



BILLET D'ÉTAT

WEDNESDAY 27th JULY 2011

XIII
2011

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B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **27th JULY, 2011** at 9.30am, to consider the items contained in this Billet d'État which have been submitted for debate.

G. R. ROWLAND
Bailiff and Presiding Officer

The Royal Court House
Guernsey
17 June 2011

**THE SOCIAL INSURANCE (GUERNSEY) LAW (AMENDMENT)
ORDINANCE, 2011**

The States are asked to decide:-

I.- Whether they are of the opinion to approve the draft Ordinance entitled “The Social Insurance (Guernsey) Law (Amendment) Ordinance, 2011” and to direct that the same shall have effect as an Ordinance of the States.

**THE LAND PLANNING AND DEVELOPMENT (FEES AND
MISCELLANEOUS AMENDMENTS) ORDINANCE, 2011.**

The States are asked to decide:-

II.- Whether they are of the opinion to approve the draft Ordinance entitled “The Land Planning And Development (Fees And Miscellaneous Amendments) Ordinance, 2011” and to direct that the same shall have effect as an Ordinance of the States.

**THE INCOME TAX (GUERNSEY) (APPROVAL OF AGREEMENTS WITH
ROMANIA, CANADA AND SOUTH AFRICA) ORDINANCE, 2011.**

The States are asked to decide:-

III.- Whether they are of the opinion to approve the draft Ordinance entitled “The Income Tax (Guernsey) (Approval Of Agreements With Romania, Canada And South Africa) Ordinance, 2011” and to direct that the same shall have effect as an Ordinance of the States.

POLICY COUNCIL

THE GUERNSEY FINANCIAL SERVICES COMMISSION: 2010 ANNUAL REPORT

The Financial Services Commission (Bailiwick of Guernsey) Law, 1987, as amended, requires the Commission to prepare an annual report and accounts for submission by the Policy Council to the States.

The Policy Council recommends that the States retain the firm of KPMG Channel Islands Ltd as auditors of the Guernsey Financial Services Commission for the year ending 31 December 2011.

The Policy Council recommends the States:

- (1) to note the Report;
- (2) to approve the accounts of the Guernsey Financial Services Commission for the year ended 31 December 2010;
- (3) to retain the firm of KPMG Channel Islands Ltd as auditors of the Guernsey Financial Services Commission for the year ending 31 December 2011.

L S Trott
Chief Minister

6th June 2011

(NB The Guernsey Financial Services Commission 2010 Annual Report, which is appended to this Report, is published separately)

(NB The Public Accounts Committee favours the retention of KPMG Channel Islands Ltd as external auditors of the Guernsey Financial Services Commission for the year ending 31 December 2011.)

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

The States are asked to decide:-

IV-. Whether, after consideration of the Report dated 6th June, 2011, of the Policy Council, they are of the opinion:-

1. To note the Report.

2. To approve the accounts of the Guernsey Financial Services Commission for the year ended 31 December 2010.
3. To retain the firm of KPMG Channel Islands Ltd as auditors of the Guernsey Financial Services Commission for the year ending 31 December 2011.

SOCIAL SECURITY DEPARTMENT AND HOUSING DEPARTMENT

FUTURE OF SUPPLEMENTARY BENEFIT AND RENT REBATE SCHEMES

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

11th May 2011

Dear Sir

Executive summary

1. The Social Security Department is undertaking a full review of the supplementary benefit scheme. This is a major piece of work which, for recognisable progress to be achieved within the current term of the States, requires the project to be undertaken in phases. The first phase of the review will cover:
 - i. a proposed integration of the Housing Department's rent rebate scheme within supplementary benefit;
 - ii. a proposed system of work incentivisation to encourage and assist people receiving supplementary benefit in returning to work or increasing their work hours, where appropriate; and
 - iii. proposed system of benefit protection for some young adults in education who are otherwise unsupported.
2. The Social Security Department is intending to address these three topics in two reports to the States. In December 2011, the Department will present a report to the States containing its proposals for work incentivisation and benefits for young adults in education. The December report will also further develop the proposals contained in the current report.
3. This report concerns the phased integration of the rent rebate scheme into a reformed supplementary benefit scheme. Given the complexity of the subject, it is in the form of a Green Paper inviting the views of the States on the anticipated measures to achieve integration.

4. This report is presented jointly with the Housing Department. The Social Security Department and the Housing Department are responsible for the operation of two means-tested benefit schemes. The Social Security Department administers the supplementary benefit scheme, which exists to ensure that Islanders are offered financial assistance sufficient to meet their basic needs. The Housing Department administers the rent rebate scheme, under which the Department's tenants can pay a reduced rent calculated with reference to their household income.
5. However, before describing those measures, both Departments are keen to dispel various myths that surround the benefits system and to commit to record certain guiding principles that underpin the review of the supplementary benefit scheme; namely:
 - The vast majority of supplementary benefit claimants would prefer not to be dependent on the States for financial support;
 - Attempts to portray benefit claimants, in general, as unwilling to work are simplistic and damaging. Such views are based on an ignorance of the facts and serve only to stigmatize further an already marginalised section of society. For every claimant who is actively avoiding employment there are many more who are doing their best to become financially self-sufficient, or who are working full-time but – as a result of low wages and the high cost of living in Guernsey – are still dependent on supplementary benefit;
 - The States has a duty of care towards its residents. Provided that Islanders are demonstrably doing all they reasonably can to support themselves, any shortfall between household income and reasonable ongoing expenses should be met the States;
 - The welfare system should isolate and take appropriate action on the minority of claimants who are able to work but choose not to. But the existence of this minority is not sufficient reason to avoid paying the majority of claimants the amount of money which they need if they are to maintain an adequate standard of living.
6. Against this background, this report demonstrates that the existence of two separate means-tested income support schemes has created a welfare system that consistently advantages families living in social housing over families living in private rented accommodation and elsewhere. This is manifestly unfair and cannot be allowed to continue.
7. Accordingly, the Departments are strongly of the view that the needs of low income Islanders can best be met by a single, all-encompassing means-tested income support scheme. A single scheme with a single set of rules will reduce significantly the scope for inequality of treatment.

8. Consequently, this is not just a matter of merging administrative systems, but the rectification of a fundamental matter of social injustice. The key principle - and one which underpins all of what follows - is fairness. Two families of the same size – one living in social housing and the other living in private rented accommodation – should have access to exactly the same level of financial support. With the current system, this is not always the case.
9. The Social Security Department and the Housing Department have prepared this Green Paper to highlight the inequalities in the current arrangements. But the report will show that reconciling the two schemes cannot be achieved overnight, as it is expected in some cases to cause significant reductions in household income for – predominantly – tenants of the Housing Department. As a result, the two Departments are putting forward a phased approach, whereby the impact on social housing tenants can be managed with due care and sensitivity.
10. The report outlines transitional measures which will seek to align the two schemes more closely ahead of the intended cessation of the rent rebate scheme and the reform of the supplementary benefit scheme. Those measures include:
 - i. replacing the supplementary benefit scheme's single benefit limitation with a range of maximum benefit rates based on a combination of maximum rent allowances and family profiles;
 - ii. implementing a phased withdrawal of the rent rebate scheme through adjustments to the rent rebate tariffs.
11. The States are asked to note the Social Security Department's intention to propose in its September benefit uprating report, an above-RPI increase to the benefit limitation for 2012. This would be to provide immediate assistance to some families currently affected by the benefit limitation and to facilitate the transition referred to above.
12. This report also makes clear that the cessation of the rent rebate scheme and the reform of the supplementary benefit scheme is not simply a matter of addressing the issue of housing costs for low income households. What can be perceived as 'rent-induced' poverty is, in fact, just as likely to be caused by the inadequacy of the rates of benefit to meet household expenses.
13. In this regard, both Departments are strongly of the view that a prerequisite to any substantial changes to the two schemes - and the reform of supplementary benefit in particular – is an objective review of the adequacy of so-called 'requirement rates', i.e. the minimum level of income for someone to live on. The Departments, with the Assistance of the Policy Council's Policy and Research Unit and with limited assistance from UK social scientists, mainly for validation, will be producing Minimum Income Standards for Guernsey.
14. The production of Minimum Income Standards will inform opinion on:

- the adequacy of the existing supplementary benefit requirement rates and rent allowances;
 - the effect of the benefit limitation; and
 - the level at which both the rent rebate tariffs and the income thresholds used to determine eligibility for social housing are set.
15. Total supplementary benefit expenditure in 2010 was just under £17m and the value of rent rebates was a further £10m.
 16. The report explains that the proposed changes are likely to result in increased supplementary benefit expenditure, which is formula-led General Revenue expenditure. But at this early stage, the Departments do not have reliable estimates of the additional expenditure that would arise from the integration of the rent rebate scheme within supplementary benefit. If the level of support contained in the current rent rebate scheme were to be lowered to that currently provided within supplementary benefit, there would be a large saving to General Revenue. But this saving would be likely to result in unacceptable levels of rent increases for States house tenants. On the other hand, if the level of support within the supplementary benefit scheme were increased to that found within the rent rebate scheme, there would be a large increase to general revenue expenditure which may well be unacceptable to the States.
 17. The Departments will not be able to estimate the amount of the overall additional cost until they have the benefit of the outputs from the work on the minimum income standards (MIS). It should be acknowledged that the MIS could show that even the rent rebate scheme is inadequate in the extent of assistance that it provides.
 18. While the rent rebate integration, being the subject of this current report, is expected to involve additional expenditure, the subsequent proposals for work-incentivisation, which will be reported in December, should in time produce savings. The Departments, therefore, have decided that this Green Paper should not include unreliable estimates of additional costs. Instead, estimated costs will be contained in the Social Security Department's December report, when they can be considered in the full context of the supplementary benefit review, and when more advanced proposals for the integration of the rent rebate scheme, informed by the debate on this Green Paper, will be brought forward.

REPORT

Introduction and the strategic context

19. In adopting the 2010 Social Policy Plan (Billet d'Etat XIX of 2010), the States agreed various core values and strategic objectives. Those objectives included:-

- fostering an inclusive and caring society which supports communities, families and individuals;
 - assisting people to help themselves and become independent where possible, by encouraging personal responsibility;
 - promoting, and removing barriers to, equality, social inclusion and social justice;
 - meeting welfare needs and reducing poverty;
 - improving housing availability, quality and affordability;
 - encouraging all who need, or are able, to work to find employment;
20. The review and reform of the supplementary benefit scheme was considered to be fundamental in achieving some of these objectives and would potentially lead to a complete overhaul of the Island's welfare system.
 21. This was identified as the top priority for the Social Security Department; the third highest priority in the 2009 Social Policy Plan; and a very high priority in the 2010 Social Policy Plan. Before that, it had been identified as a key area of both the former Government Business Plan and the Corporate Anti-Poverty Programme.
 22. The review of the Supplementary Benefit Scheme is a major undertaking. In order for recognisable progress to be achieved within the current term of the States, the Social Security Department has concluded that the project should be undertaken in phases. The first phase of the review will cover:
 - i. a proposed integration of the Housing Department's rent rebate scheme within supplementary benefit;
 - ii. a proposed system of work incentivisation to encourage and assist people receiving supplementary benefit in returning to work or increasing their work hours, where appropriate; and
 - iii. a proposed system of benefit protection for some young adults in education who are otherwise unsupported.
 23. The Social Security Department is intending to address these three topics in two reports to the States. The current report concerns the integration of the rent rebate scheme and is in the form of a Green Paper inviting the views of the States on a intended course of action. The Department will present a second report to the States in December 2011, containing its proposals for work incentivisation and benefits for young adults in education. The December report is also intended to include detailed proposals for the integration of the rent rebate scheme, informed

by the debate on this Green Paper and the work that will be undertaken on Minimum Income Standards.

24. In parallel with the above, the Housing Department first reported in December 2008 (Billet D'Etat XVIII of 2008) that, as part of the States Corporate Housing Programme, it was working closely with the Social Security Department to examine the future of the rent rebate scheme. Particular attention was being given to the interaction of rent rebates and supplementary benefit, and the impact of the benefit limitation on public and private sector rents.
25. Until October 2009, the Housing Department was required to carry out a fundamental review of the rent rebate scheme every five years. The last review took place in October 2009 (Billet d'État XXVII of 2009). The report recommended that no major changes were made to the scheme as the intention was for the scheme to be subsumed into the supplementary benefit scheme, or a successor to it, within the next few years. This was dependent on the Social Security Department assuming responsibility for assisting all low income tenants with the payment of rent.

The welfare system: dispelling the myths and establishing some principles

26. There is a regrettable tendency for benefit claimants and social housing tenants to be characterised by negative generalisations of being workshy and scroungers off the States, but the two Departments can show that such views are far removed from the facts (see paragraphs 53 to 56 below). The Departments therefore feel it necessary, from the outset, to address such prejudices. At the same time, with the above-quoted objectives of the Social Policy in mind, the Departments set out some of the principles upon which a future welfare scheme for the Island should be based.
27. First and foremost, both the Social Security Department and the Housing Department believe that a properly functioning welfare system should provide all Islanders with income sufficient to maintain an adequate standard of living, meaning a set of living standards that the majority of Islanders would consider reasonable.
28. The two Departments believe strongly that:
 - The vast majority of supplementary benefit claimants would prefer not to be dependent on the States for financial support;
 - Attempts to portray benefit claimants, in general, as unwilling to work are simplistic and damaging. Such views are based on an ignorance of the facts and serve only to stigmatize further an already marginalised section of society. For every claimant who is actively avoiding employment there are many more who are doing their best to become financially self-sufficient, or

who are working full-time but – as a result of low wages and the high cost of living in Guernsey – are still dependent on supplementary benefit;

- The States has a duty of care towards its residents. Provided that Islanders are demonstrably doing all they reasonably can to support themselves, any shortfall between household income and reasonable ongoing expenses should be met the States;
 - The welfare system should isolate and take appropriate action on the minority of claimants who are able to work but choose not to. But the existence of this minority is not sufficient reason to avoid paying the majority of claimants the amount of money which they need if they are to maintain an adequate standard of living.
29. Measured against these principles, the two Departments will demonstrate that the existence of two means-tested income support schemes – in the form of the supplementary benefit scheme and the rent rebate scheme – has created a welfare system that consistently advantages families living in social housing over families living in private rented accommodation and elsewhere. This is manifestly unfair and, therefore, indefensible. It cannot be allowed to continue.
30. The key principle underpinning the proposals in this States Report is therefore one of fairness. Two identical families - one living in social housing and the other living in private rented accommodation – should have access to exactly the same level of financial support. Any difference in the amount of benefit paid towards living expenses should come about only as the result of the application of various allowances or reductions applied on a case-by-case basis, and should not be connected to where the families happen to live.

Supplementary Benefit Scheme

31. The 1955 non-contributory pension scheme was replaced by the current supplementary benefit scheme in 1971. Although the Law was updated, the changes made were essentially cosmetic and the system which exists today is fundamentally built on the same foundations as the scheme which existed in 1955.
32. The primary objective of the supplementary benefit scheme is to ensure that, within the categories of persons covered by the Law, a person's income, no matter how it is made up, does not fall below minimum levels ('requirement rates') decided by the States each year.
33. The Social Security Department is currently paying supplementary benefit to 2,288 low-income households. Of these, 1,569 (68%) are renting accommodation from the Housing Department, the Guernsey Housing Association or from private landlords. Of the 1,569 rents, 643 (42%) are in the private sector and 723 (58%) in social housing.

34. The amount of supplementary benefit that a person can receive is determined by 'requirement rates' which in turn are based on household size and the age and number of dependent children within the household.
35. Supplementary benefit is designed as a subsistence benefit. It serves to provide low income households with enough money to meet only essential needs. The States, on recommendation from the Social Security Department, agrees annually the requirement rates. The way in which the supplementary benefit system operates means that the requirement rates, although not promoted as such, are the closest that the Island has to a set of minimum income standards. But as will be referred to in detail below, the adequacy of those requirement rates has not been objectively assessed for decades.
36. Having calculated the supplementary benefit claimant's requirement rate, the Social Security Department adds a rent allowance (or, in the case of homeowners, an allowance linked to mortgage interest payments). This allowance is usually the same as the rent being charged, but can be reduced if the Administrator – having regard to the nature of the accommodation and the circumstances of the claimant – considers the rent excessive.
37. The relevant requirement rate, plus a rent allowance, equals the amount of income that a claimant is said to need.
38. The supplementary benefit calculation is made up as follows:-

Requirement rate	(Claimant's personal rate, plus rates for any dependent adults or children, plus rent allowance)
Less income	(from earnings, other benefits, maintenance etc)
=	Weekly supplementary benefit need

39. In theory the claimant should be paid an amount of supplementary benefit that, when added to their existing household income, meets their overall need. But because the maximum amount of supplementary benefit payable is in certain circumstances capped by the benefit limitation, this is not always the case.

The benefit limitation

40. The benefit limitation generally ensures that no-one in receipt of supplementary benefit has a combined household income in excess of that limitation. The 2011 benefit limitation is £405 per week and applies to all household sizes and tenures. In other words, even if the supplementary benefit requirement rates indicate that a household needs more than £405 per week to live on – which will often be the case if the household includes several children, or teenage children – benefit is only paid up to this maximum. This leaves some of the poorest islanders living below subsistence level.

41. In recognition of the fact that, as a result of the benefit limitation, a number of claimants are being paid less – in some cases considerably less - than they require, the Social Security Department has over the years introduced certain rules that serve to soften the benefit limitation's effects. When calculating household income certain types of income are ignored or partially disregarded. For example, family allowance can be disregarded if a claimant's requirement rate exceeds the benefit limitation. This has the effect of making family allowance payable in addition to the maximum supplementary benefit payable. (But if a claimant's requirement rate is less than the benefit limitation, family allowance is taken into account as a resource and supplementary benefit is reduced accordingly.)
42. The £24.67 winter fuel allowance is also payable over and above the benefit limitation, as is the £30 earnings disregard.
43. Set out below is an example of the effect of the benefit limitation on a couple with two dependent children living in private rented accommodation. The example assumes weekly earnings of £420 and a weekly rent of £250:-

Supplementary benefit calculation of need

Requirement rate for couple		£223.16
Requirement rate for child (aged 15)		£62.79
Requirement rate for child (aged 12)		£62.79
Weekly rent		<u>£250.00</u>
Total requirement rate	=	£598.74
Less weekly earnings		
(after £30 earning disregard)		£390.00
family allowance		<u>£30.00</u>
		<u>£420.00</u>
Weekly Need	=	<u>£178.74</u>

Benefit limitation calculation

(Supplementary benefit together with income from all sources (apart from the earnings disregard and family allowance) must not exceed the benefit limitation of £405 per week)

Income from all sources:		
Earnings (net of disregard)		£390.00
Supplementary benefit		<u>£178.74</u>
		£568.74
Less benefit limitation	-	<u>£405.00</u>

Benefit limitation adjustment	=	£163.74
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Benefit payable

Weekly need	£178.74
Less Benefit Limitation adjustment	<u>£163.74</u>

Actual supplementary benefit payable	£15.00 per week
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In this example, the effect of the benefit limitation is leaving the family with a weekly shortfall of £133.74 less than their need (when compared to their gross income).

History of benefit limitation

44. The benefit limitation in its current form was introduced in 1969 as part of a package of amendments to the 1955 Non-Contributory Pension (Guernsey) Law that would go on to form the basis of the 1971 Supplementary Benefit Law.
45. Against a significant uplift in the requirement rates (reflecting a 94% rise in the adult greenhouse worker's wage between 1955 and 1969) the Non-Contributory Pension (Implementation) Ordinance was amended to provide (among other things):-

'...the non-contributory pension payable to a person...should not exceed the amount of the basic wage to which a greenhouse worker above the age of eighteen years is in any week entitled to receive by virtue of an agreement entered into by the Guernsey Growers' Association and the Guernsey Branch of the Transport And General Workers union.'

46. Keen to avoid the creation of a welfare system that discouraged individuals from looking for work, the States of that time agreed to link the benefit limitation figure to a low-paid adult's wage, ensuring that the welfare system did not pay people better than Guernsey's *de facto* minimum wage.
47. In 1978 the Social Security Authority amended what had become the Supplementary Benefit (Implementation) Ordinance so that instead of making reference to a greenhouse worker's current basic wage the benefit limitation was expressed as an actual figure.
48. After the benefit limitation was separated from the adult greenhouse worker in 1978 it tended to be increased annually in line with the supplementary benefit requirement rates, which in turn were influenced by the RPI-led increases to contributory benefits. Earnings levels ceased to be the prime determinant. Over the years, then, the benefit limitation has drifted apart from the wages paid to employees in the Island's lower-paid industries.

49. The adequacy of the benefit limitation has been considered by the Social Security Department on several occasions.
50. In 2002, with the approval of the States, the Department increased the benefit limitation by 20%, taking it from £208 to £250. The above RPI increase was recommended as the Department felt that too many low income households were not getting the help they needed.
51. The issue was last considered by the Department in 2007, when the States – upon the Department’s recommendation - agreed an 18% increase in the overall benefit limitation, lifting it from £297 to £350 per week. Again, the increased benefit limitations was set with reference to real life supplementary benefit cases where benefit being paid was significantly less than claimants needed. However, the gains made have continued to be eroded by increasing living expenses.
52. While the benefit limitation is effective in controlling benefit expenditure it is seen by many as a punitive measure, generally penalising children and larger families, particularly those living in the private rental sector.

Supplementary benefit – the facts

53. Earlier in this report, it was stated that there were number of false assumptions about benefit claimants. It is important that consideration of any proposals to change the parameters of the supplementary benefit scheme must be based on the facts.
54. The 2288 people claiming supplementary benefit as at May 2011 can be broadly categorised as follows:
 - 721 Pensioners (31.5%)
 - 544 People incapable of work due to illness/incapacity (24%)
 - 416 Single parents (18%)
 - 332 Jobseekers or low earners (14.5%)
 - 208 Disabled people (9%)
 - 50 People incapable of self-support (2.2%)
 - 17 Carers (0.8%)
55. From the above, it can be seen how wrong it is to conflate supplementary benefit claims with worklessness. It is only when someone is signed off sick that the payment of benefit is conditional upon the claimant not working. In every other case, work is permitted and in most cases actively encouraged. Of the above 2,288 claimants, 352 are earning on a part-time or full-time basis. However, old age, disability and obligations of care towards dependent children under 12 often make it difficult to secure work.
56. As the name suggests, supplementary benefit is paid on top of existing income, so that claimants have what the States considers is the bare minimum to live on.

Supplementary benefit claimants can receive between £1.00 and £405.00 a week depending on their circumstances. Indeed, it is entirely possible for a supplementary benefit claimant to be working full-time – and maximising his earning potential – and still need a weekly top-up.

Rent Rebate scheme

57. The Housing Department manages 1671 units of social housing, from bedsits to bungalows, maisonettes to terraced houses. Attached to each of these units is one of a range of standard weekly rents, reflecting the wide variety of accommodation. These rents are reviewed annually and varied according to an objective formula approved by the States, most recently in 2009 (Billet d'Etat XXVII of 2009).
58. If a tenant cannot afford to pay the standard weekly rent they can instead pay a rebated rent equivalent to between 14% and 25% of their household income; the less well off the tenant, the lower the percentage. A rent rebate is therefore a means-tested benefit like supplementary benefit – except that rather than pay money to tenants and take it back again as rent, the Housing Department simply reduces the rental charge. The value of the rent rebate is the amount by which the standard weekly rent has been reduced.
59. The Department introduced the Rent Rebate Scheme in 1972 in recognition of the fact that some of its tenants, being among the poorest members of the community, were not always able to afford even subsidised rents. Then as now, the Rent Rebate Scheme ensured that no States' tenant was required to pay rent higher than he could reasonably afford. The Scheme was revamped in 2005 but the basic principle remained unchanged.
60. Both Housing Department tenants and tenants nominated to the Guernsey Housing Association (GHA) can apply for a rebate; but the scheme does not extend to the private rented sector or to non-nominated GHA tenants.
61. Of the 1600 tenants in social rented housing managed by the Housing Department accommodation, 1418 (88.6%) are claiming a rent rebate. An additional 192 (97%) of the Guernsey Housing Association's nominated tenants are in receipt of a rent rebate. In terms of their main source of household income, 554 tenants (35%) are working, 543 (34%) are in receipt of supplementary benefit and 494 (31%) are in receipt of an old age pension; however it is possible – and commonplace – for a tenant who is working to claim a supplementary benefit top-up.

Supplementary benefit and rent rebates compared

62. A rent rebate is a means tested benefit, as is supplementary benefit.
63. Supplementary benefit is a cash benefit designed to help individuals pay essential day-to-day living expenses and their housing costs (within the confines of the

benefit limitation), while a rent rebate is a non-cash benefit designed to ensure that after paying their rent, social housing tenants have enough money to meet all other reasonable expenses. Both ‘benefits’, therefore, have the same aim - to ensure individuals have enough money to live on – but they achieve it in radically different ways

64. For example, it is important to note that there is no equivalent of the benefit limitation within the rent rebate scheme. Tenants will continue to receive a rent rebate until their income is high enough for them to afford the standard weekly rent. This is dependent on each household’s circumstances and will differ for every tenant.

Inequality for people in similar circumstances

65. At the heart of the rent rebate scheme are two assessment tariffs linked to household composition:-

Tariff A applies to single tenants, i.e. tenants who do not have any dependants living with them

Tariff B applies to everybody else, i.e. couples, single parents with dependent children, and families with dependent children.

66. The tariffs transform a tenant’s gross household income into a rebated rent figure. Within each of the two tariffs there are a number of thresholds at which point the income-to-rent ratio changes and the tenant pays more pence per pound on rent.
67. As a tenant’s income increases, so does the percentage of his income that the tenant is expected to spend on rent. No tenant is expected to pay more than 25% of their income on rent each week, although in practice many tenants pay a much lower percentage.
68. In this respect, social housing tenants are significantly advantaged over tenants in the private rented sector who do not have this protection. Private tenants on a low income have no income safeguards or rent rebate scheme to protect against high rents; in the absence of a welfare system that guarantees them enough money to fund a socially acceptable minimum standard of living, they are at serious risk of poverty.
69. In addition to the protection against high rents offered exclusively to social housing tenants, social housing tenants also benefit from a well maintained home - something which not all private tenants enjoy.

70. These points are illustrated by the following two examples:-

Couple A have two dependent children aged 12 and 15. They live in the private rented sector in a 3 bedroom house for which they pay £250.00 per week.

According to the supplementary benefit requirement rates, Couple A need a minimum of £598.74 per week to live on (£348.74 plus £250.00 rent).

Couple A have income of £450.00 per week (made up of £420.00 earnings and £30.00 family allowance). Although this is above the £405.00 supplementary benefit limitation, after applying the earnings disregard and removing the value of family allowance from the calculation (as per the 'softening' measures described in paragraph 41), they are entitled to a small 'top up' from supplementary benefit of £15.00 per week (see example in paragraph 43). This brings their total income from all sources to £465.00 a week.

After paying rent, this family of four is left with a weekly income of £215.00 – some £133.74 less than the States has determined is the minimum amount needed to meet essential and ongoing expenses. The benefit limitation ensures that the couple are not eligible to receive any further help from supplementary benefit. Furthermore, as Couple A live in the private sector they cannot apply for a rent rebate and so are likely to experience significant financial hardship.

Couple B have an identical family makeup and income as Couple A, but live in a 3 bedroom house which they rent from the Housing Department.

The Housing Department charges £216.84 for a three-bed semi-detached property, so if assessed by the Social Security Department (taking into account the full standard weekly rent) this couple would have a requirement rate of £565.58.

Couple B are entitled to claim a rent rebate. Due to the income protection built into the rent rebate scheme they will pay rent of £107.51 instead of £216.84: their rebate is worth £109.33 to them each week. This gives them an amended requirement rate of £456.25.

Like Couple A, Couple B have income of £450 per week (again, this is above the 2011 benefit limitation) and after applying the appropriate disregards this couple are also entitled to receive a small 'top up' from supplementary benefit of £15.00 per week

This brings their total weekly income to £465.00, against a weekly need of £456.25. Their needs are met in full, with the 'extra' £8.75 the result of the earnings disregard, which is in effect a bonus for working. After paying their rebated rent the family are left with a weekly income of £357.49.

71. Although they do not receive any additional supplementary benefit, Couple B, in social rented accommodation, are still significantly advantaged over Couple A living in private rental sector accommodation. After paying their rent, Couple B are left with £357.49 with which to meet day-to-day living expenses, compared to Couple A's £215.00. Even if Couple A were charged a private sector rent of £216.84 – the same as the standard weekly rent charged by the Housing Department, before rebate – they would still be £100.58 worse off than their social housing counterparts.
72. In other words, although their financial and household circumstances are identical, after paying their rent, Couple B are left with a much higher household income simply because they are accommodated by the Housing Department: this is manifestly unjust.

Couples A and B compared

Couple A (renting privately)		Couple B (in social housing)	
		Rent Rebate calculation	
		Standard weekly rent	£216.84
		Gross rebated rent	£107.51
		Value of the Rent Rebate	£109.33
Supplementary Benefit Calculation		Supplementary Benefit Calculation	
Weekly income		Weekly income	
• Earnings	£420.00	• Earnings	£420.00
• Family Allowance	£30.00	• Family Allowance	£30.00
• Supplementary Benefit top-up	£15.00	• Supplementary Benefit top-up	£15.00
Total weekly income	£465.00	Total weekly income	£465.00
Private sector rent	£250.00	<u>Rebated</u> rent	£107.51
Weekly income after paying rent	£215.00	Weekly income after paying rent	£357.49
Weekly shortfall (according to SPB requirement rates)	£133.74	Weekly extra (according to SPB requirement rates)	£8.75

73. As the above examples illustrate, private tenants supported by supplementary benefit are left with much less money than social housing tenants with the same

family and earnings profiles. In the Social Security Department's experience, families like Couple A can only make ends meet by moving into cheaper (and therefore usually poorer-quality) accommodation; by not paying their rent; or by going without life's essentials. Supplementary benefit claimants living in social housing, however, will rarely find themselves having to make these choices.

74. As of 26 March 2011, 69 low income families are being paid less benefit than they need as a result of the effects of the benefit limitation; however it is not possible to say how many Islanders who are currently not entitled to receive supplementary benefit because their income is marginally higher than the benefit limitation, are struggling to support themselves on a low income.
75. Furthermore, many people who claim a rent allowance under supplementary benefit are often put in that situation by a sudden change in circumstances, which (particularly in the case of illness or loss of employment) is often temporary, i.e. they are adequately housed and would not require social housing unless their circumstances persisted. However, for the period of their incapacity or unemployment, they are suddenly financially disadvantaged, with income below subsistence level – even more so when it is considered that a social housing tenant experiencing a similar temporary drop in income would have their rent reduced for that period, i.e. be granted a higher rebate.
76. Moreover, some supplementary benefit claimants may have been accepted onto the social housing waiting list already but are waiting until a suitable property becomes available before they are housed. Given that the demand for social housing continues to outstrip supply, prospective tenants are often waiting several months, or in extreme cases years, to be housed. During this time, the only rent support available to them is that provided by the Social Security Department, even though their financial and family circumstances are identical to households already in social housing. In comparative terms, they are worse off. Again, the difference in treatment based on where people are accommodated is manifestly unjust.

Supplementary benefit and rent rebates compared: some conclusions

77. In summary, the above has demonstrated that there is a gap between the two schemes in terms of the financial assistance on offer. The rebate scheme *may* be too generous in terms of meeting housing costs, and the supplementary benefit scheme *may* be too mean due to the existence of the benefit limitation and the perceived inadequacy of the requirement rates. But the Social Security and Housing Departments contend that this is not about adjusting one scheme to better reflect the other; this is about replacing both schemes with a system of income support that is based on minimum income standards that have been arrived at objectively (see paragraphs 99 to 121 below).
78. Furthermore, although this report has shown how the rent rebate scheme advantages social housing tenants over their counterparts in the private rented

sector in terms of financial assistance on offer, it is important to remember that the vast majority of social housing tenants remain on a low income; it is only within the particular context of this report that social housing tenants can broadly be described as better off. In support of this statement it should be noted that in order to qualify for social housing an applicant has to have a household income of less than £361, £565 or £785 a week, depending on the size of their family.

Rationalisation of means testing: further reasons for reform

79. As noted above, both rent rebates and supplementary benefit are means tested benefits. However, approximately 700 supplementary benefit claimants (32% of all claimants) are also social housing tenants. These tenants are awarded a rent allowance based on the rebated rent figure calculated by the Housing Department. That rebated rent figure is, in turn, dictated by the requirement rates set by the Social Security Department.
80. Therefore, an added reason for reform is that it does not make sense for two States Departments to administer overlapping means tested schemes, as occurs with rebated rents for social housing tenants and the payment of allowances for rent within supplementary benefit claims.
81. Ultimately, the aim of both Departments would be to adopt a single means tested assessment for the payment of rent and associated housing costs. This would ensure consistency and provide equal financial support for all low income households.
82. But there are number of impediments to achieving this that need to be resolved. These result from the two schemes having similar objectives but different criteria and means of achieving them.

Similar objectives, different schemes

83. As noted above, the amount of supplementary benefit that a person can receive is determined by 'requirement rates', as agreed by the States on an annual basis. The requirement rates are intended to reflect the minimum amount needed to live on for particular household formations.
84. By capping supplementary benefit through the benefit limitation, the States are either stating that the poorest in society do not need more than that amount to live on, regardless of their circumstances; or they are saying that those people who are capped do need more, but are content to give them less than they need if it protects the welfare system from a perceived threat of 'exploitation' (a threat which may or may not have any objective basis).
85. The benefit limitation creates an unfair system, in which larger families are particularly affected. Claimants who are living in the private rented sector are much more likely to feel the impact of the benefit limitation than those living in

social housing, because the rent rebate scheme reduces the rent payable to an affordable level. In the absence of a rent rebate in the private sector, or the removal of the benefit limitation, some families living in the private sector are thus left with insufficient income to meet their daily needs.

86. The existing requirement rates and benefit limitation mean that claimants have differing amounts of benefit which can potentially be put towards rent. Depending on their individual situations the balance 'left over' for rent will vary, although in practice many households will choose to pay their rent and secure their accommodation first - by doing so compromising their ability to meet their basic needs. Some examples have been set out in the table below:-

Claimant type	Column A Current benefit limitation	Column B Requirement rate (without rent)	Column C (A minus B) Amount available for rent
Single parent household	-	-	-
Single parent with 2 children under 5	£405.00	£221.62	£183.38
Single parent with 1 dependent aged 16	£405.00	£255.92	£149.08
Single parent with 3 children aged 5, 7 & 12	£405.00	£308.21	£96.79
Couple household	-	-	-
Couple – no children	£405.00	£223.16	£181.84
Couple with 1 child aged 15	£405.00	£285.95	£119.05
Couple with 2 children aged 5 & 7	£405.00	£314.16	£90.84
Couple with 3 children aged 4, 6 & 12	£405.00	£365.05	£39.95

87. People with high requirement rates i.e. larger families, families with older children and people paying higher rents, are particularly affected by this system. If a household is unable to find suitable accommodation within these boundaries they will need to use some of their personal allowances, designed for day-to-day living, to contribute towards their rent.
88. Conscious of these issues, the Housing Department has set the rebate scheme's income thresholds and tariffs in such a way as to guarantee its tenants a certain

amount of disposable income, based on Housing's best judgement as to the level of income that is required to support a reasonable standard of living.

89. As a result, Housing Department tenants receive favourable treatment through the rent rebate scheme when compared with private-sector tenants with similar incomes.
90. At present, tenants receive a rent rebate reducing the actual rent payable to between 14% and 25% of their gross income, up to the standard weekly rent for the property. This means that no tenant will pay more than the standard weekly rent for their property even if they are assessed as financially capable of doing so. Therefore, they receive increased protection from high housing costs compared with their private sector counterparts.
91. The degree of protection offered by the Rent Rebate Scheme is even more evident bearing in mind the results of the 2006 Household Expenditure Survey, which showed that tenants in private rented accommodation spent 32.08% of their household income on rent. Therefore, generally, social housing tenants can expect to have a higher disposable income than the equivalent low income household in the private rental sector, which is likely to be paying higher rents. (Incidentally, the survey reported that owner occupiers spent 32.91% of household expenditure on housing costs.)

Reforming the two schemes

92. Removing the rent rebate scheme and reforming the supplementary benefit scheme to resolve this anomaly is by no means a simple matter.
93. The supplementary benefit scheme stops helping people when their income exceeds the £405 benefit limitation, whereas it is possible to be a Housing Department tenant with a family and a household income of £785 and still be entitled to a rent rebate.
94. If the Housing Department was to withdraw the rent rebate scheme tomorrow, each tenant would be charged the full standard weekly rent for their property. This would undoubtedly lead to an increase in the number of people claiming supplementary benefit, as some social housing tenants are only able to support themselves financially thanks to their rent rebate. This would put Housing Department tenants in the same position as tenants living in the private rental sector.
95. While their basic requirement rate would stay the same, Housing Department tenants who are already claiming supplementary benefit would see their overall weekly need increase in line with the jump in their standard weekly rents. Supplementary benefit could be paid up to this new weekly need or the benefit limitation, whichever is the lower.

96. Most of the social housing tenants who are already claiming supplementary benefit would be no worse off, because although their rent would be higher, it would be fully met by an increased supplementary benefit payment. But for others, particularly those with larger families, the current benefit limitation would immediately have an impact, preventing them from receiving the additional help needed to cover that part of their rent that is currently rebated.
97. In short, closing the rent rebate scheme down immediately would negatively affect some of the tenants who are already claiming supplementary benefit as well as tenants who are not currently claiming benefit but would have to do so if their rents were no longer rebated.
98. There will also be a third category of Housing Department tenants, being those who, by virtue of a relatively high income, are ineligible to apply for supplementary benefit. Although they will be able to pay their standard weekly rent in full, they will be worse off – in some cases considerably worse off – than they were while in receipt of a rent rebate. In fact, many would see their disposable income reduced to a level which is equal to low income tenants in the private sector. For example:-

Mr and Mrs D live in a 3 bedroom States house with a standard weekly rent of £237.52. They have three children aged 16, 14 and 11.

Theoretically, they have an overall SPB requirement rate (i.e. basic requirement rate plus rent allowance) of £670.47 and a household income of £702.53 per week.

They currently claim a rent rebate worth £38.67 which reduces their standard weekly rent from £237.52 to £198.85. However if the rebate scheme was to stop and they were required to pay the standard weekly rent in full, they would not be entitled to any supplementary benefit because their household income is some £297.00 in excess of the benefit limitation.

In other words, the Social Security Department would consider them to have £297.00 more a week than they need to meet basic day to day living expenses. At a stroke they would be £38.67 worse off a week.

Proposals to close the gap between the two schemes

Determining the adequacy of requirement rates

99. As will be clear from the foregoing, the two schemes presently operate from different positions on the social welfare landscape. Supplementary benefit is a subsistence benefit and the test of means that it applies, based on 'bare minimum' requirement rates, reflects that. The rent rebate scheme, on the other hand, takes as its starting point the idea that no tenant should be expected to spend more than

25% of their income on rent; it bases its rules on notions of reasonable standards of living.

100. Withdrawing the rent rebate scheme will require the 90% of States Housing tenants who currently claim a rebate to be responsible for paying their full standard weekly rent.
101. Removing the rent rebate and offering no more than the opportunity to claim supplementary benefit would impact significantly on the household budgets of some but not all social housing tenants. For the 494 tenants (31%) who are claiming an old age pension, for example, the supplementary benefit scheme will almost certainly meet their increased rent costs in full, leaving them no worse off. Tenants who cannot claim supplementary benefit because of a relatively high household income are likely to have committed their household income in the expectation of no great changes in their rebated rent.
102. Although social housing tenants are informed of the standard weekly rent charged on the property they occupy, many are likely to perceive their full rent to be their rebated rent, given that it is the amount which they actually pay every week. Therefore, they may not be fully aware of the value of the rebate they are receiving.
103. It follows that before introducing changes to the rent rebate scheme that have the potential to lead to substantial reductions in tenants' disposable income, both the Housing Department and the Social Security Department need more evidence as to the adequacy of supplementary benefit requirement rates. After all, the issue is not one of housing costs alone, but of the ability of any household in the Island to meet both housing costs and reasonable day-to-day living expenses.
104. As with this topic as a whole, the objective establishment of 'adequacy' is a complex subject. But it has been tackled with some success by social science researchers, using an accepted Minimum Income Study (MIS) methodology.
105. Although recognised as important by the Policy Council's Social Policy Group, an Island-wide survey of minimum income standards of the type needed to establish the adequacy of SPB requirement rates was not prioritised in the States Strategic Plan for funding in 2009.

Financing a Minimum Income Standard

106. The supplementary benefit requirement rates, decided by the States each year on recommendation from the Social Security Department, are not based on any evidence or measure as to their adequacy. Nor is it simply a matter of addressing the issue of housing costs for low income households. What can be perceived as 'rent-induced' poverty is just as likely to be caused by the inadequacy of the rates of benefit to meet household expenses.

107. The annual increases of requirement rates in recent years have matched RPI or more recently RPIX, but no more than that. The Social Security Department's policy on the uprating of contributory benefits under the Social Insurance Law, including pensions, is to match the mid-point of the earnings increase and the prices increase. The Social Security Department recognises that, in the long-term, unless benefit rates are increased in line with the increase in average earnings, people reliant on benefits will become increasingly poor relative to the general population.
108. The rent rebate scheme, in its current form, is about providing low income households with a rent that is low enough – affordable enough – to leave enough money for them to fund a reasonable standard of living. A supplementary benefit scheme that protected social housing tenants once the rent rebate scheme was closed down would need to be based on similar principles. More specifically, it would have to be based on a combination of requirement rates and maximum rent allowances that permitted all households, whether in living in social housing or not, to enjoy adequate standards of living. It would have to stop being a subsistence benefit and become an income support scheme based on properly-researched minimum income standards that sought to ensure that islanders enjoyed a socially-acceptable quality of life.
109. Acknowledging this, the Social Security Department is aware of the importance of ensuring that the level of supplementary benefit paid enables all people to achieve a reasonable standard of living. At the same time, the Department is conscious that benefit rates should not trap people in dependency. The reformed supplementary benefit scheme will, therefore, aim to provide increased employment opportunities for people, encourage those that can work to do so, and allow people on a low income to keep more of their earnings as an incentive towards financial independence.
110. Taking account of the above, both Departments are strongly of the view that a prerequisite to any changes to align the two schemes - and the reform of supplementary benefit in particular – is an objective review of the adequacy of requirement rates, i.e. the minimum level of income for someone to live on by establishing a Minimum Income Standard for Guernsey. This will provide evidence by which to assess the full impact on individuals of changes to the rent rebate scheme and inform the setting of requirement rates for a reformed supplementary benefit scheme.
111. Establishing a Minimum Income Standard clearly has a direct link to the Corporate Housing Programme. As well as leading to the discontinuation of the rent rebate scheme, it will help the Housing Department set income thresholds that determine eligibility for social housing.
112. Consequently, in the expectation that finding monies to fund such a study will be as problematic in 2011 as it was in 2009 and 2010, it is considered entirely

appropriate that monies from the Corporate Housing Programme Fund are used for this purpose. This has the support of the Treasury and Resources Department.

Indicative cost of establishing a Minimum Income Standard

113. In October 2008, the Policy Council agreed that a tender specification should be drawn up by the Social Policy Group in respect of Minimum Income Standards (MIS) research. Subject to the cost of such research, the Policy Council supported the Social Policy Group's recommendation that a report should go back to the States recommending the MIS study should be carried out instead of a repeat exercise of the Survey of Guernsey Living Standards.
114. This project was part of the third highest priority in the Social Policy Plan, as agreed by the States in July 2009. At that time, the tender specification had been developed. The tender process was about to commence and it was intended that a report would be laid before the States early in 2010 comparing a repeat of the Survey of Guernsey Living Standards with a MIS study.
115. In September 2008, an estimated price had been obtained for the repeat Survey of Guernsey Living Standards which was in the region of £140,000. On this basis, a bid of £150,000 was included in the 2009 States Strategic Plan for either the repeat survey or a MIS study. However, towards the end of July 2009 it became apparent that the Policy Council would not be able to recommend funding in 2010 for either the repeat Survey of Guernsey Living Standards or a MIS study, due to the number of bids coming forward compared with the funding potentially available.
116. As a result, the tender process did not go ahead and, in the 2010 States Strategic Plan debate, the States simply agreed to rescind its previous resolution to repeat the Survey of Guernsey Living Standards.
117. Since that time, for a variety of reasons, it has not been possible for the Social Policy Group to progress the MIS research, prompting a reconsideration of the option of employing external consultants to carry out the Study. However, the two Departments have looked into the MIS methodology and have concluded that rather than employing expert consultants to undertake a full MIS, the greater part of a MIS for Guernsey can be undertaken in-house using staff from the two Departments and from the Policy and Research Unit.
118. The Minimum Income Standard brings together two approaches to setting budget standards, the consensual negotiation of budgets by panels comprising members of the public and budgets based on research evidence and expert judgements. In developing a MIS, members of the public typically negotiate budgets and experts check these decisions and advise where they think there is a case for amending them. Detailed budget spreadsheets for different household types are used to calculate the MIS. The MIS budgets are based on detailed lists of what is required by different household types including; food, clothes, accommodation, utilities,

fuel, household goods, personal goods and service, transport and social and cultural activities.

119. The Policy and Research Unit would be able to re-price the majority of items for Guernsey using pre-defined detailed budget lists. But there would be some local variants on the contents of the 'shopping baskets', which would need to be determined by local focus groups.
120. It is intended that a UK MIS research student would manage the focus group consultations and provide assurance that the adapted methodology will provide credible outcomes on which to base future decision-making on benefit rates.
121. This approach will keep the costs of a MIS study to a minimum; but, nonetheless, there is expected to be some expenditure in using a suitably experienced research assistant to validate the findings. While the precise cost of the work is not known, it is estimated to be in the region of £30,000.

Transitional proposals

122. Before the rent rebate scheme is withdrawn and the supplementary benefit scheme has been reformed the Departments consider that there are some transitional measures that can be taken to 'close the gap' between the two schemes.
123. However, as noted above, reconciling the two schemes cannot be achieved overnight as the expected outcome is that there would be significant reductions in household income for – predominantly – tenants of the Housing Department. As a result, the two Departments propose a phased approach, whereby the impact on social housing tenants of the Supplementary Benefit Scheme replacing the Rent Rebate Scheme can be managed with due care and sensitivity.
124. The transitional measures being proposed are:-
 - i. replacing the supplementary benefit scheme's single benefit limitation with a range of maximum benefit rates based on a combination of maximum rent allowances and family profiles;
 - ii. implementing a phased withdrawal of the rent rebate scheme through adjustments to the rent rebate tariffs.

Replacing the overall Supplementary Benefit benefit limitation

125. The States, on recommendation from the Social Security Department, agrees annually the requirement rates. These rates are essentially minimum income standards intended to lift a household's income to the bare minimum and no more than that. At the same time it uses a tool - the benefit limitation - which for some claimants cuts through the computed total requirement rate of a family and so leaves the poorest islanders with less than subsistence-level financial support.

126. Replacing the benefit limitation with a series of maximum rent allowances would mean that this family would receive the weekly financial support they need and avoid them experiencing income-related poverty. This is provided that their housing costs were within the rent caps applicable to their household type (see paragraphs 131 to 142).
127. It should be noted that, even without increasing requirement rates, removing the benefit limitation would lead to an increase in supplementary benefit expenditure, as more people would gain access to the financial support they need. Although this will undoubtedly lead to extra cost for General Revenue, this move can be seen as an important and positive development in social provision.
128. For the majority of Islanders, financial independence is far preferable to claiming benefit. But some people who are working full-time in low paid jobs will still require supplementary benefit to top up their wages if they are to be able to support their family. Removing the benefit limitation would ensure that appropriate support is given to people who are working full-time but have relatively low earnings. Indeed, this would be entirely in line with the States' objective of maximising employment opportunities.
129. Replacing the overall benefit limitation would result in increased supplementary benefit expenditure, as more people gain access to the financial support they need. As it is impossible to predict how many new claims would be made as a result of the removal of the benefit limitation, the Social Security Department intends to phase out the overall supplementary benefit limitation alongside the Housing Department's phasing out of the rent rebate scheme (see paragraphs 143 to 147 below).
130. It has been customary for the States to approve annual increases in the benefit limitation of the same percentage uplift as applied to the general benefit rates, with occasional step increases in the benefit limitation. Such step increases have been approved by the States when it has been considered that the benefit limitation is impacting on too many claims. In its September 2011 benefit uprating report, the Social Security Department will be recommending an increase in the benefit limitation of above RPI, as a precursor to its eventual replacement.

Introduction of maximum rent allowances

131. In addition to replacing the overall benefit limitation, the Social Security Department is keen to change the manner in which it pays rent allowances and to introduce the concept of maximum rent allowances, appropriate to different family profiles. Without capped rent allowances there would, in theory, be no limit to the size of rent allowance that a supplementary benefit claimant could claim. This could lead to some families choosing to occupy oversized homes with very high rental values, and to some landlords applying unjustified increases in the rents they charge.

132. At the same time, the Housing Department is anxious that rent allowances paid by the Social Security Department are sufficient, as Islanders who can afford to live in the private sector are less likely to apply for social housing or partial ownership. For this reason the Housing Department considers it important to set maximum rent allowances at a level that will enable private landlords to make a reasonable but not exorbitant return, as it is far more expensive for the States to build and maintain new social housing than it is to ensure that the private rental sector is adequately recompensed for providing accommodation for Islanders on low incomes.
133. Nonetheless, both Departments agree that capping the rent element of supplementary benefit is an appropriate way forward, and offers a stepping stone towards the full integration of the rent rebate scheme within the supplementary benefit scheme.
134. It is proposed that a series of maximum rent allowances are applied according to various household compositions. This means that every claimant would receive the full amount of personal allowance that they need by way of the requirement rate, but the rent allowance element, which is paid on top of the personal allowance element, would be capped. Effectively, this replaces the inadequate one-size-fits-all benefit limitation with a range of benefit limitations linked to rental allowances, which are in turn linked to household composition.
135. The size of the household would determine which maximum rent allowance applies. For example a single person or couple would ordinarily only need one bedroom, and a couple with one child would require two bedrooms. Once the appropriate maximum rent allowance has been determined, the claimants would be able to apply for rent and accommodation costs up to this maximum value.
136. Importantly, the Administrator of the Social Security Department would still maintain the discretion to adjust the rent allowance payable having regard to the quality of the accommodation being provided and the wider availability of accommodation that is of an appropriate size for the household concerned. For example, it may be necessary to reduce the maximum rent allowance if the accommodation being occupied is below an acceptable standard, or to increase the maximum allowance if claimants who are older or have disabilities require larger accommodation.
137. The suggested tenancy groups are:-
 - Group 1 = Single adults
 - Group 2 = Couple with no dependent children
 - Group 3 = Adult (single or couple) with 1 dependent child
 - Group 4 = Adult (single or couple) with 2 dependent children
 - Group 5 = Adult (single or couple) with 3 dependent children
 - Group 6 = Adult (single or couple) with more than 3 dependent children
 - Group 7 = Adult in shared accommodation

138. It is envisaged that the value of the maximum rent allowances will be in some way linked to the Housing Department's standard weekly rents, which are almost always lower than rents charged in the private sector for properties of equivalent size and in a similar condition. These standard weekly rents could be taken as a base figure to which a percentage mark-up could be applied to take into account the profit element that private landlords would apply in their own calculations.
139. Whatever benchmark and calculation is used to determine the maximum rent allowances, they will need to be sufficient for people on a low income to find and occupy reasonable accommodation without needing to use their personal allowance. Substituting a range of maximum rent allowances for the benefit limitation will allow the States to retain control of benefit expenditure by limiting the expectations of both landlords and claimants regarding the amount of rent that can be paid.
140. An added bonus is that applying maximum rent allowances will make the benefit system more transparent. It will avoid the situation where claimants sign up to a tenancy agreement without knowing the full value of the rent allowance they may be entitled to, something that can leave them at risk of not being able to meet their agreed payments.
141. Further, rather than restricting people's ability to find suitable accommodation it is envisaged that the rent caps will give claimants more control over the accommodation they occupy. They will be able to 'shop around' if their accommodation is overpriced or substandard.
142. The fact that claimants in similar circumstances will be able to claim a rent allowance up to the same maximum value will ensure that everyone is able to enjoy similar housing standards. This increased fairness and consistency of treatment will avoid the situation where some people are able to live in an exceptionally high/low standard of accommodation because their relatively low requirement rate makes a larger rent allowance possible.

Phased withdrawal of the rent rebate scheme

143. The other transitional proposal relates to the tariffs in the rent rebate scheme.
144. If the rent rebate scheme was withdrawn, many social housing tenants would see a sudden and significant reduction in their disposable income, even if they were to claim a rent allowance from supplementary benefit.
145. For example, a tenant who currently claims a rent rebate worth £50 may find that, upon the discontinuation of the rent rebate scheme, they can claim a supplementary benefit top-up of £25, but they will still be short of the extra £25. Such a situation would not arise as a result of the Social Security Department having awarded a rent allowance less than the standard weekly rent, but because

the tenant's earnings are only £25 short of his personal allowance, as calculated with reference to requirement rates.

146. In an effort to ease the transition and more closely align the two schemes, it is proposed to phase-out the rent rebate scheme gradually over a number of years.
147. As noted earlier, at present, rebated tenants pay rent equivalent to between 14% and 25% of their income. The Housing Department proposes to increase these rebate tariffs over the next 5 years. This would result in social housing tenants receiving reduced rent rebates and paying more directly from their own resources.

Cost implications

148. The combined 2010 general revenue expenditure on the Supplementary Benefit Scheme and the Rent Rebate Scheme amounted to approximately £27m. Total supplementary benefit expenditure was just under £17m and the rent rebate scheme cost the Housing Department nearly £10m in rental income foregone. That shortfall in income was offset by an £8m allocation from the States upon the recommendation of the Treasury and Resources Department. That allocation, plus the rental income paid directly by tenants after the application of rebates, funds the entire Corporate Housing Programme. The Corporate Housing Programme includes, among other things, the management and maintenance of the social housing provided by the Housing Department, the capital grants paid to the Guernsey Housing Association to fund the developments of new social rental and partial ownership housing and the annual revenue grant to Action for Children in respect of the Guernsey Youth Housing Project.
149. The Departments expect there to be a net cost from the integration of the rent rebate scheme, resulting from an expected need to increase supplementary benefit entitlements in the direction of the higher level of assistance that exists in the rent rebate scheme. But the Departments will not be able to estimate the amount of the additional cost until they have the benefit of the outputs from the work on the minimum income survey. That work will inform opinion on the adequacy of the existing supplementary benefit requirement rates and rent allowances, the effect of the benefit limitation and the level at which both the rent rebate tariffs and the income thresholds (used to determine eligibility for social housing) are set.
150. Furthermore, while the integration of the rent rebate scheme, being the subject of this current report, is expected to involve additional expenditure, the subsequent proposals for work-incentivisation, which will be reported in December, should in time produce savings. The Departments, therefore, have decided that this Green Paper should not include unreliable estimates of additional costs. Instead, estimated costs will be contained in the December report, when they can be considered in the full context of the supplementary benefit review.

Conclusion

151. The existence of two means-tested schemes catering for overlapping populations of low-income families – social housing tenants and benefit claimants – has created a two-tier system of support which can, and often does, lead to families in social housing being materially better off than families of a similar profile who are living outside of social housing. This is unfair and cannot be allowed to continue.
152. The Social Security Department and the Housing Department are convinced that the rent rebate scheme should be phased out over a number of years and the supplementary benefit scheme expanded to accommodate a proportion of those tenants who will be worse off financially as a result of the loss of their rent rebate.
153. The provision of rent assistance is, however, only part of a much bigger picture. Guernsey needs a single income support scheme that provides adequate assistance to those in greatest need. It is impossible to create such a scheme without determining, via an evidence-based minimum income study, how much local households need to meet reasonable ongoing expenses. It will also be necessary to replace the supplementary benefit scheme's 'benefit limitation', which acts as an artificial cap and reduces benefit payable to households – usually larger families – so that they are left with less to live on than the States has determined is essential.
154. The results of the minimum income study will inform the scale and pace of reforms necessary to resolve the inequities described in this Report and to ensure that all low income families are treated fairly and consistently. The results will also enable the Social Security Department to provide in its December States Report more reliable estimates as to the potential net cost of an income support scheme that better meets the needs of low income families.

Recommendations

155. The States are recommended:-
 - i. to note the intention of the Social Security Department and Housing Department, with the assistance of the Policy Council's Policy and Research Unit and with limited assistance of an external organisation, to produce Minimum Income Standards applicable to Guernsey;
 - ii. to note the intention of the Social Security Department:
 - a. to replace the supplementary benefit scheme's single benefit limitation with a range of maximum benefit rates based on a combination of maximum rent allowances and family profiles;
 - b. to apply an above-RPI increase to the benefit limitation for 2012 (to be detailed in the September 2011 uprating report).

- iii. to note the intention of the Housing Department to apply changes in the application of the minimum and maximum tariffs on the rent rebate scheme as part of a phased withdrawal of the rent rebate scheme;
- iv. to note that detailed proposals to give effect to the foregoing, including the financial implications, will be brought to the States at the earliest opportunity.
- v. to note all of the above and, without prejudice to consideration of the transitional and final proposals, to direct the Social Security Department and the Housing Department to bring back to the States costed transitional and final proposals for debate before any actions are taken to phase out the rent rebate scheme or replace the supplementary benefit scheme's single benefit limitation with a range of maximum benefit rates.

Yours faithfully

M H Dorey
Minister
Social Security Department

D B Jones
Minister
Housing Department

(NB The Policy Council supports the proposals.)

(NB The Treasury and Resources Department welcomes the decision to complete a Minimum Income Standards survey in advance of making any detailed recommendations to changes in the supplementary benefit scheme and the intention of the Social Security Department to present these in the full context of the supplementary benefit review. However, the Department notes that the proposals suggested within this Report could have significant future cost implications to the States. These will need to be considered alongside competing requests for the limited funding available.

The Department would like to draw attention to the fact that any above inflationary increase in the benefit limitation for 2012 will affect the funds available to allocate to other States Departments and Committees to discharge their mandates and would like to see all funding decisions taken during the Budget debate in December rather than piecemeal.)

The States are asked to decide:-

V.- Whether, after consideration of the Report dated 11th May, 2011, of the Social Security Department and the Housing Department, they are of the opinion:-

1. To note the intention of the Social Security Department and Housing Department, with the assistance of the Policy Council's Policy and Research Unit and with limited assistance of an external organisation, to produce Minimum Income Standards applicable to Guernsey.
1. To note the intention of the Social Security Department:
 - a. to replace the supplementary benefit scheme's single benefit limitation with a range of maximum benefit rates based on a combination of maximum rent allowances and family profiles.
 - b. to apply an above-RPI increase to the benefit limitation for 2012 (to be detailed in the September 2011 uprating report).
3. To note the intention of the Housing Department to apply changes in the application of the minimum and maximum tariffs on the rent rebate scheme as part of a phased withdrawal of the rent rebate scheme.
4. To note that detailed proposals to give effect to the foregoing, including the financial implications, will be brought to the States at the earliest opportunity.
5. To note all of the above and, without prejudice to consideration of the transitional and final proposals, to direct the Social Security Department and the Housing Department to bring back to the States costed transitional and final proposals for debate before any actions are taken to phase out the rent rebate scheme or replace the supplementary benefit scheme's single benefit limitation with a range of maximum benefit rates.

PUBLIC SERVICES DEPARTMENT**GUERNSEY AIRPORT - PAVEMENTS REHABILITATION PROJECT**

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

10 May 2011

Dear Sir

1. Executive Summary

- 1.1. The purpose of this report is to seek the States' approval of a capital vote of £80,400,000 for the refurbishment of the Guernsey Airport Pavements and associated works, as approved by the States of Deliberation at its meeting held in September 2009. The report also seeks the States' approval to appoint Lagan Construction Ltd to undertake the main contract works at a tender sum of £54,976,553.

2. Background

- 2.1. At its meeting in September 2009, the States of Deliberation considered a report from the Public Services Department entitled "Guernsey Airport - Pavements Rehabilitation" (Billet D'Etat XXIV, 2009).
- 2.2. As a result the States agreed to proceed with essential works at Guernsey Airport. This involves works to the runway, taxiways, apron (aircraft parking area), lighting, drainage and importantly, improving safety at each end of the runway in order to comply with international (ICAO¹) aviation standards.
- 2.3. In reaching a decision the States was presented with a number of options. The decision was made to approve Option C. This was broadly similar to a number of the other options but varied in respect of the runway end safety areas (RESAs).

¹ ICAO - International Civil Aviation Organisation

- 2.4. A RESA² is defined by the Civil Aviation Authority (in CAP 168) as “an area symmetrical about the extended runway centreline and adjacent to the end of the strip primarily intended to reduce the risk of damage to an aeroplane undershooting or overrunning the runway”.
- 2.5. As a reminder, the States of Deliberation previously noted that the UK Civil Aviation Authority (CAA) guidelines on aerodrome safety recommend that airports should provide at least 240 metres of safety area at the start and end of the runway strip³. If an airport cannot provide 240 metres of safety area it will in many circumstances be allowed to operate with a shorter safety area where it is not feasible to provide the full RESA and, additionally, if it can present a sufficiently robust case, based upon risk assessment, showing why a RESA shorter than 240 metres is acceptable.
- 2.6. The design of Option C includes the provision of 240 metres at the western end (albeit ‘clipped’) and 198 metres at the eastern end. The lower distance at the east is acceptable to the regulators based on the facts that the worst weather conditions tend to be when there are south west or westerly winds, and that the overshoot incidents which have been experienced have occurred at the western end. In addition, 120 metres of the 198 metre RESA at the east end would consist of a paved runway surface which has a significantly improved braking efficiency for overrunning aircraft when compared to grass.
- 2.7. In any situation where less than the recommended minimum of 240 metres is provided, the Bailiwick’s Director of Civil Aviation, working in liaison with the CAA, will review the situation with the Airport each year as part of the annual audit process.
- 2.8. When the States decided that Option C was the most appropriate, the key determining factors included that:
- it was the lowest cost of those options provided which were known to be acceptable to the CAA;
 - it fixed the western end of the runway and precluded further development or extension to the west;
 - it incorporated grass RESAs which remain the internationally preferred option.

² **Runway End Safety Area (RESA)** defined by the Civil Aviation Authority as “an area symmetrical about the extended runway centreline and adjacent to the end of the strip primarily intended to reduce the risk of damage to an aeroplane undershooting or overrunning the runway”

³ **Runway Strip** – a defined area including the runway (and stopway if provided) intended to reduce the risk of damage to aircraft running off a runway and to protect aircraft flying over it during take-off or landing operations

- 2.9. Option C required the States to acquire agricultural land to the western end of the current airfield boundary in order to create the grassed safety stopping area, or RESA, and also to incorporate essential safety infrastructure including navigational lights.
- 2.10. After the States debate in 2009 and the approval of Option C, the Public Services Department, in conjunction with the Treasury and Resources Department, sought to acquire all the necessary land at the western end.
- 2.11. At its February 2011 meeting, the States of Deliberation agreed to the compulsory purchase of one field situated at the western end of the existing airport boundary in order that the RESA extension required at the western end could be completed in accordance with the Option C design. At that same States meeting, the States of Deliberation also approved the closure of La Mare Road and the preparation of appropriate legislation to affect that closure.

3. Business Case

3.1. Project Rationale and Brief

- 3.1.1. The airport runway is an essential and highly strategic part of the island's infrastructure. Its efficient operation is key to many aspects of island life and its direct contribution to the local economy has been assessed as being a minimum of £31m per annum⁴.

3.2. Runway Condition

- 3.2.1. The airport runway was last resurfaced in 1974. It has been subject to friction retreatment on two separate occasions. During this time the condition of the pavement has, through routine use, deteriorated and this is now reflected in a reducing pavement classification number (PCN) and an increasing level of maintenance to maintain an acceptable surface.
- 3.2.2. The impacts of deterioration over time have also been realised in other paved areas, including the aprons (parking areas for aircraft) and taxiways (routes between the aprons and runways).

⁴ York Aviation Report of June 2009 (para 2.25) assessed that in 2008, Guernsey Airport generated £31.2m of income in Guernsey through direct, indirect and induced employment and operations.

- 3.2.3. The deterioration of the runway and associated airfield surfaces has reached a critical stage and the amount and cost of work required to patch and maintain these surfaces is increasing exponentially. This patching and maintaining is only addressing surface defects and not the ongoing deterioration of the structural strength of the pavement. This deterioration of the pavement has the potential to increase the stresses on the underlying ground and also allow water to get to the sub-grade⁵. Failure to act increases the risk that there could be a complete failure of a section of the runway sub-grade, potentially necessitating closure of the airfield for an unknown period of time whilst complete reconstruction of the affected area takes place.

3.3. **Airfield Non-Compliances**

- 3.3.1. The airport currently has several historic non-compliances (i.e. areas of the airfield which do not meet the required standards set out by the regulatory authorities - ICAO and CAA). These areas need to be upgraded in order to satisfy the safety requirements of the local Director of Civil Aviation and the Civil Aviation Authority.
- 3.3.2. If the work is not carried out soon, the ongoing deterioration will lead to weight restrictions on the type of aircraft able to land, or the runway may be restricted in length. This would result in an immediate impact on either aircraft type, aircraft loads, or both, particularly in the event of any overrun incident.

3.4. **Airfield Ground Lighting**

- 3.4.1. There is a need to replace the airfield ground lighting (AGL) because the equipment has now reached the end of its useful life and is difficult to maintain due to a lack of spares caused by obsolescence. Checks on the electrical resistance values of the AGL circuits reveal the installation to be well below current acceptable standards.

3.5. **Pollution Control and Drainage**

- 3.5.1. Pollution control works, which form part of this project and are budgeted, are required in order to remove contaminated soil from the airfield and surrounding environment, and to ensure the Island's drinking water continues to meet the standards required by the Drinking Water Inspectorate.
- 3.5.2. The original plan was that some, if not all, of the existing surface water drainage runs would be lined and reused. However, a detailed CCTV camera survey of the existing drainage system has shown it to be heavily fractured and beyond economic repair. This necessitates replacement of the drainage runs which is complicated by the presence of pollution in the groundwater.

⁵ Sub-grade – the earth on which the pavement layers are founded

- 3.5.3. Investigations have shown that the existing drainage runs are acting as land drains when the groundwater levels are high, collecting both clean and contaminated groundwater. It is proposed therefore to retain the existing system as a contaminated groundwater collection system. This requires that the new drainage runs are independent of the old system and do not block existing pipes nor link with any of the drainage trenches.
- 3.5.4. Beyond this impact on the surface water drainage, the pollution control works are anticipated to include excavation of some of the more highly contaminated material, installation of interceptor drains, pipe runs, storage tanks and a water treatment system.
- 3.5.5. The Department is also undertaking pollution investigations at Alderney Airport.

3.6. **Capacity, Condition and Compliance**

Capacity

- 3.6.1. The overarching driver for the project is to prevent restrictions being imposed on the types of aircraft which use Guernsey Airport, as a result of either (or both):
- the ongoing deterioration of the existing runway, or
 - any future overrun incident which could cause runway distances to be reduced pending the extension and improvement of the runway end safety areas.
- 3.6.2. This uncertainty is already directly affecting the types and loading of planes which could otherwise be used to run services to and from the Island now and in the future.

Condition

- 3.6.3. The deterioration also has a longer term risk associated with it, in that as the structural capacity of the pavement and its sub-grade reduces, there is less spread of wheel loads, and the pressures on the underlying soil are locally increased. A further effect of the deterioration of the pavement is an increase in permeability, with a particular risk that water might penetrate through cracks directly to the underlying soil. These, either separately or in combination, will lead to a deterioration of the sub-grade which in time would necessitate complete reconstruction of some parts of the runway pavement rather than the present scheme of strengthening with an overlay.
- 3.6.4. To protect the runway, apron and taxiways the airport is incurring increased maintenance costs particularly in relation to repairs to the runway surface (potholes) and from sealing cracks to try to ensure rainwater runs off the runway rather than down through it.

- 3.6.5. The condition of the runway has further deteriorated following the severe winters of 2009/2010 and 2010/11, which caused frost damage when retained moisture froze and thawed. Should the project suffer any further delays there will be a need for further remedial works for which provision has been made in the project contingency allowances.
- 3.6.6. The majority of the aircraft aprons are of approximately 1950s vintage and are now deteriorating significantly and require urgent replacement. The mechanisms at work are similar to those described in 3.6.3 above, ultimately leading to sub-grade failure.
- 3.6.7. A major maintenance programme is required for apron refurbishment this summer.

Compliance

- 3.6.8. A requirement of the CAA is that, when major works are carried out on a runway, existing non-compliances should be addressed⁶. The current non-compliances at Guernsey Airport include:
- Runway profile and longitudinal slopes are too great, and transition curves are too short;
 - Runway End Safety Areas (RESAs) are short;
 - Uneven ground profile on either side of the runway;
 - Apron profile - slopes are generally too great.
- 3.6.9. The Taxiways and Aprons also suffer from similar problems to the runway in that their load classification is below what is required and they also have areas of non-compliance.

4. Programme

- 4.1. The programme for the construction of the project is given in outline below:

Scope of Works	Commencement	Completion
Further Archaeological Studies (West of La Mare Road)	Summer 2011	Autumn 2011
Pollution Control works – Phase 1	July 2011	February 2012
Pollution Control works – Phase 2	February 2012	April 2012
Runway Works	February 2012	June 2013
Apron Works	February 2012	August 2013
Taxiway Works	February 2012	September 2012
Construction Completion		November 2013
Hand over to full operation		July 2014

⁶ CAP 729 “Procedures for Changes to Aerodrome Infrastructure”, Chapter 1, Paragraph 3

- 4.2. Detailed programme information is contained within the Project Management and Construction Programmes.

5. Procurement

- 5.1. Following a comprehensive review of procurement options, the Project Board selected the NEC Conditions of Contract with activity schedule as the most appropriate contract for the works.
- 5.2. The Project Board also agreed a procurement strategy, in which firms for tender were selected following a pre-qualification stage questionnaire. Their tenders were evaluated on the basis of 60% for price, 40% for quality, and a value engineering process followed the appointment of the preferred contractor.
- 5.3. Following receipt and analysis of the pre-qualification questionnaires, tender documents were issued to four bidders on 23rd July 2010 and, following mid-tender interviews and a two week extension of the tender period, all four companies submitted tenders by the deadline of 29th October 2010. The four tenderers were:
- Bam Nuttall
 - Lagan Construction
 - Trant
 - Volker Fitzpatrick Ltd (VFL)
- 5.4. The tenderers submitted a commercial proposal (the cost submission) along with company information and contractor information (the quality submission).
- 5.5. During the tender evaluation process, interviews were held with two tenderers to assist with tender clarifications and understanding. A review of any potential cost savings submitted by the tenderers was carried out as part of the evaluation process.

Tender Evaluation - Quality

- 5.6. 40% of the total marks were available for the quality element of the bid. This examined those criteria other than the price. These factors included the experience of the bidder and its individual project team members and in particular their experience of undertaking significant airport projects similar to the Guernsey requirements. Other matters raised were the proposed methodology to be undertaken in carrying out the works and the potential cost savings that could be identified. All four of the tenderers submitted high quality bids, but two bids in particular stood out during the evaluation of these factors.

- 5.7. Between 1st November 2010 and 19th November 2010, four groups of people independently carried out the quality scoring process. These being:
- Guernsey Airport Management, including specialist Heads of Department;
 - States of Guernsey Project Team representatives, including staff from the Treasury and Resources and Public Services Departments;
 - RPS Design Team including Airfield Ground Lighting and Navigational Aid specialists;
 - TPS Client Project Team comprising the Client Project Manager, Assistant Project Manager, and airfield specialists.
- 5.8. Twenty-five subject areas were evaluated against the scoring criteria and weighting set out in the Invitation to Tender.
- 5.9. A representative from St James' Chambers attended the tender scoring meeting as moderator to ensure procedural and legal matters were correctly addressed and so did not score the tenderers.
- 5.10. A tender evaluation and moderation meeting took place on 23rd November 2010 at Guernsey Airport and was attended by the moderator and each group leader.
- 5.11. The tenders were scored for the quality element (as described above) and ranked as follows:
1. Bam Nuttall
 2. Lagan
 3. VFL
 4. Trant

Tender Evaluation - Cost

- 5.12. The tenderers' prices as submitted were scored in accordance with the Invitation to Tender (ITT) documentation. The tenders were ranked as follows on cost in descending order (lowest price first):
1. VFL
 2. Lagan
 3. Trant
 4. Bam Nuttall
- 5.13. The tender evaluation identified some non-compliances in the pricing and an adjustment was made to correct this, giving a revised order (lowest price first):
1. Lagan
 2. VFL
 3. Trant

4. Bam Nuttall

- 5.14. Overall the VFL and Lagan tenders were very close and below the pre-tender estimate (PTE) value. The Trant and BAM tenders were substantially higher than the PTE value.

Tender Evaluation - Combined Scores

- 5.15. In descending order, tenderers were ranked as follows for combined quality and cost:

- Lagan
- VFL
- Bam Nuttall
- Trant

- 5.16. The tender evaluation meeting concluded that, as there was a wide variation between the combined cost and quality element scores of the top two placed tenderers and the bottom two, there was no benefit to be gained in inviting the two lower scoring tenderers to interview.

- 5.17. Post-tender interviews were held with VFL and Lagan on 2nd December 2010. Questions covered potential non-compliance issues and clarifications. Overall, the client team was impressed by the performance of both tenderers at interview. Following the interviews, both VFL and Lagan were asked to provide some supplementary data to enable the cost evaluation to be concluded.

Summary of Post-Interview Scores

- 5.18. Following post-tender analysis the Lagan tender (at £57,462,709) was £1.4m lower than VFL, scored marginally higher on quality, and had a greater potential for innovation saving (£0.5m more than VFL).
- 5.19. Following consideration of the Client Project Manager's Tender Evaluation Report, the Project Board approved the appointment of Lagan to progress to the value engineering stage and to produce a Best and Final Offer (BAFO), with VFL being held in reserve and not actively participating.

Value Engineering Process

- 5.20. Between 6th January and 27th April 2011, Lagan worked with the Project Team on Value Engineering (VE) activities. At tender stage the company was invited to submit VE proposals for evaluation under the quality element of the evaluation. There were 32 proposals to consider including a requested option for runway surfacing material. Typically these related to areas where the tenderer considered that alternative construction methods or materials, or innovation, could generate a cost saving.
- 5.21. Each of the 32 items was reviewed against operational, design and business case parameters in order to establish those that warranted detailed evaluation, design and accurate costing. The process comprised working meetings to develop the concept; followed by design of an alternative solution and evaluation of the alternative design by Lagan. In some instances (e.g. re-phasing of the aircraft apron construction) this process has required two or more iterations. Following completion of evaluation, concept and design, Lagan has confirmed its cost savings against each developed item.
- 5.22. On Friday 27th April 2011, Lagan submitted a final cost for each item. This was in line with the Department's expectations.

Best and Final Offer

- 5.23. The Lagan Best and Final Offer (BAFO) is £54,976,553 which included the refinement to the RESA widths as recommended by Mott MacDonald⁷.
- 5.24. Following detailed tender analysis the Project Board recommended the Public Services Department to accept the tender submitted by Lagan Construction Limited. That proposal is endorsed by the Department.
- 5.25. The Public Services Department is in the process of undertaking a detailed independent financial check on the company and any award of contract will be subject to a satisfactory outcome to this check.

6. Approvals

6.1. Capital Prioritisation Gateways

⁷ In 2010 following the publication of a new CAA policy document on the use of Engineered Material Arrestor System (EMAS), Public Services requested the Treasury & Resources Department commission an independent review of the RESA options at Guernsey Airport. Engineering consultants Mott MacDonald were subsequently appointed to carry out that review, and its report was published after the tenders were received. It identified that the new RESAs at both the east and the west should be wider than proposed under the Option C scheme, to be more compliant with CAA recommendations.

- 6.1.1. In accordance with recommendations contained within Construction Codes of Practice, a Guernsey Gateway Review process has been undertaken on the project at critical stages in its lifecycle to provide assurance that it continues to have merit and can progress through its stages. The Gateway Review process has been undertaken by staff from States Property Services, Treasury and Resources Department.
- 6.1.2. The First Review – Business Justification, following on from a high-level business case. The review focuses on the project’s business justification. It also provides assurance to the Project Board that the proposed approach to meeting the business requirement has been appropriately and adequately researched and can be delivered in line with the original brief. This review was undertaken in January 2010 and was given an “amber” status, which meant that the project was able to progress to the next stage, subject to action being taken on the recommendations made by the Review Team.
- 6.1.3. The Second Review – Strategic Fit and Achievability, assesses the project’s viability, its potential for success and whether the project is ready to invite proposals or tenders from the market. This review assures the Project Board that the selected procurement approach is appropriate for the project. The Project Team and the Review Team must be satisfied that due consideration has been given to all the factors that affect value for money. This review was undertaken in June 2010 and was given an “amber” status.
- 6.1.4. The Third Review – Award Decision, comes after the return of tenders and the production of a comprehensive tender report. The intention of this review is to confirm that the recommended award decision is appropriate before the contract is placed with a contractor or partner. It provides assurances on the processes used to select a contractor (not the contractor selection decision itself). The review also assesses whether the process has been well managed; whether the business needs are being met; that both the client and the contractor can implement and manage the proposed solution; and that the necessary processes are in place to achieve a successful outcome after contract award (or equivalent). The project and review teams must be satisfied that due consideration has been given to all the factors that affect a successful outcome for the project. It is following this review that a project may be submitted to the States for approval of both funding and the final scheme developed. This review was undertaken in April 2011 and was given a “green” status.
- 6.2. **Planning Approval**
 - 6.2.1. The timing of project planning applications has been constrained by Guernsey legislation requiring that an application has to have the agreement of any landowner upon whose land the development will be undertaken. The last third-party consents were received by Guernsey Airport in late May 2011 following delays in reaching negotiated settlements with certain landowners.

- 6.2.2. Whilst all the land on which the Airport is sited and the land required for RESAs is owned by the Airport, there are small pockets of land which require third party consent at each end of the runway to allow for approach lighting to be installed.
- 6.2.3. These lighting arrays are essential elements needed to make the Airport fully operational in Category 1 conditions⁸ and as such the co-operation of landowners was sought. All were given the option to rent or sell the small areas required to the Airport, the Department's preference being to rent the areas through a wayleave.
- 6.2.4. To this end the planning application for the project is due to be submitted at the end of May 2011 and the approvals to appoint the Department's preferred contractor will be made, subject to the necessary planning permission being granted. It is anticipated that a planning determination will be made by the end of September 2011. The planning process will include liaison with other local agencies for necessary second-stage approvals, including building control regulations, environmental health requirements, etc.
- 6.2.5. The revised budget estimate at Appendix A to this report includes provision of £150k to fund environmental enhancements within the vicinity of the airport. The Project Board has recognised that the necessary safety improvements delivered as part of these proposals will have some impact on the immediate environment surrounding the airport and to this end is working through a number of options to undertake environmental enhancement of existing land. Options under consideration include additional hedgerows and /or other betterment schemes.

6.3. **Housing Department - Licences**

- 6.3.1. The Public Services Department has been liaising closely with the Housing Department throughout the planning of the scheme and is grateful for the advice it has received.

Consultants and Senior Site Staff

- 6.3.2. Discussions have included the short-term and temporary housing licence requirements for consultants and senior site staff working for the Department, through its contracted project managers, supervisors and contractor. Whilst the detail of these appointments is still under consideration, approximately 10 short-term housing licences are likely to be required for such staff during the project. To date only one such licence has been requested and granted, governing the temporary appointment of a client project manager, who will be based on island for the duration of the project.

Air Traffic Controllers

⁸ Category 1 operation – A precision instrument approach and landing with a decision height not lower than 200 ft (60 m) and with a runway visual range not less than 550 m (500 m for helicopters)

- 6.3.3. As part of the very necessary planning phase for safely continuing operations during construction activity on airfield, Guernsey Airport identified in early 2010 a requirement to temporarily increase its complement of Air Traffic Control Officers (ATCOs) to provide an additional service to aircraft during the duration of the works.
- 6.3.4. Provision for a 'Ground Movement Controller' (a separate function used generally at larger busier airports) provides an additional air traffic controller in the control tower who has specific responsibility to direct aircraft manoeuvring on the apron area and taxiways.
- 6.3.5. To provide this facility, the Housing Department considered and approved a request from the Public Services Department for an increase in the complement of Air Traffic Controllers through the granting of up to four 15-year housing licences as it is anticipated that the additional recruits will become permanent staff as and when existing ATCOs retire from service.
- 6.3.6. To date the Airport has only utilised two of those licences and currently considers that these will be sufficient. Delays in approval of the project have resulted in at least one additional residentially-qualified ATCO trainee now having completed his training and other ATCOs who had indicated that they would retire have elected to remain in post.
- 6.3.7. This increase in qualified ATCOs will be temporary and the intention is to reduce the overall ATCO levels to pre-development levels once the main project works are complete and this will be achieved through natural-wastage. As each new ATCO working in Guernsey takes on average 6-9 months to become validated to work solo, it was important that this safety-critical increase in staff was undertaken at an early stage and ahead of final project approval.

Contractor

- 6.3.8. The preferred contractor has also highlighted a requirement, peaking at 150, for skilled construction personnel to be relocated to the Island during the life of the project, many of whom are likely to be housed in temporary accommodation on land allocated as site compound areas in order to minimise the impact of the project on the Island's limited housing stock. Following the suspension of section 65 of the Housing (Control of Occupation) (Guernsey) Law, 1994, in respect of temporary accommodation constructed on States owned land for the purposes of housing such staff, all such personnel will require short-term housing licences and will, therefore, be subject to criminal record checks prior to the issue of any licence, but of course such checks would be mandatory in any event for personnel working 'airside' at the Airport. Discussions have already taken place between the Public Services Department, Housing Department and the preferred contractor to ensure that the correct licensing procedures will be followed, and to ensure the early vetting of staff coming to work in the Island on a temporary basis.

- 6.3.9. Other than those referred to above, it is not anticipated that there will be any further requirement for housing licences to facilitate this project.

6.4. **Aviation Safety Approvals**

- 6.4.1. Aviation specific regulations are defined by the International Civil Aviation Organisation (ICAO) and the UK Civil Aviation Authority (CAA). The Aviation (Bailiwick of Guernsey) Law, 2008 has adopted these regulations into local law. Within the States of Guernsey, these regulations are administered by Guernsey's Director of Civil Aviation (DCA). An aviation safety submission (CAP791) is required to be reviewed by the UK CAA before any construction works can commence. This submission will be countersigned by the DCA in Guernsey.
- 6.4.2. Part 1 of that submission has been lodged with the CAA and is under consideration. It cannot be fully completed and signed off until after the appointment of a main contractor as the submission is required to consider detailed method and construction statements that are compiled on appointment.
- 6.4.3. Both the CAA and the DCA have been fully consulted throughout the design and tendering process and are fully conversant with the scheme. The CAP791 approval process is therefore highly unlikely to raise any issues that have not already been considered and incorporated into the specification of works which formed part of the tender documentation during the consultation with the regulatory authorities.

7. **Budget**

- 7.1. As part of the Capital Prioritisation debate in June 2009 (Billet D'Etat IX, 2009) the States approved a Priority 1 allocation of £84.5m for the Guernsey Airport Pavements Project.
- 7.2. The budget for the works was noted by the States of Deliberation at its September 2009 meeting and was detailed in Billet D'Etat XXIV, 2009, at a cost of £80.9m.
- 7.3. In order that these proposals could be sufficiently designed and tendered the Public Services Department has needed to incur consultants' charges and fees since the initial project commenced in 2004. The budget for these professional fees approved to April 2011 is shown as line item 12 on Appendix A and totals £2.8m. An additional sum covering land acquisition to April 2011 is shown at line item 13 on Appendix A and totals £242k.
- 7.4. Whilst the structure of that sum has changed marginally as the scheme has been tendered, the overall budgetary sum now requested for approval has reduced to £80.4m. An analysis of the budgetary sums is provided at Appendix A.

- 7.5. The £80.4m includes a contingency provision for delays in starting the project, leading to the award of the contract being delayed and the resultant renegotiation of a tender or the invitation for new tenders. A major factor in the need for such a contingency is the project has attracted a number of objections and there are risks of legal challenges which could delay the commencement of works. It is not appropriate for the Department to comment on such legal issues as if these arise they will be matters for the Courts. It is however duty bound to point out that any resultant delay in commencement has the potential to lead to an escalation in project cost.
- 7.6. Given the overall financial significance of project contingencies the Department proposes to develop appropriate financial approval mechanisms with the Treasury and Resources Department to release contingency sums which are outside of its contractual requirements. These approval mechanisms will recognise both the contractual requirements for access to contingency sums in order to avoid project delay and risk of contractor's claims.
- 7.7. Both the Public Services and the Treasury & Resources Departments have a role in the successful delivery of the project with PSD procuring the necessary goods and services required in accordance with States Procurement rules and presenting these to T&R for approval for the effective execution and delivery of the project. Treasury and Resources Department will be responsible for considering and approving project expenditure provided it has been approved by the Project Board, that procurement procedure has been followed and that the approvals accord with proposals as set out in this States Report or are otherwise necessary for the delivery of the project. Given the nature of this project with its associated financial, contractual and reputational risks it will be critical that both Departments work closely, for which reason T&R will continue to be represented on the Project Board. Furthermore, in the unlikely event of a significant divergence of views between the Departments on an area of expenditure, either Department may refer the situation to the Policy Council for its guidance and direction.
- 7.8. Any significant variances over the original 2009 budget estimates are detailed in the footnotes accompanying Appendix A. The majority of these variances had been identified in the pre-tender estimates for the project.

8. Recommendations

The Public Services Department therefore recommends the States:

1. To approve the redevelopment of Guernsey Airport at a cost not exceeding £80,400,000 in accordance with resolution 1 on Article XI of Billet D'Etat XXIV of 2 October 2009 and defined as 'Option C', subject to Planning Permission for the scheme being granted in due course;
2. To approve the acceptance of the tender in the sum of £54,976,553 from Lagan Construction Ltd to undertake the main construction works associated with the

project, once the necessary planning consents for the project have been granted and subject to a satisfactory financial check;

3. To approve a capital vote of £63,045,551 charged to the Accounts of Guernsey Airport to fund the main construction works, construction contingency and professional fees and land purchases approved to the end of April 2011;
4. To authorise the Treasury and Resources Department to accept tenders and/or to authorise expenditure for the items identified in lines 15 to 22 in Appendix A to this Report and to approve an increase in the capital vote for the project to a maximum sum of £80.4 million in respect of these works.
5. To authorise the Treasury and Resources Department to transfer a maximum sum of £78.2 million from the Capital Reserve to Guernsey Airport in respect of this project.

Yours faithfully

B M Flouquet
Minister

APPENDIX A – PAVEMENTS PROJECT BUDGET OVERVIEW

Item	Description	September 2009 Budget £	May 2011 Final Estimate^a £
1	Runway	25,575,000	22,877,734
2	Taxiway	7,650,000	3,195,213
3	Apron	11,300,000	17,230,680
4	Drainage	8,550,000	4,770,583
5	Pollution Control ^b	4,000,000	1,320,281
6	Airfield Ground Lighting and Navigational Aids	4,500,000	5,523,062
7	Miscellaneous	400,000	59,000
8	Design Accuracy Contingency	2,479,000	Now in Risk Contingency
9	Building Inflation	4,951,000	Incl in Tender
10	Estimated Construction Cost	69,405,000	54,976,553^c
11	Construction Risk Contingency	6,941,000	5,036,389
12	Professional Fees – approved to end April 2011	Not Included	2,790,609
13	Land Purchase – approved to end April 2011	Included in 18 below	242,000
14	Sub-Total	76,346,000	63,045,551
15	Pre-Award Risk Contingency	Not Included	4,689,438 ^d
16	Professional Fees – from May 2011	1,800,000	5,209,200 ^e
17	Downtime due to Low Visibility	1,500,000	Now in Risk Contingency
18	Land Purchase - from May 2011 -Junction Improvements -Environmental Offsetting Project	500,000	208,000 100,000 150,000 ^f
19	Nose-In Push-Back Costs - Additional ATC staff - Bussing to Remote Stands	600,000 240,000	1,000,000 ^g 420,000 370,000 ^h
20	Pollution Control Enabling Works	Included under Pollution Control Above	2,157,811 ^b
21	Provision for Soil Treatment		3,000,000 ⁱ
22	Additional Electrical Services		50,000
23	Total Project Budget	80,986,000	80,400,000
24	Less Professional Fees - approved to May 2010 (funded from PHA)		(2,200,000)
25	Transfer from Capital Reserve	80,986,000	78,200,000

Footnotes to Appendix A

- a. The column headed 'May 2011 Final Budget Estimate' includes at line items 1-10 tendered sums provided by Lagan Construction Ltd. Its tender aggregated elements of the tendered work packages into different headings when compared to the original 2009 budget. E.g. elements of the 'Taxiway' refurbishment have been tendered and classed as 'Apron' refurbishment by Lagan in its submission as a significant element of the 'Alpha' Taxiway also forms part of the main Apron.
- b. A significant element of the proposed Pollution Control has been split away from the main contract works and will be undertaken as enabling works on another contract. A new Pollution Control cost has been entered at Item 20.
- c. This sum represents the value of the works proposed to be awarded to Lagan Construction Ltd – the tendered sum.
- d. This risk item has been introduced to provide for any delay in the project that may arise pre-award and provides for any increase in costs as a result of delay.
- e. Professional fees have been increased over original estimates based on a better understanding of the scale of the works as the detailed tender specification was produced. The pre-tender estimates established that additional resources would be required at all levels of the project as the complexity of the scheme became apparent. The increase of £3.5m in professional fees includes: increases in costs in pre-tender re-designs of the scheme and alternatives (+£250k); an increase in the level of supervision of construction works by the designer / project manager identified as the scheme was tendered (+£1.6m); appointment of an independent Client Project Manager (+£1.0m); establishment of a PSD Project Support Team (+£540k); additional support on Groundwater Plant (+£160k); and provision for roll out of a formal communications programme (+£300k). Where the resources are not already in place to deliver these support functions, the costs associated have been or will be competitively tendered and subject to separate approval processes involving the Department, the Project Board and Treasury and Resources Department.
- f. As part of the project mitigation, the Environmental Impact Assessment Report is undertaking to complete an environmental offsetting project at a cost not exceeding £150k. Options for this project are currently being considered by the Project Board.
- g. Provision for Nose-In Push-Back costs has been increased to £1m. This service will be capitalised during the refurbishment works as the revised aircraft parking arrangements are required as an absolute necessity to provide sufficient aircraft parking stands during the apron reconstruction. The service will be provided by

the two main ground handling operators at Guernsey Airport and will be funded from this contingency sum.

- h. Bussing passengers to remote stands will be required during the apron refurbishment in order that sufficient apron space can be allocated for reconstruction. These costs are more than covered by savings that will be realised by reducing the overall project duration – a fact represented in most budget items 1-7 and in the overall contract sum (item 10).
- i. It has been recognised that in dealing with historic contaminated soil there may be an opportunity in the immediate future to deal with the residue waste in a more permanent way – either through specialist disposal or export of the contaminated soil. Recognising this opportunity, a provision of £3m has been included in the project for undertaking a second phase of work either during or immediately after the contract works. Discussions with the Director of Environmental Health and Pollution Control are ongoing in this regard. The Department is also dealing with a similar issue at Alderney Airport.

(NB The Treasury and Resources Department has commented as follows.)

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

24 May 2011

Dear Chief Minister

**PUBLIC SERVICES DEPARTMENT – GUERNSEY AIRPORT – PAVEMENTS
REHABILITATION PROJECT**

The Treasury and Resources Department acknowledges the strategic importance of the Airport Pavements Rehabilitation Project and its value to the local economy.

This project has been the subject of several States debates dealing with the proposed scope of the works, including the length of the runway, regulatory issues and land acquisitions. A number of options have been considered and direction given by the States to inform the scope and scale of the project which has been tendered. The change in Civil Aviation Policy to permit EMAS was independently reviewed.

This project has been subject to the Gateway Review process which provides assurance to all stakeholders that the project continues to have merit and that it can be justified on a 'business needs' basis with an assessment of the likely costs, risks and potential for success compared to the original brief. The Gateway Review process has provided a mechanism to assess the project at key stages and generated recommendations which the Public Services Department has implemented resulting in some adjustment and reorganisation to the project structures. The final Gateway Review delivered a Green Status reflecting the considerable progress achieved whilst the project was in the development stage.

The project has been procured using a robust price / quality evaluation process with a value engineering exercise with the preferred supplier resulting in a further reduction in the contract price. The Treasury and Resources Department is pleased to note that the funding request is below the previous estimate and considers that the process followed has resulted in a value for money solution for the works proposed.

This project is large scale, extremely complex and the highest value capital vote considered by the States. The Public Services Department will undoubtedly face many challenges in managing this project both at a corporate governance and operation level and in controlling and monitoring expenditure. The Treasury and Resources Department intends to assist and support the Public Services Department in delivering a successful outcome to this project – on time, within budget and as per specification.

Therefore, by a majority, the Treasury and Resources Department supports this States Report.

Finally, the Department has updated the capital prioritisation funding model to include the revised cost and timing for the two projects (including this one) which require funding from the Capital Reserve and are contained in this Billet. As both projects are anticipated to require less funding from the Capital Reserve and commence slightly later than previously estimated, they can all be funded from the Capital Reserve and the cash flow projections do not anticipate a shortfall. However, it should be borne in mind that a number of the projects included in the capital programme are still at the early planning stage and final vote requests could be significantly different to the amounts previously estimated.

Yours sincerely

C N K Parkinson
Minister

(NB The Policy Council unanimously support the proposals.)

The States are asked to decide:-

VI.- Whether, after consideration of the Report dated 10th May, 2011, of the Public Services Department, they are of the opinion:-

1. To approve the redevelopment of Guernsey Airport at a cost not exceeding £80,400,000 in accordance with resolution 1 on Article XI of Billet D'Etat XXIV of 2 October 2009 and defined as 'Option C', subject to Planning Permission for the scheme being granted in due course.
2. To approve the acceptance of the tender in the sum of £54,976,553 from Lagan Construction Ltd to undertake the main construction works associated with the project, once the necessary planning consents for the project have been granted and subject to a satisfactory financial check.
3. To approve a capital vote of £63,045,551 charged to the Accounts of Guernsey Airport to fund the main construction works, construction contingency and professional fees and land purchases approved to the end of April 2011.
4. To authorise the Treasury and Resources Department to accept tenders and/or to authorise expenditure for the items identified in lines 15 to 22 in Appendix A to this Report and to approve an increase in the capital vote for the project to a maximum sum of £80.4 million in respect of these works.
5. To authorise the Treasury and Resources Department to transfer a maximum sum of £78.2 million from the Capital Reserve to Guernsey Airport in respect of this project.

COMMERCE AND EMPLOYMENT DEPARTMENT

THE REGULATION OF AVIATION SECURITY

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

17th May 2011

Dear Sir

1. Executive Summary

- 1.1. As Europe increasingly regulates for aviation security, replacing national rules with supranational ones, the Bailiwick's rules on aviation security are at risk of diverging from the UK's. If not resolved this divergence may introduce restrictions on the movement of passengers and cargo by air between the Channel Islands and the UK/EU. The Channel Islands therefore need to introduce a new aviation security regime to ensure continuing equivalence with EU and UK standards. This regime requires the implementation of recent new security standards as a priority, and the creation of the office of an independent aviation security regulator.
- 1.2. Significant progress has been made already in the development of the draft new regulations on aviation security for the Channel Islands in order to minimise the potential disruption to flights. However, to comply with international requirements both Guernsey and Jersey also need to create an independent aviation security regulator.
- 1.3. The States is asked to approve:
 - i. a collaborative approach with Jersey to allow both Bailiwicks to meet international obligations whilst minimising the regulatory burden in each jurisdiction, by sharing it. (This recommendation is expected to deliver a cost effective solution for the Bailiwick. However in the event that such an approach does not prove practical then a standalone Guernsey solution will be implemented);
 - ii. the creation of the function of aviation security regulation under the office of the Director of Civil Aviation; and,

- iii. the transfer of the responsibility for aviation security regulation from the Public Services Department to the Commerce and Employment Department.

2. Background

- 2.1. In 2008 the States approved the creation of a new Statutory official, the Director of Civil Aviation (DCA) under the Civil Aviation (Bailiwick of Guernsey), Law 2008. The establishment of the post was essential to enable the Bailiwick's airports to comply with mandatory international requirements for aviation safety. Jersey adopted a similar approach and created a similar body. However, during 2009 an opportunity arose for both Bailiwicks to share Guernsey's post-holder to perform the statutory position in both jurisdictions. The experience with this joint approach has proven to be both practical and successful and allowed Guernsey and Jersey to share the costs of the regulatory function.
- 2.2. Until end of April 2010, Guernsey and Alderney airports complied with the requirements of the UK National Aviation Security Programme set by the Public Services Department acting under the Aviation Security Act 1982 as extended to the Bailiwick of Guernsey by the Aviation Security (Guernsey) Order 1997. This enabled the Department to issue directions that mirrored those issued by the UK and so remain compliant with UK standards. On this basis the Islands' airports were treated by the UK as UK domestic airports in terms of security. To ensure compliance the airports were also subject to regular (normally three) annual audits by the Department for Transport Security and Contingency Directorate ('TRANSEC').
- 2.3. Guernsey Airport and TRANSEC have agreed an Aviation Security Memorandum of Understanding which sets out their respective obligations, including a commitment by Guernsey Airport to comply with the standards of the UK National Aviation Security Programme. Note, that Guernsey Airport provides the operational management for Alderney Airport; these arrangements will also apply to Alderney.

3. Recent Developments

- 3.1. On 29 April 2010 European Commission Regulation No 185/2010 came into force. This contains the implementing rules adopted under Article 4(2) of Regulation (EC) No 300/2008 of the European Parliament and of the Council. It details measures for the implementation of the common basic standards on aviation security for EU Member States. These standards are supplemented by "more stringent measures" as deemed necessary by individual Member States. The European Commission regulations on aviation security harmonise and replace European Member States' domestic regulation on aviation security. They do not apply directly in Guernsey.
- 3.2. Guernsey and Jersey have maintained close co-operation and working relations with the UK's TRANSEC in order to minimise the impact in the Channel

Islands of this legislative shift to European aviation security regulation in the UK.

- 3.3. It is now essential, in order to maintain the unhindered movement of passengers and cargo between the Channel Islands and UK/Europe, that the Bailiwicks' airports meet EU standards and are recognised as equivalent for aviation security purposes. It is important to note that such security measures are consistent with Guernsey's obligations under ICAO Annex 17 (SARPS) and the *Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference* (Doc 8973 – Restricted).
- 3.4. In order to achieve EU equivalent standards, and to continue to be treated as a UK 'domestic airport' domestic legislation must be prepared to implement in Guernsey and Jersey measures equivalent to EC 300/2008 (together with the associated 'detailed measures' Regulation – EC 185/2010) and the UK's Single Consolidated Direction, which represents the UK's "more stringent measures". This work is ongoing given the urgent nature of the matter and draft regulations have been prepared by Guernsey and Jersey, to be made under their respective Aviation Security Orders, which would implement identical regulatory regimes in each Bailiwick consistent with the EU and UK standards.
- 3.5. Further, in order to satisfy TRANSEC that the relevant standards are being met; an independent regulator of aviation security is required within both Bailiwicks with statutory powers to oversee and enforce implementation of the relevant measures.
- 3.6. TRANSEC has indicated that it would be prepared to provide advice to and conduct audits commissioned by an independent aviation security regulator, but would not be willing (nor would it have the powers or resources) to act as the independent security regulator in Jersey or Guernsey.
- 3.7. Further discussions will be required with DfT and the European Commission regarding the process for establishing formal recognition of equivalence for aviation security status.
- 3.8. The C&E Department has noted that the Isle of Man has already decided to proceed alone in the establishment of an aviation security regime consistent with the EU standards. Isle of Man has specific circumstances with regard to its geographical location and the existence of its own Aircraft Registry which favour this approach. Its solution includes extending the function of their DCA to include the aviation security aspects required under EC 300/2008.
- 3.9. Policy Council's External Relations Group (ERG) has indicated that it would be minded to collaborate with Jersey on the designation of a joint regulator of aviation security for each Bailiwick provided that would result in reduced costs for both jurisdictions.

4. Potential Impact of Non-compliance

4.1. The impact of non-compliance would be significant. The following list gives an indication of the inconvenience involved:

- Guernsey would lose "domestic status" as afforded under the UK National Aviation Security Plan;
- Flights (passengers and crew) would be treated as originating from an international destination;
- Guernsey would be categorised as being a third country by EU Member States;
- Arriving aircraft would not be placed on domestic piers at London Gatwick, for example. This may give rise to operational delays;
- International parking stands may require bussing with the possible extra operating costs involved ;
- Full segregation measures will be required to prevent mixing both arriving and departing Channel Island flights;
- Mandatory transfer screening for those continuing journey by air - or may be landed and required to check-in again;
- Issues for cargo and mail movements between the mainland and EC Member States - nothing would be sent on internally without mandatory rescreening which could result in extra charges being applicable;
- Implications for any liquids and gels purchased - these would be removed at transfer screening points; and
- Guernsey would be required to own and manage their Threat Level.

4.2. In addition there are likely to be political and economic impacts with effects on tourism and media.

4.3. From an airline operating perspective Guernsey acquiring "International status" would be very serious. The change in passenger taxes at UK airports alone would reduce Guernsey's competitiveness as a destination. By way of example, the increase in Passenger Service Charges at Gatwick would be around £3.86 per passenger. The York Aviation report "Update on the Implications of Airport Pricing" dated March 2011, comments on the economic impact this could have.

5. Guernsey and Jersey Discussions

5.1. Jersey has done some preparatory work on how this matter could be best handled. They initially proposed to create a role for a joint Aviation and Maritime Security Regulator. However, since then, they have agreed to pursue the 'least cost' option favoured by Guernsey to create a role purely for aviation security regulatory matters and with the costs shared equally between Guernsey and Jersey.

6. Options

- 6.1. The States has three options: a breakdown of the anticipated costs is provided in Annex 1. The options will have no general revenue implications as the costs are covered by passenger charges. Each option is considered in turn below.

a) **OPTION 1:** No change from current arrangements.

Guernsey would not be classified as a recognised third country outside the EU aviation security regime, and would no longer be recognised as a UK 'domestic airport'. As such it would risk increased security measures imposed on all civil aviation between Guernsey, the UK and Europe. This is likely to include additional passenger and cargo screening requirements and, potentially, withdrawal of services by operators which do not wish to bear the additional screening requirements/costs or become 'contaminated' by operating in territory outside the EU regime.

b) **OPTION 2:** Implementation of EU standards by Guernsey alone.

This would involve the establishment of an independent regulator for Guernsey and the introduction of Guernsey legislation equivalent to the EU standards. This would require Guernsey to introduce legislation implementing the equivalent standards required under EC 300//2008, find a suitable person for the post of independent security regulator and fund it.

Annex 1 provides a breakdown of the anticipated costs of the different options with an estimate of the additional charge required.

c) **OPTION 3:** Pan Channel Island Solution.

This would entail working with Jersey on the establishment of a joint independent regulator acting on behalf of both jurisdictions and the introduction of legislation which implements consistent standards throughout the Channel Islands.

Annex 1 provides a breakdown of the anticipated costs of the different options with an estimate of the additional charge required.

Option 3 is considered the most desirable if it can be done at an equal or lower cost than Option 2, since it achieves EU and UK standards and ensures continued 'domestic' status for Channel Islands airports; it also ensures consistency across the Channel Islands which offers a significant advantage for airline operators as well as bringing about efficiency savings by avoiding the duplication of effort in maintaining the required regulatory standard. It is anticipated that the increased cost will be met by a small increase in the Airport Passenger Charge levied by the Public Services Department.

The increase in States revenue expenditure in the order of £33,500 to £43,500 will be met by a transfer from Guernsey Airport made up of the existing budget it already allocates to pay for security audits and the proposed increase in the passenger charge to pay for the Aviation Security Regulator. Therefore, there is no effect on the States Fiscal and Economic Plan.

7. Implementation

7.1. The establishment of an independent civil aviation security regulator in the Channel Islands will require a number of actions.

7.2. This can be achieved by:

a) assigning to the Director of Civil Aviation responsibility for aviation security under the Civil Aviation (Bailiwick of Guernsey) Law, 2008. This can be done by States resolution,

and

b) transferring the function of creating aviation security orders under the Aviation Security (Guernsey) Order, 1997 from the Public Services Department to the Commerce and Employment Department. This can be done by Ordinance under the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991

7.3. The independent aviation security regulator would be accountable to the C&E Department, not the Public Services Department thus separating the political responsibility for running the airport including the conduct of operational security measures from the responsibility for regulating aviation security. This would avoid any conflict (perceived or actual) between the airport as service provider and the regulatory function. C&E is the most appropriate Ministerial department given that the proposal is to create the function, powers and duties of the security regulator within the office of the Director of Civil Aviation which is currently accountable to the C&E Department for the regulation of aviation safety.

7.4. TRANSEC has indicated they consider that the proposed arrangements would be acceptable.

7.5. As indicated above, the responsibility for aviation security can be assigned to the Director of Civil Aviation by States resolution under section 4(4) of the Civil Aviation (Bailiwick of Guernsey) Law, 2008. The Director of Civil Aviation will then be able to delegate this function to an appropriate person in accordance with his powers under the Law.

7.6. The Director of Civil Aviation has been consulted about this proposal and has no objection to it.

- 7.7. Another advantage of this arrangement would be that the person appointed to fulfil the security regulatory functions could also deputise for the DCA in his aviation safety function when required.

8. Proposal

- 8.1. It is therefore proposed that, in accordance with section 4(4) of the Aviation (Bailiwick of Guernsey) Law, 2008, the States resolve to assign to the Director of Civil Aviation the function of regulating aviation security within the Bailiwick, including, without limitation, responsibility for maintaining standards of aviation security equivalent to those in place in the UK and Europe, ensuring all relevant persons in the Bailiwick are appropriately audited for compliance with those standards, and enforcing those standards, as appropriate.
- 8.2. The skills and expertise required for this role are quite distinct and separate from the current Director of Civil Aviation post. It will therefore be necessary to appoint a suitably qualified individual to the position. Under this proposal Guernsey's Commerce and Employment Department will work with Jersey's Chief Minister's office to appoint an appropriately experienced officer, initially in a 'designate' capacity, to carry out the relevant duties in 'shadow' form (until the legislative changes can be made).
- 8.3. This will require a commercial agreement between Jersey's Chief Minister's office and the Director of Civil Aviation in accordance with his powers under the Civil Aviation (Bailiwick of Guernsey) Law, 2008 for the provision of such services to or by Guernsey in respect of aviation security regulation. If suitable terms are agreed, (there is a precedent with the current DCA role that demonstrate that joint working is both achievable and of benefit to both jurisdictions) then the establishment of an independent aviation security regulator 'designate' can be achieved at minimal net cost to Guernsey. However, if a joint solution cannot be found then Option 2 remains as the appropriate fall-back position.

9. Consultation

- 9.1. The legislative proposals have been the subject of Guernsey Law Officers' advice, in consultation with Jersey Law Officers. The Department has also consulted with the States of Alderney, the Director of Civil Aviation, Policy Council's External Relations Group, Public Services Department and the States of Jersey Chief Minister's Office. The locally based airlines, Aurigny, BlueIslands and Flybe were all consulted on the proposal and supported the recommended option.

10. Recommendations

- 10.1. The States are requested:

- a) To authorise the establishment of the post of Aviation Security Regulator and to recruit and select a suitable candidate for the post jointly with Jersey (under Option 3) or solely for the Bailiwick of Guernsey (under Option 2).
- b) In accordance with section 4(4) of the Aviation (Bailiwick of Guernsey) Law, 2008, to resolve to assign to the Director of Civil Aviation the function of:

“regulating aviation security within the Bailiwick, including, without limitation, responsibility for maintaining standards of aviation security equivalent to those in place in the UK and Europe, ensuring all relevant persons in the Bailiwick are appropriately audited for compliance with those standards, and enforcing those standards, as appropriate”

- c) to direct that an Ordinance be prepared under the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991 to transfer the functions of the Public Services Department under the Aviation Security (Guernsey) Order, 1997 to the Commerce and Employment Department.

Yours faithfully

C S McNulty Bauer
Minister

Annex 1 – Breakdown of Incremental Costs

Option 1 – No Change

The costs of not complying with the current EU and UK aviation security requirements in terms of reputational harm to Guernsey and potential disruption to the free movement of goods and people by air into the UK and Europe makes this option untenable. Paragraph 4 of the report provides some detail of the likely impact.

Option 2 – Implementation by Guernsey alone

	Assumption	Cost	Additional Costs p.a.
	Part-time position of Aviation Security regulator (25% FTE)	£25,000 - £35,000	£25,000 - £35,000 (subject to grading)
	Audit Costs - 1 p.a. (currently funded under PSD – Airport budget – not an additional cost)	£8,500	£8,500
	Premises/support (provided within C&E)	Free	£0
	TOTAL		£33,500 - £43,500

Option 3 – Joint Implementation with Jersey

	Assumption	Cost	Additional Costs p.a.
	Contracted cost for use of Aviation Security Regulator from Jersey	£25,000 - £35,000	£25,000 - £35,000 (subject to grading)
	Audit Costs - 1 p.a. (currently funded under PSD – Airport budget - not an additional cost)	£8,500	£8,500
	Premises/support (provided by C&E)	Free	£0
	TOTAL		£33,500 - £43,500

Incremental Impact on Passenger Charges

No. of Passengers p.a. : 900,000	
Charge per passenger: 4 pence	£36,000

Maximum charge per single journey = 4 pence

Annex 2¹**Legal Drafting Requirements****1. Need for Legislation**

Developments in aviation security arrangements in the UK and Europe mean that the Bailiwick's rules on aviation security are at risk of diverging from the UK's. If not resolved this divergence may introduce restrictions on the movement of passengers and cargo by air between the Channel Islands and the UK/EU. The Channel Islands need to introduce a new aviation security regime to ensure continuing equivalence with EU and UK standards. This regime requires the implementation of recent new security standards as a priority, and the creation of the office of an independent aviation security regulator.

2. Funding

A new part-time or shared post with Jersey of Aviation security Regulator is proposed to provide equivalence with the arrangements being put in place in the UK and Europe under EC 300/2008. The cost is estimated at £25,000 to £35,000 p.a. (subject to job evaluation and agreement with Jersey). In addition, the function will include oversight of the airport and other entities with aviation security responsibilities in the Bailiwick. That function shall be conducted, as now, under contract with the UK's DfT TRANSEC. The expected cost should not exceed £8,500 p.a.

3. Risks and Benefits

The risk of not complying with the new aviation security arrangements is as stated under the paragraph, "Need for Legislation". Non-compliance would lead to significant reputational harm to Guernsey and potential disruption to the free movement of goods and people by air into the UK and Europe making this option untenable.

4. Drafting Time

In scoping the potential for joint working on this project, preliminary drafting of the required amendments to existing legislation and new legislation are already at an advanced stage of preparation in both Jersey and Guernsey. Further resources required to complete the work should be minimal.

¹ For the purpose of prioritising legislation, all future States Reports requiring new legislation will include a brief annexe containing information justifying the need for legislation; confirming how funding will be provided to carry out functions required by the new legislation; explaining the risks and benefits associated with enacting/not enacting the legislation; and the estimated drafting time required to draw it up.

(NB The Treasury and Resources Department notes that as these proposals will not increase net States revenue expenditure, there is no effect on the objective within the States Fiscal and Economic Plan of “a real terms freeze on aggregate States revenue expenditure.”)

(NB The Policy Council supports the proposals.)

The States are asked to decide:-

VII.- Whether, after consideration of the Report dated 17th May, 2011, of the Commerce and Employment Department, they are of the opinion:-

1. To authorise the establishment of the post of Aviation Security Regulator and to recruit and select a suitable candidate for the post jointly with Jersey (under Option 3) or solely for the Bailiwick of Guernsey (under Option 2).
2. To resolve to assign to the Director of Civil Aviation the function of:
“regulating aviation security within the Bailiwick, including, without limitation, responsibility for maintaining standards of aviation security equivalent to those in place in the UK and Europe, ensuring all relevant persons in the Bailiwick are appropriately audited for compliance with those standards, and enforcing those standards, as appropriate”, in accordance with section 4(4) of the Aviation (Bailiwick of Guernsey) Law, 2008.
3. To direct that an Ordinance be prepared under the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991 to transfer the functions of the Public Services Department under the Aviation Security (Guernsey) Order, 1997 to the Commerce and Employment Department.
4. To direct the preparation of such legislation necessary to give effect to their above decision.

EDUCATION DEPARTMENT**RE-USE OF ST. PETER PORT SECONDARY SCHOOL AS LES OZOUETS
CAMPUS**

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

11th May, 2011

Dear Sir,

1. Executive summary

- 1.1 This report seeks the States' approval for the Les Ozouets Campus project, the refurbishment of the former St. Peter Port Secondary School building for interim use by the College of Further Education and Education Services at a project cost of £3,700,000.
- 1.2 The "Les Ozouets Campus" project is one of the rebuilding projects in the Education Department's Education Development Plan Programme 1 (EDP1) which is directed at the future organisation of Secondary and Tertiary Education in the Bailiwick of Guernsey.
- 1.3 A key objective of EDP1 is to rebuild and relocate the College of Further Education and to move linked central services to the St. Peter Port Secondary School site in a new build "Centre for Lifelong Learning".
- 1.4 However, a phased approach to the establishment of this purpose built facility for the College of Further Education and other central services has become necessary owing to pressures on States funding.
- 1.5 The "Les Ozouets Campus" project is one of the projects in this phased approach, and it aims to provide a temporary base for the College of Further Education and some linked Education services, mostly based at Brock Road at present, in the former St. Peter Port Secondary School building.
- 1.6 This project was submitted to the States for funding approval in Billet IX September 2009, as part of the Treasury and Resources Department proposals for capital prioritisation (the project being termed for the purposes of that report

“Education – College of Further Education Phase 2B”). These proposals were approved by the States as a priority one capital project.

- 1.7 A key aspect of the approval given for the “Les Ozouets Campus” project as published in Billet IX May 2009 was the release of the Brock Road site to the Housing Department as early as practicable.
- 1.8 The programme for the project to refurbish the former St. Peter Port Secondary School building reflects the need for academic courses to complete programmes without the disruption and loss of teaching time that would be occasioned by a move mid-year and incorporates sectional completion in the project design to meet the requirements of the Housing Department to be able to redevelop the Brock Road site, through the Guernsey Housing Association (GHA) as early as possible.
- 1.9 The Education Board has political responsibility for the project. The project is managed on behalf of the Education Board through a Project Board which includes representatives from the Education Board and the Treasury and Resources Department. The Project Board operates in accordance with the States Rules for Financial and Resource Management Directives for Property.
- 1.10 A detailed risks register has been developed which has been quantified and reviewed by the Project Board, Client and Project Team.
- 1.11 A traditional form of procurement was agreed as being the most appropriate for the project, delivered using a standard form of building contract.
- 1.12 The project has successfully passed through the three Gateway Reviews required by the States Directives gaining the necessary planning, building control, Fire Service and Traffic approvals.
- 1.13 This project is budgeted to cost £3,700,000 which would be funded as follows:
 - £ 900,000 from the Education Development Plan 1 capital allocation
 - £2,800,000 from the Capital Reserve

The Treasury and Resources Department has already approved £808,000 (included within the £3,700,000 project budget) for surveys, design works on asbestos remediation and to make the facilities weather proof.
- 1.14 Cash flow estimates have been provided to the Treasury and Resources Department to update the modelling of the capital programme.
- 1.15 No increase in the overall Education Department revenue budget is anticipated, assuming the future life of the building is not extended beyond the ten years planned for in this proposal.

2. **Background**

- 2.1 The “Les Ozouets Campus” (LOC) project is one of the rebuilding projects in the Education Department’s Education Development Plan Programme 1 (EDP1) which is directed at the future organisation of Secondary and Tertiary Education in the Bailiwick of Guernsey.
- 2.2 This project was submitted to the States for funding approval in September 2009, as part of the Treasury and Resources Department proposals for capital prioritisation (termed for the purposes of that report “Education – College of Further Education Phase 2B”). These proposals were approved by the States as a priority one capital project delegating authority to the Treasury and Resources Department to approve capital votes for expenditure on progressing to tender funded by transfer from the Capital Reserve. The project has now been out to tender to establish competitive market prices. It is now necessary to seek the approval of the States for a funding vote for the full value of the project. This project was established and developed in accordance with the States approved Property Directives and the project was subjected to three Gateway Reviews at key stages in the project’s development to provide the Project Board with reassurance that the project was being properly managed within the original scope and brief.
- 2.3 The outline business case for EDP1 was first presented in Billet d’État VII (April 2001) “The future organisation of Secondary and Tertiary Education in the Bailiwick of Guernsey”. Following States’ amendment, the case was re-presented in Billet d’État VI (April 2002) “A site development plan for the reorganisation of secondary, post-16 and special needs education in the Bailiwick of Guernsey”. The States accepted the Education Council’s view that there was a vital need to improve equality of educational opportunity by providing modernised facilities which would enhance teaching and learning, improve educational standards and demonstrate the Island’s commitment to producing a highly skilled workforce to help it remain economically competitive. An Options Appraisal report and a Strategic Review report were approved by the Advisory and Finance Committee in 2003. These documents contained the key Business Case elements:
- the strategic context
 - service and project objectives
 - options appraisal
 - the preferred options
 - project delivery arrangements
 - employee and other issues.
- 2.4 The States continued to endorse the progression of the Education Development Plan Programme 1 projects through subsequent Policy Letters and States Reports in 2003, 2004 and 2005. Further progress of EDP1 projects will be subject to States approval as required through the capital prioritisation process that first gained States approval in September 2009.

3. **Business Case**

- 3.1 A key objective of EDP1 is to rebuild and relocate the College of Further Education and to move linked central services (Careers Service, Youth Service, Schools' Music Service, Youth Theatre, Sexual Health and Relationship Education) to the St. Peter Port Secondary School site in a new build "Centre for Lifelong Learning". This would free up the vacated sites for other use or disposal. However, a phased approach to the establishment of this purpose built facility for the College of Further Education and other central services has become necessary owing to pressures on States funding. The diagram in Appendix One summarises the phased approach that has been adopted. One of the projects shown in this diagram as "Current / Proposed" is the refurbishment of the St. Peter Port School building (Les Ozouets Campus project) which is the subject of this report.
- 3.2 Planning for the Les Ozouets Campus project was carried out by a task group, Post 16B, established by the Education Department in November 2006, to consider the development of post-16 education (including Special Needs). Membership of the group included senior officers of the Education Department as well as the Principal of the College of Further Education, relevant Heads of Service and lead professionals of operations already based on the Les Ozouets site. The purpose of the task group was to identify the usage requirements of the St. Peter Port School building, liaise with all potential users, plan the relocation of services and resources from other sites and report on the proposed allocation and usage of all College of Further Education facilities, including identification of the potential sequencing of works.
- 3.3 The findings of the Task Group formed the basis for a submission for inclusion in the 18 projects identified by the Treasury and Resources Department in the recommended programme for Capital Projects within the approved Capital Programme presented to the States in September 2009. This proposal termed "Education – College of Further Education Phase 2B" was agreed by the States in Billet d'État XXIV dated 1 October 2009. The summary included the following points:
- the facilities at Route des Coutanchez and Brock Road used by the College of Further Education, Youth Service and Youth Theatre are not fit for purpose and incur high levels of maintenance expenditure
 - in addition to this, there has been a significant rise in demand for Post-16 (including Special Needs) provision within the Further Education sector in recent years, which has necessitated the College of Further Education providing an increased number and type of courses for greater numbers of students
 - despite falling rolls in schools, further increases in Post-16 participation rates are expected to result in continued growth in this sector
 - the construction of new facilities will require significant funding, therefore, the consolidation of the College of Further Education and

other Services onto a single location on the St. Peter Port School site was planned to be undertaken as a phased project comprising Phase A, College Hall, Phase B, Re-use of the St. Peter Port Secondary School building, Phases C/D, Construction of new facilities

- **Phase A: College Hall** (Completed November 2006)

The construction of a multi-purpose hall that could be used for examinations, meetings, conferences, rehearsal, tuition and performance. Dance and drama studios were also to be provided, along with changing, storage and administrative facilities

- **Phase B: Re-use of the St. Peter Port Secondary School building**

An interim measure pending completion of the remaining construction phases, to enable the release of other buildings (Longfield, Grange House and Brock Road). Evaluation of space requirements identified that a further site (St. Sampson's Secondary School) would also be needed, on an interim basis, in order to provide sufficient accommodation until new facilities were built. Phase B was, therefore, divided into two parts:

Phase B1: The re-use of St. Sampson's Secondary School at Delancey, enabling the release of Longfield and Grange House (funding available from previous budget allocation). This was completed by September 2009.

Phase B2: The re-use of St. Peter Port Secondary School, enabling the release of the Old Boys' Grammar School buildings in Brock Road.

Phase B was initially planned on the basis of minimal expenditure as it was expected that the St. Peter Port School building would need to be re-used only for two or three years. As stated in the Billet IX May 2009, in view of the recent changes in the States' financial circumstances, the Education Department anticipates that Phase B will now need to be in operation for up to ten years as sufficient funding is unlikely to be available in the short- to medium-term for further construction on the St. Peter Port School site. This increases the cost of Phase B as additional works will be needed due to more elements of the building requiring repair or replacement to support the building's extended use. This proposal requests funding for Phase B2 to enable this longer term re-use for up to ten years.

- **Phases C/D: Construction of new facilities**

The remaining construction elements, to be built on the St. Peter Port Secondary School site in order to relocate all College operations on to a single site. Demolition of the St. Peter Port Secondary School and the release of the College of Further Education sites at Route des Coutanchez and Delancey to follow completion of the new facilities.

- **Release of the Old Boys' Grammar School in Brock Road**

A key aspect of the approval given for this project in Billet IX September 2009 was the release of the Brock Road site to the Housing Department for redevelopment as social housing through the Guernsey Housing Association (GHA). A staff level working group comprising officers from Education, Housing, Treasury and Resources (States Property Services), Environment and the GHA has worked on a phased release of

part of the Brock Road site with sectional completion of the refurbishment work at the Les Ozouets Campus to facilitate this release by the end of December 2011.

4. **Programme**

- 4.1 The programme for the project to refurbish the former St. Peter Port Secondary School building is as follows with explanatory notes below:

	Commencement	Completion	Enabling use by
Design Consultancy – mechanical and electrical works	15 June 2010	03 February 2011	
Surveys – drainage, asbestos, electrical, mechanical	15 June 2010	17 November 2010	
Asbestos Remediation	05 January 2011	15 February 2011	
Enabling Works – External works	13 April 2011	01 October 2011	
Main Refurbishment -Internal works: Phase One	01 August 2011	23 December 2011	Youth Service and CFE Adult Education
Main Refurbishment -Internal works: Phase Two	01 August 2011	18 May 2012	Music Service, Youth Theatre and SHARE
Final Handover	30 April 2012	31 August 2012	CFE academic year programmes

- Enabling works – external works and asbestos remediation. These works were approved by the Treasury and Resources Department on the basis that asbestos remediation and ensuring the buildings are wind and water tight does not prejudice the States decision on how the buildings are to be used. The enabling works will stabilise the building, by reducing water ingress, and ensure it is available for use by the States whatever the decision in the July States debate. As the external works are of a more specialist nature than the internal refurbishment, the procurement approach for the project was able to be structured to give a greater opportunity for contractors with experience in the differing type of work to tender with greater confidence, thus less risk, and provide the opportunity for a wider range of contractors to tender for the works.
- These works were vital to the strategy for the sectional completion of the project, allowing Education, States Property Services and Housing to work together to phase the release of part of the Brock Road site to the Guernsey Housing Association by January 2012. This was considered essential, as it

had originally been planned to vacate the Brock Road site by September 2010: thus, there had already been a significant delay in a key project in the Social Housing Development Programme approved by the States in December 2007. The release of the Brock Road site for redevelopment as social housing also featured in the Corporate Housing Programme Report to the States in May 2010 (Billet d'État XI). Allowing sectional completion, and hence partial occupation of the Les Ozouets Campus meant that part of the Brock Road site could be released for development through the vacation from the site of some of the users.

- Main Refurbishment - Internal works: Phase One. Sectional completion is incorporated in the project design to meet the requirements of the Housing Department to be able to develop the Brock Road site as early as possible. The Youth Service and Adult Education programme of Guernsey College of Further Education occupy the northern part of the Brock Road site which will be subject to demolition. Clearance of this area will be able to start once the vacated premises have been surveyed and the extent of works needed has been clarified. This can only be achieved on vacant possession of these buildings in January 2012 by the Guernsey Housing Association.
- Main Refurbishment -Internal works: Phase Two. On completion, Education Service providers will be able to occupy their accommodation on the site.
- Final Handover. Full time College of Further Education academic year courses cannot afford to be disrupted or lose teaching time by undertaking a move mid-year. Such courses include secretarial and administrative programmes, building and professional studies, flexi learning and hair and beauty programmes. Hence these courses will be operational at the Les Ozouets Campus from September 2012. This will also allow the College of Further Education to mobilise internal resources to set up operations in the newly refurbished building over the summer break with decant of necessary fittings and fixtures from other sites as appropriate.

5. Management of the Project

- 5.1 The project is managed through a Project Board which operates in accordance with the States approved Rules and Directives for Property. The Project Board, which includes representatives from the Treasury and Resources Department, is responsible to the Education Department, as the sponsoring department, for the success of the project.

6. Risk Management

- 6.1 A detailed risk register has been developed which has been quantified and reviewed by the Project Board, Client and Design Team. It is produced and maintained by the Project Manager. The risk register highlights the parties

responsible and key actions required to mitigate or eliminate any identified risks. It identifies all the known risks on the project, potential costs, programme effects, the strategy for minimising the impact of risk and it highlights the areas of highest risk. The risk register is updated on a monthly basis as the project develops and risk profiles change.

- 6.2 Appropriate allowances are made within the cost plan for the project to account for the estimated level of risk, and the level of contingency reflects that required for a refurbishment project such as the works planned.

7. Procurement

- 7.1 In accordance with the States Rules and Directives requirements, a procurement evaluation exercise considered the nature of the existing building and extent of the proposed works to be undertaken, and a traditional form of procurement was agreed by the Project Board (after consultation with the Treasury and Resources Department and States Property Services) as being the most appropriate, delivered using a standard form of building contract. It was felt that this would attract interest from local contractors.
- 7.2 This approach offers the best balance of project risk and provides for close control of design and quality of the final product. It also allows cost certainty upon the receipt of tenders and best value for money as a result of open market competitive tendering.
- 7.3 Following a selective tender process in which five local companies participated, the tender evaluation report recommends Charles Le Quesne (Guernsey) Limited as the preferred contractor for the Internal refurbishment work.

8. Approvals

8.1 Capital Prioritisation Gateways

The project has successfully passed through the three Gateway Reviews required by the States approved Property Directives.

Gateway Review 3 is *“intended to confirm that the recommended award decision is appropriate before the contract is placed with a contractor. The review also assesses whether the process has been well managed; whether the business needs are being met; that both the client and contractor can implement and manage the proposed solution; and that the necessary processes are in place to achieve a satisfactory outcome after contract award. The project and review teams must be satisfied that due consideration has been given to all the factors that affect a successful outcome for the project. It is following this review that a project may be submitted to the States for approval of both funding and the final scheme developed”* (quoted from States of Guernsey Rules for

Financial and Resource Management, Directive: Gateway Review, ref: PROP002)

Gateway Review 3 has been awarded green status. This Award Decision confirms that the project team and their proposals are in a position to deliver the intended project in a well controlled and effective manner.

8.2 Planning Approval

The Environment Department granted planning permission for the required works to the building (glazing, external doors, panelling and cladding) on 20 January 2011, subject to the standard conditions and reasons.

8.3 Building Control / Fire Service

A Building Control application was made on 7 February 2011. This application was licensed on 10 March 2011, subject to some minor modifications which have now been made.

8.4 Traffic

The project involves the use of an existing site with no change of use from education purposes. Occupation figures will not be greater than for previous usage as a school. Traffic improvements were made at the time of the development of the Princess Royal Centre for the Performing Arts on the site to ensure safe and efficient traffic movement on and off the site. No further works were required by the Environment Department, although temporary access arrangements were agreed with the Environment Department for the duration of the works to ensure continued safe access and egress for users of the Princess Royal Centre for the Performing Arts.

9. **Cost Plan**

9.1 The development of the St. Peter Port School site was approved by the States within the capital prioritisation debate in September 2009 and given approval as a Priority One project. At that time the provisional estimate of the total cost was £2,700,000 and the project was in the early planning stages without the benefit of detailed surveys to assess the extent of the refurbishment works that would be required. Following consultation with the Treasury and Resources Department, the Guernsey Construction Inflation Trend Index produced by States Property Services was adopted. From January 2009 to the point of construction this has resulted in an overall increase of £225,000 to the inflation allowance required compared to the provision made in 2009.

9.2 The detailed surveys carried out in the feasibility/design development stages of the project indicated that the preliminary estimated cost for the refurbishment works was not sufficient. However, the Education Department already had funding of £900,000 within the Education Development Plan 1 capital allocation

for a very short term re-use of the building and this will be used to supplement the transfer from the Capital Reserve.

- 9.3 The overall funding available based on the capital prioritisation approval is, therefore, £3,825,000 (capital prioritisation estimate £2,700,000 plus inflation allowance £225,000 plus EDP1 capital allocation £900,000).
- 9.4 To ensure the best use of the available space and to minimise refurbishment costs, the single storey extension on the west of the building will be “mothballed” as it is uneconomic to refurbish.
- 9.5 The overall budget requirement, including inflation and contingencies, is £3,700,000 broken down as follows:

Item	Cost (£)
Enabling works (asbestos and external works)	£ 728,000
Main refurbishment (internal works)	£2,742,000
Professional fees and development costs	£ 230,000
Total project costs	£3,700,000

10. Cash Flow

- 10.1 On the basis of the project programme dates, an indicative cash flow requirement has been prepared by the project quantity surveyor:

Year	Cost (£)
2011	2,279,000
2012	1,382,000
2013	39,000
Total	3,700,000

11. Revenue Costs

- 11.1 This proposal will enable the re-use of the facilities for up to ten years. No increase in the overall Education Department revenue budget is anticipated unless in the future the life of the facilities is extended beyond ten years.

- 11.2 The users of the Les Ozouets Campus are mostly based at Brock Road at the present time and the move to the Les Ozouets Campus will involve redistribution of resources. The initial estimate for ongoing revenue maintenance costs of the Les Ozouets Campus is £45,000 per annum with utility costs of £75,000 at 2011 prices. In addition, it is estimated that over the next ten years capital expenditure (funded from the Education Department's routine capital allocation) will be in the region of £300,000 at 2011 prices with the bulk of this expenditure being required early in the ten year life cycle of the building. This will provide best value for re-use of the facilities over this period.
- 11.3 The revenue requirement estimates are approximate at this stage. The Education Department will continue to work with the Treasury and Resources Department to identify and manage all revenue budget implications.

12. Recommendations

12.1 The Education Department therefore recommends the States:

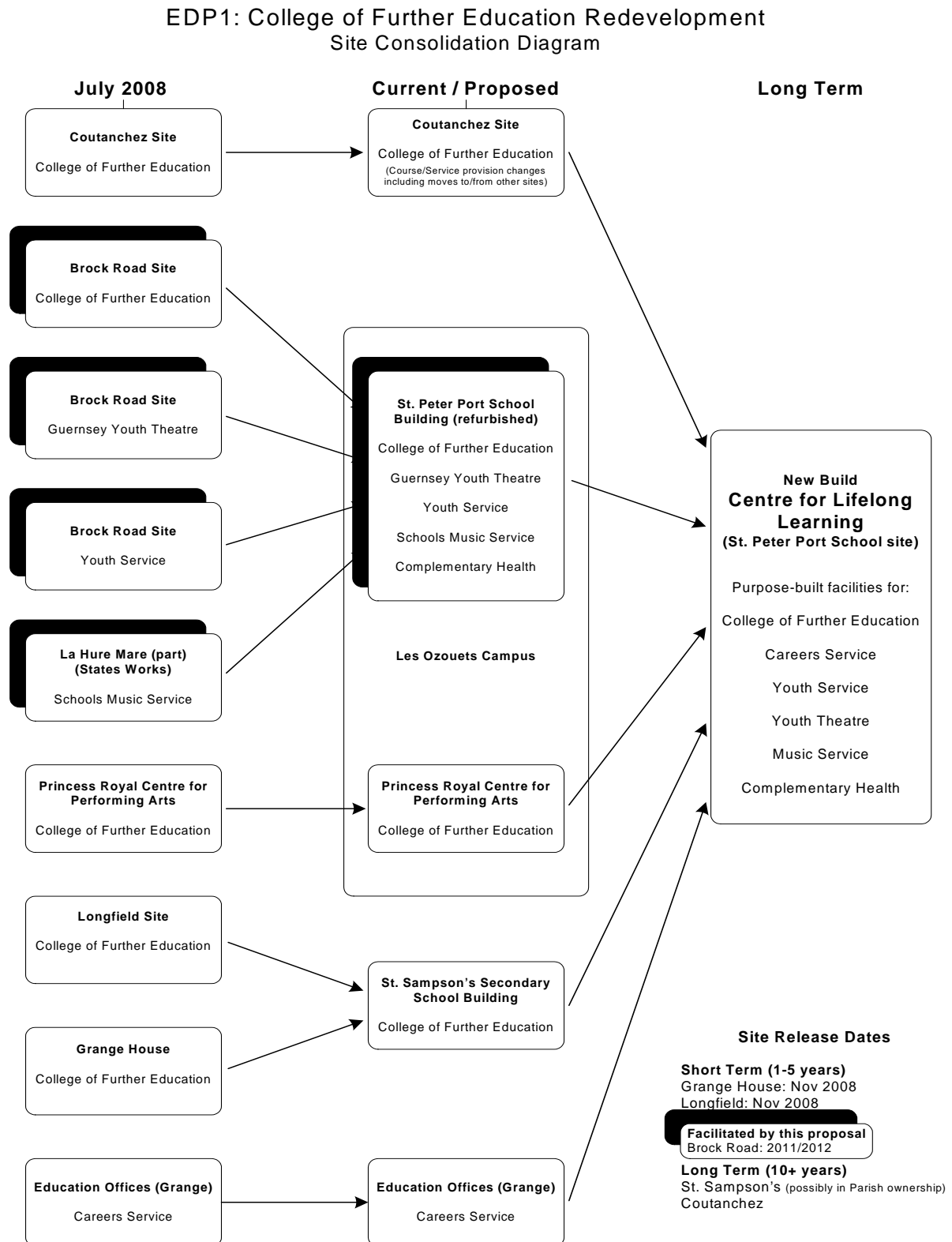
- to approve the refurbishment of the former St. Peter Port Secondary School building for interim use by the College of Further Education and Education Services as set out in this report.
- to authorise the acceptance of the tender from Charles Le Quesne (Guernsey) Limited to undertake the internal refurbishment work.
- to approve a capital vote of £3,700,000 charged to the Capital Reserve and the transfer of £900,000 from the EDP1 capital allocation to the Capital Reserve.

Yours faithfully,

Deputy C. A. Steere
Minister

Appendices

12.1 EDP1 College of Further Education Redevelopment: Site Consolidation Diagram



(NB The Treasury and Resources Department has commented as follows.)

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

24th May 2011

Dear Chief Minister

**EDUCATION DEPARTMENT – RE-USE OF ST PETER PORT SECONDARY
SCHOOL AS LES OZOUETS CAMPUS**

The Treasury and Resources Department has considered the benefits which will accrue from the relocation of activities currently delivered from Brock Road and the release of that site for social housing development.

This project has been subject to the Gateway Review process which provides assurance to all stakeholders that the project continues to have merit and that it can be justified on a ‘business needs’ basis with an assessment of the likely costs, risks and potential for success compared to the original brief. The procurement process using open tendering has attracted a good response from local companies and demonstrates a value for money solution for the works proposed.

The Treasury and Resources Department has updated the capital prioritisation funding model to include the revised cost and timing for the two projects (including this one) which require funding from the Capital Reserve and are contained in this Billet. As both projects are anticipated to require less funding from the Capital Reserve and commence slightly later than previously estimated, they can all be funded from the Capital Reserve and the cash flow projections do not anticipate a shortfall. However, it should be borne in mind that a number of the projects included in the capital programme are still at the early planning stage and final vote requests could be significantly different to the amounts previously estimated.

Therefore, the Treasury and Resources Department supports this States Report.

Yours sincerely

C N K Parkinson
Minister

(NB The Policy Council supports the proposals.)

The States are asked to decide:-

VIII- Whether, after consideration of the Report dated 11th May, 2011, of the Education Department, they are of the opinion:-

1. To approve the refurbishment of the former St. Peter Port Secondary School building for interim use by the College of Further Education and Education Services as set out in that Report.
2. To authorise the acceptance of the tender from Charles Le Quesne (Guernsey) Limited to undertake the internal refurbishment work.
3. To approve a capital vote of £3,700,000 charged to the Capital Reserve and the transfer of £900,000 from the EDP1 capital allocation to the Capital Reserve.

HOME DEPARTMENT
SEXUAL OFFENCES LEGISLATION

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

10th May 2011

Dear Sir

Executive summary.

1. It is clear that there is a need to modernise and reform the sexual offences legislation in the Bailiwick. At present, some offences are contained in legislation dating back to 1909, which does not necessarily reflect the patterns of behaviour common in the 21st Century and cannot be readily understood by some members of the community as it is drafted in French. Other offences spring from the common law and have followed the development of their equivalent offences in England and Wales but this cannot continue due to legislative changes in that jurisdiction. Furthermore, inconsistencies (whether based on gender or sexuality) and obsolete terminology are still found in this area of criminal law.
2. In addition to these factors, a clear and coherent framework of offences is required to put in place a robust system for the registration of sex offenders. This system, along with a range of civil orders, would aim to protect members of the public by reducing the risk posed by these offenders and preventing the commission of further sexual offences. This will afford the people of the Bailiwick the same level of protection as exists in other similar jurisdictions allowing the authorities to track and monitor not only residents convicted of sexual offences but also outsiders who enter the Bailiwick.
3. Accordingly, this States Report proposes:
 - (a) new substantive legislation to criminalise inappropriate sexual behaviour which should be sanctioned by the courts,
 - (b) measures to assist and protect complainants or witnesses when attending court, and

- (c) measures to protect the public and reduce the risk posed to vulnerable members of the community, such as a system of registration for sex offenders and a range of preventative civil orders.

Background.

4. Sexual offences are, by their very nature, serious offences which can have severe and long-lasting effects on the victim. In conjunction with the common law, both Guernsey and the Bailiwick have introduced legislation over time which has criminalised inappropriate sexual behaviour. Appendix 1 contains a list of the current offences and their sources.
5. As may be gathered by the titles of the *Lois* enacted between 1909 and 1929, the text which creates certain offences is drafted in French. Although that language is spoken to varying degrees by many Islanders, it would be preferable if the offences could be more readily understandable to the majority.
6. In addition, the common law offences of rape, indecent exposure and indecent assault have, in the Guernsey tradition, tended to follow the development of the equivalent offences in England and Wales. However, there was a significant change in the prosecution of sexual offences under English law with the enactment of the Sexual Offences Act 2003 ("the 2003 Act"). By that Act, the equivalent offence was either significantly modified (rape) or replaced (such as indecent assault). Therefore, the incremental development of sexual offences which has served the Bailiwick so well in the past cannot continue and for that reason also new legislation is required.
7. In addition, some inconsistencies based on gender and sexuality exist, for example where the complainant can only be female (e.g. unlawful sexual intercourse) or where an activity is only criminalised on the basis of the sexuality of those involved (e.g. keeping premises for purpose of lewd homosexual practices).
8. Furthermore, due to societal changes and technological advances over the last century, different risks exist and different means of prevention are available and required to ensure that the highest level of protection is achieved for all members of the community, who may have very different lifestyles and expectations.
9. On the basis that the law regarding sexual offences is in need of the reform and modernisation for the reasons mentioned above, the Department selected this as one of its Objectives for the Departmental and Committee Operational Plan Summaries found in Appendix 4 to the States Strategic Plan (Billet d'Etat XIX of 2010). However, as it was clear that the Department would benefit from the input of other relevant States bodies, the Sex Offender Legislation Working Group has met on a regular basis to discuss the proposals set out in this document. Whilst considering the specific requirements of the Bailiwick, the Working Group (which includes Her Majesty's Procureur and representatives of the Health and Social Services Department, the Education Department, the Police and the Probation Service, in addition to those of the Home Department) has considered the relevant provisions elsewhere in the British Islands, particularly the 2003 Act itself.

The 2003 Act.

10. Based on the recommendations made in *Setting the Boundaries: Reforming the Law on Sexual Offences* prepared by the UK Government Steering Group, this legislation was intended to modernise and strengthen the existing law regarding sexual offences, with an emphasis on protecting children and vulnerable adults. The preferred Home Office policy was to create a wide range of detailed offences rather than more general ones. Notable changes contained in the 2003 Act include the modernisation of the concept of consent, the introduction of discrete offences against children under 13, the criminalisation of sexual activity by children under 16, the increased protection of those suffering from mental disorders and the introduction of breach of trust and grooming offences. The statute reflects the UK policy trend of the last decade by which rules were laid down in the legislation rather than allowing courts to exercise discretion in relevant cases.

New legislation.

11. In considering the provisions to be included in the new legislation, it is of course important to consider the requirements of the European Convention on Human Rights. Article 8 of the Convention gives every person the right to a private life. However, this is not simply confined to privacy and also includes the right to establish and develop relationships with other people. Accordingly, the criminal law, which is not an arbiter of morals but declares which activities render a person liable to criminal sanctions, cannot prohibit conduct which some members of the community find unsavoury. In addition, Article 14 protects against discrimination in the exercise of the rights guaranteed by the Convention. In this sphere, there would have to be very powerful justification for the criminal law to continue to discriminate on the grounds of gender or sexual orientation.
12. Therefore, the guiding principles behind an effective sexual offences policy include:
- the law should only intervene in situations and in a manner which is fair, necessary and proportionate,
 - the law should not intrude on consensual sexual behaviour between those over the age of consent without good cause,
 - those who induce or encourage children or other vulnerable people to participate in, or be exposed to, sexual behaviour are criminally culpable, and
 - the law must ensure that people who do not have the mental capacity to give informed consent are protected.
13. Although the 2003 Act is a useful starting point, it was drafted to address the needs and concerns of a jurisdiction which has approximately 55 million inhabitants. So, whilst it is suggested that the general themes of the 2003 Act are followed, it is important that sufficient flexibility is allowed to ensure that the needs of the Bailiwick are also met. Accordingly, it is recommended that:
- where an offence is not required, it should be omitted,

- where any offence is unduly complicated, it should be simplified wherever possible, and
- where the 2003 Act has taken a wrong turning, an offence should be re-cast in order to fulfil meaningful objectives for the Islands.

14. It is recommended that the legislation proposed should as far as possible repeal the current offences so that a single law contains most, if not all of, the relevant provisions in this area of law.

PART A: SUBSTANTIVE OFFENCES.

15. Part 1 of the 2003 Act makes provision for the non-consensual offences of rape, assault by penetration, sexual assault and causing a person to engage in sexual activity without consent. In addition, it covers child sex offences, offences involving an abuse of a position of trust towards a child, familial child sex offences and offences involving adult relatives, as well as offences designed to give protection to persons with a mental disorder. This Part also makes provision for offences relating to prostitution, child pornography, and trafficking. Furthermore, it provides for preparatory offences, such as administering a substance with intent to commit a sexual offence, and a number of miscellaneous offences, such as voyeurism and intercourse with an animal. The definition of terms such as "consent" and "sexual" are also laid down, and conclusive and evidential presumptions about consent are set out. For the purposes of the 2003 Act, a "child" is a person under 16 years old (and thus below the age of consent), unless stated to the contrary.

Proposals.

16. Although it would be possible to consider each offence in turn and make a recommendation on whether it should be retained, simplified, amended or not included, this would not be straightforward nor would it necessarily assist as this would require the discussion of over 70 offences. In addition, it would be unduly restrictive when drafting the new legislation as it is inevitable that some change will be required as this process takes place. It is therefore proposed to make clear the main themes which have emerged whilst making particular comment on areas which are significant or are likely to be of general interest.

Non-consensual offences.

17. The first offences found in the 2003 Act are the non-consensual offences of rape, assault by penetration, sexual assault, and causing a person to engage in sexual activity without consent (ss. 1-4). These are intended to replace previous offences such as rape and indecent assault. The elements in common with all of these offences are that the complainant does not consent to the sexual activity which takes place and the defendant does not reasonably believe that the complainant was consenting to that activity. It is of note that specific reference is made to the

reasonableness of the belief being determined having regard to all the circumstances, including any steps that the defendant has taken to ascertain whether the other consents.

18. For a man to be guilty of rape (s.1), it must be shown that he intentionally penetrated the vagina, anus or mouth of another person with his penis, whilst a person of either gender will be guilty of assault by penetration (s.2) if he/she intentionally penetrates the vagina or anus of another person with a part of his body or anything else and that penetration is sexual. A sexual assault (s.3) will be committed if a defendant intentionally touches another person and that touching is sexual, and if a defendant intentionally causes another person to engage in sexual activity, he/she will be guilty of a s.4 offence.
19. As can be seen from these offences, the essence of the defendant's criminality is the fact that he does not reasonably believe that the other person consents. This is obviously a crucial issue and has led to one of the most discussed changes made by the 2003 Act. This key element has traditionally been controversial and the English common law position was described as a "rapist's charter".
20. Previously a defendant was guilty of rape if, at the time of sexual intercourse, he knew that the other did not consent or was reckless as to whether she did. Prior to the 2003 Act the leading case on consent was *DPP. v. Morgan* [1976] AC 182 in which the House of Lords held that a defendant was not guilty of rape where he has an honest belief that the woman consented to sexual intercourse, even if he was mistaken and she did not, in fact, consent. This in essence meant that if a defendant unreasonably but honestly believed that the complainant consented, he could not be convicted of the offence. This subjective approach can be supported by the arguments that the law should punish people not just for what they did but for what they intended to do, and that a person should not be found guilty simply because he did not apply the same personal standards of reasonableness as the tribunal which tried him.
21. However, it has also been argued that a wholly subjective approach implicitly authorises the assumption of consent, irrespective of the views of victims or whatever they say or do, and affords the defendant a defence which is easy to raise but hard to disprove. In addition, the mistaken belief in consent arises in a situation where the cost to the victim of the forced penetration is very high but it is easy to seek and clarify that consent is being given.
22. The 2003 Act contains an objective approach as stated in these offences: a defendant is guilty if he "does not reasonably believe" that the complainant consents. Section 74 defines "consent" as where a person "agrees by choice" and "has the freedom and capacity to make that choice" (s. 74). In addition, it has set out the situations in which there is an evidential presumption that consent was not given (which the defendant can seek to rebut: s.75) or conclusive presumption that it was not given (which cannot be rebutted: s.76). The evidential presumptions include where a person submits because of violence or fear of immediate violence against

themselves or another, where a person is asleep or otherwise unconscious, and where a person submits because they are being unlawfully detained. The conclusive presumptions are where a person was deceived as to the purpose or nature of the act and where the person was deceived as to the identity of the person.

23. It is recommended that the 2003 Act is followed in respect of the issue of consent as it protects both the rights of the complainant and of the defendant, prevents reliance by defendants on outdated myths about sexual behaviour and encourages respect within sexual relationships.

Non-consensual offences against children under 13.

24. Another controversial change brought about by the 2003 Act is the discrete offences which can be committed against children under 13 (ss. 5-8). These consist of the offences outlined in paragraph 17 onwards but on the basis that a child under that age cannot consent to a sexual act, the prosecution does not have to prove that the child did not consent. As proof of the act is sufficient to make out the offence, this effectively makes sexual intercourse with a child under that age an offence of strict liability. This was a departure from the Sexual Offences Act 1956, which contained the offences of having unlawful sexual intercourse with a girl under 16 or under 13.
25. It is argued that this does not constitute fair labelling of the conduct, as the criminality of the offence is not necessarily accurately described. As a lack of consent is the element which is generally key in determining whether an offence has been committed, it might be considered unjust for a boy of a similar age to the girl to be prosecuted for "rape" when he had in fact engaged in consensual sexual intercourse. The task of proving non-consent would be made easier by the evidential and conclusive presumptions outlined in paragraph 22 and the removal of these discrete offences would not necessarily mean that young complainants would therefore be required to give evidence of lack of consent. The position of a complainant under 13 (or indeed under 18) would be ameliorated by the proposal that a video-recording of their interview with the Police could stand as their evidence in chief (see paragraph 45).
26. If it was decided that a boy should be prosecuted for consensual sexual intercourse, he could be charged with an offence under s.13, which is the equivalent for offenders aged under 18 of s.7 of the 2003 Act (which criminalises sexual touching, the definition of which includes the act of intercourse). In reality, it may well be that the reforms brought in by Criminal Justice (Children and Juvenile Court Reform) (Bailiwick of Guernsey) Law, 2008 would lead to an appointment with the Child, Youth and Community Tribunal rather than an appearance before the Juvenile Court.
27. It is therefore proposed that these discrete offences should not be included in any Bailiwick legislation.

Child sex offences.

28. The second main category of offences (ss.9-12) includes sexual activity with a child, causing/inciting a child to engage in sexual activity, engaging in sexual activity in the presence of a child, and causing a child to watch sexual activity. These do not require the prosecution to prove a lack of consent as they are aimed at protecting children from harm whether or not they have consented.
29. As these offences form the basis for other offences in the 2003 Act, the offences can be explained in the following way: the offence of sexual activity with a child is committed if the defendant intentionally touches a child and that touching is sexual (s.9), whilst a defendant must intentionally cause or incite a child to engage in sexual activity to be guilty of an offence under s.10. Engaging in sexual activity in the presence of a child (s.11) criminalises a defendant who intentionally engages in sexual activity and, for the purpose of sexual gratification, does so knowing, believing or intending that a child who is present or in a place from which the defendant can be observed is aware of that activity. Finally, a defendant who intentionally, and for the same purpose as above, causes a child to watch a third person engaging in sexual activity or look at any image of any person engaging in sexual activity commits an offence under section 12.
30. These offences address scenarios of child abuse and it is clear that such activities should be criminalised. As the Home Office policy was to seek to draft precise but complex offences, it is suggested that these offences could be simplified whilst retaining the protection required by children in the Bailiwick.
31. It should be noted that the 2003 Act provided that a person could only be guilty of an offence under ss.9 to 12 where he was aged 18 or over. However, it also extended these offences to those under 18 but a lower maximum sentence applied in those cases. For the Bailiwick, it is recommended that the age limit should not be included and the courts should be given the discretion to sentence defendants (whether aged under or over 18 years old) on a case-by-case basis.

Breach of trust offences.

32. These offences divide into two categories: offences where the breach of trust is committed against children (ss. 16-22) and where it is committed against people with mental health issues (ss. 30-44).
33. The 2003 Act makes an offence for a person aged 18 or over and in a position of trust to commit one of the child sex offences (see paragraph 28) against a person who is under 18 years old. Due to the existence of the offences under sections 9-12, the intention is to provide protection for those aged 16 or 17, who are of course over the age of consent. In general terms, the 2003 Act defines those in a position of trust as professionals who are employed to care for or look after children, for example, nurses, teachers and prison officers (see s. 21). Putting aside the intervention of the criminal law, professionals can be disciplined both by their employer and professional body for any misbehaviour. If a 16 or 17 year old cannot in fact consent, the professional would have committed a non-consensual offence. For the

reasons above it is considered that offences are not required where the breach of trust involves a person employed to care for or look after 16 or 17 year olds. It is proposed that guidelines should be prepared for employers in relation to Breach of Trust.

34. Due to the definition of positions of trust found in the 2003 Act, people who are not paid to care for or look after children such as members of the clergy, scout leaders and school caretakers are not covered by the offence. Some of these people could be disciplined by their employers in any event but given that the typical scenario involving non-professionals has tended to involve abuse of younger children, other offences would be available to prosecute them in that situation. It is therefore proposed that an offence is not required at all where the breach of trust involves a 16 or 17 year old.
35. Various offences were enacted by the 2003 Act to deal with the situation of people with a mental disorder which include (a) offences regarding such people where the disorder impedes their choice, (b) offences regarding such people whereby agreement to sexual activity has been secured by inducement, deception or threat, and (c) offences regarding such people by a care worker. It should be noted that mental disorder is defined by cross-reference to the Mental Health Act 1983 as including mental illness, a state of arrested or incomplete development of mind, and any other disability of the mind.
36. It is clear that protection is required for vulnerable members of the community who cannot consent or cannot make an informed choice due to the circumstances pertaining to a situation. However, at the same time it is accepted that the right to a private life is important in this respect and that healthy and appropriate relationships can be formed in these situations. Practical ways can be found to allow such relationships to take place, for example a carer who might otherwise be guilty of an offence might have to request that their duties be carried out at another location. It is argued that the crop of offences contained in the 2003 Act is unduly complex and could be simplified to assist understanding. As the Mental Health (Bailiwick of Guernsey) Law, 2010 has recently been approved by the States, the new offences would have to interact with that Law. For the avoidance of doubt, and in line with the 2003 Act, it is not intended that any person with learning difficulties could be a complainant for the purposes of these offences, solely because of those difficulties. It is therefore recommended that the new legislation should include offences to protect those with mental health issues from abusive or inappropriate sexual activity.
37. It should be noted that under the 2003 Act (ss.43-44) no offence is committed in respect of care workers where both parties were lawfully married at the time or where a lawful sexual relationship pre-dated the position of trust. This position should also be adopted in the new legislation.

Grooming.

38. An area of considerable concern to parents has been the possibility for a paedophile, frequently posing as a young person of similar age and interests, to make contact with their child through the internet and then seek to meet them in order to commit a sexual offence. The offence of grooming under section 15 is largely a preventative one which criminalises meeting or travelling to meet a child under 16, thereby allowing the Police to intervene before any other offence is actually committed.

Family members.

39. An offence of incest is a common feature in the sexual offences legislation of many jurisdictions and it was re-enacted in the 2003 Act as penetrating a family member or consenting to penetration (ss.64 & 65). As it is necessary to continue the prohibition contained in the *Loi pour la punition d'inceste, 1909*, it is proposed that these offences should be replicated in general terms. In so doing, it is not intended to extend the classes of relationship covered in the offence so that relationships which are not currently the subject of criminal sanctions would in future be criminalised.

Trafficking.

40. As a member of the international community, the Bailiwick must play its part in preventing the trafficking of persons for sexual exploitation. The *Loi relative à la protection des femmes & filles mineures, 1914* criminalised the procuring of a girl or woman to leave the Bailiwick to become a prostitute. Although this is not necessarily a pressing problem in the Islands, it is recommended that offences similar to ss.57 and 59 of the 2003 Act (prohibitions on trafficking persons in and out of the UK) are enacted to ensure that the international sex trade cannot operate here or from here.

Prostitution.

41. Current Bailiwick legislation makes it an offence to control, be in charge of or live off the earnings of prostitutes (the *Loi* of 1914, the *Loi ayant rapport à la Protection des Enfants et des Jeunes personnes 1917* and the Sexual Offences (Bailiwick of Guernsey) Law, 1983). The 2003 Act has introduced a variety of offences to protect children from being abused through prostitution (ss. 47-51) and to prevent a defendant from causing or inciting prostitution, controlling prostitution or keeping a brothel (ss.52-54). Despite the complexity of the offences, it is evident that modern legislation is required in these areas, and the new Law should continue these offences.

Child Pornography.

42. Although this type of pornography is currently criminalised by the Protection of Children (Bailiwick of Guernsey) Law, 1985, it is recommended that the opportunity is taken to include these offences in a coherent framework, in conjunction with the other exploitative offences of child prostitution.

Miscellaneous Offences.

43. The 2003 Act also contains provisions dealing with issues including as exposure, voyeurism & intercourse with animals, as well as preparatory offences (e.g. administering a substance with intent). The offence of voyeurism in particular has received academic criticism due to its drafting but it is suggested that these other offences should be replicated in a way that is of benefit to the particular needs of the Bailiwick.

Sentencing and the discretion for courts.

44. Although the Home Office policy at the time that the 2003 Act was drafted was in many cases to direct or encourage the court sentencing a defendant to pass a certain length of sentence, it is proposed that reasonable maximum sentences should be set which would allow Bailiwick courts to decide on the most appropriate punishment in the light of the facts on a case-by-case basis. For information, the maximum sentences proposed in relation to selected offences discussed above are included in the table in Appendix 2.

PART B. MEASURES TO ASSIST THOSE INVOLVED IN TRIALS OF SEXUAL OFFENCES.

Evidence in chief by way of a video recording

45. Since 2008, it has been possible for a court to direct that witnesses are permitted to give their evidence in chief and be cross-examined by way of a video-link on condition that it would be in the interests of justice for the court to so direct (the Live-Link Evidence (Bailiwick of Guernsey) Ordinance, 2008). However, at present it is not possible to play to the court a video recording of the interview of a child complainant given to the trained Police interviewers nearer in time to an alleged sexual offence. It is therefore proposed that where there is an allegation that a sexual offence has been committed, any video recording of the interview of a child complainant should be allowed to stand as their evidence in chief. The benefits of this reform would be twofold:

- it would be likely to reduce the strain felt by the child complainant as it would shorten the amount of time that he or she would be asked questions in court, and
- the quality of evidence given might well be better as it would have been given to the interviewer in more informal surroundings and would be based on the complainant's recollection of events closer to the time of the alleged offence.

46. In order for such interviews to be admissible, it would be necessary to ensure that Police interviewers were sufficiently trained so as to avoid eliciting unfairly prejudicial material or asking leading questions of the child complainant.

Anonymity of complainants.

47. To ensure that complainants are prepared to come forward and report sexual allegations to the Police, it is recommended that the complainant is given anonymity throughout the court proceedings. This reflects the situation in English law (the Youth Justice and Criminal Evidence Act 1999) and although this rule has been criticised in some quarters, it is contended that the lack of such protection for vulnerable complainants may have a significant effect on the likelihood that the allegation will be reported and that less than the best quality of evidence would be given at trial. This restriction on reporting would prohibit the disclosure of any information which could be used to identify the complainant.

Removal of tocques and gowns where a child is a witness.

48. Giving evidence in court can be a difficult process for many witnesses, especially if a case is heard in the Royal Court where they are surrounded by people wearing formal court dress. Therefore, it is recommended that during proceedings for a sexual offence, the Court should consider, where the interests of justice so require, directing that tocques and gowns should not be worn by any person in court. This again reflects best practice as understood in the Youth Justice and Criminal Evidence Act 1999.

PART C. NOTIFICATION REQUIREMENTS AND CIVIL ORDERS IN RELATION TO SEX OFFENDERS.

49. There has been concern in the Bailiwick for some time that the absence of requirements for sex offenders to register with the Police may make the Islands less secure against sexually inappropriate behaviour. This concern applies to residents convicted of sexual offences as well as outsiders who enter the Bailiwick.
50. The serious effects of sexual offences on victims coupled with evidence that sexually deviant behaviour tends to continue over time have led to the development in other jurisdictions of schemes of registration and monitoring of known offenders. Part 2 of the 2003 Act contains measures for protecting the public from sexual harm.

Background.

51. There is nothing to indicate that the trends of sexual offences committed in Guernsey are substantially different from anywhere else. The type of offence which causes the greatest concern within the wider community is an attack on an unsuspecting person by a stranger. In reality, such incidents are rare and statistics show that most sexual offences are committed by a person known to the victim. Sex offenders display distorted patterns of thinking which allow them to rationalise their behaviour, which include the belief that children can consent to sex with an adult and that victims are responsible for being sexually assaulted. It is these distorted views that can make them an ongoing risk to the

community, and justifies the notification and monitoring requirements which do not apply to other offenders.

The need for local legislation.

52. It is therefore proposed that legislation should be enacted to permit:

- the introduction of a notification requirement for every offender who has been convicted of or cautioned for a relevant sexual offence in the Bailiwick, or is subject to equivalent requirements imposed by another jurisdiction, to provide relevant information to the Police whilst that offender is present in the Bailiwick,
- the introduction of civil orders which would restrict the activities of any person who displays a risk of sexually exploiting children or vulnerable adults, and
- the formalisation of arrangements to assess and manage any person who poses a risk of sexual harm.

53. Any legislation with regard to notification requirements must be compatible with other jurisdictions to allow reciprocal sharing of information and thus the recommendations set out are broadly compatible with the relevant parts of the 2003 Act.

Notification requirements.

54. The collection of the information provided in response to these requirements is popularly known as the "Sex Offenders' Register". The notification requirements oblige any person convicted of or cautioned for a relevant sexual offence ("a relevant offender") to notify the Police of the following personal details:

- date of birth,
- social insurance number,
- name on the date of conviction or caution, and other names used on that date,
- name on the date of notification and any other names used,
- home address on the date of notification,
- the address of any other premises in the Bailiwick at which he/she regularly resides or stays, and
- the address of any premises in the Bailiwick at which he/she has stayed for a period of at least 7 days, or for two or more periods within 12 months which amount to at least 7 days.

55. The legislation will list the relevant sex offences for this purpose and the notification requirements will apply whether the individual has been convicted

or cautioned in respect of such an offence in the Bailiwick, or in any other jurisdiction where reciprocal arrangements are in place.

56. The notification requirements will affect a relevant offender who:

- commits an offence after the commencement of the new legislation, or
- has committed an offence before the commencement of the new legislation and
 - (a) has not yet been dealt with for a relevant sexual offence at the time that the legislation comes into force,
 - (b) is serving a sentence of imprisonment or is otherwise detained, or is subject to a suspended sentence, community sentence or bind over in respect of a relevant sexual offence, or
 - (c) is subject to post-custodial supervision for a relevant sexual offence.

57. It is proposed that a court which convicts a person of a relevant offence will specify the period of notification required of that offender. Unless the court is satisfied that there is an exceptional reason why a shorter period would be appropriate, the period of notification will be at least 5 years. The period of required notification will take into account the likelihood of the person reoffending, and the seriousness of any relevant sexual offence committed. Where a person has been cautioned for a relevant sexual offence, the period of required notification will be 2 years.

58. It is sadly the case that a person under 18 can also pose a risk of sexual harm to others in the community. In the system currently in force in England and Wales, the notification period for any person of that age is automatically reduced to half that of the relevant period for an adult. As the sentencing court will have the discretion to set the notification period where a person is convicted, it is recommended that this ability should not be fettered by the new legislation so that the most appropriate period can be set on a case-by-case basis.

59. It is recommended that it should be an offence to fail to comply with the requirements of notification or to knowingly supply incorrect information, which would be punishable on summary conviction with a term of imprisonment not exceeding 12 months and/or a fine not exceeding level 5 on the uniform scale, or on conviction on indictment with to a term of imprisonment not exceeding 5 years and/or an unlimited fine.

60. The Police would have the power to verify the information that the relevant offender provides on notification by comparing it against information provided to other States Departments such as the Social Security Department, the Health and Social Services Department, the Housing Department and the Environment Department. This information could be retained by the Police but only for the

purposes of prevention, detection, investigation or prosecution of offences to ensure data protection compliance.

61. A relevant offender must notify the Police within 3 days of his conviction or caution (disregarding any period of time when the offender has been remanded or committed to custody, imprisoned or detained). An offender will then be required to notify the Police of the above information on an annual basis. When an offender attends the Police station for notification requirements, a Police officer may photograph the offender and/or take fingerprints. Where the offender is aged under 18, the court may direct that the person with parental responsibility for the offender must comply with the notification requirements in place of the offender.
62. In addition to the information above, an offender will be under obligation to tell the Police of any intention to travel, the details of his destination and accommodation, and his intended date of return to the Island.
63. It is proposed that the new legislation would include provision for appropriate requirements to be made by Ordinance requiring the Prison Governor to notify the relevant agencies, such as Police, Probation, and child protection agencies, when the release of a relevant offender is imminent or when responsibility for the relevant offender is transferred to another party.
64. Responsibility for registering, monitoring, and deregistering offenders will fall to the Police and Probation Service. Based on figures from the past 5 years, there are likely to be between 10 to 16 persons made subject to notification requirements each year. Some will require more monitoring and management than others. As relevant offenders will remain registered for several years it is estimated that the average number being managed at any one time will rise to between 40 and 50.

Persons convicted of sex offences outside the jurisdiction of the Bailiwick of Guernsey.

65. It is proposed that when a person enters the Bailiwick while he is subject to the equivalent of the notification requirements in another jurisdiction, he will commit an offence if he does not notify the Police of the information set out above. It is intended that a Memoranda of Understanding will be entered into with other jurisdictions to ensure exchange of information about sex offenders travelling to and from the Bailiwick. The person will only be required to notify the Police of the relevant information until the expiry of the period for which he must notify in the other jurisdiction.

Sexually aggravated offences.

66. Where an offender has been convicted of an offence, such as burglary or murder, and the court is satisfied that:
 - there was a sexual element to the offence, and
 - the offender poses a risk of sexual harm to the public or any particular person,

the court may designate the offence as "sexually aggravated", which would make the offender subject to notification requirements.

Civil Preventative Orders.

67. In most jurisdictions, Police powers have traditionally been reactive to offences which have already been committed but, in the field of sexual offences, crime prevention by active management of offenders in the community is crucial. The existing powers available to the Police are not considered to be adequate to achieve this objective.
68. It is therefore proposed to introduce three civil orders which are preventative in character, constraining the actions of both convicted sex offenders and those who present a risk of sexual harm to others. If a civil order is breached, an offence would be committed and a criminal sanction can be imposed. These three civil orders would only be made where there was an identified risk of serious sexual harm. The orders would be made by a court on the application of the Law Officers of the Crown. Failure to comply with a civil order would be a criminal offence punishable by imprisonment and/or a fine.
69. Furthermore, each person subject to a civil preventative order would be subject to notification requirements for the duration of the civil order, or until it is deemed that the person no longer requires monitoring. Therefore, if an offender was not caught by the new notification requirements and was no longer subject to statutory oversight by Probation or any other related agency but was still assessed as a significant risk, an appropriate civil order could be made and they would therefore be made subject to the notification requirements.
70. The three civil preventative orders, based on those existing in the UK are:

A. Sexual Offences Prevention Order.

A Sexual Offences Prevention Order allows a court to restrict the activities of convicted sex offenders who pose an ongoing risk of serious sexual harm to others. It would prohibit the offender from doing anything that the order specifies such as working with or near children, living by a school or visiting children's play areas, or specified use of computer equipment.

B. Risk of Sexual Harm Order.

A Risk of Sexual Harm Order can be made in respect of a person over the age of 18, if that person has on previous occasions engaged in sexually explicit conduct or communication with a child and there is reasonable cause to believe that the order is necessary to protect a child from harm. The child must be under 16 and harm includes physical and psychological harm. For this purpose, "sexually explicit conduct" might include making a child watch sexually explicit activity either in person or electronically, and communicating with a child where any part of the communication is sexual. The person concerned need not have a conviction for an offence and thus the behaviour on which the application for a Risk of Sexual Harm Order is based does not itself need to amount to a criminal offence.

The rationale for this order originally arose out of the Home Office Task Force on Child Protection on the Internet, which identified a gap in the law concerning the grooming of children by paedophiles. This civil order can prohibit the person from doing any act, where it was felt necessary to protect a child, a group of children, or children in general. It is suggested that the order should last for a fixed period of at least 2 years or until further notice.

C. Foreign Travel Order.

A Foreign Travel Order would enable a court to prohibit a convicted sex offender who has offended against children from travelling abroad if such an order is considered necessary to protect children from serious sexual harm.

Monitoring and Management of Relevant Offenders.

71. Provision should also be made in the new legislation so that ongoing assessment and management of all relevant offenders subject to notification requirements is placed on a statutory footing.
72. Multi Agency Public Protection Arrangements (MAPPA) have been in place in Guernsey for over 10 years. Agencies share information about high-risk offenders and devise robust defensible plans to manage the level of risk posed by each individual. The significance of the MAPPA process to the proposed sex offender legislation is that it provides the process by which all relevant offenders are managed.
73. It is proposed that in Guernsey the Home Department is made responsible in law for making arrangements for the assessment and management of the risks posed by sexual, violent and other offenders who may cause significant harm to the public. The key responsible agencies will be the Police and Probation Service in conjunction with the Prison Service where an offender is being released from custody. Responsibilities of other departments such as Health and Social Services, Housing and Social Security who are all crucial to the process will be put on a statutory footing. The Health and Social Services have raised the possibility of potential future resource implications for their Department in this area.

Data Protection.

74. The Data Protection (Bailiwick of Guernsey) Law, 2001, contains an exemption which allows the disclosure of personal information for the purposes of prevention, detection, investigation or prosecution of crime under certain circumstances. Introducing notification requirements will create a new statutory body of personal data relating to sex offenders which will in many cases require disclosure to other agencies so that fully informed risk management plans can be put in place. The new legislation will therefore give the Police a positive power to disclose where necessary, rather than relying on the exemption clauses in the Data Protection Law.

Public disclosure of information regarding persons required to notify.

75. Some individuals and organisations have argued for public disclosure of the identity and whereabouts of known sex offenders living in the Bailiwick on the lines of 'Megan's Law' in the United States of America. However, it is argued that disclosure takes place only in exceptional cases on a 'need to know' basis in the light of on-going assessment of the risk posed by the registered person. The decision to release information would rest with the Chief Officer of Police or an officer acting under delegated authority.
76. Current Home Office guidelines stipulate that:
- Decisions should be made on the basis of 'an assessment of the seriousness of the risk, of displacing the offending, and of the continuing visibility of the offender and any other operational considerations in respect of the management of the risk posed by the offender';
 - Housing arrangements may be an important factor in assessing and managing the risk, particularly when disclosure might render the offender homeless and potentially increase the risk to the public; and
 - Where disclosure takes place it should usually be to those with responsibility for the protection of others (e.g. head teachers) or to an identified individual or individuals directly affected by the risk of harm, and 'disclosure to a member of the general public will be very much an exception to the rule'.
77. This sparing approach to disclosure aims to strike the appropriate balance to allow the Police to exercise surveillance and for the Probation Service to supervise offenders, or to involve them in treatment programmes which can control their deviant sexual tendencies.

Resources.

78. The main resource requirements for implementation of the new legislation will be within the Guernsey Police Force and the Probation Service. These two agencies will work together when planning and providing the new services in order to ensure a common approach to assessments, monitoring, risk management, civil court orders and breaches of notification requirements. It is envisaged that joint protocols, policies and procedures will be developed to ensure complementary and effective practices.
79. The two relevant major new developments in the new legislation are:-
- the requirement to set up a system enabling robust and efficient notification systems and the subsequent monitoring of the registered individuals, and

- the apportionment of statutory responsibilities for the management of risk through Multi Agency Public Protection Arrangements ("MAPPA").

80. The first will require resources provided by the Police and second will require resources from the Probation Service.

Police Requirements

81. Notification System – ViSOR (Violent Offender and Sex Offender Register)

ViSOR is the UK national database of all offenders who have sex offender registration conditions imposed upon them following criminal conviction and information on all violent and potentially dangerous people. It is used by Police as an offender management system but also enables access to a wide range of information and intelligence, e.g. to identify potential suspects of violent or sexual offences. Detailed risk assessments are stored on the system and updated regularly, thereby maintaining a history of changes.

The system links 43 UK Police Forces and 42 Probation Services.

The acquisition of this system which will be utilised by both Police and Probation is vital in the successful management of those persons posing a risk to the public.

New Requirements – Police Staff Resources

82. One additional Detective Constable will be required to be responsible for managing those individuals who are subject to notification requirements, including home visits and liaison with other forces, carrying out and reviewing risk assessments and risk management plans, ensuring that ViSOR is updated with appropriate information, attending and providing input to MAPPA meetings and applications for civil orders.

The Probation Service and MAPPA.

83. Probation Managers have historically chaired all MAPPA meetings on Sex Offenders, having the seniority within the Probation Service to commit resources and sanction decisions. The Police are generally represented by the Public Protection Unit manager and partner agencies are asked to provide a representative of sufficient seniority to make decisions on resources. The Health and Social Services (both Children's Services and Mental Health), Social Security and Housing departments have generally provided senior managers to MAPP meetings when requested to do so.

New Requirements – Probation Staff Resources

84. It is considered that an additional post of MAPPA Coordinator is needed to ensure that the MAPP process is efficiently and effectively managed for all sex offenders subject to notification under the new legislation. The role of this new post will be to

ensure that the Home Department responsibility “*to make arrangements for the assessment and management of the risks posed by sexual, violent and other offenders who may cause significant harm to the public*” is fulfilled. The post holder would be responsible for new work generated by the new legislation and the skills required for this post would be those of an experienced Probation Officer operating in close liaison with the Police Public Protection Unit.

In addition an Administrative Officer who would be a shared resource with the Police will also be required to ensure that the notification system is properly managed on a day to day basis.

85. Total resources that would be required are:

- One Probation Officer/MAPPA Coordinator.
- One Detective Constable.
- One Administrator for MAPPA.
- ViSOR I.T. installation, hardware and maintenance costs.
- It is intended that the Home Department will include the additional resource requirements as a New Service Development Bid in the States Strategic Plan for 2013.

The total cost of the above resources is £15,000 I.T. set up cost, £15,000 ongoing I.T. revenue cost and £124,000 annual staff cost. A breakdown of these costs is included at Appendix 3.

It is possible that the Department may be required to seek employment related licenses to fill the role of Probation Officer and Detective Constable, or in order to back fill any vacancies created by appointing to these roles.

Consultation.

86. The relevant States Departments, the Social Policy Group, Members of the Islands Child Protection Committee and other interested parties have been consulted and their views taken into account, all were supportive of the recommendations.

Consultation with Alderney & Sark

87. The States of Alderney and Sark Chief Pleas have been consulted and their views taken into consideration in the drafting of the Report.

Consultation with the Law Officers of the Crown.

88. The contents of this report have been discussed and agreed with the Law Officers of the Crown.

Principles of Good Governance

89. The proposals made in this States Report are in accordance with the Principles of Good Governance as outlined in Billet D’Etat IV 2011, particularly Principle 1 “focusing on the organisation’s purpose and on outcomes for citizens and service users” and Principle 4 “taking informed, transparent decisions and managing risk.”

Recommendation.

90. The Home Department recommends that the States approve the proposals set out in this Report to:
- a. introduce measures to assist and protect complainants or witnesses when attending court;
 - b. give effect to the introduction of new substantive legislation to criminalise inappropriate sexual behaviour;
 - c. protect the public and reduce the risk posed to vulnerable members of the community, with a system of registration for sex offenders and a range of preventative civil orders;
 - d. direct the preparation of such legislation as may be necessary to give effect to the forgoing; and
 - e. note that the additional funding requirements arising from the proposals set out in this Report will be subject to prioritisation as part of the States Strategic Plan.

Yours faithfully

GH Mahy
Minister

APPENDIX 1

Offence	Source of offence
Rape	Common law
Indecent assault	
Indecent exposure	
Incest	Loi pour la punition d'inceste, 1909
Having unlawful sexual intercourse with a girl under 13 or 16	Loi relative à la protection des femmes & filles mineures, 1914
Living on the earnings of prostitution	
Procuring a girl or woman for sexual intercourse/to become a prostitute/to leave the Bailiwick (to become a prostitute)	
Menacing/intimidating a girl or woman to have sexual intercourse	
Using false representations to cause a woman or girl to have sexual intercourse	
Administering etc any drug, substance or thing to a woman or girl so that "her modesty might be impugned" or to enable sexual intercourse	
Having unlawful sexual intercourse with a girl under 13	
Having unlawful sexual intercourse with a girl between 13 & 16	
Having unlawful sexual intercourse with a girl or woman of unsound mind	
Permitting a girl under 16 to use premises to have sexual intercourse	
Removing an unmarried girl under 18 from her parents' or guardian's custody for an immoral purpose	
Detaining a woman or girl against her	

<p>will in a house of prostitution or elsewhere for the purpose of unlawful sexual intercourse</p> <p>(Man) Living on the earnings of prostitution</p> <p>(Man) Persistently soliciting for immoral purposes in a public place</p> <p>(Woman) Controlling/being in charge of prostitutes</p>	
<p>(Parent/guardian) Allowing child under 16 to live in/frequent house of prostitution</p> <p>Using or encouraging seduction, unlawful sexual intercourse with, or the prostitution or indecent assault of, a girl under 16</p> <p>Taking/causing to be taken an unmarried girl under 16</p>	Loi ayant rapport à la Protection des Enfants et des Jeunes personnes, 1917
<p>Indecent assault of or gross indecency with a male</p> <p>Sodomy (with person or beast)</p>	Loi relative à la Sodomie, 1929
Behaving in an indecent manner	Summary Offences (Bailiwick of Guernsey) Law, 1982
<p>Living on the earnings of prostitution of a man</p> <p>Procuring a man to commit buggery</p> <p>Keeping/managing/letting etc premises for purpose of lewd homosexual practices</p>	Sexual Offences (Bailiwick of Guernsey) Law, 1983
Burglary with intent to rape	Theft (Bailiwick of Guernsey) Law, 1983
<p>Gross indecency or inciting gross indecency with a child</p> <p>Taking, making, distributing, possessing (with view to distribution) or publishing indecent photographs of a child</p> <p>Obscene publications</p>	Protection of Children (Bailiwick of Guernsey) Law, 1985

APPENDIX 2

Offence in 2003 Act	Recommended maximum sentence on conviction on indictment	Recommended maximum sentence on summary conviction
ss.1 (rape) & 2 (assault by penetration)	Life	-
ss. 3 (sexual assault) & 4 (causing a person to engage in sexual activity)	10 years/fine	2 years/level 5 fine
ss.9-12 (child sex offences)	14 years/fine	2 years/level 5 fine
s.15 (grooming)	10 years/fine	2 years/level 5 fine
s.30 (sexual activity with a person with a mental disorder impeding choice)	14 years/fine	2 years/level 5 fine
ss.57 & 59 (trafficking in & out of the UK)	14 years/fine	2 years/level 5 fine
ss.64 & 65 (sex with a family member)	2 years/fine	2 years/level 5 fine

APPENDIX 3¹

DRAFTING OF LEGISLATION - PRIORITY RATING SCHEME

STATES REPORT ON SEXUAL OFFENCES

Criteria
<p>Criteria 1 - Need for legislation</p> <p>This legislation is needed urgently to protect the community from those who present a risk of sexual harm towards its members, especially those who are most vulnerable. This will be achieved by introducing a comprehensive range of offences and notification requirements as civil orders which can be used to prevent contact between those posing that risk and those who require added protection.</p> <p>Set as one of the Department's objectives in the Social Policy Plan update in 2010, the legislation will adopt a proportionate approach in the sensitive area of sexual morality, showing respect for the right to private life whilst criminalising sexual conduct which merits criminal sanction. Furthermore, the notification requirements and civil orders will allow vulnerable people to receive increased protection through the Police, the Probation Service and other related agencies.</p>
<p>Criteria 2 - Funding</p> <p>Funding to be provided by a New Service Development Bid in the States Strategic Plan for 2013.</p> <p><u>Staff costs</u></p> <p>There will be a requirement for 1 Probation Officer/MAPPA coordinator at a cost of £44,000 per annum, 1 Detective Constable at a cost of £54,000 per annum and 1 Administrative Assistant at a cost of £26,000 per annum.</p>

¹ For the purpose of prioritising legislation, all future States Reports requiring new legislation will include a brief annexe containing information justifying the need for legislation; confirming how funding will be provided to carry out functions required by the new legislation; explaining the risks and benefits associated with enacting/not enacting the legislation; and the estimated drafting time required to draw it up.

Non-staff costs

IT Notification System - ViSOR (Violent Offender and Sex Offender Register)

Initial Installation and Hardware - £15,000

Annual Maintenance / Licence Fees - £15,000

Criteria 3 - Risks and benefits associated with enacting/not enacting the legislation

Both the U.K. and Jersey have enacted notification regimes, this legislation is required to enable the Bailiwick to provide the same level of protection to the public as exists in other jurisdictions.

Failure to introduce modern legislation will leave the Bailiwick open to criticism and potentially attract those persons wishing to exploit the vulnerable to a jurisdiction without a notification and registration scheme.

Without enacting this legislation it would be impossible to implement a robust system for the registration of sex offenders.

Criteria 4 - Estimated drafting time

The Law Officers have indicated that they estimate that the actual drafting time required for one drafter will be about four months. However, there will also be the time that others (such as the Department, the Probation Services, the Guernsey Police and consultees) will themselves spend in considering drafts, making comments and refining policy instruction. In aggregate, it is estimated that, subject to the responses, all these stages will take about seven months.

(NB The Treasury and Resources Department supports the proposals subject to funding being allocated as part of the States Strategic Planning Process.)

(NB The Policy Council and its Social Policy Group support the Home Department's proposals and note the Department's intention to submit in 2012 a bid for funding from 2013. This is a highly sensitive area but the Home Department's recommendations achieve an appropriate balance.)

The States are asked to decide:-

IX.- Whether, after consideration of the Report dated 10th May, 2011, of the Home Department, they are of the opinion:-

1. To introduce measures to assist and protect complainants or witnesses when attending court.
2. To introduction new substantive legislation to criminalise inappropriate sexual behaviour.
3. To introduce a system of registration for sex offenders and a range of preventative civil orders to protect the public and reduce the risk posed to vulnerable members of the community.
4. To note that the additional funding requirements arising from the proposals set out in this Report will be subject to prioritisation as part of the States Strategic Plan.
5. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

COMMERCE AND EMPLOYMENT DEPARTMENT

**DETERMINATION OF THE STATUTORY MINIMUM WAGE RATES TO COME
INTO FORCE ON 1 OCTOBER 2011**

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

10th May 2011

Dear Sir

1. Executive Summary

1.1 In accordance with the provisions of the Minimum Wage (Guernsey) Law, 2009, this States Report asks for States approval to increase the Statutory Minimum Wage rate with effect from 1 October 2011.

1.2 The States are requested to approve the setting of the following Minimum Wage Rates which both represent 2.5% increase on the current rates which came into force on 1st October 2010:-

- Adult Minimum Wage Rate at £6.15 per hour (for workers aged 19 and over)
- The Young Persons Rate at £4.36 per hour (for workers from 16 up to and including 18)

And, in accordance with section 31(3) of the Law, the States are requested to approve:

- 1st October 2011 as the date for implementation of the revised Minimum Wage
- The Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2011 to effect the change in rates.

Details are also provided, for information, of the Board's intention to increase the Associated Rates (Accommodation and Food Offsets). These changes do not require the approval of the States.

2. Introduction

- 2.1 The States of Guernsey approved the Minimum Wage (Guernsey) Law, 2009 (the Law) on 25th March 2009. The Law received Royal Assent on 10th February 2010 and was subsequently registered in the Royal Court on 1st March 2010.
- 2.2 Section 31 (3) of the Minimum Wage (Guernsey) Law, 2009 requires the States, on recommendation from the Commerce and Employment Department (the Department), to approve Regulations, which set the hourly Minimum Wage Rates, prior to them coming into effect.
- 2.3 Section 5 of the Law requires the Department to carry out a public consultation prior to making regulations setting Minimum Wage Rates. This was done in April 2011 and the results are presented as Appendix 1 to this report.
- 2.4 The 2007 States' decision, to implement a statutory minimum wage, established the fundamental principle that it is unacceptable in the current social and economic climate in Guernsey for employees and workers to be paid low wages to the point of exploitation.
- 2.5 The 2007 States Report identified that the Minimum Wage was not intended to reflect a 'living wage,' as there are a number of social policy initiatives administered by the States through Social Security, Housing, and Income Tax, which provide a wide range of benefits, grants, social housing, housing rent rebates, and tax arrangements to help those on low incomes.
- 2.6 In 2010 the States approved an amendment to the Department's Report on the setting of an initial rate, which was worded as follows:-

To direct the Commerce & Employment Department, whilst having regard to the requirements of the Minimum Wage (Guernsey) Law, 2009, to take fully into account when reviewing minimum wage rates that it is a policy objective of the States of Deliberation that the young person's minimum wage rate and the adult minimum wage rate should be equalised as soon as possible.

At the time, the Department took advice from the Law Officer's Chambers on the effect of this amendment on their future action. The Department was advised that the States of Deliberation could not dictate a course of action as the Law specifies that the Department has a duty to consult and consider a range of factors in arriving at its recommendations in relation to minimum wage rates, but the amendment is certainly a relevant factor which the Department is required to take into account.

- 2.7 This requirement has been followed by the Department and is covered in section 3.3 (iii) of this Report.

- 2.8 Following the introduction of the statutory minimum wage in October 2010, there have been a number of enquiries from employers and employees regarding the Minimum Wage provisions, but no complaints made to the Employment & Discrimination Tribunal or proceedings taken in the Magistrates Court or Ordinary Court.

3. Considerations regarding the Minimum Wage & Associated Rates.

3.1 Matters to be taken into account by the Department

The Minimum Wage Law requires the Department to consider and take into account the following criteria before making Regulations setting the minimum wage rates : –

- (a) *The current rate of minimum wage in the United Kingdom, the Isle of Man and Jersey,*
- (b) *The current economic and trading conditions prevailing in Guernsey,*
- (c) *The rate of inflation in Guernsey,*
- (d) *The rate of unemployment in Guernsey,*
- (e) *Current rates of pay in Guernsey,*
- (f) *The increase or decrease in rates of pay in Guernsey over the previous twelve months, and*
- (g) *Such other factors as appear to the Department to be relevant.*

3.2 Summary of the findings and views of the Department in respect of these criteria

- (a) The current rates of minimum wage in the United Kingdom, the Isle of Man, and Jersey are detailed in the table below:

Table 1 – 2011 Minimum Wage Rates – UK, Jersey, and Isle of Man

	Young Persons Rate	Adult Rate	Date effective
UK	£3.68(aged 16 to 17) £4.98 (aged 18 to 21)	£6.08 (aged 21 and over)	1 st October 2011
IOM	£4.67 (aged 16) £5.24 (aged 17) No data yet for 2011 as IOM has not approved any change to current rates but may do so in May 2011.	£6.10 (aged 18 and over)	1 st April 2010
Jersey	Does not apply. However “Trainee Rate” is £4.74 (for a maximum period of one year for new employees on training)	£6.32 (above compulsory school age, 16)	1 st April 2011

(b) The current economic and trading conditions prevailing in Guernsey

The fourth quarter 2010 Treasury & Resources Department bulletin contained comment that there were consistent indications of growth within the Island's economy. The bulletin stated that '... the Housing market continued to show signs of recovery throughout 2010, unemployment remained relatively low and there was some evidence of growth in employment numbers.'

Anecdotally, the Department is aware that trading conditions are not equally positive in all sectors of the economy at the present time.

(c) The rate of inflation in Guernsey

The rate of inflation can be a significant factor in future wages settlements in the private and public sectors of the Guernsey economy. The locally recorded rate of inflation (RPI) was 2.9% as of 21 April 2011. Previous RPI levels were 1.6% in September 2010 and 2.3% in December 2010. (RPIX was 2.3% in September, 2.7% in December 2010 and 2.9% in April 2011).

The results of the consultation (Question 7 – See appendix 1) indicated a strong preference amongst those responding for the Department continuing to assess various factors in coming to its recommendations rather than pegging the change to a measure such as RPI or RPIX.

(d) The rate of unemployment in Guernsey

As commented on in Section (b) above, the level of unemployment in Guernsey remains low compared to other jurisdictions. Figures released at the end of March 2011 by the Social Security Department recorded that there were 468 people registered as unemployed and available for work which represents 1.45% of the working population. The equivalent number of unemployed persons in 2010 was 498. Youth unemployment (16-19 year olds) makes up some 15% of this total (70 people).

Jersey's Registered Unemployment Report for March 2011 states that the total number of people registered as unemployed and actively seeking work in Jersey was 1,310. Of these, 310 were in the 16 to 19 year old age category, which is 24% of the total registered unemployed.

The UK's latest "Labour Market Bulletin" (May 2011) records that the total number of unemployed people fell by some 20,000 over the quarter to 2.46 million. This is an unemployment rate for the three months to March 2011 of 7.7% of the economically active population.

The comparable figures for Guernsey, based on definitions published by the International Labour Organisation, are 301 unemployed persons and an unemployment rate of 0.93% of the working population.

(e) Current rates of pay in Guernsey

Currently the States of Guernsey does not collate job-related pay data in order to establish market rates for specific jobs. Therefore, no data is available on average pay rates in Guernsey. However, the Social Security Department's Job Centre is a useful source of relevant information on advertised wage rates in some industries.

Table 2 contains pay data drawn from job advertisements placed recently (April 2011) at the Social Security Job Centre by employers seeking staff. The hourly rates recorded are within a 'range' from lowest to highest for each job description advertised. Figures from a similar survey in 2010 are also given.

Table 2 -Rates of pay collated from Job Centre advertisements

Job Title/Description	Pay Range 2010 (NB No Age Specified)	Pay Range 2011 (NB No Age Specified)
Kitchen Porter	£4.00 - £6.20	£6.00 - £6.35
Agriculture Worker/Gardener	£4.25 – £8.50	£6.00
Cleaner	£7.00 - £7.50	£6.00 - £10.00
Receptionist	£5.50 - £6.00	-----
Waiting staff	£5.55 - £6.50	£6.00 - £8.50
Bar Person	£5.00 - £7.00	£6.00 - £7.00
Chef/Cook	£5.88 - £8.00	£6.00
Care Assistant	£7.00 - £8.50	£8.62 - £9.00
Retail Assistant	£7.22 - £8.00	£6.00 - £8.50
Warehouse and Mail Order Fulfilment	-----	£6.75

- (f) The increase or decrease in rates of pay in Guernsey over the previous twelve months.

A system for the collation of data on average pay rates is under development and as an interim measure the Department has considered information received from a number of employers which would suggest that pay increases have ranged from 0% to 2.5% since 2010.

- (g) Such other factors that appear to the Department to be relevant.

The following were identified as relevant when considering the statutory minimum wage rates:-

- i. Public and political expectations.
- ii. The 2010 States Resolution regarding the desirability of equalising the youth and adult minimum wage rates.
- iii. Creating a level playing field for employers recruiting staff from off-island in competition with the UK, Jersey and the Isle of Man.
- iv. The risk to financially vulnerable businesses

3.3 The Department's findings and views on the other relevant factors

(i) Public and political expectations

The introduction of a statutory minimum wage aimed to ensure that the '... worst cases of financial exploitation in employment were eliminated'. It is axiomatic that there is a political and public expectation that a minimum wage should be set at a reasonable and realistic rate.

The evidence of advertised hourly rates and the experience of the Commerce and Employment Department – that no complaints have been made regarding pay lower than the statutory minimum wage rate - suggest empirically that the States decision in 2010 to bring into force this regulation has had the required effect. The issue is now whether the rate should remain at the level set in 2010 or whether it should be changed. Responses to the recent consultation on the need to change were fairly evenly split.

(ii) Equalising the Minimum Wage Rates for all ages

The States' resolution of 2010 directed the Department to take into account that the States had adopted a policy objective that "... the young person's minimum wage rate and the adult minimum wage rate should be equalised as soon as possible." The Department has looked at this specific question when considering its recommendation in this report.

The UK Low Pay Commission, in its recent report on the UK Minimum Wage, identified that the current reasoning behind a Young Persons Rate is that young people may not be interviewed or hired as they are the least skilled and least experienced. In addition, they are often the first to be made redundant during a recession. The UK proposes to retain the differentiation in this area and has, in fact, decided to widen the gap further as a result of its rate changes to take effect from October 2011. The adult rate will be increased by 2.5% whilst the youth rate is to be increased by 1.1%.

The Department also noted the responses to the consultation (See Appendix 1 Questions 5 & 6) which recorded a clear majority view that (a) equalising rates could adversely affect the availability of work for young people and (b) the young person's rate should still apply.

The local employment statistics show that youth unemployment in Guernsey is relatively low at 15% of the total (whereas in Jersey – which doesn't have a youth rate – the figure is 24%).

None of these findings is in itself decisive in its own right, but taken together they suggest a wide concern over the risks to youth employment from a lack of, or reduced, differentiation between youth and adult rates. On balance, the Department feels it would be correct in this first year since the introduction of the Statutory Minimum Wage to be cautious about change and keep the situation under review.

By retaining the Young Persons Rate, employers are being incentivised to hire young people and to give them the opportunity to learn and develop vital labour market skills. This approach was part of the proposals for the current system approved by the States and the Department considers that the balance of evidence supports the case for this not to be changed at the present time.

(iii) Creating a level playing field for employers recruiting staff from off-island in competition with the UK, Jersey and the Isle of Man

As many industries in Guernsey rely on seasonal workers, the Department believes that the minimum wage rates must strike a balance between setting rates that are affordable to all or most employers operating in Guernsey, yet not

fuelling the perception given to potential employees that Guernsey “pays low wages”.

(iv) The risk to financially vulnerable businesses

The Department gave consideration to the financial vulnerability of businesses being required to increase pay rates to at least match the revised statutory minimum wage and the contribution those businesses make to the economy, the employment of local labour, and their overall economic contribution to the Island.

The Department concluded that the extra costs to businesses from having to pay their lowest paid staff a higher wage rate as a result of a modest rise in the Statutory Minimum Wage Rate would be no different to a business having to manage any other increases in costs e.g. fuel, rent, insurance, equipment, and general supplies.

The Department is confident that the majority of businesses will be able to adapt to a modest increase of the statutory minimum wage, as they would adapt to any other increase in cost to their business

4. Consultation

- 4.1 Between 29th March and 29th April 2011, the Department carried out a public consultation on minimum wage rates. Approximately 225 consultation papers were sent out to targeted groups including hospitality, care and residential homes, agriculture and horticulture, trade unions and staff associations, groups representative of employers in Guernsey. States Departments and individual States members were also circulated with consultation papers and invited to comment.
- 4.2 Members of the public were also invited to contribute as individuals through the Commerce and Employment (Employment Relations) website. Media releases and media interviews were conducted through all main local media agencies.
- 4.3 A summary of the responses to the public consultation is in Appendix 1 to this report.
- 4.4 The Law Officer’s Chambers have been consulted on this report and the associated regulations.

5. Conclusions

- 5.1 Having considered the criteria and relevant factors as set out in the Law, the Department has concluded that there is a case to increase the Statutory Minimum Wage Rate with effect from 1st October 2011.
- 5.2 The Department does not want to peg the Statutory Minimum Wage Rate to a particular measure of inflation, but considers that the change should reflect increases in costs. However, in the currently positive, but variable, economic environment, it should not push the rate ahead of increases in wages seen in the Island.
- 5.3 The Department has taken into account the aspiration expressed in the States resolution regarding the lower youth rate. However, it felt that the evidence available on the possible risks of increasing youth unemployment is a key factor at the present time and concluded that in 2011 the rates for the youth and adult statutory minimum wage should both increase by the same percentage figure.
- 5.4 The Department hopes that the notification given by the timing of publication of this Report will provide the opportunity for employees and employers to prepare and plan for the implementation of an increase to the Statutory Minimum Wage (& Associated) Rates on 1st October 2011, should the States agree to the proposals.
- 5.5 The Department has concluded that the rates should be increased from the 1st October 2011 by 2.5% and should be set as follows:-
- Adult rate - £6.15 per hour
 - Young Persons Rate - £ 4.36 per hour

5.6 Associated Rates

Taking into account the available information and recognising the need to provide for a fair and reasonable valuation of food and accommodation, and to prevent exploitation by setting a maximum value that could be offset against wages, the Department also intends to increase the offsets proportionately with the recommended increase in the minimum wage rates by 2.5% to:-

- £61.50 per week accommodation only 'offset' and
- £87.13 per week offset for accommodation and food.

*(Note: This notification is provided for information as Regulations setting accommodation and accommodation and food offsets **do not** require prior approval by resolution of the States.)*

- 5.7 These arrangements allow employers to charge for accommodation and food at any value they like, but will ensure that, only the **maximum 'offset' figure** can

be offset in minimum wage calculations. Equally, where accommodation or accommodation and food are provided free of charge, employers will be able to apportion a figure only up to the maximum offset allowance towards the minimum wage calculation.

6. Recommendations

6.1 The Department recommends that the States:

(a) Approve the following statutory minimum wage rates:

- Adult Minimum Wage Rate at £6.15 per hour (For workers aged 19 and over).
- Young Person's Minimum Wage Rate at £4.36 per hour (For workers from the age of 16, up to and including age 18).

(b) Approve that 1st October 2011 shall be the date for commencement of those rates.

(c) Approve the appended Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2011 to effect the change in rates.

Yours faithfully

C S McNulty Bauer
Minister

Appendix 1: Summary of 2011 Minimum Wage Consultation Responses

Question 1: Please tick which of the following you are responding as, or on behalf of;		
Answer Options	Response Percent	Response Count
Employee	28.6%	12
Trade Union	7.1%	3
Employer	42.9%	18
Employers' Association	7.1%	3
Other	14.3%	6

Question 2: In your opinion, has the introduction of the statutory Minimum Wage in October 2010 had any effect on your employment, place of work or business?		
Answer Options	Response Percent	Response Count
No effect	45.9%	17
A negative effect	27.0%	10
A positive effect	2.7%	1
Don't know	24.3%	9

Question 3: In the past 6 months, have there been any of the following changes to your employment, place of work or business as a direct consequence of the introduction of the statutory Minimum Wage?		
Answer Options	Response Percent	Response Count
Reduced basic working hours of employees	11.4%	4
Reduced overtime or enhanced rates of pay	11.4%	4
Reduced overall staffing levels either through redundancy or natural wastage	5.7%	2
Increased prices or tariffs	5.7%	2
Reduced number of apprentices normally employed	2.9%	1
Other changes	0.0%	0
None	62.9%	22

Question 4: Do you think that the introduction of a Minimum Wage has affected young people in terms of the availability of work open to them? (Excluding unpaid work experience)

Answer Options	Response Percent	Response Count
Yes	17.1%	6
No	48.6%	17
Don't know	34.3%	12

Question 5: If the Young Persons' rate were to be equalised with the Adult rate do you think that could affect the availability of work open to young people? (Excluding unpaid work experience)

Answer Options	Response Percent	Response Count
Yes	68.6%	24
No	20.0%	7
Don't know	11.4%	4

Question 6: Should the Young Person's rate still apply?

Answer Options	Response Percent	Response Count
Yes	74.3%	26
No	22.9%	8
Don't know	2.9%	1

Question 7: In your opinion, should the Minimum Wage Rate be pegged to a measure such as RPI or not?

Answer Options	Response Percent	Response Count
No-continue assessing various factors	66.7%	22
Yes- Linked to the rate of inflation	27.3%	9
Yes-Linked to some other measure	6.1%	2

Question 8: Should the Minimum Wage and Associated Rates be changed with effect on 1 October 2011?			
Answer Options	No Change	Yes Change	Response Count
Minimum Wage Rate Over 19years (currently £6 per hour)	17	15	32
Minimum Wage Rate 16-18 years (currently £4.25 per hour)	10	18	28
Max Accommodation Only Offset (currently £60 per week)	14	13	27
Max Accommodation and Food Offset (currently £85 per week)	16	9	25

Question 9: In conjunction with question 8, respondents were asked to suggest new rates if they believed the Minimum Wage and Associated should be changed.

Answers suggesting new rates were as follows;

Over 19 years rate: Three respondents suggested the new rate should be the current rate plus RPI. Five suggested an amount over £6 ranging from £6.15 to £7 per hour.

16-18 years rate: Eight respondents suggested the new rate be more than the current rate, with suggestions ranging from £4.50 to £7. Three respondents suggested the new rates should be the current rate plus RPI. A single respondent suggested a lower amount than the current rate.

Maximum Accommodation Only Offset: Three respondents suggested the current rate plus RPI. Five suggested a higher figure, ranging from £65 to £100.

Maximum Accommodation and Food Offset: Three respondents suggested an amount over the current £85. The range was from £88 to £135. Three respondents suggested the current rate plus RPI.

Appendix 2GUERNSEY STATUTORY INSTRUMENT2011 No.

**The Minimum Wage (Prescribed Rates and Qualifications)
(Guernsey) (Amendment) Regulations, 2011**

*Made**7th June, 2011**Coming into operation**1st October, 2011**Approved by resolution of the States**2011*

THE COMMERCE AND EMPLOYMENT DEPARTMENT, in exercise of the powers conferred on it by sections 1(3) and 3(1) of the Minimum Wage (Guernsey) Law, 2009¹ and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Substitution of Schedule to principal Regulations.

1. The principal Regulations are amended by substituting, for the Schedule to those regulations, the schedule contained in the Schedule to these Regulations.

Interpretation.

2. (1) In these Regulations, "**the principal Regulations**" means the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) Regulations, 2010².

(2) The Interpretation (Guernsey) Law, 1948³ applies to the interpretation of these Regulations –

¹ Order in Council No. I of 2010, as amended by Order in Council No. XIII of 2010.

² G.S.I. No. 26 of 2010.

³ Ordres en Conseil Vol. XIII, p. 355.

(a) in the Islands of Guernsey, Herm, and Jethou, and

(b) as it applies to the interpretation of an enactment.

(3) Unless the context requires otherwise, references in these Regulations to any enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

(4) For the avoidance of doubt, unless the context requires otherwise, an expression used in these Regulations has the same meaning as in the Minimum Wage (Guernsey) Law, 2009.

Transitional and savings provisions.

3. (1) These Regulations do not have effect in relation to any worker and his work until the first day of the first pay reference period of the worker in respect of that work.

(2) For the avoidance of doubt, before the first day of the first pay reference period of the worker in respect of that work, the principal Regulations have effect in relation to that worker and that work as if these Regulations had not been made.

(3) In this regulation, "**the first pay reference period**", in relation to a worker and his work, means the first pay reference period of the worker, in respect of that work, beginning on or after the the date specified in regulation 5 for these Regulations to come into force.

Citation.

4. These Regulations may be cited as the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2011.

Commencement.

5. These Regulations come into force on the 1st October, 2011.

Dated this 24th day of May, 2011

Deputy CARLA McNULTY BAUER
Minister of the Commerce and Employment Department
For and on behalf of the Department

SCHEDULE

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE TO THE PRINCIPAL REGULATIONS

Reg. 1

"SCHEDULE MINIMUM WAGE RATES

Regulations 1(1) and 2(1)

Adult Minimum Wage Rate	£6.15 per hour.
Young Person's Minimum Wage Rate	£4.36 per hour."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations replace the minimum wage rates for adults and young persons with the new rates of £6.15 per hour and £4.36 per hour, respectively, for the purposes of the Minimum Wage (Guernsey) Law, 2009.

Under section 31(3) of the Law, these regulations do not have effect until approved by resolution of the States. If approved by resolution of the States, these regulations will come into force on the 1st October, 2011. The new rates will then take effect on and from the first day of the first pay reference period of each worker in respect of any particular work.

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

(NB The Policy Council, by a significant majority, supports the proposals.)

The States are asked to decide:-

X.- Whether, after consideration of the Report dated 10th May, 2011, of the Commerce and Employment Department, they are of the opinion:-

1. To approve an Adult Minimum Wage Rate at £6.15 per hour (For workers aged 19 and over).
2. To approve a Young Person's Minimum Wage Rate at £4.36 per hour (For workers from the age of 16, up to and including age 18).
3. That 1st October 2011 shall be the date for commencement of those rates.
4. To approve the appended Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2011 to effect the change in rates.
5. To direct the preparation of such legislation necessary to give effect to their above decision.

COMMERCE AND EMPLOYMENT DEPARTMENT

PUBLIC HOLIDAYS – THE QUEEN’S DIAMOND JUBILEE 2012

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

26th April 2011

Dear Sir

1. **Executive Summary**

- 1.1 The Department recommends changes to public holidays in 2012 to commemorate the Queen’s Diamond Jubilee.

2. **The Queen’s Diamond Jubilee**

- 2.1 Public holidays in England and Wales will be changed in 2012 to mark the Queen’s Diamond Jubilee such that for that year alone, the spring holiday at the end of May will be “moved” to the alternative date of 4 June (Monday) and there will be an additional public holiday on 5 June (Tuesday) to create, with the preceding weekend, a four day break.
- 2.2 The Department recommends that there should be the same public holidays in Guernsey in 2012 and for the avoidance of doubt, this would mean that:
- the May public holiday (on the last Monday in May – Monday 28 May) would **not** be a public holiday,
 - Monday 4 June would be a **substitute** public holiday for the May public holiday; and
 - Tuesday 5 June would be an **additional** public holiday.

3. **Rules of Procedure – Proposals that alter taxation or increase expenditure**

- 3.1 The Department recognises that approval of an additional public holiday on 5 June 2012 will increase the expenditure of the States in terms of staff costs. In accordance with section 15(2) of the Rules of Procedure of the States of

Deliberation, the Department provides the following information on that increase:

- (i) the estimated increase will be between £200,000 and £250,000,
- (ii) the Department understands that Departments will fund any costs from their 2012 cash limit; and
- (iii) there will be no effect on the States Fiscal and Economic Policy Plan.

4. Consultation

- 4.1 The Department has consulted employer and employee groups and whilst some of the responses pointed out that business will incur additional costs if there is an extra public holiday, taken as a whole, the responses expressed general acceptance of the proposed changes to public holidays in 2012.
- 4.2 The Department has consulted all States Departments and Committees with regard to possible additional costs arising from these proposals.
- 4.3 The Law Officers Chambers have been consulted on the contents of this States Report.

5. Recommendations

- 5.1 The Department recommends the States to:
 - (a) approve the proposals that in 2012:
 - the May public holiday (on the last Monday in May) shall not be a public holiday; and
 - Monday 4 June and Tuesday 5 June shall be public holidays; and
 - (b) direct the preparation of legislation necessary to give effect to the proposals.

Yours faithfully

C S McNulty Bauer
Minister

PRIORITISATION OF LEGISLATION

Justification for the Legislation

The legislation is necessary to align public holidays in Guernsey to those in England and Wales in 2012 to mark the Queen's Diamond Jubilee.

Funding

The indirect costs of implementing the legislation will be funded in accordance with normal budgetary procedures.

Risk and Benefits

If the legislation is enacted anybody who does not have to work will enjoy an extra day of leave and people who have to work may receive enhancements in pay etc. However an extra public holiday will lead to additional costs in both the public and private sectors.

If the legislation is not enacted it is likely that the Island will attract adverse publicity that will portray it as not participating in the (British Isles) celebration of the Queen's Diamond Jubilee. It might also be portrayed as a personal snub to the Queen.

The reputational risks are high and outweigh any costs.

Requirement for Drafting Resources

Minimal.

¹ For the purpose of prioritising legislation, all future States Reports requiring new legislation will include a brief annexe containing information justifying the need for legislation; confirming how funding will be provided to carry out functions required by the new legislation; explaining the risks and benefits associated with enacting/not enacting the legislation; and the estimated drafting time required to draw it up.

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

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

The States are asked to decide:-

XI.- Whether, after consideration of the Report dated 26th April, 2011, of the Commerce and Employment Department, they are of the opinion:-

1. To approve that the May public holiday 2012 (on the last Monday in May) shall not be a public holiday.
2. To approve that Monday 4 June and Tuesday 5 June 2012 shall be public holidays.
3. To direct the preparation of such legislation necessary to give effect to their above decision.

STATES ASSEMBLY AND CONSTITUTION COMMITTEE**ARRANGEMENTS FOR 2012 GENERAL ELECTION**

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

23rd May 2011

Dear Sir

EXECUTIVE SUMMARY

This report proposes that:

- a General Election be held on Wednesday, 18th April 2012;
- the subsidised postage scheme be replaced with a grant to assist candidates with the costs associated with the production and distribution of manifestos;
- the maximum sum for electoral expenditure in elections for the office of People's Deputy be increased to £2,100.

INTERPRETATION

In this report reference to Articles relate to articles of The Reform (Guernsey) Law, 1948, as amended.

REPORT**DAY AND DATE OF ELECTION**

1. Article 29(3) states that the date for the holding of any election shall be appointed by Ordinance and Article 29(1) provides that General Elections shall be held in the month of April.
2. Traditionally General Elections of People's Deputies have been held on Wednesdays. The Committee considered whether moving election day from Wednesday to Saturday would make it easier for the parishes to obtain scrutineers to staff the polling stations and also whether such a change would increase voter turnout.

3. The Constables and Douzaines of the parishes have a vital role in the running of elections and the Committee is aware of the long hours spent by parish officials and helpers from the opening of the poll through to the declaration of the result. The States Assembly and Constitution Committee takes this opportunity of thanking them publicly for their services. Each Douzaine was asked to indicate whether it would prefer elections to be held on Wednesdays or Saturdays.
4. Only three Douzaines favoured, or raised no objection to, moving election day to Saturday; the remaining seven Douzaines preferred remaining with Wednesday.
5. Research in respect of other jurisdictions indicates that pros and cons of weekday as opposed to weekend elections are broadly in balance. That being so, and having regard to the views of the Douzaines, the Committee believes that the arguments in favour of holding the General Election on a Saturday are inconclusive and therefore recommends that the elections should continue to be held on a Wednesday for the time being.
6. Easter Day in 2012 will fall on the 8th April. Summer term for States schools will commence on 16th April, the Spring Term having ended on 30th March. Having regard to all the foregoing, Wednesday 18th April is proposed as the date on which the 2012 General Election be held.

PROVISION OF SUBSIDISED POSTAGE

7. In the two previous General Elections¹ the States defrayed 50% of the cost of postage at the minimum local postage rate, for each candidate who wished to send, on one occasion only, letters, manifestos and/or other communications through the post to each elector in the electoral district where that candidate was standing, provided that:
 - (a) where candidates grouped together to reduce their combined costs, the amount payable by the States towards the postage of a single envelope to each elector for those candidates was an amount not exceeding the actual cost thereof, or 50% of the minimum local postage rate multiplied by the number of those candidates, whichever was less; and
 - (b) the mailing had to be delivered on one occasion to Sir Charles Frossard House, in accordance with arrangements specified by the Committee, and accompanied where appropriate by the balance of the postage due.
8. Appendix 1 sets out in detail the use made by candidates of the subsidised postage scheme in the 2008 General Election. The net cost to the States was

¹

Pursuant to a Resolution of the States of the 29th October 2003
(Article XXIV of Billet d'État XXI of 2003)

£30,247.51. 78 candidates used the scheme which gives an average cost of approximately £388 per candidate. Allowing for the change in RPIX this equates to approximately £444 at current values.

9. The postage subsidy scheme, whilst of value to candidates, is overly prescriptive in that it targets just one specific way of campaigning – that is posting manifestos to the electors. The Committee believes that candidates should continue to be partially assisted by the States in presenting their views to the electorate but without constraining them to use the postal system.
10. Every candidate is required to make a declaration of expenses to the Returning Officer. After checking the declarations, the Returning Officers forward them to the Registrar-General of Electors. The Committee therefore recommends that the subsidised postage scheme be discontinued and replaced with a grant towards the costs associated with the production and distribution of manifestos which, in the 2012 General Election, shall be £500 per candidate or the sum actually expended, whichever is the lesser. Thus if there were to be 90 candidates and all spent £500 or over the total cost to the States would be £45,000.
11. The Committee proposes that the Registrar-General of Electors be authorised to prescribe appropriate administrative arrangements for implementing the scheme.
12. The Registrar-General of Electors has advised that the cost of the proposed scheme can be met from within the existing budgetary provision for elections.

ELECTORAL EXPENDITURE

13. Article 44 (1) provides that no candidate in any election shall in respect of such election expend any sum of money or give any value in money's worth otherwise than in accordance with such provisions as shall, from time to time, be prescribed by Ordinance.
14. The maximum prescribed by the Elections Ordinance, 2007 for People's Deputies is £1,400.
15. A fine balance has to be maintained in determining the appropriate level at which electoral expenditure must not be exceeded. On the one hand it has to be high enough to allow a candidate a reasonable chance of carrying out a campaign in which he can, by various means, get his views over to all of the electorate in the District. On the other hand it must not be so high as to give a wealthy candidate an unfair advantage over a candidate of more modest means.

16. The amount spent by candidates (excluding the two candidates who withdrew from the election and spent nothing) in the 2008 election was as follows:

<i>Amount spent £</i>	<i>Nº. of Candidates</i>
0- 200	7
201- 400	13
401- 600	19
601- 800	15
801-1,000	13
1,001-1,200	7
1,201-1,400	14

The average amount spent by the candidates themselves was £725, the minimum £13 and the maximum £1,398. However, most candidates also benefited from subsidised postage referred to above.

17. The Committee believes that the base-line set for the 2008 elections was reasonable and proposes that the maximum then specified be increased in line with the change in RPIX, that is to £1,600 to which must be added the sum of £500 referred to in paragraph 10. The proposed maximum, therefore, is £2,100.
18. For the avoidance of doubt the cost to the States is limited to a maximum of £500 per candidate – the candidates will be required to meet any expenditure in excess of that sum from their own resources.

CONSULTATION / RESOURCES / NEED FOR LEGISLATION

19. The Law Officers have advised that they have no comment to make on the recommendations.
20. The approval of the recommendations would have no implications for the manpower resources of the States.
21. A statement containing information justifying the need for legislation etc. is set out in Appendix 2.

RECOMMENDATIONS

The States Assembly and Constitution Committee recommends the States to:

- (a) agree that a General Election of People's Deputies be held on Wednesday, 18th April, 2012;

- (b) agree that each candidate in the General Election of People's Deputies to be held in 2012 shall be entitled to claim from the Registrar-General of Electors a grant not exceeding £500 towards the costs associated with the production and distribution of manifestos in accordance with such administrative arrangements as shall be determined from time to time by the Registrar-General of Electors;
 - (c) rescind their Resolution of the 29th October 2003 on Billet d'État XXI of 2003, Article XXIV, paragraph 4;
 - (d) agree that the maximum for electoral expenditure shall be prescribed as £2,100 in elections for the office of People's Deputy;
 - (e) direct the preparation of such legislation as may be necessary to give effect to their above recommendations.
- N.B. In the event that the States do not approve recommendations (b) and (c) above, an amendment to (d) will be proposed to the effect that the maximum for electoral expenditure be prescribed as £1,600.

Yours faithfully,

I. F. RIHOY

Chairman
States Assembly and Constitution Committee

APPENDIX 1

**USE BY CANDIDATES OF
SUBSIDISED POSTAGE SCHEME
IN 2008 GENERAL ELECTION**

District	N° of Electors	N° of Households	Postings by 2* or more Candidates	Postings by Single Candidates	Average number of items in each posting
St. Peter Port South	3,370	2,090	1	9	2,056
St. Peter Port North	4,476	2,649	5	4	2,878
St. Sampson	4,848	2,678	1	8	1,209
Vale	5,651	2,997	1	6	1,282
Castel	4,984	2,599	4	2	2,380
West	4,906	2,483	3	4	2,262
South-East	5,018	2,656	2	7	2,511
All Districts	33,253	18,152	17 #	40	2,088

(# = 38 candidates)

40 individual candidates posted a total of	64,820 envelopes
38 candidates in 17 groupings posted a total of	<u>54,224</u> envelopes
Total number of items posted	<u>119,044</u>

The total cost of posting was	£41,072.46
Less paid by candidates	<u>£10,824.95</u>
Net cost to the States*	<u>£30,247.51</u>

APPENDIX 2²**1. PRIORITISING LEGISLATION****1. The need for legislation**

Essential – a General Election can only be held following the enactment of an Ordinance specifying the date thereof.

2. Funding implications

The proposed legislation will not result in a request for additional resources.

3. Risks/benefits associated with enactment/non-enactment

A failure to enact the legislation would mean that there would be no People's Deputies after 30th April 2012.

4. Estimated drafting time

Minimal.

² For the purpose of prioritising legislation, all future States Reports requiring new legislation will include a brief annexe containing information justifying the need for legislation; confirming how funding will be provided to carry out functions required by the new legislation; explaining the risks and benefits associated with enacting/not enacting the legislation; and the estimated drafting time required to draw it up.

The States are asked to decide:-

XII.- Whether, after consideration of the Report dated 23rd May, 2011, of the States Assembly and Constitution Committee, they are of the opinion:-

1. That a General Election of People's Deputies be held on Wednesday, 18th April, 2012.
2. That each candidate in the General Election of People's Deputies to be held in 2012 shall be entitled to claim from the Registrar-General of Electors a grant not exceeding £500 towards the costs associated with the production and distribution of manifestos in accordance with such administrative arrangements as shall be determined from time to time by the Registrar-General of Electors.
3. To rescind their Resolution of the 29th October 2003 on Billet d'État XXI of 2003, Article XXIV, paragraph 4.
4. That the maximum for electoral expenditure shall be prescribed as £2,100 in elections for the office of People's Deputy.
5. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

ORDINANCES LAID BEFORE THE STATES

THE IRAN (FREEZING OF FUNDS) (GUERNSEY) ORDINANCE, 2011

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Iran (Freezing Of Funds) (Guernsey) Ordinance, 2011, made by the Legislation Select Committee on the 17th May, 2011, is laid before the States.

THE LIBYA (RESTRICTIVE MEASURES) (GUERNSEY) (AMENDMENT) (NO.2) ORDINANCE, 2011

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Libya (Restrictive Measures) (Guernsey) (Amendment) (No 2) Ordinance, 2011, made by the Legislation Select Committee on the 17th May, 2011, is laid before the States.

THE IVORY COAST (FREEZING OF FUNDS) (GUERNSEY) (AMENDMENT) ORDINANCE, 2011

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Ivory Coast (Freezing Of Funds) (Guernsey) (Amendment) Ordinance, 2011, made by the Legislation Select Committee on the 17th May, 2011, is laid before the States.

THE SYRIA (RESTRICTIVE MEASURES) (GUERNSEY) ORDINANCE, 2011

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Syria (Restrictive Measures) (Guernsey) Ordinance, 2011, made by the Legislation Select Committee on the 17th May, 2011, is laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE IMMIGRATION (BAILIWICK OF GUERNSEY) (AMENDMENT) RULES, 2011

In pursuance of the Immigration (Guernsey) Order, 1993, the Immigration (Bailiwick Of Guernsey) (Amendment) Rules, 2011, made by the Home Department on 31st May 2011, are laid before the States.

EXPLANATORY NOTE

These Rules amend the Immigration (Bailiwick of Guernsey) Rules 2008. The purpose of the Rules is to amend current and introduce new visitor categories; clarify the Business visitor category; introduce a Youth Mobility Scheme; introduce new language requirements for Ministers of Religion, persons setting up or taking over a business, and spouses, fiancés or unmarried partners of persons who are present and settled in the Bailiwick; increase the age limit from 18 to 21 with regard to marriage entry clearances except for serving members of the armed forces and their partners; remove Au Pair, Working Holidaymaker, Teachers and Language Assistants and Retired Persons of Independent Means categories.

The period of validity of entry clearances issued for spouses and unmarried or same-sex partners is increased from 2 years to 27 months. Also amended are the grounds on which entry clearance or leave to enter is to be refused.

TIMETABLE 2012 GENERAL ELECTION

Members of the States:

1. It may assist you and other interested persons to have early notice of the likely timetable relating to the General Election and meetings of the States from January to May 2012. The date of the election of People's Deputies is subject to States approval.
2. The terms of office of the People's Deputies will expire on the 30th April 2012.
3. The following timetable will apply in respect of the General Election of People's Deputies:

▪ Nominations open	Monday 12 th March
▪ Nominations close	Friday 16 th March
▪ Election	Wednesday 18 th April.
4. The successful candidates will take the oath of allegiance (or affirm) and be sworn as Members of the States at a special sitting of the Royal Court which will be held immediately before the first meeting of the newly-elected States on Tuesday, 1st May 2012.
5. It is considered inappropriate (other than in an emergency) for States meetings to be held after nominations have opened. States meetings in the early part of 2012 will therefore be convened as follows:

▪ 25 th January	normal date
▪ 22 nd February	advanced by one week
▪ 7 th March	advanced by three weeks

One or more of those meetings may be convened for the previous day (i.e. the Tuesday) if the volume of business indicates that the meeting may take longer than three days.
6. Meetings of the States in May, 2012 will be convened as follows:

▪ Tuesday 1 st May:	for the election of the Chief Minister;
▪ Tuesday 8 th May:	for the election of Ministers, the Deputy Chief Minister and Chairmen of States Committees;
▪ Friday, 11 th May:	for all other elections and urgent business which may have arisen since the March meeting of the States;
▪ Wednesday, 30 th May:	normal States meeting.

16th May 2012

G. R. ROWLAND
Bailiff and Presiding Officer

POLICY COUNCIL**OVERSEAS AID COMMISSION – ANNUAL REPORT 2010**

The Policy Council has received the Overseas Aid Commission's 2010 Annual Report which is attached for publication as an appendix to the Billet d'Etat.

L.S. Trott
Chief Minister

16 May 2011

<p style="text-align: center;">GUERNSEY OVERSEAS AID COMMISSION ANNUAL REPORT 2010</p>
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In accordance with Resolution XVIII on Billet d'État III of 2004

<p>Background</p>

The Overseas Aid Commission was established by the above States Resolution and begun its work in July 2004.

Constitution

The constitution of the Commission is:

- A Chairman who shall be a member of the Policy Council (appointed by the Council)
- Six ordinary members who need not be sitting members of the States (elected by the States)

Commissioners serve for a four-year term. The Chairman was appointed by the Policy Council in May 2008 and the other Commissioners in July 2008.

The Commission comprises

Deputy Carol Steere, Chairman
Mrs José Day, Vice-Chairman
Mr Glyn Allen
Mr Mike Dene MBE
Mr Ian MacRae
Mr Steve Mauger
Mr Tim Peet

Mandate

The mandate of the Commission is:

- To distribute monies voted by the States for overseas aid making contributions by way of grants and emergency and disaster relief
- To develop programmes relating to the collection and distribution of funds involving the private and voluntary sectors (although this element is not being actively pursued at the present time)

in accordance with policies set by the Policy Council, having regard to recommendations from the Commission.

Annual Report

The Commission is required to submit an annual report to the Policy Council. This is normally included as an appendix to a Billet d'État. However, during each of the two States terms since 2004 the Policy Council has submitted one of the annual reports for debate by the States – the 2006 annual report was debated in 2007 and the 2009 report in 2010.

2010 Funding

The Commission was provided with States funding in 2010 as follows:

- £2,340,000 in respect of grant aid
- £200,000 in respect of emergency and disaster relief

In addition to this, and in accordance with the March 2004 States Resolution, £60,000 which remained unspent in respect of the 2009 allocation for emergency and disaster relief was also utilised for grant aid in 2010.

Expenditure on grant aid in 2010 totalled £2,418,477 (of which £18,477 resulted from previous years' refunds).

Expenditure on emergency and disaster relief in 2010 totalled £100,000. In accordance with the March 2004 States Resolution, the remaining £100,000 will be made available to the Commission for grant aid in 2011.

Details of the grants made during 2010 are enclosed, together with breakdowns of expenditure.

<i>Distribution of Funding 2010</i>
--

Africa

Agriculture/Fisheries £224,842.00

Education £196,095.00

Health £713,131.00

Integrated Development £492,639.00

Total Aid Given to Africa **£1,626,707.00**

Indian Sub-Continent

<i>Agriculture/Fisheries</i>	<i>£70,933.00</i>	
<i>Education</i>	<i>£18,334.00</i>	
<i>Health</i>	<i>£180,204.00</i>	
<i>Integrated Development</i>	<i>£72,438.00</i>	
<i>Emergency Disaster Relief</i>	<i>£50,000.00</i>	
Total Aid Given to Indian Sub-Continent		£391,909.00

Latin America & Caribbean

<i>Agriculture/Fisheries</i>	<i>£40,000.00</i>	
<i>Health</i>	<i>£75,030.00</i>	
<i>Integrated Development</i>	<i>£44,619.00</i>	
<i>Emergency Disaster Relief</i>	<i>£50,000.00</i>	
Total Aid Given to Latin America & Caribbean		£209,649.00

Other Asia & Pacific

<i>Agriculture/Fisheries</i>	<i>£24,600.00</i>	
<i>Education</i>	<i>£40,453.00</i>	
<i>Health</i>	<i>£52,300.00</i>	
<i>Integrated Development</i>	<i>£172,859.00</i>	
Total Aid Given to Other Asia & Pacific		£290,212.00

Total Contribution to Aid Overseas **£2,518,477.00**

SUMMARY OF GRANTS MADE DURING 2010

During 2010 the Guernsey Overseas Aid Commission disbursed £2,418,477 in Grant Aid and supported a total of 78 projects which, for administrative purposes, can be subdivided into four main categories. The amounts shown have been rounded to the nearest £1,000.

1. AGRICULTURE

£360,000 has been invested in 11 projects, for the direct benefit of more than 108,000 people. The projects provided seeds, irrigation systems and livestock and included, in several cases, appropriate training. In one case Guernsey's support triggered supplementary funding from the EU totalling over £100,000.

2. **EDUCATION**

£255,000 was invested in nine projects supporting more than 26 schools, directly benefitting over 45,000 pupils. The projects included classroom rehabilitation, the provision of educational materials and books, and the construction of schools' water points (the latter including hygiene training).

3. **INTEGRATED DEVELOPMENT**

£782,000 was invested in 26 projects for the direct benefit of over 520,000 people. The projects included:

- 13 promoting the establishment of small businesses (including one aimed specifically at helping women), the provision of various types of vocational training, the promotion of eco-friendly sustainable food programmes (including the provision of equipment) and the purchase and supply of organic fertilisers and seeds.
- eight for the protection and support of children, including the construction and equipping of an Orphan Care Centre, the staging of various training workshops, promoting emergency counselling support and working to ensure successful family reunification.
- five diverse projects, included supporting a flood reduction programme, the support of mine clearance teams (including an all-female team), and a contribution towards the cost of acquiring an aircraft to serve small, poor and remote communities living in very isolated areas.

4. **HEALTHCARE**

As the largest category, this encompasses the remaining 32 projects. For convenience they are subdivided into three main groups:

- Water/Sanitation: £494,000 has been invested in 15 projects to provide water, latrines and associated hygiene training for the direct benefit of over 680,000 people. In two cases Guernsey's support triggered supplementary funding from the EU totalling over £200,000.
- Essential Equipment: 12 projects were supported. These included the purchase of hospital supplies and equipment. The projects supported included several for the provision and distribution of mosquito nets. All the investments – totalling £352,000 - will benefit at least 538,000 people a year, as well as providing much needed assistance to a large number of hard working medical staff.
- Infrastructure: Support of £175,000 was provided to five projects which will benefit at least 49,000 individuals, the bulk of the money funding new hospital facilities.

5. **EMERGENCY DISASTER RELIEF**

Emergency Disaster Relief amounted to £100,000 and was provided in respect of two disasters, as follows:

- Disasters Emergency Committee - Haiti Earthquake Appeal - £50,000
- Disasters Emergency Committee – Pakistan Floods Appeal - £50,000

The Guernsey Overseas Aid Commissioners are confident that States Members will feel that the money invested by Guernsey has been used appropriately.

<p style="text-align: center;">OVERSEAS AID COMMISSION ANNUAL REPORT 2010</p>

Agriculture/Fisheries

BANGLADESH

Save the Children Fund (UK)

Boosting the Agricultural Economy through Production and Productivity Gains, Bagerhat District

£38,440

The aim of the project is to increase the agricultural production and productivity gains of 1,200 small and marginal farmers and 250 women of farming households in Fakirhat upazila, Bagerhat district and will also support diversification, with increased cultivation of rice, other crops and vegetables in the region. Some 2,900 children (and 7,000 persons in total) will benefit indirectly.

The work is part of a larger project which focuses on sustainable increases in availability of food grains in southern Bangladesh, leading to improved food and nutrition security in the country. The project aims to work in 6 upazilas of Khulna and Bagerhat districts, targeting 10,000 farm households, of which 70 percent are small and marginal farmers' households; 15 percent are women-headed households; and 15 percent are medium farm households. The target group also includes households whose agriculture status has suffered over the years due to high food and input costs. Funding is for the following activities, representing 50% of total project costs: (1) The provision of 14 power tillers (motorised cultivators) and 16 irrigation pumps for small and marginal farmers; (2) The provision of agricultural inputs (seeds, fertiliser, pesticide) to 500 farmers; (3) The provision of 250 locally-produced seed preservation banks to the women of the farming households; and (5) Enhancing the linkage between government, NGOs, community, markets and private organizations through selection of the households, distribution of power tillers, irrigation pumps, agricultural input, joint monitoring and supervision, as well as follow up.

BRAZIL**ActionAid****Sustainable Agriculture and Water Provision to Former Slave Communities,
Minas Gerais State****£40,000**

The aim is to improve food security for around 3,000 people from the “Maroon” communities (descendants of former slaves) in the Gurutuba Region, Minas Gerais State, through improved water storage and supporting sustainable agriculture, leading to increased food production and consequent improvements in nutrition, health and household incomes. The Maroon communities are a marginalised ethnic group who depend on subsistence farming in the Gurutuba forests for their survival. Access to water is extremely difficult due to the semi-arid climate, exacerbated by irrigation projects that divert water supplies to large commercial farmers. People here often experience severe food shortages and are forced to eat their seed reserves, which then affects future harvests.

The improvement in food security will be achieved by increasing farmers’ knowledge of sustainable agriculture techniques and providing practical support, including establishing three communal gardens. The gardens will grow vegetables as well as medicinal herbs to provide improved nutrition and a source of medicine to poor families who are unable to access state health-care provisions. Three community seed banks will ensure local varieties are preserved and cultivated, as well as providing seeds to poor farmers that have depleted their seed supplies. Additionally, fruits, vegetables and herbs from the three gardens will be processed, allowing products to be supplied to cooperatives for commercial sale. Families will also be provided with fences, tools and seedlings to enable them to improve the quality of food produced by their backyard gardens. Funding is for the provision of capital to establish three communal gardens with water tanks, irrigation kits, water pumps, seed banks, and food processing units, as well as inputs to enable families to improve their backyard productivity and training on sustainable agriculture.

ETHIOPIA

Concern Worldwide

Community-based Livestock Credit Project, Amhara Region

£39,339

The aim is to help poor women-headed households in Dessie Zuria district, a chronically food-insecure area of Amhara region, to achieve improved food security by setting up credit groups supporting families to select small ruminants (sheep and goats) at market, specifically increasing the income of 585 women-headed households (a total of 2,340 people). This area suffers from erratic rainfall, high population pressures, degraded grazing and forestland, and high levels of malnutrition. After several years of low production many families have sold their assets, including livestock, in order to provide food for their families but the families have now almost exhausted all coping strategies. Assessments show that women-headed households are the most vulnerable group.

Each household will choose five ruminates for rearing (a total of 2,925 sheep/goats to be distributed). To ensure that animals remain healthy and productive they will be vaccinated by MoARD (Ministry of Agriculture and Rural Development). Training will be given to the beneficiaries on forage development and animal health care. MoARD will set up demonstration sites and provide beneficiaries with forage seeds/seedlings. The maximum repayment period will be 2 years, with an 8% interest rate. The interest rate will be used for the running costs of the credit groups which will consist of 5 – 7 members. Repayments of ruminants will also be collected. Sheep/goats will then be disbursed to new groups on a revolving basis.

LESOTHO

The British Red Cross Society

Building Food Security for Vulnerable Groups, Kena, Mapholaneng, Seapala and Thabana Morena

£21,014

The aim of this project is to increase the self sufficiency of those affected by HIV and by HIV-related illnesses in four communities in Lesotho, namely Maseru, Mokhotlong, Quthing, and Mafeteng in the districts of Kena Mapholaneng, Seapala and Thabana Morena, in particular by helping the households of orphans and vulnerable children who will benefit from increased access to food supplies through the provision of vegetable seeds to 450 households; 600 grafted fruit trees to 200 households; by training workshops for lead gardeners; garden tools for households and lead gardeners, all of which will benefit 2,250 people directly, of whom 700 will be orphans and vulnerable children and a further 1,125 people indirectly who will benefit from increased food production.

Lesotho has the third highest prevalence of HIV in the world, with nearly 1 in 4 people infected with HIV. The disease is killing the active working population, with a profound effect on agriculture and farming. Children are becoming heads of households and forced to drop out of education to look after siblings. Climate change, population pressures, environmental degradation and the impact of HIV now mean that the people of Lesotho are no longer self-sufficient and face acute food shortages. The spiralling cost of food, much of which is now imported from South Africa, is also having far-reaching effects on the livelihoods of the poorest communities and their ability to cope.

The project will fund food security and income generation activities for beneficiaries made particularly vulnerable by HIV and HIV-related illnesses. It will support the provision of vegetable seeds, fruit trees and garden tools. It will also support the provision of 'lead' gardeners who are drawn from the local communities and who are experienced in sustainable farming techniques to support the development of food security initiatives in their communities. These activities will help people to be economically self-sufficient, provide for themselves and to distribute food to the chronically ill in their communities.

MALAWI

Find Your Feet Ltd.

Long term Food Security and Improved Incomes through Sustainable Agriculture, Ntcheu district

£37,345

The project will improve long-term food security whilst at the same time increasing the incomes of 1,000 poor, food-insecure farming families in 20 villages (60% of them headed by women, a total of 4,000 household members) by providing training in low-cost, environmentally friendly sustainable farming practices, developing access to markets, improving harvest yields, rebuilding soil fertility, encouraging crop diversification (thereby reducing vulnerability to crop failure and pests) and improving the nutrition of participants.

New irrigation will enable farmers to grow vegetables in the dry season. Training through farmers' clubs will enable communities to share their learning and create communal compost pits and demonstration plots. The primary focus is on women farmers becoming the custodians of their families' food supplies. The project will also raise awareness of HIV/AIDS and help prevent its spread, at the same time helping to improve the nutrition of those affected. Training in low-cost, environmentally-friendly farming will improve harvests and rebuild soil fertility. Crop diversification will reduce vulnerability to crop failure and pests and improve nutrition. Funding is for training, agricultural supplies, local planning, project support and monitoring.

80% of families in Phambala in Ntcheu district depend on agriculture to feed themselves and earn an income to buy other necessities. Over the last decade the area has suffered frequent droughts and soil erosion. Farming small plots of often infertile land and being dependent on just one crop annually, 90% of families suffer food shortages for three months of the year. Food insecurity is exacerbated by the high incidence of HIV in Phambala, which at 17% of the population is above the national average. Those affected are often unable to work and women disproportionately bear the burden of maintaining food production, providing for orphaned relatives and caring for the sick.

MALAWI

Guernsey Adolescent Smokefree Project (GASP)

Ana A Topa Phase 2 - Provision of 2 Boreholes, Nkhotakota and Nthisi Districts

£10,000

Further to the Commission's grant made in 2008 to enable people to grow ecofriendly maize instead of tobacco, the aim is to construct two boreholes in Nkhotakota and Nthisi districts to provide around 400 people with ready access to clean water, thereby promoting the growing of maize crops and encouraging a more productive community.

These two districts were identified during Ana A Topa Phase 1 (2008-2009) as having families prepared to switch to the growing of maize crops instead of tobacco. Twenty three families were originally assisted, with a target of five more to be helped. However, Phase 1 was such a success that 12 more families have now opted to grow non-tobacco crops during the current year in spite of a lack of easy access to clean water. Water-related diseases (including cholera and typhoid fever) are common in this area. Drilling the two boreholes will not only help the population to become healthier, it will avoid the need for children and women to walk long distances to fetch water, sometimes having to carry up to 20-litre capacity buckets on their heads. The intention is to encourage those who have chosen to grow alternative crops to now enjoy access to supplies of clean water. Reducing the time involved in having to fetch water will enable the children to more easily focus on their education. Access to safe water will reduce water-borne diseases and will at the same time ease the burden on women and girls in particular.

The balance of the cost of this project will be funded by Missionaries of Africa through Centre for Social Concern, the International Labour Rights Forum and the International Union of Food. Funding is for the provision of two boreholes and represents 44% of the overall project costs.

NEPAL

Appropriate Technology Asia

Sustainable Agriculture and Improved Resource Management, Surkhet District

£32,493

The project will provide at least 11 villages (6,739 people) in the high altitude areas of Surkhet District with the skills and infrastructure they require to improve their livelihoods through the more efficient use of resources, specifically by introducing better food storage and product processing, implementing labour-saving techniques, the adoption of sustainable solar technologies, promoting crop irrigation, undertaking training in best practice and making available seeds and saplings.

The villagers currently rely on agriculture, livestock and migratory labour to provide them with their main sources of food and income. The intended technologies are all appropriate for rural communities due to their simplicity and robustness, and have been proven in other areas. The methodology used will ensure this programme promotes self help among the population through training and subsequent new opportunities. The benefits will include an increase in the availability of food, improved health (particularly amongst children and the elderly), reducing the burden on women (who currently undertake much of this arduous work) and reducing the negative environmental impact currently caused by over-exploitation and inefficient utilisation of natural resources. The project will increase opportunities for income generation and skills development by using available natural resources more effectively and with minimum environmental impact, whilst at the same time raising general awareness amongst the population and building capacity to continue future sustainable development.

SIERRA LEONE

Christian Aid

Improving the Food Security of Small-scale Farming Households, Bonthe District

£37,744

This project, part of a larger one funded by the EU, will improve the nutrition of approximately 23,362 people living in the Bonthe district, especially women and children, by improving the food security of small-scale farming households in the chiefdoms of Bendu Cha, Nongoba Bullom and Yawbekp, with the Commission's grant reaching at least 8,934 people. Sierra Leone is the poorest country in the world and despite mineral wealth, the vast majority of the Country's population lives in conditions of poverty. Food insecurity has been recognised as a major contributor to poverty in the Country, especially for children, of whom 28% die before their fifth birthday.

Key activities will include: (1) Increasing overall food production from key staple crops such as rice, cassava, palm and groundnut. New farmers' groups will be set up and existing ones supported, to increase production. Land use will be negotiated with land-owning families, and seeds, tools and equipment such as hoes, machetes, watering cans, shovels and gardening lines will be purchased and distributed to each group on a household basis; (2) Improved diversity of crops - women's groups will be supported in growing more nutritious crops to improve their families' diets. Crop production will increase through training and the provision of seeds and tools. Any surplus food will provide income for the community. Community awareness-raising sessions will be conducted on the benefits of vegetable production and the advantages and limitations of collective work; (3) Increase in value of farming produce. Training in production, storage, processing and marketing will allow farmers to earn more money for their surplus crops. Awareness-raising sessions will be carried out, and equipment such as rice hullers, cassava graters and palm oil pressers will be provided. Centres will be set up where farmers can hire equipment, buy and store seeds and provide - and receive - advice. The centres will provide training to groups on how best to market their produce and to organise themselves collectively to set-up and negotiate prices. The community has requested this project as a matter of urgency as no other organisations are working in the area on this same theme. Funding is for 52% of the balance of funding required for the first year of this three-year project, the majority of which is funded by the EU, and represents 8% of the total year-one costs for seeds, farming equipment, processing machines and storage barn construction.

TANZANIA

Tearfund

Against Household Food Insecurity, Mara Region

£39,985

The aim is to increase food production and long term food security for 1,456 farming families from four communities in Musoma district, Northern Tanzania, benefiting 12,248 people directly and 36,744 indirectly through the promotion of improved farming techniques in the four communities, as well as the construction of a community rain water reservoir in Ragata village which will provide water for small scale irrigation, livestock and domestic use.

Agricultural production forms the basis of household food security amongst these communities but, due to water and pasture shortages and poor farming methods, farming production is relatively low. The situation is compounded by serious droughts which hit the area every 2-3 years, resulting in acute food and water shortages, the loss of livestock and pasture land, and culminating in acute cases of starvation and malnutrition, especially amongst children.

This project will strengthen long term food security by training and monitoring households in improved farming techniques and food storage. Training will include use of farm manure to improve soil fertility, promoting better land tilling, and preparation and use of improved seeds and technologies. Household cereal production will increase from an average of 50 kgs to 1,000 kgs per acre by the end of year one of project implementation. The water reservoir at Ragata will reduce vulnerability to drought for this community during dry seasons by providing uninterrupted rain water supplies for irrigation and domestic and livestock use. Funding is for farming training, procurement of seeds and equipment, construction of a rain water reservoir and running and monitoring costs.

THAILAND

The Karen Hill Tribes Trust

Irrigation Project, Mae Hong Son Province

£24,600

The aim is to help provide sustainable livelihoods in remote, mountainous areas in Mae Hong Son Province for 80 Karen farming families, benefiting some 400 people directly - and a further 800 indirectly - by building six new irrigation systems and repairing two existing ones used for crop production. Agriculture and water development in northern Thailand is important as the region depends on agriculture both for subsistence and economic growth. The mountainous terrain makes it difficult to grow crops without irrigation and the Karen rely on agriculture for their livelihoods.

The main crop grown by the Karen farmers is rice. It completely dominates the Karen diet, subsistence needs and way of life. Rice is a semi-aquatic crop which means it must be grown in flooded parcels of arable land called 'paddies'. Without a constant and controlled flow of water it is not possible to grow rice, and even short periods of dryness can completely destroy the crop. Therefore, rice producers throughout the country have come to rely on irrigation systems to ensure an adequate supply of water. Investing in these irrigation systems will enable the Karen to bring more land into crop production and further help sustainability and income generation.

Most Karen irrigation systems work by building a small dam across a river with rocks, bamboo and brushwood. This interrupts the flow of the river or stream just enough to redirect sufficient water to irrigate nearby fields via a system of small canals. These canals incorporate simple gate systems to allow water to irrigate the land. Heavily rain-swollen rivers and flash floods have seriously damaged many of these fragile dams and canals. In these circumstances water is not sufficiently available for rice to grow. With their means of subsistence completely undermined, many families are left in desperate circumstances. Repairs to these dams become necessary and are included in The Karen Hill Tribes Trust's programme. The new dams are made of concrete so are able to withstand more extreme weather conditions without damage.

UGANDA

Tearfund

Drought Mitigation for Sustainable Development, Teso Region

£39,415

The aim is to improve agricultural practices, provide entrepreneur training and improved disaster management skills in six communities (Labor, Mukura, Kolir, Acowa, Ngariam and Kagaa) in Soroti district, in the drought and flood-prone Teso region of Eastern Uganda, benefitting 11,028 people directly with an additional 32,172 people benefitting indirectly. Around 60% will be women, and the direct beneficiaries will be vulnerable families. The project will improve nutrition amongst beneficiaries, leading to better health and improved levels of income and resilience against disasters.

The aims will be achieved through the following activities: (1) six demonstration forests and orchards will be established through the distribution of 10,000 wood tree seedlings, 10,000 fruit tree seedlings and six sets of tools; (2) Drought-resistant varieties of sorghum, cassava, groundnuts, cowpeas and high-yielding and quick-maturing vegetable seeds will be distributed to 1,800 households. The resulting crops will be used to improve household diets and income through sales at local markets; (3) 120 vulnerable young people will be trained in entrepreneurship skills and given a loan to establish a small business; (4) A five-day workshop in each of the six target communities will train 18 members of Village Disaster Management Committees in each community on how to reduce the risk of disasters affecting their communities. Funding is for the purchase of seeds, tree seedlings and tools, provision of entrepreneurship loans, entrepreneurship and committee training and certain running costs.

Education

INDIA

Goodwill Children's Homes

Improving Retention in Remote Tribal Primary Schools, Tamil Nadu

£18,334

The aim is to improve retention of children in tribal and isolated rural schools in the lower and middle Palani hills area of the South Western Ghats, by enhancing teaching capacity, improving the classroom environment, providing basic sanitation facilities and a safe supply of drinking water. In this hilly area there is widespread poverty and suffering, especially for the children of the mainly tribal communities. To halt the cycle of poverty, education is essential, but low expectation and poorly maintained schools have meant drop-out rates are high, particularly within the primary sector.

The project will specifically target 13 primary schools serving a total of 934 children in the most isolated and deprived of communities. Paintwork and external wall renovation will be carried out in all 13 schools; eight schools will receive benches, desks and cupboards; leaking roof sheets will be replaced on four schools; toilet blocks for boys and girls will be constructed in five schools and bore wells with storage tanks will be provided at three schools. The project will also provide training to full time and supplementary teachers in early childhood development.

KENYA

The Funzi and Bodo Trust

Bodo Primary School, Coast Region

£17,204

The aim of this project is to refurbish a further three classrooms at Bodo Primary School in the Coast Region which, when completed, will offer schooling for a total of 350 registered pupils (not all of whom attend at the same time) and will include the levelling of a playing field, providing a lending library (open to both children and adults) and the provision of 90 desks and administration office furniture. The school was originally built in 1961 and is in an advanced state of dilapidation owing to lack of investment by the local authorities for maintenance and general upkeep.

In 2003 the Kenyan government began to provide free primary school places for all, and this has led to increased demand for good quality school accommodation. The local authority has provided £18,611 (2.3 million Kenyan shillings) for rebuilding and refurbishment of the first three classrooms and the Funzi and Bodo Trust is hoping to match this investment in order to provide a further three classrooms which will reduce class sizes (currently over 40 pupils per class) and to provide weatherproofed classrooms. The refurbished accommodation will also include a lending library, open to both children and adults. The school will be refurbished using local family labour at all stages. Local materials will be used for the exterior and interior walls and for hardcore foundations. Attention will be paid to ecological improvements and will include natural ventilation and water tanks which collect rainwater from the roof. A playing field will be levelled to provide facilities for physical education, to be suitable for matches and for general play. Funding will be used for 48% of the total costs.

LAO PEOPLE'S DEMOCRATIC REPUBLIC

World Vision UK

Primary School Construction, Phonxay District

£40,453

The aim is to contribute towards Millennium Development Goal 2 - the achievement of Universal Primary Education - by providing two well-equipped school buildings to meet the primary education needs of four villages, Phak-Hok, Huayloungeung, Houamueang and Phak Bong and their surroundings, to benefit 348 individuals directly and 1,958 family members indirectly. The outcomes of the project are to improve primary student school attendance and the quality of primary education available to children served by Phak-Hok Village and Huayloungeung Village schools. The project complements a 15 year Area Development Programme (ADP) and the school construction will be accompanied by ongoing ADP support for teacher capacity building to improve the teaching quality in the schools, teaching and learning methodologies and inclusive education. Construction and rehabilitation of schools is an integrated part of the education process, which is supported by a 4 year World Vision UK education programme.

Phak-Hok Village is one of the poorer villages of Phonxay District and is situated about 20km from the District Centre. All of the households are ethnic Khmu, or midland Loa, and are subsistence farmers. Some 65 households out of 88 (455 people out of the village population of 521) are considered to be in poor households. Huayloungeung Village is situated 3km east of the District Centre and the people are also Khmu. Some 25 households out of 96 (89 people out of 581) are considered poor households. Traditionally built school buildings - of earth floors, bamboo/wood plank walls and grass roofs - already exist in both villages but they are in a very dilapidated condition. Huayloungeung School currently caters for 140 students across 4 grades, all from Huayloungeung village. Phak-Hok School caters for 163 students across 5 grades, coming from three villages (Phak-Hok, Houamueang and Phak Bong). Both schools have to have multiple grades taught in each of the existing classrooms due to the number of students wanting to attend school. Both new schools will consist of five classrooms with one office, furniture, latrines and water point for hygiene, and also a school garden.

World Vision Laos (WVL) will hire a construction company through a tender process to construct the schools, the communities will provide labour, sand, and gravel for the foundations and wood for the frame of the building. The District Government will supervise and inspect the building, as a standard Government design has to be used for the school. Monitoring of the project will be shared between WVL, Government staff and the community. Funding is for 84% of total project costs for 2010, and forms part of the wider 4 year education programme.

MADAGASCAR

United Nations Children's Fund (UNICEF)

Rebuilding Schools and Sanitation Facilities in Cyclone-affected areas, Analanjirifo District

£30,301

This is part of a wider project to rebuild 40 classrooms destroyed by cyclones in 20 schools in Madagascar, allowing 2,000 students to resume their education in safe learning environments. UNICEF will also support the construction of water and sanitation facilities in the selected 20 schools with the aim of reducing the spread of disease and improving the health and hygiene behaviour of students, the aim being to fund the building of one school in the district of Analanjirifo – two classrooms, which will be cyclone resistant - plus water and sanitation facilities which will benefit approximately 100 pupils in 2010, with hundreds more pupils benefiting over the years to come.

Every year cyclones leave behind a trail of destruction and flooding in Madagascar - where 68% of the population lives on less than \$1.25 a day - severely disrupting the education of thousands of children; in 2008 Cyclone Ivan destroyed over 2,200 classrooms and in 2009 the cyclone season damaged 250 more. In addition, water and sanitation conditions in Madagascan schools are poor, with only 500 primary schools nationwide considered to have adequate facilities. The improved water and sanitation facilities will not only improve levels of hygiene but will also encourage regular school attendance. Funding is for construction costs and the provision of furniture, clean water points and latrines and represents 5% of the total project costs.

NIGER

Oxfam

Improving Access and Quality of Education in Agro-pastoral Community Schools, Tillabery Region

£38,450

This project aims to improve access and quality of education for 2,628 children in Niger who attend agro-pastoral community schools, through classroom and latrine construction, the provision of school equipment and books, as well as teacher training. Niger is one of the poorest countries in the world where access to clean water, sanitation and education is limited. Communities that have to choose between immediate food security and their children's education do not always prioritise education. Less than one third of adults are able to read and write. In 2007 the girls' school enrolment rate in Niger was only 44 per cent, and completion rates were significantly lower. Meeting the Millennium Development Goal (MDG) on education by 2015 remains a challenging target. The Niger Education Ministry does not have the resources to build classrooms and sanitation facilities for schools in remote agro-pastoral areas such as the Tillabery region. This shortfall in the State budget also impacts on recruiting and training teachers and providing essential school equipment, such as textbooks.

As part of a wider programme, Oxfam aims to improve access to education so that at least 2,628 children receive a quality primary education in the Tillabery region. Activities in the three identified villages for this project include: (1) Building six classrooms and latrine blocks in three schools (2) Supplying equipment and school books for the six classrooms (3) Training 66 teachers in the key academic disciplines - mathematics and French (4) Training 66 teachers and eight community Animatrices in gender and education issues, and carrying out community awareness-raising to eliminate barriers to education, particularly for girls. (Animatrices are school support workers who help tackle the issues that keep girls out of education, by working with parents and teachers to change negative attitudes towards girls and schooling, and to reinforce the right to an education). Funding is for 40% of overall project costs.

Oxfam will use this project as a model to lobby the Education Ministry for better investment, quality and governance in the education sector, to build the capacity of parent-teacher committees responsible for managing schools, and to enable them to better articulate their education needs to government authorities. Oxfam is funding this part of the programme.

SOMALIA

Save the Children Fund (UK)

Classroom Construction for Disadvantaged Children, Togdheer, Sool and Sanaag Regions

£35,800

This project aims to improve access to quality and cost-effective basic education opportunities for approximately 1,000 children (which represents 80% of out-of-school children) in four disadvantaged communities (two in Togdheer, one in Sool and one in Sanaag) through the construction of classrooms and the provision of hygiene and sanitation facilities. The primary target groups of the project are the children of pastoral and agro-pastoral people, girls, working children, children from minority groups, returnees and Internally Displaced People (IDP) of the Togdheer, Sool and Sanaag regions, all of them aged 7 to 14 years.

Whilst an enormous amount of work in school construction and rehabilitation has been carried out in the Togdheer, Sool and Sanaag Regions in Somaliland/Somalia by Save the Children UK and other international NGOs and UN Agencies over the last decade in Somalia, there are still serious challenges that need to be addressed in the primary education sub-sector. The Gross Enrolment Ratio (GER) in Somalia is only 30%, with 34% for boys and 24% for girls (details from UNICEF Survey of Primary Education, 2006/007, unpublished and EC Identification Study, 2008). In all three zones in Somaliland (Togdheer, Sool and Sanaag) girls' enrolment still lags, at less than 40%. A large number of vulnerable children's groups are still excluded from the school system, coupled with high attrition rates, especially amongst girls. Access to school in much of Somalia is still limited mainly due to scarcity of school facilities, especially in remote rural villages where walking distances between home and school averages 5 km or more.

Few schools have any water supply and only 40% of schools have latrines, of which only a quarter have a separate facility for girls. In addition, only a few schools have any formal playground or recreation equipment and, as a result, organised play is not a feature of school life in most schools. A limited number of schools run extracurricular clubs or activities such as sports or drama clubs. Funding is for the following activities: (1) Renovation and expansion of four classrooms; (2) Construction of four new gender-segregated school latrines; (3) Establishment of four water points in four schools, and (4) Establishment of four safe play grounds in four schools and, in all, represents 91% of overall project costs.

UGANDA

Build Africa

Education Quality Improvement Project, Kumi and Bukedea Districts

£27,691

The aim of this project is for the development of one school in 2010 - as part of a wider overall aim to increase the quality of education at 23 rural schools in the Kumi and Bukedea Districts of eastern Uganda - by improving school infrastructure (at eight schools), improving teaching standards and the management and running of schools, developing community participation and responsibility for the schools and developing HIV/AIDS awareness and gender equality at 23 schools, thereby benefiting 10,000 pupils and 170 teachers in 2010 (and many more over the coming years).

Remote rural schools in Kumi and Bukedea often fail to benefit from the majority of programmes which concentrate on easier to access urban areas. In Kumi only half of all six year olds enrol at school, compared to a national average of 84%. Once enrolled, a student stands very little chance of receiving a decent education, being one of up to 80 pupils crammed into a temporary structure or under a tree. As a result, in 2004, only one in four children reached their age-recommended literacy levels, with few more than this reaching the numeracy standards.

The 23 schools selected for support are the neediest schools in Kumi and Bukedea. The schools are forced to hold lessons under trees, in temporary mud structures or in dangerous, condemned buildings. They can, nevertheless, be incredibly important in stopping children having to walk several hours a day, or for use to train teachers who have only just qualified. The pupils often have no chance of completing their education as the schools - for varying reasons - are unable to offer the final classes. Funding is for the development of one school in 2010 and will cover the construction of a classroom block and a latrine block, the provision of desks and training programmes for teachers, pupils and School Management Committees and represents 11% of the wider project costs.

UGANDA

War Child UK

Rebuilding Communities through Education and Protection, Pader District

£39,999

This project aims to contribute to the rebuilding of the lives of 850 Internally Displaced People (IDPs) living in Otingowiye village in Wol Sub-County, Pader district, through the provision of education, in particular constructing and equipping a model primary school, and developing awareness raising and income generation. Pader District is one of the poorest areas of Uganda, having recently emerged from 21 years of conflict. The project will reach 5,600 indirect beneficiaries through awareness-raising and sensitisation on child protection issues.

Currently the school has only three temporary classrooms, built by the community using local resources. Half of the classes are taught outside and under trees, leading to disruption when it rains. The school has the lowest completion rates in the whole district, with 50% of girls and 60% of boys dropping out before reaching year 7, and having a student to teacher ratio of 100:1.

The main project activities are: (1) Constructing and equipping a model primary school for 500 children; (2) Initiating a community-based programme to increase literacy among parents, accelerated learning for young people who have missed out on schooling due to displacement, and increasing awareness of child protection issues among the community; (3) Initiating income-generating activities in the community by purchasing a Hydra-form block making machine which will be used to make the bricks for the school construction, and then handing it over to the community, through the management of the School, to generate an income for the ongoing maintenance of the school and supporting the poorest families. Funding is for 70% of total project costs.

ZAMBIA

The Friends of Katete

Tikondane Community Centre (TIKO) Great Hall, Eastern Province

£6,650

Further to the Commission's grant in 2005 for the construction of a large multi-purpose hall on the premises of Tikondane Community Centre (TIKO) - the aim being the reduction of poverty by the provision of training in literacy, health, hygiene and in fields that will generate an income and develop healthy lifestyles in the local community - this latest initiative is to provide eight composting toilets, as well as raising the height of the one-metre high brick wall around the perimeter of the Hall to two metres in order to give added protection from the elements and more privacy (other than at one end, where the wall will reach from floor to roof, thus facilitating the use of visual aids and accommodation of pre-school children). The provision of eight composting toilets (of an existing successful design) and a smooth concrete floor will also provide added value to the structure.

TIKO is a non-political, inter-denominational, non-profit making community-based organisation devoted to the development of Katete community, one of the poorest in Zambia's Eastern Region. Empowerment of women is central to the programme as the position of women in the Chewa Culture leaves a lot to be desired. Basic schooling needs to be developed, particularly for orphaned children unable to attend government schools. There is a catchment area of some 20,000 people encompassing some 44 compounds and villages in Katete District, all of which benefit from the outreach of the Community Centre. The school caters for some 550 desperately poor children.

TIKO provides skills training and employment, the economic effects of which filter back to the villages. As a by-product of the skills achieved, income-generating projects such as weaving, animal husbandry, horticulture, metal work, building, carpentry catering and hospitality are moving TIKO towards the ultimate goal of financial sustainability. The Great Hall is multi-functional and well-utilised for management meetings, school assembly, workshops, local events, classroom activities, staff meetings, seminars etc. Some of these activities are income generating. A pilot scheme to extend the Community Centre model (on an albeit limited scale) has already begun and forward planning in areas such as environmental farming, hygiene, use of water facilities and introduction of composting toilets are being discussed within the villages by elected village representatives, chaired by the Head man and guided by TIKO staff.

Health

BANGLADESH

IMPACT Foundation

Improving Healthcare Provision to Prevent and Treat Needless Disability amongst the Poorest People, Chuadanga and Meherpur

£34,151

The aim is to improve healthcare provision and prevent and treat needless disability amongst the poorest people in Chuadanga and Meherpur, two particularly disadvantaged districts where an estimated 80% of people have no access to healthcare or medical facilities, by providing various items of medical equipment to the IMPACT Foundation Bangladesh (IFB), IMPACT's local partner. Poor people in Bangladesh are trapped in a vicious cycle of malnutrition, ill-health and poverty and each perpetuates the next, making it almost impossible to escape. This situation is exacerbated by often illiterate people's lack of knowledge about health and nutrition, and a dearth of medical services. Through this project IMPACT wishes to expand its successful model in order to extend the demonstrable health benefits to even more men, women and children.

Activities will include the provision of primary healthcare to prevent needless disability as well as more specialised medical treatment, notably sight-restoring cataract surgery, a condition which affects a disproportionate number of people locally. Indeed, there is nowhere in the area where cataract surgery is available to the poorest people since private surgery is beyond their means. IFB will provide primary healthcare through screening and treatment clinics, including satellite clinics in remote locations, antenatal care to protect mothers and babies, immunisation, nutritional supplements, safe water and health and nutrition education to help people to help themselves. Around 25,850 people will benefit in the first year alone, including 13,350 people who will receive medical treatment by directly accessing the medical equipment. The unit cost is just £2.56 in the first year but the same equipment will be used to treat people for many years to come, thereby vastly reducing the unit cost. Family members will benefit indirectly as health improves and poverty is reduced.

BURKINA FASO

HelpAge International

Improving Water and Sanitation, Passore Province

£36,549

This project aims to enhance the health status of older people and their dependents through improved water and sanitation in six communities, targeting 11,969 older people and their dependents and – indirectly - benefitting 28,973 people in six villages in the Department of Arbolle, in Passore Province. Poor sanitation and a lack of access to clean water contributes to high incidences of diarrhoea, dysentery, cholera and typhoid. There is low awareness and understanding about the prevention of disease and poor observation of proper sanitation and hygiene in the community. In addition, older people have to travel long distances to fetch water and if they are not able to do this they cannot bath, drink or wash clothes.

To address these issues a community borehole will be drilled, communal latrines constructed and sensitisation meetings held to address basic hygiene and primary healthcare needs. The project will aim to use these interventions to educate the community on the relationships between drinking clean water, health, water borne diseases and sanitation. The intervention will target 11,969 older people and their dependents and indirectly benefit 28,973 people in six villages in the Department of Arbolle. The project will be implemented by HelpAge International in partnership with the Burkina Faso Red Cross Society (BRCS). BRCS was founded in 1962 and is an influential body at national level. It has collaborated with HelpAge since 2002 through joint initiatives such as livelihood support programmes for older people. The organisation is experienced in health promotion, HIV/AIDS issues and treatment, food security and emergency response.

CAMBODIA

Cambodia Trust

Reducing Poverty amongst Disabled People through Physical Rehabilitation, Kompong Chhnang, Sihanoukville and Surrounding Rural Areas

£15,300

The aim is to provide physical rehabilitation in Kompong Chhnang, Sihanoukville and the surrounding rural areas for disadvantaged disabled people, including landmine survivors and people affected by polio, cerebral palsy, club foot and traffic accidents, by increasing their mobility to improve self-sufficiency. The project is run from the Cambodia Trust's rehabilitation centres in Kompong Chhnang and Sihanoukville, which serve the surrounding rural areas where most people are subsistence farmers. Cambodia has one of the largest disabled populations in the world, including an estimated 43,000 landmine survivors and 50,000 people affected by polio. Disabled people are the poorest of the poor, discriminated against at every level of society. Excluded from education and employment opportunities, they remain trapped in a cycle of poverty. Increased mobility is the first, vital step towards self-sufficiency and inclusion. A prosthetic limb can make the difference between employment and begging on the streets for survival.

The project activities are: providing prosthetic limbs, leg braces, wheelchairs, walking aids and physiotherapy at rehabilitation centres in Kompong Chhnang and Sihanoukville. Around 2,300 disabled people will receive artificial limbs, braces and other physical rehabilitation services. A further 4,600 people (parents, husbands, wives and children of the direct beneficiaries) will benefit from the increased mobility and independence that will be enjoyed by disabled family members, effectively lessening the burden on them.

Cambodian society as a whole benefits from the inclusion of disabled people. Funding will support capital expenses (workshop and office equipment), client costs (support for beneficiaries such as walking aids), local travel (to survey rural villages) and operating costs. The funding represents 10% of the project's total budget.

CAMBODIA

Voluntary Service Overseas (VSO)

Improving Maternal and Child Health, Stung Treng Province

£37,000

The aim of this project is to reduce maternal mortality in Sra Kresang district, Stung Treng province, through the training of midwives and the construction of a maternal “waiting house”.

Cambodia is one of the poorest countries in South-East Asia and health indicators, particularly for women and children, are very low. One in six Cambodian women die from pregnancy or pregnancy-related causes and 472 out of every 100,000 women die in childbirth. This maternal mortality rate has shown no improvement over the last 10 years – rather, it is on the rise. Most of these deaths could be prevented by having qualified and experienced midwives. A further complication for many women is that they cannot access health centres. Many of these women live in poor and remote communities far from health centres and a lack of transportation and poor road conditions prevents them from receiving timely medical attention.

To address this, this project will: (1) Provide training for 32 midwives in emergency obstetric and neonatal care, antenatal and delivery care, maternal death audit and postpartum care; (2) Build a maternal “waiting house” in Sra Kresang health centre. Maternal “waiting houses” provide a safe environment where poor women with complicated pregnancies can stay, ensuring that they have access to health care, thus often saving lives.

ETHIOPIA

CARE International UK

Developing Health Facilities for Women and Children, Afar Region

£39,995

The aim is to decrease maternal and child mortality rates in five districts of Afar region by increasing access to quality health services, in particular by providing essential infrastructure development at the Gewane Health Centre, as well as medical equipment at seven health centres in four of the districts, benefitting 211,813 people (32,000 directly and 179,813 indirectly) in the five districts. Afar is located in the North East of Ethiopia where just under 90% of the population are pastoralists, suffering poor basic services, marginalisation, experiencing conflict over water resources and pasture and with harsh climatic conditions, leaving communities particularly vulnerable.

Women and girls are often the most marginalised within this society and the worst affected by a lack of adequate health services. Female genital mutilation, a harmful traditional practice in Ethiopia, is almost universal in Afar. Women who have been mutilated have an increased risk of bleeding and infection during childbirth, increasing the need for quality and accessible health services. Gewane district is situated along the main country highway, connecting Addis Ababa and Djibouti, increasing the vulnerability and exposure of people to HIV/AIDS, placing more strain on the local health services. Gewane has one health centre which serves 31,313 people but lacks essential equipment and facilities to improve health services.

Funding is for: (1) Essential infrastructure development at the Gewane Health Centre, namely: (a) construction of one placental pit for safe disposal of medical waste; (b) construction of one septic tank; (c) rehabilitation of the water and electricity supply system for the maternity ward; (d) purchasing life-saving medical equipment and procedure kits for the operating theatre; (e) purchasing and installing hand washing sinks for the outpatient clinics and maternal health rooms (2) Purchasing medical equipment for seven health centres in Amibara, Dawe, Dulesa and Telalak districts.

ETHIOPIA

Save the Children Fund (UK)

Creating Access to Safe and Clean Water Supplies, Amhara Region

£40,000

This proposal will be implemented through the water and sanitation (WASH) component of a larger Save the Children UK (SCUK) project in South Wollo zone, Amhara region. The project aims to construct sustainable, community managed water points in Kelela, Borena and Wogadie Woredas, South Wollo Zone, in order to increase the access of the community to clean and safe water. The woredas have a total population of 431,535, 16.5% of which are children under 5. On average only 40% of households have access to a safe water supply, and diarrhoeal disease contributes to approximately 20% of under-5 deaths. Despite government and SCUK efforts in the past, significant gaps still exist in the infrastructure required to increase access to clean water for the community.

Through Community Water Committees, six spring-based water supply systems and six hand dug wells will be constructed (two per woreda). The springs will channel water, using gravity, to reservoirs and this will then be piped to water distribution points at central community locations. The hand dug wells will be fitted with hand pumps in specific locations to complement the spring based water systems. Local materials e.g. sand and gravel (and using local labour) will be used to construct these water supplies and they will be maintained by the communities themselves. This model has been shown to work in other woredas in the same zone. Volunteer caretakers will be trained to maintain the points and the communities will pay for a guard to ensure the points stay in good order and remain safe. Water quality testing will be carried out for each of the water supplies installed, with the addition of chlorine where required.

This project will significantly decrease the time spent by women and children in collecting water and will decrease child mortality by reducing the incidence of diarrhoeal disease. An estimated 4,200 community members will benefit directly and approximately another 2,000 people who live within a 5km radius of the water points will benefit indirectly from the project. 50% of the beneficiaries will be children and 50% women.

ETHIOPIA

The British Red Cross Society

Building Community Water and Sanitation Provision, Tigray, West Gojam and Arsi

£36,843

The aim is to support a sustainable project to reduce the incidence of preventable diseases and improve the health of 9,000 people across three regions of Ethiopia that have been identified as most in need, namely Tigray, West Gojam and Arsi. Nine wells and nine latrines will be constructed, latrine cleaning kits provided and support given on well maintenance. In these areas people have very limited access to clean water and sanitation. Local customs and unsafe practices - such as using water sources close to rubbish dumps - contribute to high levels of ill health.

Ethiopia is one of the world's most disadvantaged countries, ranked 169 out of 177 in the 2007 United Nations Human Development Report. Over the last twenty years drought, famine and civil war have had a devastating impact on Ethiopia's 83 million people and the country's infrastructure. Access to health services is extremely poor due to low coverage around the country, a lack of qualified health professionals and a very poor transport infrastructure.

One of Ethiopia's major health risks is from water-borne diseases caused by a lack of safe water and poor sanitation. Only 13% of the population in rural areas has access to safe water and sanitation, leaving over 47 million people highly vulnerable, especially children. More than one in ten children die before their fifth birthday and every year a quarter of a million children die from diarrhoea associated illness. This project will improve access to safe drinking water and sanitation facilities and support communities to ensure that facilities are sustainable. Knowledge, skills, awareness and training will be cascaded through communities by 63 trained community members who will form nine water committees to take responsibility for one water point each. The community groups will ensure water point management, operation and maintenance.

GHANA

WaterAid

Integrated Water and Sanitation Project, Akuapem North District

£30,461

The overall goal of the project is to promote improved health and quality of life among the rural poor and deprived communities of the Akuapem North District, Eastern Region, by the provision of integrated water, sanitation and hygiene education services.

This district is regarded as one of the poorest and most deprived districts in the country with access to safe drinking water standing at only 38%. This leaves the majority of the population resorting to poor water sources such as dams, ponds, small streams and unprotected hand dug wells, many of which dry up during the dry season. Women and children are compelled to travel several kilometres from their homes to fetch and carry heavy loads of water every day, a situation which has negative consequences for their time, health and wellbeing. Sanitation in the district presents a deplorable picture – only 31% of inhabitants have access to basic sanitation, resulting in a high prevalence of water and sanitation-related diseases.

The one year project (commencing in April 2010) will provide access to safe water for 5,400 vulnerable people, and access to adequate sanitation and hygiene education for 6,000. This will be achieved through the provision of water and sanitation facilities, hygiene education awareness campaigns, building the capacity of local government authorities to provide WASH services, by local NGOs providing technical support, and local communities taking ownership of (and managing) their own water and sanitation resources. Project outcomes will include the construction of eight boreholes, six hand-dug wells, three institutional latrines and the implementation of community-led “Total Sanitation” in five communities. It will also involve community development activities, including baseline data collection, community mobilisation, hygiene promotion and volunteer training, “WatSan” training and the development of community action plans and facility management plans. Water quality, pumping and yield tests will be conducted on all water facilities to ensure safety and sustainability. Funding is for the provision of the boreholes, wells and latrines, and represents 55% of the total project costs.

GUINEA BISSAU

PLAN International UK

Integrated Hygiene and Sanitation Project, Bafata District

£39,990

The aim is to improve health, hygiene and sanitation for over 400 pupils and 1,150 community members in Bafata district by providing access to clean water, hygiene training and kitchens at two selected schools. The two schools will be provided with child-friendly kitchens, a borehole with a water pump and large specialised plastic water containers with taps that children can use for drinking water and hand washing. The teachers and school children will be trained in hygiene promotion messaging, and students will encourage the adoption of healthy practices through peer-to-peer health and hygiene promotion activities. Community members will also be engaged through awareness-raising activities about health and hygiene to encourage better practices in the home.

Bafata is one of the most under-developed regions in Guinea-Bissau - an estimated 24% of the population lacks access to potable water and only 2% have access to a latrine. Girls are particularly disadvantaged by the lack of sanitation facilities at school as menstruating girls are less likely to attend and girls are more vulnerable to physical assault when defecating in the bush. Good hygiene in schools is further limited by the lack of suitable kitchens. Existing community school kitchens are made of makeshift mud blocks and are small, unhygienic and have poor ventilation. Animals and insects affect meal preparation and during the rainy season the kitchens leak and are often damaged by strong winds.

The lack of adequate facilities and the low level of awareness among local people about basic health and hygiene issues have resulted in a high incidence of diarrhoea, intestinal parasites and other infections or water borne disease, especially among children. This contributes to high child mortality levels: 200 per 1,000 live births - equivalent to approximately 16,000 child deaths per year. The improvements at the schools, in addition to benefitting the schools themselves, will also: (1) Improve access to potable water for 1,150 people and promote hygiene and sanitation; (2) Reduce the incidence of child morbidity and mortality from water-borne diseases; (3) Improve health and hygiene practices among pupils and community members; (4) Increase school enrolment and attendance rates, particularly for girls; (5) Increase child and community participation in school and community development initiatives. Funding is for: multi-purpose child-friendly school kitchens, boreholes with water pumps and boys' and girls' latrines. One of each of the listed items will be provided at two primary schools. Hygiene and health promotion activities will take place both for children and the wider communities.

GUINEA BISSAU

United Nations Children's Fund (UNICEF)

Distributing Mosquito Nets to Prevent Malaria, Guinea Bissau

£26,371

As part of a wider project which aims to procure 14,000 mosquito nets and distribute them in hard to reach communities to reduce the prevalence of malaria - a leading cause of death among all age groups in the Country - the aim is to enable UNICEF to support the procurement of 5,600 nets. Malaria prevention is part of a wider child-survival programme, which is working to reduce child mortality through immunisation, nutritional care and hygiene promotion (as well as the distribution of mosquito nets). As part of the wider programme, the nets will be distributed through health care clinics that provide other essential health services. Experience has shown that owning a mosquito net and knowing how to use it do not always go hand in hand, so health workers will also be trained in how best to demonstrate the use of mosquito nets and how to raise awareness about malaria prevention among the local community.

In Guinea Bissau malaria contributes significantly to the alarmingly high under-five mortality rate of 198 deaths per 1,000 live births. Many of the deaths are preventable with simple, high impact and cost effective measures such as the use of treated mosquito nets, which provide a physical and chemical protective barrier that kills harmful mosquitoes. However, currently only 39% of children under five sleep under a treated mosquito net. Funding is for the provision of 5,600 mosquito nets, distribution and related training costs, and represents 40% of the total budget costs.

HAITI

Concern Worldwide

Access to Water, La Gonâve Island

£40,000

Further to the Commission's grants made in 2006, 2007 and 2009, the overall goal of the project is to continue to reduce the prevalence of waterborne disease on the island of La Gonâve, a desperately dry place, by sustainably improving access to potable water through the construction of a community cistern (and the rehabilitation of a further four), as well as the protection of two springs, whilst building the capacities of key stakeholders to sustainably implement, coordinate and manage water interventions which will directly benefiting 874 families (5,244 individuals). Families in La Gonâve are in desperate need of clean water supplies. Population growth and shifts in patterns of consumption - as a result of increased urbanisation - have increased demand on a water supply that is dwindling and increasingly polluted due to environmental degradation. For these people just a sip of water could prove lethal. But when one is thirsty and the only water available is riddled with disease and contaminated with bacteria there is little choice.

Water is one of the most important natural resources for life. Unfortunately Haiti ranks at the absolute bottom of the International Water Poverty Index. This translates into a daily struggle for water by the majority of the population. One of the most disadvantaged areas within Haiti is the island of La Gonâve. For the island's 80,000 inhabitants average daily access to water for drinking, food preparation and cleaning is just 7 litres (1.8 gallons) of water per person, less than half of the internationally recommended minimum emergency response standard of 15 litres (3.96 gallons).

There are more than 1,000 people living in Plaisance and they must walk 5 hours each day in search of water. They travel to two distant springs further down the mountains, and then must travel uphill on the return journey home over arduous terrain. Funding is for the construction of a 22,000 gallon rainwater harvesting cistern in the community. As part of the rehabilitation process for four community cisterns, refresher training will be provided to the local management committees because a properly functioning committee is integral to the sustainability of this resource.

HAITI

Oxfam

Improving Access to Water in Vulnerable Communities, Cap-Haitien

£35,030

This project aims to improve vulnerable urban communities' access to water by constructing six new water points in order to provide safe, clean drinking water to approximately 5,000 people in the upper part of Cap-Haitien, where access to water is currently very limited, and will be provided in addition to a current water and sanitation programme in eight areas of Cap-Haitien being funded by the EU. The city of Cap-Haitien is in northern Haiti, and has a population of around half a million people. More than 80 per cent of the city's population live in vulnerable communities without basic services such as water and sanitation. This project is part of a wider four-year water and sanitation programme that Oxfam has been implementing since 2006 which seeks to improve access to sustainable, equitable and basic services for underprivileged families.

In this project Oxfam will work closely with local authorities to extend the gravity water network system to the following four vulnerable communities: Haut College, Lauirier, Ti Vautaine and Celicourt. Oxfam will also enable committees to manage the water points in partnership with the local authorities. The project activities will reduce the amount of time spent - and distance travelled - by families to collect safe water. Project activities include: (1) Extending the water gravity network to vulnerable communities (2) Building water points and tanks for water users in vulnerable communities (3) Promoting hygienic practices and providing tools for managing the water points effectively. This project will directly benefit 1,000 households (around 5,000 people), but other parts of the city will indirectly benefit through the increased capacity of the water network.

The wider water and sanitation programme aims to improve the health of communities by providing them with access to drinking water, sanitation and improved hygiene practices. It aims to benefit a total of 130,000 people. It will also reinforce the institutional capacity of local organisations to ensure that water supply, sanitation and public health services are sustainable. The funding represents 11% of overall costs.

INDIA

Arpana Charitable Trust (UK)

Essential Accommodation for Arpana Hospital and Development Services, and Generator for Regular Power Supply, Haryana State

£28,000

The overall project aims to enable families of landless labourers living below the poverty line in 100 villages of Karnal District, Haryana State, to have increased access to crucial medical treatment and development services, in particular (a) through providing essential accommodation for full time doctors/nurses for Arpana Hospital and Development Services and (b) ensuring an uninterrupted power supply through the provision of a 320 KVA generator. The project will benefit up to 100,000 in-patients annually.

Additional doctors and nurses are urgently required on account of the following: (1) Since Arpana became a partner in the National Health Insurance Scheme (meant exclusively for patients below the poverty line) its workload has been increasing dramatically; (2) From January 2010 Arpana will provide 3-month specialised training courses to underprivileged 18-25 year old youths in Haryana, to work as nursing assistants/community health workers. Given the critical shortage of professional nurses and health care providers in Haryana, there is an urgent need to rapidly build capacity to provide health services and extend the reach of healthcare professionals to serve those who have no access to affordable health care; (3) In 2009 Arpana took up another 35 villages for community health and development inputs, in addition to the 65 especially poor and disadvantaged villages already covered, putting a model for sustainable village health care and development in place in 100 villages. Some 314 women's self-help groups implement community-health responsibilities, and 300 trained paramedics and health workers refer serious cases to Arpana Hospital.

To attract doctors and nurses for these initiatives, Arpana will construct a flat on the first floor of the present staff accommodation. Unfortunately the on-site, nine-year old generator (of limited capacity) breaks down frequently and is no longer able to bear the increasing power load as hospital services expand. This is a major handicap in providing effective services to an increasing number of needy patients at the hospital as power cuts are frequent, and often of up to 15 hours a day. Funding is for the provision of a 320 KVA generator which will ensure a regular power supply, meaning that vital equipment functions effectively (eg. X-ray and ultrasound machines, ICU lift, incubators, and other essential equipment) and represents 67% of the total project costs.

INDIA

Interlock

Solar-powered Vaccine Refrigeration System and Store at the Residential Hostel for Children with HIV/AIDS, Vadadhasol, Konkan, Maharashtra State

£11,250

The aim of the project is to provide reliable electrical-powered refrigeration for vaccines and other essential medicines at the Interlock Residential Hostel for children with HIV/AIDS, and an ambulance/people carrier at Shanti Van, Vadadhasol, Konkan, Maharashtra State, to assist work within the local community (who are all from low Castes). The facility, funded by the Commission in 2008 and recently completed, will provide a Residential Hostel with education, health awareness and vocational training for the children and their siblings, both infected and non-infected, reducing some of the many pressures on their families.

The Hostel will cater for the immediate needs of 40 children, with an eventual capacity of over 200 children. This complex is on the same location as the Commission granted a project in 2006 to provide earth blocks, and also a project in 2007 for the development of alternative energy sources (particularly mobile solar/wind irrigation systems). These existing capabilities will provide the construction materials and the power for the Hostel. However, additional electrical power is required for the refrigeration system and it is not viable to use conventional generators that require petrol, diesel and kerosene because - when available - they are prohibitively costly. Using solar power will provide a consistent and affordable supply of energy.

Volunteer Doctors and Nurses from Mumbai will be visiting the Children's Hostel on a regular basis and the provision of the solar electrical refrigerator for the storage of medicine and the new means of transport will allow visits to be more productive. A variety of the latest medicines used in the fight against HIV/AIDS can in future be stored at the Hostel. Also, the provision of a refrigerator at the Hostel and a vehicle to transport doctors, nurses and vaccines will enable many small hamlets and villages to be visited and hundreds of children provided with routine immunisation and other medical treatment in an on-going programme.

INDIA

The Leprosy Mission

Karwar Health and Sanitation Programme, Karnataka State

£24,801

The overall project aims to provide primary health facilities through a mobile clinic to 37 tribal communities living in remote villages in Haliyal, Yellapur & Joida Taluks, Karwar District in Karnataka State, in an area covering a population of 6,000 people, as well as the provision of toilet facilities for 100 families (approximately 600 people living with disability, and family members) affected by leprosy, disability as well as other vulnerable people. The villages are populated by three tribal groups, the Siddis, Lamanis and Gowlis. These tribes live in remote areas and have been neglected by the government. The region is mountainous and of predominantly bamboo forest, traversed by rough tracks and footpaths. People and livestock are regularly at the mercy of leopards, tigers, elephants, snakes and other wild animals. The tribal communities have little access to healthcare, with primary health centres being up to 30km away through the jungle. Epidemics such as cholera and diarrhoea, caused by lack of sanitation and clean drinking water, are widespread. A recent survey found that fewer than 25% of people in the tribal villages have their own toilet. Those without such facilities are the poorest members of the community.

The Leprosy Mission is working with these marginalised communities through its 'Empowering Tribal Communities of Karwar' (ETCK) project. A mobile clinic has been established, providing essential health services and health awareness. A recent evaluation showed it to be a highly cost effective means of providing primary healthcare to these remote communities. However, funding is required to continue these essential services until the end of 2010. During this period project staff and the local community will network with, and lobby, government health providers to demonstrate the benefits of this model with the aim of handing over the clinic to the Government by 2011. Through self-help groups formed by the ETCK project, women have expressed a desire for improved sanitation facilities. At present they are forced to walk into the jungle to relieve themselves. This is unhygienic, dangerous (with the wild animals being present) and particularly difficult for disabled people and women. A Government grant scheme contributes Rupees 2,200 per toilet. However, as these people live way below the poverty line they are unable to raise the personal contribution needed to access the scheme. This grant will provide toilets for 100 of the most marginalised members of the communities, helping to prevent diseases such as cholera and diarrhoea. Funding is for 59% of overall costs.

KENYA**MaterCare International****Project Isiolo - A Maternity Waiting Home for High-risk Mothers, Isiolo District****£35,639**

Further to the Commission's grant in 2009 for an Operating Room at a 30-bed maternity hospital to be built in the Isiolo district, the aim is to continue the development of the project which will contribute to the reduction of maternal and perinatal mortality and morbidity in Isiolo district, an impoverished rural district of Kenya, in particular by providing funding for the construction costs of four Traditional Maternity Waiting Homes (Manyattas) to be built in the same compound as the maternity hospital at Isiolo (for complicated cases), and three at Merti Clinic, approximately 200 km from the Hospital. The development will include showers, kitchens and toilets at each location, plus other works. The project is designed to bring essential care to this neglected rural population, an area without adequate health care for poor mothers and babies, inadequate infrastructure (roads and communications) and having had no rain for over three years. The project will eventually consist of a base hospital capable of providing care for most obstetrical complications, and a network of 10 rural maternity clinics staffed by midwives providing uncomplicated prenatal delivery care and referral of mothers at risk, all linked together by cellular 'phone or radio, and having an emergency transport system.

The Project began in February 2009, with a phased approach to development. The land for the hospital has been acquired and fenced. Phase 1 comprises the construction of the base hospital in Isiolo town. This includes a maternity building comprising a ward with 15 beds, a delivery room with four delivery beds, two operating theatres (one for clean cases and the other for infected cases), two special care rooms and a nursery. A second building includes an outpatients' area, laboratory, pharmacy and administration space. In addition, the hospital complex will also include four Manyattas (traditional maternity waiting homes) with a separate traditional kitchen, a laundry, educational building, mortuary and incinerator and staff accommodation. The hospital will use solar power for lighting and biogas for cooking and heating water. The design of the hospital has been accepted, and estimates for the construction costs requested from a number of contractors. It is hoped that construction will begin in early 2010.

In this project the four Manyattas at Isiolo Hospital will be constructed and furnished, each with four beds, separate showers and latrines, power lines and walkway connections to the hospital or clinic. The need for these waiting homes is because 85% of mothers with potentially serious obstetrical complications e.g. breech, transverse lie, previous caesarean section, anaemia, pregnancy induced hypertension etc. may be identified prior to labour. They can be admitted to the Manyattas where they can look after themselves (or be looked after by relatives) while they await labour, thus reducing costs to the Hospital and to the mothers themselves. These Manyattas will provide a more traditional and homely style of living. The clinic at Merti will be renovated and extended and will also include three Manyattas for mothers from distant villages so that they may receive trained midwifery care and not have to deliver alone, in their own villages. The expansion of Merti Clinic will take about three months to complete.

This project has the support of the Ministry of Health as it adds care not simply to town dwellers but more importantly, to the rural population. The complete project is unique and innovative and there are no similar services for mothers and babies in this region or indeed in the whole of the Country, thus the project will provide the Government of Kenya and surrounding countries with a model for rural maternity care which could be used in any situation where there are similar circumstances. Funding represents 4% of year one costs of the 5-year project.

KENYA

WASOT- UK INTERNATIONAL

Scaling up of TB Infectious Disease Services at Masogo-Ramula Health Facilities, Muhoroni District

£22,041

This project aims to set up a TB and Infectious Disease Isolation Unit at Ramula Health Centre and Community Hospital, Muhoroni district to serve neighbouring government dispensaries and health centres such as Masogo, Yawo, Kasomgo, Kibigori, Chiga and Mwani and which will drastically reduce disease resistance and cross infection and improve curative services offered to multi-drug resistant TB (MDR-TB) sufferers. It will directly benefit up to 1,700 TB sufferers within the district, with indirect beneficiaries within the 1st year alone exceeding 10,000. The Isolation Unit will improve surveillance and contact tracing for patients diagnosed with MDR-TB as well as initiating a designated referral centre for sign-posting by district health centres and dispensaries.

The emergence of MDR-TB continues to pose a challenge to basic health care provision within resource-poor settings. This has been exacerbated by the high prevalence of HIV/AIDS amongst the community living in Muhoroni, where the prevalence of HIV/AIDS stands at 27% and of those nearly one third have TB and/or MDR-TB. For health centres such as Masogo and Ramula - where 2,300 anti retroviral patients are enrolled and an additional 6,000 or so are on home-based care and live amongst the communities - the number of TB sufferers stands at 1,700. Of these 230 have suspected MDR-TB and require acute admissions regularly to general wards, thereby increasing the risk of cross infection to other patients and their family members. Patients with HIV/AIDS have a tenfold chance of getting and transmitting TB than negative patients. Increasingly, children under five are being seen in village dispensaries with TB caught from such cases.

The facility will act as a referral centre and should have a bed capacity of 20-25, a sputum collection and storage room, incinerator, water bath and an incubator within a small laboratory unit. The government already provides first line TB treatment for free and the hospital already employs TB/HIV trained clinical personnel to handle the cases. The facility will also be used to do defaulter tracing for patients who have not completed their doses. This will be done through the network of community health workers at the hospital. Direct Observed Therapy (DoTs) - as recommended by WHO - will be used to ensure that patients who default are restarted on treatment and followed-up for the full duration. This facility will ensure that patients are isolated for a brief period of time when they are most infectious in order to reduce the chances of cross infection within the family set-up and/or within the health centres and dispensaries. MDR-TB will be diagnosed and weekly Consultant reviews from the Ogra Foundation mobile team will run Out-Patient Clinics and review treatment, based on national guidelines and protocols. Funding is for the construction of the Isolation Unit, whilst its running costs (i.e. clinical staff and other intrinsic costs) will be met by Ogra Foundation, with drugs and medicines supplied by the local Ministry of Health.

KENYA

Wishing for a Well Appeal

Kwatoa and Kasevi Earth Catchment Dams, Eastern Province

£17,500

The aim is to construct two earth-catchment dams to provide clean water to between 1,500 and 2,000 Akamba tribal people living in the villages of Kwatoa and Kasevi in Kyuso district, eastern Province, where there are no dams or wells at present and where the inhabitants have to walk between one and six miles to dry river beds to dig down for water.

LIBERIA

Merlin

Emergency Ward Construction at the Martha Tubman Memorial Hospital, Zwedru, Grand Gedeh, South East Liberia

£39,877

The project is to provide a new Emergency Ward - serving an average of 350 local patients a month - at the Martha Tubman Memorial Hospital (MTMH) by renovating two dilapidated buildings. On average, 50 ambulance call-outs are made per month, with other emergency patients arriving by motorbike or on foot. The hospital also receives approximately 5,000 patients a month from neighbouring Ivory Coast.

The current Emergency facility is inadequate to deal with demand. It consists of a small, 3 x 3 metre room with two beds curtained-off from the consultation desk, with no space for patients requiring follow up observation. It is located on the opposite side of the hospital to the ambulance bay and surgical rooms; this is inconvenient not least because it causes unnecessary discomfort to patients. It also poses health risks to vulnerable patients who have to be wheeled along corridors and open walkways, both before and after operations or treatment. The new facility will accommodate six beds for short stays and two for immediate care post-operation, and will be situated more conveniently for the surgery and ambulance bay.

LIBERIA

United Nations Children's Fund (UNICEF)

Immunisation for Children and Pregnant Women, Nationwide

£38,500

As part of a wider, nationwide project which aims to maintain the delivery of immunisation services in Liberia to over 90% of children under one, providing 143,471 children (together with 179,338 pregnant women) with essential vaccinations against preventable diseases (polio, diphtheria, tuberculosis, measles and tetanus), the aim is to enable UNICEF to vaccinate over 14,000 children under one and nearly 18,000 pregnant women directly. An estimated 230 sites will be set up as immunisation centres (95 sites with this grant) to deliver the procured vaccines nationwide, including in remote and hard to reach communities. Vital improvements will be made to the “cold chain” through the maintenance of approximately 90 solar powered refrigerators (35 using this grant) so that vaccines are stored safely. UNICEF training will also benefit over 250 healthcare professionals and create a pool of local immunisation experts to sustain vaccination healthcare in the country. Importantly, immunisation serves as a magnet that attracts women to health facilities where it will be possible to help provide vital advice on other health issues, such as pregnancy care and HIV counselling.

Liberia has gained considerable ground in immunising children against a number of diseases, with nearly 90% of children under one receiving vaccinations against the preventable diseases mentioned above. However, there was a reduction in funding earlier in 2009 from one of Liberia’s major funders for immunisation work – having improved rates of coverage, the donor withdrew support without any ongoing cover being in place. The reduction means that progress made in immunisation coverage is at risk of declining significantly and thousands of children and women in Liberia would be left more vulnerable to potentially fatal diseases without this intervention. Funding is for the provision of vaccines, 35 solar-powered refrigerators, logistics support and accompanying publicity, and represents 11% of the total project costs.

MADAGASCAR

Azafady

Project Salama: Providing Potable Water in Anosy Region

£28,080

Further to the Commission's grant in 2007, the aim of the project is to build on Azafady's long running integrated programme of health education and service provision in the region, and will provide 20 closed wells to isolated communities in SE Madagascar's Anosy Region, giving access to potable water, improving health and relieving poverty in Mahatalaky and Mandromondromotra Rural Communes, home to approximately 35,000 people, and will directly benefit over 20,000 people, including women and children.

Madagascar is one of the poorest countries with over 70% of the population living below the poverty line. Poor health is recognised as a key challenge to future development in the government's "Madagascar Action Plan 2007-2012". Only 36% of the rural population has access to potable water infrastructure. Over half of children in Madagascar suffer from water-borne illness, while diarrhoeal disease remains the second highest cause of infant mortality.

In Anosy Region water and sanitation infrastructure is almost non-existent and is urgently needed. Funding will enable Azafady to respond to demands from 20 communities for potable water, supporting them in the creation of appropriate local solutions through technical assistance and materials. Infrastructures will be fitted with a Canzee hand pump, designed for use in the developing world. These are easy to use, robust and simple to maintain since parts are readily available. Closed wells ensure water sources remain contamination free. Azafady will train the established community WASH [Water, Sanitation and Hygiene for All - the Africa-wide health and sanitation initiative] committees in maintenance of the pump and good practice for its use. In collaboration with the Regional Ministry of Health, the WASH Committee for Mahatalaky Commune will be established, fulfilling the national strategy to sustainably support the future needs of these communities.

MALAWI

Target Tuberculosis

The Umodzi TB Control Project, Ntcheu District

£39,195

The project's overall aim is to reduce suffering and death from TB in Bwanje Valley, Ntcheu District - one of the poorest areas in a country where tuberculosis (TB) is a major public health problem with the incidence of TB cases soaring due to high levels of poverty and the HIV/AIDS epidemic - by introducing diagnostic services, health education and a fast TB referral system. In order to achieve this, the project will undertake the following activities:

- (1) Bringing life-saving diagnostic services directly to 10 rural areas of the Bwanje valley. This will be achieved by creating 'Sputum Collection Points' in each area, managed by community members. A bicycle will be provided at each point so that sputum samples can be quickly transported to an approved TB testing centre. This will give entire communities, which are poor and remote with poor infrastructure, access to free, quality diagnostic services close to their homes and will allow at least 1,000 people with TB symptoms to be tested over the year;
- (2) Providing vital health education to a population of 130,000 through community outreach events, children's clubs, distribution of literature and other awareness raising talks. This will result in at least 40,000 people - including at least 1,000 children - receiving TB information, which is a proven strategy to help encourage improved health-seeking behaviour and thereby reduce TB mortality rates;
- (3) Delivering a fast TB referral system fully embedded in the local community by training 50 traditional healers and shop keepers, 309 local community volunteers and 50 local government workers to identify people with TB symptoms and referring them on for appropriate treatment. As many people currently seek medical advice from healers and grocery shop proprietors, this is a highly sustainable way of improving survival rates from TB.

NEPAL

Merlin

Construction of Health Clinics, Rolpa District

£40,837

This project will construct and equip three health clinics in the rural and mountainous district of Rolpa, to add to the three already completed by Merlin in this remote region of Nepal.

In 2006, Nepal ended its ten year civil conflict. The fighting brought the country's already struggling health system to a state of collapse, leaving half the population without access to adequate health care. In the worst affected areas there is still a drastic shortage of trained health staff, supplies and medicines. As part of its wider programme in the isolated regions of Pyuthan and Rolpa, Merlin is constructing and renovating Ministry of Health clinics which were damaged during the conflict and supplying them with a six month stock of supplies and medicines. The targeted communities either have no permanent clinic or an unusable structure. For example, the clinic in Markabang, Pyuthan District consisted of a single dirty room with a leaking roof. Drugs could not be stored and it was impossible to provide hygienic and confidential health care. As a result it was not used. Merlin reconstructed the clinic and it is now fully functioning and providing care for thousands of people.

The clinics will be built in line with Ministry of Health design specifications and in consultation with the local communities. Each will include four rooms, separate latrines for men and women, a connection to the nearest water point and a concrete pit for the disposal of medical waste. They will be built to resist earthquakes and will be painted in bright colours to make them highly visible across the valleys. The three clinics will provide health care services to approximately 21,000 direct beneficiaries and 225,000 indirect beneficiaries (the total population of Rolpa District). Funding is for building costs, medical supplies and equipment, furniture and project administration.

NEPAL

Pragya

Clean Water and Sanitation in the Nepal Himalayas, Karnali Zone

£41,165

The overall project aim is to improve the health status of impoverished communities in five remote high altitude villages in Dolpa district, Karnali Zone, by utilising community involvement to provide sustainable access to clean water and sanitation systems which will help 375 direct beneficiaries and 2,000 indirect beneficiaries. Village inhabitants of far-Western Nepal are amongst the poorest and most isolated in the world, with no roads, schools, hospitals or electricity and endure some of the harshest weather on the planet. Poverty levels are as high as 72%, only 14% of people have access to sanitation facilities and only 36% have access to safe drinking water. The same water sources are used for drinking, washing, bathing and livestock, leading to contamination and endemic water borne disease. 52% of children under 5 suffer severe diarrhoea, which is often fatal. Development expenditure by the Nepal government has been far lower in the mountainous regions.

In order to improve basic access to water and sanitation in the mountain regions of Nepal, specific interventions will be required, tailored to the unique environment of high altitudes and the remote, underserved communities. The project will benefit five villages in Nepal's impoverished mountain region of Dolpa through the following activities: (1) An awareness-raising programme which will educate communities in appropriate water use, hygiene and sanitation. Water and Sanitation Councils (WSC) will be constituted for each village and trained in community management of water and sanitation; (2) ten community toilets (for men and women) will be constructed using low-cost and eco-sanitation techniques; (3) Pipelines/channels and collection tanks will be set up to meet domestic water needs for ten household clusters and water purification systems installed for drinking water in five villages and in five village schools; (4) 25 local masons and village youths will be trained - through practical demonstration and involvement - in the installation and maintenance of the facilities. The WSCs will also be facilitated for protection and revitalisation of five natural springs.

NIGERIA

Concern Universal

Sustainable Water, Sanitation and Hygiene (SWASH), Ebonyi State

£10,275

The overall objective of this project is the improvement in health of rural populations through the reduction of water-borne and environmental communicable diseases in four Local Government Areas (LGAs) within Ebonyi State, by the provision of one borehole per community, plus the provision of training in improved sanitation and hygiene practices. Four communities will have access to clean and year-round safe sources of drinking water, they will be trained and supported to maintain the water points, as well as being given information on improvement in sanitation and hygiene practises through a Community-led Total Sanitation approach.

The project activities are as follows: (1) Providing access to clean and year-round sources of drinking water: At least 6,400 people (approximately 1,600 in each community) will have year-round access to clean and safe sources of water through the construction of the four new boreholes and/or the protection of natural springs in use by members of the communities. This will enable men, women, boys and girls in four communities in Ebonyi State to have access to year-round clean and safe water, and to increase the amount of productive time available to women and children through a reduction in time spent fetching water. At least 48 water technicians (12 per community) will be trained and equipped with a tool-box to repair and carry out maintenance on the hand pumps. (2) Improved sanitation and hygiene practices - at least 70% of community members in the four target communities will benefit from practising improved hygiene and sanitation and WASHCOMs (Water, Sanitation, & Hygiene Committee) a community-based Committee for water and sanitation which will continue to sensitise and promote the construction of household pit latrines. There will be an anticipated 60% reduction in the practice of open defecation in the four targeted communities and an improvement in environmental sanitation through the dumping of refuse at strategic and designated sites. Funding is for 50% of the described activities, for a project co-funded by the European Union.

SIERRA LEONE

The British Red Cross Society

Water and Sanitation Provision in Twelve Districts

£39,476

The aim is to provide a water and sanitation project to benefit communities in 12 districts, all of which - apart from in Freetown - are predominantly rural, through a project run by the Sierra Leone Red Cross Society which will help to improve the health of 8,350 vulnerable people and strengthen the ability of each community to meet its own health prevention and care needs, in particular providing 20 latrines and 15 hand pump wells, hygiene education and disease prevention information to children and adults, all of which will lead to a reduction in preventable diseases.

In 2002 Sierra Leone emerged from ten years of brutal civil war which has had a devastating effect on the people of Sierra Leone – killing tens of thousands of people, forcing more than two million from their homes and ripping many families apart. Seven years on from the end of the war, Sierra Leone's wounds are slowly healing but its people remain in crippling poverty with preventable disease being one of the biggest threats to their lives. The limited infrastructure that was devastated by the conflict remains drastically inadequate, especially water, sanitation, healthcare and roads.

A baby born today in Sierra Leone has the lowest chance of any child in the world of reaching the age of five. Only half the population has access to safe water or sanitation with the majority of people living in the countryside and relying on water from rivers, pools, shallow wells and swamps. As a result they are very vulnerable to outbreaks of water borne diseases such as diarrhoea, hepatitis A, cholera and typhoid. Other diseases spread by insects - such as yellow fever and malaria - thrive in the poor sanitary conditions. There are just three doctors per 100,000 people (source UNDP 2001-2008) and where health services do exist, many are dilapidated, inadequately stocked with basic medicines and difficult to reach. Funding is mainly for capital costs, setting up of community-based water and sanitation committees, personal and sanitation training.

SOMALIA

Health Poverty Action

Improving Health Services for Internally Displaced People, Maroodi Jeex Region

£35,326

The project will reduce maternal and child mortality and improve the sexual and reproductive health status of 100,000 internally displaced people living in settlements in and around Hargeisa by developing sustainable and effective health care services including life saving emergency obstetric care and counselling on family planning and gender based violence.

Somalia's government collapsed in 1991 but the zone of Somaliland, where this project is based, enjoys relative peace and stability. The conflict has displaced many people who now find it harder to access basic services including healthcare, with displaced women and children particularly vulnerable to rape and violence. Maternal and child mortality are extremely high (the second and fourth highest rates in the world respectively) mostly due to poor quality health services, with 89% of birth deliveries taking place at home.

The project will improve access to emergency obstetric care to 70% of displaced women by providing health facilities with new equipment and supplies, an ambulance, and by training doctors and midwives in life saving skills. Training will also be provided to health staff to manage cases of female genital cutting, rape and related obstetric complications such as fistula; promoting family planning (increasing usage by 30%) and increasing awareness of HIV, gender-based violence and safe birthing to over 50% of the displaced population. Funding is towards 10% part-funding with the European Commission for Year 4 (2011/12) of the project and involves refurbishing the hospital and health centres and providing emergency obstetric equipment and supplies, equipping them with solar power, providing family planning supplies, providing equipment and supplies to train health staff, and contributing towards local staff and project support costs.

SUDAN

Merlin

Construction of Inpatient Wards (including Maternity Provision), Hiyala Primary Health Care Centre, Eastern Equatoria State

£41,278

The aim is to enhance health care provision at Hiyala Primary Health Care Centre, Torit County, Eastern Equatoria State in South Sudan by constructing two new wards to benefit 21,754 people. Hiyala is situated on a main road between Kapoeta (a major town on the Kenya-Somalia road) and Torit. It is in an area that witnessed heavy casualties during the protracted civil war and, since the Comprehensive Peace Agreement was signed in 2005, has witnessed the return of 50,000 Sudanese refugees.

The current infrastructure at the Hiyala Primary Health Care Centre is old and at risk of collapse. It is a single ward, meaning men and women are treated in the same space. There are no washing facilities for staff and patients, which is an especially serious issue for women in labour and women who have given birth. The facility in its current state is unable to provide adequate care to mothers or the safe delivery of babies.

The project will improve the facility's capacity to provide a high standard of health care in a safe and hygienic environment. This will be achieved by demolishing the current dilapidated ward and reconstructing two separate wards for men and women. In addition the project will contribute to improving the fabric of the hospital through minor repairs and essential maintenance. Funding is for the construction costs for the two new inpatient wards at Hiyala Primary Health Care Centre.

TOGO

PLAN International UK

Water, Hygiene and Sanitation in Schools, Blitta and Sotouboua

£40,288

The aim is to provide approximately 700 pupils and their teachers with a sustainable, potable water supply and sanitation facilities in three schools across the Blitta and Sotouboua districts by drilling a borehole and constructing latrines in three schools. The water supply will also benefit 3,100 local community members. This will be backed up by community training for behaviour changes in hygiene practices.

Togo falls within the 20 lowest countries in the world on the Human Development Index and the Blitta and Sotouboua districts are amongst the poorest rural districts in the country. Infant mortality and under five mortality rates are extremely high, mainly from preventable diseases like diarrhoea and cholera, both of which arise from poor sanitary conditions, contaminated water sources and inadequate hygiene practices. Only 59% of Togo's population has access to safe drinking water and 83% does not have access to latrines. In the targeted area only 60% of schools have access to potable water and 50% of them have latrines without urinals or a hand-washing tap.

Access to potable water at household and school level is crucial to reducing children's vulnerability to waterborne disease. Children are exposed to unclean water and water-related diseases both in their villages and at school, where they spend up to eight hours a day. By improving the levels of hygiene in both these environments children's health and welfare will be changed. Time spent travelling to find water from local rivers or seeking toilet facilities will be reduced and school absence due to illness will fall; children will have more time for study and extra-curricular activities. For girls in particular, a lack of toilet facilities is a barrier to attending school, therefore the project will help to boost girls' attendance in the long term. PLAN will support children's and community learning about health and hygiene practices and involve the community in the management and long-term maintenance of the project. Funding is for one borehole with water pump, one boy's and one girl's latrine block for each of the three schools, the training of school health committees, the supply of tool kits for hygiene and sanitation training, and community mobilisation.

UGANDA

ActionAid

Safe Water and Sanitation for Internally Displaced People, Amuru District.

£38,750

This project aims to improve the health and livelihoods of 20,000 returning refugees or internally displaced people (IDPs) in Amuru district through the provision of safe water and sanitation facilities in the form of water points and rehabilitating boreholes, constructing school pit latrines and providing water tanks, and providing community-health training. Specifically, the aims will be achieved by: (1) Constructing three deep wells; (2) Rehabilitating three boreholes; (3) Constructing three pit latrines in schools; (4) Providing three water tanks to schools; (5) Training the community in community health and sanitation practices; (6) Training the community in managing and sustaining the communal water points; (7) Holding radio talk shows to promote good hygiene and sanitation; (8) Supporting communities to demand their rights to safe water from local government.

Amuru is a rural district that was severely affected by the conflict between the Lord's Resistance Army and the Karamojong warriors and resulted in thousands of the inhabitants becoming displaced. As people return home, the increasing lack of safe water and sanitation facilities is having a devastating effect. Currently, only 30% of people have access to safe water, leaving 141,820 people with dirty, unsafe water. Women and children have to walk up to four hours a day to fetch water and young boys move long distances in search of water for livestock, increasing their vulnerability to cattle raiders. Both practices keep girls and boys out of school. There are toilets for only 43% of people, with one latrine being used by up to 50 people, resulting in high incidences of malaria, diarrhoea and dysentery.

This project is based on the proven model of a current project - funded by the Commission in 2009 - in Katakwi district. The Katakwi project has demonstrated the success of providing safe water and sanitation to speed-up and facilitate the return of IDPs and has also revealed the importance of the involvement of the community to achieve a sense of ownership. Funding is for 82% of total project costs.

UGANDA

WaterAid

Improving Community Hygiene, Water and Sanitation in Rural Communities of Nkozi and Kyegonza Sub-Counties, Mpigi District

£27,462

The project goal is to contribute to the fulfilment of Uganda's targets in the Water, Sanitation and Hygiene (WASH) sector and, ultimately, the Millennium Development Goal targets by improving the quality of life of over 9,280 poor people living in the most under-served parts of Mpigi District through water, sanitation and hygiene provision. The project aims to increase access to safe water from 34.7% in Nkozi and 29.4% in Kyegonza up to 60%, as well as promoting the adoption of effective hygiene and sanitation practices from 10% up to 70% in the two sub-counties of Mpigi District, all by end of March 2011.

The overall activities will include: (1) Construction of 20 shallow-medium depth tube wells with hand pumps; (2) Construction of two 15,000 litre ferro-cement tanks; (3) Construction of 50 1,400 litre jars to store rainwater; (4) Rehabilitation of 11 dysfunctional water sources; (5) Building community capacity for the operation and maintenance of water facilities; (6) Hygiene education and associated promotion activities including drama shows, village improvement campaigns, social marketing, household hygiene and sanitation follow-ups, radio talk shows, capacity building for Village Health Teams and Parish Development Committees; (7) Setting up one casting yard in Kyegonza Sub County to make concrete latrine slabs to improve 165 family latrines.

Busoga Trust - WaterAid's local partner organisation - will implement the project in a participatory manner involving the community, local leaders and the technical staff of Mpigi District Local Government to further consolidate sustainability of this project during its second year of implementation. Funding is to cover WASH infrastructure costs in relation to the construction/rehabilitation of water sources, and represents 51% of total project costs.

ZAMBIA

The Salvation Army International Development (UK)

Chikankata Village Water and Sanitation Project, Southern District

£9,235

The aim of the project is to improve the health and wellbeing of 1,200 people in Chikankata village and reduce the incidence of water-borne diseases by installing a borehole and ventilation improved pit latrines (VIP). A survey of water and sanitation infrastructure in the area has found that 66% of households get their water from unprotected water supplies and 50% of households use the bush area as their toilet. In a knowledge, attitude and behaviour survey of almost 1,000 households regarding the causes of water-borne and diarrhoeal disease, 50% attributed the cause to witchcraft and only a small percentage (0.5%) of the sample was able to attribute water-borne disease to poor quality water and inadequate sanitation. This strongly indicates a need for community education and behaviour change regarding water and sanitation.

A borehole in the village will mean that villagers will no longer use unprotected and contaminated sources of water. Community-based hygiene workshops to promote the safe use of water and sanitation will be delivered and a community water and sanitation committee will be mobilised to promote the construction and use of dish racks and improved hygiene practice. Proper rubbish pits will also be constructed and their use promoted. Funding is for the sinking of a borehole, construction of head works and VIPs as well as training in hygiene and water management committee skills.

Integrated Development

AFGHANISTAN

Concern Worldwide

Disaster Reduction and Environmental Appropriate Management, Fakhar District

£40,000

The aim of the project is to end poverty by reducing community vulnerability to flooding and drought in Fakhar district by building flood control gabion walls (approximately 15 of them, totalling 300 meters in length and 4 meters in height) in five villages, directly benefiting 1,000 families (7,000 people) and an additional 1,000 families residing in nearby downstream villages. About 1,000 hectares of land will be protected and/or will have assured irrigation water facilities. The project will also increase emergency preparedness, mitigation awareness and the emergency response capacities of local Community Development Committees and government departments.

Farkhar District in Takhar Province is one of the most vulnerable and poor districts in Afghanistan. Due to its topography and remote nature, people from the district are vulnerable to floods and drought. Vulnerability is compounded by extreme poverty, a lack of water catchment and flood mitigation infrastructure, dependence on rain-fed agriculture and an absence of disaster preparedness and response capacities. Also, local government lacks the necessary resources and capacities to support communities to mitigate such natural hazards. Annual flooding threatens people's livelihoods, food security and assets. In May 2009 district-wide floods destroyed 200 houses, 100 hectares of arable land and five kilometres of road. The floods also decimated irrigation infrastructure which was providing water to over 2,000 hectares of land, and on which the livelihoods of over 3,000 families depended. Funding represents 80% of the total project costs.

BANGLADESH

One World Action

Reducing the Poverty of Poor Women and their Families, Dhaka

£12,722

This project will improve the lives of 500 extremely poor and vulnerable women and their 3,000 family members in Dhaka, supporting them to establish small businesses so they can earn a reliable daily income to support themselves and their families. The project will be managed by an organisation called the Partnership of Women in Action who, since 2006, have been promoting and protecting the basic needs and human rights of poor women across Dhaka.

The project will provide appropriate and sustainable economic opportunities and will provide equipment, resources, capital, market linkages and training. The businesses concerned will be embroidery, tailoring, candle making and spice grinding. The decision to focus on these enterprises is based on market research and analysis of what businesses are viable for the women to manage and what will produce marketable goods. The grant is for equipment, raw materials, a revolving fund, training, marketing and co-ordination costs.

BURKINA FASO

International Service

Income Generation Training for Self-help Women's Groups in Five Villages, Sanguié Province

£14,552

The aim of this project is to strengthen the skills and capacity of 150 rural women living in five villages in Sanguié Province by providing training in literacy and income-generation activities. The project is working in an area where there is little development activity and where many of the men have left for the Province's illegal goldmines, leaving the women to manage the family farms as best they can. Along with International Service's partner organisation, UGF/CDN (Union Groupements Féminins/Ce Dwane Nyee) it has helped the women's groups in the five villages to identify the 30 women in each village who will benefit most from the project. Priority was given to the most deprived women – those who were illiterate, who never had the chance to go to school, orphans, the disinherited, marginalised, or widowed. All are having difficulty managing to keep their families fed and their children at school. Literacy training uses the Reflect Scheme that links adult literacy with empowerment. This not only teaches functional literacy but also trains people to access information, demand services, and allows for full and frank discussions on civic rights and responsibilities.

The literacy component has already started and women in the five literacy centres have requested support for income-generating activities. This will include a credit fund, as nobody has any collateral for conventional loans. Vocational training will concentrate on shea butter production, pig breeding, soap making and bag weaving. In addition, the women want to construct a central Mill and a Grain Store to provide incomes for those running the facilities. This will also directly benefit about 850 women who have to walk up to 15 kms to the nearest mill, and about 276 women in another village who collect shea-nuts. The profits will go to pay for community amenities and the women have already indicated that these will include water points and paying a nurse to hold a weekly clinic in each village. Once these women are active with their own enterprises, UGF/CDN will use the first cohort to train another 30 women, and so on. International Service also anticipates over 1,000 children will benefit from the improved skills and incomes of their mothers and carers. Funding is principally for revenue and field monitoring costs, plus the construction of a grain store, mill building and equipment, and represents 32% of overall costs.

BURUNDI

Christian Aid

Rebuilding Communities in Central Burundi, Ruvigi District

£37,735

This project will help promote and establish peace in Burundi by reviving community life for 135 families (approximately 675 people) through health and housing support to communities who were forced to flee their homes during the civil war, in particular by constructing 135 houses, as well as the provision of 270 mosquito nets and health care training to the beneficiary communities.

Increased security within Burundi (following 15 years of civil war) and the subsequent peace process in 2005 has brought with it an influx of refugees keen to return home from camps in surrounding countries such as Tanzania. Many Internally Displaced People (IDPs) are also now returning home. The need for shelter and access to health services is very pressing and the new government is short of both experience and funding. Returning families receive a basic government kit comprising food and blankets, but these kits are insufficient and do not address any health problems nor do they provide long term solutions.

The key activities of the project are: (1) House construction. This involves: (i) Selection of the beneficiaries (this is done carefully with a committee of local administrators, the governor, partners and beneficiaries from each of the ethnic groups so that nobody can influence the process) (ii) Election of the committee of beneficiaries, and allocation of roles and responsibilities (iii) Site selection for the construction of houses by the beneficiaries (e.g. on their family land) (iv) Recruitment of builders and masons (v) Purchasing of construction materials, transportation and storage (vi) Site preparation and construction of 135 houses per year (vii) Weekly follow-up visits to the field by the project coordinator (2) Community awareness programmes: (i) Purchasing and distribution of 810 mosquito nets (270 for this year of funding) (ii) Malaria and HIV awareness programmes implemented by Population Services International (PSI) who will train 2,000 people, and travel around the communes spreading prevention messages via a mobile cinema. Funding is for 76% of the costs of the third and final year of the project (the two activities listed above having been repeated each year).

BURUNDI

CORD

Nutrition and Hygiene Development for School Children, Giharo and Mpinga Kayove

£19,946

The aim is to improve the nutrition and hygiene of 2,500 children in six schools in the Giharo and Mpinga Kayove communes of Rutana province in south-east Burundi by increasing access to food and water and by providing education in hygiene and sustainable agriculture practices.

As a response to high levels of malnutrition and poor food yields, school gardens will be built in the six newly-built schools created by CORD, namely Bukeno, Murembera, Shembe, and Kabingo in Giharo commune, and Gasozi and Rutoke in Mpinga-Kayove commune. Sustainable practices will be taught and produce from the gardens will be distributed to pupils and sold to generate extra income for schools. Rainwater harvesting will be established at the two schools in Mpinga Kayove which currently have no access to any source of water. This water will improve hygiene and will also be used for the irrigation of the gardens.

To complement this, training in health practices will be promoted through a teachers' handbook on hygiene promotion. This has been piloted in ten schools and, with the support of the Ministry of Education, will be distributed to the wider educational community. Funding is for the provision of equipment and materials for six school gardens, the construction of two rain harvesting structures and the promotion of health practices in schools.

CAMBODIA

International Childcare Trust

Protecting and Educating Vulnerable Children, Sihanoukville

£27,950

This project aims to provide at least 900 vulnerable children in Sihanoukville with protection from all types of abuse, ensuring they have a happy, healthy and safe childhood as well as a better future through the provision of education, healthcare, counselling, family reunification, training and emergency support. Cambodia is one of the world's poorest countries, with over 50% of its population aged below 18 years. Sihanoukville is a popular tourist beach resort currently viewed as a cheaper alternative to Thailand. There are currently 9,642 children living in extreme poverty in Sihanoukville's streets and slums, with 1,876 children (958 of them girls) under 14 years working on the streets and beaches; the majority of vulnerable children do not attend school.

The main factors forcing children to live, work or beg on the streets are poverty, domestic violence (for girls) and family breakdown. These children are vulnerable to psychological, physical and sexual abuse, they suffer discrimination and are denied access to basic services such as healthcare, education and protection. This project fosters self-respect and positive values among Sihanoukville's street children, and provides them with skills needed to secure future work opportunities. It also encourages all sectors of the local community to take responsibility and become involved in protecting street children. Over the past 12 months the number of families benefiting from this project's services has increased by 20%. However, more space and resources are urgently needed so that the project has the capacity to meet demand.

Construction of a new building adjacent to the existing main centre in central Sihanoukville started in April 2009. This building will provide space for: (1) a 24-hour Medical Clinic providing free care to children and their families which will act as a base for organizing emergency/specialised care at various centres around Cambodia - coordinating health education and providing outreach healthcare in the community; (2) five classrooms, including a computer laboratory, an art-therapy room, dance and music studio and two standard classrooms; and (3) a large training/meeting room to accommodate meetings for the expanding volunteer and community awareness programmes. Funding is for the furnishings and equipment required in the art room, dance studio, two classrooms, computer training room, volunteer network training room, play and sports equipment, and in all represents 15% of the total project costs.

CHINA**Appropriate Technology Asia****Food Security, Education and Skills Development for Tibetan Girls, Qinghai Province****£25,769**

The project will alleviate gender inequality in health and education for 3,323 rural Tibetans and their communities living in poor, isolated high-altitude mountain environments (approximately 3,100 metres above sea level) in particular in Dala, Maying and Zhaba Townships in Qinghai Province (formerly part of Tibet in the eighteenth century). It will provide capacity building and vocational skills training for girls and provide Tibetan females with the skills and infrastructure they require to improve their livelihoods, and it will work to provide them with the skills and opportunities they require in order to improve their livelihoods. The project aims to improve livelihoods, while at the same time conserving the natural surrounding environment so that the improvement of lives does not come at the cost of the environment. This will be done by addressing direct human needs through the improvement of food security and ensuring the effectiveness of improvement by backstopping it with extensive training. Training and development for increased opportunities in income generation, vocational training and capacity building will also be undertaken. This will assist women in engaging in more economically viable activities, and as a longer term consequence, increase the voice and status of women in their communities. The intention is to create a demonstration and resource base for a diverse range of appropriate tools available to local women, to maximise overall productivity and minimise the risks. The technologies and training will all be designed to be accessible and will take into account the resource-based constraints faced by the communities involved.

The specific activities and outputs are: (1) The formation of 15 community groups comprised of girls under 25. These groups will form the basis for the training and capacity building to be undertaken and will act as the fulcrum for project implementation. The groups will receive training in a variety of topics, including community development, group set-up, advocacy, discussion groups and networking. A total of 225 girls will be the immediate group members with a further 1,800 girls benefitting from the training given; (2) The development of a basic literacy and numeracy programme to enable 2,100 Tibetan girls to access a basic form of education to enable the development of skills to increase food security, paid work and income-generation opportunities; (3) The provision of training for up to 225 girls in food production and food hygiene and nutrition training. The training will enable them to maximise the benefits of food production units and increase food security. Those who receive the training will teach others (up to an additional 1,200 girls) for long term replication of successful techniques and technologies; (4) The provision of vocational training for up to 675 girls in female health, childcare and pre-school education training and training in caring for the elderly. The training will enable them to maximise the benefits of the literacy and numeracy training and to use these skills for the development of income generation opportunities in areas where community need is not currently met; (5) The development of 30 community solar food production units - to include greenhouses, mushroom units and poultry units. The intention will be for each community group to use the production units as centres for training and dissemination whilst also enabling an immediate increase in food security for the participating communities; (6) The provision of training for up to 2,800 Tibetans in new agricultural technologies and techniques.

Funding is for the provision of the infrastructure, training and the support needed to undertake this project. This includes materials for the infrastructure, training materials, trainers, specialist expertise for design, travel and accommodation as well as administrative support costs for the programme staff running the programme in China.

HAITI

Christian Aid

Responding to the Food Crisis, Môle Saint Nicolas

£36,819

This project, part of a larger one-year project mainly funded by the EU, will reduce the growing threat of humanitarian disaster by increasing food security in Môle Saint Nicolas in the North West of Haiti, by increasing food production through improved access to agricultural inputs, livestock rearing and increasing the income-generating capacity of women. Around 10,000 people will directly benefit from this project, with the Commission's contribution directly benefiting at least 2,281. Signs of malnutrition are visible in the four target communities (which have been hardest hit by the current food crisis in Haiti) and this project will reduce levels of malnutrition (especially amongst women and children).

There will be three key activities: (1) Increased food production through better access to agricultural inputs such as peas, seeds, beans and corn for farmers. Seeds will be distributed to the project beneficiaries (who will be selected on a "needs" basis) who will then be able to increase crop production; (2) Increased food production through livestock rearing (goats, sheep and poultry). Farmers' organisations will be trained in chicken, goat and sheep production, and given livestock. To support animal rearing the project will provide a shed and fencing for the goats. The poultry house will be equipped with a solar powered fridge/freezer to store medications and an incubator for young chicks. Water tanks and a hill lake will be constructed as a rain catchment device and fish will be bought to populate the lake for future fishing needs; (3) Increase the income-generating capacity of women: Around 200 women from the poorest communities will be trained to start up their own income-generating activities and 11 women's groups will receive management training to strengthen their already established micro-enterprises. Self evaluation will be conducted by a monitoring committee set up with representatives from 16 farmers' organisations (made up half of men and half of women) to assess progress of the micro-enterprise. Support and feedback will be given based on the evaluation. Funding for this one-year project represents 7% of the total project costs and is for seeds, poultry and sheep/goats, and micro finance training for women; the EU contribution is 85%, with Diakonia - a member of Action Churches Together - providing the balance.

INDIA**Appropriate Technology Asia****Food Security and Sustainable Health, Bageshwar District, Uttarakhand****£33,289**

The project aims to improve the food security and health issues of 5,961 people in Bageshwar district, an area of Uttarakhand which is one of the most remote and neglected in the State, with the targeted villages amongst the most deprived in the area. Problems in the area include an inability to provide sufficient food for more than 3-4 months annually, limited livelihood opportunities and a lack of agricultural knowledge which would enable effective change. Additionally, as fire wood is the only source of fuel for cooking, women routinely suffer from either respiratory problems or other problems associated with smoke inhalation (sore eyes etc), with this being particularly prevalent and problematic amongst the young and elderly. These health problems are further exacerbated by a very limited diet and a lack of knowledge about nutrition and health for diet or hygiene. The project seeks to provide low cost appropriate solutions to food security problems as well as low cost interventions for improving health.

All of these interventions will seek to maximise benefit whilst minimising the impacts on the environment. Because many of the techniques and strategies will be new, demonstration plots will be established to allow the farmers to see new techniques being used and developed. The technologies used for this project are all appropriate technologies designed for their simplicity. The methodology used for implementation ensures the programme promotes self-help among the population through training and subsequent opportunities. The project aims to increase food security and reduce the number of months the villagers must borrow food or money, and to improve the health of local populations – in particular amongst children and the elderly. It will also reduce the work burden on women and increase their voice and status. It will also reduce the negative environmental impact currently caused by over-exploitation of natural resources. The project also aims to raise awareness and build capacity to enable future environmentally sustainable development, and to introduce new and alternative techniques and strategies for training and skills-building in sustainable agriculture.

The activities and outputs are: (1) The use of appropriate technologies to reduce fuel requirements and improve health, as well as improving food security through the provision of organic fertiliser for agricultural production, the construction of 60 biogas plants, 60 beehives with bees, and the provision of 90 Smokeless stoves to benefit a total of 1,760 people. (2) The use of appropriate technologies for the improvement of food security. This will include the development of apiculture, improvement in current livestock practices and horticulture - a total of 5,961 people will benefit. (3) The training in sustainable agriculture techniques for 360 people, for onward dissemination to a further 3,415 people. (4) The training in livestock management and health for 240 people, for onward dissemination to a further 2,010 people. (5) The training in nutrition, diet and hygiene for 600 people, for onward dissemination to a further 4,700 people. (6) The planting of around 5,000 seeds and saplings as part of an environmental regeneration/carbon offsets scheme.

The core elements of this project are based on activities successfully implemented in other projects in India, Nepal and China, which have been supported by the Commission over the last five years. Funding will provide the infrastructure, training and support needed to undertake the project. This includes construction materials, training materials, trainers, specialist expertise, travel and support costs for the staff running the programme in India.

INDIA

Vazon Elim Pentecostal Church

Children's Home and Clinic at Kavari Nagar, Tamil Nadu

£26,427

The aim of the project is to provide a two-storey Children's Home for around 60 boys and girls aged from infant to 18 years, with a view to increasing the number up to a maximum of 120 longer term. It will also offer literary and vocational training for adults, while a small Clinic will be attached to the building, providing free medical treatment and follow-up pregnancy programmes. A new borehole will provide clean water for the local community. Some of the children to be helped will be poor orphans, while others will be from families that are too poor to care for all of their children. No distinction will be made between castes and out-castes. The children will walk or be taken to local schools, and be provided with clothing, including school uniforms, as well as three full meals per day. The teenage children will be given the opportunity to learn skills such as carpentry and tailoring. There are no other agencies doing anything similar in this region.

The Clinic will provide free medical treatment for the village people, as well as a follow-up programme for pregnant women. Kavari Nagar is a village situated close to a main line railway. The project will service the community and sixteen other villages in the immediate locality - the total population of the catchment area is about 250,000. The Children's Home itself will provide full-time employment for six men and women, with other work being provided by volunteers. The six will represent two to six dependents each, who will also benefit. Eternal Word Ministries (EWM) will provide wages for the staff. This ministry is well-known in Western Europe, from where most of its support comes, usually through churches and individuals.

The building will also provide accommodation for a sewing school, covering two programmes, each helping 25 individuals and each programme lasting one year. One will be for 25 students of both sexes, for ages 15-25 years. The second is intended for single mothers. In addition, an evening course in literacy will be run for middle-aged locals. Three quarters of the rural population of Pudukkottai are engaged in agriculture. The north-east monsoon is erratic and government has added boreholes to the age-old system of wells and irrigation channels. However, there is no bore-hole well for the local community and so the EWM ministry will arrange for a bore-hole to be drilled in order that the surrounding village populations can have free access to clean drinking water.

KENYA

Good News! Trust

Oyugis Community Development Project, South Nyanza

£35,070

The purpose of the project is to improve education, sanitation and access to clean water for the poor rural community around Oyugis, South Nyanza through an integrated community development program consisting of classroom construction/renovation at two schools, together with the provision of latrines and protecting two springs, all to benefit around 1,300 people.

The activities are as follows: (1) Building eight new classrooms and renovating five old classrooms at two existing community primary schools to increase the capacity of the education system in the area, and to improve the learning environment, thus improving academic performance; (2) Building two new latrines to improve health, one at each school; (3) Building two protected springs for clean water supply. The community does not have the resources to raise the relatively large capital sums required to build these community facilities.

The two schools identified as a priority need are Yala and Yadhwele Primary Schools. They have many AIDS orphans. New classrooms will measure 30ft x 25ft and will be built of brick and cement, with concrete floors and galvanised sheet roofing, providing bright and spacious low maintenance classrooms with a long life. Renovation work will include new roofs, doors and windows, with concrete floors (they currently have earth floors). During the first year, in excess of 500 children will benefit. Each school location will be provided with blocks of latrines for boys and girls. The new latrines will be hand dug and built of brick and cement, with galvanised roofing sheets.

Springs which are currently a muddy pool of dirty water will be dug out, capped in concrete to protect the quality of the water, and directed out through a pipe. The result will be a constant supply of clean water, improved health, and an end to the women's arduous task of carrying water over long distances. Around 800 people will benefit from the protected springs. Project Management will be by Jim Caulfield - a volunteer from Jersey - who has 15 years experience of projects in the Oyugis area in partnership with school committees and community leaders.

KENYA

International Childcare Trust

Opportunities for Children in Western Kenya, Mumias and Kakamega Districts

£30,780

This project aims to increase participation in the primary education of the most disadvantaged boys and girls in the Mumias and Kakamega Districts of the Western Province, some of the poorest districts in Western Kenya where one in every four people will live beyond 40 years of age, through (1) increasing access to public primary schools for street children, orphans, young carers and their siblings, (2) increasing levels of household income for parents/guardians of disadvantaged children and child-headed households through business training and the provision of revolving funds to start income generating activities, (3) increasing retention of boys and girls in neighbourhood schools, and (4) reducing child sexual abuse and violence. Western Province is the second poorest province in Kenya with over 56% of the 4.1 million citizens living under the poverty line (income of \$1.25 per day). The death of many children's parents can be attributed to HIV/AIDS; in one of the districts, 33,589 adults are infected with HIV/AIDS.

The need for this project was largely generated from studies conducted by WEAEP, ICT's partner in Western Province. Many youngsters in Western Province lack access to primary education or drop out of school because they cannot afford the costs of schooling, ill-health or because they must work/care for family members. They cannot afford school materials or fees and lack basic necessities such as food, healthcare and shelter. At least 30% of all children interviewed cited lack of access to healthcare and the effects of diseases - such as jigger infestation, skin diseases and malnutrition - as the reasons keeping them from attending school. These children experience discrimination within the community and must often provide care for sick parents and/or siblings at home. Low economic empowerment and poor access to financial resources amongst widows, guardians and child headed households directly contribute to low/late/non-enrolment or the drop out of orphaned children; they struggle to meet their basic needs, let alone to pay for the costs involved in accessing primary education. Many children, particularly orphans, end up living and working on the streets. There are currently over 2,500 street children and 112,000 working children (the majority aged 9 to 14 years) in the Western Province.

Under the Free Primary Education (FPE) programme - introduced in Kenya during 2003 - parents/children must still cover a number of schooling costs, including uniforms, meals, examination fees, writing materials, fees for compulsory tuition, and a contribution towards auxiliary staff wages. These additional expenses exclude many disadvantaged children from formal education. This project complements government FPE efforts by enabling disadvantaged groups of children to meet school attendance requirements and realising their rights. The project will improve educational opportunities for extremely vulnerable groups of children who would otherwise not participate in FPE, such as orphans, street children and child heads of households.

The project will provide the following services: (1) support for the enrolment of street children, orphans and their siblings in primary schools/education; (2) support for young girl carers to attend/return to school; (3) provision of marketable vocational training, savings mobilisation and revolving funds for guardians, parents and child heads of households; (4) provision of child rights workshops and dissemination; and (5) awareness-raising activities and advocacy initiatives. Funding is for 33% of overall costs.

KENYA**NEW WAYS****Construction of Rock Catchment Dam to Provide Permanent Water Resource, Turkana District****£33,035**

Further to the Commission's grant made in 2009 for one dam as part of NEW WAYS' overall aim to establish a total of three permanent water resources in the Ilemi Triangle (Turkana District) the current initiative is to establish a second rock catchment dam in the region to benefit around 600 families (a total of 4,200 individuals) through the provision of ready access to fresh water. These resources will benefit the local communities in several areas – not least by providing a supply of water for their livestock and reducing the long distances the local people need to travel to find fresh supplies. It also relieves tension in the area between tribes, as conflicts arise over scarce resources in the region (which effectively comprises a triangular area of land joining Sudan, Kenya, and Ethiopia and measuring between 10,320 and 14,000 square kilometres in total).

This project is part of an integral programme to bring sustainable water supplies to the peoples of Northern Kenya, who are largely nomadic or semi-nomadic communities having small herds of goats and cattle.

Funding is for the capital costs of building one dam. The specific purpose of this project is to construct a double wall rock catchment dam that consists of a 30m long retention wall - which is 6m thick at the base and 11m high, located in dry riverbeds - where the rock formation already stores rainwater. In this area - over the past twelve years - 74 such dams have already been built (as well as 83 earth pan dams) which have all already been filled with water following rains, and each proving to be successful.

KENYA

Out of Africa

Expansion of Skills Development Training Centre, Thika District

£27,650

Further to the Commission's grant made in 2005, the aim of the project is to further assist in the alleviation of rural poverty and to create a healthier community by providing opportunities to impoverished youths, orphans and members of the community of Thika, Central Province and Makueni in Eastern Province, each of them remote and semi-arid regions affected by severe drought. They will learn a vocational skill at the International Centre of Technology (Out of Africa's college) at Thika, and the means to start up micro-businesses or gain employment for long-term self sufficiency, by means of the construction of three workshops, and by providing shipping costs for materials and training equipment, a bursary fund and micro-credit loans, all to benefit 3,000 people (and indirectly around 3,000 more people). Providing skills training will benefit people in an economic climate with high unemployment. Increasing the start up of micro and small enterprises will create productivity, contributing towards improved incomes and productive employment which is the key to a socio-economically empowered community. The intention is to impart the relevant skills to those most in need of vocational training as they are the least likely to participate in it, and because often their situation prevents them from doing so.

Statistics show that there are around 500,000 new entrants to the labour market every year, with 80 per cent of high school students unable to continue with their studies and - without a skill – they cannot be absorbed into the job market. The existing training capacity is inadequate to deal with vocational skills training for such a high number of people. To help those from impoverished areas, a bursary fund will be introduced so they can take a vocational course and become qualified in a skill - and then a micro credit loan will be offered to help them establish small businesses. Funding is for the expansion of this previously funded project and is for the construction of three workshops, shipping costs for materials and training equipment (donated by Out of Africa), the micro-credit scheme, bursary fund, staff, local office running costs and regional monitoring costs, and represents 72% of total project costs.

KENYA**WASOT- UK INTERNATIONAL****Formulation and Setting up of Child Protection Services, Nyando District****£18,010**

This project seeks to address the urgent problem of child abuse, maltreatment and exploitation at all levels within the Nyando District, in particular by putting in place a child protection policy and guidelines as well as implementing training workshops and reinforcement sessions for all adults working with children, training in the region of 176 to 180 Child Protection Representatives. It will directly benefit 200,000 orphans and vulnerable children within the district. Each training session will last five days and have 50 to 60 participants. In the second year the project will train the “trainers of trainers” (TOTs) from the same cohort, to ensure continuous training is provided in each division every year.

Working with the Department of Children, Ministry of Health and the district Education Office, it will tackle all forms of physical and mental violence against children, injury and abuse, neglect or negligent treatment, and exploitation (including sexual abuse). The scope of the project will incorporate orphanages and children’s homes, guardians of orphans and vulnerable children, all primary schools within the district, highway landlords that host truck drivers in local lodgings and village councils of elders who sit on guardian-orphan allocation committees when children are to be taken into care.

Nyando district has over 200,000 children under the age of 16 and of these nearly two thirds are orphaned due to the effects of HIV/AIDS and are either living with guardians, in orphanages or in loosely formed children’s homes. Local churches, individual clans, Orphans and Vulnerable Children groups (OVC) and volunteers with little training or knowledge run these orphanages. In addition, the majority of over 90 primary schools within the district host nearly 100,000 children and the teachers and guardians of these children do not have sufficient resources and expertise to recognise, or act, on child abuse cases. Ogra Foundation recently conducted a needs assessment report amongst five orphanages within the district and found rampant sexual, emotional and negligent abuse amongst orphans and vulnerable children, and it is through this concern that Ogra has embarked on an effort to stem this worrying discovery. Interlinked with poverty and HIV/AIDS is evidence of girls and boys as young as 12 being “pimped” by guardians and gangs to truck drivers along the Kisumu – Busia Highway, traversing the Nyando district. These girls are being sexually abused and coerced into local bars and lodgings, with devastating results for them.

Working with the District Children's Officer (DCO), Ogra Foundation will formulate and develop a child protection policy document derived from best practice protocols and in line with the local government child protection strategic plan. This document will be developed in conjunction with the DCO's office, the Police Department, and others. The document will form the core of the trainings that will run annually, with certification provided for successful completion to every adult dealing and working with children.

Funding is for professionally training Child Protection Officers and representatives, the formulation, drafting and production of a district-wide child protection document to be distributed to every school, orphanage, church and OVC guardian working with children, as well as local bars and lodging houses, the provision of stationery and referral forms at every Divisional Chief's Office, purchasing bicycles and mobile 'phones for nine Child Protection Officers and setting up the child protection Call and Information Centre at the District Commissioner's office; all of this represents 65% of total costs. The aim is to hand over the running of the service to the District Children's Officer and the District Commissioner after 12 months. Ogra Foundation will, however, continue to offer technical support as well as annual trainings.

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Mines Advisory Group (MAG)

Support to MAG All-Female Mine Clearance Teams, Xieng Khouang and Khammouane

£39,140

The purpose of this project is to increase the clearance outputs of the two Mines Advisory Group (MAG) all-female Mine Clearance Teams working in the Provinces of Xieng Khouang and Khammouane, by combining the purchase of eight CEIA deep search detectors with the implementation of a new single-person clearance method that will greatly increase clearances, benefitting 120,000 people over the course of a year.

Laos is one of the most heavily bombed countries on earth; during the nine-year "Secret War" bombs were dropped on temples, hospitals and schools. By 1973 there had been over 580,000 bombing missions that dropped more than two million tonnes of ordnance during the nine-year period. The bombs left an average of 10 tonnes of unexploded ordnance (UXO) per square km, or over half a tonne of ordnance for every man, woman and child living in Lao.

The two all-female teams - of eight technicians per team - currently work with CEIA deep search detectors in two-person teams. With the purchase of eight new detectors MAG will be able to roll out a single person methodology to these two all-female teams, providing every member in the team with a detector with which they will be able to conduct individual clearance sweeps of UXO contaminated areas. Where this methodology has already been introduced in Laos it has resulted in an approximate increase in outputs of 100%, enabling teams to clear over 100,000m² per month. The all-female team in Xieng Khouang will clear land to enable the Lao Red Cross and provincial and local communities to implement projects to realise the Laos government development goals, such as the building of schools and expansion of land made available for crops, directly aiding the reduction of poverty and the promotion of greater food security. The all-female team in Khammouane will work in partnership with The Humpty Dumpty Institute and International Relief and Development to clear land that will enable the expansion of agricultural lands, the building of schools, bore holes, gardens, latrines, playgrounds, as well as ensuring safe routes to and from local schools. Funding is for the purchase of eight CEIA deep search detectors and associated freight charges.

MALAWI

The Ellen Jane Rihoy Charitable Trust

Provision of Basic Needs to Chiuzira Orphan Care Centre: Classrooms, Health Clinic, School Hall and School Furniture, Lilongwe District

£40,106

Further to the Commission's grant made in 2009 - which enabled the construction of four classrooms, eight toilets and the provision of a water connection at Chiuzira Orphan Care Centre (COCC) in Lilongwe - the aim is to continue to provide basic necessities of life such as education, health care and an improved social life for orphans, women and old people from 17 villages, in particular by the construction of an additional two classroom blocks plus the construction of a health clinic and a community/school hall, together with the provision of school furniture. The COCC Committee will continue to engage in income-generating work to raise funds for its various activities such as chicken rearing, raising school fees for non-orphan children, and vegetable growing. The school/community hall will be hired out as part of the fundraising initiative. Such funds will be used to run COCC once the infrastructure is in place.

The connection in 2009 of potable water from the nearest Township is benefiting 15,000 children, women and men. The current work represents the second phase of the project. The Health Clinic is expected to benefit 10,000 people, of whom 6,500 are women and 3,500 men. The school will benefit over 500 pupils every year indefinitely, mostly orphans. Indirectly, over 15,000 people from the surrounding 17 villages under COCC will benefit from this initiative. The results of the project will therefore be improved lives for thousands of HIV/AIDs-affected orphans - and the community in general - through the provision of adequate health care, education and training to the orphans to equip them with skills to ensure that they have employment opportunities in later life. Funding is for additional four classrooms, one health clinic, one school/community hall and the procurement of school furniture.

MOZAMBIQUE

HelpAge International

Improved Food Security, Health and Nutrition for Older People and their Dependents, Chokwe Province

£39,960

This project will contribute to provide a sustained improvement in health and well-being for vulnerable older people (OP) and their families in Gaza Province, in particular through the provision of boreholes, seeds and tools, and a grain storage silo. The project will increase access to potable water, improve the health of the whole population (9,585) living in the three target communities (including 551 OP) and provide improved food security for 3,471 vulnerable OP, their dependents and community members in Chokwe district.

HelpAge International's partner – Vukoxa - has worked with HelpAge since 2000. The outcomes will be achieved by drilling boreholes for potable water, providing a drip-feed irrigation system, distributing seeds and tools, construction of an improved grain store and supporting Vukoxa to strengthen links with relevant government structures to improve sustainability and access to technical support. Chokwe District suffers high vulnerability to drought and floods, rapidly increasing HIV prevalence (from 19 to 27% in 4 years), low nutritional status of its children and high levels of migration to South Africa. Vukoxa is recognised by local and provincial government as a leading association in community mobilisation and agricultural production in Chokwe and this project will expand effective methodologies to three new communities - Machinho, 25 de Setembro and Marrambajane. The communities depend on agriculture for food and income security but lack agricultural inputs and have limited access to clean water. In April 2008 the community of 25 de Setembro registered 27 cases of cholera, including 13 cases amongst children.

This project will build on Vukoxa's ongoing initiatives in 17 communities in Chokwe. Vukoxa will support OP committees in the three areas using its experience of agricultural production and community mobilisation in order to provide practical and psychosocial support to vulnerable OP and their dependents. The committees will lead a network of activists to visit and register beneficiaries, mobilise the community to manage its water sources and agricultural production, and distribute food to beneficiaries. The activists will provide information on health, nutrition and disease control. As a result, disadvantaged OP will enjoy improved status and inclusion in community development processes as active members contributing to the wellbeing of their families, and to poverty reduction.

NICARAGUA

Peace and Hope Trust

School / Community Room for Stone Breaking Community, Bluefields

£7,800

The aim of the project is to construct a school room which will double as a community centre for the Lomas Fresca community in Bluefields, an extremely poor and disadvantaged community of approximately 1,200 people. Over 200 families break rock hewn from the hillside to provide aggregate for construction projects. Sale of the small pieces of rock is the sole means of support for each of these families. The recent economic downturn has increased their vulnerability.

The community has a small school room which is overwhelmed by the number of children wishing to have basic schooling. Currently there are approximately 100 children being educated in the existing building; the aim is to double this to 200 with the new facility. Separate classes will be held in the mornings and afternoons to maximise capacity. The Peace and Hope Trust (PHT) will fund two Nicaraguan teachers and fully equip the school/community room with items donated in the UK and shipped by container to Nicaragua. A community action group is already in place to oversee the running of the school on behalf of the community. As a community centre it will provide a base for further development work aiding women, children and families.

Community projects planned include the development of a sports club for children - which has already been set up by PHT - and sewing tuition for the women. PHT has already established sewing groups in other districts; 25 women can be taught at a time, with the possibility of different groups being held during the week. PHT will shortly be sending 200 second-hand sewing machines to Nicaragua. The practical tasks will be undertaken by international volunteers working alongside volunteers from within the local community. Funding is for the purchase and transport of construction materials to build the school/community room.

NIGER**PLAN International UK****School Improvement and Sanitation, Dosso District****£39,864**

The aim is to significantly improve the learning environment and sanitation facilities for 150 children at Kaffi secondary school in Dosso district, thereby improving academic performance, enrolment and retention rates and increasing enthusiasm and motivation for learning by providing safe, furnished and adequately resourced classrooms. Latrines and a water source will be installed to reduce the incidence of waterborne diseases and to improve health and hygiene practices. Access to clean water will benefit 150 children per year at the school and up to 2,000 people from the local community. PLAN is currently working in the area, and hygiene and sanitation training complementing this project is already being provided. The local community will be involved in the management and implementation of the project, helping to boost engagement with school life and fostering appreciation of how vital education is for their children's development.

Dosso is one of the poorest regions of Niger, with a poverty level of 67.3% (the national average is 62.1%) It is a predominately rural society where most community members are engaged in agricultural practice. Niger has one of the lowest schooling rates in the world: only 37% of children enrol in school. This statistic reflects historically poor government investment in schooling and a lack of access to schools. Parents often send their children to work rather than to school, favouring extra income over an education, as education - in their opinion - does not guarantee a better future. Consequently, children are often denied learning opportunities. The lack of support for schooling is compounded by inadequate school buildings, educational materials and a shortage of teachers.

The children who are fortunate enough to attend Kaffi school study under dilapidated "paillotes" (straw shelters) which leave them exposed to extreme heat, dust, insects and even snakes. The school has no latrines, and limited access to safe water in the region leaves them vulnerable to water-borne diseases. Children complete a two kilometre round trip to source water for the school every day. Furthermore, the only other secondary school in the area is 20km away from the village. Funding is for the construction of three classrooms, furniture provision, installation of two blocks of latrines and a hand water pump.

PAPUA NEW GUINEA

Mission Aviation Fellowship UK (MAF)

Purchase of PNG Aircraft - Cessna C208 “Caravan”, Countrywide

£40,000

The aim of this project is to ensure the long-term ability of Mission Aviation Fellowship (MAF) - the sole provider of air transport in Papua New Guinea (PNG) to over 300 remote communities - to continue to serve a population of nearly six million people countrywide through the acquisition of a high quality pre-registered Cessna C208 “Caravan” aircraft. A contribution towards the purchase of avionic equipment and tooling for this aircraft will help to improve MAF’s operational effectiveness and enhance the support available to rural communities.

In PNG hundreds of communities are isolated by mountains, jungle, rivers and swamps, making them dependant on air transport. For many communities their only means of access is on foot – so MAF is their lifeline, not only in an emergency, but also in their day-to-day lives. Flights undertaken each year include emergency medical evacuations, the transportation of teachers, medical and development personnel, delivery of medicines, education and development supplies and flights which carry primary produce to market in aid of community development. A local church pastor recently commented that ‘without MAF, we would return to the stone age’.

The welfare and development of people in PNG has been eroded by economic decline, failing infrastructure, insecurity, poverty and a rapidly growing threat of an AIDS epidemic. MAF has been providing essential air transport in PNG for more than 55 years. As a result, otherwise inaccessible or isolated communities across the country have gained access to many of life’s essential services. Funding is for a contribution towards equipping the new aircraft with the necessary avionic and navigational equipment, plus part of the tooling required and spares to operate in PNG’s harsh mountainous terrain and represents 4% of the total cost of the Cessna C208 “Caravan”.

SUDAN

Mines Advisory Group (MAG)

Humanitarian Mine Action (HMA) Support, Blue Nile and Kassala States

£41,870

The aim is to increase the productivity of Mine Clearance Teams (MCT) in the Kassala and Blue Nile States through the provision of specialist detectors, enabling the rapid removal of threats in communities in northern Sudan identified by the Landmine Impact Survey (LIS) as being impacted by landmines to a high or medium degree, benefitting approximately 150,000 people directly in the first year of operation. The most significant mine threat that Mines Advisory Group (MAG) deals with in northern Sudan is the PRB M35 anti-personnel (AP) mine, which is extremely difficult to detect in mineralised soils typical of the environment in northern Sudan. MAG has conducted tests in northern Sudan comparing the Minelab F3 detector with other detectors and it was confirmed that the F3 detected the PRB M35 AP mine at the greatest depth. Its enhanced detection capability and design makes it easier to set up and use and it is more precise in pinpointing suspected hazardous objects. As a result, MAG's productivity in clearance is greatly increased as land can be reliably cleared at a much greater rate. When Minelab F3s were introduced to a MAG MCT working in Kassala, productivity increased from four square metres per de-miner per day - conducting full excavation - to 70 square metres per de-miner per day using the Minelab F3.

In the coming year MAG will be focussing on the two States in northern Sudan known through LIS to be the most affected by landmines, Kassala and Blue Nile. MAG will target the 21 communities (approximately 89,720 residents) that are affected to a medium to high degree by the 36 Dangerous Areas and Suspected Hazardous Areas. MAG will survey the land and remove the obstacles to community resources (such as wells, farmland, clinics and schools) thus enabling the development of vulnerable communities. This will also create safe places of return for the 37,142 people estimated by the LIS to have been displaced from the communities by the recent conflicts. The provision of 18 Minelab F3 detectors will enable MAG to equip two teams working across northern Sudan removing remnants of conflict from these communities. Funding is for 18 Minelab F3 detectors plus freight, each with four rechargeable batteries, and four chargers which will fully charge all the batteries for two detectors in eight hours.

UGANDA

Bees Abroad UK Ltd

Beekeeping for Income Generation in the Ruteete Settlement Scheme and Surrounding Parishes of Kibaale District, Western Uganda – Phase Three

£16,219

Further to the Commission's grants made in 2008 and 2009, the aim is - through a beekeeping project - to further alleviate the poverty of especially disadvantaged villagers residing in the Ruteete Resettlement Area, most of whom are refugees from the Democratic Republic of Congo, Rwanda and elsewhere, as well as migrants from more densely populated areas of Uganda. During this third phase the achievements of the first two years will be consolidated. The number of direct beneficiaries will be increased from 400 to 500 and the project's sustainability will be made more certain by Bees Abroad continuing to encourage the use of modern hives made from freely available local materials. Work will be undertaken to develop the purchasing and marketing scheme and to strengthen the organisation of the beneficiaries so that they can be registered as a producer Association, to which ownership of the project may be transferred at the end of this phase (or very soon thereafter). As indicated above, this third phase of the project will directly benefit a further 100 impoverished households (estimated to comprise at least 600 people), as well as continuing support for the 400 existing beneficiaries through ad hoc training from the field officer, the strengthened community-based resource persons (CRPs) system and access to the extended buying and marketing operation.

Because this operation will be open to all beekeepers in the area - not just to the 500 project members - it will present income-generating opportunities to a total of around 5,000 producers and their households. An incentive will thereby be provided for those outside the project to expand their beekeeping, and the use of improvised modern hives will offer them a model of how this may be done with minimal capital outlay. Already the project has generated considerable local interest in the district.

There are five expected outputs from Phase III: (1) An additional 10 groups of villagers will be formed in at least one adjoining sub-county and their 100 members trained in technical beekeeping, value addition and business skills to provide new income-generating opportunities for their very vulnerable households; (2) These beneficiaries will be provided with starter equipment so that they can take advantage of new business opportunities more quickly; (3) Substantially more honey and wax will be bought during this phase from the 500 direct beneficiaries and from existing beekeepers in the area, who are thought to number 4,500; (4) The processing unit will be upgraded and the marketing operation extended in order to generate more income available for further honey and wax purchases; (5) The organisation of those beneficiaries with special leadership responsibilities, the CRPs, will be further strengthened with a view to their assuming a greater managerial role in the project; they will receive an extra three days' training designed specifically to enable them to function efficiently as the executive of a registered producer Association, to which the project may be entrusted.

UGANDA

Christ Our Hope Orphanage Centre

Empowering AIDS/HIV Orphaned families with Income-generating Projects and Infrastructure and Learning Environment Improvement at the Orphanage Centre, Wakiso District

£36,986

Further to previous grants, the aim is to further assist economic and social development in Temangelo Parish, Munyuka Sub County, Wakiso District, in particular by empowering 38 AIDS/HIV orphaned families with income-generating projects, the provision of two dormitories at Christ Our Hope Orphanage Centre (COHOC) - one for boys and one for girls - and the provision of classroom furniture and text books which will benefit 617 children who are mainly orphans at the Centre, and 38 families with an average of 11 people each, giving a total of 1,089 adults and children who will benefit directly.

Currently the Centre has two dormitories, one for boys and one for girls, each accommodating 75 children. However, due to the large number of orphans needing to be housed at the Centre, the dormitories can no longer accommodate the influx. The provision of tables and chairs for the classrooms will be vital for teachers, as will the provision of desks and benches for the children. The income-generating projects will be implemented in the 38 orphaned families and will boost their general welfare and living standards. The income-generating projects will benefit the families as follows: 8 families will be provided with cross-breed heifers; 15 families will undertake piggery projects; 7 families will undertake poultry rearing, and 8 families will undertake small business activities such as market vending, brick making etc. The assorted text books to be provided will be from nursery level to primary.

UGANDA

Hope for a Child

Helping Families and Communities Rise from Poverty, Iganga District

£34,710

The aim will be to help whole families and communities rise out of poverty in the rural Iganga district of Uganda (approximately 3-4 hours travel outside Kampala) through the provision of 15 Village Savings and Loan Association (VSLA) Facilitators who, together with additional workers and working in partnership with the Iganga District Farmers Association, will allow 120 new VSLA groups to be created, thereby benefiting 3,600 individuals directly and around 28,800 people indirectly (calculated as 120 groups x 30 individual people, with their entire families based on 8 dependents – a World Bank statistic).

VSLA schemes are a savings-based approach that enables the very poor to manage their household cash flow more effectively and flexibly and to invest in their own sustainable businesses that secure and stabilise their futures (businesses include cereal and maize farming, clothes making, milk delivery and coal selling). It also focuses on enhancing the capacity of the communities to effectively manage VSLA on their own. The Facilitators run groups in which 25 – 30 individuals (usually women) look to save their money and, in turn, learn how to loan the money out to individuals within those groups. The average rate of return (over a 9 - 12 months period) is approximately 30 to 40%.

Provision of these workers is essential as a help-up rather than a hand out as it is key to enabling communities to understand and be educated on how to save and manage their money in an effective manner and which will help them to rise from poverty without the on-going financial reliance on the West. Funding is for the provision of salaries for the 15 VSLA workers, scheme set up, evaluation and the transportation requirements of the trainers.

ZAMBIA

Tools for Self Reliance

Livelihood and Life Skills Training Project for Marginalised Rural Youths, Kabwe, Mtendere, Chongwe and Ndola

£26,146

The aim of this project is to assist in the alleviation of poverty and to address low levels of social welfare for 210 disadvantaged young people in Kabwe, Mtendere, Chongwe and Ndola, four of the most impoverished rural areas of Zambia, through the provision of quality vocational, business and livelihood skills training with follow up assistance to enable them to form small business groups capable of generating income.

Market-led training is essential in helping young people find viable employment and a trained workforce is essential to improve national productivity and economic empowerment. However, access to training is limited both by the availability and the cost of training places at formal training centres. Providing quality vocational and business skills training will enhance economic mobility and open up opportunities for individuals to meet basic needs for livelihood sustainability.

In particular, this project will work with four local organisations to offer a variety of informal and formal training programmes to 210 young people. These range from year-long skills and business training for individuals without any previous training, to short term top-up vocational and business skills to young people who have previously received training but who still need assistance in transferring this knowledge to a viable working model. There is also a component for the training of trainers. In addition, the programmes will offer HIV/AIDs awareness courses. Funding is for the vocational, business and life skills training, provision of start-up tool kits and capital, and monitoring and evaluation of the project, and represents 69% of total project costs.

Emergency Disaster Relief

HAITI

Disasters Emergency Committee

Donation to Haiti Earthquake Appeal

£50,000

The donation was made to enable all thirteen member aid agencies of the Disasters Emergency Committee (DEC) to provide emergency relief to the estimated 2.2 million people living in the affected areas of Haiti where many thousands died or were injured following an earthquake. The disaster came at a time when Haiti was still suffering from the consequences of four hurricanes in 2008, which greatly damaged infrastructure in the agricultural sector and left an estimated one million people homeless. Struggling to recover from years of violence and insecurity which had hampered development - and with a high population density and decaying infrastructure - the Country remains particularly vulnerable to natural disasters such as floods, mudslides and hurricanes.

PAKISTAN

Disasters Emergency Committee

Donation to Pakistan Flood Appeal

£50,000

The donation was made to enable all thirteen UK member aid agencies of the Disaster Emergency Committee (DEC) to provide emergency relief to the estimated three million people directly affected by floods in Pakistan. The support will provide assistance for the provision of food, clean water, temporary shelter and medicine.

An estimated 1,400 were killed in the floods. The United Nations believes that around 980,000 people may have lost their homes or have had to flee, while the UN World Food Programme reports that some 1.8 million required food aid. These are the worst floods to affect Pakistan for 80 years.

POLICY COUNCIL**PLANNING APPEALS PANEL– ANNUAL REPORT 2010**

The Policy Council has received the Planning Appeals Panel's 2010 Annual Report which is attached for publication as an appendix to the Billet d'Etat.

L.S. Trott
Chief Minister

23rd May 2011



PLANNING APPEALS PANEL

Planning Appeals Panel
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The Chief Minister
Policy Council
Sir Charles Frossard House
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17 May 2011

Dear Deputy Trott

2010 Annual Report

I am pleased to enclose a copy of the Planning Appeals Panel's Annual Report for 2010.

This is the Panel's first Annual Report as the Panel was appointed by the States in March 2009 and heard its first appeal in September 2009.

In preparing its Annual Report, the Panel has endeavoured to provide an overview of its works, with particular reference to where it has encountered difficulties working with the Land Planning and Development (Guernsey) Law, 2005.

You will note that Section 7 of the Report addresses a number of difficulties the Panel has encountered when hearing appeals and Section 8 set out some developments the Panel will be looking to progress this year. The Panel will be writing to you in the near future with suggestions for possible amendments to the 2005 Law and the composition of the Panel.

I should be grateful if you could arrange for the Annual Report to be published as an Appendix to a forthcoming Billet d'État.

Yours sincerely

Patrick Russell LI.B (Hons.)
Chairman

Enc.

Annual Report

2010

This is the first Annual Report of the Guernsey Planning Panel to the States of Guernsey Policy Council, which on this occasion covers the period from 6th April 2009 to 31st December 2010

**A review of the
operation and
Decisions of
Planning Tribunals**

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1.0 INTRODUCTION

I have much pleasure in presenting the first Annual Report of the Planning Panel to the States of Guernsey Policy Council, which on this occasion covers the period from its inception on 6th April 2009 to 31st December 2010, with subsequent Reports to run concurrent with the financial year, to conclude on 31st December annually.

In this inaugural document I seek to review the function of the Panel, comment on the legislation under which it operates and draw together key management information such as its operating costs and analysis of caseload, and also reflect on its primary objective, the provision of a cost efficient, independent and professional Planning Tribunal Service. There is no requirement made on the Panel to report in this fashion but as it demonstrates through its processes and procedures, the Panel believes transparency and consistency in planning matters is vital and that the Panel is accountable to tax payers to demonstrate how it is contributing to this process.

2.0 BACKGROUND

The Planning Panel came into being on 6th April 2009 pursuant to The Land Planning and Development (Guernsey) Law, 2005, which provided for a Planning Tribunal to be established with the objective of providing informal and timely access to legal challenge of planning decisions of the States of Guernsey Environment Department.

The Panel consists of six members appointed by the States of Guernsey and independent of the Environment Department, two of whom are professional Presiding Members and the other four appointed as Ordinary Members. A Chairman and Deputy Chairman were appointed from among this number. In addition the Panel has three Reserve Ordinary Members who may be formally appointed to the Panel at a later date. The Panel has administrative support with a Secretary who is currently part-time and manages all aspects of the Panel's and Tribunals' administrative function.

It is from the Panel membership that the Chairman or Deputy Chairman appoints individual members to sit on a particular Planning Tribunal, which consists of a professionally qualified Presiding Member and two Ordinary Members. It falls to the two Ordinary Members to determine each case with the Presiding Member having a casting vote if necessary.

The Planning Panel, whilst assisted administratively through the Policy Council Secretariat, is totally independent of any States' Department or body, something which is fundamental and crucial to the functioning of Planning Tribunals.

3.0 TRIBUNAL SKILLS AND GUERNSEY'S PLANNING FRAMEWORK

Training is essential to ensure that all Members, including Reserve Members, are fully conversant with the appropriate legislation, case law, and best practice in the conduct and procedures of tribunals.

In that regard Members attended an initial three day course in the Island in May 2009 led by a locally born and educated Planning Inspector from the UK. He was able to provide guidance drawn from his own practical experience and assist with the core material both in terms of local planning law and tribunal best practice and procedure. This was supplemented by presentations from Law Officers, the Environment Department's Planning Officers and the Policy Council's Strategic Land Use Group.

This was followed by a further two day course in July 2009 to embed understanding of the Island's Planning Policies and Area Plans and their alignment with the States of Guernsey's directions determined through its Strategic Land Use Plan. All members, including Reserve Members, also completed the intense Essential Judicial Skills and Competences Course offered by the Judicial Studies Board in the UK to ensure tribunal best practice and procedures would underpin Planning Tribunals in Guernsey.

The Panel proposes to hold regular meetings to review caseload and discuss matters of policy or law that have arisen as it strives to deliver a transparent and accountable Planning Tribunal Service.

4.0 WORK OF THE PLANNING TRIBUNAL

The Tribunal is required to determine at Appeal a variety of planning decisions made by the Environment Department within the 2005 Law. Those who have made application to the Department and who are dissatisfied with the outcome, or who may be the subject of Compliance Notices, for example, have the right to appeal to the Planning Tribunal within six months or 28 days of the date of the Decision respectively. Indeed the Tribunal can determine an application if the Department fails to complete its determination within thirteen weeks of an application being duly made.

Hearings take place in public, publicised seven days in advance by the display of Notices in the Royal Court, at Sir Charles Frossard House and on www.gov.gg. Appellants and/or their representatives attend in person together with representatives of the Environment Department. Professional representation, by way of architect, lawyer, estate agent or other, is not required and appellants who act on their own behalf are assisted in every possible way to the extent that the Tribunal is able to do so whilst maintaining a fair and unbiased approach.

Appellants may also seek a determination by way of Written Representation where the Tribunal meets informally and in private and makes a decision based on the written material before it submitted by and disclosed to both parties.

An Appeal can be dealt with by a single professional member sitting in a Public Hearing or by Written Representation if requested so to do by the appellant but only with the express consent of both the Environment Department and the Policy Council.

All Appeals require a site visit by the appointed Tribunal which will be accompanied by the parties if after a Public Hearing but can be unaccompanied for a Written Representation where the proposed development on the Appeal site can clearly be viewed from public land.

The Panel has policies in place when considering the appropriate means to determine a case, and these are referred to in Appendix 2.0. These are based on practical experience after 18 months of operation and generally the Panel will require cases to be heard in public when third parties had expressed interest in the development under consideration at the time of its determination by the Environment department.

The Panel strives to release all Decisions within 21 days of their determination. However this has not always been possible due either to the commitments of the Tribunal members or the workload on the part-time Secretary. It is the Panel's policy to keep parties advised of potential delays to any Tribunal's formal written Decision. When the Tribunal has made its determination, its reasoned Decision Notice is sent to the parties and later is also made public by display in the Royal Court foyer and the reception of Sir Charles Frossard House. Decisions are also published on the Environment Department website alongside the planning application subject of the Appeal and the Department's original decision. The Panel also has a dedicated area on www.gov.gg/government/planningpanel where a variety of material can be found. This can also be accessed through the address www.planningappealspanel.gg.

5.0 CASELOAD

Due to an anticipated gradual build up of cases as access to the Planning Tribunal became more widely known, the statistical information in this Report and indeed the Report itself covers the period from inception until 31st December 2010.

During this period the Panel has received an increasing number of Appeals as detailed in Appendix 3.0 and 4.0. An Appeal will not be referred to the Chairman for the appointment of a Tribunal, or Deputy Chairman in his absence, until all papers are received and it is duly made pursuant to Section 2 of the Appeals Ordinance 2007. Notwithstanding this protocol, the Panel endeavours to list cases within three months and issue reasoned Decisions within 21 days of their Determination. It will do all in its power to ensure a case is determined within six months of receipt, that is one year from the date of the Department's Decision subject of the Appeal.

Of the 26 cases determined in this period, 65% received reasoned written Decisions within this 15 week period; three cases, or 12% of the determined caseload, were delayed by request due to exceptional circumstances such as appellants' serious ill health, and the remaining six cases were outside this target. Only one case took marginally longer than six months.

65% of Appellants received their Decisions no more than one week later than the 21 day target; 46% were within this target .

To date the vast majority of Appeals received have related to minor domestic matters such as widening of gateways, removal of hedges, and relatively small scale domestic extensions and conversions.

The Panel has also received applications relating to smaller scale commercial developments including change of use of commercial premises. The nature of the applications received thus far illustrate that the introduction of the Panel has enabled private householders and small businesses to have access to legal redress against a decision of the Environment Department which might not otherwise have been readily available to them. It is likely however that with an upturn in economic activity in the Island the Panel would see an increase in the number of larger scale commercial developments coming before it, which would substantially increase its workload both in terms of volume and also duration of individual Hearings.

It is also interesting to note that the Panel receives cases that do not proceed to determination, either being withdrawn, conceded, or not duly made within the prescribed time. These are not published online however in order for a complete picture of the workload managing cases they have been included in Appendices 3 and 4.

6.0 OPERATING COSTS

	2009	2010
Interview costs, on-Island training and JSB Course	£26,410	N/A
General Administration	£350	£750
Stationery	£610	£460
Panel Retainers, Attendance Fees & out of pocket expenses,	16,700	£48,070
Panel Travel & Accommodation etc (mainly related to caseload)	£210	£1,870
Operational Costs (mainly Room Hire for caseload)	£870	£4,050
Staff Salaries relating to all administration (Employer Social Security contribution excl; non pensionable position)	£12,550	£31,150
Total	£57,650	£86,350

Forecasting expenditure has been challenging as this is a formula led environment with operating costs directly related to caseload. The table above demonstrates this quite clearly given the caseload detailed in Appendices 3 and 4.

To minimise expense when establishing the Tribunal's operation the Secretary was secured on a part-time basis without additional contractual obligations such as pension, annual leave and sick pay, working only as required without a retainer and on a term time basis. Now

established and with an increasing workload this will be reviewed jointly by the Panel Chairman and Policy Council.

7.0 WORKING WITH THE LEGISLATION

It is often the case when working with new legislation that issues may arise which can create discussion on its interpretation and implementation.

7.1 Third Party Representations

The Panel has had to consider the issue of how Tribunals should deal with third party representations at Hearings.

The principle legislation is unequivocal in its description of permitted evidence in Planning Appeals lodged under Section 68 and this firmly closes the door on a significant range of material that an appellant may have wished to call on. Section 69 indeed requires such an Appeal to be determined on the basis of the materials, evidence and facts which were before the Department when making its decision. The question the Panel has considered really tests the interpretation of Section 69 when read in conjunction with Section 5(h) of The Land Planning and Development (Appeals) Regulations, 2008, in that the Appellate Body may call for such documents and examine such persons on oath, affirmation or otherwise as appears likely to afford evidence which is relevant and material to any question to be determined by the Appellate Body.

The Tribunal gives due consideration in its determinations to any letter of representation that preceded the date of the Department's Decision (or the date at the expiry of the period in which a Decision should have been given). The Tribunal is pro-active in advising a representor that an Appeal has been lodged, providing the date and venue for the Hearing, but advising that whilst open to the public to attend, evidence cannot be given.

On occasion disputes arise at the Hearings on the matters of fact stated in such letters which were received and considered by the Department as a result of the publication of applications and display of site notices. However, as the representor has been told he cannot give evidence but the letter will be considered, he generally does not attend and as a consequence, he is unaware of matters discussed during the hearing.

It is the Panel's view that this procedure should however continue but that Section 5(h) of the Regulations does afford it the opportunity to examine such persons when the representation is judged likely to afford evidence which is relevant and material to any question to be determined. The Tribunal would write to the representor in this regard to secure his attendance, copied to the parties in the case. This would seem consistent with Section 69 of the Law which precludes the introduction of new material but not the review of material already before the Department.

This interpretation is further supported when dealing with a Compliance Notice Appeal under Section 70 where the Tribunal's obligations as set out under Section 71 makes no equivalent statement on the admissibility of such evidence, and in that regard third party representations insofar as they might be related to enforcement action are not automatically ruled out. The only guidance which the Panel has been able to obtain on this issue is contained in the Appeals Regulations, 2008, Part III, S.5 (b) (ii) where in respect of an Appeal against a compliance notice "any other person who in the opinion of the Appellate Body is affected by the breach of planning control" may appear, and presumably be entitled to give evidence.

7.2 Appellants' Challenges to the Environment Department's Consultations

Upon receiving a Planning Decision that an applicant then decides to appeal, he can obtain from the Environment Department copies of consultation reports and letters of representation as appropriate. However as the Law stands it is difficult for the appellant to challenge this material at Appeal.

As it may have been significant to the Department's Decision, as should become clear through its Appeal Statement, then natural justice leads one to conclude that the facts elicited from such documents and relied upon in the Decision should be explored.

It is the Panel's view that Section 5(h) of the Regulations would afford it the opportunity to examine such persons or call for such documents from the Appellant that would address the facts judged likely to have been relevant and material to any question to be determined. It therefore follows that if an appellant submits such material with his Appeal Notice in support of his detailed grounds of Appeal, which the Tribunal can explore at the Hearing and the Department can rebut or challenge, then Section 69 is in fact also observed.

Again this would seem consistent with the Law which precludes the introduction of new material but not the review of material before the Department; advice is being sought on the matter.

7.3 Lodging an Appeal

Under Section 68 (5) of the 2005 Law, there is a requirement that, pursuant to that Section, an Appeal to the Planning Panel must be served in the prescribed form to the Minister of the Environment Department, rather than directly to the Panel itself. In practice this does not appear to provide any useful benefit. There is an inevitable degree of delay whilst the documentation is received from the Department, but also the independence and integrity of the Panel is to an extent compromised by the Appeal Notice going to the Department which then in turn forwards it to the Panel, since this can give the impression of association between the two bodies. It is the view of the Panel that it would be desirable that the Appeal Notice be submitted directly to itself which would then initiate the Appeal processes.

7.4 Appeals relating to Dower Units

Appeals relating to dower units have disclosed anomalies in the requirements of the Environment Department in relation to the granting of planning permission and the requirements of building regulations pursuant to the Building Regulations, 1992. When making a grant of planning permission in such cases there is usually a condition that a kitchen or cooking facilities may not form part of the development. However, in ensuring compliance with building regulations there is a requirement that such a development must have such facilities. Not only has this caused some bewilderment to appellants it has also taxed Tribunals in delivering a realistic and enforceable outcome.

Note: The Panel is please to note that the Environment Department has recently published a Planning Advice Note covering the development of dower units which the Panel is confident will help overcome the difficulties that Tribunals have encountered in delivering realistic and enforceable outcomes.

7.5 Retrospective Applications at Appeal

The Tribunal has seen a number of Appeals relating to retrospective planning applications. Here development has been undertaken without permission and when identified by the Department an application is invited to regularise the matter. On occasion when such applications are refused, the Department often advises the applicant of the timeframe in which the site must be restored to its original condition. As required by Law it also advises that an Appeal of its Decision can be made to the Tribunal within six months of the date of its Decision. The Decision may then come before the Tribunal and may be upheld. The applicant may still not restore the site and will then be subject to a Compliance Notice issued by the Department which may then be appealed. Such circumstances have come before the Tribunal and it seems to the Panel that a lengthy process can be significantly reduced in time and cost without detriment to the applicant's rights to appeal should the Department have issued the Compliance Notice concurrent with its original Refusal of Planning Permission.

Other retrospective Appeals have been upheld by the Tribunal and the sites have remained in their developed state, pending, it is assumed, compliance action by the Department.

7.6 Protected Building List

Early cases lodged with the Panel reflected the transfer in bulk of Protected Buildings from the Register to the new List required by the new Law. It was a source of frustration that the associated paperwork for these properties was of a poor quality and it became clear that a root and branch review of the policies and properties subject of the listing is required.

8.0 DEVELOPMENTS FOR 2011

At such an early stage in the history of the Panel it is not possible to establish discernable trends. At present the likely caseload may settle at around fifty cases per year but this could increase as the work of the Panel becomes more widely known or if changes were to take place in the Strategic Direction of the States of Guernsey in dealing with planning issues.. It is likely that the Fees Ordinance will come into force during 2011 whereby appellants will be required to lodge a fee with their Appeal Notice, and the impact of such requirements on the volume of cases brought before the Tribunal is difficult to assess.

With its current volume of work the present Ordinary Membership of the Panel is appropriate and it is fortunate in having three Reserve Members who continue to show great interest and enthusiasm for the work of the Panel, whilst not being directly involved. Their continued interest is a great asset and resource for the Panel. There will however be increased pressure on the two professional Presiding Members should the current level of Hearings increase. It is the view of the Panel that there is a current need for an increase in the number of professional Presiding Members. It would be prudent to have available in addition reserve professional Presiding Members who would be available for full appointment should workload increase. Should one of its existing two members not continue in office for any reason this would place a burden on the remaining member which would be difficult to sustain. Already the Panel is experiencing difficulties relating to potential conflicts of interest in this area and this is likely to increase with time. Should both professional Presiding Members find a conflict of interest in a case it would be very difficult to proceed.

The 2005 Law allows for the appointment of “not less than two” professional Presiding Members and for the States to appoint a maximum of nine Panel members. The Panel therefore intends to ask the Policy Council to advertise for a third professional Presiding Member, thus increasing the current membership of the Panel from six to seven members. The cost implications of this increase are not anticipated to be significant and can be met from within the Panel’s existing budget.

9.0 CONCLUSION

The first twenty one months of the Planning Panel has been a period of considerable development and much has been achieved. The availability of access to the Panel is becoming increasingly known particularly as a result of media coverage. The new legislation has allowed ease of access and expeditious determination of Appeals, with many appellants appearing before Tribunals unrepresented.

The Panel continues to evolve, with policies being implemented or adapted with increasing experience. None of this can happen without the hard work, skill and dedication of many people. I am greatly indebted to all my colleagues for their support, advice and assistance, and sheer hard work in what has been a hugely interesting time for all of us.

Finally, I would also like to record the Panel's gratitude to Mrs Joanne de Garis, our outgoing Panel Secretary, who has been instrumental in setting up many of the administrative procedures and protocols which have led to the efficient operation of the Tribunals in addition to her day to day handling of the Panel's work.

A handwritten signature in cursive script that reads "Patrick Russell".

Patrick Russell LI.B (Hons.)

Chairman

31st December 2010

APPENDIX 1.0: PLANNING PANEL MEMBERS

Mr Patrick Russell

After graduating with an LL.B (Hons.) Degree in Law Mr Russell was articled to the Clerk to the Justices at the Chichester Magistrates Court and was admitted as a solicitor in 1982. He took up an appointment as a Prosecuting Solicitor later that year with the Sussex Police and subsequently with the Crown Prosecution Service. He was invited to join a local firm of solicitors and went into private practice in 1988 and became his firm's Criminal Litigation Partner. He developed an interest in mental health law and in 1998 set up a specialist mental health practice in West Sussex where he remained as senior partner until retiring from private practice in 2008.

Mr Russell was appointed as a Legal Member of the Mental Health Review Tribunal by the Lord Chancellor's Department, London, in 1994. He is currently a part time Tribunal Judge of the First-Tier Tribunal, Health, Education and Social Care Chamber. He has wide experience of sitting as a Tribunal Chairman and being responsible for the conduct of the proceedings and preparing the written judgement of the Tribunal. As well as receiving regular training in the practice and procedure of tribunals he also has attended training courses in wider areas such as Human Rights legislation, Diversity, Gender and Disability Equality, and Trans-cultural issues.

Chairman and ordinary member for a period of 6 years wef 6 April 2009.

Mr William Bowen

Mr Bowen qualified as a Chartered Surveyor in 1970 and set up his own private practice of chartered surveyors in Birmingham in 1972. He became a Fellow of the Royal Institution of Chartered Surveyors in 1979. He specialised in Commercial property matters and more particularly for some 34 years in tribunal work as an expert witness instructed by major Plc, private companies and Solicitors, in connection with all aspects of Liquor, Gaming, betting and public entertainment licensing. Attending and giving evidence in the Crown and Magistrates courts as well as before Local authority licensing panels throughout England and Wales. He also presented planning appeals at local enquiries and by written statement to the planning inspectorate, acting on behalf of clients. He retired from private practice to live in Guernsey in 2006 and is currently acting as a consultant to a Guernsey based firm seeking property in the United Kingdom.

Deputy Chairman and professional member for a period of 4 years wef 6 April 2009

Mr Stuart Fell

Mr Fell currently works as a consultant to an expanding planning and architectural design practice based in Jersey. He is involved with a wide range of development work, but his special interests include historic building projects, design work, and challenges to the planning process. Before moving into private practice, he worked for 10 years for the States of Jersey Planning Service in the role of conservation architect and urban designer, and for a period he headed up the development control service. Mr Fell trained originally as an architect, but quickly developed an interest in heritage matters. Following specialist training, he subsequently worked in conservation officer posts in Halifax, Chester and Newark, before taking up the job of Chief Technical officer at Tunbridge Wells Borough Council. This managerial post included responsibility for architectural and quantity surveying services, as well as the repair of the Council's public housing stock of several thousand dwellings. On leaving Tunbridge Wells, Mr Fell took up a 3 year contract as a planning Inspector with the UK Planning Inspectorate, where he determined a wide range of planning appeals in the name of the Secretary of State. These appeals were dealt with by means of written representations, informal hearings, or formal public inquiries. Mr Fell left the Inspectorate to take up his position in Jersey.

Professional member for a period of 6 years wef 6 April 2009.

Mrs Sheelagh Evans

Mrs Evans holds a BSc (Hons) in Estate Management and a Master's degree in Urban Land Appraisal. She retired from working as a Chartered Surveyor some years ago to raise her family. Until last year she was a Committee member of the British Red Cross (Bailiwick of Guernsey Branch) with responsibility for property matters. She is a member of the Tax on Real Property Appeals Panel.

Ordinary member for a period of 4 years wef 6 April 2009.

Mr John M. Weir

Mr Weir has been working in the property industry for almost 40 years. A Fellow of the Royal Institution of Chartered Surveyors, he has experience in a number of different facets of the profession including: private practice, Local Authority, quasi civil service, investment institution and industry as Property Director of both Siemens and United News & Media. Until taking early retirement he was Real Estate Executive at BP a position that entailed acquiring and disposing of various global property assets and seeking planning changes as appropriate. Throughout his career, planning has played an important part in delivering various projects. As a Member of CoreNet Global the organisation for Corporate Real Estate Professionals he has chaired a number of their workshop summits in global locations. He occasionally chairs the Tax on Real Property Appeals Tribunal.

Ordinary member for a period of 2 years wef 6 April 2009.

Mr Nigel Burnard

Mr Burnard is locally born and educated who retired from the Island Police Service in September 2005 having reached the rank of Inspector. The last 5½ years of his career was within the Court Office initially as a Prosecuting Inspector then with additional responsibility for Youth Justice and in 2002 he had responsibility for the Workflow Unit which monitored all submitted files. From January 2003 he oversaw the compilation of most Police Royal Court files and sudden death enquiries together with managing the investigation of 'outside agency' enquiries which entailed many dealings with the Law Officers of the Crown.

Ordinary member for a period of 2 years wef 6 April 2009

Note: On 23 February 2011 the States approved the re-appointment of both Mr. Weir and Mr. Burnard as Ordinary Members of the Panel for a further period of 6 years.

APPENDIX 2.0: PANEL POLICIES AND PROCEDURES

2.1 Identifying Classes of Planning Appeal suitable for determination by a Single Professional Member

When deciding if an application should be made to the Policy Council to seek its approval that an Appeal should be determined by a single professional member the Planning Panel Chairman will consider the following factors:

- (a) Whether there has been a request of a party or parties that the Appeal in question should be determined in such a manner.
- (b) Whether the Appeal in question relates to a planning application of Island-wide significance, in accordance with Section 6 (2) (a) of The Land Planning and Development (Appeals) Ordinance, 2007.
- (c) Whether the Appeal in question is deemed minor and uncomplicated, and whether the evidence is self explanatory and complete. Such examples could be Appeals relating to signage, fences, domestic extensions or alterations of a household nature.
- (d) Whether there are any third party representations that have been made in respect of the application for planning permission.

2.2 Identifying Classes of Planning Appeal suitable for determination by Written Representation by either a Single Professional Member or by a Full Tribunal

When deciding if an Appeal should be determined by Written Representations by a single professional member the Planning Panel Chairman will consider the factors referred to above in addition to those below relating to determination by a full Tribunal:

- (a) There will generally be a presumption in favour of acceding to the request of a party or parties that the Appeal in question be determined by written representation to give effect to the right contained in the legislation.
- (b) Whether the information from the parties is substantially complete and self-contained. If the submitted material is insufficient or unclear then a full Hearing in public will usually be required so that further information can be obtained.
- (c) Whether the policies and issues relating to the Appeal in question are clear cut. This can be demonstrated by the only additional information that the Tribunal will need to gather and appraise being related to site factors that can be addressed by a site visit.
- (d) Whether there is an over-riding public interest in respect of the Appeal in question. Such examples could be complex or large scale developments, or where the policy or legal framework is unclear and open to interpretation and in respect of which the Tribunal would need to seek clarification.
- (e) Whether there are any third party representations that have been made in respect of the application for planning permission.

2.3 Compliance Notices

When deciding if an Appeal in respect of the issue of a Compliance Notice should be determined by a Hearing or by written representations by either a single professional member or by a full Tribunal there will be a presumption by the Planning Tribunal Chairman that such an Appeal be heard by way of public Hearing given the often complex nature of such cases and the potential need to hear from the parties prior to determination.

APPENDIX 3.0: Appeals received in 2009 by the Planning Panel

PAP ref	Date received	Appeal Details	Tribunal Date	Tribunal Decision & Date	Listing Period (15 week target)
001.09	06.05.09	Transition of an entry from Register to List of Protected Buildings at Karningul, Braye Road, Vale	Appeal Withdrawn		
002.09	11.05.09	Transition from Register to List of Protected Buildings at Eastwood, Mount Row, St Peter Port	Appeal Invalid		
003.09	14.09.09	Confirmation of a Tree Protection Order at 33 Clos Raymond Leterrier, Pont Vaillant, Vale	19.11.09	Appeal Dismissed 09.12.09	12 weeks
004.09	22.09.09	Refusal of Planning Permission to erect a fence at Tanderra, Les Petites Capelles, St Sampson's	Appeal Withdrawn		
005.09	25.11.09	Transfer of an entry from Register to List of Protected Buildings at 2 Mount Durand, St Peter Port.	Appeal Invalid		
006.09	23.10.09	Refusal of Planning Permission to permit the change of use of two dwellings (retrospective) at Primrose Cottage, Havelet, St Peter Port	25.02.10	Appeal Dismissed 08.03.10	19 weeks (appellant requested delay)
007.09	28.11.09	Refusal of Planning Permission to create a dower unit at Mont Plaisant, Hougues Peres, Vale	21.05.10	Appeal Dismissed 02.07.10	31 weeks (appellant requested delay)
008.09	16.12.09	Refusal of Planning Permission to extend outbuilding and convert to a self contained residential unit at The Stable, Pleinmont House, Rue des Valniquets, Torteval	14.04.10 (Site Visit) ¹	Appeal Allowed 15.06.10	26 weeks

¹ Indicates date of site visit as case determined by Written Representation

APPENDIX 4.0: Appeals received in 2010 by the Planning Panel

PAP ref	Date received	Appeal Details	Tribunal Date	Tribunal Decision & Date	Listing Period (15 week target)
001.10	14.01.10	Refusal of Planning Permission to widen gateway to provide off-road parking at Dilkusha, Dalgairns Road, St Peter Port	15.04.10	Appeal Dismissed 29.04.10	15 weeks
002.10	19.01.10	Refusal of Planning Permission to remove a hedge and erect a wall at Aimee's Cottage, Sandy Hook, St Sampson's	15.04.10 (site visit) ²	Appeal Dismissed 29.04.10	14 weeks
003.10	26.01.10	Refusal of Planning Permission to lop a tree protected by a Tree Protection order at Primera, 33 Clos Raymond Leterrier, Pont Vaillant, Vale	07.05.10 (site visit)	Appeal Dismissed 26.05.10	17 weeks
004.10	03.02.10	Refusal of Planning Permission to permit a camp site and motor home storage area and relocate greenhouse at Meadow View, Rue à Ronces, Côtel	17.03.10	Appeal Dismissed 07.04.10	9 weeks
005.10	12.02.10	Refusal of Planning Permission to demolish part of roadside wall to create vehicular access and parking at At Last, La Canurie Road, Vale	29.04.10	Appeal Dismissed 25.05.10	15 weeks
006.10	12.02.10	An Appeal against a non-determination of a Planning Application to erect a marquee on field situate at Rue des Marettes, St Martin's on a temporary basis	17.05.10	Appeal Dismissed 25.06.10	19 weeks
007.10	10.03.10	An Appeal against Planning Permission granted with conditions to erect boundary wall (retrospective) at Vevey, Rue des Marais, Vale	07.06.10	Appeal Allowed 25.06.10	15 weeks
008.10	17.03.10	Refusal of Planning Permission to extend domestic curtilage (retrospective) at Ruishton, Rue des Houmet, Côtel	29.04.10 (site visit)	Appeal Dismissed 21.05.10	9 weeks
009.10	23.03.10	Refusal of Planning Permission to remove earth bank and use fields for outdoor recreational purposes at Sylvans Sports Club, St	05.05.10	Appeal Allowed 19.06.10	13 weeks

² Indicates date of site visit as case determined by Written Representation

		Saviour's/St Pierre du Bois			
PAP ref	Date received	Appeal Details	Tribunal Date	Tribunal Decision & Date	Listing Period (15 week target)
010.10	26.03.10	Refusal of Planning Permission to erect signs (retrospective) at Waves Apart-Hotel, Vazon, Côtel	29.04.10 (site visit)	Appeal Dismissed 21.05.10	8 weeks
011.10	26.03.10	Refusal of Planning Permission for alterations to a car parking area at Slater's Bridge, Mont Arrivé, St Peter Port	14.05.10	Appeal Dismissed 26.05.10	9 weeks
012.10	26.03.10	Refusal of Planning Permission to remove hedge and extend existing balcony at White Horses, Fort George, St Peter Port	30.06.10	Appeal Dismissed 28.07.10	17 weeks
013.10	06.04.10	Refusal of Planning Permission to erect event marquee and use of field for parking 4 th July – 19 th Sept 2009 at Jerbourg, St Martin's	18.05.10 (site visit)	Appeal Dismissed 28.07.10	16 weeks
014.10	09.04.10	Refusal of Planning Permission to erect sign (retrospective) at Guernsey Conservatories, Earlswood Nursery, La Ville Baudu, Vale	07.06.10 (site visit)	Appeal Allowed 28.06.10	12 weeks
015.10	04.05.10	Refusal of Planning Permission to alter outbuilding and convert to separate residential unit and erect fencing at Le Pont Morinel, Mont d'Aval, Côtel	30.06.10 (site visit)	Appeal Dismissed 28.07.10	12 weeks
016.10	21.04.10	Refusal of Planning Permission to erect boundary fencing (retrospective) at Cote es Ouets, Les Rouvets, Vale	19.07.10	Appeal Dismissed 15.09.10	21 weeks
017.10	27.05.10	An Appeal against a Compliance Notice issued for parking and use of storage container at Oatlands Vinery, St Sampson's	Compliance Notice withdrawn 27.09.10. No case to answer		
018.10	28.05.10	Refusal of Planning Permission to make alterations to vehicle access and reduce height of roadside wall (retrospective) (reconsideration) at Brighthelmston, La Mazotte, Vale	14.07.10	Appeal Allowed 30.07.10	9 weeks

APPENDIX 4.0: Appeals received in 2010 by the Planning Panel (cont'd)

PAP ref	Date received	Appeal Details	Tribunal Date	Tribunal Decision & Date	Listing Period (15 week target)
019.10	15.04.10	Refusal of Planning Permission for change of use of packing shed to general storage (retrospective) (reconsideration) at Merton Vinery, Rue des Pointes, St Andrew's	Appeal Withdrawn		
020.10	07.06.10	Refusal of Planning Permission for illuminated sign (retrospective) at Fusion Nightclub, Lower Pollet, St Peter Port	Appeal not duly made in time		
021.10	10.06.10	Refusal of Planning Permission to demolish section of roadside wall railings, create vehicular access & parking area (retrospective) (reconsideration) at St Honorine, Candie Road, St Peter Port	23.07.10	Appeal Dismissed 08.09.10	13 weeks
022.10	06.07.10	Refusal of Planning Permission to alter vehicular access, install revolving turntable, create additional parking spaces and install new disabled lift between car park and dwelling entrance at Mont Altier, Cordier Hill, St Peter Port	08.11.10	Appeal Dismissed 25.11.10	20 weeks (appellant requested delay)
023.10	14.07.10	Refusal of Planning Permission to erect a conservatory (first floor rear) at Brookleigh, Queen's Road, St Peter Port	Appeal Conceded		
024.10	26.07.10	Refusal of Planning Permission to erect sheds (retrospective) at Les Loriers, Rue de Rougeval, Torteval	20.09.10	Appeal Dismissed 11.10.10	11 weeks
025.10	03.09.10	Refusal of Planning Permission to construct new vehicular access & parking area at Pres la Cour, Le Courtillet, St Martin's	10.11.10	Appeal Dismissed 09.12.10	14 weeks
026.10	03.09.10	Refusal of Planning Permission to erect first floor extension on existing outbuilding at Les Niaux Farm, Les Niaux, C��tel	17.11.10	Appeal Dismissed 06.12.10	13 weeks

APPENDIX 4.0: Appeals received in 2010 by the Planning Panel (cont'd)

PAP ref	Date received	Appeal Details	Tribunal Date	Tribunal Decision & Date	Listing Period (15 week target)
027.10	03.09.10	Refusal of Planning Permission to vary approved plans to install two sets of double doors at third floor level at rear of Dawn Cottage, 10A The Strand, St Peter Port	13.12.10	Released in 2011	
028.10	06.09.10	Refusal of Outline Planning Permission to erect a petrol filling station at GT Cars site, Les Bas Courtils Road, St Sampson's	Appeal Withdrawn		
029.10	09.09.10	Refusal of Planning Permission for change of use class at Unit 1, Route de la Garenne, Pitronnerie Road, St Peter Port	Determined in 2011 by request		
030.10 and 031.10	15.09.10	Refusal of Planning Permission to install captain's dormer, recessed balcony & glazed doors (at roof level) & install roof lights to front elevation:& to demolish existing garage/store & erect new garage/store at La Verniaz, Rue de la Lague, Torteval	Determined in 2011 by request		
032.10	21.09.10	Refusal of Planning Permission to extend and convert existing outbuilding to a dwelling (including installation of dormer windows, balcony, rooflights) and install post and rail fencing Sunnydene, Route de la Marette, St Saviour's	13.12.10	Released in 2011	
033.10	21.09.10	Refusal of Planning Permission to demolish roadside wall to enlarge vehicle access and replace existing rooflight at rear with dormer window at Airlie Cottage, La Route du Braye, Vale	Determined in 2011 by request		
034.10	27.09.10	An Appeal against Planning Permission granted with conditions to widen access by 20cm and not 70cm as per application at Feldspar, Grandes Maison Road, St Sampson's	Determined in 2011		

APPENDIX 4.0: Appeals received in 2010 by the Planning Panel (cont'd)

PAP ref	Date received	Appeal Details	Tribunal Date	Tribunal Decision & Date	Listing Period (15 week target)
035.10	27.09.10	An Appeal against Planning Permission granted with conditions to remove hedge and erect fence at Budleigh, Rue Cauchez, St Martin's		Struck out in 2011	
036.10	27.09.10	Refusal of Planning Permission to lop five sycamore trees at Woodvale, Damouettes Lane, St Peter Port		Withdrawn in 2011	
037.10	04.10.10	Refusal of Planning Permission to erect sunlounge on west elevation at The Moorings, Rue Batée, Vale		Determined in 2011	
038.10	04.10.10	Refusal of Planning Permission to erect fencing along the roadside boundary (retrospective) at Vue de L'Eglise, Rue du Belle, Torteval		Determined in 2011	
039.10	04.10.10	An Appeal against Planning Permission for signage at Grandes Rocques Bar and Bistro, Rue de la Saline, Cobo, Câtél, subject to a condition (No 4) which withholds permission for two signs, one to each side of the front elevation of the building.		Determined in 2011	
040.10 and 041.10	11.10.10	Refusal of Planning Permission to widen vehicular access (retrospective) and to remove earthbank in driveway (retrospective) at Le Nid, Hougue du Pommier, Câtél		Determined in 2011	
042.10	24.11.10	Refusal of Planning Permission to erect fence at roadside and east boundaries and erect shed (temporary) at front (retrospective) at Les Serres du Verger, Grand Douit Lane, St Sampson's		Determined in 2011	

APPENDIX 4.0: Appeals received in 2010 by the Planning Panel (cont'd)

PAP ref	Date received	Appeal Details	Tribunal Date	Tribunal Decision & Date	Listing Period (15 week target)
043.10	01.12.10	Refusal of Planning Permission to use horticultural land as builders' yard (retrospective) at La Canurie Vinery, La Canurie Road, Vale		Determined in 2011	
044.10	01.12.10	An Appeal against a Compliance Notice issued for use of horticultural land as builders' yard La Canurie Vinery, La Canurie Road, Vale		Determined in 2011	
045.10	08.12.10	An Appeal against a Compliance Notice issued for alleged breaches with regard to conditions 5&8 of Planning Control Permit PAPP/2009/0041 at Waves Apart-Hotel, Vazon, Câtel		Determined in 2011	
046.10	20.12.10	Refusal of Planning Permission to demolish existing dwelling and erect new dwelling, erect stables, extend domestic curtilage, erect fencing and construct earth bank at The Hawthorns, Rue du Manoir, Forêt		Withdrawn in 2011	

CULTURE AND LEISURE DEPARTMENT**CHANNEL ISLANDS LOTTERY – 2010 REPORT AND ACCOUNTS**

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port
Guernsey
GY1 1FH

18 May 2011

Dear Sir

I am pleased to be able to provide a report on the Bailiwick of Guernsey's performance within the Channel Islands Lottery for 2010. The requirement to report is contained within section 2 (5) of the Gambling Channel Islands Lottery Ordinance. The report is included as an appendix to a Billet d'Etat.

We regret to report that sales of scratch tickets continued to fall in 2010; however, sales of Christmas Draw tickets reached a record high.

LOTTERY FORMAT

Throughout 2010 the Lottery was run on an instant prize scratch card basis, with the exception of Christmas, which also included a draw of winning numbers.

Two separate scratch card games are run side by side, both offering a maximum prize of £20,000.

Changes to the structure of the game and prize structure are routinely monitored after consultation with the Lottery Advisory Panel. The panel meets to review and make recommendations about the Lottery.

SALE OF TICKETS

Five main Agents are appointed to sell Lottery tickets within the Bailiwick of Guernsey; three in Guernsey, one in Alderney and one in Sark. The Agents purchase tickets from the Department and ensure that the tickets are on sale as widely as possible through a chain of sub-agents.

Ticket sales in 2010 and 2009 were as follows:-

	Bailiwick of Guernsey		Jersey		Total Sales	
	2010	2009	2010	2009	2010	2009
Scratch Cards	640,400	686,300	796,000	864,000	1,436,400	1,550,300
Christmas Draw	880,000	760,000	1,420,000	1,240,000	2,300,000	2,000,000
Totals	1,520,400	1,446,300	2,216,000	2,104,000	3,736,400	3,550,300

This table shows an overall increase in sales of 186,100 (5.2%) in 2010. An additional 300,000 Christmas Draw tickets were printed and sold across the Channel Islands in 2010, a percentage rise of 15.0%. Sale of scratch tickets fell by 113,900 (7.4%) in 2010, of which the Guernsey Bailiwick accounted for 45,900 tickets, a percentage reduction of 6.7% against 2009 sales levels.

Whilst Christmas Draw sales have continued to grow over the past few years, scratch sales in both the Guernsey Bailiwick and Jersey have been in decline in that same period, as indicated in the table below.

Year	Scratch card sales		Christmas Draw sales	
	Bailiwick of Guernsey	Jersey	Bailiwick of Guernsey	Jersey
2005	1,129,500	1,344,000	469,000	631,000
2006	989,768	1,364,000	533,000	767,000
2007	822,100	1,144,000	600,000	900,000
2008	756,000	956,000	597,700	1,100,000
2009	686,300	864,000	760,000	1,240,000
2010	640,400	796,000	880,000	1,420,000

Christmas Draw growth in the period 2005-2010 was 109.1%, with individual growth figures of 87.6% for Guernsey and 125.0% for Jersey.

In the period 2006-2010, 2007 being the beginning of the fall in scratch card sales in Jersey, scratch card sales reduction was 39.0% across the Channel Islands (Guernsey 35.3%, Jersey 41.6%).

Since 2007, as a general rule, tickets have been allocated in a 40:60 ratio between the Guernsey Bailiwick and Jersey in line with population numbers in the two main islands. Guernsey Bailiwick scratch card sales represented 44.58% of total Channel Islands scratch card sales in 2010. 0.95% of this percentage represented combined Alderney and Sark sales, leaving 43.63% attributable to Guernsey alone. This higher Guernsey percentage in relation to the standard ratio allocation of tickets suggests an imbalance in the allocation of tickets to the Guernsey Bailiwick; however, as stated in the previous paragraph, scratch card sales in Jersey have dropped by 41.6% in the last five years, compared with a 35.3% drop in Guernsey. This sharper downward trend in scratch card sales in Jersey over the past five years has shifted a greater percentage of scratch card sales towards Guernsey in that period. An overhaul of the scratch card element of the Lottery is

planned for later this year (further details below), which will hopefully halt and reverse this trend of falling sales.

With regard to allocation of Christmas Draw tickets, in 2008 a decision was taken to allocate the 200,000 additional tickets printed for that year's Christmas Draw to Jersey alone, on the basis that Les Bourgs Hospice were running a charity draw in Guernsey concurrently with the Channel Islands Lottery Christmas Draw, thus reducing Guernsey's overall percentage allocation of Christmas Draw tickets from 40% to 35.3% in that year. The resulting impact on Guernsey ticket sales justified this decision. In subsequent years the additional tickets printed have been allocated in the traditional 40:60 ratio, with Guernsey's percentage allocation now averaging out around the 38% mark.

As mentioned earlier in this section, the Channel Islands Lottery is planning a review of how the Lottery is run, with a primary aim of addressing the slide in scratch card sales. In order to achieve this objective, the Lottery is due to enter into a new partnership with Scientific Games International (SGI) Ltd, a global company specialising in the provision of lotteries across a number of countries around the world. The new working relationship with SGI, who currently act solely as ticket printers for the Lottery, will see them providing more input into other areas including design of tickets, new game ideas, prize structures and marketing, with a view to reviving the scratch games in particular.

PRIZES UNCLAIMED

Prizes which are not claimed are forfeited after a given period of time. The total value of prizes unclaimed in the Bailiwick of Guernsey amounted to £63,582 in 2010. £24,600 was transferred to the Christmas Draw to support a minimum guaranteed prize structure for the draw. The balance of unclaimed prizes as at 31 December 2010 stood at £203,240.

DONATION TO THE ASSOCIATION OF GUERNSEY CHARITIES

The profits from the Christmas Charity Draw are paid to the Association of Guernsey Charities for distribution to charitable groups. The amount paid to the association in respect of the 2010 Christmas Draw was £213,391.84, a record payment to the Association from the Channel Islands Lottery. This represents an increase of £29,932.91 (16.3%) on the 2009 figure.

With the Department's agreement the Association of Guernsey Charities has distributed the funds as detailed at Appendix 1.

ACCOUNTS

The accounts for the Channel Islands Lottery (Guernsey) Fund for 2010 are attached at Appendix 2. These reveal that the promotion of the Lottery in the Bailiwick of Guernsey produced a surplus of £318,397 (an increase of £19,389 or

6.5%) which was shared within the Bailiwick in proportion to the number of tickets sold in each Island as follows:-

Chief Pleas - Sark	£2,903
States of Alderney	£2,970
States of Guernsey	£312,524

Yours faithfully

Deputy M.G. O'Hara
Minister
Culture and Leisure Department

Appendix 1**Channel Island Christmas Lottery 2010**

Guernsey Charitable Grant Allocation

The Association of Guernsey Charities

Charity	AGC No.	Purpose	Allocation
Amherst Primary School PTA	295	Smartboard speaker systems for classrooms	1,710.00
Association of Royal Navy & Royal Marines	236	Partial accommodation costs for visiting Band	3,000.00
Drug Concern	153	Rental/salary for drug worker	10,000.00
Friends of Les Bourgs	307	Contribution towards running costs	10,000.00
Friends of St James	308	Disabled access lift to main stage	5,000.00
Friends of the Croft	333	Alterations to property for disabled access & sensory garden	9,312.31
Grow Limited	052	Replacement truck for outside contracts	12,500.00
GSPCA	003	Purchase new telephone system	3,500.00
Guernsey Arts Commission	322	Towards "Access Arts 2011"	5,000.00
Guernsey Bereavement Service	243	Professional training	5,000.00
Guernsey Botanical Trust	285	Rebuilding greenhouses at Saumarez Park walled garden	2,500.00
Guernsey Bowel Cancer Awareness	247	Towards purchase of sigmoidoscope	13,500.00
Guernsey Cheshire Home	035	Utility and Running Costs	20,000.00
Guernsey Conservation Volunteers	223	First aid course for volunteers	800.00
Guernsey Marlins Special Swimmers	328	Purchase kit and expenses for two competitions	3,146.00
Guernsey Mencap LBG	018	Befriender scheme key worker salary	4,000.00

Channel Island Christmas Lottery 2010

Guernsey Charitable Grant Allocation

The Association of Guernsey Charities (continued)

Charity	AGC No.	Purpose	Allocation
Guernsey Sports Assoc. for the Disabled	062	Refurbishment of disabled toilet	3,937.50
Guernsey Sports Commission	260	New floodlights for GSC Les Genats sports area	1,500.00
Guernsey Voluntary Service	057	Day centres and Meals on Wheels vehicle running costs	13,302.00
Guernsey Welfare Service	020	Office Rent & Welfare Vouchers	10,000.00
Guernsey Women's Aid	263	Professional Liability Insurance for volunteers	410.00
Headway Guernsey	289	Contribution towards staff salaries and running costs	10,000.00
Home-Start Guernsey	305	Contribution to running costs	10,000.00
Information Exchange Guernsey	216	Production costs for Guernsey Cancer Guide	4,000.00
Le Rondin School (PSFA)	278	Part-fund Year 6 pupils' visit to Calvert Trust, Devon	7,150.00
Lihou Charitable Trust	265	Purchase of tractor	9,950.00
Maison St Pierre	125	Insurance cover and refurbishment	5,000.00
Methodist Homes for the Aged	095	Replacement Call System for Maison l'Aumone	18,690.60
Northern Agricultural & Horticultural Society	334	Assist with associated costs of North Show	2,500.00
Philippi Guernsey Limited	270	Towards salary for part-time Secretary	2,000.00
Sea Cadet Corps	096	Purchase outboard motor engine	5,634.32

Channel Island Christmas Lottery 2010
Guernsey Charitable Grant Allocation
The Association of Guernsey Charities (continued)

Charity	AGC No.	Purpose	Allocation
St John Ambulance & Rescue Service	021	Purchase of defibrillators	9,000.00
St Sampsons PTA	304	New Play Area and equipment	2,750.00
STYX Playground	137	Playground equipment	3,000.00
Town Centre Partnership	234	Towards purchase of festoon lighting along seafront	2,500.00
Victim Support Scheme	211	Specialist training	1,000.00

TOTAL GRANTS 231,292.73

This grant allocation includes £213,391.84 from the 2010 Christmas Lottery, plus £17,900.89 from the Association's Charitable Fund.

Information on over 260 local charitable organisations is available on The Association of Guernsey Charities website: www.charity.org.gg

Appendix 2

CHANNEL ISLANDS LOTTERY (GUERNSEY) FUND

Forfeited Prizes Account

	2010 Actual £'000s	2009 Actual £'000s
Balance at 1 January	164	168
Share of forfeited prizes	64	21
Transfer to Operating Account	(25)	(25)
	203	164

Operating Account

	2010 Actual £'000s	2009 Actual £'000s
Forfeited Prizes	25	25
Sale of Tickets	1,520	1,446
Agents' Commission	(202)	(192)
Contribution to prize fund including forfeited prizes	(912)	(868)
Printing and Stationery	(68)	(64)
Promotion	(7)	(12)
Staff Costs	(33)	(31)
States of Jersey administration charges	-	(4)
Other expenses	(5)	(1)
Gross surplus	318	299
Chief Pleas of Sark – share of surplus	(3)	(2)
States of Alderney – share of surplus	(3)	(3)
Net surplus transferred to Appropriation Account	312	294

Appropriation Account

	2010 Actual £'000s	2009 Actual £'000s
Balance at 1 January	16	15
Net surplus for the year	312	294
Donation to Association of Guernsey Charities	(213)	(183)
Transfers to Beau Sejour Centre	(100)	(110)
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Balance at 31 December	15	16
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Notes.

- 1) The balance on the Appropriation Account is payable ultimately to the Beau Sejour Centre under States Resolutions I of 27 September 1972 and XXII of 26 February 1998.
- 2) In accordance with the States Resolution of 23 February 1995 (Billet D'Etat V, February 1995), with effect from 2000 any forfeited prize money from expired Draws which remains unused in the current year will be retained for use as a contingency to support the prize funds in future Draws.

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 27TH DAY OF JULY, 2011**

**The States resolved as follows concerning Billet d'État No XIII
dated 17th June 2011**

**THE SOCIAL INSURANCE (GUERNSEY) LAW (AMENDMENT) ORDINANCE,
2011**

I.- To approve the draft Ordinance entitled “The Social Insurance (Guernsey) Law (Amendment) Ordinance, 2011” and to direct that the same shall have effect as an Ordinance of the States.

**THE LAND PLANNING AND DEVELOPMENT (FEES AND MISCELLANEOUS
AMENDMENTS) ORDINANCE, 2011.**

II.- To approve the draft Ordinance entitled “The Land Planning and Development (Fees and Miscellaneous Amendments) Ordinance, 2011” and to direct that the same shall have effect as an Ordinance of the States.

**THE INCOME TAX (GUERNSEY) (APPROVAL OF AGREEMENTS WITH
ROMANIA, CANADA AND SOUTH AFRICA) ORDINANCE, 2011.**

III.- To approve the draft Ordinance entitled “The Income Tax (Guernsey) (Approval of Agreements with Romania, Canada and South Africa) Ordinance, 2011” and to direct that the same shall have effect as an Ordinance of the States.

POLICY COUNCIL

**THE GUERNSEY FINANCIAL SERVICES COMMISSION:
2010 ANNUAL REPORT**

IV.- After consideration of the Report dated 6th June, 2011, of the Policy Council:-

1. To note the Report.
2. To approve the accounts of the Guernsey Financial Services Commission for the year ended 31 December 2010.
3. To retain the firm of KPMG Channel Islands Ltd as auditors of the Guernsey Financial Services Commission for the year ending 31 December 2011.

SOCIAL SECURITY DEPARTMENT AND HOUSING DEPARTMENT

FUTURE OF SUPPLEMENTARY BENEFIT AND RENT REBATE SCHEMES

V.- After consideration of the Report dated 11th May, 2011, of the Public Services Department:-

1. To note the intention of the Social Security Department and Housing Department, with the assistance of the Policy Council's Policy and Research Unit and with limited assistance of an external organisation, to produce Minimum Income Standards applicable to Guernsey.
2. To note the intention of the Social Security Department:
 - a. to replace the supplementary benefit scheme's single benefit limitation with a range of maximum benefit rates based on a combination of maximum rent allowances and family profiles.
 - b. to apply an above-RPI increase to the benefit limitation for 2012 (to be detailed in the September 2011 uprating report).
3. To note the intention of the Housing Department to apply changes in the application of the minimum and maximum tariffs on the rent rebate scheme as part of a phased withdrawal of the rent rebate scheme;
4. To note that detailed proposals to give effect to the foregoing, including the financial implications, will be brought to the States at the earliest opportunity.
5. To note all of the above and, without prejudice to consideration of the transitional and final proposals, to direct the Social Security Department and the Housing Department to bring back to the States costed transitional and final proposals for debate before any actions are taken to phase out the rent rebate scheme or replace the supplementary benefit scheme's single benefit limitation with a range of maximum benefit rates.

EDUCATION DEPARTMENT

RE-USE OF ST. PETER PORT SECONDARY SCHOOL AS LES OZOUETS CAMPUS

VIII.- After consideration of the Report dated 11th May, 2011, of the Education Department:-

1. To approve the refurbishment of the former St. Peter Port Secondary School building for interim use by the College of Further Education and Education Services as set out in that Report.
2. To authorise the acceptance of the tender from Charles Le Quesne (Guernsey) limited to undertake the internal refurbishment work.
3. To approve a capital vote of £3,700,000 charged to the Capital Reserve and the transfer of £900,000 from the EDP1 capital allocation to the Capital Reserve.

ORDINANCES LAID BEFORE THE STATES

THE IRAN (FREEZING OF FUNDS) (GUERNSEY) ORDINANCE, 2011

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Iran (Freezing of Funds) (Guernsey) Ordinance, 2011, made by the Legislation Select Committee on the 17th May, 2011, was laid before the States.

THE LIBYA (RESTRICTIVE MEASURES) (GUERNSEY) (AMENDMENT) (NO.2) ORDINANCE, 2011

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Libya (Restrictive Measures) (Guernsey) (Amendment) (No 2) Ordinance, 2011, made by the Legislation Select Committee on the 17th May, 2011, was laid before the States.

THE IVORY COAST (FREEZING OF FUNDS) (GUERNSEY) (AMENDMENT) ORDINANCE, 2011

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Ivory Coast (Freezing of Funds) (Guernsey) (Amendment) Ordinance, 2011, made by the Legislation Select Committee on the 17th May, 2011, was laid before the States.

THE SYRIA (RESTRICTIVE MEASURES) (GUERNSEY) ORDINANCE, 2011

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Syria (Restrictive Measures) (Guernsey) Ordinance, 2011, made by the Legislation Select Committee on the 17th May, 2011, was laid before the States.

STATUTORY INSTRUMENT LAID BEFORE THE STATES

THE IMMIGRATION (BAILIWICK OF GUERNSEY) (AMENDMENT) RULES, 2011

In pursuance of the Immigration (Guernsey) Order, 1993, the Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2011, made by the Home Department on 31st May 2011, were laid before the States.

D J ROBILLIARD
HER MAJESTY'S DEPUTY GREFFIER

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 28TH DAY OF JULY, 2011

(Meeting adjourned from 27th July, 2011)

**The States resolved as follows concerning Billet d'État No XIII
dated 17th June 2011**

PUBLIC SERVICES DEPARTMENT

GUERNSEY AIRPORT - PAVEMENTS REHABILITATION PROJECT

VI.- After consideration of the Report dated 10th May, 2011, of the Public Services Department:-

1. To approve the redevelopment of Guernsey Airport at a cost not exceeding £80,400,000 in accordance with resolution 1 on Article XI of Billet D'Etat XXIV of 2 October 2009 and defined as 'Option C', subject to Planning Permission for the scheme being granted in due course.
2. To approve the acceptance of the tender in the sum of £54,976,553 from Lagan Construction Ltd to undertake the main construction works associated with the project, once the necessary planning consents for the project have been granted and subject to a satisfactory financial check.
3. To approve a capital vote of £63,045,551 charged to the Accounts of Guernsey Airport to fund the main construction works, construction contingency and professional fees and land purchases approved to the end of April 2011.
4. To authorise the Treasury and Resources Department to accept tenders and/or to authorise expenditure for the items identified in lines 15 to 22 in Appendix A to this Report and to approve an increase in the capital vote for the project to a maximum sum of £80.4 million in respect of these works.
5. To authorise the Treasury and Resources Department to transfer a maximum sum of £78.2 million from the Capital Reserve to Guernsey Airport in respect of this project.

COMMERCE AND EMPLOYMENT DEPARTMENT

THE REGULATION OF AVIATION SECURITY

VII.- After consideration of the Report dated 17th May, 2011, of the Commerce and Employment Department:-

1. To authorise the establishment of the post of Aviation Security Regulator and to recruit and select a suitable candidate for the post jointly with Jersey (under Option 3) or solely for the Bailiwick of Guernsey (under Option 2).
2. To resolve to assign to the Director of Civil Aviation the function of:
“regulating aviation security within the Bailiwick, including, without limitation, responsibility for maintaining standards of aviation security equivalent to those in place in the UK and Europe, ensuring all relevant persons in the Bailiwick are appropriately audited for compliance with those standards, and enforcing those standards, as appropriate”, in accordance with section 4(4) of the Aviation (Bailiwick of Guernsey) Law, 2008.
3. To direct that an Ordinance be prepared under the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991 to transfer the functions of the Public Services Department under the Aviation Security (Guernsey) Order, 1997 to the Commerce and Employment Department.
4. To direct the preparation of such legislation necessary to give effect to their above decision.

HOME DEPARTMENT

SEXUAL OFFENCES LEGISLATION

IX.- After consideration of the Report dated 10th May, 2011, of the Home Department:-

1. To introduce measures to assist and protect complainants or witnesses when attending court.
2. To introduction new substantive legislation to criminalise inappropriate sexual behaviour.
3. To introduce a system of registration for sex offenders and a range of preventative civil orders to protect the public and reduce the risk posed to vulnerable members of the community.
4. To note that the additional funding requirements arising from the proposals set out in this Report will be subject to prioritisation as part of the States Strategic Plan.
5. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

COMMERCE AND EMPLOYMENT DEPARTMENT

DETERMINATION OF THE STATUTORY MINIMUM WAGE RATES TO COME INTO FORCE ON 1 OCTOBER 2011

X.- Whether, after consideration of the Report dated 10th May, 2011, of the Commerce and

Employment Department:-

1. To approve an Adult Minimum Wage Rate at £6.15 per hour (For workers aged 19 and over).
2. To approve a Young Person's Minimum Wage Rate at £4.36 per hour (For workers from the age of 16, up to and including age 18).
3. That 1st October 2011 shall be the date for commencement of those rates.
4. To approve the appended Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2011 to effect the change in rates.
5. To direct the preparation of such legislation necessary to give effect to their above decision.

COMMERCE AND EMPLOYMENT DEPARTMENT

**PUBLIC HOLIDAYS –
THE QUEEN'S DIAMOND JUBILEE 2012**

XI.- After consideration of the Report dated 26th April, 2011, of the Commerce and Employment Department:-

1. To approve that the May public holiday 2012 (on the last Monday in May) shall not be a public holiday.
2. To approve that Monday 4 June and Tuesday 5 June 2012 shall be public holidays.
3. To direct the preparation of such legislation necessary to give effect to their above decision.

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

ARRANGEMENTS FOR 2012 GENERAL ELECTION

XII.- After consideration of the Report dated 23rd May, 2011, of the States Assembly and Constitution Committee:-

1. That a General Election of People's Deputies be held on Wednesday, 18th April, 2012.
2. That each candidate in the General Election of People's Deputies to be held in 2012 shall be entitled to claim from the Registrar-General of Electors a grant not exceeding £500 towards the costs associated with the production and distribution of manifestos in accordance with such administrative arrangements as shall be determined from time to time by the Registrar-General of Electors.

3. To rescind their Resolution of the 29th October 2003 on Billet D'État XXI of 2003, Article XXIV, paragraph 4.
4. That the maximum for electoral expenditure shall be prescribed as £2,100 in elections for the office of People's Deputy;
5. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

D J ROBILLIARD
HER MAJESTY'S DEPUTY GREFFIER