental Importance.

- Option 1: Continue Existing Practice (To Sustain), comprising:-  
Continue regular re-pointing of the masonry structures.
- Option 2: Raise Local Sections of Seawall (To Improve), comprising:-  
As Option 1;  
Raise local sections of seawall to reduce the effects of overtopping.

Note: Royal Haskoning recommends Option 2. Option 1 is not considered viable in the longer term.

Value of protected assets: £3,800,000 (Discounted Total) (includes coast road and ribbon development)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	N/A	N/A	11,500/yr	294,400
2	70,000	400,000/10 yrs	11,500/yr	660,600

**CU21 La Vallette to St Martin's Point**

**Recommendations:** Due consideration to the entire frontage of this unit which is classified as an Area of Special Environmental Importance.

Option 1: Continue Existing Practice (To Sustain), comprising:-  
Continue regular re-pointing of masonry structure (back wall of Fermain Bay)

Value of protected assets: £78,800 (Discounted Total)  
(includes ribbon development)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	N/A	N/A	1,800/yr	46,100

**CU22 St Martin's Point to Le Gouffre**

**Recommendations:** Due consideration to the southern cliffs designation as Site of Nature Conservation Importance. Jerbourg peninsula is an area of archaeological importance.

Option 1: Continue Existing Practice (To Sustain), Comprising  
Continue regular re-pointing of masonry structures (Petit Port, Moulin Huet, Saints Bay and Petit Bot)

Value of protected assets: £184,000 (Discounted Total)  
(includes ribbon development)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	N/A	N/A	470/yr	12,100

***CU23 Le Gouffre to Pezeries Point***

Recommendations: Due consideration to the entire coastal frontage which is an Area of Special Environmental Importance.

There are no man-made coastal defences in this unit, the recommendation is to 'Do Nothing'

***CU24 Herm (South)***

Recommendations:

- Option 1: Continue Existing Practice (To Sustain), comprising:-  
Continue limited tipping of rock into the existing rock protection;  
Annual inspection of the defences
- Option 2: Re-profiling of Rock Protection (Improve) comprises the following elements:  
As Option 1;  
Re-profiling the rock protection between Herm Harbour and Rosiere Steps;  
Improve drainage to the lower access track between the Herm Harbour and Rosiere Steps.

Value of protected assets: £135,000 (Discounted Total)  
(includes minor road)

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	N/A	N/A	1,500/yr	38,400
2	42,000	N/A	1,500/yr	86,400

***CU25 Herm (North)***

Recommendations:

- Option 1: Continue Existing Practice (To Sustain), comprising:-  
Continue regular re-pointing of masonry structures;  
Management of dunes along Mouisonniere Beach;

Value of protected assets: £403,000 (Discounted Total)  
(includes ribbon development and undeveloped land )

Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)
		Capital	Maintenance	
1	3,600	N/A	340/yr	11,600

## Appendix 2 (of B)

Table 7.2 Summary of Appraisal

No.	Coastal Unit Name	Strategy Option	Scheme Option	Scope of Works	Proposed Monitoring	Proposed Studies
1	Pezeries Point to Imperial Hotel	Do Something (Sustain)	Continue existing practice	- Ongoing maintenance	- Annual inspection of defences - Five-yearly inspection of cliffs	—
2	Imperial Hotel to Fort Grey (Rocquaine Bay)	Do Something (Sustain)	Continue existing practice and allow for future works	- Ongoing maintenance. - Possible local defence in the medium term	- Summer and winter surveys of beaches - Annual inspection of defences	- Study into beach behaviour - Review of strategy after five years' monitoring
3	Fort Grey to L'Erée Headland (Rocquaine Bay)	Do Something (Improve)	Revised Approach	New toe protection Ongoing maintenance Raise crest levels Beach control	- Summer and winter surveys of beaches at DU1, 3 and 4 - Annual inspection of defences	- Detailed study of specific overtopping - Design of toe defence. - General assessment of existing over topping risk.

No.	Coastal Unit Name	Strategy Option	Scheme Option	Scope of Works	Proposed Monitoring	Proposed Studies
4.	L'Eree Headland and Lihou Island	Do Something (Improve)	Excavation and/or protection of archaeological resource	<ul style="list-style-type: none"> <li>- Excavation/ protection of archaeological resource</li> <li>- Ongoing maintenance</li> </ul>	<ul style="list-style-type: none"> <li>- Annual inspection of defences</li> </ul>	<ul style="list-style-type: none"> <li>- Require detail information and decide on approach for dealing with archaeological interest.</li> </ul>
5.	Fort Saumarez to Le Catoroc	Do Something (Improve)	Revised approach. Adaptation to retreat, with initial local recharge and repairs to slipway.	<ul style="list-style-type: none"> <li>- Ongoing maintenance</li> <li>- Beach nourishment</li> </ul>	<ul style="list-style-type: none"> <li>- Annual inspection of defences</li> </ul>	<ul style="list-style-type: none"> <li>- Detailed study of environmental viability of inland flood bank.</li> <li>- Review strategy after five years.</li> </ul>
6.	Le Catoroc to Fort Richmond (Perelle Bay)	Do Something (Improve)	Beach nourishment, but with consideration of more local approach	<ul style="list-style-type: none"> <li>- Beach nourishment</li> <li>- Ongoing maintenance</li> <li>Local control structures</li> </ul>	<ul style="list-style-type: none"> <li>- Annual inspection of defences</li> <li>- Regular surveys of newly nourished beach</li> </ul>	<ul style="list-style-type: none"> <li>- Detailed study of existing over topping</li> <li>- Detailed option appraisal (including environmental issues)</li> </ul>
7.	Fort Richmond to Fort Le Crocq	Do Nothing	-	-	-	-

No.	Coastal Unit Name	Strategy Option	Scheme Option	Scope of Works	Proposed Monitoring	Proposed Studies
8.	Fort Le Crocq to Fort Hommet (Vazon Bay)	Do Something (Improve)	Continue existing practice. Followed by local management	<ul style="list-style-type: none"> <li>- Local management</li> <li>- Ongoing maintenance</li> </ul>	<ul style="list-style-type: none"> <li>- Continue summer and winter surveys of beaches</li> <li>- Annual inspection of defences</li> </ul>	<ul style="list-style-type: none"> <li>- Detailed study of existing over topping</li> <li>- Detailed local option appraisal</li> </ul>
9.	Fort Hommet to Le Guet (Albecq)	Do Something (Sustain)	Continue existing practice and long term improvement	<ul style="list-style-type: none"> <li>- Ongoing maintenance</li> </ul>	<ul style="list-style-type: none"> <li>- Annual inspection of defences</li> <li>- Periodic inspection of archaeological interest</li> </ul>	-
10.	Le Guet to Grandes Rocques (Cobo and Saline Bays)	Do Something (Improve)	Revised approach. Raise levels of defence over north and south of the area. Local management and recharge to the centre of the bay.	<ul style="list-style-type: none"> <li>- Repair work as necessary after storms</li> <li>- Structures and recharge</li> </ul>	<ul style="list-style-type: none"> <li>- Continue summer and winter surveys of beaches</li> <li>- Annual inspection of defences</li> </ul>	-
11.	Grandes Rocques to Rousse (Port Soif and Portinifer)	Do Something (Sustain)	Continue existing practice	<ul style="list-style-type: none"> <li>- Ongoing maintenance</li> </ul>	<ul style="list-style-type: none"> <li>- Annual inspection of defences</li> <li>- periodic inspection of archaeological interest</li> <li>- continuing monitoring or beaches</li> </ul>	-

No.	Coastal Unit Name	Strategy Option	Scheme Option	Scope of Works	Proposed Monitoring	Proposed Studies
12.	Rousse to Chouet (Le Grande Havre and Ladies Bay)	Do Something (Sustain)	Continue existing practice Possible realignment to Ladies Bay	- Ongoing maintenance	- Annual inspection of defences - Periodic inspection of archaeological interest	-
13.	Chouet to Fort Pembroke	Do Something (Sustain)	Continue existing practice	- Ongoing maintenance	- Annual inspection of defences - Periodic inspection of archaeological interest	-
14.	Fort Pembroke to L'Ancrese (Pembroke and L'Ancrese Bays)	Do Nothing	(Alternative subject to Land use plan)	Potential to realign defences	Continue monitoring of beaches	Agree land use management aims
15.	L'Ancrese to Fort Doyle (L'Ancrese and Fontenelle Bays)	Do Nothing	-	-	- Periodic inspection of archaeological interest	-
16.	Fort Doyle to Bordeaux	Do Something (Sustain)	Continue existing practice	- Ongoing maintenance - Splash protection	- Annual inspection of defences - Periodic inspection of archaeological interest.	-

<b>No.</b>	<b>Coastal Unit Name</b>	<b>Strategy Option</b>	<b>Scheme Option</b>	<b>Scope of Works</b>	<b>Proposed Monitoring</b>	<b>Proposed Studies</b>
17.	Bordeaux to Vale Castle (Bordeaux Harbour)	Do Something (Sustain)	Continue existing practice and minor work	- Minor repairs and works - Ongoing maintenance	- Annual inspection of defences	Examine flood risk to hinterland
18.	Vale Castle to Spur Point (St Sampson)	Do Something (Sustain)	Continue existing practice	- Ongoing maintenance	- Annual inspection of defences	- Survey crest levels of defences - Examine flood risk to hinterland
19.	Spur Point to La Salerie (Belle Greve Bay)	Do Something (Improve)	Continue existing practice and raise seawall ased on overtopping assessment.	- Minor toe protection - Repairs to sheet piles - Ongoing maintenance - Raise seawalls	- Annual inspection of defences - Profile monitoring of shingle	- Survey crest levels of defences - Examine flood risk to hinterland - Identify critical areas of overtopping.
20.	La Salerie to La Vallette (St Peter Port)	Do Something (Improve)	Raise seawall	- Raise seawall - Possible structures to reduce overtopping - Ongoing maintenance	- Annual inspection of defences	-
21.	Le Vallette to St Martin's Point	Do Something (Sustain)	Continue existing practice	- Ongoing maintenance	- Annual inspection of defences	-

No.	Coastal Unit Name	Strategy Option	Scheme Option	Scope of Works	Proposed Monitoring	Proposed Studies
22.	St Martin's Point to Le Gouffre	Do Something (Sustain)	Continue existing practice	- Ongoing maintenance	- Annual inspection of defences	-
23.	Le Gouffre to Pezeries Point	Do Nothing	-	-	-	-
24.	Herm – South (Belvoir Bay)	Do Something (Sustain)	Continue existing practice	- Improve drainage to track - Ongoing maintenance	- Annual inspection of defences	- Investigate the land drainage system
25.	Herm – North (Herm Harbour)	Do Something (Sustain)	Continue existing practice	- Management of dunes along Mouissoniere Beach - Ongoing maintenance	- Annual inspection of defences	-

## Appendix 3 (of B)

Table of Options Showing Costs of Coastal Defence Works with Benefit-Cost ratio and Economic Appraisal

Coastal Unit	Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)	Value of protected assets (£) (Discounted Total)	Benefit-Cost Ratio	Economic Appraisal
			Capital	Maintenance				
CU1 Pezeries Point to Imperial Hotel	1	N/A	N/A	3,100/yr	79,360	95,500	1.2	Viable
CU2 Imperial Hotel to Fort Grey	1	N/A	273,000	4,800/yr	541,300	2,680,000	4.9	Viable
CU3 Fort Grey to L'Eree Headland	1	40,000	40,000/10yrs	11,100/yr	380,000	15,277,000	40.3	Not tech. sustainable
	2	220,000	40,000/10yrs	11,100/yr	530,000		28.8	Not tech. sustainable
	3	16,530,000	3,305,000/10yrs	11,100/yr	19,268,000		0.8	Not viable
	4	18,224,000	1,654,000/10yrs	18,300/yr	18,348,000		0.8	Not viable
	Revised	220,000	1,840,000/15 yrs 40,000/15 yrs	11,100/yr	3,350,000		4.6	Viable
CU4 L'Eree headland and Lihou Island	1	60,000	N/A	720/yr	54,300	367,200	6.8	Viable

Coastal Unit	Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)	Value of protected assets (£) (Discounted Total)	Benefit-Cost Ratio	Economic Appraisal
			Capital	Maintenance				
CU5 Fort Saumarez to Le Catiorec	1	N/A	N/A	6,300/yr	161,300	1	73.8	Viabile in short term
	2	1,399,000	279,000/10 yrs	6,300/yr	2,005,400	1,910,000	5.9	Viabile in Short term
	3	1,681,000	N/A	8,500/yr	1,633,000		7.3	Unacceptable
	4	2,461,000	N/A	8,500/yr	2,289,700		5.2	Unacceptable
	5	745,000	N/A	6,300/yr	788,600	15.1	Recommended	
CU6 Le Catiorec to Fort Richmond (Perelle Bay)	1	802,000	201,000/10 yrs	6,000/yr	1,165,000	5,028,000	4.3	Viabile
	2	860,000	201,000/10 yrs	6,000/yr	1,200,000		4.2	Not long term
	3	2,770,000	553,000/10 yrs	6,000/yr	3,273,000		1.5	Viabile
	4	5,112,000	227,000/10 yrs	11,000/yr	3,935,000		1.3	Not viable
CU7 Fort Richmond to Fort Le Crocq	Revised approach	Subject to detailed consideration of options, costs at present assessed as similar to Option 3.			3,273,000			Requires examination
	No significant loss of property envisaged due to climate change. 'Do Nothing' (including continued maintenance of existing defences and slipways).							
CU8 Fort Le Crocq to Fort Hommet (Vazon Bay)	1	209,000	21,440/10 yrs	13,500/yr	555,000	78,667,000	141.9	Viabile but not long term
	2	686,000	209,000/10 yrs	13,500/yr	1,244,000		63.3	Viabile but not long term
	3	8,760,000	1,750,000/10 yrs	13,500/yr	10,404,000		7.6	Significant env. impact
	4	12,300,000	870,000/10 yrs	21,500/yr	12,240,000		6.4	Unacceptable impact

Coastal Unit	Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)	Value of protected assets (£) (Discounted Total)	Benefit-Cost Ratio	Economic Appraisal
			Capital	Maintenance				
CU8 (Cont'd) Fort Le Crocq to Fort Hommet (Vazon Bay)	Revised	4,000,000	1,000,000/10 yrs	10,000/yr	5,157,000		15.3	Viabile subject to study
CU9 Fort Hommet - Le Guet	1	N/A	50,000/15 yrs	2,200/yr	133,000	78,027,000	587	Viabile
CU10 Le Guet to Grandes Rocques	1	6,700	106,500/10 yrs	11,400/yr	396,000	185,193,000	468.2	Viabile short term
	2	173,000	106,500/10 yrs	11,400/yr	495,000		374.3	Viabile in certain areas
	3	5,653,000	1,131,000/10 yrs	11,400/yr	4,725,000		39.2	Difficult to maintain
	4	6,177,000	574,000/10 yrs	19,000/yr	4,711,000		39.3	Rejected
	Revised	130,000	1,800,000/10 yrs	11,400/yr	2,054,000		90.2	Viabile subject to study
CU11 Grandes Rocques to Rousse	1	N/A	3,000,000/30yrs	13,000/yr	3,141,000	185,193,000	59	Viabile
CU12 Rousse to Chouet	1	3,300	3,300/10yrs	7,200/yr	188,000	185,193,000	989.6	Viabile
	2	377,800	N/A	3,600/yr	250,000		741.1	Viabile
CU13 Chouet to Fort Pembroke	1	N/A	N/A	1,200/yr	30,800	2,509,000	81.7	Viabile

Coastal Unit	Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)	Value of protected assets (£) (Discounted Total)	Benefit-Cost Ratio	Economic Appraisal
			Capital	Maintenance				
CU14 Fort Pembroke to L'Ancrese	1	100,000	300,000/20 yrs	5,500/yr	685,000	169,000	0.2	Not viable
	2	6,866,000	1,383,000/10 yrs	5,500/yr	8,042,000		0.02	Not viable
	3	9,910,000	691,000/10 yrs	18,000/yr	9,864,000		0.02	Not viable
	4	200,000	73,000/10 yrs <sup>1</sup>	800/yr <sup>1</sup>	301,000		0.6	Not viable
	Revised policy	Do Nothing. Costs of safety measures and removal of wall debris to maintain amenity value of the beach						
CU15 L'Ancrese - Fort Doyle	The policy of 'Do Nothing' is recommended in the absence of any significant assets at risk							
CU16 Fort Doyle to Bordeaux	1	N/A	N/A	2,400/yr	61,500	179,000	2.9	Viable
CU17 Bordeaux to Vale Castle	1	14,000	14/10 years	7,700/yr	218,600	185,193,000	847.3	Viable
CU18 Vale Castle to Spur Point (St Sampson)	1	N/A	N/A	10,800/yr	276,500	185,193,000	670	Viable

Note 1: CU14 Option 4: Demolition costs incurred in years 5, 10, and 20

Coastal Unit	Option	Initial Capital Cost £	Future Costs (£)		Total Discounted Cost (£)	Value of protected assets (£) (Discounted Total)	Benefit-Cost Ratio	Economic Appraisal
			Capital	Maintenance				
CU19 Spur Point to La Salerie (Belle Greve Bay)	1	266,000	1,400/10 yrs	12,000/yr	468,000	185,193,000	395.6	Viable in short term
	2	500,000	800,000/10 yrs	12,000/yr	1,832,000		101.1	Viable subject to survey
	3	2,179,000	383,000/10 yrs	12,000/yr	2,195,000		84.4	Considered unnecessary
CU20 La Salerie to La Vallette	1	N/A	N/A	11,500/yr	294,400	3,800,000	12.9	Not viable
	2	70,000	400,000/10 yrs	11,500/yr	660,600		5.7	Viable
CU21 La Vallette to St Martin's Point	1	N/A	N/A	1,800/yr	46,100	78,800	1.7	Viable
CU22 St Martin's Point to Le Gouffre	1	N/A	N/A	470/yr	12,100	184,000	15.3	Viable
CU23 Le Gouffre to Pezeries Point	1	There are no man-made coastal defences in this unit, the recommendation is to 'Do Nothing'						
CU24 Herm (South)	1	N/A	N/A	1,500/yr	38,400	135,000	3.5	Viable
	2	42,000	N/A	1,500/yr	86,400		1.6	Not viable
CU25 Herm (North)	1	3,600	N/A	340/yr	11,600	403,000	34.8	Viable

**(NB The Policy Council supports the proposals.)**

**(NB The Treasury and Resources Department has no comment on the proposals.)**

The States are asked to decide:-

XI.- Whether, after consideration of the Report dated 20<sup>th</sup> December, 2007, of the Environment Department, they are of the opinion:-

To note that Report.

## **PUBLIC SERVICES DEPARTMENT**

### ADOPTION OF HOUSING DEPARTMENT ESTATE ROADS AND CAR PARKS

The Chief Minister  
 Policy Council  
 Sir Charles Frossard House  
 La Charroterie  
 St Peter Port

18<sup>th</sup> January 2008

Dear Sir

It has long been the practice for the Public Services Department and previously the Public Thoroughfares Committee to adopt as public the roads and car parks in Housing Department estates or situated on land owned and administered by other States Departments or other bodies. It has always been considered to be in the Island's best interest for a single Department to be responsible for upkeep and repair of the island's roads.

The Housing Department has asked the Public Services Department to take over responsibility for a number of minor extensions on existing estate roads and car parks, which are shown in the appendix to this report.

The Public Services Department will only consider recommending such areas for adoption as public roads if (1) they have been constructed to the Public Services Department's specifications, (2) they are in good condition and (3) their adoption is for the benefit of the community as a whole. The areas in question meet those criteria.

The adoption as public highways of these areas will enable the Island's traffic laws to be applied to them. The areas are not solely for the use of States tenants but are available for other residents in the area and the general public. There is also the benefit of a single States Department being responsible for the upkeep of such public areas.

The areas concerned are in the following locations:

- Rue de la Croix – car park
- Valnord Estate – additional parking bays
- Courtil St Jacques – car parks
- Chemin des Monts – car park
- Saumarez Mill – Le Hurel – car parks
- Les Naftiaux Estate – car park
- Rougeval Estate – additional roadway
- Les Genats Estate – car park and road widening
- Rue Jehannet – car park

In addition to the above mentioned completed works, the Public Services Department is aware of proposed improvements at Sandy Hook estate which it would like to adopt on completion.

The Public Services Department considers that in future, rather than taking up the limited time of the States in debating each similar case, the States should formally delegate authority to the Department to adopt roads as public thoroughfares provided that the Department is content that the 3 conditions mentioned above are satisfied and on the further condition that a notice is placed in La Gazette Officielle to that effect, such notice to appear on two separate weekly occasions prior to the road being adopted and specifying the date which the road will become a public thoroughfare.

The Public Services Department will continue to maintain a Register of Adopted Roads which will be available for inspection during normal office hours, and to lodge a copy of the Register at the Greffe, since this is the place where people expect to be able to access public records.

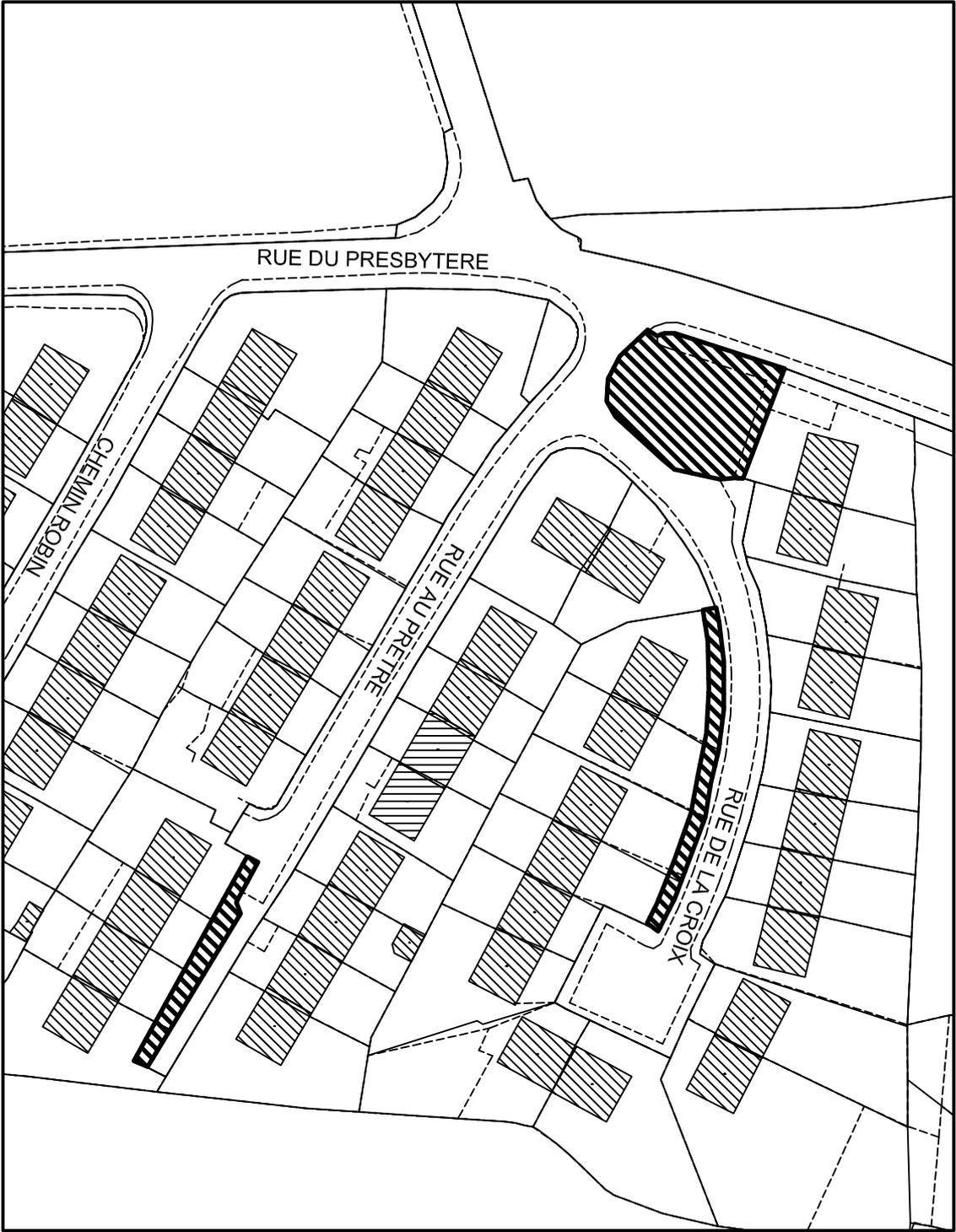
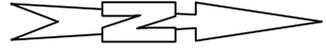
### **Recommendation**

The Public Services Department therefore recommends the States:

- a) To adopt the road and car park extensions as shown in the appendix to this letter as public thoroughfares.
- b) To adopt the improved areas at Sandy Hook on completion.
- c) To delegate authority to the Public Services Department to adopt public thoroughfares provided the conditions referred to in this Report are followed.

Yours faithfully

William M Bell  
Minister



NOTES

 Area to be adopted by  
Public Services  
Department

**CLIENT**  
PUBLIC SERVICES

**PROJECT**  
ADOPTION OF HOUSING  
DEPARTMENT ESTATE  
ROADS AND CAR PARKS

**DRAWING TITLE**  
RUE DE LA CROIX

STATES OF GUERNSEY  
PUBLIC SERVICES DEPARTMENT

SURVEYED	DRAWN BY	CHECKED
—	SJD	—

DATE 23/01/08	DRAWING No.
SCALE N.T.S.	SK01



NOTES

 Area to be adopted by Public Services Department

**CLIENT**  
PUBLIC SERVICES

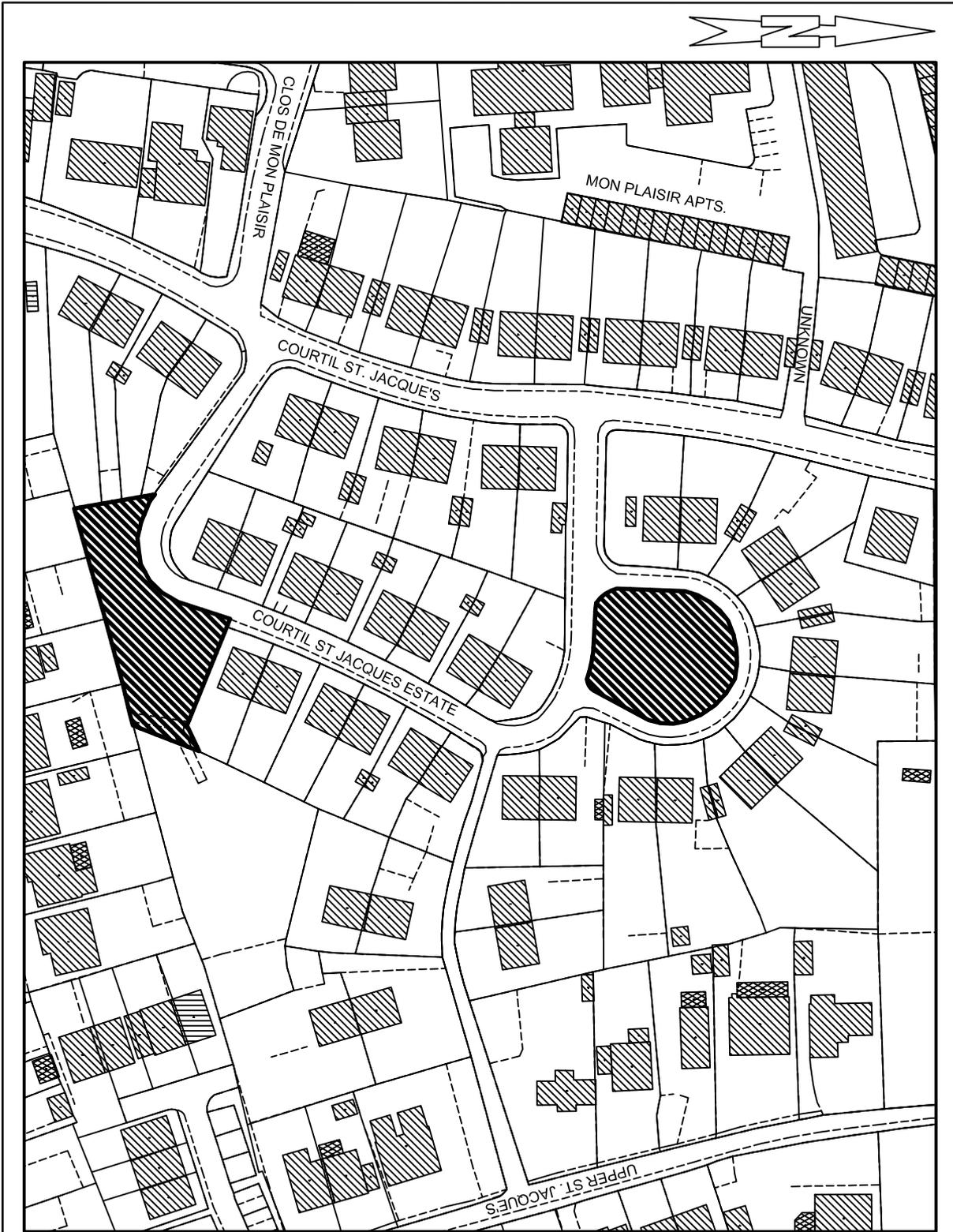
**PROJECT**  
ADOPTION OF HOUSING DEPARTMENT ESTATE ROADS AND CAR PARKS

**DRAWING TITLE**  
VALNORD ESTATE

STATES OF GUERNSEY  
PUBLIC SERVICES DEPARTMENT

SUBMITTED	DRAWN BY	CHECKED
-	SJD	-

DATE 23/01/08 DRAWING No. SK02  
SCALE N.T.S.



NOTES

 Area to be adopted by  
Public Services  
Department

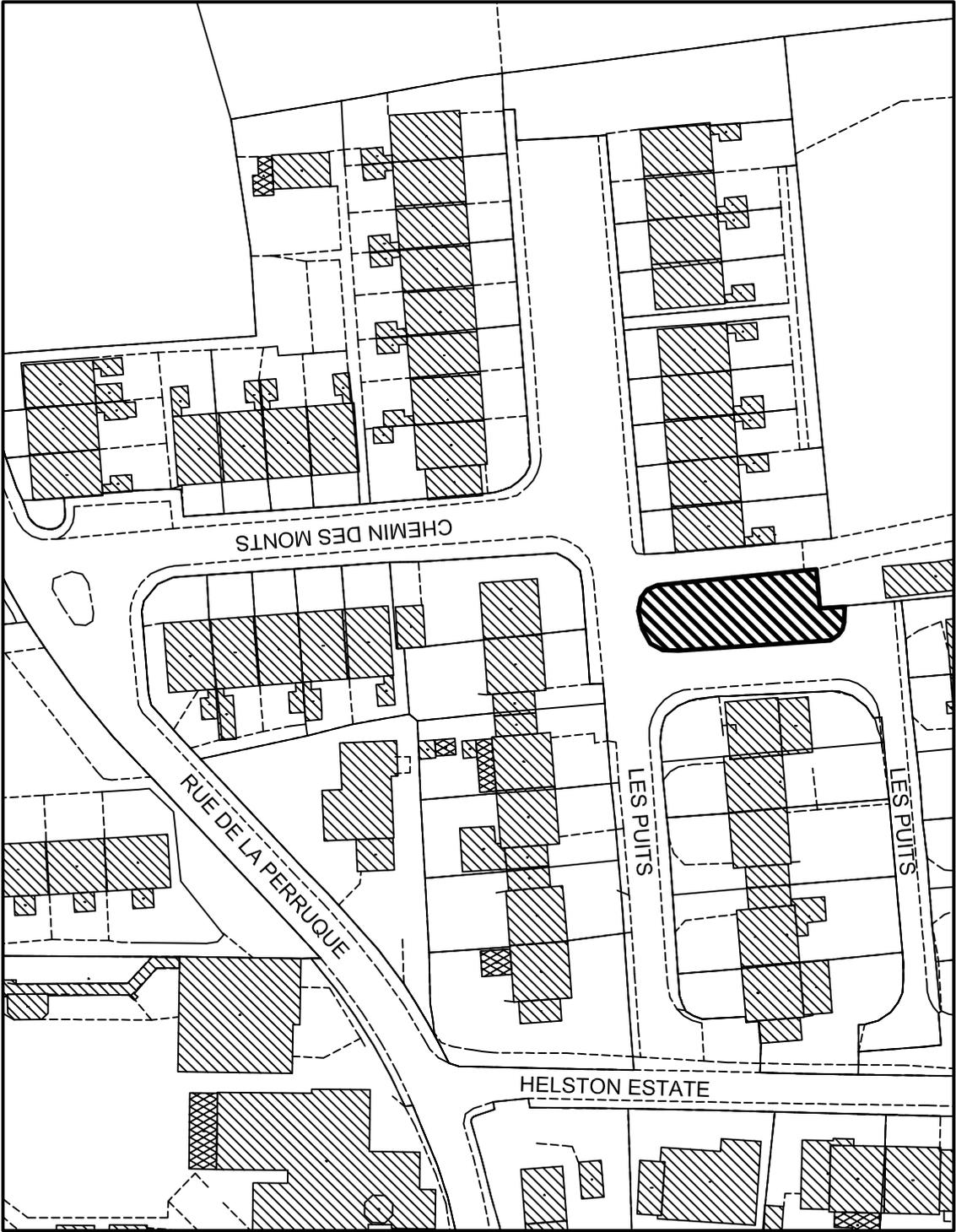
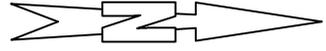
**CLIENT**  
PUBLIC SERVICES

**PROJECT**  
ADOPTION OF HOUSING  
DEPARTMENT ESTATE  
ROADS AND CAR PARKS

**DRAWING TITLE**  
COURTIL ST JACQUES  
ESTATE

STATES OF GUERNSEY  
PUBLIC SERVICES DEPARTMENT

SURVEYED	DRAWN BY	CHECKED
-	SJD	-
DATE 23/01/08	DRAWING No.	
SCALE N.T.S.	SK03	



NOTES

 Area to be adopted by Public Services Department

**CLIENT**  
PUBLIC SERVICES

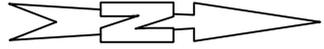
**PROJECT**  
ADOPTION OF HOUSING  
DEPARTMENT ESTATE  
ROADS AND CAR PARKS

**DRAWING TITLE**  
RUE DE LA CROIX

STATES OF GUERNSEY  
PUBLIC SERVICES DEPARTMENT

SURVEYED	DRAWN BY	CHECKED
—	SJD	—

DATE 23/01/08 DRAWING No. SK04  
SCALE N.T.S.



NOTES

 Area to be adopted by Public Services Department

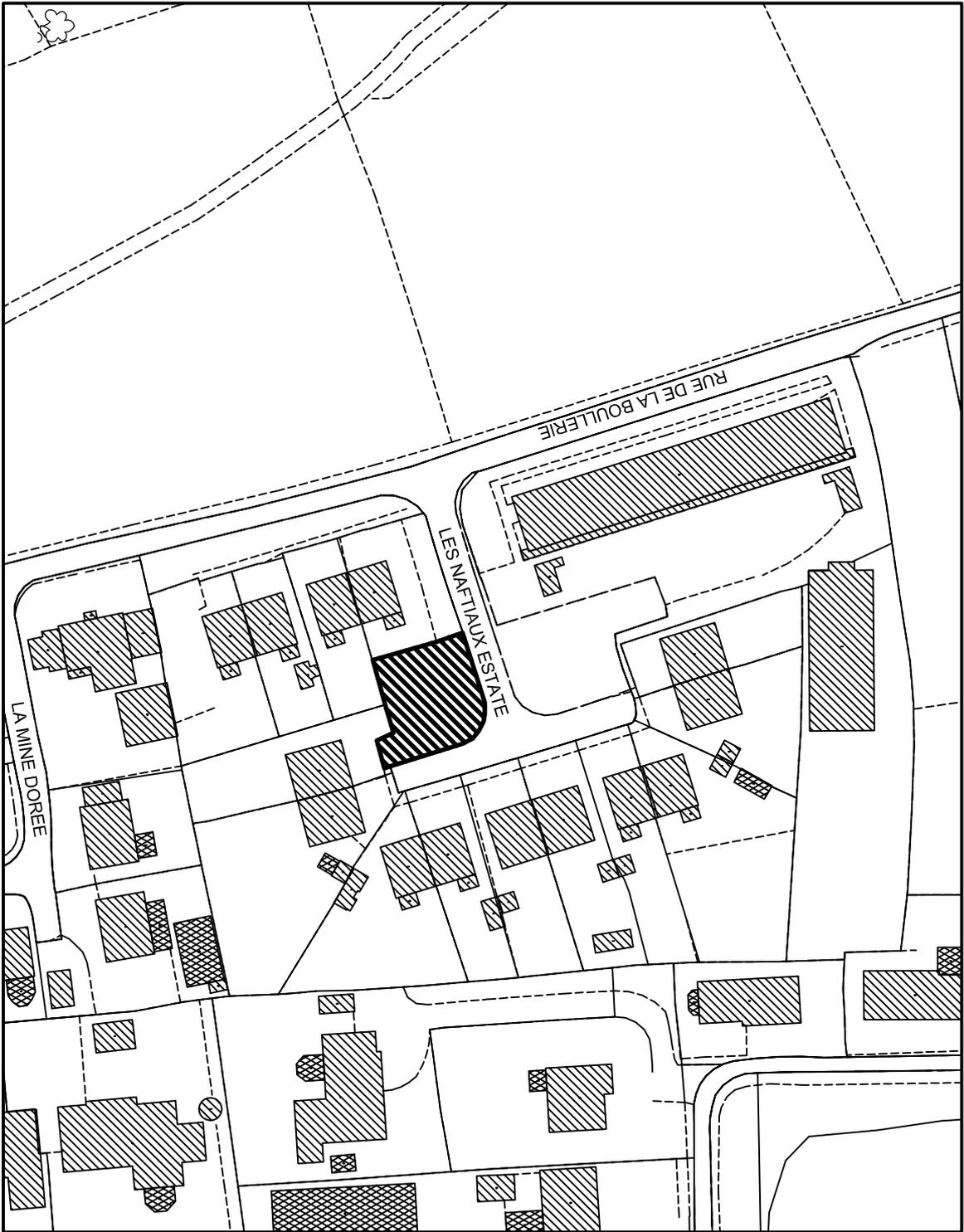
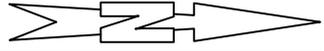
**CLIENT**  
PUBLIC SERVICES

**PROJECT**  
ADOPTION OF HOUSING  
DEPARTMENT ESTATE  
ROADS AND CAR PARKS

**DRAWING TITLE**  
SAUWAREZ MILL &  
LE HUREL

STATES OF GUERNSEY  
PUBLIC SERVICES DEPARTMENT

SURVEYED	DRAWN BY	CHECKED
—	SJD	—
DATE 23/01/08	DRAWING No.	SK05
SCALE N.T.S.		



NOTES

 Area to be adopted by  
Public Services  
Department

**CLIENT**  
PUBLIC SERVICES

**PROJECT**  
ADOPTION OF HOUSING  
DEPARTMENT ESTATE  
ROADS AND CAR PARKS

**DRAWING TITLE**  
LES NAFTAUX ESTATE

STATES OF GUERNSEY  
PUBLIC SERVICES DEPARTMENT

SURVEYED	DRAWN BY	CHECKED
-	SJD	-

DATE 23/01/08 DRAWING No.  
SCALE N.T.S. SK06



NOTES

 Area to be adopted by Public Services Department

**CLIENT**  
PUBLIC SERVICES

**PROJECT**  
ADOPTION OF HOUSING DEPARTMENT ESTATE ROADS AND CAR PARKS

**DRAWING TITLE**  
ROUGEVAL ESTATE

STATES OF GUERNSEY  
PUBLIC SERVICES DEPARTMENT

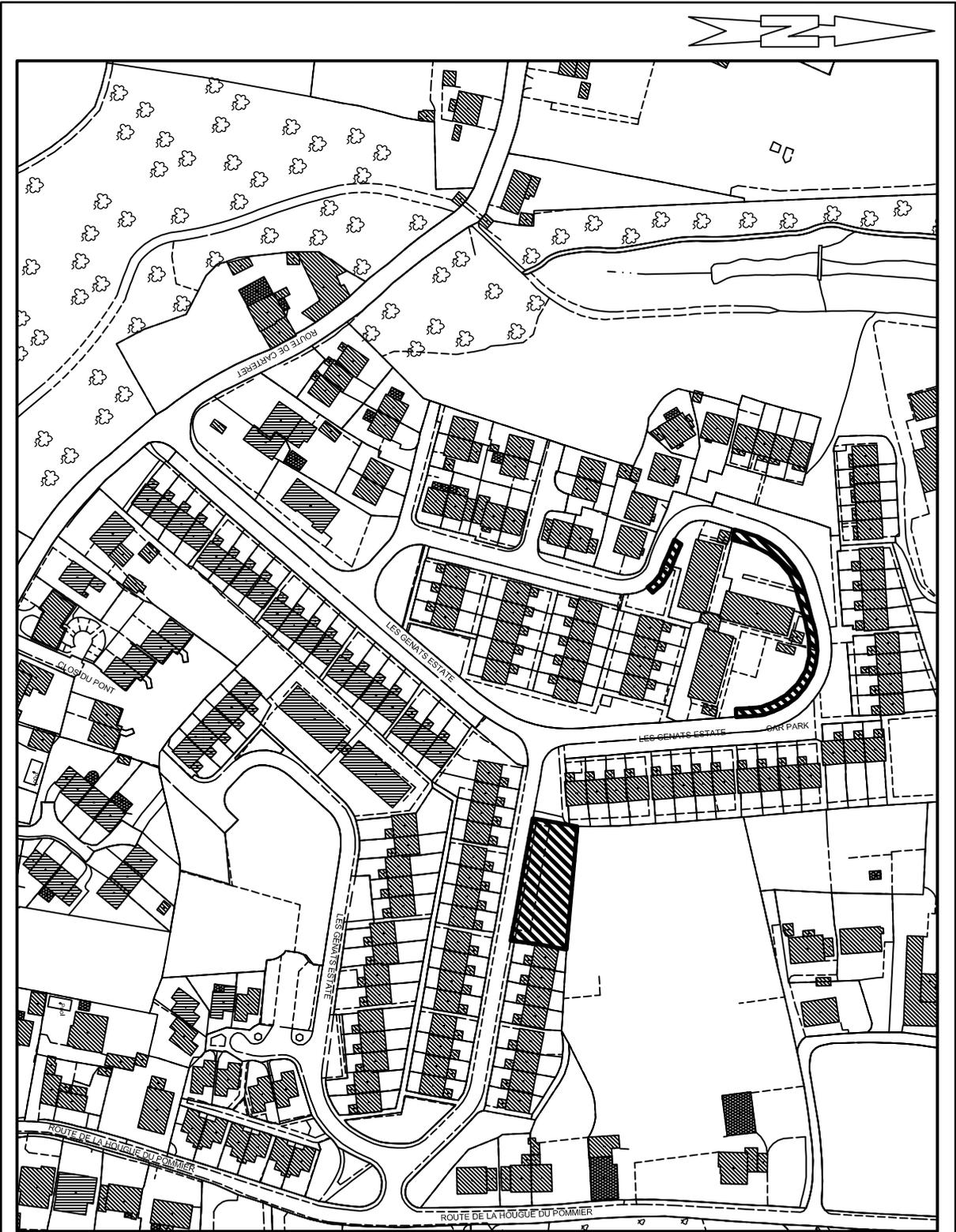
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DATE 23/07/08 DRAWING No.

SK07

SCALE N.T.S.



NOTES

 Area to be adopted by Public Services Department

**CLIENT**  
PUBLIC SERVICES

**PROJECT**  
ADOPTION OF HOUSING DEPARTMENT ESTATE ROADS AND CAR PARKS

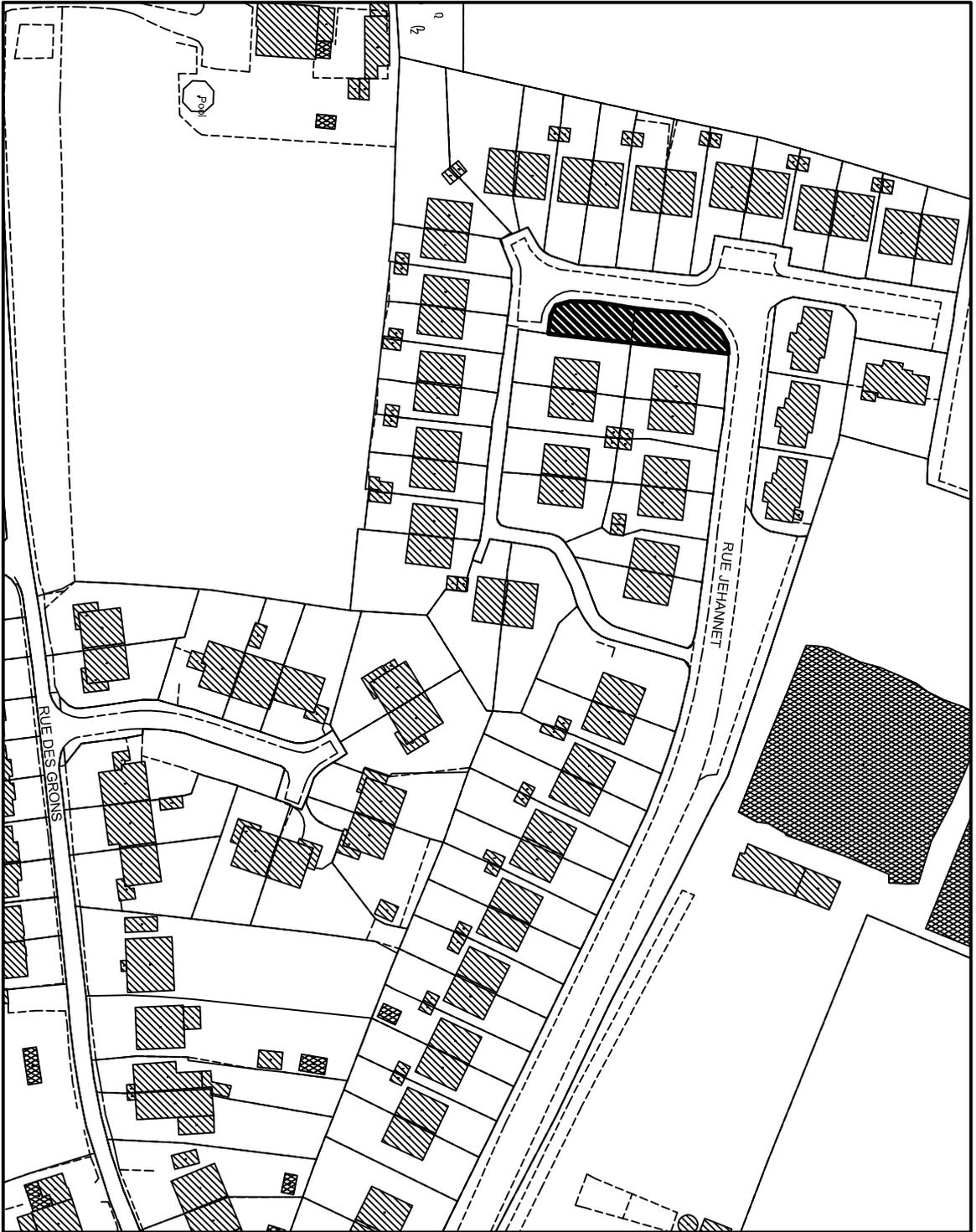
**DRAWING TITLE**  
LES GENATS ESTATE

STATES OF GUERNSEY  
PUBLIC SERVICES DEPARTMENT

SUPERVED	DRAWN BY	CHECKED
	SJD	

DATE 23/01/08 DRAWING No.

SCALE N.T.S. SK08



NOTES

 Area to be adopted by  
Public Services  
Department

**CLIENT**  
PUBLIC SERVICES

**PROJECT**  
ADOPTION OF HOUSING  
DEPARTMENT ESTATE  
ROADS AND CAR PARKS

**DRAWING TITLE**  
RUE JEHANNET

STATES OF GUERNSEY  
PUBLIC SERVICES DEPARTMENT

SUBMITTED	DRAWN BY	CHECKED
—	SJD	—
DATE 23/01/08	DRAWING No.	
SCALE N.T.S.	SK09	



NOTES

 Area to be adopted by  
Public Services  
Department

**CLIENT**  
PUBLIC SERVICES

**PROJECT**  
ADOPTION OF HOUSING  
DEPARTMENT ESTATE  
ROADS AND CAR PARKS

**DRAWING TITLE**  
SANDY HOOK ESTATE

STATES OF GUERNSEY  
PUBLIC SERVICES DEPARTMENT

SURVEYED	DRAWN BY	CHECKED
—	SJD	—

DATE 23/07/08 DRAWING No.

SCALE N.T.S. SK10

**(NB The Policy Council supports the proposals.)**

**(NB The Treasury and Resources Department has no comment on the proposals.)**

The States are asked to decide:-

XII.- Whether, after consideration of the Report dated 18<sup>th</sup> January, 2008, of the Public Services Department, they are of the opinion:-

1. To adopt the road and car park extensions as shown in the appendix to that Report as public thoroughfares.
2. To adopt the improved areas at Sandy Hook on completion.
3. To delegate authority to the Public Services Department to adopt public thoroughfares provided the conditions referred to in that Report are followed.

## **PUBLIC ACCOUNTS COMMITTEE**

### **USING CONSULTANTS APPROPRIATELY IN THE STATES OF GUERNSEY**

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

21<sup>st</sup> December 2007

Dear Sir

#### **1. Executive Summary**

- 1.1 The Public Accounts Committee (the Committee) commissioned the National Audit Office (NAO) to carry out a value for money review on the use of consultants within the States of Guernsey.
- 1.2 This review questioned whether the States Departments were using consultants appropriately. It quantified the total spend on consultants and analysed this further into Departments and types of consultancy. In addition it considered why consultants were employed, the process of appointing them and subsequent performance review.
- 1.3 The Committee has provided 2006 figures in this report adding to those from 2005 that are included in the review. These show that expenditure in relation to consultants is beginning to fall, but mainly as a result of the reduction in capital projects. Total expenditure by the States of Guernsey on consultants for 2005 was £7.3m and £5m for 2006. In 2006, four Departments each spent over £0.5m on consultants and the remaining Departments and Policy Council £0.75m in total. 62% of consultancy expenditure in 2006 related to property and construction. Further analysis is provided in Section 4 of this report.
- 1.4 The extraction of the data for this review from the States computer system highlighted the lack of corporate guidance to staff on the correct ledger codes to use when entering data. Further, the procedures to adopt when tendering, using and evaluating consultants were outdated or just not available.
- 1.5 Section 5 of this report focuses on the need for consultants. There were a few instances of substituting staff with consultants and sometimes a business case was not prepared to support the use of consultants which is of concern.

- 1.6 In Section 6, the process to engage and evaluate consultants is described and some bad practices highlighted. The appointment of only 45% of consultants in 2005 followed a full tendering process. Revised guidelines, the adjustment of financial limits pertaining to the appointment of consultants, and more framework agreements (when proved) are recommended as ways of obtaining better value for money.
- 1.7 The Committee is of the opinion that although this review has indicated that, in general, consultants are used appropriately, there is much to be gained in improving the appointment, use and evaluation of consultants using standard procedures.

## **2. Background**

- 2.1 The Committee commissioned the NAO to carry out a value for money review on consultants as one of the reviews within its contract with the States of Guernsey. In 2005, when this review was first mooted, it was perceived that consultants were employed to overcome the barriers arising from the former staff number limitation policy<sup>1</sup>, together with general concern at the amount spent on the use of consultants. In addition, this value for money review complemented the review carried out by the Scrutiny Committee on the Staff Number Limitation Policy.
- 2.2 The review commenced in earnest in 2006 and would not have been able to be completed without the support of the Treasury and Resources Department's Corporate Purchasing Unit and also Chief Officers and their finance staff who provided and checked the analysis of financial details.
- 2.3 In completing this work for the Committee, the role of the NAO itself in carrying out the review was questioned. The NAO have been under contract for a set period of three years to provide value for money reviews and, as such, are employed under the term of contracted out work. Furthermore, the NAO have considerable experience in reviewing the use of consultants and have just set up a Consultancy Assessment Toolkit on their website to help organisations achieve value for money from their consultants.<sup>2</sup>

## **3. Definition of Consultants**

- 3.1 Prior to the commencement of this report, there was no States of Guernsey definition for a consultant and often contracted out work and consultancy were intermingled. The NAO have defined a consultant as:

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<sup>1</sup> Billet D'Etat VI, 28 February 2007, Scrutiny Review of the Staff Number Limitation Policy.

<sup>2</sup> [www.nao.org.uk/efficiency/consultancy\\_toolkit/index.htm](http://www.nao.org.uk/efficiency/consultancy_toolkit/index.htm)

**Figure 1**

“... professional person or organisation who provides expert advice and charges a fee for doing so”

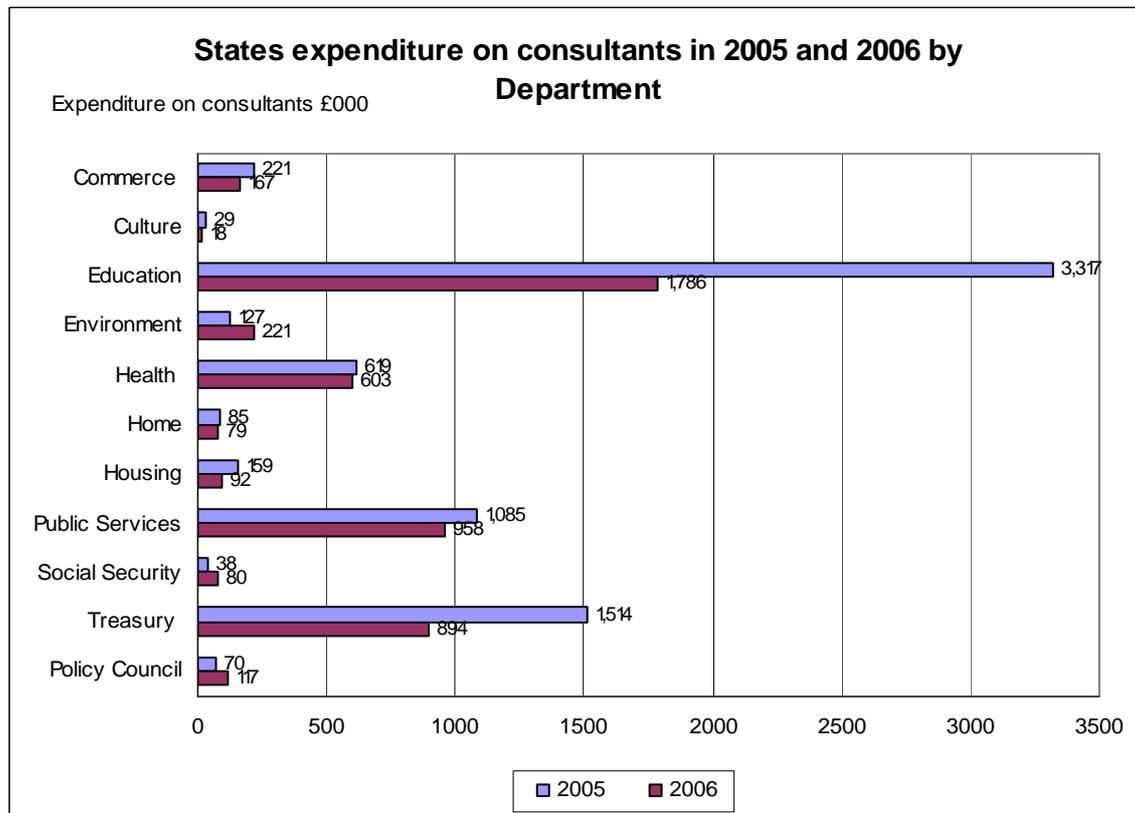
*Source: National Audit Office “Using consultants appropriately in the States of Guernsey”, March 2007, page 4*

where the consultancy is time-limited or on an ad hoc basis.

- 3.2 Contracted out work is where external parties are used when the project has passed into operational or steady state for a significant period of time.
- 3.3 These definitions caused some Departments to re-assess those employed as consultants. Some Departments consider that consultancy should include those providing expert services in addition to expert advice, but these have not been included in this review.

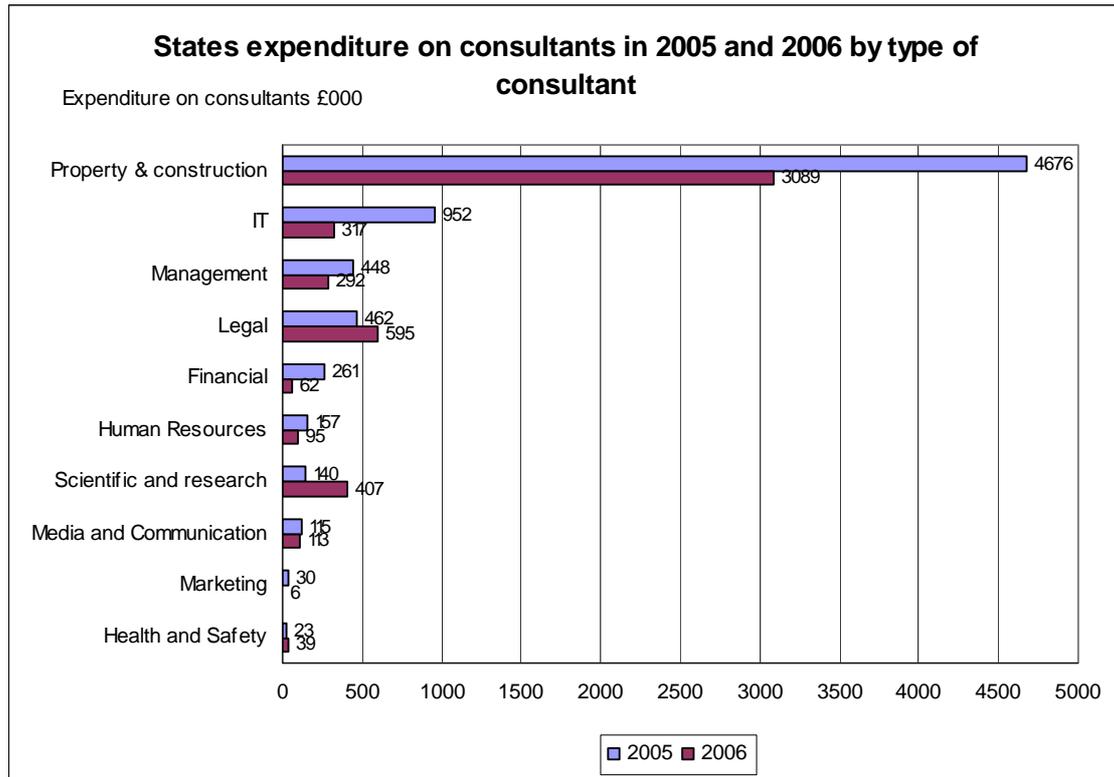
## **4 Expenditure and guidance on consultants**

- 4.1 The compilation of the review was carried out during 2006 and gathered the then latest figures available, those of 2005. At the hearing held in June 2007 involving Chief Officers (supported by senior staff) from the two highest spenders on consultancy (that of Treasury and Resources and Education Departments), it was suggested that expenditure on consultants during 2005 was particularly high because of specific capital projects (the Courts, Education Development Plan and Guernsey Grid for Learning).
- 4.2 In 2005, total expenditure for consultants was £7.3m including both revenue and capital expenditure. During 2006 this sum had decreased to £5m. It is too early to say whether this decrease can be attributed to controlling costs, or the reduction in capital projects. The Committee believes that it is not yet possible to predict potential savings, as budgets are being pruned and funds are directed to maintaining regular services.
- 4.3 In order to assess the local trends in expenditure, the Committee requested Departments to update some of the statistics, in order to compare how expenditure for 2006 compared with those provided for the 2005 review, providing a total for consultants broken into type.
- 4.4 Figure 2 graphically indicates the expenditure on consultants for 2005 and 2006 by Departments, with the detailed figures for consultants provided in Appendix I. Although expenditure has decreased from one year to the next, the four largest spending Departments continue to spend over £0.5m on consultants. The total for the remaining six Departments and Policy Council totalled £0.75m.

**Figure 2**

*Source: PAC and NAO analysis of Departmental Data*

- 4.5 The analysis of the data for the two years by type of consultant (figure 3) indicated that consultancy in respect of property and construction account for 62% of consultancy expenditure in 2006, with 64.4% in 2005.
- 4.6 Not unexpectedly, the Public Services Department legal fees increased as it employed legal advisors in respect of the arbitration and mediation cases relating to construction projects and over 80% of the Policy Council's expenditure was on consultancy relating to the tax strategy.

**Figure 3**

*Source: PAC and NAO analysis of Departmental Data*

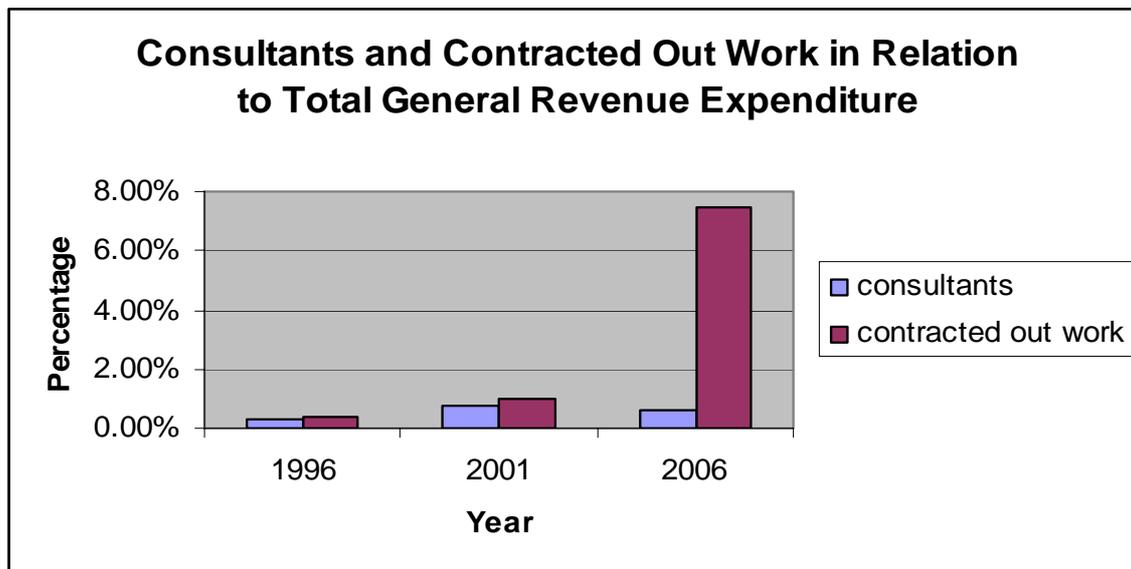
- 4.7 The NAO extracted and analysed the 2005 figures on consultants in some depth using seconded staff from the Treasury and Resources Department to carry out the time-consuming process. When the Committee requested Departments to update the 2006 figures the same level of analysis was not requested. Thus, such items as the 2006 details on the number of suppliers and where consultants were based are omitted.
- 4.8 In 2005, the review showed that 161 suppliers provided consultancy services to the States of Guernsey. The average cost was £45,000 per consultant, with the highest being paid £761,378 (10% of the total) in relation to property and construction and the lowest £40. There was no evidence of Departments overusing a single consultant and only rare instances where consultants were employed by more than one Department. The majority of consultants employed by the States of Guernsey in 2005 were based in the UK (83%), followed by those based in Guernsey (15%)<sup>3</sup>. The cost to the Island in UK consultants becoming familiar with local conditions and legislation could not be quantified, but there must be an additional cost each time a new UK consultant is appointed.
- 4.9 This report focuses on the use of consultants. However, it should be noted that following the definition being set, expenditure recorded under the heading of

<sup>3</sup> Ibid 3, page 11, paragraph 1.7

contracted out work **rose** from £15.25m (5.1% of total revenue expenditure<sup>4</sup>) in 2005 to £22.13m (7.5% of total revenue expenditure<sup>5</sup>) in 2006, whereas consultants fees remained at 0.6% of total expenditure for both years at £1.79m in 2005 and £1.77m in 2006. These figures exclude expenditure on consultants for capital projects.<sup>6</sup>

- 4.10 In order to ascertain whether this trend was recent, the Accounts for 1996 and 2001 were reviewed, again concentrating on general revenue expenditure as information on capital expenditure was not detailed. The reported figures for 1996 in respect of consultants and contracted out work (extracted from the Accounts<sup>7</sup> and excluding capital spend) indicated that 0.3% of total expenditure was spent on consultants and 0.4% on contracted out work.
- 4.11 In 2001 0.8% of total expenditure was spent on consultants and 1% on contracted out work. Figure 4 shows this graphically.

**Figure 4**



*Source: States Accounts 1996, 2001 and 2006*

- 4.12 This means that although expenditure in respect of consultants (currently 0.6% of total spend) is being relatively contained, expenditure classified as contracted out work has increased considerably in recent years. The Treasury has stated that the explanation for this increase is largely due to Departments classifying as contracted out work, expenditure that had previously been recorded under other headings. This highlights the need for greater consistency in the allocation of

<sup>4</sup> 2006 Interim Financial Report, page 40

<sup>5</sup> 2007 Interim Financial Report, page 42

<sup>6</sup> Please note that the Treasury and Resources Department were unable to provide the actual figures to support the percentages in their pie charts and that the figures quoted above are calculated by PAC from the percentage.

<sup>7</sup> Billet D'Etat XIV, 9 July 1997

accounting codes as commented on elsewhere in this report and progress will be monitored by the Committee.

- 4.13 Gathering the figures for this review was difficult and resulted in identifying a fundamental problem in the use of the general ledger codes within the States computer system. This is known as Systems, Applications and Products in Data Processing (SAP). In 2002, the States had introduced this computer system to enable greater interrogation of States expenditure particularly when researching value for money issues. This review indicated that it was not possible, for the two years analysed, to extract all expenditure relating to consultants through one or two codes on SAP, as different Departments tended to use different ledger codes, some within the consultant suite of codes, others not. Furthermore, it was possible for the cost of consultants employed in relation to capital projects to be coded differently.
- 4.14 **It is recommended that the Treasury and Resources Department should (in consultation with the other Departments) review the codes for consultancy to rationalise and simplify matters.**
- 4.15 It became obvious at the hearing held on the NAO report, that the speed and detail with which analysis of the data was gathered depended on the staff's knowledge of SAP and that sophisticated methods of extraction of data were available but not promulgated to all Departments. The Education Department for example, had set up its own system of hierarchies<sup>8</sup> which allowed the easier extraction of data from the SAP system.
- 4.16 Departmental staff are not regularly updated on which codes they should use to ensure future and easy extraction of data. Departments have indicated that since the review was issued at staff level, efforts have been made to reduce the number of SAP codes used, but no advice had been offered from the Treasury and Resources Department.
- 4.17 **The Committee considers that standardisation in the treatment of SAP codes across the States Departments is essential.**
- 4.18 The Committee believes that, the States having agreed to adopt a single system<sup>9</sup>, it is inappropriate for any Department not to conform to that decision.
- 4.19 At the hearing, it was acknowledged that there was a shortfall in financial direction and accepted that more directive and mandatory documents are necessary, especially when the States are expecting to perform better for less expenditure. The process needs more connection to updated administrative and accounting guidelines.

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<sup>8</sup> Hierarchies in SAP are used to group items for analysis and general reporting purposes. There is only one set of codes in SAP and the creation of hierarchies allows different groupings of these codes to exist. (Source: SAP intranet site.)

<sup>9</sup> Billet D'Etat I, 31 January 2001, page 18.

## 5. Assessing the need for consultants

- 5.1 It may not be cost effective to use an in-house civil servant or employ someone full time to carry out a specialised task on a one-off occasion when consultants, with the necessary qualification and up to date knowledge, can provide a more authoritative and focused view. However, the consultant will need to have knowledge of local legislation and anomalies, the Departments' requirements and current working practices. The cost of such a familiarisation process should be assessed at the outset.
- 5.2 The review has indicated that consultants are used in Guernsey to provide a particular skill that is not available, rather than as a substitute for in-house staff.
- 5.3 The review also indicated that some Departments tended not to assess formally the need for consultants in advance, through the preparation of a business case. In addition the review found that the majority of the consultancy appointments followed informal discussions at staff levels, sometimes gaining subsequent Board approval<sup>10</sup> and at other times not.
- 5.4 **The Committee re-iterates that the Treasury and Resources Department should provide up-to-date guidance or mandatory directives to ensure proper processes, such as providing business cases, including assessment of risk in appointing or not appointing a consultant. Project specifications must be undertaken before considering appointing consultants. Also, the Boards of the Departments should be aware of and, where appropriate, approve the appointment of consultants.**
- 5.5 In addition to having the appointment procedures documented, practical dissemination of information could be achieved by the Treasury and Resources Department preparing and providing a simple checklist for Departments to assess whether consultants are required or not. This would achieve efficiencies as the prepared checklist would remove the need for each Department to develop their own, thus eliminating duplication of effort.
- 5.6 The review has suggested that a threshold should be set by the States, possibly at £10,000<sup>11</sup>, below which a business case for the appointment of consultants is not needed. The Committee is of the opinion that in all instances, Departments should not fall into the trap of appointing a consultant because they always have done so and because another Department appointed one to carry out a similar task.

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<sup>10</sup> NAO Report "Using Consultants Appropriately in the States of Guernsey", page 16 paragraph 2.12.

<sup>11</sup> Ibid 15, page 16, paragraph 2.14

## 6. Engaging and evaluating consultants

- 6.1 Once it has been agreed that a consultant should be employed, the selection process using the States tendering procedures should be followed. It is no different appointing consultants than to procure any other service or commodity.
- 6.2 This report has indicated that States Departments do not always follow the tendering process when appointing consultants. In 2005, the review indicated that 42% of the contracts awarded did not follow the current procedures, with a further 6% being repeat appointments. 45% followed the tendering guidelines and 7% requested quotations.
- 6.3 **The Committee is concerned that without considering alternative consultancy providers, Departments may not know whether they are paying the most competitive rate, or using the most appropriate consultancy service provider.**
- 6.4 **States tendering procedures are outdated and the Treasury and Resources Department should revise them as a matter of urgency.**
- 6.5 The Committee is aware that the tendering process for consultancy is time-consuming and considers that if the same basic process is followed no matter whether the estimated size of the contract, £25,000 or £25m it does not produce value for money. The financial levels set in the revised guidance should be revisited to ensure that the cost of the processes are not disproportionate to the value of the contract.
- 6.6 The review indicates that the tendering process for some consultancies can be overcome by using Framework Agreements.<sup>12</sup>
- 6.7 **The Committee is of the opinion that, where applicable, more centrally approved framework agreements should be set up. Thus, any Department is able to select from a number of suitable consultants to fulfil the Department's requirements.** Furthermore, where framework agreements are set up to meet a need for an individual Department these should be communicated to the Corporate Procurement Unit to benefit other Departments.
- 6.8 The review has indicated that some Departments were not aware of the standard contracts produced by the Law Officers and often the contracts prepared by the consultant were used.
- 6.9 **The Committee is aware that preparing and finalising the contract can be a time-consuming process and is often at a time when Departments want to get on with the business for which the consultant was employed.** If there is an overarching contract for the framework agreement, setting out the general

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<sup>12</sup> NAO Report "Using Consultants Appropriately in the States of Guernsey", figure 11, page 20.

contractual terms with the States of Guernsey, then only a short letter of engagement would be required for the specific negotiated work. This would be a more efficient and effective use of time and provide value for money for the States of Guernsey.

- 6.10 There is often the assumption that consultants are fully knowledgeable, expert in their field, and know what they are doing, thus that they must be correct in their direction and advice to the States. However, it is important to have the right contract in place and for the consultant to be appointed following a **rigorous** selection process.
- 6.11 Following completion of the consultancy contract it is important that a review is carried out of the performance and standard of delivery of the service. The evaluation is necessary to mitigate the risk of reappointment should the performance be poor. Although the evaluation is not mentioned in the 1995 States Tendering Procedures, it is part of the draft corporate procurement handbook. **Whenever a performance review or post implementation review is carried out, the question of the commissioning of such a review being independent of the Department concerned and/or those who authorised the original appointment must be addressed.**
- 6.12 The States of Guernsey is one body which comprises individual States' Departments and Committees and, as such, should disseminate information relating to performance and previous projects undertaken for the States. **But this can only be achieved if there is a central co-ordinating facilitator and the Corporate Procurement Unit would seem to be the natural choice to hold central data on the performance of individual consultants.**

## 7. Summary of Recommendations

- 7.1 Having considered the information arising from this review, the Committee wishes that the following be implemented as soon as practicable and accepted by all Departments and Committees of the States in relation to the engagement and use of consultants.
- (1) The Treasury & Resources Department should ensure that SAP codes are simplified and fully understood by all Departments.
  - (2) Central training and guidance should re-emphasise to staff the importance of using the appropriate general ledger codes for recording all types of expenditure. This message should be reinforced by Departmental senior finance managers.
  - (3) The guidance on selecting consultants must be updated and revised in the light of the findings in this Report. The guidance should encompass all consultants, advisors and those appointed on a 'contracted out' basis and should be supplemented by the standard contracts developed by the Law

Officers. The guidance and contract templates must be provided to all Departmental staff who need to use consultants.

- (4) Consultants should only be used where they would clearly and demonstrably add value to a project and meet a genuine skills need that is not available or not cost-effective to maintain in-house. Save in proven exceptional circumstances where the workload requires, consultants should not be used to substitute for internal staff as a way of dealing with staff shortages.
- (5) Consultants should not be engaged without a clear assessment of need, risk evaluation and documented Departmental approval. The business case should be tailored to the particular assignment and be proportionate to the scale of expenditure involved. It could be relatively brief for small assignments, however, those costing above a certain threshold (to be approved and instituted by the Treasury and Resources Department), should require a full and properly formulated approved business case. The business case must demonstrate that there is no better alternative to using consultants and that the quantified benefits of using consultants financially outweighs the costs involved.
- (6) A clear specification of requirements should be drawn up for all consultancy assignments before firms/individuals are invited to quote or tender.
- (7) Departments should ensure that they follow the purchasing guidelines on tendering and contracting when purchasing consultancy services. All consultancy, advisory and 'contracted out' assignments should be subject to competition in line with the States procedures unless there are strong and demonstrable reasons for not doing so. Any exceptions should be documented and authorised at a senior level within the Department and approved by the respective Department/Committee.
- (8) Consultancy contracts should not be repeatedly rolled over unless a value for money case can be made.
- (9) Except where there is no sensible alternative, consultancy assignments should not start until a firm contract is in place between the States and the supplier.
- (10) Departments should make use of the standard contracts for employing consultants prepared by the Law Officers. They should under no circumstances use suppliers' contracts, which may not afford due protection to the States' position.
- (11) If the initiative to use a framework agreement for construction consultancy services is successful, the use of such agreements should be considered for other types of consultancy services purchased by the

States. Framework agreements may be advantageous for similar types of consultancy services that are used by more than one Department.

- (12) Departments should ensure that post project evaluations of consultancy assignments are undertaken by an independent body in all appropriate cases. The extent of the post project review should be tailored to the size of the assignment. The results of such evaluations should be disseminated throughout the States body corporate.
- (13) Corporate Procurement Services of the Treasury & Resources Department may have a useful role in receiving and collating the information from post-project reviews and disseminating the results to Departments.
- (14) The scope for skills transfer from consultants to in-house staff should be considered at the planning stage for every consultancy assignment. Where skills transfer is considered feasible and desirable, the requirement should be written into the project specification.
- (15) It is essential that, wherever practical, those who utilise consultants can show that the chosen consultant is 'au fait' with ALL conditions pertaining to the Guernsey Bailiwick and that such knowledge is not paid for by the engaging body directly or indirectly through fees.

## **8. Conclusions**

- 8.1 The foregoing indicates that the procedures for assessing the need, appointment and performance reviews of all consultants, advisors and those carrying out "contracted out work" must be standardised.

## **9. Recommendations**

- 9.1 The Committee recommends the States:
  - a) To direct the Treasury and Resources Department to consider this report and to progress the recommendations (as found in section 7) with some urgency.
  - b) To direct the Public Accounts Committee to monitor the progress made and to report back to the States.

Yours faithfully

Leon Gallienne  
Chairman

## Appendix

**States Expenditure on consultants in 2005 and 2006 by Department  
and type of consultant (£000)**

Department	Financial		Human resources		IT		Legal		Management	
	2005	2006	2005	2006	2005	2006	2005	2006	2005	2006
Commerce & Employment	1	-	12	-	6	3	31	54	133	62
Culture & Leisure	-	-	1	-	-	-	-	-	7	6
Education	-	-	-	48	539	22	8	-	30	-
Environment	-	-	-	-	4	-	23	-	1	-
Health & Social Services	-	-	14	-	-	-	21	12	35	38
Home	-	-	22	27	19	10	-	-	36	5
Housing	-	-	-	-	32	2	6	1	-	-
Public Services	6	-	5	-	80	64	203	371	147	163
Social Security	31	56	-	-	7	24	-	-	-	-
Treasury & Resources	194	6	62	5	265	192	170	157	82	13
Policy Council	29	-	41	15	-	-	-	-	-	5
<b>Total</b>	<b>261</b>	<b>62</b>	<b>157</b>	<b>95</b>	<b>952</b>	<b>317</b>	<b>462</b>	<b>595</b>	<b>471</b>	<b>292</b>

Department	Marketing		Media and communication		Property & Construction		Scientific and research		Total	
	2005	2006	2005	2006	2005	2006	2005	2006	2005	2006
Commerce & Employment	14	6	-	1	-	1	24	40	221	167
Culture & Leisure	-	-	-		21	10	-	2	29	18
Education	-	-	-		2,740	1,716	-	-	3,317	1,786
Environment	-	-	46	52	12	35	41	134	127	221
Health & Social Services	8	-	-	2	541	551	-		619	603
Home	8	-	-	20	-	-	-	17	85	79
Housing	-	-	38	19	60	3	23	67	159	92
Public Services	-	-	28	16	564	254	52	90	1,085	958
Social Security	-	-	-	-	-	-	-	-	38	80
Treasury & Resources	-	-	3	3	738	518	-	-	1,514	894
Policy Council	-	-	-	-	-	1	-	96	70	117
<b>Total</b>	<b>30</b>	<b>6</b>	<b>115</b>	<b>113</b>	<b>4,676</b>	<b>3,089</b>	<b>140</b>	<b>446</b>	<b>7,264</b>	<b>5,015</b>

**(NB The full National Audit Office Report, which is appended to this Report, is published separately.)**

**(NB The Policy Council supports the proposals.)**

**(NB The Treasury and Resources Department supports the proposals.)**

The States are asked to decide:-

XIII.- Whether, after consideration of the Report dated 21<sup>st</sup> December, 2007, of the Public Accounts Committee, they are of the opinion:-

1. To direct the Treasury and Resources Department to consider that Report and to progress the recommendations (as found in section 7) with some urgency.
2. To direct the Public Accounts Committee to monitor the progress made and to report back to the States.

## HOUSE COMMITTEE

### PARLIAMENTARY COMMITTEES

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

7<sup>th</sup> January 2008

Dear Sir

#### EXECUTIVE SUMMARY

This report proposes that the Rules of Procedure be amended to designate the House Committee, the Legislation Select Committee, the Public Accounts Committee and the Scrutiny Committee as parliamentary Committees, which committees shall report to the States through the Presiding Officer rather than through the Policy Council. A consequential amendment to the mandate of the Policy Council is also proposed.

#### REPORT

1. In the Advisory and Finance Committee's report on the Future Machinery of Government in Guernsey<sup>1</sup> it states:

*“The Committees<sup>2</sup> would be led by a chair (as opposed to a Minister) and unlike the Departments, they would not be represented on the Policy Council. The Committees would instead report directly to the States, rather than through the Policy Council.”*

2. However, the Rules of Procedure of the States of Deliberation state:

*“1. (1) A meeting of the States shall be convened by the Presiding Officer by means of a Billet d'État containing particulars of the matters to be debated thereat together with propositions designed to enable the States to take resolutions thereon.*

*2 (1) The matters referred to in Rule 1(1) are all Reports by States Departments or Committees or Requêtes of any 7 or more States*

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<sup>1</sup> Billet d'État VII of 2003, page 887

<sup>2</sup> Specifically the House Committee, Scrutiny Committee and Public Sector Remuneration Committee (the Public Accounts Committee was added subsequently)

*Members addressed to the Policy Council for inclusion in that Billet d'État, which in either case have been submitted to the Policy Council at least 60 days (or within such shorter period as that Council may agree in any particular case) before the meeting convened by that Billet d'État:*

*PROVIDED THAT the Policy Council may defer the inclusion of a Report or Requête in a Billet d'État until the next meeting of the States when, in the opinion of the Policy Council the proposals do not comply with the corporate policy of the States.*

*(2) The Policy Council and the Treasury and Resources Department shall be entitled to append statements to all Reports and Requetes included in a Billet d'État setting out their respective views thereon.”.*

3. In addition, the mandate of the Policy Council provides for it –

*“to be responsible for ...*

*(xiv) receiving and commenting as appropriate on all proposals and reports which are to be placed before the States by Departments and Committees.”.*

4. What was intended by the States in their debate on Billet d'État VII of 2003 on the future machinery of government was not translated into, or reflected in, either the Rules of Procedure or the Policy Council's mandate. The House Committee has discussed the issue with both the Presiding Officer and Her Majesty's Procureur. It is clear that a distinction needs to be drawn between “governmental” Committees and “parliamentary” Committees.

5. There are five standing States committees –

- House Committee (“HC”)
- Public Accounts Committee (“PAC”)
- Scrutiny Committee (“SC”)
- Legislation Select Committee (“LSC”)
- Public Sector Remuneration Committee (“PSRC”)

and two special States committees –

- Inheritance Law Review Committee (“ILRC”)
- Parochial Ecclesiastical Rates Review Committee (“PERRC”)

6. The HC is responsible only for parliamentary matters. In this context ‘parliamentary’ connotes relating to the practices and procedures of the States of Deliberation as a legislative assembly, and the conduct of members of the States in, and as members of, that assembly – that is as parliamentarians. The functions of the HC do not fulfil the States’ corporate policy, except in a broad, good governance, sense.
7. Both the PAC and SC provide mechanisms for reviewing the activities of Departments, whether involving expenditure or policy. They are, in some senses, guardians of the public interest in ensuring good government, even though their activities are departmentally targeted.
8. The functions of the LSC are slightly more complex. Whilst its rôle as reviewer and reviser of legislation is governmental, it is required by Law to transmit drafted legislation “to the States”. Similarly, as the maker of Ordinances in circumstances of urgency, it has the responsibility of laying the Ordinances before the States. The LSC also has a law reform rôle but in that regard its mandate requires it to report suggested changes to the Policy Council.
9. Insofar as the PSRC is concerned, its functions are quite narrow and they are certainly not parliamentary. With regard to both the PERRC and ILRC they are mandated by the States to investigate and report on particular aspects of Guernsey law and administration which, within our machinery of government, are properly matters for consideration and/or comment by the Policy Council and the Treasury and Resources Department.
10. Having regard to the foregoing, the House Committee concludes that PSRC, PERRC and ILRC should continue to address their reports to, and through, the Policy Council.
11. With regard to the HC, PAC, SC and LSC, the House Committee believes that it is important that they are both seen and perceived to be outside the influence of “government” which is perceived to be represented by the Policy Council. This is of particular relevance to the work of the PAC and SC whose reports are, on occasion, critical of individual departments and indeed of the Policy Council itself. Thus those four committees should be regarded as “parliamentary” Committees and, as such, should report directly to the States through the Presiding Officer. A further issue is that parliamentary Committees should not be subject to direction by government. For this reason we propose that those Committees should be excluded from paragraph (b) of the Policy Council’s mandate which allows the Council “*to require a department or committee to examine and report to the States or the Policy Council on any matter which falls outside the mandate of any department or committee.*”. It will remain, of course, open to the States to direct a parliamentary Committee to examine and report on any matter.

12. There are practical issues which then arise. Since May 2004 the Policy Council has managed the States debating agenda conferring as appropriate with the Presiding Officer on the volumes of items which can be included in a particular Billet d'État. Insofar as reports of parliamentary Committees are concerned, it is proposed that the Policy Council will undertake this function in conjunction with the Presiding Officer. The Treasury and Resources Department should continue to have the right to comment on parliamentary committee reports which have financial or resource implications.
13. It is proposed to implement the recommendations set out above by amending the Policy Council's mandate and the Rules of Procedure of the States of Deliberation as detailed in paragraph 15.

### **Consultation**

14. The Legislation Select Committee, the Public Accounts Committee and the Scrutiny Committee have been consulted and support the proposals. The Law Officers have also been consulted and raise no objections.

### **Recommendations**

15. The House Committee recommends the States –
  - (1) to amend the Policy Council's mandate as follows:
    - (a) in paragraph (a) (xiv) before the semi-colon insert the words "(other than parliamentary Committees)";
    - (b) in paragraph (b) after the word "committee" where it first occurs insert the words "(other than parliamentary Committees)";
  - (2) to delete Rule 2 of the Rules of Procedure of the States of Deliberation and to substitute therefor –
    - "2. (1) The matters referred to in Rule 1 (1) are –
      - (a) Reports by States Departments and Committees (other than parliamentary Committees) and Requêtees of any 7 or more States Members addressed to the Policy Council for inclusion in that Billet d'État, which Reports or Requêtees have been submitted to the Policy Council at least 60 days (or within such shorter period as the Council may agree in any particular case) before the meeting convened by that Billet d'État and in respect of which the Council and the Treasury and Resources Department shall be entitled to append

statements setting out their respective views thereon:

PROVIDED THAT the Policy Council may defer the inclusion of a Report or Requête in a Billet d'État until the next meeting of the States when, in the opinion of the Council, the proposals do not comply with the corporate policy of the States.

- (b) Reports by parliamentary Committees addressed to the Presiding Officer for inclusion in that Billet d'État. When the said Report has financial or other resource implications, the Treasury and Resources Department shall be entitled to append a statement setting out its views thereon.
- (c) The parliamentary Committees referred to in paragraphs (a) and (b) are the House Committee, the Legislation Select Committee, the Public Accounts Committee and the Scrutiny Committee.”.

Yours faithfully

B M Flouquet  
Chairman

**(NB The Policy Council has no comment on the proposals. However, when the matter is debated by the States, Members will vote in accordance with their individual views.)**

**(NB The Treasury and Resources Department has no comment on the proposals.)**

The States are asked to decide:-

XIV.- Whether, after consideration of the Report dated 7<sup>th</sup> January, 2007, of the House Committee, they are of the opinion:-

1. To amend the Policy Council's mandate as follows:
  - (a) in paragraph (a) (xiv) before the semi-colon insert the words “(other than parliamentary Committees)”;

- (b) in paragraph (b) after the word “committee” where it first occurs insert the words “(other than parliamentary Committees)”;
2. To delete Rule 2 of the Rules of Procedure of the States of Deliberation and to substitute therefor –
- “2. (1) The matters referred to in Rule 1 (1) are –
- (a) Reports by States Departments and Committees (other than parliamentary Committees) and Requête of any 7 or more States Members addressed to the Policy Council for inclusion in that Billet d’État, which Reports or Requetes have been submitted to the Policy Council at least 60 days (or within such shorter period as the Council may agree in any particular case) before the meeting convened by that Billet d’État and in respect of which the Council and the Treasury and Resources Department shall be entitled to append statements setting out their respective views thereon:
 

PROVIDED THAT the Policy Council may defer the inclusion of a Report or Requête in a Billet d’État until the next meeting of the States when, in the opinion of the Council, the proposals do not comply with the corporate policy of the States.
  - (b) Reports by parliamentary Committees addressed to the Presiding Officer for inclusion in that Billet d’État. When the said Report has financial or other resource implications, the Treasury and Resources Department shall be entitled to append a statement setting out its views thereon.
  - (c) The parliamentary Committees referred to in paragraphs (a) and (b) are the House Committee, the Legislation Select Committee, the Public Accounts Committee and the Scrutiny Committee.”.

## **HOUSE COMMITTEE**

### **WALES AUDIT OFFICE REPORT - IMPLEMENTATION OF RECOMMENDATIONS**

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

7<sup>th</sup> January 2008

Dear Sir

#### **EXECUTIVE SUMMARY**

This report proposes that the Rules relating to the Constitution and Operation of States Departments and Committees be amended to provide rules relating to –

- The conduct of meetings, etc. between States Members and third parties;
- The retention of notes used to prepare minutes of meetings;
- The non-distribution of minutes, agendas, etc. to States Members who have declared an interest in an item under discussion.

In addition, the States are asked to note the House Committee's intention to keep under review provisions relating to Members' Interests contained in the various Rules and Code.

#### **REPORT**

##### **Introduction**

1. On the 1<sup>st</sup> March 2007 the States resolved to note a report of the Public Accounts Committee which included a report prepared by the Wales Audit Office on the investigation into the award of the clinical block contract. The States directed the Policy Council to determine which Departments/Committees should be assigned responsibility for implementing the recommendations and to request those Departments/Committees to implement the recommendations as soon as practicable.
2. The Policy Council, on the 20<sup>th</sup> April 2007, requested the House Committee to be responsible for considering recommendations 11 to 14 and requested that it

report its conclusions to the Policy Council by the end of July. Due to a lack at the time of any dedicated staff resources the Committee did not submit its report to the Policy Council until the 24<sup>th</sup> October 2007.

3. On the 29<sup>th</sup> November 2007 the Policy Council responded to the Committee's report requesting the Committee to proceed with its proposals for dealing with recommendations 11, 12 and 14. With regard to recommendation 13, the House Committee had initially reached the view that no purpose would be served by holding a debate on States Members' interests. However, the Policy Council considered that such a debate would be desirable. The Committee subsequently decided to accede to the Policy Council's request in that regard.
4. On the 12<sup>th</sup> December 2007 the Chairman of the Public Accounts Committee made a Statement in the States outlining the progress made by the respective Departments and Committees charged with implementation of the proposals. This present report deals with all the issues which were allocated to the House Committee for consideration.
5. Throughout this report reference to "the Rules" means the Rules relating to the Constitution and Operation of States Departments and Committees made in pursuance of The States Committees (Constitution and Amendment) (Guernsey) Law, 1991.

#### **WAO Recommendation 11 – Guidance on meetings with external parties**

*“Guidance should be developed for politicians on meetings or discussions with external parties. This guidance should cover appropriateness of meetings, procedures, recording, timing and whether officer support is needed.”*

6. From the outset the Committee had concerns regarding this recommendation, so much so that it sought further guidance from the Auditor General for Wales. In particular, he was asked to indicate how this specific issue was dealt with in the Welsh Assembly Government. In reply he stated *“I am sure you are right to be wary of excessive bureaucracy in implementing our recommendations.”*. Subsequent to that comment one of his officers advised that there was nothing specifically on meetings in the Welsh Assembly Government rules and codes. However, reference was made to provisions in their Guidance on Planning Cases (which, whilst of interest, is not of direct relevance) and also to their Ministerial Code of Conduct.
7. In that Code, paragraph 5.8 states: *“Ministers receive deputations from many outside interest groups which they will wish to consider as part of the formulation of Ministerial policy. The basic facts of formal meetings between Ministers and outside interest groups should be recorded, setting out the reasons for the meeting, and the names of those attending and the interests represented.”*. It is clear, therefore, that the WAO report recommendation 11 goes well beyond what is expected in the Auditor General's own jurisdiction.

8. The House Committee is of the view that the only way to deal with this matter is to set a clear distinction between meetings which take place where the States Member –
- (a) is acting as an envoy or representative of the Policy Council, a department or committee

OR

- (b) is acting as an individual Member of the States.

The Committee believes that in a non-party political system it is of paramount importance that individual Members of the States are able to carry out research and enquiries free from the constraints of unnecessary bureaucracy but there should be a formal record when a Member of the States is representing a department or committee.

9. It therefore recommends that the Rules be amended as follows:

after Rule 14 insert a new Rule -

***“Meetings, etc. with third parties***

- 14A (i) When a Member of the States meets with a third party, and the circumstances are such that it is unclear as to the capacity in which he is attending the meeting, he shall make it clear to the third party that he is attending, either:
- as the representative of a department or committee; or
  - as an individual Member of the States; or
  - in a private capacity.
- (ii) When a Minister, Chairman or member of a department or committee represents that department or committee at a meeting with a third party, he shall make a record of the meeting stating the reason for the meeting, the participants therein and the key points discussed, following which he shall send a copy of the record to the Chief Officer of the department or committee for filing.
- (iii) In this rule reference to “the meeting” shall include telephone conversations and meetings in person.”.

*(Note: In the Rules the expression “Department” includes the Policy Council, where the context so permits.)*

**WAO Recommendation 12 – The retention of notes used to prepare minutes**

*“Consideration should be given to whether notes of key meetings used to prepare minutes are kept for a defined period in case of dispute. An option to take audio recordings of meetings would achieve a similar objective.”*

10. The Committee agreed that there should be specific guidance given in this regard and therefore proposes that the Rules be amended on the following lines:

after Rule 14 (1) add a new paragraph -

- “(2) (i) The notes taken pursuant to paragraph (1) of this rule shall be kept in a notebook reserved exclusively for that purpose and shall include the name of the person making the contemporaneous record and the date when the minutes are actually written.
- (ii) Each such notebook shall be retained for a period of six years counting from the date of the last meeting recorded therein.
- (iii) An audio recording may be made in addition to, but not in place of, the written record. The medium used to store such recording shall be retained for a period of six years from the date of the meeting.”

and that paragraphs (2) to (5) be re-numbered as (3) to (6).

**WAO Recommendation 13 – States debate on Members’ interests**

*“Consideration needs to be given as to whether the States should debate the general issues of Members’ interests, in particular the compatibility of political and business and other interests.”*

11. In paragraph 3 reference is made to the House Committee’s initial view that it did not believe that a States debate on Members’ interests was necessary at present. However, the Committee has acceded to the Policy Council’s request that the matter be debated but, in so doing, does not presently propose any amendment to the current rules. The core function of the House Committee is to review the various rules which, of course, includes those relating to Members’ interests and the proposal regarding this matter is therefore to note the Committee’s intention to keep this aspect of the rules under review.
12. The Committee’s reason for not proposing any amendment at this time is that it considers that Rule 15 of the Rules and Rule 23 of the Rules of Procedure of the States of Deliberation together with the Code of Conduct provide sufficient regulation and guidance with regard to the compatibility of political, business and other interests. In particular, the Committee notes that the Code of Conduct had not yet entered into force either at the time of the circumstances which led to

the withdrawal of the preferred tender in August 2006 or, indeed, at the date on which the Auditor General for Wales produced his report. The golden thread which runs throughout the Code of Conduct is the paramount need of Members of the States to avoid conflict between personal interest and public interest and, where a conflict does exist, to resolve the matter in favour of the public interest.

13. The Committee therefore concluded that the present package of measures relating to States Members' interests should not be reviewed until the Code of Conduct has become established. Only then will it be possible to identify properly any shortcomings which need to be rectified by amending either the Rules, the Rules of Procedure or the Code of Conduct.

#### **WAO Recommendation 14 – Distribution of minutes and agendas**

*“A procedure should be put in place for the handling of minutes or agenda papers setting out whether such documentation should be distributed to individuals who have declared their interest in an item under discussion.”*

14. The Policy Council has advised the Committee that it is of the opinion that this recommendation should apply where an interest is known rather than declared.
15. The Committee concurs with the recommendation that there should be specific guidance given in this regard and therefore proposes that the Rules be amended on the following lines:

after Rule 15 (2) add a new paragraph -

- “(3) (i) When an interest has been declared pursuant to paragraph (1) of this Rule, the officer of the Department or Committee concerned responsible for the despatch of agenda papers shall not send to the said Member any paper relevant to the matter concerned.
- (ii) When an interest has not been declared but the said officer has reason to believe that a Member may have an interest in a matter to be discussed, he shall request the Minister or Chairman, as the case may be, to make enquiries of the person concerned, following which the Minister or Chairman shall direct whether agenda papers relating to the matter should be withheld from the Member.
- (iii) When the Member referred to in paragraph (3)(ii) is the Minister or Chairman, the officer shall refer the matter to the Deputy Minister or Vice Chairman.
- (iv) Notwithstanding the foregoing, it shall be the duty of any Member who receives agenda papers which should not have been sent to him by virtue of the provisions of this rule, to return such

papers to the Department or Committee and he shall not disclose the content or existence of the papers to any person nor shall he use the information contained therein in his own personal interest or that of his family, friends, business associates or any voluntary or charitable organisation with which he is involved.

- (v) In this rule the expression “agenda papers” shall include:
- (a) the relevant section of the minutes of the Department or Committee relating to the matter concerned; and
  - (b) any electronic communication relating to the matter concerned.”

### **Consultation**

16. The Law Officers have been consulted with regard to these proposals and have not raised any legal obstacles to their adoption.

### **Recommendations**

17. The House Committee recommends the States –
- (1) to amend the Rules relating to the Constitution and Operation of States Departments and Committee as follows:
    - (a) after Rule 14 insert a new Rule:
 

**“Meetings, etc. with third parties**

14A (i) When a Member of the States meets with a third party, and the circumstances are such that it is unclear as to the capacity in which he is attending the meeting, he shall make it clear to the third party that he is attending, either:

      - as the representative of a department or committee; or
      - as an individual Member of the States; or
      - in a private capacity.

(ii) When a Minister, Chairman or member of a department or committee represents that department or committee at a meeting with a third party, he shall make a record of the

meeting stating the date and time of the meeting, the reason for the meeting, the participants therein and the key points discussed, following which he shall send a copy of the record to the Chief Officer of the department or committee for filing.

- (iii) In this rule reference to “the meeting” shall include telephone conversations and meetings in person.”.

(b) after Rule 14 (1) insert a new paragraph:

- “(2) (i) The notes taken pursuant to paragraph (1) of this rule shall be kept in a notebook reserved exclusively for that purpose and shall include the name of the person making the contemporaneous record and the date when the minutes are actually written.
- (ii) Each such notebook shall be retained for a period of six years counting from the date of the last meeting recorded therein.
- (iii) An audio recording may be made in addition to, but not in place of, the written record. The medium used to store such recording shall be retained for a period of six years from the date of the meeting.”

and renumber paragraphs (2) to (5) as (3) to (6).

(c) after Rule 15 (2) insert a new paragraph:

- “(3) (i) When an interest has been declared pursuant to paragraph (1) of this Rule, the officer of the Department or Committee concerned responsible for the despatch of agenda papers shall not send to the said Member any paper relevant to the matter concerned.
- (ii) When an interest has not been declared but the said officer has reason to believe that a Member may have an interest in a matter to be discussed, he shall request the Minister or Chairman, as the case may be, to make enquiries of the person concerned, following which the Minister or

Chairman shall direct whether agenda papers relating to the matter should be withheld from the Member.

- (iii) When the Member referred to in paragraph (3)(ii) is the Minister or Chairman, the officer shall refer the matter to the Deputy Minister or Vice Chairman.
  - (iv) Notwithstanding the foregoing, it shall be the duty of any Member who receives agenda papers which should not have been sent to him by virtue of the provisions of this rule, to return such papers to the Department or Committee and he shall not disclose the content or existence of the papers to any person nor shall he use the information contained therein in his own personal interest or that of his family, friends, business associates or any voluntary or charitable organisation with which he is involved.
  - (v) In this rule the expression “agenda papers” shall include:
    - (a) the relevant section of the minutes of the Department or Committee relating to the matter concerned; and
    - (b) any electronic communication relating to the matter concerned.”
- (2) to note the House Committee’s intention to keep under review provisions relating to Members’ Interests contained in the Rules of Procedure of the States of Deliberation, the Rules relating to the Constitution and Operation of States Departments and Committees and the Code of Conduct for Members of the States of Deliberation.

Yours faithfully

B M Flouquet  
Chairman

**(NB The Policy Council supports the proposals.)**

**(NB The Treasury and Resources Department has no comment on the proposals.)**

The States are asked to decide:-

XV.- Whether, after consideration of the Report dated 7<sup>th</sup> January, 2008, of the House Committee, they are of the opinion:-

1. To amend the Rules relating to the Constitution and Operation of States Departments and Committee as follows:

(a) after Rule 14 insert a new Rule:

***“Meetings, etc. with third parties***

14A (i) When a Member of the States meets with a third party, and the circumstances are such that it is unclear as to the capacity in which he is attending the meeting, he shall make it clear to the third party that he is attending, either:

- as the representative of a department or committee; or
- as an individual Member of the States; or
- in a private capacity.

(ii) When a Minister, Chairman or member of a department or committee represents that department or committee at a meeting with a third party, he shall make a record of the meeting stating the date and time of the meeting, the reason for the meeting, the participants therein and the key points discussed, following which he shall send a copy of the record to the Chief Officer of the department or committee for filing.

(iii) In this rule reference to “the meeting” shall include telephone conversations and meetings in person.”.

(b) after Rule 14 (1) insert a new paragraph:

“(2) (i) The notes taken pursuant to paragraph (1) of this rule shall be kept in a notebook reserved exclusively for that purpose and shall include the name of the person making the contemporaneous record and the date when the

minutes are actually written.

- (ii) Each such notebook shall be retained for a period of six years counting from the date of the last meeting recorded therein.
- (iii) An audio recording may be made in addition to, but not in place of, the written record. The medium used to store such recording shall be retained for a period of six years from the date of the meeting.”

and renumber paragraphs (2) to (5) as (3) to (6).

(c) after Rule 15 (2) insert a new paragraph:

- “(3) (i) When an interest has been declared pursuant to paragraph (1) of this Rule, the officer of the Department or Committee concerned responsible for the despatch of agenda papers shall not send to the said Member any paper relevant to the matter concerned.
- (ii) When an interest has not been declared but the said officer has reason to believe that a Member may have an interest in a matter to be discussed, he shall request the Minister or Chairman, as the case may be, to make enquiries of the person concerned, following which the Minister or Chairman shall direct whether agenda papers relating to the matter should be withheld from the Member.
- (iii) When the Member referred to in paragraph (3)(ii) is the Minister or Chairman, the officer shall refer the matter to the Deputy Minister or Vice Chairman.
- (iv) Notwithstanding the foregoing, it shall be the duty of any Member who receives agenda papers which should not have been sent to him by virtue of the provisions of this rule, to return such papers to the Department or Committee and he shall not disclose the content or existence of the papers to any person nor shall he use the information contained therein in his own personal interest or that of his family, friends, business associates or any voluntary or charitable organisation with which he is involved.
- (v) In this rule the expression “agenda papers” shall include:

- (a) the relevant section of the minutes of the Department or Committee relating to the matter concerned; and
  - (b) any electronic communication relating to the matter concerned.”
- 2. To note the House Committee’s intention to keep under review provisions relating to Members’ Interests contained in the Rules of Procedure of the States of Deliberation, the Rules relating to the Constitution and Operation of States Departments and Committees and the Code of Conduct for Members of the States of Deliberation.

**PANEL OF MEMBERS**

(constituted by The Administrative Decisions (Review) (Guernsey) Laws, 1986-1993)

REPORT OF THE REVIEW BOARD 2007

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St. Peter Port

2<sup>nd</sup> January 2008

Dear Sir

Section 8 of The Administrative Decisions (Review) (Guernsey) Laws, 1986-1993 requires me to submit an annual report on the complaints received by the Chief Executive of the States and HM Greffier.

Section 1 of the Law provides that all applications for a matter to be reviewed by a Review Board shall be made to the Chief Executive of the States except where the matter complained of relates to the Policy Council and its staff, in which case application is made to Her Majesty's Greffier.

I have to report that no complaints have been received by either the Chief Executive of the States or HM Greffier during 2007.

Yours faithfully

William M Bell  
Chairman

The States are asked to decide:-

XVI.- Whether, after consideration of the Report dated 2<sup>nd</sup> January, 2008, of the Review Board constituted under the Administrative Decisions (Review) (Guernsey) Laws, 1986 – 93, they are of the opinion:-

To note that Report.

## REQUÊTE

### CHANGE IN TIME ZONE

**THE HUMBLE PETITION** of the undersigned Members of the States of Deliberation

**SHEWETH THAT:**

1. Your Petitioners believe there would be multiple benefits to Guernsey if we were to change our time zone from the present parity with the UK to come into line with French time.
2. Your Petitioners believe this move would support priority one of the Government Business Plan by making it very clear that Guernsey is not part of the UK but rather a separate territory with its own personality.
3. Your Petitioners believe that such a move would help to conserve energy through the reduced need for lighting and heating in the evenings.
4. Your Petitioners believe that adopting French time, with the resulting lighter evenings, would bring many social benefits ranging from greater opportunity for outdoor leisure activities after work, to militating against anti-social behaviour.
5. Your Petitioners believe that visitors would enjoy these features as much as locals and that for those visiting from the UK it would make Guernsey seem a more exotic destination.
6. Your Petitioners accept that the change in time zone would bring about a few apparent anomalies. These would include British television and radio programmes being received when the time in Guernsey is one hour later than the time in the UK; but your Petitioners believe these local “quirks” would be soon seen as a positive point of difference rather than an inconvenience.
7. Your Petitioners believe that this issue has been ventilated so often, and the pros and cons have been so frequently discussed, that the States should be able to take an “in principle” decision now, without the need for further research and the resultant delay.
8. Your petitioners believe a target date of March 2009 should be set for a change of time zone, and the Policy Council should be instructed to draw up a report as soon as possible on any practical or legislative changes which may be needed to support that change in time zone.
9. Your Petitioners also believe that the States of Alderney and the Chief Pleas in Sark should be consulted over whether they would wish their islands to be included in a change of time zone.

10. Your Petitioners feel it would also be useful to inform the States of Jersey, and to invite them to consider making a similar change, but do not believe the implementation of a change in time zone should be in any way dependent on Jersey following suit

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

- (a) To decide in principle that Guernsey should change time zone to be in harmony with French time rather than UK time.
- (b) To set a target date of March 2009 for the proposed change in time zone.
- (c) To direct the Policy Council to draw up a report, as soon as maybe, on the practical and legislative changes which may be needed to support such a change in time zone.
- (d) To direct the Policy Council to consult the States of Alderney and the Chief Pleas of Sark on whether they would wish the change in time zone to be extended to their respective islands.

AND YOUR PETITIONERS WILL EVER PRAY

GUERNSEY

This 14<sup>th</sup> day of December 2007

P J Roffey  
D B Jones  
W Walden  
R G Wilmott  
R J Le Moignan  
BL Brehaut  
L S Trott

S J Maindonald  
J A Pritchard  
C D Brock  
W J Morgan  
D W Staples  
M A Ozanne  
G Guille

**(NB In pursuance of Article 17 of the Rules of Procedure the Policy Council sought the views of all ten Departments, as appearing to have an interest in the subject matter of the Requête, and the views expressed are set out below.**

1. Commerce and Employment Department

The Commerce and Employment Department has responded as follows:

“In the time available, and bearing in mind the Christmas holiday period, the Department has not had the opportunity of consulting formally on the proposals with the sectors it represents, but has nevertheless asked for and received comments from a number of representative bodies and interested parties, including GIBA, the CGI, and the Chamber of Commerce as well as representatives of the construction and farming industries. The comments made in this letter take into account the comments received.

To begin, the Commerce and Employment Department would take issue with one or two of the premises of the Requête, firstly that because the issue has been “ventilated” in the past the States is now in a position to take an “in principle” decision. In reality, although the possibility of a change in time zone has been raised on a number of occasions, it is some time since a full investigation has been undertaken into the advantages and disadvantages of such a move, and the conclusion of earlier investigations has always been that an independent move of Guernsey to Central European Time would not be in the Island’s interest. Circumstances have changed significantly since the earlier investigations, but in any event a change in time zone along the lines proposed would have important consequences not only for businesses but also for the community as a whole. Any such decision should therefore allow adequate time for consultation, and for consideration of the interests of different parties.

Secondly, the Department would question the claim that the move would constitute a positive reflection of the Island’s status and separate personality in relation to the United Kingdom. It believes that such a move would achieve very little in demonstrating such status and may be counterproductive, with the risk that the change would be perceived as wishing to be different for its own sake. If so, the change could in reality undermine the Island’s status. The Republic of Ireland has a significant incentive to wish to distinguish itself from the United Kingdom, but has not implemented a change in time zone.

Turning to more practical issues, the vast majority of the Island’s export business is conducted with the United Kingdom, and one of the Island’s major advantages as an international finance centre is that it is in the same time zone as the City of London. This advantage would be lost in comparison with competing finance centres should the change occur. The change would also further complicate business contacts with the East coast of the United States by adding an additional hour to the time difference.

The issue is of particular importance for those businesses that provide front-line services to the UK, where the change in time zone as proposed would result in many staff in such businesses having to work an hour later, thereby negating any possible advantage in terms of leisure time. All banks clear through the London clearing market, and have to observe London banking hours. In addition, the overwhelming majority of professional contacts are also with the UK.

The position is substantially the same for businesses outside the finance sector, such as Specsavers, that deal extensively with the United Kingdom. Here again there would be a need for staff to work later to coincide with UK working hours, potentially up to 7 pm. This would not only cause significant inconvenience to staff, but would also increase staff costs.

Farming is also in a similar position, albeit for different reasons, and a change in time zone would inevitably lead to later evening working.

From a business perspective further practical difficulties relate to flight times to and from the Island. While these may evolve over time, based on current arrangements business visitors would not arrive in the Island before 10:30 am, with local residents returning on the last flight not arriving back until nearly 10pm. There may also be implications for the arrival of post in the Island, which may affect the work of some businesses.

For tourism, some 85% of the Island's visitors come from the United Kingdom, and a time zone change would be likely to result in confusion over travel times. This would detract significantly from any advantage gained from the claimed "exotic" effect of the change, which in any case the Department doubts would be of any significance.

While the previous comments relate to practical difficulties relevant to the Island's business export sectors, there is a further and perhaps more important consideration – the potential effect of the change on the development of future business for the Island. Being in a different time zone from the Island's major trading partner would be an added and unnecessary complication which would act as a barrier to the development of new business, and would be contrary to the States' objectives to promote economic growth.

The one advantage of significance to the Island resulting from a change in time zone may be in reducing energy consumption, but any reduction in use during the evenings would be counterbalanced by increased consumption in the mornings during part of the year. In addition, bringing peak load demand into line with France may mean that more electricity is generated using oil, thereby increasing CO2 emissions. More work is required to arrive at a definitive assessment of any environmental benefits.

In summary, the view of the Commerce and Employment Department is that while a change in time zone to Central European Time may result in some benefits for leisure activities, such benefits are more than outweighed by the difficulties caused to the business sector. While not all businesses would be affected, those that would be most inconvenienced would be the outward-facing industries in the export sector that are vital to future prosperity. In addition, the change would be particularly damaging to the Island's policies for economic development.

It would make very little economic sense for the Island's time zone not to be the same as its major trading partner, and even less if other islands of the Bailiwick or Jersey did not follow suit.

As a final comment, the Department believes that pursuing such a fundamental change at the present time would increase uncertainty at a moment when the Island is already facing a period of significant change. Such uncertainty would not support the promotion of Guernsey as an effective and attractive place to do business."

## 2. Culture and Leisure Department

The Culture and Leisure Department has commented as follows:

"This is a topic that has been a subject of debate for years so perhaps the time has come to seek a definitive answer. There are, however, mixed feelings expressed by the Board.

From a departmental mandate viewpoint the idea has undoubted merit and it is believed that we would gain several advantages in that it would improve the visitor experience and also that most sport and leisure activities would benefit from the extra hour of daylight in an evening particularly in the shoulder months.

The Board considers that this change in time zone will only be possible or indeed successful if the other Channel Islands extend the change to their islands.

The benefit of the change and its effect on possible energy savings can also be seen and welcomed in both cost and environmental terms.

In general terms the Board would be interested to see the views of those departments and organisations involved in education, industry (particularly the finance industry), construction and travel where it is suspected a more negative view would be taken.

The Board has also expressed the view that rather than support or oppose the requête in this letter it would prefer to listen to what will, hopefully, be an informed debate and vote accordingly."

### 3. Education Department

The Education Department has advised that its view is that in order for this to work successfully it would be necessary for Jersey also to undertake this change. It also expresses concern that there could be increased risk for the children travelling to school in the darker mornings, particularly for those who have to leave home early to catch the contract buses to their school.

### 4. Environment Department

The Environment Department has commented as follows:

“Should the Requête be successful then the envisaged impacts on the Environment Department are twofold. Firstly, from the Environmental Policy perspective it is reasonable to assume, on a superficial analysis, that the move to French time would be likely to result in an overall environmental benefit. It is reasonable to assume that there would be energy saving resulting from the reduced need for lighting and heating in the evenings.

The second area of potential impact for the Department relates to the potential for a resulting increase in demand on the Department’s resources. It is not possible to quantify these impacts but they should be relatively minor. In respect of the building control inspection regime, it is common practice for construction companies to adjust their working day to effect the available daylight hours. It is probable, therefore, that builders would work the same daylight hours and this may have a minor impact on scheduling the Department’s inspection regime. Similarly, longer, lighter evenings should result in increased use of leisure facilities including the beaches, parks, cliff paths etc. Such additional use is likely to result in increased litter/refuse etc., which needs to be managed under the Department’s contracts.

From the transport end of the Department’s services, confusion may result in respect of booking taxis or utilising bus services but any such confusion should be relatively insignificant.

The Department has also identified a possible impact on service provision in respect of the morning school-bus run. With winter mornings being darker, there may be a move of transport choice from cycling/walking to use of the school bus. Associated with this might be a demand for improved and lit bus shelters.”

### 5. Health and Social Services Department

The Health and Social Services Department has advised that it considered the contents of the Requête in respect of any particular beneficial or adverse effects that a change in time zone would have on health and social welfare. Various

positive and negative points were mentioned at the Board meeting but none of sufficient weight to make the Board favour either a change to the time zone or making no change.

6. Home Department

The Home Department has advised that the general feeling of its Members was that they would remain neutral on the proposal for the time being, that is until more research and investigation into the effect of such a change could be properly considered. Members could visualise both good and some not so good outcomes of such a proposal hence their desire for more time for reflection.

7. Housing Department

The Housing Department has advised that the recommendations contained within the Requête would not have any direct impact on day-to-day running of the Department.

The Housing Minister, who is a signatory to the Requête, has commented that a change in the time zone would help support the eco-friendly designs and construction which the Department, jointly with the Guernsey Housing Association, is including in its social housing developments: people could possibly reduce their utility bills as a result of longer daylight hours.

8. Public Services Department

The Public Services Department has commented as follows:

“From a technical point of view both the airport and harbour are unlikely to be affected by such a change as their systems operate using Greenwich Mean Time (GMT). All aircraft around the world operate in GMT and in summer all clocks already appear to be one hour 'slow'. They would simply appear to be two hours 'slow' if Guernsey were to adopt Central European Time.

From the ports' point of view, it would be advantageous for both Guernsey and Jersey to change time zones together, as it would be very difficult to manage passenger schedules involving multiple time zone changes throughout the day. For example, a sailing from the UK through Guernsey, then Jersey to St Malo (and return) would result in six changes of time zone and would certainly lead to some confusion. Although the thought of being in a different time zone might add to the travelling experience, not a great deal of value can be placed on this.

It is also likely that the opening hours at the ports would need to be extended. For example, if local agents still required the UK mail and newspapers to arrive at Guernsey Airport at 06:15 and the last flights of the day continued to leave the UK at 20:00 they would arrive in Guernsey at approximately 22:00. The result would be that Guernsey Airport would be short of Air Traffic Controller hours

and would potentially need to recruit more Controllers, as well as having to pay overtime to other key staff including fire fighters.

It is possible that Sark (and to a lesser extent, Herm) could benefit from additional daylight in the summer evenings, as sailings to and from there are premised on 'daylight only' operations. Winter schedules would probably change too, to fit in with the actual hours of daylight. Guernsey Harbours would however, have to look to extend the opening hours of Port Control in the summer evenings.

From an operational point of view the Department would need to align its hours of work to daylight hours; for example, excavation works in the highway where work in darkness can be fraught with difficulty and productivity falls. Darker mornings may, in some cases, delay the start of the working day and it is likely that operational working hours would have to shift to 09:00 to 18:00 rather than the current 08:00 to 17:00. As many goods and support services are received from the UK it is likely that some staff would also have to work in line with UK working hours.

Whilst a change in time zone, in most instances, could be accommodated, there is no evidence of any business or operational advantages or any savings. In fact, there is a strong likelihood that the Public Services Department's operating costs would rise as a result of additional overtime from a longer working day."

9. Social Security Department

The Social Security Department has advised that changing Guernsey's time zone to be in harmony with French time would have no impact on the operations of the Social Security Department.

10. Treasury and Resources Department

The Treasury and Resources Department decided not to make any comment.)

**(NB The Policy Council comments as follows:**

**“As shown above, States Departments have identified issues in favour of and against a change in the time zone, but no legal obstacles have been identified to prevent Guernsey from changing its time zone unilaterally.**

**The precise details of how the change would be effected legally and how any practical issues would be dealt with would be brought back to the States by the Policy Council in accordance with the Prayer of the Requête if it is agreed.**

**When this matter is debated, Members of the Policy Council will vote on the basis of their individual views.”)**

**(NB By a majority, the Treasury and Resources Department supports the proposals.)**

The States are asked to decide:-

XVII.- Whether, after consideration of the Requête, dated 14<sup>th</sup> December, 2007, signed by Deputy P J Roffey and thirteen other Members of the States, they are of the opinion:-

1. That, in principle, Guernsey shall change time zone to be in harmony with French time rather than UK time.
2. To set a target date of March 2009 for the proposed change in time zone.
3. To direct the Policy Council to draw up a report, as soon as maybe, on the practical and legislative changes which may be needed to support such a change in time zone.
4. To direct the Policy Council to consult the States of Alderney and the Chief Pleas of Sark on whether they would wish the change in time zone to be extended to their respective islands.

***ORDINANCE LAID BEFORE THE STATES***

**THE TAXATION OF REAL PROPERTY  
(GUERNSEY AND ALDERNEY) (AMENDMENT) ORDINANCE, 2007**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Taxation of Real Property (Guernsey and Alderney) (Amendment) Ordinance, 2007, made by the Legislation Select Committee on the 3<sup>rd</sup> December, 2007, is laid before the States.

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

**THE SOCIAL INSURANCE (BENEFITS)  
(AMENDMENT) REGULATIONS, 2007**

In pursuance of section 117 of the Social Insurance (Guernsey) Laws, 1978 – 2004, the Social Insurance (Benefits) (Amendment) Regulations, 2007, made by the Social Security Department on 20<sup>th</sup> December, 2007, are laid before the States.

EXPLANATORY NOTE

These Regulations:

- (a) limit the destinations for which a travelling allowance grant may be awarded to Guernsey, Jersey, France and the United Kingdom.
- (b) amend the schedules to the Social Insurance (Benefits) Regulations, 2003 and prescribe the reduced rates payable from 7th January 2008 to claimants who do not satisfy the conditions for entitlement to payment of the maximum rate of benefit.

**THE HEALTH SERVICE (MEDICAL APPLIANCES)  
(AMENDMENT) REGULATIONS, 2007**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Medical Appliances) (Amendment) Regulations, 2007, made by the Social Security Department on 20<sup>th</sup> December, 2007, are laid before the States.

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  
APPLIANCE SUPPLIERS) (AMENDMENT) REGULATIONS, 2007**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2007, made by the Social Security Department on 20<sup>th</sup> December, 2007, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the schedules to the Health Service (Payment of Authorised Appliance Suppliers) Regulations, 2003.

**THE HEALTH SERVICE (PAYMENT OF AUTHORISED SUPPLIERS)  
(AMENDMENT NO. 2) REGULATIONS, 2007**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Payment of Authorised Suppliers) (Amendment No. 2) Regulations, 2007, made by the Social Security Department on 20<sup>th</sup> December, 2007, are laid before the States.

EXPLANATORY NOTE

These Regulations:

- (a) amend the Schedules to the Health Service (Payment of Authorised Suppliers) Regulations, 2003, as amended;
- (b) provide for the payment of authorised suppliers who are pharmacists not employed by medical practices or the Health and Social Services Department, in respect of:
  - (i) medicines use reviews<sup>1</sup> carried out by that supplier in accordance with the terms and conditions that may be determined by the Social Security Department from time to time;
  - (ii) monitored dosage systems provided by that supplier in accordance with the terms and conditions that may be determined by the Social Security Department from time to time;
  - (iii) community packs provided by that supplied in accordance with the terms and conditions that may be determined by the Social Security Department from time to time.

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<sup>1</sup> Medicines use reviews provide a mechanism to review the medicines prescribed to a patient in order to improve his knowledge and use of drugs and thereby optimize therapy, improve health outcomes, reduce the likelihood of medicine related problems and cut wastage.