



II
2015

BILLET D'ÉTAT

WEDNESDAY, 28th JANUARY, 2015

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BILLET D'ÉTAT

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I hereby give notice that pursuant to Rule 1(4) of the Rules of Procedure of the States of Deliberation that the items contained in this Billet d'État which have been submitted for debate will be considered at the Meeting of the States of Deliberation already convened for **WEDNESDAY, the 28th JANUARY, 2015.**

R. J. COLLAS
Bailiff and Presiding Officer

The Royal Court House
Guernsey

9th January 2015

PUBLIC SERVICES DEPARTMENT

BELLE GREVE PHASE IV – PROPOSED OUTFALLS REPLACEMENT

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

29th December 2014

Dear Sir

1. Executive Summary

- 1.1 The purpose of this report is to seek States approval to proceed with the construction of the replacement of the Long Sea Outfall (LSO) and replacement of the Short Sea Outfall (SSO) for the Belle Greve Wastewater Centre (BGWwC) at a cost of £19.9 million.
- 1.2 In July 2014, the States approved the decision to seek tenders for the work at an estimated cost of £18.6 million. They also resolved to grant delegated authority to the Treasury and Resources Department to release funding providing costs were returned within this estimated budget cost. Following tender return and evaluation two options have emerged; whilst one was within the delegated authority, a preferred option was identified that has increased overall cost by £1.3 million (or 7%) to £19.9 million, including risk and contingency allowance. This option is considered to represent value for money and therefore worth pursuing but, as the cost exceeds Treasury and Resources' delegated authority, the States need to approve the award of the contract. The Treasury and Resources Board is supportive of taking this matter to the States.
- 1.3 The type of construction work required for this project can only be undertaken during clement weather conditions in the summer months. As a result, the contract needs to be awarded before the end of January 2015 in order to meet this timescale for 2015; hence the need for the States to debate the matter at this time.
- 1.4 Following the return of competitive tender costs, project costs have become clearer and the inclusion of an option to extend the SSO to a point that provides greater dilution and dispersion performance is the prime reason for the increase in total cost. This option will reduce the risk of pollution and/or contamination of the foreshore and the aquatic environment around the outfall discharge point.

- 1.5 The extension of the SSO provides significant benefit to the disposal of storm sewage effluent, for a relatively small increase in cost. These benefits are explained in full in paragraph 3.5 of this report and include meeting the long-term needs that will be required under future water quality legislation, at a lower cost than would be achievable if the works were undertaken retrospectively at a future date. Consequently, the revised approach is considered to represent good value for money.
- 1.6 This project is part of the overall programme for the upgrade and refurbishment of the BGWwC and is the last of five projects approved in 2007. The need for the specific works under consideration was reaffirmed in 2012 when the States approved the replacement and extension of the LSO serving BGWwC, as recommended in the coastal dispersion modelling report¹.

2. Background

- 2.1 In October 2007, the Public Services Department presented to the States outline proposals for the refurbishment and upgrading of the Belle Greve wastewater disposal facilities (pumps, pipework, etc.) (Billet D'État XXI, 2007) to be undertaken in five phases. These were:
- i. Phase I (£1.3 million) - auxiliary pumping station and discharge pipework to main outfall and Red Lion outfall. Approved and undertaken in 2008.
 - ii. Phase II (£0.2 million) – outfall survey. Approved and undertaken in 2008.
 - iii. Phase III (£2.6 million) – upgrading of main pumping station. Approved September 2008 (Billet D'État XV, 2008), undertaken in 2009.
 - iv. Phase IV – subject of this States Report.
 - v. Phase V (£11.03 million) - construction of preliminary treatment and provision of a storm water retention facility. Approved December 2011 (Billet D'État XXI, 2011), completed in 2013. (See below for further details.)
- 2.2 This Report describes Phase IV of the programme as the replacement of the LSO and also the SSO serving the Belle Greve works with estimated costs.

¹ Intertek (METOC) survey report “Discharge of Preliminary Treated Wastewater to the Little Russel”, 7 Sept 2011

- 2.3 During 2009, owing to the then impending sewage treatment debate and the state of disrepair of the existing treatment facilities it was agreed to accelerate Phase V, which involved upgrading facilities that had already gone beyond their functional life span, in advance of Phase IV and to revisit options for the outfall once a clear decision on future sewage treatment had been made.
- 2.4 In January 2009, the Public Services Department was instructed "... to report back to the States with comprehensive proposals for full sewage treatment, including proposals for its funding, by no later than January 2012." (Billet D'État II, 2009.) This report was presented to the States in January 2012 (Billet D'État III, 2012), as a result of which they resolved, *inter alia*, as follows:

To proceed with the design of a replacement long sea outfall using the Intertek METOC² model to incorporate:

- *the optimum length and location of pipe to achieve the greatest environmental benefit;*
- *the installation of five diffusers in order to achieve dilution standards at the sea surface around the point of final effluent discharge*

- 2.5 In September 2013 (Billet D'État XIX, 2013), as part of the Capital Prioritisation process the States gave Category A status to Phase IV of the Belle Greve upgrading works with estimated costs of £15 million (excluding contingency allowance). Subsequent discussions and advice suggested the inclusion of a higher contingency allowance for this complex and technically challenging project which increased the costs accordingly.
- 2.6 In July 2014 (Billet D'État XVI, 2014), the States approved the issue of the tender documents for the project and also gave delegated authority to the Treasury and Resources Department to approve award and commencement of the works providing the project costs were within the agreed £18.6 million.

3. Proposed Scope of Work

- 3.1 The BGWwC receives 99.8% of the Island's foul water flow, together with a significant proportion of the storm water flow, and discharges both to sea through a LSO which terminates in the Little Russel about 1,700 metres offshore. Flows in excess of the pumping / pipeline capacity and volume of retention tank storage are discharged through the SSO, approximately 500 metres offshore to mean low water spring level.
- 3.2 The current situation for the existing outfalls is as follows:
- i. The existing LSO is almost 45 years old and has been surveyed on two occasions in the last 15 years by independent consultants/contractors

² Intertek (METOC) survey report "Discharge of Preliminary Treated Wastewater to the Little Russel", 7 Sept 2011

who concluded that the remaining life of the asset is between 0 and 10 years (the latest survey report was commissioned in 2011);

- ii. The current discharge point is approximately 350-400 metres away from the “optimum zone” of dispersion/dilution to obtain maximum performance from a marine outfall, as identified in the Intertek (METOC) report; hence it should be extended to even deeper and faster flowing tidal streams in the Little Russel (See Appendix G for further details);
- iii. The SSO is over 100 years old and is in a very poor state of repair. It is laid on the beach/foreshore and in part on timber supports, and has several purposely installed “air-vents” along its length where sewage can discharge prematurely and cause potential pollution and contamination above mean low water mark. During the period of intense storms in early 2014, further damage to the outfall was noted with air vents being displaced and additional collapse or settlement of the downstream section (See photographs in Appendix B)
- iv. The loss of either outfall would have very significant impact on the environment, ecology, public health and reputation of the Island, as well as causing significant disruption. The loss of the LSO would require prolonged discharge of sewage onto the foreshore at Belle Greve Bay for many months and possibly more than a year until a repair and subsequent new pipe could be installed (dependent on where the failure occurred). The lack of facility to discharge sewage into the Little Russel or even below mean low water spring tides would limit the dispersion and treatment of sewage and hence the build-up of bacteria and other contaminants in the Bay would be likely. The contaminated flow would be likely to drift to both St. Peter Port and St. Sampson’s Harbour areas where visual evidence of the sewage “slick” would be apparent and would be very slow in dispersing and being disposed of through natural processes. Many areas of the eastern coast would likely need to be closed to public access until the issue had been resolved. An even more extreme scenario would be if both outfalls were damaged which would restrict the options further and undoubtedly cause greater pollution.

- 3.3 During preliminary design a route for the LSO was developed that entailed minimal conflict with hard material (namely, gabbro rock which forms much of the Belle Greve Bay formation) and facilitated a relatively straightforward construction operation. Owing to the favourable nature of the route identified, it was further established that construction of the SSO along the same route (see Appendix G for details), albeit terminating at a point before the LSO discharge, would provide significant advantages.

- 3.4 The proposal outlined within the July 2014 Billet d'État envisaged that the discharge point for the SSO would be at Point C (below the mean low water mark and close to the existing outfall location). However the subsequent preliminary design development and additional investigation by Intertek (METOC) resulted in a more advantageous location for the outfall which could be achieved for a favourable cost-benefit increase in capital cost.
- 3.5 The advantages of the revised route have been determined as:
- i. Lower risk of encountering hard material during construction, thereby avoiding increased risk of cost escalation and time delay;
 - ii. An outfall that would be buried beneath the foreshore and facilitate the removal of the visual “nuisance” of the existing SSO;
 - iii. “Future proofing” the outfall from impending regulation from the Water Ordinance legislation by:
 - a. Discharging into deeper waters within the Little Russel;
 - b. Discharging into faster flowing waters;
 - c. Discharging significantly further out from the foreshore, thereby reducing the risk of contaminants being brought back on shore;
 - iv. Meeting the preferred option of the Director of Environmental Health and Pollution Regulation (i.e. the quality Regulator for all discharges). A copy of the Director’s support for the revised discharge location point is included within Appendix F; and
 - v. Enabling Belle Greve Bay to remain open during normal operation of the SSO – currently “Beach Closed” signs are erected during operation of the existing outfall.

4. Programme

- 4.1 The programme for the further development and implementation of the project is given in outline below:-

Scope of Works	Commencement	Completion
Issue Tender Documents	July 2014	-
Tender Evaluation	Oct 2014	Dec 2014
Award Contract	Jan 2015	-
Detail Design	Jan 2015	Mar 2015
Construct Outfalls (onshore section)	Feb 2015	Sept 2015
Construct Outfalls (offshore section)	May 2015	Aug 2015
Contract Completion	-	Sept 2015

- 4.2 As can be seen from the table above, the award of the contract is essential in before the end of January 2015 in order to meet the milestones needed to secure construction commencement by May 2015. The main critical path items to achieve this start date are: ordering of materials (especially the bespoke manufactured pipes for both the LSO and SSO), design and ordering of the concrete collars needed to stabilise the pipe during installation and, once in place, ordering of valves and early detailed design completion to minimise any chance of late specification changes to the materials required (for example pipe strengths and detailed route establishment).
- 4.3 Significant delay in any of the above items would jeopardise the delivery of the outfalls' installation in the clement weather window during the summer months of June to August 2015. Delays could also increase the opportunity for the contractor to transfer "risk" back to the States owing to claimed inability to manage the "design and build" elements of the project in line with its preferred schedule.
- 4.4 In order to meet this programme the Department has provided a Letter of Intent to the Preferred Contractor to enable detail design and securing of materials and plant and equipment to be achieved.
- 4.5 Postponement of the implementation of the project beyond 2015 would necessitate re-scheduling the works into the equivalent weather window of 2016. This would incur several undesirable impacts on the project, namely:
- i. The ever-increasing risk of a catastrophic failure of the LSO with resultant pollution of the bay for an extended period;
 - ii. The potential risk of losing the availability of the preferred contractor as other work in the UK water industry increases; and
 - iii. Costs increasing significantly (over and above the rate of inflation) as there is a very limited number of contractors in this market and with the forecast rise in demand for their services in 2016 and beyond they will be able to command higher rates.

5. Approvals

Capital Prioritisation Gateways

- 5.1 In accordance with the requirements for the project development of States of Guernsey Capital Investment Portfolio (SCIP) guidance, a Project Assurance Review (PAR) process has been undertaken on the project at critical stages to provide assurance that it continues to meet the business case and delivery strategy.

- 5.2 The PAR3 Review was held on 26th and 27th November 2014 with a follow up document review on 8th and 9th December 2014. The PAR3 recommended that the project was awarded a “Green/Amber” status, and was ready to proceed to the implementation stage.

Planning Approvals

- 5.3 Consultation with the Environment Department has been held to discuss the implications of this project. An Environmental Impact Assessment (EIA) Screening Report has been submitted, and although a full EIA will not be required for the permanent works, it was needed for the impact during the construction period once the construction route, method and technique has been determined and finalised. This is currently being undertaken.

6. Budget

- 6.1 The receipt of the tenders for the work and subsequent evaluation has allowed an accurate estimate to be developed for the work needed to deliver the preferred preliminary design. This is £1.3 million more than the estimate presented in Billet D’État XVI, July 2014.
- 6.2 The additional cost has been reviewed and is deemed to provide value for money by the Public Services Department and is supported by the Treasury and Resources Department for the output and outcome it will deliver.

7. Communications Plan

- 7.1 A communications plan has been developed to ensure a comprehensive programme of liaison and information sharing is undertaken to all stakeholders affected by the works.

8. Recommendations

- 8.1 The Public Services Department therefore recommends the States:-
- To approve the award of a contract for the replacement of both the Long Sea Outfall and the Short Sea Outfall to discharge at the agreed locations (designated as Points A and B respectively in the diagram attached to this report as Appendix G) to be funded from a capital vote of £19.9 million (including risk and contingency allowance) charged to the Capital Reserve.

Yours faithfully

S Ogier
Minister

D Duquemin
Deputy Minister

M Dorey

P Harwood

R Jones

Appendix A - Principles of Good Governance

The proposals contained within this report are closely aligned with the six principles of good governance as set out by the Public Accounts Committee and adopted by the States of Deliberation in March 2011 as follows:-

Core Principle 1 - Good Governance means focusing on the organisation's purpose and on outcomes for citizens and service users.

This project includes the replacement of high risk of failure assets with minimal options for alternative means of satisfactory disposal of sewage effluent should the outfall suffer catastrophic failure, without resort to discharging directly onto the foreshore above mean high water level. The overall solution for Belle Greve Wastewater Centre makes optimum use of the natural phenomena around the Island for sewage disposal which is sustainable, resilient and ecologically beneficial compared with other means of disposal. This project fulfils an element of the Public Service Department's purpose and the outcome will benefit the citizens and users of the facility.

Core Principle 2 – Good Governance means performing effectively in clearly defined functions and roles.

The project has progressed under the authority of the Chief Officer with the responsibility for achieving a successful outcome delegated to the Project Board in accordance with Prince2 principles. The contract will proceed to the design and construction phase under the control of the Project Manager led by the Senior Responsible Officer and assisted by the Project Team. Each member of the Project Board and Project Team has a clearly defined role which is on record.

Core Principle 3 – Good governance means promoting good values for the whole organization and demonstrating the values of good governance through behaviour.

The tender assessment was carried out by a Tender Panel comprising staff from the Treasury and Resources Department, Engineers from Guernsey WasteWater and Engineers from the Design Consultant. In this way expertise from across States Departments was used to achieve good value for the States as an organization.

Core Principle 4 – Good governance means taking informed, transparent decisions and managing risk.

The States of Guernsey has delegated to the Public Services Department the responsibility for the execution and delivery of the project. In turn the Public Services Department has set up the Project Board and Project Team to manage the project – the Project Board is largely consistent and a continuance of the

Phase V project, which provides good continuity between the Phases. All decisions are recorded in meeting minutes which are available for inspection thus achieving transparency. The project risks have been logged and are being managed to ensure that adequate resources are available to cover problems which may arise.

Core Principle 5 – Good Governance means developing the capacity and capability of the governing body to be effective.

The Project Board and Project Team has worked closely and involved the Strategic Capital Investment Portfolio team throughout the development of the project. Both parties have developed greater understanding of the requirements that each needs to work within and to their mutual benefit.

Lessons and improvements from the Part 1 recommendations and conclusions of the Post Implementation Review (PIR) for the BG Phase V project have been recognized in the development of this project.

Core Principle 6 – Good Governance means engaging stakeholders and making accountability real.

Stakeholders including the Environment Department, the Environmental Regulator, Harbour Master, the HM Receiver General (for Crown Estates) have been consulted during the development phases of this project to ensure that all interested parties have had opportunity to comment and make representation.

Accountability has been kept real by the Project Board being given a written mandate by the Public Services Department to be responsible for the successful delivery of the project.

The feedback from the various departments consulted is, in summary:

Environment	<p>Planning Dept was consulted and was supportive of the proposal. Their jurisdiction extends to mean low water mark and therefore does not cover the entire scope of work.</p> <p>The main concern was during the construction period when disruption to residents and the environment is likely to be greatest. A Environmental Impact Assessment for the construction work may be required</p>
Environmental Regulation	<p>ER was consulted and was supportive of the proposal.</p> <p>Currently there is no requirement for a licence or discharge consent to be issued for this outfall; however both parties are cognizant that this</p>

situation may change in the medium term. The works will be designed with this in mind and the resulting design is expected to meet any consent requirement that may be stipulated in the future.

Waste licence(s) during construction was a further concern and GW/PSD will apply for the necessary licence once the construction methodology is agreed from the contractor

Harbour Master (PSD)

The Harbour Master was consulted and was supportive of the proposal.

The area for the prospective route of the pipelines is not within the main shipping lines/activity. The location of the LSO outfall will be marked on all shipping charts etc, however the depth at this location is seen as being beyond the normal depth of anchorage and the location is north of the normal area that cruise ships anchor, hence it is not seen as a significant hazard.

Any request for temporary use of harbour facilities has been discussed and more liaison will be needed during the preliminary and detailed design negotiations to assess the impact the temporary construction areas may have on the Harbour operations; however it is not seen as a significant risk.

HM Receiver General

As the governing authority for the Crown Estates the HMRG has been consulted on the proposals. Confirmation has been received that providing the necessary permissions are obtained from all interested parties then he will sanction approval on behalf of the Crown Estates to the construction of the LSO/SSO. (The necessary permissions are seen as those required above, together with approval for the States of Deliberation as part of this report).

Appendix B - Photographs

Short Sea Outfall – Collapse and Settlement of Downstream Section, also showing absence of lateral support from original timber supports



Short Sea Outfall – Air Vent Opening along length of outfall pipe – damage caused during February 2014 storm event



Appendix C – Capital Cost Breakdown

The current “Latest Best Estimate” (LBE) for this project is £19,878,845. This has been estimated from the following breakdown (figures relating to the position as approved in the July 2014 Billet d’État, XVI are shown for comparative purposes):

Item	LBE	Cost (July '14 Billet d’État)
Base Capital Cost	17,720,845	14,600,000
Consultants and insurance	255,000	440,000
Surveys and investigation	110,000	300,000
Service diversions	20,000	100,000
Document Management etc	45,000	45,000
Contingency	1,728,000	3,088,000
TOTAL	19,878,845	18,573,000

Appendix D – Glossary

BGW _w C	Belle Greve Wastewater Centre
BOD	Biological Oxygen Demand
COD	Chemical Oxygen Demand
D&B	Design and Build
EIA	Environmental Impact Assessment
GW3R	Gateway 3 Review
HMRG	Her Majesty's Receiver General
ITT	Invitation To Tender
LSO	Long Sea Outfall
PIR	Post Implementation Review
PQQ	Pre Qualifying Questionnaire
PS	Pumping Station
SCIP	Strategic Capital Programme Portfolio
SSO	Short Sea Outfall
UWWTD	Urban Waste Water Treatment Directive

Appendix E – Recommendations from Intertek METOC

The study report into the discharge of sewage effluent into the Little Russel was undertaken by external consultants Intertek METOC and included within the report “*States of Guernsey – Belle Greve Outfall, Discharge of Preliminary Treated Wastewater to the Little Russel*” ref P1467_RN2780_Rev0, issued 07 September 2011.

The Recommendations are:

“The study has demonstrated:

- *The initial dilution of the discharge is insufficient to satisfy UK standards. This can be resolved by installing a diffuser section for the outfall*
- *The environmental design for the diffuser section would suggest a requirement for seven ports (diameter 0.2m) with a minimum spacing of 11m. The hydraulic design of the diffuser and outfall would need to be confirmed by design engineers*
- *The concentrations of solids BOD, ammonia and COD after initial dilution fall within UK standards (some after the imposition of a diffuser section)*
- *The nitrogen and phosphorus concentrations predicted by the simulation are below the limits which would indicate (or increase the risk of) the potential for eutrophication (e.g. algal blooms)*
- *The Benthic assessment has indicated a very small deposition around the outfall and therefore the present discharge has no significant impact on the benthos*
- *Bathing waters and shellfish Harvesting Areas are not predicted to be significantly impacted by the Belle Greve outfall – i.e. compliance is maintained*

Whereas the UWWTD suggests a minimum of primary treatment for wastewater discharges for a population the size of Guernsey, all of the studies conducted would suggest that there is no adverse affect from the Belle Greve discharge.

The results of the study would therefore suggest that the current level of treatment, whilst not conforming to the UWWTD:

- *Protects the surrounding waters from the risk of eutrophication*
- *Protects the surrounding waters from deleterious local impacts of wastewater discharges*
- *Protects Bathing and Shellfish Waters*
- *Does not pose a risk to the local benthic community due to deposition of suspended solids*

Appendix F – Letter of Support from Director of OEH&PC



Office of Environmental Health and Pollution Regulation

Longue Rue, St Martin, Guernsey GY4 6LD

Tel: 01481 711161

Mr S Langlois
Director of Water Services
Guernsey Water
Brickfield House
St Andrew
Guernsey.

8th December, 2014

Ref VC/VC GW20141208

Dear Mr Langlois,

Belle Greve – Redevelopment of Long Sea Outfall and Short Sea Outfall Environmental Pollution (Guernsey) Law, 2004

Further to recent meetings and our discussions about the above development, I would confirm my position with regards to the short sea outfall (SSO).

I have raised concerns over the last few years about the increased use of the SSO and the resulting discharges in Belle Greve bay.

Due to climate change, the number of storm weather events has increased and the existing storage tank at Belle Greve pumping station is unable to cope. I understand that the tank was designed for a small number of events in every 100 years. I believe these events are happening every year and so a number of untreated discharges are made into the bay annually. This is unsatisfactory.

Several years ago, I was invited to take part in the consultation process with your consultants, Metoc, who produced a report about the Belle Greve dispersion zone. At that time it was agreed that the States of Guernsey did not need to build a new full sewage treatment plant as the upgrades to the pumping station, screening and outfalls would be sufficient to ensure the required level of dispersion. This was based on the modelling of the 'dispersion zone'.

In 2012, the States received my report on proposals for the new Water Pollution Ordinance, which focuses on 'dispersion zone management' for all sewage discharges into the water environment, including Belle Greve bay.

The Ordinance will introduce controls over discharges that have an impact on human health, eco systems and the environment. This includes recreational uses such as swimming, surfing and sailing. In addition, this department regulates the quality and

classification of harvesting areas for shellfish farming, and sewage discharges have a significant impact there if not managed effectively.

The EP Law requires business operators to use the 'Best Available Technique'. I do not consider a discharge at the low water mean level to be BAT. You will be aware that any development that does not demonstrate BAT may not be licensed.

I therefore confirm that my view is that the SSO should be extended to discharge into the dispersion zone to ensure the effective dispersion of sewage effluents and thus protect human health, eco systems and the environment.

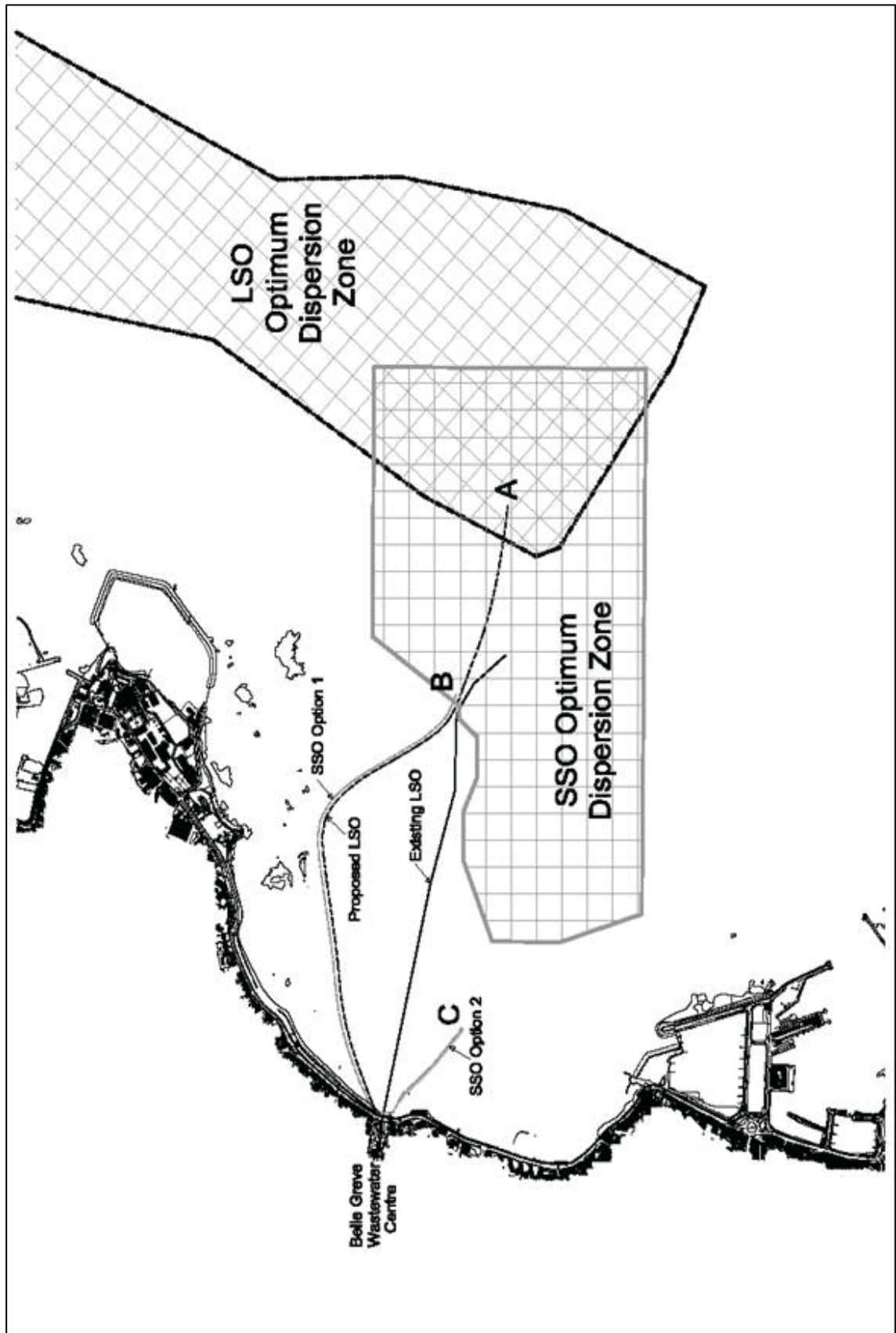
Yours sincerely,

A handwritten signature in black ink that reads "Val Cameron". The signature is written in a cursive, slightly stylized font.

DR VALERIE CAMERON

Director of Environmental Health and Pollution Regulation.

Appendix G – Layout of Proposed Outfall Options



(N.B. The Treasury and Resources Department supports this States Report and recognises that the change in project scope will achieve additional benefits which should ensure the proposal continues to represent value for money.

The additional cost of £1.3million will increase the shortfall in funding available from the Capital Reserve for other projects within the States Capital Investment Portfolio. However, this could possibly be addressed through the forthcoming external review of the appropriate level of investment return that should be generated from the States Trading assets as set out in the 2015 Budget Report.

The Treasury and Resources Department intends to review whether it would be appropriate to have delegated authority to enable it to approve changes in project scope and tendered cost within certain parameters to avoid such a situation occurring in the future. The next States Capital Investment Portfolio States Report will include the outcome of this review and any proposals for a change in the existing delegated approval arrangements.)

(N.B. The Policy Council considers that this Report complies with the Principles of Good Governance as defined in Billet d'État IV of 2011.

The Policy Council fully supports the approval of the revised sum for this project, noting that the improved solution put forward is considered by the Treasury and Resources Department to represent value for money, albeit higher than the tender sum it was previously mandated by the States to approve under delegated authority.

The Policy Council also welcomes the intention of the Treasury and Resources Department to review how to address circumstances such as this when next reporting on the implementation of the States Capital Investment Portfolio.)

The States are asked to decide:-

I.- Whether, after consideration of the Report dated 29th December, 2014, of the Public Services Department, they are of the opinion to approve the award of a contract for the replacement of both the Long Sea Outfall and the Short Sea Outfall to discharge at the agreed locations (designated as Points A and B respectively in the diagram attached to the report as Appendix G) to be funded from a capital vote of £19.9 million (including risk and contingency allowance) charged to the Capital Reserve.

REQUÊTE

LIBERATION DAY, 2015 (AND FUTURE YEARS) – PROPOSAL FOR A PUBLIC HOLIDAY ON A WEEKDAY

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

1. On the 19th of June, 1940, with Paris having fallen to German forces a few days earlier and Allied forces being rapidly withdrawn from ports in Western France, the Bailiff, Victor Carey, announced to the people of Guernsey *“that the Government of the United Kingdom has decided that this Bailiwick is to be entirely demilitarised”*.
2. Between the 20th and 22nd of June 14,955 men, women and children (around a third of Guernsey’s population) were evacuated from the Island.
3. On the 24th of June the Bailiff received a message from His Majesty the King which advised that *“for strategic reasons it has been found necessary to withdraw the armed forces from the Channel Islands”*.
4. By the evening of the 30th of June Guernsey was occupied by German forces, albeit that throughout the occupation the States endeavoured to retain responsibility for as much of the Island’s civilian administration as was possible, having met at very short notice on the 21st of June and resolved to establish the Controlling Committee of the States of Guernsey and delegated to it *“...the right and power to do and cause to be done all executive and administrative acts which the States have authorised or could authorise...”*.
5. The occupation lasted very nearly five years. The days immediately before and during the occupation must be the most traumatic days in the modern history of Guernsey.
6. At 10.00am on the 8th of May, 1945 Korvettenkapitan Reich and Baron von Aufsess, on behalf of the occupying forces, called upon the Bailiff in his chambers. Baron von Aufsess, speaking in English, informed those gathered – the Bailiff; Jurat John Leale, President of the Controlling Committee; and the Committee’s Secretary, Mr Louis Guillemette – that *“the war is over; we herewith hand back the Islands to you”*.
7. The Bailiff immediately convened a meeting of the States for the same day – the 8th of May. At 12 noon the Bailiff addressed the States, saying: *“...on this memorable occasion in the history of this Island, I have summoned you to inform you officially and, through you, the people of this Island that the war is*

over and that the occupation that we have endured for nearly five long and tiring years is ended."

8. At 3.00pm on the 8th of May the Prime Minister addressed the British people in a broadcast which included the words "...our dear Channel Islands are also to be freed today". About those words spoken on the 8th of May, the late Bill Bell, occupation historian and former member of the States, wrote: *"There was and indeed still is not a Guernseyman who listened to Churchill's broadcast who cannot tell of the excitement and pride that they felt when they heard those never-to-be-forgotten words. It was, for every Guernseyman, not a moment in history but 'The' moment in history."*
9. On the 8th of May terms of surrender were exchanged on board HMS Bulldog. At 07.15am the following morning, the 9th of May, Brigadier Snow and Generalmajor Heine signed the unconditional surrender of the German forces on board HMS Bulldog just outside St Peter Port harbour.
10. Your Petitioners believe that under no circumstances should there be any dilution of the significance to Guernsey of *"the long and tiring years"* of occupation or of the hours between 10.00am on the 8th of May and 07.15am on the 9th of May when it became apparent that the occupation was over.
11. A public holiday on a weekday is now one of the recognised ways of celebrating anniversaries – and significant anniversaries in particular – of these momentous events in Guernsey's history. Indeed, so far as your Petitioners can establish, for at least the past 45 years each quinquennial anniversary of Guernsey's liberation has been celebrated by a dedicated public holiday on a weekday, usually of course on the 9th of May, but not always.
12. The 9th of May last fell on a weekend in 2010 (in that case a Sunday), which was the 65th anniversary of the Island's liberation. Therefore, in September, 2009 the States resolved that Monday the 10th of May, 2010 should be a public holiday; and in January, 2010 the States amended the Public Holidays Ordinance accordingly. During a short debate on the policy letter, opposition to the proposal was expressed by only two of the 47 members of the States. Neither the Policy Council nor the Treasury & Resources Department opposed the proposal – indeed, the Chief Minister, Deputy L S Trott, and the Deputy Chief Minister, Deputy B M Flouquet, were warmly in support of it. The Culture & Leisure Minister, Deputy M G O'Hara, spoke for many when he said in debate: *"It goes without saying that I strongly believe that we should give things back to this community of ours and this is a real opportunity to do so...may Liberation Day live forever."* The proposition to approve a public holiday on Monday the 10th of May was easily carried *vives voix*. In March, 2010 the States further amended the Public Holidays Ordinance to provide for a public holiday on Monday the 10th of May instead of – rather than in addition to – Sunday the 9th of May.

13. It could be held that these decisions of the States in 2009 and 2010 correctly established the principle that when Liberation Day falls on a weekend – and especially during a particularly significant anniversary year, such as the 65th or 70th anniversary – the States make an Ordinance providing for a public holiday on a weekday as close as practicable to the 9th of May.
14. In 2015, the people of Guernsey shall have special reason to celebrate: it will be the 70th anniversary of the liberation of the Island. Of course 2015 will also be the 75th anniversary of the evacuation. But, as it happens, in 2015 Liberation Day will once again fall on a weekend (in this case a Saturday) rather than a weekday.
15. In the opinion of your Petitioners, it is overwhelmingly in the interests of this community that the States should legislate for the 70th anniversary of the liberation in 2015 in the way they did for the 65th anniversary in 2010 – specifically by providing for a public holiday on a weekday as close as practicable to the 9th of May. In 2015 the weekday as close as practicable to the 9th of May is Friday the 8th of May.
16. A public holiday could be declared on Friday the 8th of May in any one of three ways: it could be an extra public holiday in addition to those set out in the Public Holidays Ordinance; it could be a public holiday instead of Saturday the 9th of May; or it could be a public holiday instead of one of the others set out in the Public Holidays Ordinance. There are precedents for each of these three options.
17. In 2012 there was one more public holiday than is normal in other years – in celebration of Her Majesty the Queen’s Diamond Jubilee. In many ways having an extra public holiday on Friday the 8th of May would be a most fitting way of celebrating the 70th anniversary of the Island’s liberation. However, your Petitioners acknowledge that adding an extra public holiday would have financial consequences for some employers in the private sector and for the States. For example, the advice of the Treasury & Resources Department, based on the experience of 2012, is that the costs to the States of declaring an additional day’s public holiday would be approximately £250,000, which inevitably would need to be funded from within committees’ existing cash limits or from budget reserves. If, having taken such costs into account, the States wish for Friday the 8th of May to be a public holiday in addition to all other public holidays, they should vote in favour of 1 and against 2 in the prayer of the Requête set out below.
18. As stated in paragraph 12, in 2010 a public holiday was declared on the 10th of May (a Monday) in replacement of the public holiday on the 9th of May (a Sunday). Adopting such an approach in 2015 – in other words having a public holiday on Friday the 8th of May instead of Saturday the 9th of May – may be the most straightforward option, but your Petitioners acknowledge that arrangements are already being made for events scheduled to take place on Saturday the 9th of May and it would be unfortunate for these to be disrupted. In

addition, it may be that cancelling a public holiday scheduled for a Saturday is regarded as more significant than cancelling one scheduled for a Sunday. The prayer of the Requête contains no recommendation to give effect to this option, but it could be put before the States by any member so inclined by the laying of a simple amendment to 2 in the prayer of the Requête – namely, by deleting Monday the 4th of May and substituting therefor Saturday the 9th of May.

19. The third approach is for there to be a public holiday on Friday the 8th of May in replacement of another public holiday but one other than Saturday the 9th of May. The most obvious public holiday to remove is the one currently scheduled for earlier in the same week – Monday the 4th of May. If the States favour this approach, they should vote in favour of both 1 and 2 in the prayer of the Requête.
20. In addition to the arguments already put – namely, that it need be neither costly nor disruptive – your Petitioners adduce five further arguments, in no particular order of importance, for having a public holiday on Friday the 8th of May instead of on Monday the 4th of May in 2015.
21. First, it would be consistent with what in the opinion of your Petitioners was the correct principle established by the States in 2010: that when the 9th of May falls on a weekend there should be a public holiday on the nearest practicable weekday.
22. Second, it is quite possible that celebrations to mark the 70th anniversary of the Island's liberation could be planned to take place on Friday the 8th of May as well as Saturday the 9th of May whereas it can safely be assumed that no such celebrations will be planned for Monday the 4th of May. In any event, it may well be that having a public holiday on Friday the 8th of May would be especially welcomed by organisers of events planned to take place the following day.
23. Third, providing for a public holiday on Friday the 8th of May would mean that the people of Guernsey would have a public holiday to celebrate the 70th anniversary of the very moments on the 8th of May when the occupying forces called upon the Bailiff to advise him that "*the war is over; we herewith hand back the Islands to you*", when the Bailiff announced to the States and to the people of Guernsey "*that the occupation that we have endured for nearly five long and tiring years is ended*" and when Mr Churchill announced "*that our dear Channel Islands are also to be freed today*".
24. Fourth, the 8th of May, 2015 is the 70th anniversary of VE (Victory in Europe) Day, the day of the formal acceptance by the Allies of Nazi Germany's unconditional surrender of its armed forces. In 1995, the States made the Public Holidays (V.E. Day) Ordinance, 1995, to provide that on the 50th anniversary of V.E. Day there should not be a public holiday on the first Monday in May but

instead there should be a public holiday on the 8th of May, which in effect is exactly what is proposed by your Petitioners for the 70th anniversary in 2015.

25. Fifth, while undoubtedly much appreciated as an opportunity for additional rest and recuperation, there is nothing especially significant about the public holiday on the first Monday in May, excepting of course that it is the date of several famous Guernsey Muratti victories of the 1980s, 1990s and 2000s, including wins at home in 1985 [4-3], 1991 [3-0], 1997 [2-1] and 2001 [4-1]. It probably emerged out of May Day (the 1st of May), an ancient spring festival in the Northern Hemisphere which coincides with International Workers' Day, which in some places is known as Labour Day and is promoted by labour movements and socialists as a celebration of labourers and the working classes. In any event, the UK created a public holiday on the first Monday in May only in 1978 and the first local mention of it which your Petitioners have been able to locate was when it was made a public holiday in the Bank Holidays (Amendment) (Guernsey) Ordinance, 1980.
26. In summary, your Petitioners are of the opinion that, when taken together, the aforementioned arguments form a compelling case for the States to legislate for a public holiday on Friday the 8th of May, 2015; and, if they wish to do so in a way which avoids additional costs and potential disruption, also to legislate for no public holiday on Monday the 4th of May, 2015.
27. Furthermore, because of the enormous significance to Guernsey of the evacuation, the occupation and the liberation, your Petitioners are inclined to believe that in any year when the 9th of May falls on a Saturday or Sunday there should be a public holiday on the nearest practicable weekday through the adoption of any one of the aforementioned options.
28. Your Petitioners are submitting their Requête on this fifth day of December, 2014. As such, under normal circumstances, it would be laid before the States at their February, 2015 meeting. However, in view of the desirability of the States resolving upon the prayer as expeditiously as possible and in view of the relatively straightforward nature of the subject matter, your Petitioners respectfully request that the Presiding Officer and the Policy Council use the discretion available to them in Rules 1 and 2 of the Rules of Procedure in order that this Requête may be considered by the States at their January, 2015 meeting.

THESE PREMISES CONSIDERED, YOUR PETITIONERS humbly pray that the States may be pleased to resolve:-

1. That Friday the 8th of May, 2015 shall be a public holiday;

2. That Monday the 4th of May, 2015 shall not be a public holiday;
3. To direct the preparation of legislation necessary to give effect to the above decisions;
4. That when in any year after 2015 the 9th of May falls on a Saturday or Sunday there shall be a public holiday on the nearest practicable weekday; and to direct the Culture & Leisure Department, in accordance with that part of its mandate which makes it responsible for the “planning and implementing of appropriate arrangements to mark the Island’s celebrations of Liberation Day”, to lay before the States the necessary recommendations for this policy to be carried into effect in 2020, 2021, 2026, 2027 and in all subsequent relevant years.

AND YOUR PETITIONERS WILL EVER PRAY

GUERNSEY

This 5th day of December, 2014

Deputy Matt Fallaize
Deputy Lyndon Trott
Deputy Chris Green
Deputy Scott Ogier
Deputy Andrew Le Lievre
Deputy Barry Brehaut
Deputy Laurie Queripel

(N.B. In accordance with Rule 17 (2) of the States Rules of Procedure of the States of Deliberation, the views received from Departments and Committees consulted by the Policy Council, as appearing to have a particular interest in the subject matter of the Requête, are set out below.

TREASURY AND RESOURCES DEPARTMENT

“There would not be any material additional expenditure incurred by the States of Guernsey if a public holiday is moved from one date to another (i.e. if neither or both of resolutions 1 and 2 are approved). However, it is estimated that an additional public holiday would cost approximately £250,000 (i.e. if resolution 1 is approved but not resolution 2).

Therefore, if the States resolves that there will be an additional public holiday in 2015, the Treasury and Resources Department will approve transfers from the Budget Reserve to meet the additional costs, estimated to be £250,000, should it become clear at the end of 2015 that it has not been possible for Departments to absorb them.

However, there is already anticipated to be considerable pressure on the 2015 Budget Reserve (which is lower than in previous years) and it is expected, as far as reasonably possible, that Departments will make every effort to meet the costs from their existing budgets.”

CULTURE AND LEISURE DEPARTMENT

“The Department fully supports promoting and communicating all of the historical reflections contained in the Requête, many of which highlight the special nature of Liberation Day – our National Day. However, the Board is not convinced that the Requête justifies government imposing an unproductive day, which is not May 9th; on businesses operating in the Island or on departments providing public services. In the unlikely event that the Policy Council’s consultation reveals that businesses and government departments can sustain the significant financial burden, then the Board may well reconsider this position.

It is acknowledged that in the past when Liberation Day has fallen on a Sunday, States Members may have supported the creation of an additional Public Holiday, or the “moving” of a Public Holiday. However, it is important that the Petitioners and the States recognise the changing economic environment in which we live; decisions made in 2009 and 2010 were made within the context that existed at the time and those same decisions should not be assumed to be appropriate today.

In referring to the States debates concerning the celebration of Liberation Day in 2009 and 2010, it is important that readers of the Requête are cognisant of the full facts presented at the time. The Requête, in paragraph 21, states “*it would be consistent with what in the opinion of your Petitioners was the correct principle established by the*

States in 2010: that when the 9th of May falls on a weekend there should be a public holiday on the nearest practicable weekday". However, the Commerce and Employment Department's States Reports make it very clear that they were specifically not recommending the States to agree to a principle to be carried into the future.

"There are occasions when 9th May occurs on a Saturday or a Sunday and the view has been expressed that when this happens, the Monday next following Liberation Day should be specified as a public holiday.

The Department has consulted employer and employee representative groups regarding this proposal and has received a wide range of views, some of which highlight potential issues that have implications for employment law.

The Department is reluctant to recommend the amendment of the Public Holidays Ordinance to automatically specify an alternative day when Liberation Day falls on a Saturday or Sunday without carrying out a full review of the wider implications of such action."

September 2009

"The wording of the original resolution designated Monday 10th May, 2010 as an additional Public Holiday, with "Liberation Day" itself, Sunday the 9th May, remaining as a Public Holiday as set out in the Public Holidays Ordinance, 1994.

The Policy Council drew to the Department's attention to the unintended consequence of the States resolution which resulted in there being two Public Holidays, Sunday the 9th and Monday 10th May 2010 and the impact it would have on the public and private sectors.

This impact is that the contracts of employment of some employees entitle them to an additional day's paid leave ("a day off in lieu...") when "Liberation Day" falls on a Sunday or an enhanced rate of pay if they work on that day; or in some cases both. The unintended consequence of Sunday 9th May remaining designated as a Public Holiday is that some employees would retain these contractual entitlements, in addition to the intended Public Holiday on Monday 10th May 2010. In the current financial climate, this has significant cost implications on government and unquantifiable and unknown costs on the private sector.

The Department, whilst very cognisant of the significance of the 9th May 2010 as the 65th Anniversary of Liberation Day, and in no way wishing to undermine its significance, recognises the Policy Council's concerns and therefore seeks States approval that Sunday 9th May 2010 should not be designated as a Public Holiday as set out in the Public Holidays Ordinance, 1994."

March 2010

As far as the Board is aware, the States did not previously consider any principle relating to a “*nearest practicable weekday*” as suggested by the Petitioners. The Board is not clear what the Petitioners’ definition of a practicable weekday is, but is confident that there will be many interpretations depending on who is consulted.

In addition, at the time, the Commerce and Employment Department also stated that they had “*carried out an extensive consultation in respect of Liberation Day Public Holiday arrangements in June and July 2009*”. It is difficult for the Board to understand how the Petitioners have come to the view that the community will have changed its view given that no further extensive consultation has taken place since that time, and no review of the wider implications of changing the existing arrangements has occurred. The implications, both positive and negative, for the wider community of the prayer of this Requête are complex and should not be underestimated and cannot be replaced by the opinion of a few individuals.

As explained above, while the Culture and Leisure Department is clearly a strong supporter of celebrating the Island’s National Day on May 9th – Liberation Day – as well-meaning as its intentions are, it cannot support the Requête based on its flawed assertions.

Finally, I should point out that as individual States Members, the Department’s Board will be voting independently at the end of the January 2015 debate taking into account views expressed between now and then.”

EDUCATION DEPARTMENT

“Liberation Day 2015

On Friday 8th May 2015, all Year 11 students at La Mare de Carteret High School have an examination and therefore these students and staff to supervise them would have to attend school on the Bank Holiday. A decision to effectively move the holiday from 4th May to 8th May in 2015 could impact on teachers and other staff in schools who have already made arrangements to be away for that Bank Holiday weekend returning to the Island on 4th May.

If an additional Bank Holiday is granted on 8th May this would be no different to when Liberation Day usually falls on a weekday. With Liberation Day on a weekend pupils actually gain a day’s education rather than lose one.

Liberation Day on a Saturday or Sunday in Future Years

With sufficient notice, the Department does not believe this should cause any difficulties. However, if the holiday were moved when the 9th May falls on a weekend to Monday 10th May or 11th there would more likely be a clash with public examinations than if the holiday was on Friday 7th or 8th May.”

ENVIRONMENT DEPARTMENT

“The Environment Department is unaware of any implications from this proposal as far as the mandate of the Department is concerned and hence has no departmental view”.

HOME DEPARTMENT

“The Home Department Board considered the Requête at its meeting on 15th December 2014 having sought the input and professional opinion of the heads of the various services of the Department.

In short, the Department’s Board does not wish to comment on the merits of an additional holiday to celebrate liberation Day but notes it would cost the Department approximately £37,197 if the holiday were moved.

Should all staff receive an additional day off as a consequence of this Requête the costs are considerably higher at approximately £97,300.

In consideration of the costs the Home Department is not supportive of this Requête.”

HOUSING DEPARTMENT

“The Housing Department Board noted that, if the Requête led to the creation of an additional public holiday, it would cost the Housing Department a day’s work. In every other respect, the Requête did not have a material impact on the Department’s operations. That being the case, Members decided that they would vote for or against the Requête on an individual basis on the day of the debate.”

PUBLIC SERVICES DEPARTMENT

- “ - Public Services operates 7 day a week businesses, therefore public holidays do not affect service delivery.
- The trading entities managed by the Department do not envisage any difficulties in dealing with an additional day being designated as a public holiday.
 - Should it transpire that proposal 1 is supported, but not 2, and the result is an additional public holiday, there would be a labour cost to the Department, which although not yet calculated in detail, would run to tens of thousands of pounds.
 - It is foreseen that there could be issues where people have already made holiday arrangements around this period in May 2015.
 - Board Members will vote on the Requête according to their individual views.”

SOCIAL SECURITY DEPARTMENT

“The substance of the Requête has no direct effect on the Social Security Department’s activities, customers or staff. The Members, therefore, have decided not to comment beyond that fact.”

COMMERCE AND EMPLOYMENT DEPARTMENT

“The Commerce and Employment Board considered the Requête at its meeting on 18 December. By a majority view and in line with industry stakeholder views, which represent many island employers, the Department does not support the requête.

In order to inform the Board decision comment had been requested from the Chamber of Commerce, the Institute of Directors, the Confederation of Guernsey Industry and the Guernsey International Business Association. One additional response was received from Mr. Mark Thompson, the Executive Chairman of KPMG, who provided that company’s perspective.

All of the views received can be summarised as being very much against the notion of a new Friday 8th May holiday, be it created as an additional holiday or by substitution for an already established public holiday. The main themes which emerged from the consultation were:

1. It is unnecessary as May the 9th is the absolutely key and iconic day to be marked;
2. Guernsey would be out of step with the UK (and other territories) if the Spring Public Holiday was lost or moved;
3. Problematic staffing issues would arise for Guernsey employers;
4. These issues would increase costs for business;
5. There would be an increase in costs to the States which would be inconsistent with the States’ efforts to try to limit costs;
6. An additional holiday as proposed would diminish the significance of the actual May 9th Liberation Day holiday;
7. The Requête itself was lodged much too late.

The responses from the stakeholders are attached as an appendix [*Appendix I*] to this letter.

Responses received from authorised representatives of stakeholder groups

Chamber of Commerce

I pass these comments on without having the benefit of liaising with all our members due to the time constraints, though this subject was discussed with Council members last night (9th December).

Liberation day is of significant importance to the island and its population. As a day it is a specific date which this year falls on a Saturday. We would hope that the islands population will celebrate the day and what it stands for on Saturday the 9th May.

Quite why anyone is suggesting that the island needs a "day off" beforehand, to prepare themselves for the day of celebration on the Saturday is something that completely mystifies us. Does the working population of this island need to be compensated for celebrating Liberation day on their own time?

The alternative of swapping bank holidays also seems bizarre. The UK won't be working and we as an island interact with the UK for business and tourism. This year business and industry will already have commitments scheduled on the days under discussion.

It should be more than sufficient that out of every 7 years, we receive a bank holiday on 5. There would seem to be no justification for extending that further.

Guernsey International Business Association

I have given my view to the press, as I believe that this is an ill-conceived idea. It doesn't really work for the finance industry, as there will be no other finance related businesses in the British Isles that will be working on the 4th May 2015 and therefore there is little point in those businesses with an international offering opening.

All businesses locally have accepted that Liberation Day is a holiday and if the States decide to give an extra day (not a replacement) then businesses abide by that requirement. Many of those businesses offering international services will have to be open, but they often work with a token number of staff and give the majority the day off.

Institute of Directors (Guernsey) branch

I must confess I needed to read it twice to be sure it was not a hoax, but in the belief that this is a genuine request for an additional holiday, because Liberation Day falls on a weekend, I would comment on behalf of the IoD Guernsey branch:

1. Paragraph 17 estimates the cost to the States of an additional public holiday to be £250,000, this money could be spent more wisely.
2. The cost to local business would be substantially higher: loss of profit, loss of opportunity, staff wages to be on holiday loss of productivity, overtime wages needed to pay staff to catch up lost productivity, overtime wages needed to pay staff to work on a public holiday. Business can not afford these costs.
3. Moving a public holiday from 4th May to 8th May will result in local businesses that trade with UK clients or Headquarters, being out of sync twice in the same week! Meaning that Monday will be a lost productive day and Friday will cause further problems in not being able to deal with Clients external to Guernsey .



COMMERCE AND EMPLOYMENT

A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

BRIEFING PAPER

4. A weekend; Saturday 9th and Sunday 10th are ample opportunity to celebrate and recognise this significant event, without taking another day, as a public holiday, to prepare.
5. Most employers grant 20+ days holiday in addition to public holidays to their staff, those staff who wish to take an extra days holiday at that time of the year to celebrate this event have the flexibility of choice to do so, but this need not be compulsory.
6. When Liberation Day falls on a working day there has never been a proven the need to have a day off work in advance to get ready.

Whilst the IoD wish to recognise the significance of the 70th Anniversary of Liberation to Guernsey's history, it would be extremely disruptive and costly to create an additional Public Holiday on Friday 8th May and similarly disruptive and costly to swap Public Holidays between 4th May and 8th May.

This request appears to be motivated by emotion and appeal to an electorate, rather than a real need to create extra time off work for any practical purpose.

I hope this brief response has given your department something to consider in trying to balance the needs of having a celebration and finding someone to pay for it.

Confederation of Guernsey Industry

Thank you for your email. In my opinion the granting of an additional public holiday during the month of May would have significant consequences for businesses throughout the Island. Many Companies need to communicate with their suppliers and customers on Friday 8th and making this a Bank Holiday would necessitate the use of skeleton staff which is not an efficient arrangement. With regard to the suggestion that in the future a day should be given in lieu of Liberation Day when the latter falls on a weekend this is poorly conceived.

Taking the point above businesses and organisations outside the Island do not understand the significance of Liberation Day. In addition staff in all businesses would expect either to be paid for that extra holiday or for a day in lieu. Yet again businesses will be having to pay for non-productivity.

Finally moves to grant extra holidays must effect freight movements and delivery of essential goods such as perishable foodstuff. Again contingency arrangements will have to be paid for by business. Also as the States are being asked to demonstrate constraints on spending surely the payment for a Bank Holiday or day in lieu for Civil Servants is a non-essential cost to the Island.

The movement of Bank Holiday May 4th to Friday May 8th would not sit comfortably with many of the parishes and organisations who have already spent significant time planning street parties etc. for the 4th May. This proposal to change the dates has come far too late for many.

KPMG Channel Islands

- It is far too late to start moving bank holidays in May. Some businesses and staff will have made plans already (eg staff holidays, school timetables, etc)
- If it is such a good idea to give an extra bank holiday or move ours to be out of synch with the UK we should be doing it long ahead and giving everyone good notice not doing it on a whim

Appendix 1 (continued)



COMMERCE AND EMPLOYMENT
A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

BRIEFING PAPER

- What about businesses which normally open on Saturday. Are they expected to close for two days and give staff both days off?
- This is an additional cost for businesses. An extra bank holiday is a day of lost revenue with no reduction in their costs. In the short term it sounds nice for staff but eventually they will pay for it because the business can afford lower wage increases or can afford to employ fewer staff.
- £250,000 is not the real cost to the States. It may be the incremental cost but doesn't take account of the wages paid to public sector staff who will not be doing any productive work that day. It would be more honest to acknowledge that the cost should include approximately 0.5% of the States annual wage bill.

From a personal perspective I think we should be celebrating the liberation on liberation day which is 9 May. If we give a bank holiday on a day near to 9 May we are giving the message that it is an excuse for a day off and party but that the 9 May itself isn't special.

Ends

[Commerce and Employment Department comment continued]

Further, the Board would like to confirm that it has considered this matter twice already this year and its view (now by a majority) remains unchanged. I enclose a copy of the Department's letter to the Minister of Culture and Leisure dated 1st April for your information *[Appendix 2]*.

Commerce and
Employment
Department

Authorised Use only

The Minister
Culture and Leisure Department
North Esplanade
St Peter Port
Guernsey
GY1 2LQ

Dear

H/b

St
April 2014**LIBERATION DAY**

Thank you for your memorandum of 20 March 2014 that was addressed to myself and the Minister of the Treasury and Resources Department.

The Department has noted your view that, in the current economic climate, organisations should be spared the cost of additional pay or other enhancements that may apply when Liberation Day falls on a weekend.

Whether or not a particular organisation provides any form of enhancement in pay or other conditions of employment in respect of public holidays is a contractual matter for that organisation and the negotiations that it has with its employees on terms and conditions.

The Department has no evidence that the "cost" of Liberation Day is a particular financial burden to businesses and if it was, organisations are free to re-negotiate the terms and conditions that they offer their employees. In this respect the market can regulate itself and, again, there is no evidence of this happening to deal with the "current economic climate".

Whilst the Department shares your opinion that Liberation Day is a significant date in the Guernsey calendar that continues to be enjoyed and celebrated as a special occasion by the public, it does not understand why it should be regarded as "less special" if it happens to fall on a weekend. It is either a special day or it is not.

Taking these factors into account, the Department does not believe that there is a convincing case to change the current arrangements regarding the designation of Liberation Day as a public holiday.

However, if your Department believes that this matter should be pursued, I would recommend that it consult employer and employee organisations and my Department would be happy to assist you with the relevant contact information. Given the significance of your proposal, you may also wish to consider a wider, public consultation.

Your sincerely,

Electronic vs

Kevin A. Stewart.
Minister.

[Commerce and Employment Department comment continued]

In summary, the Department's view is that, for a number of reasons it is opposed by a majority to any amendment to the current and well established arrangements for the marking of Liberation Day – 9th May – with a public holiday. It therefore opposes all of the propositions in the current requête.”

THE PAROCHIAL DOUZAINES

Parish	Decision	Comments
<i>St. Peter Port</i>		No response received by 22 nd December 2014.
<i>St. Sampson</i>	Rejected	It was the unanimous opinion of the St. Sampson's Constables and Douzaine that it was far too late in the day to even consider not having Monday 4 th May 2015 as a bank holiday and changing it to Friday 8 th May 2015. Many sporting events had already been organised for Monday 4 th May. They could see no mileage in having the Bank Holiday prior to Liberation Day so that those involved with Parish events could make their preparations if they were organising an event for Sunday 10 th May. If there was to be an additional bank holiday for 2014 it would have to be Monday 11 th May 2015.
<i>The Vale</i>		No response received by 22 nd December 2014.
<i>The Castel</i>		Not in favour of swapping Monday 4 May 2015 with Friday 8 May 2015. Castel celebrations will be held on 4 May 2015 as already planned. Not against 8 May 2015 being declared an additional Public Holiday but disappointed that Culture and Leisure had not brought proposals sooner. Supportive of adding Liberation Day as an annual Public holiday for future years.
<i>St. Saviour</i>	Undecided (split 50/50)	Those who opposed the granting of an additional Public Holiday were so minded mainly on grounds of costs. They suggested that it did not send out the correct message to the public in times of financial difficulties and placed an un-necessary additional financial burden not only on private businesses but also on the States of Guernsey. The objections were against the granting of 8 th May as well as 4 th May. If it was 8 th May instead of 4 th May the objections did not stand. The contrasting view was that no matter what the financial position of the island, there would be no call to cancel a Public Holiday on Liberation Day

		<p>had it fallen on a weekday in 2015.</p> <p>Those members of the Douzaine with financial industry experience commented that it would be totally pointless for Guernsey Finance Industry to be 'open for business' on Monday 4th May 2015 when the whole of the UK financial world will be closed. Banks and other institutions will have no access to the financial markets, settlement or cash payment systems nor indeed to their Head Offices. These people are of the opinion that if Friday 8th May is to be a Public Holiday there is little value in making Monday 4th May a 'working day' as their ability to transact will be severely restricted in the financial workplace that day.</p> <p>There was also an opinion voiced that the UK in general has far fewer Public Holidays than continental Europe and that as Guernsey's 'national day', Liberation Day should be recognised by the granting of a public holiday on that day or the nearest weekday to it every year – in addition to the nationally recognised Public Holidays.</p>
<i>St. Pierre du Bois</i>	Rejected by a large majority	It was deemed to be inappropriate to remove a public holiday, May 4 th , which is a holiday throughout the UK, in order to make May 8 th a holiday. The consideration of plans made in advance by individuals with ordinary public holidays in mind was raised as just one particular issue caused by such a move, especially at such short notice.
<i>Torteval</i>		No response received by 22 nd December 2014.
<i>The Forest</i>		No response received by 22 nd December 2014.
<i>St. Andrew</i>		No response received by 22 nd December 2014.
<i>St. Martin</i>	Rejected	<i>No additional comments received</i>

(N.B. The Policy Council has discharged its responsibilities in accordance with Rule 17(2) of the States of Deliberation by consulting with those parties particularly interested in the prayer of this Requête.

While the Policy Council recognises the significance of Liberation Day in Guernsey's history and the importance of continuing to mark this anniversary in a special and particular way every year, it shares the concerns raised by several consultees regarding the impact on business and those who have already organised events should Propositions (1), (2) and (3) be supported; especially given that Liberation Day 2015 is now less than 5 months away. It also notes the significant additional costs for the States should an additional public holiday for 2015 be approved.

In respect of Proposition (4), as the Channel Islands were liberated on 9th May 1945, the Policy Council agree that, irrespective of the day of the week on which it falls, 9th May should be the date commemorated and no additional public holiday should be required if that date falls on a Saturday or a Sunday.

For all these reasons, the Policy Council is not able to support this Requête.)

The States are asked to decide:-

II:- Whether, after consideration of the Requête dated 5th December 2014, signed by Deputy M.J. Fallaize and six other Members of the States, they are of the opinion:-

1. To approve that Friday the 8th of May, 2015 shall be a public holiday.
2. To approve that Monday the 4th of May, 2015 shall not be a public holiday.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.
4. That when in any year after 2015 the 9th of May falls on a Saturday or Sunday there shall be a public holiday on the nearest practicable weekday; and to direct the Culture & Leisure Department, in accordance with that part of its mandate which makes it responsible for the "planning and implementing of appropriate arrangements to mark the Island's celebrations of Liberation Day", to lay before the States the necessary recommendations for this policy to be carried into effect in 2020, 2021, 2026, 2027 and in all subsequent relevant years.