



# BILLET D'ÉTAT

XIII  
2003

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WEDNESDAY, 25th JUNE, 2003

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1. The Liquor Licensing (Amendment) Ordinance, 2003, p. 1173.
2. States Advisory and Finance Committee—The Protection of Privacy in Electronic Communications, p. 1174.
3. Guernsey Social Security Authority—Limited Prescribing List, p. 1188.
4. States Board of Health—Re-location of States Analyst's Laboratory and Environmental Health Department, p. 1206.
5. States Board of Industry—The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001: Appointment of Appeals Tribunal, p. 1214.
6. States Arts Committee—Review of Arts Policy, p. 1219.
7. Requête—Number of Deputies, p. 1308.

*Statutory Instruments laid before the States.*

The Social Insurance (Married Women and Widows) (Guernsey) (Amendment) Regulations, 2003, p. 1314.

The Milk (Retail Prices) (Guernsey) Order, 2003, p. 1314.

APPENDICES

- I. States Advisory and Finance Committee—Annual Report of the Data Protection Commissioner, p. 1315.
- II. States Advisory and Finance Committee—States Audit Commission: Project Management, p. 1342.
- III. States Advisory and Finance Committee—Payments to States Members, Former States Members and Non-States Members of States Committees, p. 1371.

# ***BILLET D'ÉTAT***

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

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I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **25th JUNE, 2003**, at 9.30 a.m.

**THE LIQUOR LICENSING (AMENDMENT) ORDINANCE, 2003**

The States are asked to decide:-

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

**STATES ADVISORY AND FINANCE COMMITTEE**

**THE PROTECTION OF PRIVACY IN ELECTRONIC COMMUNICATIONS**

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

1<sup>st</sup> May 2003

Dear Sir,

**THE PROTECTION OF PRIVACY IN ELECTRONIC COMMUNICATIONS**

**1. Introduction**

“Spam” or the sending of unsolicited communications of all types is becoming an increasing problem with a global impact.

For many years, the receipt of direct marketing materials by mail has been an annoyance of manageable proportions in that the offending material could simply be consigned to the waste bin and the volume of unsolicited mail was limited to some extent by the costs of its production and distribution.

More recently, the use of telephone marketing, unsolicited fax, e-mail and SMS messaging has become more privacy invasive. It is feared that such spam could threaten the viability of the use of modern communications media by business and cause genuine distress to private individuals, not the least in that the recipients may be charged for the receipt of these unwanted messages, whilst the costs of production and distribution are minimal.

The increased competitiveness of the telecommunications market places pressure on telecommunications service providers to maximise the returns on their customer data and it is important that the privacy aspects of the provision of telecommunications services are regulated to prevent any profiteering from the unfair processing of such data.

The proposals contained within this Policy Letter are designed to ensure that local residents continue to enjoy a high level of protection for their personal data and that Guernsey cannot be used as a base for the unregulated distribution of unsolicited communications.

## 2. **Data Protection Background**

In 1995, the European Commission issued a directive (95/46/EC) on the protection of individuals with regard to the processing of personal data and the free movement of such data “the DP directive”.

The 1998 U.K. Data Protection Act implemented the DP directive in the United Kingdom and the Data Protection (Bailiwick of Guernsey) Law, 2001 “the DP Law” was enacted in similar terms to the UK Act. The commencement of the DP Law in August 2002 not only ensured that citizens of the Bailiwick were afforded the same standards of protection for their privacy as exists in the UK and throughout Europe but also facilitated the free flow of personal data between the Bailiwick, the Member States of the European Economic Area and other territories with equivalent levels of protection.

This free flow of personal data will be further enhanced once a formal declaration of adequacy of the Data Protection régime in the Bailiwick has been made by the European Commission. This assessment process has commenced and it is expected that the assessment will be concluded later in 2003.

It was recognised within the European Union that the 1995 DP directive did not adequately address the protection of privacy within the telecommunications sector and in 1997 the European Commission issued Directive 97/66/EC “the ISDN directive” to ensure the right of privacy with respect to data processing in the telecommunications sector.

The ISDN directive was implemented in the U.K. by the Telecommunications (Data Protection and Privacy) Regulations 1998, which came into effect at the same time as the Data Protection Act. No such regulations were implemented in the Bailiwick when the DP Law came into force, as it was known by then that the ISDN Directive was about to be repealed.

Associated with those regulations was the establishment in the UK of the Telephone and Fax Preference Services operated by the Direct Marketing Association on behalf of the Director General of Telecommunications. These services allow any individual to register a preference not to receive unsolicited telephone or fax communications and are open to subscription (free of charge) by Bailiwick residents, since Bailiwick numbers are covered by the British Isles integrated telephone numbering system.

Whilst the UK regulations oblige direct marketers to screen their distribution lists through these registers, the absence of any such regulations in Guernsey could be regarded as a loophole as no such obligation exists here. A brief description of these preference services is included in Appendix 1.

The ISDN directive was concerned with the traditional telecommunications sector and did not explicitly include SMS messaging or e-mail. In July 2002 it was repealed and replaced by the Directive on Privacy and Electronic Communications (2002/58/EC) (“the Directive”) that extends the protection of privacy to all forms of electronic

communications, in particular e-mail and SMS messaging. The Directive is summarised in Appendix 2 and implementation of the Directive is required within the Member States of the European Union by October 2003.

The UK Department of Trade and Industry has published a consultation document and draft regulations that are designed to implement the Directive, within the prescribed timetable of October 2003. A summary of the draft UK regulations is included in Appendix 3.

### **3. Consultation Process**

In November 2002, the Committee invited the Data Protection Commissioner to undertake a consultation on the need for such regulations, evaluate the implementation options that were available and report back to the Committee.

The authorities in Alderney and Sark also confirmed their interest in extending the consultation to include those islands.

A consultation paper was prepared and circulated in December to about 190 local organisations and States Committees. The consultation exercise was also publicised by the local media and the consultation paper was published on the Data Protection and the Board of Industry e-business web sites.

The closing date for the receipt of responses was 31 January 2003, but this was informally extended by one week to take account of the postal delays at the beginning of the year.

A brief report that analyses the responses to the consultation is included in Appendix 4.

The conclusions of that report are that there is general support for regulations to implement the provisions of the Directive, but some concern as to the detail, pending the publication of draft regulations.

Early in April, those organisations that had responded to the consultation paper were sent a copy of the UK consultation paper and draft regulations asking for more detailed comments, on the assumption that the local regulations would be based heavily on those to be enacted in the UK.

Responses to this second consultation phase are expected by mid-June and the Committee intends to take these responses, together with the definitive UK regulations that will be published later in the summer, into consideration when instructing the Law Officers on the drafting of the final regulations.

### **4. Implementation of Regulations in Guernsey**

Now that the DP Law is in force it is opportune to consider the implementation of regulations that implement the Directive. The Law Officers have advised that the preferred route for implementation of the Directive is by the passing of an Ordinance under the

European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994 (Order No. III of 1994), with separate (identical) Ordinances needing to be enacted in Alderney and Sark

Since no existing legislation covers the areas encompassed by the Directive, it is proposed that the Ordinance implement all of the Articles of the Directive (Appendix 2) in similar terms to the draft regulations that have been issued in the UK (Appendix 3).

It is anticipated that the Ordinance will need to amend the DP Law to provide that enforcement should be by the Data Protection Commissioner and provide that detailed regulations be enacted by means of secondary legislation. Minor amendments may also be needed to the telecommunications legislation.

It is also proposed that a provision be made for the Ordinance to be amended by secondary legislation to be made by the Advisory and Finance Committee after consultation with the Data Protection Commissioner. This is considered necessary because of the need to be able to respond to technological developments.

#### **5. Recommendation**

The Committee, therefore, recommends the States to approve the drafting of legislation under the Implementation Law that implements the Directive as described in this report.

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

Yours sincerely

L. C. MORGAN

President  
States Advisory and Finance Committee

## **APPENDIX**

### **1. Preference Services Operated in the UK by the Direct Marketing Association**

The Mailing Preference Service (MPS) is a non-profit making body established by the direct marketing industry to assist those people who do not wish to receive so called “junk” mail.

When an individual provides their surname and address to the MPS it is placed on a consumer file which is then made available to members of the direct marketing industry who subscribe to the MPS scheme. The members undertake to ensure that the mailing lists that they use are “cleaned” of any names and addresses which appear on the MPS consumer file, hence such individuals should cease to receive unsolicited mailings.

The UK Information Commissioner can insist (e.g. by means of an enforcement notice issued under section 40 of the Law) that marketing organisations subscribe to the MPS scheme.

The Direct Marketing Association also operates the Telephone Preference Service (TPS) and Fax Preference Service (FPS) which were set up as part of the implementation of the Regulations and work in a similar way to MPS, with direct marketers being bound by codes of practice and ultimately compliance with the Regulations to desist from communicating with any individual (and any organisation in the case of FPS) that is included in the opt-out lists that are maintained on the register.

Consumers who wish to be included in these lists may submit their phone numbers by telephone, in writing or via the DMA website.

It is important to note that these preference services operate only in respect of unsolicited communications. If the contact was initiated by the consumer, then the consumer will have to terminate the contact explicitly.

A similar e-mail preference service is operated from the United States by the US Direct Marketing Association and maintains a list of the e-mail addresses of individuals who do not wish to receive “spam” or unsolicited e-mail communication.

## **2. The Directive on Privacy and Electronic Communications (2002/58/EC)**

The directive on privacy covers the following areas:-

- Article 1 - protection is provided for personal data of natural persons and for the protection of the legitimate interests of legal persons.
- Article 2 - ensures that the protection covers both the content and the traffic data associated with telecommunications and electronic mail services.
- Article 3 - applies the directive to publicly available electronic communications services in public communication networks.
- Article 4 - the provision of adequate security and the rectification of breaches of security.
- Article 5 - the confidentiality of communications
- Article 6 - the confidentiality of traffic data
- Article 7 - the right to receive non-itemised billing
- Article 8 - the presentation and restriction of calling and connected line information.
- Article 9 - the confidentiality of location data.
- Article 10 - exceptions to the suppression of data for use by emergency services or for the tracing of nuisance calls.
- Article 11 - the prevention of automatic call forwarding.
- Article 12 - flexibility of entries in printed and electronic directories.
- Article 13 - ability to prevent unsolicited communications and prohibiting the sending of unsolicited electronic mail that disguises the identity of the sender.
- Article 14 - promoting improved standardisation of technical features.
- Article 15 - permitting limited restrictions on privacy for preservation of national security and defence.
- Article 16 - transitional arrangement.

### **3. The [DRAFT] Privacy and Electronic Communications (EC Directive) Regulations 2003**

The key elements covered by the Regulations are:

#### **Security of public electronic communications services**

Any provider of a public electronic communications service is required to take adequate measures to safeguard the security of that service.

#### **Confidentiality of communications**

Users of communications networks must be given information about the purposes for which any communications information is stored within the system and be given the opportunity to refuse storage of, or access to, such information

#### **Restrictions on the processing of certain traffic data**

Traffic data should not in general be stored for longer than necessary for billing purposes and subscribers or users should be provided with details of the processing of such information and be given the opportunity to object to such processing.

#### **Itemised billing and privacy**

Subscribers have the right to be provided with itemised or non-itemised bills or bills where the privacy of the users in respect of called numbers may be respected.

#### **Prevention of calling or connected line information**

Users must have a simple means free of charge of preventing the display of the calling line on outgoing calls on an individual call or all calls basis.

Subscribers must similarly have a simple means free of charge of being able to prevent the display of calling or connected line information on incoming calls

#### **Publication of CLI display suppression information**

Providers of telecommunications services must provide information to the public regarding the availability of CLI display and suppression capabilities and co-operate with other providers over the provision of such capabilities.

#### **Restrictions of the processing of location data**

Location data may only be processed where the identity of the subscriber cannot be identified or with the consent of the user or subscriber.

**Tracing of malicious or nuisance calls and emergency calls**

A communications provider may override CLI suppression where necessary for the tracing of malicious or nuisance calls or emergency calls and may process location data in connection with emergency (999 or 112) calls.

**Termination of automatic call forwarding**

A subscriber must be able to require a communications provider to terminate the automatic forwarding of calls to his number.

**Directories of subscribers**

Subscribers have the right to be included or excluded from directories and to limit the amount of personal data that is included in such directories.

**Use of automated calling systems for direct marketing purposes**

Automated calling systems may not be used for direct marketing purposes without subscriber consent.

**Use of facsimile machines for direct marketing purposes**

Facsimile machines should not be used for direct marketing to private subscribers or to any corporate subscribers who have opted out by including their details in the fax preference register.

**Unsolicited calls for direct marketing purposes**

Unsolicited calls should not be made to individual subscribers where the subscriber has previously notified the caller that they do not wish to receive such calls or has included their details in the telephone preference register.

**Use of electronic mail for direct marketing purposes**

Unsolicited electronic mail (including all similar forms of communications such as SMS messaging) should in general not be sent unless the consent of the recipient has been obtained and the recipient has been given a valid address to opt-out of the receipt of further communications.

**Identity of originator**

It is not permitted for anonymous unsolicited communications of any kind to be sent.

**Details of the opt-out registers**

These are still under development

### **Exemptions and exceptions**

Exemptions exist for the safeguarding of national security or compliance with court orders and legal requirements.

### **Compensation and enforcement**

Anyone who suffers damage by reason of the contravention of the regulations is entitled to compensation.

The regulations are enforced in the UK by the Information Commissioner's Office under part V of the Data Protection Act.

#### **4. Report on the consultation with regard to the proposed regulations on privacy of electronic communications**

The consultation paper was prepared and circulated to about 190 local organisations and States Committees. The paper was also published on the data protection web site and publicised through the media. Responses were solicited from both business and private individuals.

Following the approval of both the President of the States of Alderney and the Seneschal of Sark, the consultation was also extended to include residents of those Islands.

##### *Responses*

A total of 35 responses were received, which at about 18% of those issued was a barely satisfactory level. Of these just 11% (4) were from private individuals, 63% (22) from business organisations throughout the Bailiwick and only 26% (9) from public administration, comprising 4 States committees, 2 regulators, 2 responses from the States of Alderney and one from parish constables.

The Advisory and Finance Committee's Data Protection Adviser commented that he felt the regulations would have little impact on States Committees, being directed more at the private sector. The e-business Director from the Board of Industry pointed out the need to ensure that the regulations covered all forms of public communications networks (including microwave and satellite links), but otherwise had no comments on the proposals.

Although an initial brief response was received from the Office of Utility Regulation, it was non-committal and it is to be hoped that a more substantive response might be made to draft Regulations, once they have been prepared.

Because of the relatively small number of respondents, I have replied to each individual respondent and addressed any concerns that they expressed. This approach has provided an opportunity to correct any basic misunderstanding of the Directive or the way in which it might be implemented locally.

Many respondents expressed the wish that their response and/or their identity should be kept confidential. Accordingly, most of the comments are reported anonymously.

##### *Impact*

All the private respondents assessed the impact of the proposals as positive or very positive and considered them to be a good idea.

All but three of the business respondents assessed the impact of the proposals as positive or as having no impact, with the remainder rating the impact as negative. 74% of the respondents thought the proposals were a good idea, 19% had no opinion and only one respondent thought them a bad idea. This respondent was particularly concerned that

under the regulations he might be unable to contact his own customers without their express permission, but was content that he was not permitted to transfer their details to third parties. In fact, the Directive allows a positive opt-out rather than a positive opt-in in these circumstances.

One person submitted two responses – one as a private individual and the other as a business consultant. As a private individual he was fully in support of the proposals and assessed them as having a positive impact on his rights, but as a consultant he was less supportive and felt they would have a negative impact on his business.

#### *Reasons for*

The main reasons given for supporting the proposals were:

- Promoting the rights of individuals;
- Enhancing the international reputation of the Bailiwick;
- Reducing nuisance calls.

#### *Reasons against*

Reasons given against the proposals included:

- Added burden on businesses;
- The risk of over-regulation.

Some respondents argued against the ability to suppress Calling Line Identification (CLI) as they felt that it aided nuisance callers and abuse by text messaging, whereas others felt that it was important in a call centre environment for the CLI of calls of a personal nature to be able to be suppressed as otherwise individual privacy may be compromised.

The proposed regulations would prohibit the sending of anonymous unsolicited e-mail for direct marketing, but the Directive does not appear to extend this protection to unsolicited communications in general (i.e. those of an abusive nature). There was also concern that application of this provision to legal persons might harm Business to Business e-commerce.

One comment was: *“From the brief provided, we consider the proposals do go far enough. We also consider that they also go beyond merely implementing European Directives 95/46/EC and 2002/58/EC.*

*However, there is also no indication of a workable basic standard of security when e-commerce sites that keep personal data for legitimate purposes like e-commerce. (e.g. to prevent reputational loss to Island as well as Business when a negligently secure site is hacked and credit card/or bank details are stolen)”*

Some respondents felt that they should be able to send e-mail to their customers, without obtaining their permission “each time”. The Directive is not as prescriptive as that. Article 13.2 states merely that *“where a ... person obtains from its customers their*

*electronic contact details ... the same person may use these details for direct marketing of their own products or services provided that the ... customers are ... given the opportunity to object.”*

Another respondent was concerned at the extension of Data Protection regulation to include legal as well as natural persons. However, in the Directive, this extension applies only to the right of a legal person to object to receiving automated unsolicited telephone, fax or e-mail communications for direct marketing and to limit their entry in a directory.

There is no intention in these proposals to extend the scope of Data Protection in general to legal persons and I would certainly not recommend that course of action to the Committee.

A number of specific points were raised which need to be taken into consideration when the regulations are drafted. This applies particularly to CLI and location data and technical difficulties with the prevention of automatic call forwarding.

### *Confidentiality*

One respondent commented:

*The first issue is in regards to the use of cookies and the requirement for user acceptance. If explicit consent were required this would result in the vast majority of websites, that do not fall under the jurisdiction of the Channel Islands, being non-compliant. Cookies can be used to remember the user when they log-on, this ‘welcome’ has proved very popular with site visitors. In addition the use of non-persistent cookies is invaluable when using secure connections as they check that the user has remained the same throughout the transaction. A large proportion of websites now include a privacy policy detailing what personal data is collected and the purpose for which it is intended to be used. The removal of cookies would not be a viable option for the business.*

*The second issue relates to the removal of the right to intercept e-mails and other forms of electronic communications. This must include express exceptions such as only prohibition relating to the transit of those communications over a public network. The right of interception must remain ostensibly in place with regards to the information carried over private business networks or public networks used purely for business purposes.*

*The business must be able to protect itself against fraud; the illegal use of its internal systems and the integrity of business transactions carried out via an electronic medium such as e-mail.*

*For example: With digital signatures we are able to make contractual arrangements via e-mail subject to both parties agreeing. For this to remain viable, it is imperative that the integrity of the business’ e-mail system be maintained.*

*The business would of course be responsible for ensuring that any such monitoring is carried out under strict conditions and may only be performed for legitimate business reasons so as to prevent ‘snooping’ or ‘eavesdropping’. The prohibiting of this facility*

*would affect the commercial viability of e-commerce business within the island as a whole and we would ask that the commercial considerations to protecting the rights of individuals be duly considered.*

The scope of the above comment relates more to the interception of communications than to these proposed Regulations and so may be of more relevance to the Interception of Communications Law.

### *Implementation*

There were no strong views, except a request that more detailed draft regulations should be published in good time before the final versions are made.

Following further consultation with the Law Officers, it has been confirmed that the preferred route for implementation of the Directive is by the passing of an Ordinance under the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994 (Order No. III of 1994), with separate (identical) Ordinances needing to be enacted in Alderney and Sark

### *Enforcement*

One private respondent expressed the concern that the Commissioner was being “too lenient” in enforcing the present Law, but that view was not reflected elsewhere.

I should add that I do not anticipate requiring significant additional resources in order to enforce these Regulations and the Office of Utility Regulation has already stated that it is not interested in being involved in the enforcement process.

### *Summary*

There is general acceptance of the need for regulations to implement the provisions of the Directive, but some concern as to the detail.

Although the Committee is at liberty to implement as much or as little of the Directive as it sees fit, there is considerable advantage in maintaining the local data protection environment in harmony with that in the UK, unless there were some overriding considerations that affected the viability of the economy of the Bailiwick.

It is recommended that the Law Officers be asked to draft regulations (under the Implementation Law) that implement the Directive and that these regulations be published for further comment before finally being made.

In addition, it is recommended that liaison be maintained with the UK Department of Industry, which intends to make equivalent regulations to come into effect in October 2003 and will itself be conducting a similar consultation programme with interested parties.

The States are asked to decide:-

II.- Whether, after consideration of the Report dated the 1<sup>st</sup> May, 2003, of the States Advisory and Finance Committee, they are of opinion:-

1. To approve the enacting of legislation under the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994, that implements the Directive on Privacy and Electronic Communications (2002/58/EC), as described in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

**GUERNSEY SOCIAL SECURITY AUTHORITY****LIMITED PRESCRIBING LIST**

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

23 May 2003

Dear Sir,

**Limited Prescribing List****Summary**

1. This report proposes a fundamental change in the pharmaceutical service, the scheme through which Guernsey and Alderney residents receive prescription drugs and medicines free of charge apart from a standard prescription charge. The change concerns the identification of items that may be prescribed at the expense of the Guernsey Health Service Fund. Under the current arrangements, all preparations are allowed on prescription unless listed in regulations as not being allowed. The proposed change will be to maintain, by regulations, a positive list of all items that may be prescribed, meaning that any item not on that list may not be prescribed at the expense of the Fund. It is proposed that this change should take effect from 1 January 2004.

**Introduction**

2. The Authority has been paying for prescribed medicines under pharmaceutical benefit since 4 June 1973, when the first prescription under the Pharmaceutical Benefit Law was dispensed. Since then, doctors in Guernsey and Alderney have had the freedom to prescribe whatever they wanted under the scheme except those items specifically excluded.
3. In 1973, the range of medicines was much less extensive than that available today. With advances in medical science and increases in the choice of treatment options available, the Authority has seen the cost of providing drugs and medicines under the pharmaceutical service increase from £212,980 in 1974, the first full year of the scheme, to £12,432,384 in 2002. Allowing for the increase in RPI over the period, this is more than a six-fold increase in real terms.
4. The Authority has the problem of being able to afford the new advances in medicine and sustaining pharmaceutical benefit with an increasingly ageing and demanding population. The drug cost inflation since 1974 is mainly due to the introduction of new medicines and the high volumes of prescribing in the Bailiwick.

5. Some of these new products have been ground breaking new treatments for previously untreatable diseases, with many others offering improved treatment options to those that were already available. The managed introduction of new drugs is therefore a challenge that faces, not only Guernsey's, but many other countries' healthcare systems.
6. The Authority and the Board of Health have been working together with doctors and pharmacists through the Prescribing Support Unit Steering Group to decide how best to manage the introduction of new drugs. Voluntary schemes have operated to consider applications for the use of new drugs in the community and the Board of Health has operated the Drug and Therapeutic Committee to consider the use of drugs within its hospitals.
7. The method of managing the entry of new drugs proposed in this report brings together the existing two systems and provides a comprehensive policy for the administration of drugs within Guernsey and Alderney. The Authority now proposes to provide a limited list of drugs that are available through the pharmaceutical benefit scheme and through the hospitals. It is proposed that this be introduced from 1 January 2004.

## History

8. The pharmaceutical service was established 30 years ago, with the first prescription dispensed on 4 June 1973, to provide assistance with the cost of drugs and medicines.
9. In 1974, the first full year of the pharmaceutical scheme, total expenditure for drugs and medicines was £212,980 (£1,895,028 in 2002 terms). The cost in 2002 for drugs and medicines had risen to £12,432,384, which is more than a six-fold increase in real terms. The prescription charge was originally £0.25 which, when allowing for inflation, represents a charge of £2.20. This happens to be the current charge.
10. The pharmaceutical scheme was established following a report to the States dated 17 November 1971 which was submitted jointly by the Board of Health and the then States Insurance Authority (Billet d'Etat I of 1972). Following consideration of that Billet the States resolved, among other things:
 

*“2. To request the States Insurance Authority to review the operation of the Service as soon as may be after the expiration of the two years next following the introduction of the Service and to report to the States with such recommendations as the Authority considers necessary including, should it so decide, the implementation of a scheme incorporating a prescribed list.”*
11. This resolution came from a proposed compromise solution as discussions between the Board, the Authority and the local branch of the British Medical Association had broken down before the report was published. The States committees had wanted to introduce a prescribed list, as was the case in Jersey. The doctors had opposed this at the time.
12. On 30 June 1976, after consideration of a report of the States Insurance Authority concerning the financing of the pharmaceutical service (Billet d'Etat XIII of 1976) the States resolved, among other things:

*“2. That the States Insurance Authority shall report to the States as soon as may be as to the desirability or otherwise of limiting the supply of drugs and medicines under the pharmaceutical service.”*

13. In January 1977, the States considered a policy letter dated 23 December 1976 concerning amendments to the pharmaceutical service (Billet d’Etat II of 1977). The States resolved to accept part 2 of that report on the desirability or otherwise of limiting the pharmaceutical service which concluded :

*“ a There is no evidence to suggest that the Service is abused by the public or that there is unreasonable over-prescribing by medical practitioners.*

*b It is not desirable that the Service should be run down and limited to certain defined categories of persons.*

*c It is neither practical nor practicable that the Service should be limited to life saving drugs.”*

14. The States resolved at the same time to introduce medical appliances under the pharmaceutical scheme.
15. On 15 December 1988 (Billet d’Etat XXVII 1988) the States resolved among other things:

*“3. That the provisions of the Health Service (Pharmaceutical) Law, 1972, under the control and management of the States Insurance Authority shall be incorporated into a new Law to provide for the existing provision of drugs, medicines, appliances and the new medical benefit. ”*

16. Following consideration of a further technical policy letter (Billet d’Etat II of 1990) this resulted in the Health Service (Benefit) (Guernsey) Law, 1990, being the current law governing pharmaceutical benefit. Under this Law, items that are not allowed to be prescribed under the UK NHS are automatically blacklisted in Guernsey and Alderney. This results in the current pharmaceutical service being a scheme under which all drugs and medicines can be prescribed at the expense of the Health Service Fund unless they are specifically excluded by regulation.
17. In 1997, the Authority commissioned the King’s Fund and the UK Prescribing Support Unit to report on local prescribing. Following that report, a joint committee, the Prescribing Support Unit Steering Group, was established by the Authority and the Board of Health. This is made up of representatives from the Guernsey Branch of the Royal Pharmaceutical Society and the Guernsey and Alderney Division of the British Medical Association as well as political representation from the Authority and the Board of Health. The Steering Group advises on overall pharmaceutical policy in the Bailiwick.
18. In an attempt to curb the cost of pharmaceutical expenditure, a local restricted list, adding to the UK blacklist, was implemented in September 1998. This now covers a large number of cough and cold preparations as well as eighteen other products. Items are added to the restricted list where specific conditions are required in relation to their use or where the Pharmaceutical Benefit Advisory Committee (PBAC) has recommended to the Authority that the product should not be available in Guernsey and Alderney.

19. The PBAC first met on 3 October 2001. It was established to consider whether products should be prescribed under the pharmaceutical scheme and to make recommendations to the Authority. The Committee is currently made up of the Prescribing Adviser and a representative from each primary care practice in Guernsey. Other doctors and nurses attend if required.
20. Clearly, things have changed since 1973 with major advances in the medicines available and the way in which they are used to the benefit of the individual as well as the community, but this has come at a significant cost. However, the intention remains that the pharmaceutical service will assist patients in meeting the cost of their prescribed medicines. How that is achieved must be reviewed to ensure that the service, and its source of funding, is capable of meeting demand for the next 30 years and beyond.

### **Financing of scheme**

21. The pharmaceutical service is financed by contributions to the Guernsey Health Service Fund paid by employed, self-employed and non-employed persons and by employers. The Fund also receives a grant from General Revenue, equal to 40% of contribution receipts.

### **Legislation enabling a limited list**

22. Under section 10(5)(b) of the Health Service (Benefit) (Guernsey) Law, 1990 the States may by Ordinance empower the Authority
 

*“...to restrict, by regulation, the description, nature and quantity of pharmaceutical benefit which medical prescriptions issued by any class or designation of persons specified in the Ordinance may order to be supplied.”*
23. It is proposed that this power be used to create an Ordinance to enable the Authority to provide a limited prescribing list in regulations.

### **Current Controls on the Introduction of New Drugs**

24. Managing the entry of new drugs is one of the greatest challenges facing any health care system. On average, around 45 new active substances are marketed each year in the UK. A small number have the potential to make a significant contribution to health but many are additions to an existing therapeutic class of drugs or new formulations of existing drugs.
25. Since September 2001, there has been a voluntary agreement with local medical practitioners that all new medicinal products marketed after that date would not be prescribed unless an application to the PBAC had been approved. This, in time, would allow a limited prescribing list to evolve as established drugs were superseded by new drugs that had been approved for local use.
26. Eighty-nine new products have been marketed from September 2001 to date and nineteen approved for use in Guernsey and Alderney. Nine applications have been rejected and these products have subsequently been put on the restricted list. Three products have been approved on a restricted basis under specialist supervision. Four applications are awaiting consideration. These facts illustrate

two points. First, the agreed process is resulting in a growing list of products that are not available in Guernsey and Alderney as pharmaceutical benefit. Second, the fact that applications for use have not been received in respect of fifty-four of the new products adds weight to the argument against automatic, open-list prescribing.

27. At present a copy of the list of PBAC decisions is distributed to all doctors and pharmacists following each meeting. However, it is recognised that this is an inadequate means of disseminating this information and an electronic solution utilising a web-based version of the British National Formulary which includes a local formulary is currently being assessed.
28. There will come a time, in the near future, when listing those products that are available as pharmaceutical benefit will be easier and less confusing than a list of those that are not available. This is the point at which a limited prescribed list will become essential.
29. The Authority therefore proposes to introduce a limited prescribing list for Guernsey and Alderney from 1 January 2004.
30. A limited prescribing list would provide a clear and exclusive range of medicinal products that would be subsidised as pharmaceutical benefit for the treatment of patients. It would eliminate confusion about what is covered by the scheme and would prevent non-medicinal products and unnecessarily expensive proprietary products from being prescribed at public expense.

### **The Limited Prescribing List**

31. The current approach to funding pharmaceutical benefit relies heavily on the generation of lists of products that will not be reimbursed. Since such lists can never be exhaustive due to the many and varied products that may be prescribed, some non-medicinal products are currently dispensed at public expense along with other medicinal products for which there are equally effective but less expensive alternatives.
32. A limited prescribing list, also called a positive list, white list or formulary, would be a definitive list of medicines to be subsidised by the Authority as pharmaceutical benefit. At present, a doctor may prescribe anything for a patient unless it is specifically excluded from pharmaceutical benefit. Current exclusions include contraceptives, drugs that are not prescribable in the National Health Service (known as 'blacklisted' items) and drugs on a local restricted list which includes drugs marketed since September 2001 that have not been approved for local use as recommended by the PBAC.
33. Consideration of which products should be included in a limited prescribing list will allow proper debate, among professionals, on the use of products that are not licensed medicinal products but are being increasingly requested as patients and their doctors look towards homeopathic, herbal or other unlicensed preparations. At present, unless a product is specifically blacklisted, reimbursement will be made to the dispenser. This allows non medicinal products like yoghurt and baby food to be prescribed at public expense, although this is not a frequent occurrence.

34. It is not envisaged that implementation of the limited prescribing list will result in large numbers of patients being suddenly denied access to their medication as the current level of use of each product will be established during development of the list. However, for those patients taking particular products that have become near-obsolete, it will provide an opportunity for them to be established on more appropriate treatment.
35. Establishing a limited prescribing list for Guernsey and Alderney will allow the Authority to be specific about what medicinal products will be reimbursed as pharmaceutical benefit and eliminate any confusion that may be generated from the present intermediate stage in the development of a limited list. It will allow doctors and pharmacists, particularly those new to Guernsey and Alderney, to determine easily which products can be prescribed and reimbursed at public expense. It is also anticipated that implementation of a limited prescribing list will have positive benefits in curbing pharmaceutical expenditure and providing a rational basis for deciding which products will be funded by the States and which will have to be funded by the person using them.
36. While a limited prescribing list can dictate what is prescribed it cannot influence how drugs are used. The provision of information and advice on the appropriate use of drug therapies will therefore remain an important part of the work of the Prescribing Support Unit.

#### **Setting up and Operation of a Limited Prescribing List**

37. It is proposed that a limited prescribing list be drawn up by the PBAC and agreed by the Authority to become effective on 1 January 2004. This initial list would be made up of the items that are currently prescribed. It would be based on the September 2001 British National Formulary but would take into account agreements with the doctors that are already in place as well as the local restricted list. The list would also contain medical appliances and products known as borderline substances, which include specialist food products.
38. It is proposed that the limited prescribing list would apply both to the community and to the hospitals prescribing as a joint list. This common approach will enable a smooth transition between community and hospital care and vice versa.
39. There will continue to be a need for the Board of Health's Drug and Therapeutic Committee to consider products solely used in the hospital such as anaesthetics and for other matters relating to medicines management within the hospitals.
40. For all other products, following the development of the initial limited prescribing list, the proposed decision process following the setting up of the list can be summarised as follows:
  - a. application by a prescriber or referral from the Drug and Therapeutics Committee to PBAC;
  - b. PBAC to consider application and make recommendation to the Authority;
  - c. Authority will consider the PBAC's recommendation and decide whether a product should be included on the limited prescribing list;

- d. the Authority will make regulations to inscribe a product on the limited prescribing list if necessary, the regulations subsequently being laid before the States;
- e. appeals; and
- f. provision will be made by the Board of Health for patients returning from tertiary care under the UK NHS who have been prescribed a product that is not otherwise on the prescribed list.

### **Application to PBAC**

- 41. An application would need to be made to the PBAC by an authorised prescriber or on referral by the Drug and Therapeutics Committee. The PBAC would then consider those products for which an application was made at meetings to be held at two monthly intervals. The PBAC would not therefore consider all new products but only those where an application had been made.

### **Consideration by PBAC**

- 42. The mandate and constitution of the PBAC would be proposed by the Prescribing Support Unit Steering Group for consideration by the Authority. This may change over time, for example with the development of secondary prescribing.
- 43. The PBAC would then make recommendations to the Authority, of whether or not a product should be added to the limited prescribing list. The PBAC would meet with relevant specialists in particular areas of disease management, and take account of current prescribing practice in both primary and secondary care. The PBAC would consider the technical aspects of the product including its effectiveness and alternative treatments available. It would also compare the costs of treatments.
- 44. The exact content of the limited prescribing list will be recommended to the Authority by the PBAC. It will consider current levels of prescribing and the best available information on the safety, efficacy and cost-effectiveness of available medicines. This may result in products that are not currently allowed being recommended for reimbursement at public expense. It should not contain products that are not licensed as medicinal products in the UK except in exceptional circumstances.
- 45. It is suggested that the following criteria would be considered by the PBAC and the Authority in reaching any recommendation or decision:
  - a. the product's effectiveness;
  - b. the product's safety;
  - c. whether alternative products or treatments are available;
  - d. costs;
  - e. anticipated demand for the product; and
  - f. whether the product was a lifestyle product.

46. The PBAC would also consider whether any product will only be used in the hospitals in which case it would refer the matter to the Drug and Therapeutics Committee.
47. Further information on these criteria is given in the Appendix to this report. Other criteria may be used from time to time or the criteria may be changed by the Authority.

#### **Consideration by the Authority**

48. The Authority would make the decision whether or not a product should be included on the list. This would follow consideration by the PBAC.
49. Once the PBAC had considered a product the recommendations of that Committee would be put to the Authority. The Authority would consider this recommendation with other issues. These would include resource implications for other services, requirement for the drug or product to be provided through the Pharmaceutical Benefit Scheme or through different methods or under different benefits, the implications of allowing lifestyle drugs and how these should be provided and other factors that might not be relevant to the clinical effectiveness of a product. The Authority would also consider the cost to the Health Service Fund.

#### **Regulation**

50. If the Authority agrees that a product should be able to be prescribed in Guernsey a regulation would be made inscribing it on the proposed limited prescribing list.
51. Regulations made under the Health Service (Benefit) (Guernsey) Law, 1990, as amended, are required to be laid before the States. The States may annul those Regulations.

#### **Appeals Process**

52. The decision of the Authority might not be universally accepted by patients, drug companies or healthcare professionals including doctors and pharmacists. It is therefore likely that any decision might be challenged by individuals, groups or companies.
53. It is likely that any challenge will come from people objecting to a particular product not being available on the limited prescribing list. In these circumstances, a prescriber would be able to approach the PBAC with additional information that had not previously been considered. However, if there was no further information available the product would not be reconsidered by the PBAC for one year from the date of the original decision. This is to prevent applications for the same product being considered when a decision has already been made.
54. An individual patient would not be able to apply to the PBAC for consideration of a drug but would have to find a sponsor, by way of a prescribing doctor, to bring an application to the Committee.

55. Similarly a drug company could not make representation to the Committee for its products to be included in the prescribed list.
56. The recommendations of the PBAC would be circulated to all doctors and pharmacists. Initially this will be through a paper based system but a network is being established to provide information in a more accessible way.
57. Where any person is unhappy about the decision of the PBAC they may make representation to the Authority when it considers the PBAC's recommendation. The Authority will then take this into account when making the final decision on the inclusion or otherwise of the product into the limited prescribing list.

### **Tertiary Referrals**

58. The creation of a joint primary/secondary care limited prescribing list will eliminate some of the problems that might otherwise be experienced. However, there will be some patients, who return from treatment in UK NHS hospitals under the Reciprocal Health Agreement or contracts the Board of Health has in place for treatment, who will have been prescribed products not on the limited prescribing list.
59. Arrangements should be made to prevent patients returning to the islands expecting treatment to be initiated or continued without prior notification. Such measures will include informing all tertiary centres of the local limited prescribing list, encouraging proper communication between service providers, and allowing interim supplies to be made through the Board of Health pharmacy pending a decision by the PBAC. The use of a limited prescribing list will reinforce steps to control off-island referrals and help to facilitate the handover of care and prescribing for returning patients to local doctors.
60. It is therefore proposed that the Board of Health would have the ability to provide a short term supply of specialist medicines, which may have been initiated by an off-island UK NHS referral centre, through the Pharmacy at the Princess Elizabeth Hospital, pending consideration by the PBAC. These drugs would be paid for through the Board's budget.
61. Where a patient has chosen to be treated privately in the UK and has been prescribed products that are not on the limited prescribing list these products will not necessarily be available through the Princess Elizabeth Hospital Pharmacy.

### **Hospital only Products**

62. Where products are only to be used in hospital these will be considered by the Drug and Therapeutics Committee of the Board of Health.
63. Some drugs are licensed for specialist use only but as these would be prescribed in the community in Guernsey and Alderney rather than through specialist out patient clinics attached to a hospital these will be considered by the PBAC and the Authority as with other products. However, conditions as to their use may be included in the limited prescribing list. Audit of prescribing will continue to take place.

## **Resource implications**

### **Finance**

64. Some concern has been expressed by non-States bodies at the administrative cost of changing to a limited prescribing list. It is anticipated that this should be minimal as the introduction of new drugs is already an issue that is being addressed by the PBAC supported administratively by the Prescribing Adviser and the Authority's staff.
65. The distribution of information is expected to be improved by additional links to pharmacies and ensuring, where possible, that both prescribers and dispensers are fully aware of the contents of the limited prescribing list.
66. The proposed changes will have no initial impact on contribution rates or prescription charges. The Authority believes that a limited list will, in the longer term, moderate the increases in contribution rates as compared with a continuation of the current, largely open-list, prescribing arrangements.

### **Information technology**

67. The Authority is able to provide a local version of the British National Formulary electronically to prescribers. This can be edited by the Authority to provide the limited prescribing list and links to other information concerning these drugs and other products. Currently the three main primary care practices have been provided with links that will enable them to view this software but further work is required to link all surgeries in Guernsey and Alderney as well as pharmacies and other prescribers such as dentists.
68. The linking of health care professionals will help in other communications from payments made by the Authority to the possible electronic transfer of prescriptions in the future.
69. The IT requirements will be met through current budgets at this time.

### **Support Staff**

70. The Authority's and the Board of Health's staff will continue to support the PBAC and provide up to date information on the contents of the limited prescribing list.

### **Other Examples of Limited Prescribing Lists**

71. Guernsey and Alderney will not be unique in adopting a limited prescribing list. Australia, New Zealand, USA, Canada, Italy, France and Jersey all have positive lists for reimbursement of drugs and other products.

## Comments on Proposals

72. The Authority has consulted with the following organisations:
- a. Board of Health;
  - b. States of Alderney;
  - c. British Medical Association, Guernsey and Alderney Division;
  - d. Royal Pharmaceutical Society, Guernsey Branch;
  - e. Royal College of Midwives;
  - f. Community Practitioners and Health Visitors Association;
  - g. Royal College of Nursing;
  - h. The Guernsey Association of Nurses; and
  - i. The Guernsey Dental Society.
73. The Board of Health is a key participant in the Prescribing Support Unit Steering Group and fully supports these proposals.
74. While there is a degree of apprehension among some of the other organisations consulted about the proposed change, they are generally supportive and none has raised a substantial objection.
75. The British Medical Association, Guernsey and Alderney Division has commented as follows:
- 'Whilst having reservations over the restriction of clinical freedom and the effects that this may have on a few individual patients, we recognise the Authorities' need to contain costs in this very expensive area. Assessing both the risks and benefits we are prepared to support the Authority in operating a limited prescribing list.*
- We recognise that it is in the detail of the operation of this list that the success of the scheme will depend. The goodwill of the Authority and its advisors will be paramount. However, we consider that the existing arrangement is working well and support your proposals on the understanding that the present balanced procedure will continue.'*
76. The Royal Pharmaceutical Society of Great Britain, Guernsey Branch has made a number of comments including the following:
- 'Whilst supporting the aims of the policy letter, a number of concerns have been expressed...*
- An increasingly bureaucratic system is being put in place, which although workable at present, is dependent on key personnel. If there are problems in fully staffing the posts in the future the system may well break down...'*

## Withdrawal of Treatment

77. Some concern has been expressed that the proposals might mean that patients currently receiving treatment would have this treatment withdrawn.

78. Under the current proposals, everything that was available under the September 2001 British National Formulary will be covered. The Authority will also consider what is currently being prescribed to patients.
79. However, there may be some patients who are taking unlicensed products, or older drugs where better alternatives are available. These people will need to pay the full price for products they had previously received under the pharmaceutical scheme should they wish to continue to take that particular product. Some patients might be advised to change to a product contained in the limited prescribing list.
80. Careful consideration of which products will be included in the limited prescribing list will minimise this disruption to patient care. Furthermore, a review of non medicated dressings, appliances and other products that are reimbursed as pharmaceutical benefit may result in some patients being able to obtain their prescribed treatment on prescription.
81. Doctors will always be presented with a range of options within a therapeutic group, with new products added at a later date if approved.

#### **Availability of New Treatments**

82. Once established, the limited prescribing list will need to be kept up to date with the inclusion of new products and exclusion of older products that have been discontinued or rarely used.
83. Considering which products will be included or excluded will be the role of the PBAC which will make recommendations to the Authority. New products will not be recommended for inclusion unless the Committee considers that they provide a real advantage over existing medicines contained in the limited prescribing list.
84. Such restrictions in the use of new medicines may be in the patients' interest as not all rare adverse reactions may have been seen during the trials of a drug.

#### **The fit with recommendations of NICE**

85. Concern has been raised, through consultation, that the work in setting up a limited prescribing list may duplicate that already being undertaken in the UK by bodies such as the National Institute for Clinical Excellence (NICE).
86. NICE was set up in the UK to advise on the suitability of products for use at public expense within the NHS. It has been suggested that the decisions of NICE should be used to guide prescribing in Guernsey instead of duplicating efforts and creating a local limited prescribing list.
87. While NICE has issued guidance on a wide range of medicines, its work programme is largely dictated by political pressures and hence concentrates on areas of high cost or controversy. In the past 18 months, around eighty new medicinal products have been marketed. Of these, only three have been the direct subject of a NICE technology appraisal with four other new products indirectly covered by existing guidance.

88. It is clear, therefore, that at present NICE cannot be relied upon to provide an opinion on the majority of new products at launch. It is believed that the UK Department of Health supports recommendations from the parliamentary Health Committee for NICE to focus more in the future on providing product assessments at launch but, as yet, it is not clear how and when this will be achieved.
89. So much of what is currently prescribed as pharmaceutical benefit lies outside NICE's current or planned programme that it is impractical to consider NICE as an option for controlling local expenditure. Certainly, where available, the decisions of NICE will be considered along with all other evidence in reaching local decisions about product reimbursement. But in order to review the full range of products prescribed locally there is a need for a more comprehensive mechanism as suggested in the Authority's proposals for a limited prescribing list.

### **Recommendation**

90. The Authority recommends:

that with effect from 1 January 2004, a limited prescribing list be introduced as set out in paragraphs 37 to 61 of this report.

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

Yours faithfully,

O.D. LE TISSIER

President  
Guernsey Social Security Authority

## Appendix

### Criteria for Inclusion/ Exclusion

1. As stated in paragraph 45 of this report it is suggested that the following criteria be used by both the Prescribing Benefit Advisory Committee (PBAC) and the Authority in determining whether a product should be available on a limited prescribing list.
  - a. the product's effectiveness;
  - b. the product's safety;
  - c. whether alternative products or treatments were available;
  - d. costs;
  - e. anticipated demand for the product; and
  - f. whether the product was a lifestyle product.
2. This appendix gives further details in relation to these criteria.

### *Effectiveness*

3. Demonstrating effectiveness relative to existing treatments plays no part in licensing decisions. Most early studies of new medicines are performed against placebo rather than an established active drug. Trials used to support a licence application tend to be carried out over a short length of time (often only four to six weeks). In addition, study populations are meticulously selected and exclude many patient groups like the elderly, children, those taking other medication, and those with concurrent diseases. Therefore, the people included in the trials may be very different from the population intended to receive the new medicine.
4. At the time of licensing, information on effectiveness may not be in the public domain. This lack of good quality evidence published in peer reviewed journals prevents the critical appraisal of data necessary to earn any medicine a place in today's evidence based health care system.
5. The PBAC and the Authority will therefore consider available evidence when deciding whether a product should be included in the limited prescribing list.

### *Safety*

6. Each new medicine must have a marketing authorisation, product licence, granted by the Medicines Control Agency or the European Agency for the Evaluation of Medicinal Products. Three criteria are considered in the licensing procedure for new medicines:

Does the medicine work?

Does it have an acceptable safety profile?

Is it of good quality?

7. There are limitations to these assessments and it is believed there is a need for a new approach that will consider the overall contribution of each new medicine to the health care system before it is made widely available.
8. The licensing process cannot identify uncommon adverse events associated with a new medicine. Licensing decisions are based on trials involving, on average, around 1500 patients. If none of the patients involved in these trials suffered a particular adverse event, there can be 95% confidence that the true incidence of that event is between 0/1500 (0) and 3/1500 (1 in 500). A serious adverse event with an incidence of 1 in 5,000 may be enough to cause withdrawal of the drug. Yet, trials involving over 15,000 patients would be necessary to identify such an association.
9. At present, post-marketing surveillance schemes are used to monitor the safety of a drug throughout its marketed life. But such schemes rely on information volunteered by prescribers rather than systematic study, and only a fraction of all important events is notified.
10. Both the PBAC and the Authority will review the safety evidence of products as part of their decisions whether to include it on the limited prescribing list. The Authority will look to the recommendations of the PBAC in relation to safety and effectiveness of any products.

#### ***Alternative Products and Treatments Available***

11. Doctors are not constrained to use medicines rationally and cost-effectively. The licence for a new medicine simply states the indications for which it may be prescribed, not its appropriate place in therapy. So a new antibiotic may be licensed for the first-line treatment of urinary tract infections despite the proven effectiveness of older and less expensive antibiotics in treating the same infection.
12. Demonstrating common, measurable benefits to achieve a licence, like a reduction in blood pressure or blood cholesterol level, does not necessarily mean that a new medicine has a role in the overall management of patients at risk of cardiovascular disease.
13. Consideration will be given to any product's overall place in the treatment of a condition. Effectiveness, safety and costs will be considered when making any comparisons with treatments already available.

#### ***Costs***

14. Cost will not be the sole criteria by which products are chosen for inclusion in the limited prescribing list. Obviously, if there is an alternative product that is as effective and safe but less expensive, then it may be selected in preference to the more expensive product.
15. The comparisons of costs of different treatments will be considered together with the overall cost to the Health Service Fund.

***Demand***

16. Many years, and millions of pounds, are spent developing a new medicine and manufacturers are, understandably, keen to market their product as soon as it is licensed. Recent changes in the NHS have led to more cost awareness and sales forces are finding it increasingly difficult to see doctors and gain acceptance for new products in the UK. The Channel Islands are an increasingly important market where sales staff enjoy relatively easy access to doctors.
17. Each year the pharmaceutical industry spends over £10,000 per GP on promoting their products. No other source of prescribing information has been shown to exceed the influence of pharmaceutical sales teams on GP prescribing. Yet the quality of information presented to doctors is biased and does not always present a balanced picture of the potential risks as well as benefits of a new medicine. Manipulation of study data can make a marginal statistical advantage become one of major clinical significance
18. Patient awareness of new medicines has increased in recent years. But, again, information published in magazines and newspapers often presents an unbalanced picture of the benefits of a new medicine.
19. The Authority and the PBAC will have to consider demand for products in light of the other factors. But low volume, high cost items are unlikely to be excluded from the list due to lack of demand as these are often the only drugs in their therapeutic class.

***Consideration of Lifestyle Drugs***

20. Ensuring all newly licensed medicines are considered by the PBAC and the Authority before they are available under the limited prescribing list will provide time for local health professionals to consider the risks, benefits and cost-effectiveness of each drug and issue advice on its place in therapy before it enters routine use. This will also allow time to consider whether support services are available to comply with a drug's licensed indications.
21. Many life-style drugs such as for smoking cessation, weight loss or control, drug and alcohol dependence or addiction etc require other support services. These drugs are used in support of these services and are often licensed for use with other services.
22. With these life-style changing products there must obviously be a commitment by the patient to change. There is therefore a balance that has to be considered between providing a product together with support services and the patient showing commitment to their own treatment. It may not always be considered appropriate in these cases simply to provide the product on the limited prescribing list and conditions may be specified for the product's use or quantity to be provided as well as conditions in relation to other support services.

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

23 May 2003

Dear Sir

***Guernsey Social Security Authority – Limited Prescribing List***

I refer to the policy letter from the President of the Guernsey Social Security Authority on the above subject.

The Advisory and Finance Committee acknowledges the Authority's view that a limited prescribing list will allow it to be specific about which products will be reimbursed through the pharmaceutical benefit scheme. It will allow doctors and pharmacists to determine easily which items can be prescribed and funded at public expense. The list would be kept up to date with new products.

The Committee notes with great concern that the total net costs per capita for Pharmaceutical Benefit in Guernsey are 62% higher than in Jersey though acknowledging that a greater proportion of secondary care prescribing is funded in Guernsey. However, the total Island drug costs remain 34% higher in Guernsey than in Jersey and they are also higher than those for England. In the Committee's view this justifies a limited prescribing list.

The Committee supports the proposals of the Guernsey Social Security Authority as it believes that it will help to control the costs of the pharmaceutical benefit scheme in an appropriate way.

The Committee recommends the States to approve the propositions arising from the policy letter.

Yours faithfully

L. C. MORGAN

President  
Advisory and Finance Committee

The States are asked to decide:-

III.- Whether, after consideration of the Report dated the 23<sup>rd</sup> May, 2003, of the Guernsey Social Security Authority, they are of opinion:-

1. That with effect from 1st January, 2004, a limited prescribing list shall be introduced as set out in paragraphs 37 to 61 of that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

**STATES BOARD OF HEALTH****RE-LOCATION OF STATES ANALYST'S LABORATORY AND  
ENVIRONMENTAL HEALTH DEPARTMENT**

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

19<sup>th</sup> May 2003

Dear Sir

**Re-location of States Analyst's Laboratory and Environmental Health  
Department**Introduction and Background

1. Both the States Analyst's Laboratory and the Environmental Health Department need to move to make way for planned developments on their respective sites. The former is located on the old Girls' Grammar School site at Rosaire Avenue which is earmarked for a sheltered housing development. This scheme is intended predominantly for older people and will be served by a resident warden, with specific responsibility for this client group, to enable them to live independently through provision of on-call assistance. It will include provision for 'very sheltered' housing and carers will be employed on site. There is an urgent need for this type of accommodation in Guernsey and it is imperative to press ahead with the relocation of the States Analyst's Laboratory in order not to delay the Rosaire Avenue project. The Environmental Health Department is located in the old Receiving Room on the Princess Elizabeth Hospital site, which is needed for planned clinical developments. This is a major element in the Board's site development plan comprising 2 new medical wards, medical investigation unit, chemotherapy centre, assessment and rehabilitation ward for older people, therapy departments, day hospital and renal dialysis unit. This is replacing part of the original 1930's building stock at the Princess Elizabeth Hospital.
2. In 1997, the Advisory and Finance Committee agreed to retain an in-house analyst facility and approved, in principle, the relocation of the States Analyst's Laboratory to the Raymond Falla House site at Longue Rue, St Martin's. At that time, it was intended to combine the States Analyst's Laboratory with the existing laboratories at Raymond Falla House but this scheme did not proceed on the grounds of cost, minimal benefits and differing needs.
3. In 2000, the Advisory and Finance Committee again approved in principle the construction of a new States Analyst's Laboratory facility at Raymond Falla

House, subject to the approval of the Board of Health, the States Committees at Raymond Falla House and the Board of Administration. The Board of Health was asked to lead on the project. However, circumstances changed and the proposals were amended to incorporate the Environmental Health Department into the new building as the Board of Health was experiencing difficulties in securing other premises away from the Princess Elizabeth Hospital site which, in any event, would have been rented and not, therefore, considered a cost effective long term option. Both these departments are, to a large extent, independent of other Board of Health services and it seemed logical to re-house them in this way. Other sites have been considered in conjunction with the Advisory and Finance Committee, the Board of Administration and the Island Development Committee but these are not feasible within the imposed timeframe.

#### Design Commission

4. Due to site development plan commitments, the Board's Health, Design and Development Group was unable to undertake this project and with the approval of the Estates Sub-Committee, the Board appointed private architects, following an appropriate tendering exercise for this design commission. Project management services are being provided in-house by the Board's Estates Department.
5. The successful tenderer was Lovell Ozanne & Partners Ltd, who subsequently produced a number of options for the siting of the new building on the Raymond Falla House site, together with proposals for re-development of the site infrastructure. The Board's preferred option and indeed that of the on-site States Committees to locate the building on the frontage of the site did not find favour with the Island Development Committee, the Advisory and Finance Committee and its Estates Sub-Committee. The Board has no strong views on its exact siting and, therefore, agreed somewhat reluctantly to revise its proposals in the interests of progressing the scheme to ensure the timely vacation of the Rosaire Avenue site in particular. The current plan is to construct a new 2-storey building at the rear of Raymond Falla House to accommodate the States Analyst's Laboratory and Environmental Health Department on the ground and first floors respectively. The Island Development Committee has raised no objection in principle to this revised proposal. Set out in Appendix 1 are site layout plans together with appropriate elevations.

#### Timetable

6. The Board anticipates that the main contract will commence in September 2003 subject to completion of enabling works, as explained in more detail below, and provided a main contractor can be secured to allow a timely start given the current overheated state of the local building industry. It is estimated that the duration of the contract will be 9 – 12 months followed by a short period for commissioning with occupancy by the end of 2004 at the latest. The Board wants to keep to this timetable to ensure that the much

needed sheltered housing development moves ahead on the Rosaire Avenue site as soon as possible and also to avoid any financial penalty.

#### Enabling Works

7. The redevelopment of this area of the Longue Rue site requires the existing boiler house, workshop, oil tank, water tower and various other temporary buildings to be removed/demolished or relocated. Whilst some of this will be carried out by the main contractor during the principal construction works, it is essential to ensure continued use of the boiler facility, particularly from September when the main works are predicted to start.
8. The Board has, therefore, arranged for the preparation and tendering of a package of mainly mechanical and electrical works to construct and relocate the boilers in a temporary housing for the period of the main construction works until the new boiler is commissioned and able to service both the new and existing buildings.
9. Whilst on site, the enabling works contractor will also carry out various decommissioning works as preparation for the main contract/demolitions. It is anticipated that an enabling works contractor will be engaged to mobilise in early July, subject to States approval to the scheme.

#### Procurement Route for Main Contract

10. Due to delays in the consultation/approvals process, a traditional detailed design and bills of quantities tender in open competition would not allow an end date to be achieved that would be anywhere near that required.
11. The Board has been advised by Guernsey Technical Services that, taking into account the prevailing circumstances, including the timeframe and the current local construction market, the two most suitable procurement options are Design and Build and Bills of Approximate Quantities. In this case, the most appropriate method is considered to be the use of Approximate Quantities, utilising two stage tendering, if suitable, which would enable the possible early procurement of major construction elements during the second stage of the tender.

#### Summary of Costs

12. It is estimated that the total cost of the works will not exceed £3,500,000. This sum includes for building works, fees, fixtures and fittings and specialist equipment.
13. The construction figure includes an allowance for design contingencies and fluctuations. Fees cover architect, structural engineer, mechanical and

electrical engineer, site investigations and notional Guernsey Technical Services costs.

14. All items of furniture and equipment in a reasonable state of repair will be transferred to the new building. The figure within the cost build up covers specialist equipment for the States Analyst's Laboratory nearing the end of its useful life and in need of replacement, some new items of furniture for both departments and an allowance for IT equipment/cabling/networking. The main construction budget covers built in fixtures and fittings.
15. The revenue costs to the Board of operating these departments on a new site are difficult to quantify. The States Analyst's facility is likely to be relatively revenue neutral. However, running costs for the Environmental Health Department are presently an integral part of the Princess Elizabeth Hospital budget (i.e. cleaning, light, fuel and power). There will also be a revenue cost for IT networking for both departments. It is hoped that these various revenue costs can be contained within the Board of Health's existing revenue allocation.

#### Recommendations

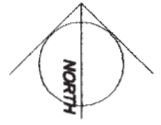
16. The Board of Health requests the States:
  - i) to authorise the Board to proceed with the provision of a new building for the States Analyst's Laboratory and Environmental Health Department, as set out in this report, at a total cost not exceeding £3,500,000;
  - ii) to authorise the Advisory and Finance Committee to approve the acceptance of all tenders in connection with this project and to approve a capital vote, not exceeding £3,500,000, such sum to be charged to the capital allocation of the Board of Health;
  - iii) to authorise the Advisory and Finance Committee to transfer an appropriate sum from the Capital Reserve to the capital allocation of the Board of Health.

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

Yours faithfully

P J ROFFEY

President  
States Board of Health

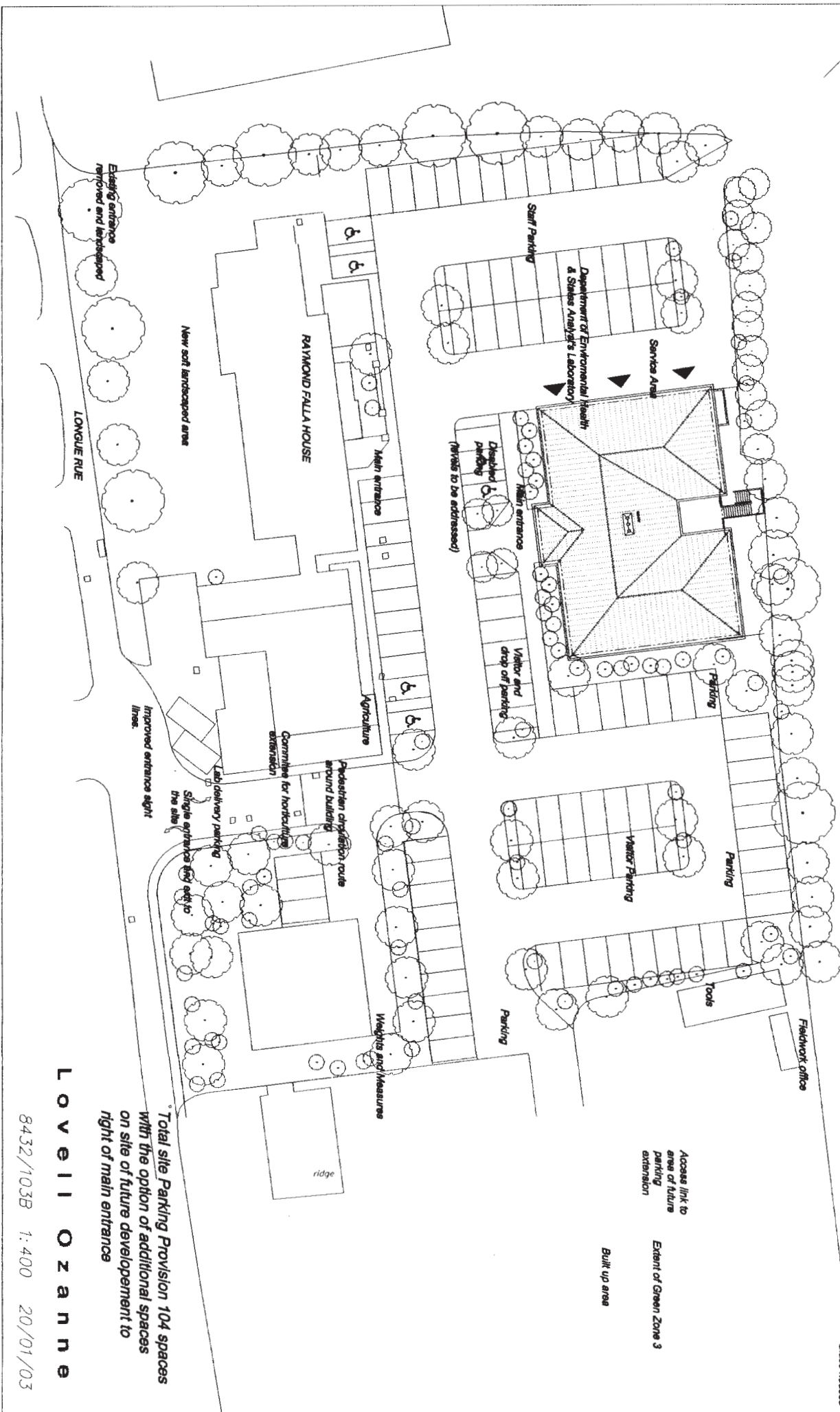


**APPENDIX 1**

Built up area

Extent of Green Zone 3

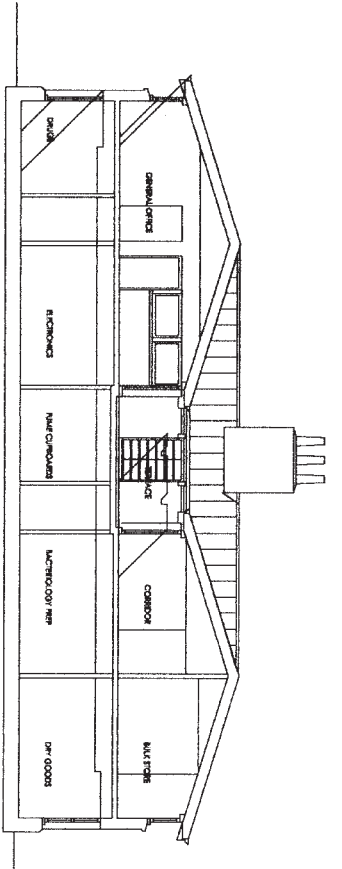
**DEVELOPMENT OF STATE ANALYSTS LABORATORY & ENVIRONMENTAL HEALTH DEPARTMENT**



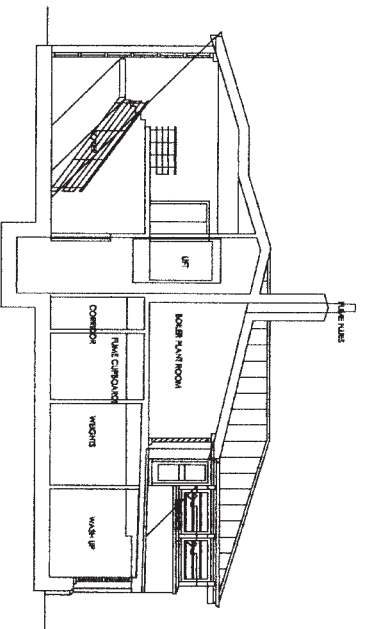
Total site Parking Provision 104 spaces  
with the option of additional spaces  
on site of future development to  
right of main entrance

**L o v e l l   O z a n n e**

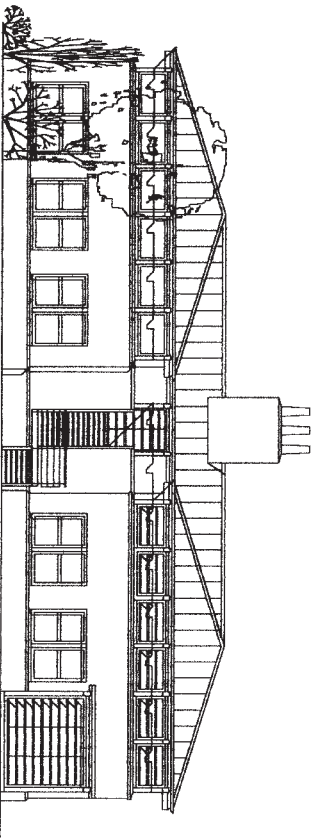
8432/103B 1:400 20/01/03



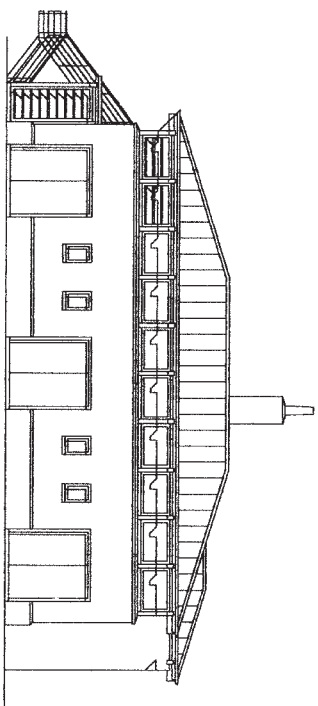
SECTION A-A



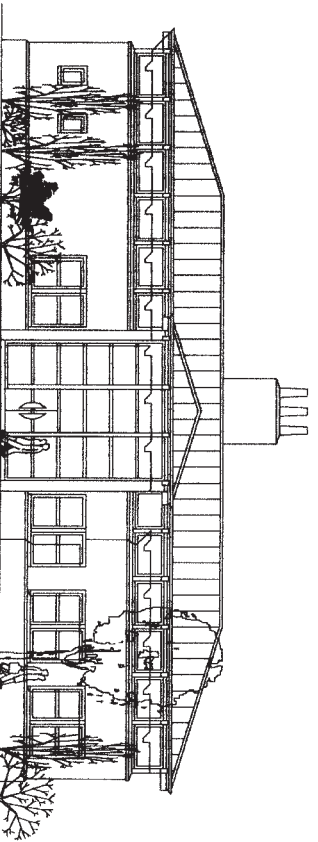
SECTION B-B



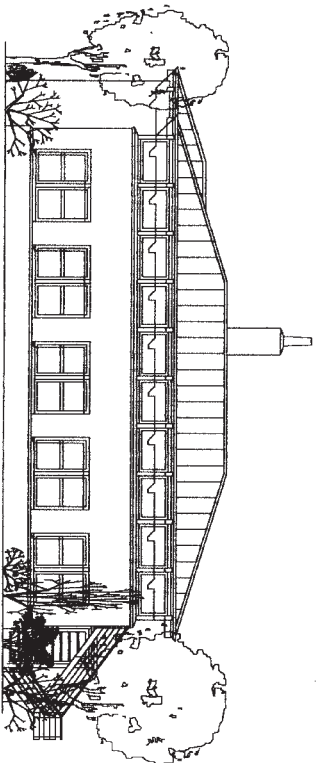
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

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

22 May 2003

Dear Sir

**RELOCATION OF THE STATES ANALYST'S AND ENVIRONMENTAL  
HEALTH DEPARTMENT**

I refer to the letter dated 19 May 2003 addressed to you by the President of the Board of Health on the subject of re-location of the States Analyst's and Environmental Health Department.

The Advisory and Finance Committee supports the proposal which accords with its in-principle decision to approve the retention of an in-house States Analyst's facility and relocate this to Burnt Lane. This scheme also involves accommodating both the States Analyst's and Environmental Health Department within one building and obtaining economies of scale in infrastructure services, which the Committee encourages. The Committee welcomes the increased usage of an existing States owned site and the provision of new facilities within a modern flexible building.

In supporting the proposal the Committee recognises that the existing accommodation for the States Analyst's and the Environmental Health Department is unsuitable and that any delay to the relocation of the States Analyst's Department will adversely affect the provision of sheltered housing at Rosaire Avenue.

Funding for this project will be met from the transfer of £3.5 million out of the Capital Reserve. At the beginning of January 2003 the Capital Reserve had a balance of £103 million, however, following States approval for a number of projects (including the Education Development Plan and additional Prison Accommodation) the balance on the reserve is currently £62 million.

The Advisory and Finance Committee recommends the States to approve the proposal.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'L.C. Morgan', with a long horizontal stroke extending to the right.

L.C. Morgan  
President  
Advisory and Finance Committee

The States are asked to decide:-

IV.- Whether, after consideration of the Report dated the 19<sup>th</sup> May, 2003, of the States Board of Health, they are of opinion:-

1. To authorise the States Board of Health to proceed with the provision of a new building for the States Analyst's Laboratory and Environmental Health Department, as set out in that Report, at a total cost not exceeding £3,500,000.
2. To authorise the States Advisory and Finance Committee to approve the acceptance of all tenders in connection with this project and to approve a capital vote, not exceeding £3,500,000, such sum to be charged to the capital allocation of the States Board of Health.
3. To authorise the States Advisory and Finance Committee to transfer an appropriate sum from the Capital Reserve to the capital allocation of the States Board of Health.

**STATES BOARD OF INDUSTRY**

**THE REGULATION OF UTILITIES (BAILIWICK OF GUERNSEY) LAW, 2001  
APPOINTMENT OF APPEALS PANEL**

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

24 April 2003

Dear Sir

**THE REGULATION OF UTILITIES (BAILIWICK OF GUERNSEY) LAW 2001 –  
APPOINTMENT OF APPEALS PANEL**

1. The Board of Industry is seeking States approval of a list of persons which it believes are suitably qualified and experienced to serve on a Utility Appeals Panel from which members of future Utility Appeals Tribunals will be drawn.
2. Background  
  
Part V of the Regulation of Utilities (Bailiwick of Guernsey) Law 2001 addresses the matter of appeals against decisions of the Director General of Utility Regulation. This part of the Law provides, inter alia, for the appointment of a Utility Appeals Panel and enables the States to make, by Ordinance, “such provision as they may think fit in relation to the appointment, constitution, proceedings and powers of the Utility Tribunal”.
3. The Regulation of Utilities (Utility Appeals Tribunal) Ordinance 2001 was approved by the States in September of that year.
4. The States of Guernsey approved the appointment of a Chairman, Deputy Chairman and Panel Members in October 2002 who predominantly specialised in the telecommunications sector.
5. The Tribunal is required to make available persons who specialise in all utility sectors and is proposing the appointment of additional suitably qualified persons who have experience in a wide range of regulatory matters within the postal and electricity sectors.

6. The Board, after consultation with the Policy and Finance Committee of the States of Alderney and the General Purposes and Finance Committee of the Chief Pleas of Sark, has drawn up a list of persons whom it believes fulfil the requirements of the Law, in that they are:
- persons who have experience and knowledge relevant to utility activities and the regulation thereof and who are independent of any licensee (Section 14(3)); and
  - not members of the States of Deliberation or the States of Election or the States of Alderney or the Chief Pleas of Sark (Section 14(4)).

The proposed list is appended to this letter.

7. Tribunal Service

In making this approach to the States, the Board acknowledges that in time responsibility for establishing and administering the Utility Appeals Panel may well be transferred to the centralised Tribunals Service agreed in principle by the States.

8. Recommendations

The States is requested to approve the membership of the Utility Appeals Panel, as set out in the appendix to this letter.

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

Yours faithfully

JOHN ROPER

President  
Board of Industry

**Brief Resume of Panel members' details****Chris Bolt**

Mr Bolt has been involved in the development of regulatory and competition framework for UK utilities and has experience in water, energy, telecommunications and rail sectors. He has extensive experience in regulatory issues for transport, water, gas, rail and telecommunication companies having held senior regulatory positions with Lattice Group Plc, Transco Plc and Ofwat. Mr Bolt is currently employed as a Public Private Partnership (PPP) Arbiter – a statutory appointment made by Secretary of State for Transport, providing guidance on, and determining disputes concerning matters specified in PPP contracts, in particular in relation to rates of return and efficient operation.

**Philip Burns**

Mr Burns is a Director of a major economics energy practice and specialises in the regulatory, strategic and market design issues arising in the sector. He is an expert on utility regulation and has shaped regulatory policy through his published work and through his work with regulators and companies, particularly within the electricity sector, over the past ten years. He currently serves on the panel of advisors to the Dutch energy regulator and the postal regulator in the UK and advises a number of major European energy businesses on their regulatory strategy.

**Professor David de Meza**

Professor de Meza is a Visiting Professor of Economics for the University of Exeter and holds external positions for the University of Bristol and London School of Economics. Professor de Meza is a Joint Managing Editor of the Economic Journal and was previously Co-editor of *Economica*, Associate Editor of the *Journal of Industrial Economics* and has served on the Council of the Royal Economic Society. Professor de Meza's major field of research is microeconomics and has contributed to a number of publications and discussions papers within economics.

**John Duncan**

Mr Duncan's background is within the electricity sector working extensively on the preparation of licences, agreements and price control formulae in the run up to vesting towards privatisation. Mr Duncan's current position is within Royal Mail with responsibility for developing the overall regulatory strategy including development and negotiation of price control mechanisms. He is accountable and responsible for the development and content of the company's licence and negotiations with a regulatory body. In the late 1990s under the EU TACIS programme wrote and

presented a series of lectures and workshops on regulation and utility economics, working for the Institute of the Management of the National Economy in Azerbaijan.

### **Professor Saul Estrin**

Professor Estrin has held the position of Professor of Economics at the London Business School since 1991 and has written or contributed towards an impressive number of economic publications. He currently holds an advisory position to Postcomm and has much consultancy experience on selected projects for International Agencies.

### **Jim Keohane**

Mr Keohane has been involved in regulatory affairs at a senior level for the last fifteen years. Most of his experience is in the Electricity Generation Industry, having held main Board positions with Eastern Group Plc, East Midlands Electricity Plc, North of Scotland Hydro Electric Board and South Western Electricity Board. He has also undertaken consultancy assignments on regulation, competition and electricity supply. Mr Keohane is currently working as a consultant to a wide range of clients, both Governmental and industry based on energy matters. In addition he is a non-executive Director of the Civil Aviation Authority.

### **Adrian Musto**

Mr Musto is an independent consultant/interim manager, to companies in North America and the UK, specialising in energy trading and risk management. He has extensive experience of tender for, negotiation and management of a variety of complex high value contracts. Mr Musto's previous career includes negotiation on behalf of eleven regional electricity companies, the heads of terms for five year coal backed electricity contracts with major energy suppliers. In a previous position as Energy Trading Director for East Midlands Electric/PowerGen, he has directed a £100m programme to develop the infrastructure to support competition in electricity supply.

### **Professor Gareth Myles**

Professor Myles is Head of the Institute for Fiscal Studies at the University of Exeter and has previously been a Lecturer in Economics at Jesus College, Oxford and the University of Warwick. His field of specialisation is public economics having held teaching and editorial positions. He has contributed to an impressive number of European and UK publications

**Clare Spottiswoode**

Most of Mrs Spottiswoode's experience falls within the energy sector. Mrs Spottiswood's is Deputy Chairman of British Energy and holds non-executive Director positions at Advanced Technology (UK) Plc and Caminus Inc. She also holds a Presidential position of Economatters Ltd, a gas consulting organisation. Mrs Spottiswood's previous positions includes Director General of the Office of Gas Supply and advisor to a Government Department on all aspects of economic policy and has been a member of a Government Deregulation Task Force responsible for a wide brief covering past and future regulations and enforcement methods. Her major achievements have included the preparation of and introduction of competition legislation, which required the preface of commercial and regulatory rules.

**Andrew Walker**

Mr Walker is Director of Regulation and Financial Affairs with the Office of Gas and Electricity Markets and is responsible for the regulation of the gas distribution sector in Great Britain including work on setting price controls, price control enforcement, regulatory accounts and connection charges. His current position includes determining disputes; dealing with regulated companies and other Government departments. His previous experience at the Office of Electricity Regulation (OFFER) included his involvement with competition policy and taking the lead of a price review that spanned fourteen electricity distributions and supply businesses, which was one of the largest successful projects that had been undertaken by OFFER.

24 April 2003

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

The States are asked to decide:-

V.- Whether, after consideration of the Report dated the 24<sup>th</sup> April, 2003, of the States Board of Industry, they are of opinion:-

To approve the membership of the Utility Appeals Panel, as set out in the Appendix to that Report.

**STATES ARTS COMMITTEE**

**REVIEW OF ARTS POLICY**

The President  
States of Guernsey  
Royal Court House  
St Peter Port

29th April 2003

Dear Sir

**REVIEW OF ARTS POLICY**

**I. Introduction: The Arts Committee's mandate, policy, budget and staffing**

Mandate

1. The Arts Committee's mandate is
  - a) To advise the States on matters relating to:

The promotion of arts and crafts in Guernsey including the provision of financial assistance.
  - b) To develop, present to the States for approval and to implement policies on the above matters for the provision of services, introduction of legislation and other appropriate measures which contribute to the achievement of strategic and corporate objectives.
  - c) To exercise the powers and duties conferred on it by extant legislation and States Resolutions.
  - d) To be accountable to the States for the management and safeguarding of public funds and other resources entrusted to it.
2. There are two specific States Resolutions which relate to funding by the Arts Committee

Resolution II of 27<sup>th</sup> July 1983 relating to the Eisteddfod

- “2. a) To approve in principle where admission is granted and facilities provided to specific categories of persons by arrangements with States

Committees at less than published rates, the Beau Sejour Leisure Centre Suspense Account shall be credited with the full amount of such published rates.

.....

2. e) To authorise the States Arts Committee to enter into such arrangements in respect of the Eisteddfod and to charge the cost in that Committee's accounts accordingly."

Resolution XVI of 25<sup>th</sup> April 1990 relating to the Friends of St James

"4 That with regard to the Friends of St James Association

- (1) To agree in principle to make separate and specific contributions towards that Association's annual running expenses, that is over and above such amounts as the States Arts Committee may decide to make available from that Committee's general funds;
- (2) (a) to agree that the States Arts Committee shall make an annual grant to the Friends of St James Association, such monies to be used for the purpose of assisting that Association to meet the salaries of the permanent staff;
- (b) that the amount of the grant payable to that Association under (2)(a) above shall be £45,000 for 1990.....;
- (c) to approve the provision of a suitable sum for the purpose of making an annual grant to that Association shall be included in the budget of the States Arts Committee .... in respect of 1991 and subsequent years;
- (d) to request that Association to invite the States Arts Committee to appoint annually one of its members being a member who is a sitting member of the States, to sit as a full member of the Council of the Association for so long as the States shall make grants to that Association in accordance with the above;
- (e) that the annual grant to that Association shall be conditional upon that Association co-operating fully with the States Arts Committee in its efforts to co-ordinate activities among local groups."

3. The States Resolution of 25<sup>th</sup> April 1990 also approved the action of the States Arts Committee to fulfil its mandate

- the Committee's policy to use the money made available annually by the States to assist the activities of those groups, which the Committee deems worthy of support, in order to encourage the promotion of a wide variety of visual and performing arts in the Island and to cater for as many as is reasonably possible

- the three forms of financial assistance provided by the Committee
    1. grants to assist arts organisations meet their general running costs
    2. fixed grants to support particular events or series of events
    3. underwriting particular events or series of events ie agreement to meet possible deficits up to a specific amount
  - the financial checks carried out by the Committee both before and after agreeing to provide grants/underwriting
  - the provision or otherwise of grants/underwriting to help co-ordinate the timing of events organised by different arts organisations.
4. There is one further specific States Resolution, relating to the Beau Sejour Theatre, of which mention needs to be made and which is referred to in Part III of this Report

Resolution XV of 11<sup>th</sup> April 2001

“5. To direct the States Arts Committee to report to the States at the earliest opportunity about the adequacy of the Beau Sejour Theatre as a performance space for local and visiting artists.”

#### Policy

5. Traditionally, the Arts Committee has been reactive – principally providing financial support to arts groups and individual artists on the basis of applications for grants or underwriting and having regard to amounts agreed in previous years
6. However, the Arts Committee became aware of a groundswell of opinion that it should be more proactive in its approach to supporting the arts in Guernsey. This coincided with the Committee’s own developing views about the need to articulate more clearly the role which the States should play in supporting the arts particularly in the light of possible changes to the machinery of government which were coming on to the political agenda.
7. In response the Arts Committee organised a seminar, facilitated by Phyllida Shaw, held in Guernsey in October 2000 and subsequently commissioned Phyllida Shaw to undertake an audit of arts activities and facilities in Guernsey and a review of the Arts Committee’s objectives – see Part II of this Report.

#### Budget

8. The Arts Committee’s 2003 budget is as follows

	£
Cultural Activities Inside the Island	57,500
Grant to Friends of St James Association	<u>57,500</u>
	115,000

9. Although the Committee received additional amounts of £30,000 for the Victor Hugo Bicentenary and £10,000 for the Theatre Review, this “basic” figure has not increased since 2000.
10. In recent years the Committee has budgeted half of its “basic” annual cash limit as the grant to the Friends of St James Association. The Committee would intend to review the level of the grant, as part of a general review of its activities, should the States approve the recommendations contained in this Report. Any increase, which may be thought appropriate, in the grant to the Friends of St James Association would, however, have to depend upon an increase in the Committee’s overall basic budget.
11. In 2002 support for the Eisteddfod (under the 1983 Resolution) and a general grant to the Arts Council is expected to account for more than 20% of the budget for cultural activities.
12. The remainder of the cultural activities budget will be allocated to around thirty separate organisations – an average grant or underwriting of £1,500 – to support a wide range of events or series of events including art, crafts, choral and classical music, dance, drama, film, folk and blues, jazz and popular music. The events or series of events include professional groups brought into the Island including those organised under the auspices of the Channel Islands Arts Co-ordinating Committee.
13. Similarly in 2002 the budget for Victor Hugo Promotions, which was allocated by the Committee in close consultation with the Victor Hugo Working Party (on which the Arts Committee, the Heritage Committee and the Tourist Board are represented), was used to support a dozen events or series of events – including a substantial grant for the Music Festival - being staged by various organisations during the summer of 2002 to mark the bicentenary of Victor Hugo.

#### Staffing

14. The Arts Committee has no staff of its own. The Committee Secretariat provides general policy, administrative and secretarial support but the officers concerned have no professional expertise in the arts and can only devote a small proportion of their time to serving the Committee.

## II. The Phyllida Shaw Report

15. Attached as Appendix I is a copy of the report commissioned from Phyllida Shaw (a brief summary of Phyllida's background and experience is also attached as Annex 1 to this Report). Phyllida Shaw's report includes an audit of arts activities and facilities in Guernsey and a review of the Arts Committee's objectives.

### The Audit

16. The audit shows the wide range of arts activities – amateur, professional and educational - carried on in the Island by a large number of Islanders at a surprising variety of venues.
17. If there had previously been any doubt, the audit makes it clear that the arts form a vital element of Island life.
18. The Audit does, however identify a number of gaps in arts provision

- a) a lack of understanding, on the part of the States, of the contribution that the arts make to the cultural, economic and social well-being of the Island and the consequent lack of a strategy for developing interest in, and provision for, arts activity;
- b) a need for (i) a flexible studio theatre, which could also be used for dance; and (ii) an exhibition space that is professionally designed and equipped and is available for both local and touring exhibitions:

the Audit suggests that the ideal solution would appear to be the improvement of the Beau Sejour Theatre and the inclusion of high quality arts facilities in the new schools and College of Further Education;

- c) an opportunity for the Arts Committee to work with the Education Council and Youth Service to support more opportunities for children after school and during the school holidays;
- d) the development of arts activities specifically designed to provide opportunities for people with least access to the arts, either because of age, disability, poverty or where they live;
- e) opportunities for permanent and temporary works (including street furniture, paving, signage and the illumination of buildings) in both urban and rural parts of the Island;
- f) opportunities for amateur groups and individual artists to undertake training to increase their knowledge and skills; and
- g) a need to co-ordinate the publication of information on paper and on line.

### Arts Committee's Objectives

19. In response to the Audit and particularly to the gaps identified as set out in the previous paragraph, the Arts Committee held a workshop, facilitated by Phyllida Shaw, to develop a series of proposed objectives for the next four years.
20. The proposed objectives (as set out in section 5.5 of Phyllida Shaw's report) are as follows:-

#### **“Expertise**

1. To secure the necessary funds to appoint a full-time, professional Arts Development Officer in order to enable the Arts Committee to implement the following key objectives [*a job description and person specification is enclosed as an appendix to Phyllida Shaw's report*].

#### **Venues**

2. To improve the quality of venues for the performing and visual arts in Guernsey.

#### **Young People**

3. To increase the range and quality of opportunities for young people to enjoy and participate in the Arts.

#### **Education, participation and training**

4. To support educational and participatory activities led by visiting and resident professional arts companies and artists.
5. To support local artists in developing the skills to work in educational and community settings.

#### **Art in public places**

6. To enhance the quality of public places by supporting the commissioning and purchase of works of art.

#### **New Technologies**

7. To encourage innovation in the arts by supporting arts initiatives that make creative use of new technologies.

### **Information and communication**

8. To improve the quality of communication between the providers of arts facilities, activities and services in Guernsey.
9. To stimulate improved media coverage of the arts in Guernsey, through print, broadcasting and the internet.
10. To raise the public profile of the work of the Arts Committee.

### **Partnerships**

11. To seek opportunities to work with other States Committees and with independent providers of arts facilities and programmes, including Guernsey Arts Council, St James and individual promoters towards the fulfilment of their complementary objectives.”
21. The Arts Committee recognises that these are ambitious objectives and achieving them will be pose a substantial challenge for both the Committee and the community.
22. The Committee considers that in order to make progress it is essential that an Arts Development Officer is appointed as a matter of priority (as set out in objective 1 above). The Committee understands that the appointment of a Sports Development Officer by the States Recreation Committee has ensured that local sporting groups
  - work to a common framework
  - develop a series of policies (on such matters as child protection, drugs strategy)
  - formulate development plans to encourage young people to participate in sporting activities.

The Committee believes that this approach has been particularly successful and wishes to see similar progress made in respect of the Arts in Guernsey.

23. The Committee believes that, initially, it is essential that an experienced officer be appointed to develop an arts strategy to implement the Committee’s objectives. The Committee considers that a three-year contract would be most appropriate in the first instance. In the expectation that the appointment will be a success, the Committee would wish to consider, prior to the end of the three-year contract, the future desirability of a permanent appointment.
24. The Committee has consulted the Civil Service Board which has indicated that, subject to the approval of this policy letter by the States, it would be prepared to increase the Arts Committee’s establishment for a three-year period to enable the appointment of an Arts Development Officer (as set out in

the previous paragraph), on the understanding that, should the Committee wish to make the post permanent in the future, it will make a full submission to the Board. The Committee welcomes the Civil Service Board's response.

### Consultations

25. The Arts Committee consulted widely with local arts groups and is pleased to have received 23 responses to the Shaw Report, which it has found most encouraging. A number of the responses point out that, although more than 80 individual arts groups have been identified in the audit, there are also a small number of other arts groups operating locally. In general, whilst the responses are wide ranging, the vast majority of respondents support the appointment of a full time Arts Development Officer. They consider that this post is essential if the Arts are to be realised to their full potential.
26. A number of respondents welcome a closer involvement between States Committees in the development of the Arts. Other respondents welcome the development of partnerships between the public, private and voluntary bodies. They believe that this mix of interest and expertise will help to exploit the Arts to its full potential.
27. A number of respondents wish to see additional venues provided, and hope that the redevelopment of the secondary schools will allow the creation of additional facilities for both educational and community purposes.

### **III. Review of Beau Sejour Theatre**

28. As explained in paragraph 4 above the States Resolved on 11<sup>th</sup> April 2001
  - “5. To direct the States Arts Committee to report to the States at the earliest opportunity about the adequacy of the Beau Sejour Theatre as a performance space for local and visiting artists.”
29. The Arts Committee commissioned AMPC (Anne Minors • Performance Consultants) to prepare a feasibility study of the renovation of the Beau Sejour Theatre (a brief summary of AMPC's work and experience is attached as Annex 2 to this Report).
30. Attached as Appendix II is a copy of the text of the AMPC report. The full report, which includes photographs, plans and drawings, has been deposited at the Greffe for the information of Members of the States. The AMPC report identifies three options for the renovation of the Beau Sejour Theatre.
31. Minimum Change – essential works for the smooth running of the Theatre - £650,000 AMPC estimate

This would include

- replacing the stage floor
- providing more seats at the front of the theatre

- moving the aisles to the side of the theatre
- providing disabled seating
- improving the access from rear of stage
- changing ceiling materials and raising ceiling relative to the roof
- relocation of lighting bridges
- increasing the depth and size of the pit
- Upgrading lights.

32. Medium Change – to deal with the drawbacks of the proscenium and the height of the Theatre but retaining the existing theatre rake - £3,625,000 AMPC estimate

This would include

- replacing the roof and installing new lighting catwalk
- create flytower with safety curtain
- develop ceiling
- improve air conditioning
- provide more seating at balcony level
- extend orchestra pit under stage

plus the “minimum change” alterations identified in paragraph 31.

33. Major Change- replacing the seating rake with retractable seating over a flat floor retaining most storage backstage - £4,250,000 AMPC estimate

In addition to the changes identified in paragraph 32, this would include

- stripping out the existing seating
- replacing it with retractable seating
- creating an orchestra pit with hydraulic adjustment in level.

Major change offers a more flexible space than medium change but the use of retractable seating means a rectilinear model. The medium change option provides curved seating and balconies.

34. The AMPC estimates are included for comparative purposes. The Committee is advised that the amounts are likely to be understated.

#### Consultations

35. The Committee arranged for Anne Minors to meet with a number of Theatre users prior to the presentation of her feasibility study for the renovation of the Beau Sejour Theatre. The evidence taken at these meetings has been included within the report.
36. After reviewing the report the Arts Committee accepted that there was a need for three venues at which larger events, some of which are provided by professional companies, can be held

- Concert Hall – St James, owned by the States and operated by the Friends of St James Association with financial assistance from the States
  - Principal Theatre – Beau Sejour owned and operated by the States but in need of upgrading; the Committee favoured the “medium change” option included in the minors report (see paragraph 32 above)
  - A new Studio Theatre and Exhibition Space – possibly to be included in the new College of Further Education.
37. The Committee consulted the Advisory and Finance Committee, the Recreation Committee and the Education Council on the outcome of its review of arts policy.

#### Advisory and Finance Committee

38. The Advisory and Finance Committee referred the matter to the Estates Sub-Committee and representatives of the Arts Committee attended a meeting of the Sub-Committee held on 15 November 2002.
39. The Sub-Committee informed the Arts Committee that it was aware of the demands for limited States resources, most of which were of a higher priority, and the fact that the existing Theatre was already deemed capable of fulfilling a wide variety of roles to an acceptable standard.
40. The Sub-Committee informed the Arts Committee that it had advised the Advisory and Finance Committee that it could not support the Arts Committee’s desire to upgrade the Beau Sejour Theatre.
41. Members of the Estates Sub-Committee, however, expressed sympathy for the Arts Committee’s desire to appoint a professionally qualified Arts Development Officer as the focal point for the future development of the Arts in Guernsey.
42. The Arts Committee acknowledges that there are competing demands for limited resources but it considers that the Minors Report (Appendix II) would justify the upgrading of the Beau Sejour Theatre.

#### Recreation Committee

43. The Recreation Committee has expressed its full support for the appointment of an Arts Development Officer.
44. The Recreation Committee continues to support and encourage the Arts Committee in its wish to develop a higher profile for the Arts in Guernsey and supports the development of a strategy for the arts as a priority.

45. However, the Recreation Committee advised that it continued to believe that the current multi-use theatre at Beau Sejour has adequate facilities for a substantial number of its users and is appreciated and enjoyed by many.
46. The Recreation Committee considers that, if an investment in its facilities to upgrade its use for theatre events was to be supported, there should be full consultation between the Recreation and Arts Committees supported by a business plan and an assurance that the continued use of the theatre for a multitude of uses would not be compromised.

#### Education Council

47. Attached as Appendix III to this Report is a letter dated 21 February from the Education Council which
- sets out the Council's comments on the proposed objectives set out in Phyllida Shaw's report (see paragraph 20 above)
  - outlines the Education Council's plans for the support of the arts with particular reference to the auditorium, teaching rooms and studios proposed for inclusion in the first phase of the construction of the new College of Further Education.
48. The Arts Committee was also pleased to be briefed by the Director of Education on the Council's proposals for the new auditorium, teaching rooms and studios.
49. In particular, the Arts Committee
- noted that the Education Council supports the appointment of an Arts Development Officer although pointing out that note would need to be taken of the implications of the Review of Machinery of Government on this proposal
  - welcomed the proposals for the development of a Performing Arts Centre at the new College of Further Education, which would be available for community use and in respect of which the Council proposed to consult the Arts Committee
  - noted that the Education Council did not support the refurbishment of Beau Sejour Theatre
50. The Education Council's proposal to provide an auditorium, teaching rooms and studios proposed in the first phase of the construction of the new College of Further Education were subsequently approved by the States on 27 February 2002

#### **IV. Conclusions and recommendations**

51. The Arts Committee firmly believes that the arts make a vital contribution to the cultural, economic and social well-being of the Island and that the States have a duty to encourage and support the development of the arts in Guernsey.
52. The Arts Committee has identified a series of objectives (see paragraph 20 above) which it believes will enable the States to begin to address the development of the arts in Guernsey.
53. The key objective will be the appointment of a professionally qualified Arts Development Officer. Without this appointment the Arts Committee does not believe that it will be possible to move forward. An Arts Development Officer will be able to lay the groundwork which will enable the Committee to address the detailed objectives which it has identified.
54. The Audit has clearly identified the wide variety of venues at which arts events are held, both privately and publicly provided. The Audit does, however, identify gaps in provision. The Arts Committee believes that the States has a responsibility to provide a limited number of venues for the larger events, some of which are provided by professional companies.
55. In the light of the States decision to include the construction of an auditorium, teaching rooms and studios in the first phase of the development of the new College of Further Education and after taking account of the views expressed by the Estates Sub-Committee, the Recreation Committee and the Education Council, the Arts Committee has concluded that it would not be appropriate to recommend the States, at the present time, to consider upgrading the Beau Sejour Theatre. The Committee will look forward to working with the Education Council on the development of detailed proposals for the provision of the auditorium, teaching rooms and studios at the new College of Further Education.

#### Recommendations

56. The Arts Committee recommends the States to
  - a) note the reports submitted by Phyllida Shaw and Anne Minors (Appendices I and II to this Report)
  - b) formally acknowledge the vital contribution made to the cultural, economic and social well-being of the Island by the arts;
  - c) endorse the objectives proposed by the States Arts Committee in paragraph 20 of this Report; and
  - d) direct the States Civil Service Board to have due regard to the creation of the post of Arts Development Officer when administering the Staff Number Limitation Policy.

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

Yours faithfully

J M Beugeard.

J M Beugeard  
President

**Phyllida Shaw**

Phyllida Shaw is an independent researcher, writer and consultant, with fifteen years experience in the development and review of arts policies, plans and funding programme. She has worked for the British arts funding system, the Department for Culture, Media and Sport, the Arts Councils of England, Scotland and Northern Ireland and many Regional Arts Boards, as well as for Local Authorities, grant-making trusts and higher education institutions. She has a particular interest in working with the boards and staff of smaller organisations in increasing their capacity to deliver their objectives.

Phyllida is Arts Adviser to the Baring Foundation and an adviser to the Fellowships Committee of the National Endowment for Science, Technology and the Arts. She is the author of publications on arts and regeneration, the arts and community development and art in public places. She writes regularly for arts magazines and lectures on the undergraduate and postgraduate arts management and cultural policy courses at Sussex University. In a voluntary capacity, she is: Trustee of Arts Research Ltd, which publishes Arts Research Digest and Vice-Chairman of the National Network for the Arts in Health.

**AMPC (Anne Minors • Performance Consultants)**

AMPC is devoted to creating the best condition for making and enjoying the performances Arts. It has a wide breadth of experience and has been involved with the:

- preparation of briefs for buildings where people gather.
- assessment of existing buildings to establish their suitability as performance venues.
- provision of advice on the theatrical planning requirements of backstage and front of house.
- provision of advice on the disposition of the audience and the form of the auditorium to achieve good performer/audience relationships.
- integration of production of equipment within the auditorium to give a cohesive design.
- provision of advice on the facilities management of the performance spaces.

The Company also works with Specialists in lighting, sound and rigging to complete the technical theatre consultancy package.

Anne Minors is a musician and architect, who has been creating performance spaces for many years. She designed many theatres, concert halls and opera houses in the UK, Singapore, Malaysia, USA and Canada. Her lifelong interest in music, both as a performer and listener, feeds directly into her work as does her experience with theatre set design. She is Chairman of the Society of Theatre Consultants; member of the Association of Lighting Designers; the Association of British Theatre Technicians and other associations besides.

As a theatre consultant to the architects at the Royal Opera House, Covent Garden, Anne was responsible for the reconfiguration of the 2268 capacity main house and the design of its seating; the concept and planning of the new flexible 400 seat Linbury Studio Theatre and more besides. Anne Minors has worked as a consultant to the Architects at the Royal Opera House, Covent Gardens, the Barbican Centre, the Theatre Royal Bath, the Unicorn Theatre and many more venues nationally and internationally.

**A REVIEW OF ARTS PROVISION IN GUERNSEY**

**A report to the States Arts Committee**

**November 2001**

## **CONTENTS**

Introduction

Section 1 Venues for the arts in Guernsey

Section 2 Arts activity – participation and promotion

Section 3 Finding out about the arts in Guernsey

Section 4 Gaps in provision and possible responses

Section 5 The Objectives of the States Arts Committee 2002 - 2005

Appendix 1 Documentation reviewed

Appendix 2 Venues seen during the course of the audit

Appendix 3 Contributors to this report

Appendix 4 School arts facilities

Appendix 5 Arts courses at the College of Further Education

Appendix 6 Membership of Guernsey Arts Council

Appendix 7 Draft job description for an Arts Development Officer

## INTRODUCTION

This report to the Arts Committee is in five sections. The first three sections present the results of an audit of provision in Guernsey, undertaken in the first half of 2001. Section 4 considers gaps in provision and possible solutions. Section 5 reports on the objectives agreed by the States Arts Committee for the period 2002 – 2005.

The audit provides the Arts Committee with current information about the range and volume of arts provision in Guernsey and a context for its review of Arts Committee objectives. It will also be useful as baseline against which the Committee will be able to measure changes in patterns of provision, over time.

### The background to this audit

In October 2000, the Arts Committee of the States of Guernsey hosted a day-long seminar, at the Duke of Richmond Hotel, in St Peter Port, to discuss the current state of arts provision in Guernsey and to identify ways in which that provision might be strengthened. The seminar was attended by 70 people involved in the delivery of arts activity. They included Arts Committee members, venue managers, members of amateur arts groups and societies involved in a wide range of visual, performing and literary arts, sponsors, promoters, teachers, artists and journalists.

The seminar resulted in a list of recommendations. This piece of work was commissioned in response to two of those recommendations:

- i. to produce an up-to-date description of arts provision in Guernsey
- ii. to strengthen the role of the States Arts Committee, starting with a review its objectives.

For readers of this report who have not been involved in its compilation, it is important to note that:

- i. while the contents of this report may be used to inform a strategy for future States investment in the arts in Guernsey, the report does not recommend or constitute a strategy. The development of an arts (or cultural) strategy is a matter for of the Arts Committee, in consultation with other arts providers and with the public.
- ii. the brief did not include a survey of public attitudes to, or levels of participation in, the arts. Such a survey would be of value to the Arts Committee in monitoring changing attitudes to and levels of participation in the arts and in evaluating the impact of the Committee's support for the arts.

## **The methodology**

The audit of arts provision involved a review of documentation, site visits, and interviews. Documentation was collected from published sources and from individuals, voluntary groups and businesses involved in the arts on the island. A list of material reviewed is attached at Appendix 1.

Visits were made to a sample of 20 venues (buildings and open spaces) that are currently used in whole, or in part, for arts activity. The venues seen during the course of the audit are listed at Appendix 2.

To inform the analysis of gaps in provision and the development of objectives for the States Arts Committee for 2002 – 2005, interviews took place with members of the Arts Committee and with other key players in the arts.

Advice and information shared in one to one interviews, in advance of the October 2000 arts seminar and the proceedings of the seminar itself have also informed the content of the report. The time and effort contributed by many individuals to this process have been very greatly appreciated. A list of contributors is attached at Appendix 3.

The definition of the arts used in this report includes:

- the performing, visual, literary and media arts
- the creative industries (i.e. publishing, broadcasting, graphic design, digital media, architecture, etc.)
- the activities of professional and amateur artists.

## SECTION 1 VENUES FOR THE ARTS IN GUERNSEY

### In summary

Guernsey has a very small number of professionally equipped and managed arts venues and dozens of educational, community and commercial premises (including pubs and hotels) that are used, by amateurs and professionals, for different kinds of arts activity.

The list below includes all those venues cited by artists or arts groups for their current and, in a few cases, potential arts use. Lists of this kind are subject to change on a and should never be taken as definitive. The list does, however, provide a clear indication of the types of facility available on the island.

Gaps in provision are summarised in Section 4.

### 1.1. Professionally managed arts facilities

#### Beau Sejour Centre

Sir John Loveridge Hall (concerts. 1700 seats)

Sarnia Room (concerts, theatre. 900 seats)

Beau Sejour Theatre (film, performances and exhibitions. 403 seats)

Meeting rooms: Neptune Room (100 seats), Trophy Lounge (80 seats), Theatre Lounge (80 seats), Concourse (120 seats). Wheelchair access throughout.

#### St James' Concert Hall and the Dorey Centre

The auditorium (flexible staging and seating. Nearly 600 seats, including the gallery. Good acoustics for classical music. Professional technical facilities, grand and upright pianos, digital computer organ. Wheelchair access to ground floor. Hearing induction loop.)

The Dorey Centre (exhibitions, events. Due for completion end of 2001.)

The new developments will provide meeting and rehearsal rooms, a new box office, a restaurant and bar and better wheelchair access.

#### Museums and galleries

*Only museums with some arts content are listed.*

Castle Cornet (performances, exhibitions, poet in residence).

The Country House Gallery, Sausmarez Manor.

Fort Grey (exhibitions).

The Gallery, Grange House (very small gallery for exhibitions, usually by artists in residence).

Guernsey Museum and Art Gallery (permanent collection, temporary exhibitions,

Frossard Theatre for meetings and screenings, circa 60 seats).

Hauteville House (Victor Hugo's house. Permanent collection).

The National Trust Folk Museum.

St James and Beau Sejour Centre are both used for exhibitions.

**Cinemas**

The Beau Sejour Theatre (one screen. 403 seats).

The Mallard Complex (four small screens).

Please see paragraph 2.2.3. *Arts-related businesses* for a list of commercial galleries.

**1.2. Libraries**

Guille-Allès Library (meetings, reading group, photographic club, exhibitions, children's events, including storytelling. Loan of books, audio and video recordings, sheet music).

Priaulx Library (meetings)

**1.3. Education Council facilities**

*These spaces have all been cited by participants in the audit. Other spaces in schools may be available for hire. A list of schools' arts facilities is attached at Appendix 4.*

Amherst Junior School (dance)

Beechwood School (music rehearsals and concerts)

Elizabeth College Hall (concerts; music summer school)

The Grammar School (art department, lecture theatre - talks, screenings)

St Joseph's School Hall (line dancing)

Melrose, Ladies College (exhibitions)

St Martin's Primary School (lectures)

Guernsey College of Further Education, Art and Design Annexe, Grange House (exhibitions, artists in residence programme, day and evening classes).

Guernsey Youth Theatre, Brock Road – commonly referred to as the Youth Theatre (a studio theatre and rehearsal room. Used mainly by the Youth Theatre, but also by independent theatre groups and by teachers, for teaching and for their own training. Rehearsals, performances, workshops. Flat access).

The Youth Centre, Brock Road (dance studio, hall with stage, arts and crafts room.

Bands, discos, holiday arts schemes. Partially accessible).

Western Community Centre (arts and crafts room for youth and community use).

The College of Further Education (art and design annexe at Grange House. Small gallery, darkroom. Not wheelchair accessible)

**1.4. Places of worship and associated premises**

Cappelles Methodist Church (concerts)

Castel Church (concerts)

Forest Methodist Church and Hall (meetings, exhibitions)

King's Church, New Frontiers International (music rehearsals)

Les Camps Methodist Church (music rehearsals)

Les Cotils Christian Centre (meetings and talks)

St Andrew's Church Hall (meetings)  
 St Joseph's Church Hall (sequence dancing)  
 St Martin's Parish Hall (sequence dancing)  
 St Matthew's Church Hall, Le Guet, Castel (club meetings, talks)  
 St Stephen's  
 Salvation Army, L'Islet (music rehearsals)  
 The Town Church, St Peter Port (concerts)  
 Vale Church Hall (theatre and music rehearsals)

### **1.5. Other community venues cited by arts groups**

Bowls Association (writers' group)  
 Capelles Community Centre (meetings)  
 Castel Douzaine Room (silk painting meetings and demonstrations)  
 Rue Manguy Scout Hut (theatre rehearsals)  
 Vale Douzaine Rooms (exhibitions)

### **1.6. Open spaces with current or potential arts use**

L'Ancrese Common  
 Delancey Park  
 Cambridge Park (performances)  
 Candie Gardens (with bandstand)  
 Castle Cornet (performances)  
 L'Islet Common  
 Government House marquee (opera)  
 The Market Hall (potential)  
 The Quay, St Peter Port (street performances. Site of the Liberation Monument)  
 Sausmarez Park (performances)  
 Sausmarez Manor Art Park (sculpture exhibitions)  
 Vale Castle (concerts, Vale Earth Fair)  
 La Vallette Bathing Pools (performances)

### **1.7. Hotels**

Carlton Hotel (electronic organ concerts)  
 Cobo Bay Hotel (folk and blues club)  
 Grange Lodge Hotel (writers' group)  
 The Hampshire Lodge (music)  
 Harton Lodge Hotel (dance)  
 Hotel Fleur du Jardin (meetings)  
 Imperial Hotel (meetings)  
 La Trelade Hotel (meetings)  
 La Vilette Hotel (film exhibition, meetings)  
 Les Rocquettes (music)  
 Old Government House Hotel (concerts)  
 Rockmount Hotel (meetings)  
 St Martin's Country Hotel (film club meetings, exhibitions)  
 St Pierre Park Hotel (music, exhibitions)  
 Vazon Bay Hotel (music)  
 Wayside Cheer Hotel (dance – ballroom, sequence, American line, salsa etc.)

**1.8. Pubs and clubs**

*All of those listed host live or recorded music events. Live events range from organised gigs to jam sessions.*

The Albion Tavern  
 Baloos  
 The Bankers Draft  
 Batcave, The Dorset Arms  
 Beach Life, Sablon d'Or  
 Blind O'Reilly's  
 The Bowl  
 Cleo's, St Peter Port  
 Club 54  
 Cock and Bull Pub  
 The DogHouse  
 DV8 Bar  
 Fermain  
 Houment Tavern  
 The Monkey Club  
 Pieces Bar  
 No. 10  
 The Ship and Crown  
 Thomas de la Rue

**1.9. Recording studios**

The Bunker, Les Oberlands  
 Evolution Studios, St Peter Port (La Collinette Hotel)  
 Stage FX Studios, The Bunker, St Martin

## **SECTION 2 ARTS ACTIVITY – PARTICIPATION AND PROMOTION**

This section describes opportunities to participate in the arts and explains how the arts are promoted on Guernsey. The information is presented under three headings:

- the amateur arts sector
- the professional arts sector
- arts in education

### **In summary**

Guernsey is rich in amateur arts activity, particularly in music, theatre and dance. Crafts are also well represented. There appear to be few visual arts (fine art) or writers' groups. This might be explained by the ready availability of adult education classes in the visual and literary arts.

There are no professional performing arts companies based in Guernsey, but there are a number of individual professional musicians, visual artists, photographers, designers and craftspeople working as sole traders, running larger businesses or combining their work as artists with other forms of employment, notably teaching.

Arts events in Guernsey are organised by salaried programmers (at St James and Beau Sejour), by volunteers (e.g. Guernsey Arts Council, the committees of the One Act Play Festival and the Guernsey Lily International Amateur Film Festival), by individual promoters, who may or may not be paid, and by the Channel Islands Arts Coordinating Committee (the Guernsey members of which are officers of the States of Guernsey and a representative of Guernsey Arts Council).

The Education Department supports a Schools Music Service, which provides a peripatetic instrumental service and opportunities to play in bands, ensembles and orchestras. The Youth Service supports Guernsey Youth Theatre. There are no such opportunities in dance and the visual arts.

### **2.1. The Amateur Arts Sector**

Guernsey is sometimes described as a 'can do' island; a place where residents take the initiative in response to an identified need. It has been suggested that one of the reasons for the strength of Guernsey's amateur arts sector is the relative lack of opportunity to see the work of professional artists and companies. While the volume of professional work available to Guernsey audiences (with the possible exception of the visual arts) has increased in recent years, the choice of plays, concerts, dance, operas, readings, comedy, and arts events for children is limited by the size of the population (and therefore, the likely size of the audience), by the range of venues available and, to some extent, by the cost of bringing artists to Guernsey. (Cost is only a consideration because of the limited number of tickets the promoter can sell.)

Whatever the reason, Guernsey is rich in amateur arts activity, from the longest established dramatic society to the newest young band. Amateur is often used as a derogatory term to describe work of substandard quality. The definition of amateur used in this report is something done for love, not money. Amateur artists and amateur arts groups may make money through the sale of work or tickets at the box office, but they do not aspire or expect to earn a living from their art. In practice, most professional artists earn some of their income from sources other than their art and many arts companies rely on grants and donations, as well earned income.

Some amateur arts groups are legally constituted societies, groups, associations or charities. Some are informal groups. Some meet on a weekly basis, others get together a few times a year. Some produce work for public performance or exhibition; some simply meet to make work and exchange ideas and have no wider, public dimension. Some amateur groups promote only their own work, while others organise events involving others. Amateur promoters in Guernsey are listed at paragraph 2.1.2.

### **2.1.1. Amateur arts groups**

Below is a list of arts groups and societies known to be active in Guernsey. Music dominates with 27 music groups and 27 bands, some of which are amateur and some of which are aspiring to be professional. Bands rarely define themselves as part of the amateur arts sector, but they are clearly a hugely important part of Guernsey's arts scene, particularly (although not exclusively) for younger adults.

## **Music (45)**

### **Classical, choral, folk and other groups (21)**

*\* denotes a group run by the Schools Music Service*

Guernsey Camerata  
 Guernsey Chamber Choir and Orchestra  
 Guernsey Choral and Orchestral Society  
 Guernsey Choral Workshop  
 Guernsey Concert Band (brass band)  
 Guernsey Concert Wind Band\*  
 Guernsey Eisteddfod Society  
 Guernsey Electronic Organ Club  
 Guernsey Folk and Blues Club  
 Guernsey Folk Festival  
 Guernsey Glee Singers  
 Guernsey Harpsichord Trust  
 Guernsey Jazz Club/Jazz Festival  
 Guernsey Samba Band  
 Guernsey Symphony Orchestra  
 Guernsey Youth Band\*  
 Guernsey Youth Jazz Orchestra & Training Youth Jazz Orchestra\*  
 Guernsey Youth Orchestra\*  
 Sarnia Accordion Club  
 Suzuki Violin Group  
 Youth Chamber Orchestra\*

**Faith music groups (6)**

Christian Arts

The Friendship Company

Guernsey Fellowship Singers

The Island Churches Guernsey Festival Chorus

Nitro Praise. The Worship Band of the L'Islet Salvation Army

Our Lady Star of the Sea (Delancey) RC Music Group

**Bands (27)**

There is no single source of information about bands on Guernsey. They come and go and new ones are starting up all the time. This list has been compiled from a range of published sources, on paper and on the internet. Some will not exist by the time this report is published and others will have been formed. The reason for including this list is to illustrate the interest in this kind of music-making on the island.

The Breeze

Corrupted Sanity

Dave The Band

Dexter

The Firm

Five Leaves Left

The Foreseen

Hobo Sounds

Humus

The Infinite

Innocent Criminals

Jacob's Ladder

Jenkins Ear

Joe O'Donnell

The Johndoes

Mannequin

Mechanical Lobster

Monatomic

100% Cheese Free

Political Rapists

Recorded Delivery

Red Ladder and the Bandits

Redbones

Restless

The Strolling Bones

The Woodies

Worst Show on Earth

There are eight theatre groups, one of which, Guernsey Youth Theatre, is linked to the Youth Service. There are six dance groups, at least four of which meet to take classes from tutors on a weekly basis. The audit has not identified any contemporary dance groups but it may be that the eight private dance schools are meeting at least some of the demand for contemporary dance.

**Theatre (8)**

Les Amballes Players  
 Beckerleg Drama  
 Cutting Edge Theatre Company  
 Guernsey Amateur Dramatic and Opera Company (GADOC)  
 Guernsey Youth Theatre  
 Premier Productions  
 St Stephen's Players  
 Stage Door Theatre Company

**Dance (6)**

Belles and Broomsticks Morris Dance  
 Guernsey Festival of Dance  
 Guernsey Sequence Dance Club  
 Guernsey Square Dancers  
 Harmony Sequence Dancers  
 Sarnia Sequence Dance Club

Four film and video groups have been identified, including the Guernsey Lily Film Festival. This is an internationally known festival of amateur film. There are at least four photography groups and at least six craft (or applied arts) groups. Two of these also sculpture and/or painting in their activities but other than these, no fine art groups have been identified, other than the adult education groups run by the WEA or Guernsey College of Further Education.

**Film and video (4)**

Camcorder Club  
 Guernsey Film Society  
 Guernsey Lily Film Festival  
 High Tide Films

**Photography (4)**

Guernsey Photographic Club  
 Guernsey Salon of Print Photography  
 Prism Photographic Club  
 Spectrum Camera Club

**Crafts/applied arts (5)**

British Sugarcraft Guild – Guernsey Branch  
 Guernsey Dolls House and Miniaturist Club  
 Guernsey Flower Arrangement Society  
 Guernsey Silk Painting Club  
 Guild of Creative Arts  
 Sarnia Arts and Crafts Club

**Fine art/painting, drawing, sculpture etc.**

Sarnia Arts and Crafts Club  
 Guernsey Eisteddfod Society  
 Guernsey Guild of Creative Arts

There are few writers' groups, although writers also have the opportunity to meet through adult education classes.

### Literature (3)

Guernsey Writers Circle  
Poetry in Motion  
Guernsey Eisteddfod Society

### More than one art form (3)

Carnival Creations (carnival, circus, giant puppets)  
Guernsey Eisteddfod Society

### 2.1.2. Promotion of amateur work

Amateur groups promote both their own work and, in some cases, the work of others. There are a number of amateur events on Guernsey, each year, that are promoted on a purely voluntary basis. These include:

The table below lists regular events that are either arts events (e.g. the Square Dance Festival) or that involve performances or exhibitions in the proceedings (e.g. Liberation Day).

March	Guernsey Eisteddfod	Amateur/education
May	Liberation Day	Amateur/professional
June	One-act Play Festival	Amateur/education
June	Floral Islands of Guernsey	Amateur
June	Guernsey Square Dance Festival	Amateur
July & August	Outdoor theatre at Castle Cornet	Professional
July	St Peter Port Town Carnival	Amateur/professional
July	International Folk Festival	Amateur/professional
August	The South, West and North Shows	Amateur/professional
August	Vale Earth Fair	Amateur/professional
September	Guernsey Lily International Amateur Film Festival	Amateur
September	Craft Fair (trade fair)	Professional
October	Jazz Festival	Amateur/professional
Every other years	Guernsey Festival of Dance	Amateur/professional

## 2.2. The Professional Arts Sector

The professional arts sector in Guernsey is described under three headings:

- Presenters and promoters of professional arts work
- Individual, professional artists
- Arts businesses

### In summary

There are no professional arts companies based in Guernsey. Professional arts work (in the performing or visual arts) is presented by the two professionally managed arts venues, by the voluntarily run Guernsey Arts Council, by the education sector, by various States Committees and Departments (notably the Heritage Committee) and by individual promoters. In terms of volume, the main promoters are St James, Guernsey Arts Council and the Beau Sejour Centre.

There are at least 100 individual professional artists who make their living both from their art and from other sources in Guernsey. This figure does not include artists employed by businesses (e.g. jewellers, potters, website designers) so the actual figure is much higher. Of the named artists, the majority are visual artists and applied artists. While a handful of musicians are able to earn a living on the island, through teaching, there are few opportunities for actors, dancers and directors, which explains their absence from the list.

The audit has identified more than 60 arts-related businesses. These include businesses that make the products they sell (e.g. silverware, stained glass, wood carving); those that sell services (e.g. instrumental tuition, graphic design, record production); and those that sell products made by others (e.g. commercial galleries, record and bookshops, musical instrument shops). All three types of business are important to the cultural and economic well being of Guernsey.

### 2.2.1. Presenters and promoters of professional arts work

Section 1 described the venues available for arts activity in Guernsey. This section explains who is responsible for the presentation and promotion of professional arts work on the island. In some cases, the venue presenting the work is also the promoter (i.e it hosts the event and takes the financial risk).

When St James selects and contracts a jazz band to play at St James, it is both the presenter and the promoter. When St James is approached by a third party, such as Guernsey Arts Council, the agent of the jazz band or the jazz band itself, with a request to hire the auditorium, St James is the presenter and the third party is the promoter.

Arts venues that make space available to promoters do so in return for a hire fee, or a percentage of the box office takings, or a combination of the two.

In terms of volume of events, the two main presenters of live professional arts work on Guernsey are St James and the Beau Sejour Centre. If film is included, the Mallard Cinema and Beau Sejour are the main presenters.

The busiest single promoters of professional work are St James, which promotes about 25 events per year and Guernsey Arts Council, which promotes about 15. Beau Sejour only promotes film. All other events are promoted by third parties. The independent promoter is a key player in the arts life of Guernsey.

Work by professional visual artists is presented either by Guernsey Museum and Gallery or by one of the commercial galleries. Space at St James and at Beau Sejour may also be hired, by artists or their agents, for exhibitions. The work at these exhibitions may or may not be for sale and there may or may not be an entrance fee.

#### **ST JAMES** (concerts, recitals, occasional plays, exhibitions)

St James Concert Hall is the former Church of St James-the-Less. The States of Guernsey paid for the restoration of the church in the 1980s and the Board of Administration then leased it to the Friends of St James Association for use as an arts venue, from 1984. The Association (which is registered as a charitable trust) raises income to run the venue from a combination of box office sales, hires, grants, sponsorship, legacies and donations. St James is a professionally managed venue.

A typical annual programme includes around 205 events, of which 180 are hires and 25 promotions are own promotions. Not all of the hires are public arts events. They include conferences, trade fares, dinners and receptions.

The Arts Committee has been making a grant to St James since it opened. In 1989, the Arts Committee was voted an additional £35,000 to pass on as an annual grant to the Friends of St James Association. This grant was to be a contribution towards the cost of the salaries of the permanent staff. The grant, which is determined each year by the Arts Committee, is £57,500 in the current financial year (2001). A member of the States Arts Committee sits as a full member of the Council of the Friends of St James Association.

#### **GUERNSEY ARTS COUNCIL**

Guernsey Arts Council was established, in 1981, to foster interest in the arts in all its forms, through the promotion of the arts. It is both a promoter of professional performing arts events and a forum for the Bailiwick's arts community. (A list of organisational members is attached at Appendix 6.) The Arts Council undertakes this work on a voluntary basis.

Guernsey Arts Council promotes or co-promotes in the region of 15 events per year. The Beau Sejour Theatre is the most common venue (in the last financial year, nine companies gave a total of 15 performances there), but the Arts Council also uses St James and other venues, indoors and out. Companies give between one and five performances, depending upon the likely audience demand.

In designing its annual programme, Guernsey Arts Council works closely with the **CHANNEL ISLANDS ARTS COORDINATING COMMITTEE**. CIACC's brief is to bring professional arts companies to the Channel Islands and each year it contracts in the

region of ten companies to work on two or more of the islands. CIACC is made up of representatives from Guernsey, Jersey, Alderney and Sark. Guernsey is represented by David Savident (for the Arts Committee), Rob Tiplady (for Guernsey Arts Council) and an officer of the Education Department. CIACC promotions are usually underwritten either by the States Arts Committee or by the Friends of the Little Theatre Trust.

Guernsey Arts Council is a membership organisation and has different membership rates for individuals, families, students and organisations. Members are entitled to reduced rates at events promoted by the Arts Council. Until summer 2001, the Arts Council published a bi-monthly magazine, *Artefact*, containing features about the arts in the Bailiwick and a calendar of events. Publication ceased, partly because of the difficulty of meeting the production costs and partly because the Arts Council wished to concentrate more of its resources on promoting events.

### **BEAU SEJOUR CENTRE AND INDEPENDENT PROMOTERS**

The Beau Sejour Centre is managed by the Recreation Committee and managed, on a day to day basis, by a professional management team. It has two large halls and a theatre, which doubles as a cinema. Almost all events in the two halls and live events in the theatre are promoted by third parties. Beau Sejour promotes the cinema programme itself. It also promotes occasional arts-based activities for children during the holidays, e.g. an introduction to break-dancing.

In 2000, 38 films were shown in a total of 235 screenings. The main hall presented four rock bands, a dance production and a comedian. The theatre presented ten small-scale theatre and dance companies.

Beau Sejour is also the major venue for public performance by amateur groups, large-scale education projects and festivals. In 2000, amateur arts groups accounted for 180 dates in the calendar. Festivals staged at Beau Sejour included the Guernsey Eisteddfod, the Square Dance Festival and the One Act Play Festival.

Overall, live events account for 60% of all arts events at Beau Sejour and film for 40%. Of the 182.5 days available for live events in the theatre, in 2000, 165 days were taken up by arts events. Of these, GADOC booked 91 days (55% of the available time). Seven of these days were for the one-act play festival which involves more than GADOC members but the remainder of the hired time was for five individual GADOC productions and the group's summer season.

### **The main hirers of the Beau Sejour theatre during 2000**

GADOC	5 productions, a summer season and one-act play festival over 91 days
The Guernsey Eisteddfod	Several hundred short performances over 17 days
Club & Scouts Gang Show	16 days
Stage Door Theatre Company	2 productions over 16 days
The Arts Council	9 productions over 15 days

While in principle the theatre is available for hire, the block booking of time by one group does reduce the number of days available to others. From Beau Sejour's point of view, the priority is to reach its income targets. It is trying to eradicate a deficit and the entertainment side of the business (as opposed to sport) produces a surplus.

### **Other promoters**

**Channel Islands Music Council** (concerts in school and community venues).  
The Channel Islands Music Council organises performances by professional musicians in school and public venues. Public performances usually take place at St James, where there may also be a performance for schools only, if no school can host it. The programme is very wide ranging and in one term included a jazz vocalist, a brass quintet, and opera company and a Japanese Taiko drumming group. The Head of the Music Centre represents Guernsey on the CIMC. The Arts Committee does not fund CIMC.

**Friends of Guernsey Music Centre** (promotes events, including concerts, to raise funds for the benefit of Guernsey Music Centre).

**Guernsey College of Further Education** (promoting annual artist's residency and exhibitions in small public gallery)

**Guernsey Film** (promoting Guernsey as a location for film makers).

**Guernsey Folk and Blues Club** (promotes Guernsey International Folk Festival)

**Guernsey Jazz Club** (promotes concerts and the Jazz Festival)

**Guernsey Museum and Gallery** (organises exhibitions by living artists and related education activities, including artists and writers in residence)

**Healing Music Trust** (promotes concerts in hospitals, nursing homes, hospices and special needs schools. Musicians are booked by the Council for Music in Hospitals.)

**The Mallard** (film programme for four screens. A private concern)

**Sausmarez Manor Heritage Trust** (changing exhibitions in the sculpture park).

**The Schools Music Service** (promotes, to schools, concerts organised by the Channel Islands Arts Coordinating Committee and the Channel Islands Music Council, which take place either at St James or in a school.)

**Vale Earth Fair Collective** (annual music festival featuring professional and amateur musicians).

**The corporate sector** (music, opera and other performing arts, usually at St James).

**Individual promoters**, e.g. Ann Outram, Mark Guillou, Gill Freeman and off-island promoters

### **States Committees and Departments**

Through their funding or management of the above, the following States Committee and Departments or Services are involved in promoting professional arts events:

The Arts Committee  
 Education Council/The Schools Music Service and Youth Service  
 Heritage Committee/Guernsey Museums and Galleries  
 Recreation Committee  
 Tourist Board  
 Liberation Celebrations Committee

### **2.2.2. Individual professional artists**

The following list of individual professional artists has been compiled from documentation provided by interviewees, questionnaires, the telephone directory, websites and the prospectuses of the College and the WEA. The definition of 'professional' in this context is someone who is making at least part of their living from their art.

Artists who were sent questionnaires were invited to describe themselves either as an individual artist or as an arts business. Some did both, so there is a small amount of double counting. This is not by any means a comprehensive list but it does begin to show the where the skills gaps are. Visual artists account for 32% of the total, applied artists 29%, dance 16%, music 18%, literature 4%

#### **Artists**

*(unless otherwise stated, these artists earn part of their living as tutors at Guernsey College of Further Education)*

Edda Aschmann, silk painting  
 Jean Burnikell, folk art  
 Wilf Cochrane, dancer, choreographer (independent)  
 Margaret Colognoli, oil painting  
 Stuart Crisp, pottery  
 L.E. Cunningham, Morris dancing  
 Terry Domaille, dancer (independent)  
 Nick Eggleston, pottery, Celtic art  
 Annabel Ede-Golightly, watercolour painting  
 J.R. Falla, Irish set dancing  
 Linda Falla, crafts  
 Ann Farncombe, visual and applied arts  
 Barry Ferguson, woodworks  
 Jenneth Fitzgerald, embroidery (WEA tutor)  
 Nora Gregson, literature (WEA tutor)  
 Eric Grimsley, wood carving  
 Jill Herschel, paper crafts  
 Ken Hill, literature (WEA tutor)  
 L. Hoskins, drawing, portraiture  
 Eve and Ken Howard, dancers (independent)

Pete Izat, visual arts  
 Charles Jacques, visual arts (WEA tutor)  
 Dave and Joyce Le Maitre, dancers (independent)  
 Jane Langlois, piano  
 D. Leale, working in metal  
 Ian Le Maitre, woodwork  
 Margaret Moffat, acting, play reading, writing  
 Vivienne Le Page, calligraphy  
 Jenny Mahy, embroidery  
 Audrey Medland, crafts  
 Joy Mosley, flower arranging  
 Sarah Nicolle, art  
 Colin Nicholson, bell ringing  
 Sheila Noble, visual arts (WEA tutor)  
 Terry and Gwen Piesing, dancers (independent)  
 Peter Pinnock, opera  
 Marilyn C. Pugh, choral direction  
 Tessa Russell, dance history  
 Eric Snell, visual artist  
 Jane Seymour, soft furnishings  
 Gregory Stevens-Cox, literature  
 Robert Sweeney, watercolour painting (WEA tutor)  
 Alison Teed, rag craft  
 Colin Whitfield, music  
 Tony Yabsley, silversmithing, jewellery

#### **Musicians/music teachers**

Melissa Abraham, trumpet  
 Judy Beaugeard, piano teacher  
 Mary Cordall, percussion  
 Millicent Foss, piano teacher  
 Rachel Greenwood, violin / viola  
 Mark Guillou, guitar, bass, drums  
 Lynne de Guerin, violin / viola/theory  
 Chris Holland, 'cello/double bass  
 Ann Stevens, woodwind/clarinet  
 Lissa Sullivan, flute  
 Fionna Travers, woodwind, guitar, piano  
 M. Vivyan, keyboard theory  
 Juliette Williams, piano, organ, keyboards  
 Rosemary Williams, theory & aural

#### **Other artists identified**

Tracy Barritt, painter  
 Catherine Best, jeweller  
 Tony Brassell, painter  
 Deborah Carter, dancer, actor, musician  
 Pamela Dorey, painter  
 Peter Flatres, painter

Chris de la Fosse, painter  
 Tim Gaudion, visual and digital artist  
 Steven Hamon, stained glass artist  
 Ken Hill, painter  
 David Jory, visual artist  
 Ian Le Page, woodturner  
 Ena MacFarlane, painter  
 Paulette Machon, painter  
 Meg Mansell, painter  
 Pippa McCathie, writer  
 Brenda Munson, visual artist  
 Barry Owen Jones, visual artist  
 Graham Plevin, potter  
 Terry Robilliard, painter  
 Brian K.V.J. Terriss, visual artist  
 Carel Toms, painter  
 Val Travers, visual artist  
 Peter le Vasseur, painter  
 Margot Smith, painter

*For photographers, please see 2.2.3. Arts-related businesses below.*

### **2.2.3. Arts-related businesses**

Guernsey has a healthy number of producers and retailers of arts products, among them, dance schools, graphic designers, bookshops, record shops and musical instrument shops. The list below has been compiled from responses to the audit's postal survey, the Yellow Pages, the press and through businesses' own publicity.

#### **Artists' materials**

L'Atelier  
 Framecraft Ltd (framing and artists' materials, exhibitions)  
 The Lexicon  
 Times Graphic Centres Ltd (graphic art supplies)

#### **Bookshops**

The Bookshop, St Sampson  
 Buttons Bookshop  
 Channel Island Art and Books  
 (CIN) Press Shop  
 The Lexicon

#### **Broadcasters**

BBC Radio Guernsey  
 Channel Television  
 Island FM 104.7 Guernsey

#### **Crafts/applied artists**

Guernsey Clockmakers  
 Guernsey Candles  
 Guernsey Coppercraft

**Dance schools**

Lesley Blondel School of Dancing  
 Cats Dance School  
 Conchranes Dancing  
 The Dance Academy  
 The Dance Studio  
 Karen Dempsey School of Dance  
 Terry Domaille School of Dancing

**Film makers**

Ascension Films

**Galleries**

Art Works, Studio and Gallery  
 Channel Islands Galleries  
 Coach House Gallery  
 Country House Gallery  
 Durand Gallery  
 Guernsey Picture Framers and Art Gallery  
 The Quay Gallery  
 Stephen Andrews Gallery  
 Sula Framing and Gallery

**Granite merchants and stonemasons**

Channel Island Ceramics  
 Vaudin Stonemasons

**Graphic and digital design**

AWS Group, Design and Sign (graphic design, signmakers, print consultants)  
 The Digital Works  
 Fuse 101 (animation, video, digital design, internet)  
 Image Group Ltd  
 Joy's Production Services  
 Media Minds  
 Submarine Ltd (website design)  
 Wallace Barnaby and Associates Ltd (design & marketing consultants)

**Jewellers**

Catherine Best, jeweller  
 Bruce Russell and Son, Gold and Silversmiths  
 Guernsey Goldsmiths  
 Guernsey Pearl  
 Guernsey Silver

**Music teachers** *See also Musicians/music teachers above*  
 Guernsey Music Studios

**Musical instrument shops/piano tuning**

Wendy Falla (musical instruments)  
 Group Therapy (musical instruments)

Guernsey Pianos and Musique  
 Lakers Appliance Services (musical instruments)  
 The Piano Centre  
 St Martin's Music

#### **PA Hire**

Ray Lowe's Event Services  
 Small Venue PA and Disco Hire

#### **Potteries**

Moulin Huet Pottery

#### **Photographers**

Fiona Adams  
 John de Garis  
 John Fitzgerald Photography  
 Guernsey Photographics  
 Graham Jackson Photography  
 Mark Leightley photographer  
 Peter McMahon Photographer  
 Martin Purvis Photography  
 Peter Rouillard  
 Jon Sandilands Photographer  
 George Symons  
 Karl Taylor Photography  
 Jeff Wright, Channel Photography

#### **Recording and production companies/studios**

The Bunker, Les Oberlands  
 Evolution Studios, St Peter Port (La Collinette Hotel)  
 Hot Brown Source Audio Production (Evolution Studios)  
 Stage FX Studios, The Bunker, St Martin

#### **Record shops**

HOE Records  
 Uptown Music  
 The Pulse CD & Video Retailers  
 No. 19, The Pollet

#### **Stained glass**

Guernsey Glasscraft  
 Guernsey Stained Glass

#### **Woodcarvers**

Guernsey Woodcarvers

## 2.3. The Arts in Education

*'Learning is a process of active engagement with experience. It is what people do when they want to make sense of the world. It may involve an increase in skills, knowledge and understanding, values or the capacity to reflect. Effective learning will lead to change, development and a desire to learn more.'* The Campaign for Learning

### In summary

In Guernsey's education system, students' exposure to the arts is best described as uneven. There are real strengths in music for children of school age and in the visual arts for students at the College of Further Education. Some schools take every opportunity to introduce their pupils to professional arts practice but overall, teachers in Guernsey are experiencing the same pressures as teachers in England to concentrate their time and energy on the delivery of the National Curriculum.

The fact that schools are not being inundated with proposals from professional artists and arts companies to run poetry workshops, perform a play, make a sculpture or compose a piece of music with the pupils, means that pupils and teachers in Guernsey probably have less opportunity to work with professional artists than their counterparts in the UK.

That said, Guernsey Museums and Galleries Education Service, the States Education Council Services (which includes the Schools Music Service and the Youth Service) and CIACC continue to make great efforts to provide pupils with stimulating opportunities in and out of school hours

Few of Guernsey's schools have adequate arts facilities. (Twenty-five of a possible 33 schools provided information about their arts facilities. See Appendix 4.) Some schools have performing arts facilities capable of hosting performances by professional artists. None has a decent exhibition space. The facilities of the secondary schools are better than those of the primary or special schools, in terms of range but they too are in need of development and upgrading. All of the secondary schools have at least one art room but not all have dedicated music rooms or darkrooms. The College of Further Education has no performing art facilities. In the past year the College has been using the Youth Theatre for some of its drama activities. Like the schools it is in urgent need of a higher standard of facilities.

### 2.3.1. Working with artists

Artists create opportunities to experience and to reflect and, in so doing, create opportunities to learn. Participation in artistic activity can be as much a learning activity as a leisure activity and is often both at the same time. Beyond the requirements of the National Curriculum, every school in Guernsey makes its own decisions about the extent to which it will provide its pupils with opportunities to experience the arts.

Of the 25 schools providing information, 18 had worked with at least one professional artist or arts group in the previous year. Many had worked with the same group (a dance

company or a theatre company, for example) that had undertaken a tour of island schools that year. A number of schools have benefited from the annual visual arts residency organised by the Education Council. In the past this has included bringing members of the Education Department of the Royal Academy to work with a small number of schools. The residency has usually lasted for two weeks, with artists visiting two schools per day. In 2001, there were insufficient funds to bring artists from the UK and so two local artists were employed instead.

The activities cited by schools in the past year included the following. (Not many named the artists with whom they had worked.)

Little Angel Theatre (puppetry)  
 Magic Bus (singing)  
 Oily Cart (children's theatre company)  
 Play on Words Theatre Company  
 West Midland Theatre Company  
 Scottish Dance Theatre  
 Schools Music Music Service Concerts  
 Scottish Dance Theatre  
 Helen Foley  
 Mo Gardner, sculptor  
 Brian Moses, poet  
 Brian Rickard, stonecarver  
 Unnamed opera company, theatre companies, poets, writers, visual and applied artists.  
 Musicians booked by the Healing Music Trust

The schools cite three distinct barriers to working more often with professional artists, of any discipline. The first of these is the perceived or actual cost. The second is the pressure on the timetable and the difficulty in releasing time for working with artists. The third is the apparent lack of artists with appropriate experience or training to work in a contemporary school context.

Other reasons given included the attitude of the school's senior management, the lack of opportunities to work with artists for more than a few hours or a few days, the difficulty in justifying an artist working with a small group of children only and, in the case of music, the availability of high quality musical experiences through the Schools Music Service.

Among the suggestions made by teachers for increasing their involvement with artists in school were:

- Improved facilities so that artists have a good environment in which to work.
- A well equipped art studio for use by schools when working on large or technically complex projects.
- More opportunity for creative work with artists over several weeks.
- Guidance on the suitability of visiting artists to work with particular age groups.
- More in-service training for teachers in working with artists and building on what the artists do with the pupils.

### 2.3.2. Arts venues regularly used by schools

Fifteen of the 25 schools say they use Guernsey's arts venues on a regular basis. The venues used are as follows, with the number of schools citing them given in brackets:

- St James (6)
- Beau Sejour (5)
- Candie Museum (6)
- Castle Cornet (3)
- Coach House Gallery (2)
- Museums, unspecified (2)
- Individual artists' studios (1)
- Guernsey Youth Theatre (1)
- Guille-Allès Library (1)
- Sausmarez Manor Sculpture Trail (1)

Teachers were keen to have:

- more advance notice of forthcoming events and visits by artists.
- access to more art exhibitions by professional artists.
- the opportunity to see more high quality performing arts companies
- free transport for pupils to venues. (The Education Council does provide subsidy for schools to attend some events.)

### 2.3.3. The Schools Music Service

The Schools Music Service has established itself as a vital part of the island's educational and artistic provision, yet two thirds of the children who apply are turned down because of the service's limited capacity. Only the choral activities offered are available to all children in Guernsey.

The Schools Music Service offers instrumental tuition, in groups, at school and runs a Saturday music school, known as the Music Centre. The Music Centre uses space at the Grammar School and at St Peter Port Secondary School.

The Music Centre runs classes in wind, brass and strings and all players are expected to participate in one of the 16 bands, ensembles or orchestras. For the most advanced players there is the opportunity to play in public and to tour with one of five groups: the Guernsey Youth jazz Orchestra, the Guernsey Youth Orchestra, The Guernsey Concert Wind Band, the Youth Chamber Orchestra and the Channel Islands Youth Orchestra.

There are six choirs that any young person on the island can join, provided they are prepared to attend the Music Centre on Saturdays. The Guernsey Girls Choir and the Guernsey Youth Choir, which are for pupils aged at least 15, both travel to take part in festivals and competitions.

### **2.3.4. The Youth Service**

The Youth Service is an Education Council Service. The Youth Service recognises the role the arts can play in fulfilling its objectives and is interested in developing youth arts provision on the island.

The Youth Service organises arts activities for youth club members during the holidays, hosts occasional concerts in the hall at Brock Road and dance activities in the dance studio. In the past two years, the Youth Service has invited speakers from the UK to talk about current developments in youth arts work.

Guernsey Youth Theatre, which operates from a separate building at the Brock Road site, is well supported by the Youth Service and the two have been discussing the relocation of the Youth Theatre when the site is redeveloped. Two Youth Theatre groups meet on Friday evenings: one for 11-14 year olds and one for the 14-plus age group. While there is demand for workshops for a younger age group, there are insufficient tutors to run them on a voluntary basis.

In 2000, the Youth Theatre presented eight productions, including one at Castle Cornet. The studio theatre and rehearsal space are also used by the Grammar School, the Ladies' College and the College of Further Education both for practical exam work and for regular teaching, and by teachers for in-service training. It has also been used by groups rehearsing for the Eisteddfod, by the Play On Words summer school and by local film makers.

### **2.3.5. Further and adult education**

The College of Further Education is the island's main provider of adult education classes and offers around 40 arts-related courses per year. These are listed at Appendix 5. The largest number of courses (about half of the total) are in the visual arts or crafts, but there are also courses in music, drama and dance and one in writing.

Adult education programmes typically respond to demand, which suggests a much lighter demand in Guernsey for writing and drama and dance. That said, the College does not have the facilities to offer a wider range of performing arts classes.

As an alternative to A levels, the College runs a full-time Advanced Vocational Certificate in Education. This is a two-year, full-time course, equivalent to two A levels and from which students have the option go on to art college or university.

### **3. Finding Out About The Arts in Guernsey**

As part of the audit, it seemed important to establish how people find out what opportunities there are to participate in the arts or to see the work of artists in Guernsey. There are five main sources of information: brochures, public poster sites, media coverage, web sites and word of mouth.

The audit has identified the following.

#### **3.1. Brochures**

Produced bi-monthly by St James and quarterly by Beau Sejour. The Tourist Board's events calendar is also a useful source.

#### **3.2. Public poster sites**

Maintained by the Tourist Board

#### **3.3. Coverage by the print and broadcast media**

BBC Radio Guernsey  
 Channel Television  
 Island FM 104.7 Guernsey  
 Jubilee Hospital Radio  
[www.guernsey24.co.uk](http://www.guernsey24.co.uk)  
 Guernsey Press and Star  
 Guernsey Globe  
 Guernsey Attic Press  
 Guernsey Now  
 Sarnia Magazine

The Guernsey Press is currently the most comprehensive and reliable of these sources and is enhancing its service through the use of its website (see below).

#### **3.4. Web sites**

The internet is becoming an increasingly popular tool for seeking information and is particularly important for visitors to the island who want to find out what will be going on when they are here.

A recent survey in the UK found that 46% of local households have access to the internet at home. If the figure for Guernsey is comparable, this could provide the Arts Committee and its partners with a cost effective way to promote the island's arts provision and to solicit residents' responses to that provision.

The Guernsey Press site [www.thisisguernsey.com](http://www.thisisguernsey.com) includes a dedicated page for arts and another for cinema and includes an invitation to people to contribute information about forthcoming events.

The BBC Radio Guernsey site ([www.bbc.co.uk/england/radioguernsey](http://www.bbc.co.uk/england/radioguernsey)) also has a self-completion 'what's on' page.

[www.spidercrab.net](http://www.spidercrab.net) includes good information on a range of arts organisations and activities in Guernsey. It also has a diary page but this appears still to be in development.

The Guille-Allès Library is about to launch GIN Online, a community information database. GIN stands for Guernsey Information Network and the database will include the names and contact details of arts organisations in Guernsey. From December 2001 this will be available through computers based in the library and early next year it will be linked to the library's website. The current address for this website is [www.gov.gg/Guille-Allès](http://www.gov.gg/Guille-Allès), but this is due to change in the next few months.

The new Guernsey Tourist Board site [www.guernseytouristboard.com](http://www.guernseytouristboard.com) makes almost no mention of the arts. In the section on St Peter Port, St James Concert Hall has been omitted and Beau Sejour is cited for its 'full range of sports and activities', but not for its programme of concerts, theatre, cinema or children's holiday activities. The Tourist Board's interactive, on-screen information service at the Information Centre presents a blank screen when asked for cultural attractions.

The events diary of the Bailiwick of Guernsey site at [www.events.gov.gg](http://www.events.gov.gg) is currently blank, but elsewhere in the site there is a page on the three States-run museums.

A 'gig guide' can be found at [www.grouptherapy.guernsey.net/gigguide](http://www.grouptherapy.guernsey.net/gigguide) This is hosted by the music promoter, Mark Guillou.

St James, the Mallard Cinema and the Gallery at the College of Further Education, have their own websites, with up to date programme information.

[www.gov.gg/stjames/insidehome.htm](http://www.gov.gg/stjames/insidehome.htm)

[www.mallardcinema.co.uk](http://www.mallardcinema.co.uk)

[www.gallery.guernsey.net](http://www.gallery.guernsey.net)

Guernsey Youth Theatre has a site that is currently out of date.

[www.guernseyyouththeatre.org.gg](http://www.guernseyyouththeatre.org.gg)

## 4. Gaps in Provision and Possible Responses

The audit has highlighted a number of gaps in arts provision and issues that need to be addressed if the volume, range and quality of provision are to improve. Not all of these fall neatly within the remit of the Arts Committee as far as action is concerned, but all are matters on which the Arts Committee might like to form an opinion, with a view to influencing the actions of others. The possible responses are not in any way prescriptive; they are offered as a starting point for discussion.

### 4.1. A strategy for arts development in Guernsey

In many respects, the arts are thriving in Guernsey, but there are opportunities to increase the quality of the island's arts life that are currently being missed. Contributors to this report have noted: (1) the lack of understanding, on the part of the States of Guernsey, of the contribution that the arts make to the cultural, economic and social well being of the island and (2) the consequent lack of a strategy for developing interest in, and provision for, arts activity.

Those already involved in the arts, whether in an amateur, professional or educational capacity, would welcome a stronger endorsement of the value of the arts from the States of Guernsey and the opportunity to work with the States Arts Committee on the implementation of an arts development strategy. (See *Section 5 The Objectives of the States Arts Committee*)

The development and implementation of such a strategy would normally fall to an Arts Development Officer but there is currently no such post. If the Arts Committee is to succeed in fulfilling its newly defined objectives, improving the quality of arts provision in Guernsey and providing more opportunities for more people to participate in and enjoy the arts, the appointment of an Arts Development Officer would seem to be a priority. A draft job description and person specification are attached at Appendix 7.

### 4.2. Facilities

The survey of arts groups confirmed that while groups will put up with less than ideal conditions for meetings and rehearsals, they aspire to a higher standard of facility when it comes to public performance and exhibition.

The two facilities in most demand are a **flexible studio theatre**, which could also be used for dance and an **exhibition space** that is professionally designed and equipped and is available both for local and touring exhibitions.

The ideal solution would appear to be the improvement of Beau Sejour Theatre (pending the outcome of the current Theatre Review) and the inclusion of high quality arts facilities in the new schools and College of Further Education. The construction of new secondary schools and a new College of Further Education presents an unprecedented opportunity to create excellent facilities for the performing, visual and media arts that would benefit not only pupils, students and teachers but also a wider public.

All of the secondary schools would have a minimum standard of arts facilities but one could have a professional standard performing arts space, another a hall large enough for symphony concerts, another a state of the art design studio and art room and so on. The logical location for a new gallery would be the College of Further Education. All of these spaces would be designed for school and public use.

### **4.3. Activities**

#### **4.3.1. Support for young people's arts activities**

The Youth Theatre is the responsibility of the Education Council, but its role in the arts in Guernsey should be of great interest to the Arts Committee. This is the only regular source of out-of-school drama activity for young people. The staff are volunteers and there are not enough of them to offer sessions to children under the age of 11. The two current groups are aged 11 – 14 and 14-plus.

Given the paucity of drama provision in the National Curriculum and the lack of drama expertise in the primary school sector, there is a very real risk that young children will miss out on the experience of theatre and have little interest in it as they grow up. There may be opportunities for the Arts Committee to work with the Education Council and Youth Service to support more opportunities for children after school and during the school holidays and the Arts Committee should expect to be involved in discussions about the relocation of the Youth Theatre.

The identification of almost 30 bands and a list of venues hosting live music is a reminder of the fact that young people's creativity is often hidden from the mainstream. While acknowledging the fact that young people do not, on the whole, want to be part of that mainstream, the Arts Committee may wish to support more opportunities for young musicians to develop their knowledge and skills. This could be through support for training sessions in promoting a new band, using a recording studio, contracts and so on. Such short courses are well established in the UK and one of the leading providers, Artswork, is conveniently based in Southampton.

#### **4.3.2. Audience development and access to the arts**

The audit has identified few examples of arts activity specifically designed to provide opportunities for people with least access to the arts, either because of age, disability, poverty or where they live. The Healing Music Trust is one of the few organisations on the island that aims to create such opportunities.

If access is a concern of the Arts Committee, it might discuss with the Arts Council and to the Channel Islands Arts Coordinating Committee the possibility of identifying touring companies that would stay in Guernsey for several days to run participatory arts activities as well as giving public performances. There are also groups of visual artists who undertake this kind of work.

**Guernsey Arts Council** plays a key role in promoting high quality, small-scale professional performing arts companies and individual artists. Unlike Beau Sejour and St James, which have paid, professional staff, the Arts Council relies entirely on voluntary effort. The Arts Committee provides guarantees against loss for Arts Council/CIACC

promotions and until 2001, subsidised the publication of a quarterly magazine, *Artefact*. Earlier this year, the Arts Council voted to cease publication of *Artefact* and to refocus its resources on promotions. With a small amount of paid assistance, the Arts Council would be able to offer its unpaid programmers more efficient administrative support and to establish stronger links with schools and other groups that might wish to work with visiting artists.

#### **4.3.3. Art in public places**

There is almost no public art in Guernsey – a point made both by interviewees and by teachers taking part in the survey. The Liberation Monument is a work of international standing and demonstrates what can be achieved by a skilled artist, given a clear brief and the support of fellow professionals. There are opportunities in Guernsey for permanent and temporary works (including landscaping, street furniture, paving, signage and the illumination of buildings) in both urban and more rural parts of the island. Many local authorities in the UK, cities and states in North America, and European governments operate a percent for art policy, through which they spend up to one percent of the cost of capital works (refurbishment, new buildings and environmental works such as the re-landscaping of parks) on art. This money is almost always used to commission an artist to make a work for a particular site (as with the Liberation Monument) or to pay the artist to work with the architects and engineers as a member of the design team. While there is no compulsion for private sector developers to follow suit, many choose to follow the public sector's lead.

#### **4.3.4. Training and development**

There are few opportunities for amateur groups and individual artists to undertake training to increase their knowledge and skills. Suggestions for training courses have included a day with staff from Beau Sejour or St James on theatre sound and lighting for amateur groups; a day for amateur music groups on working with a conductor, which could be run by the Schools Music Service; training for artists in working in educational and community settings; training for artists in working with new media. The ideas suggested in the final paragraph of 4.3.1. above, also belong here.

### **4.4. Information about the arts**

With the Arts Council having ceased publication of *Artefact*, which was a useful source of listings, a concerted effort needs to be made to coordinate the publication of information on paper and on line. The internet has great potential as a source of current information about the arts in Guernsey, although printed materials will continue to be both necessary and desirable. A contract for services could be issued either to Guille-Allès Library to include an arts listings service on its new site, GIN Online, or to a more established provider such as the *Guernsey Press*. Once on-line, this information will be readily available to broadcasters, to the Tourist Board, to the library and to schools, all of whom have methods of passing information on.

The gaps in the Tourist Board website need to be addressed, not because the Tourist Board is expected to know all about arts provision on the island but rather because the absence of information about St James and Beau Sejour gives the damaging impression, to prospective visitors, that the island has no arts life.

## 5. The Objectives of the States Arts Committee 2002 - 2005

The States Arts Committee is the Committee responsible for advising the States on matters in relation to the promotion of the arts in Guernsey, including the provision of financial assistance.

### 5.1. Budgets and funding mechanisms

A detailed analysis of the Arts Committee's activities was undertaken by the Committee Secretariat in 1998. Little has changed in the mechanisms used to fund arts activity or in the pattern of funding since 1998, although the overall budget has risen slightly. There has been an increase in the number of grants awarded and activities underwritten since 2000, with a larger number of groups making applications for funding.

The Arts Committee has an annual grant-making budget of £115,000. In 2001, there is an additional sum of £10,000 for the Beau Sejour Theatre Review and in 2002 an additional £30,000 for events to mark the bicentenary of Victor Hugo's birth.

The Arts Committee uses three methods of financing arts activity: enabling grants, grant aid and underwriting.

**An enabling grant** is a grant towards the running costs of organisations that are furthering the Arts Committee's objectives. The Arts Committee makes a very small number of grants per year. The largest (accounting for 50% of the Committee's total budget) is a grant to the Friends of St James Association. This currently stands at £57,500. This grant is made in accordance with a States Resolution and the Committee's budget was increased by £35,000, in 1989, specifically for this purpose. An enabling grant is also made to Guernsey Eistedfodd (£8,000 in 2001) towards the cost of hiring Beau Sejour for the Eistedfodd. This grant was also determined by a States Resolution.

**Grant aid** is awarded to groups that are planning an activity of benefit to Guernsey residents, but that cannot meet the cost of a project through ticket sales, sponsorship and other sources of fundraising alone. Such groups may apply to the Arts Committee for a grant to make up the shortfall. Grants range from a few hundred pounds to around £6,000. The Committee makes fewer than ten grants per year.

**Underwriting** is available to groups that are budgeting to meet their costs from ticket sales and other sources, but may not succeed in doing so. The system of underwriting gives groups the security they need to go ahead with an event. It is quite common for groups that have requested support not to need it. Funds for underwriting professional activity may be provided by the Friends of the Little Theatre Trust, of which the trustees are the Presidents of the Arts, Recreation and Advisory and Finance Committees. Underwriting for amateur activity comes from the Arts Committee's budget. The Arts Committee underwrites at least 15 projects or events per year.

The Arts Committee is frequently described as a minor Committee with little influence. Yet, with no venues or collections to manage, the it is ideally placed to identify what needs to be done to enrich the island's arts life and, in partnership with the public, private and voluntary sectors, to take action.

### **A definition of the arts**

In response to the findings of this audit and in discussing its objectives for the period 2002 – 2005, the Arts Committee has informally adopted a definition of the arts that includes:

- the performing, visual, literary, and media arts.
- arts and entertainment of the most traditional and contemporary kind.
- the activities of professional and amateur artists.
- the commercial creative industries (i.e. publishing, broadcasting, graphic design, fashion design, digital media etc.) as well as not-for-profit activity.

### **5.1. The Arts Committee's vision**

The Arts Committee intends that its investment in the arts in Guernsey should:

- champion creativity
- create a climate in which artists and arts activity in all disciplines are valued.
- increase the knowledge and skills of the people of Guernsey.
- make a positive contribution to the cultural, social and economic well being of Guernsey.
- 

### **5.2. Objectives for 2002 – 2005**

The Arts Committee plans to direct its resources towards the fulfilment of its declared objectives. For the period 2002 – 2005, its objectives are:

#### **Expertise**

1. To secure the necessary funds to appoint a full-time, professional Arts Development Officer in order to enable the Arts Committee to implement the following key objectives.

#### **Venues**

2. To improve the quality of venues for the performing and visual arts in Guernsey.

#### **Young people**

3. To increase the range and quality of opportunities for young people to enjoy and participate in the arts.

### **Education, participation and training**

4. To support educational and participatory activities led by visiting and resident professional arts companies and artists.
5. To support local artists in developing the skills to work in educational and community settings.

### **Art in public places**

6. To enhance the quality of public places by supporting the commissioning and purchase of works of art.
7. To work towards the introduction of a Percent for Art for Guernsey.

### **New technologies**

8. To encourage innovation in the arts by supporting arts initiatives that make creative use of new technologies.

### **Information and communication**

9. To improve the quality of communication between the providers of arts facilities, activities and services in Guernsey.
10. To stimulate improved media coverage of the arts in Guernsey, through print, broadcasting and the internet.
11. To raise the public profile of the work of the Arts Committee.

### **Partnerships**

12. To seek opportunities to work with other States Committees and with independent providers of arts facilities and programmes, including Guernsey Arts Council, St James and individual promoters, towards the fulfilment of their complementary objectives.

**APPENDIX 1 DOCUMENTATION REVIEWED**

## Documents reviewed

States Arts Committee minutes and lists of grants paid since 1997  
 Review of the activities of the Arts Committee. David Savident. March 1998  
 Minutes of the States Arts Committee, 1989, relating to the funding of St James Hall  
 Financial information provided by the Recreation Committee and the Tourist Board  
 The Recreation Committee's Business Plan 2000  
 Report to the Recreation Committee from the Technical Manager of Beau Sejour,  
 March 1980  
 Survey and Report on Beau Sejour Theatre. Leisureplan Consultants. June 1980  
 Constitution of the Friends of the Theatre Trust  
 Guernsey Arts Centre. Business Plan and Fundraising Strategy. Positive Solutions.  
 December 1995  
 A Report on the Arts in Guernsey. Gilly Adams. [date to come]  
 Guernsey Product Survey 2000. System Three.  
 Guernsey Youth and Studio Theatre. Annual Report 2000/01  
 Back copies of the Arts Council's magazine, *Artefact*  
 Back copies of the *Guernsey Press*  
 Programmes from Beau Sejour and St James  
 Friends of St James Financial Statements. 2000  
 Prospectuses of courses from the College of Further Education  
 1996 Census  
 Review of the Machinery of Government. 2000  
 Completed questionnaires from 30 arts groups and societies, 23 schools, 17 arts-related  
 businesses and 10 individual artists.

**APPENDIX 2 VENUES SEEN DURING THE COURSE OF THIS AUDIT**

Beau Sejour Centre and Cambridge Park  
 Brock Road Youth Centre  
 St James Concert Hall  
 The Youth Theatre  
 Sausmarez Manor  
 Mallard Cinema  
 Castle Cornet, Fort Grey, La Vallette  
 The Folk Museum  
 Guille-Allès Library  
 Priaux Library  
 Oatlands Village  
 Les Cotils  
 Hauteville House  
 The Town Church  
 Holy Trinity Church  
 Forest Methodist Church  
 Sausmarez Park  
 La Vallette Bathing Pools

## APPENDIX 3 CONTRIBUTORS TO THIS RESEARCH

### Interviewees

Deputy Judy Beaugeard, President  
 David Chilton, Head of Recreation  
 Deputy Rodney Collenette  
 Deputy Hirzel Dorey  
 Maggie Falla, Librarian  
 Deputy John Gollop  
 Mervyn Grand, Head of Music Service  
 Neil Hunter, Youth Officer  
 Karen Inglis, Education Department  
 Joanna Littlejohns, Member of States Arts Committee  
 Gina Roots, Assistant Director, Education Council  
 David Savident, Committee Secretariat  
 Ian Shepherd, Tourist Board  
 Kay Leslie, Editor, *Artefact*  
 George Marsh, Committee Secretariat  
 Margaret McDonough, Guernsey Youth Theatre  
 Barbara Minta, Coordinator of Guernsey Eisteddfod and the One-Act Play Festival  
 Martin Purvis, Guernsey College of Further Education  
 Deputy Ivan Rihoy, President, Recreation Committee  
 Deputy John Roper  
 Jennifer Seth-Smith, Chair, Arts Council of the Bailiwick of Guernsey  
 Eric Snell, Guernsey College of Further Education

In addition to the people listed above, this audit has drawn on notes of interviews undertaken in preparation for the October seminar. These included, among others, the manager of St James, Kirstin Simon; the programmer of the Beau Sejour Centre, Penny Weaver; the Arts Council's programme adviser, Rob Tiplady; Guernsey Museum and Art Gallery's Education Officer Lynne Ashton; the former coordinator of the Arts Centre project at Rosaire Avenue, Kerry Luscombe and journalist Kay Langlois. This report also takes into account the findings of the seminar itself of which the Arts Committee has already received a report.

I attended the AGM of the Arts Council and met members on 22<sup>nd</sup> June.

The States Arts Committee's objectives were developed at meetings with the Committee on 22<sup>nd</sup> June, 20<sup>th</sup> July and 4<sup>th</sup> October 2001.

**Respondents to questionnaires**

Bells and Broomsticks Morris Dancers  
 British Sugarcraft Guild  
 Carnival Creations  
 Cutting Edge Theatre  
 GADOC  
 Guernsey Choral and Orchestral Society  
 Guernsey Concert Band  
 Guernsey Dolls House and Miniaturist Club  
 Guernsey Eisteddford Society  
 Guernsey Electronic Organ Society  
 Guernsey Fellowship Singers  
 Guernsey Festival of Dance  
 Guernsey Film Society  
 Guernsey Flower Arrangement Society  
 Guernsey Glee Singers  
 Guernsey Guild of Creative Artists  
 Guernsey Harpsichord Trust  
 Guernsey Jazz Club/Jazz Festival  
 Guernsey Photographic Club  
 Guernsey Salon of Print Photography  
 Guernsey Silk Painting Club  
 Guernsey Symphony Orchestra  
 Guernsey Youth Theatre  
 The Healing Music Trust  
 The Island Churches Guernsey Festival Chorus  
 La Société Guernsiaisie  
 National Art Collections Fund  
 Poetry in Motion  
 Prism Photographic Club  
 Sarnia Accordion Club  
 Sarnia Arts And Crafts Club  
 St James Youth Promotion Trust  
 St Stephen's Players  
 The Stage Door Theatre Company

Ascension Films  
 AWS Group Design and Sign (graphic design, sign makers, printing etc.)  
 The Bookshop  
 Catherine Best Jewellery  
 Channel Islands Galleries  
 Channel Television  
 Coach House Gallery  
 CIN Press Shop (bookshop. Four branches in Guernsey)  
 Wilfred T Cochrane, dance teacher  
 The Dance Studio  
 Terry Domaille School of Dancing  
 Annabel Ede-Golightly, painter  
 Millicent Foss, piano teacher

Tim Gaudion, visual artist  
Steven Hamon, stained glass artist  
Framecraft Ltd. (framers, artists' materials)  
Fuse101 (website design, 3D animation, video/broadcast design)  
Guernsey Woodcarvers  
Image Group Ltd (web design, printing, advertising)  
Mark Leightley, Photographers  
Barry Owen-Jones, painter, water colourist, etcher  
Submarine Ltd (website design)  
Sula Framing and Gallery  
The Piano Centre  
Brian KVJ Terriss, painter  
Wallace Barnaby and Associates Ltd (design, advertising etc.)

## APPENDIX 4 SCHOOL ARTS FACILITIES

19 of the 25 schools responding have some facilities and/or equipment that they are prepared to let to other groups. Thirteen are already letting space for different types of activity, as follows:

Performance	8 schools
Rehearsal/practice	12
Exhibitions	1
Meetings/lectures	5
Adult education	5
Other – summer school, Eisteddfod, speaking competition	

The list below describes the schools' arts facilities, whether or not they are available for community use.

### States secondary schools

#### Les Beaucamps School

School hall with stage and some lighting, drama hut (not a studio theatre), two small art rooms, a small ceramics room, staging and limited amount of lighting (all available for community use)

Small music room

#### Grammar School

Hall, art rooms, drama studio, music practice rooms, photography dark rooms (all available for community use and all currently used for evening classes and by other organisations, including Beau Sejour)

#### St Peter Port Secondary School

School assembly hall (available for community use)

Art room

Music room

Drama room

#### St Sampson's Secondary School

Two art rooms

Drama studio

Music room and practice rooms

#### La Mare de Carteret Secondary School

No reply yet received but I understand from other sources that it has a school hall, a music room with adjoining practice rooms, two arts rooms and a darkroom.

### States primary schools

#### Amherst Infants

Hall (available for community use)

Entrance hall display area, classrooms and limited activity areas

Amherst Junior School  
Hall and portable staging (available for community use)

Castel Primary School  
Nothing other than classrooms

Forest Primary School  
Hall with stage, music room, portable staging, overhead projector, sound system and lighting system (all available for community use, subject to appropriate training in use of some equipment)  
Four work areas  
Display boards in corridors

La Houquette Primary  
School hall with staging, spotlights, stage lights and sound system  
Outdoor amphitheatre (available for community use)

La Mare de Carteret Primary School  
School hall, work area with work tables, tiled floor and two small sinks (all available for community use)

Longfield Centre  
Nothing other than classrooms

Mont Varouf School  
Hall and pool (both available for community use)

St Andrew's Primary  
Hall  
Work areas and classrooms

St Martin's Primary School  
School hall, music room, staging, sound systems, televisions and projectors (all available for community use)  
Art and craft work areas

St Mary and St Michael  
Hall  
Art/work area  
Portable staging

St Sampson's Infant School  
Activity room  
Three classrooms

Vale Infants' School  
Small carpeted hall, two areas for art and CD player (all available for community use)

Vale Junior School  
Hall (available for community use)  
Small art/technology room

Vauvert Primary School  
Hall and sound system (available for community use)  
Work areas and classrooms

### **Independent schools**

Acorn House School (Elizabeth College Pre-preparatory)  
Classrooms only

Beechwood, Elizabeth College Lower School  
Hall (available for community use)  
Art room  
Assembly room

Blanchelande Girls' College  
School hall, small hall, two small music rooms, main art room and technology rooms (all available for community use)  
Sixth form art room

Blanchelande Girls' College, Junior Department  
Hall and art room, portable staging and dance floor (all available for community use)

Ladies' College  
Hall (available for community use)  
Temporary drama hut (portable classroom)  
One art room  
Two small huts for sixth form art  
Music hut  
Classroom with two separate, though not soundproof, practice areas

Monkey Puzzle School (Guernsey Montessori School)  
Classrooms only  
Portable staging (available for community use)

## APPENDIX 5 ARTS COURSES AT THE COLLEGE OF FURTHER EDUCATION

### Part-time day and evening classes (+ available as a daytime course)

Advanced Level Art  
 Calligraphy +  
 Celtic art +  
 Christmas crafts  
 Craft workshop (rush seating, upholstery etc) +  
 Decorative folk art  
 Decoration  
 Drawing +  
 Embroidery and design +  
 Interior design/soft furnishing  
 Introduction to different visual arts media  
 Let's Look at Cezanne  
 Metalwork  
 Oil painting +  
 Paper crafts +  
 Photography  
 Portraiture and figure drawing  
 Pottery  
 Rag craft  
 Seasonal crafts  
 Silk painting +  
 Silversmithing and jewellery  
 Watercolour painting  
 Woodwork/wood carving

### Music

Introduction to bell ringing  
 Guitar (beginners)  
 Introduction to opera  
 Music for Pleasure Group  
 Piano (beginners and elementary)  
 Youth Brass Band  
 The following groups meet as classes at the College of Further Education  
 Guernsey Choral Society  
 Guernsey Choral Society Orchestra  
 Guernsey Glee Singers

### Dance

Dance through the ages  
 Irish Set Dancing  
 Morris Dancing

### Drama

Acting  
 Play reading

**Other**

Flower arranging +  
Writing

**Courses offered by the Workers' Educational Association 2000/01**

Jewellery and stones  
Oil painting  
Water colour painting  
Embroidered appliqué  
Writers with Bailiwick connections

For these courses, the WEA used a combination of Les Cotils, the Grammar School, St Peter's Community Hall and Ray & Scott in St Sampson.

**APPENDIX 6 MEMBERSHIP OF GUERNSEY ARTS COUNCIL**

Alderney Art Club  
 Alderney Cinema  
 Alderney Theatre Group  
 Alderney Island Band  
 Alderney Music Society  
 Alderney Society and Museum  
 Artist in Residence Programme (College of Further Education)  
 The Gallery (College of Further Education)  
 Beau Sejour Centre  
 Bells and Broomsticks  
 Camerata  
 Camcorder Club of Guernsey  
 Channel Islands Music Council  
 Christian Arts  
 Churches Festival Chorus  
 Coach House Gallery  
 Cutting Edge Theatre Company  
 Dolls House Miniature Club  
 Festival Dance Committee  
 Friends of St James Association  
 Friends of Guernsey Music Centre  
 GADOC  
 Guernsey Chamber Choir and Orchestra  
 Guernsey Choral and Orchestra Society  
 Guernsey Concert Band  
 Guernsey Eisteddford Society  
 Guernsey Fellowship Singers  
 Guernsey Film Society  
 Guernsey Flower Arrangement Society  
 Guernsey Folk and Blues Club  
 Guernsey Glee Singers  
 Guernsey Museum and Arts Gallery  
 Guernsey Music Centre  
 Guernsey Electronic Organ Club  
 Guernsey Photographic Club  
 Guernsey Silk Painters  
 Guernsey Sugarcraft Guild  
 Guernsey Symphony Orchestra  
 Guernsey Woodcarvers  
 Guernsey Youth Band  
 Guernsey Harpsichord Trust  
 Guernsey Youth Theatre  
 Irish Set Dancing  
 Jazz Club  
 La Société Guernesiaise  
 La Société Serquaise  
 La Cercle Française

Les Amballes Players  
Mallard Cinema  
National Arts Collections Fund  
National Trust of Guernsey  
Poetry in Motion  
Premier Productions  
Prism Photographic Club  
Royal Commonwealth Society  
Sark Music Society  
Sarnia Accordion Club  
Sarnia Arts and Crafts Club  
Spectrum Camera Club  
St. Stephen's Players  
Sula Framing and Gallery  
The Stage Door Theatre Company  
The Healing Music Trust  
Women's Institute  
Workers' Educational Association

## APPENDIX 7

### A DRAFT JOB DESCRIPTION FOR AN ARTS DEVELOPMENT OFFICER FOR GUERNSEY

This is a new post created following a review of arts provision in the Bailiwick of Guernsey. [The location of this new post, within the departmental structure, will be for Arts Committee to propose.]

The key tasks of the Arts Development Officer will be:

1. To provide expert advice on the development of a five-year arts strategy for the Bailiwick.
2. To work with States officers involved in cultural provision more broadly (e.g. in education, youth, recreation, heritage, tourism, social services) to promote a coordinated approach to the planning and delivery of services and to increase recognition of the role of the arts in delivering States objectives.
3. To work with independent professional, amateur arts organisations, with independent promoters, with individual artists and with the private sector to provide more opportunities for the people of Guernsey.
4. To work with States departments and external agencies concerned with economic development to identify and respond to opportunities to increase the volume of commercial creative activity in Guernsey.
5. To work with arts organisations and artists to attract more financial support for the arts in Guernsey, from within and outside Guernsey.
6. To work with local community groups (and their representative organisations, e.g. those dealing with the elderly, young people, disabled people) to ensure that Arts Committee's objectives are responsive to changing needs and interests of local residents.
7. To participate in and support the work of the Arts Council of the Bailiwick of Guernsey and the Channel Islands Arts Coordinating Committee.
8. To develop links with the National Association of Local Government Arts Officers both in order to strengthen Guernsey's links with arts development in the UK and to raise the profile of arts activity in Guernsey.

This post will require some evening and weekend work.

## **PERSON SPECIFICATION**

### **Essential skills, experience and qualities**

At least five years' experience of arts development with a local authority in the UK.

Experience of working in a rural area.

An ability to demonstrate an understanding of and enthusiasm for the contribution of the arts to the cultural, social and economic life of a community of 65,000 people.

An ability to identify and pursue opportunities on behalf of artists and arts organisations, both professional and amateur.

A good current knowledge of who is who on the small and middle scale performing, visual and literary arts scene.

A knowledge of the public, private and charitable arts funding systems and experience of making successful applications for funding.

Experience of working with or for non-arts groups, in a paid or voluntary capacity (e.g. youth clubs, day centres, residential homes).

Excellent verbal and written communication skills.

Computer literacy.

A good team player.

A European outlook.

Good political sense.

Driver's licence (car or motorbike).

### **Desirable skills, experience and qualities**

Arts programming.

Event management.

Chairing meetings.

Public consultation.

Ability to communicate in French and English.

**BEAU SEJOUR THEATRE, GUERNSEY  
RENOVATION FEASIBILITY STUDY  
JANUARY 2002**

**PREPARED BY:**

**AMPC  
ANNE MINORS – PERFORMANCE CONSULTANTS**

## CONTENTS

1. Existing Beau Sejour Centre
  - A The concept of combining sports and arts
  - B Performance use of centre
  - C Analysis of activities in the centre
  
2. Existing Beau Sejour Theatre
  - A Description
  - B Analysis of current use of theatre
  - C Shortcomings of existing space
  - D Strengths of space
  
3. Proposals for the Future of the Beau Sejour Centre
  - Review of ORMS refurbishment relating to the theatre
  
4. Future Vision for the Arts in Guernsey
  - A Developing the Island's cultural history
  - B Performing arts as part of the education system
  - C Having the capacity to receive produce from outside
  
5. Realising the Vision
  - A Housing more product  
Provide a better equipped Beau Sejour Theatre  
& build a separate theatre
  
  - B Increase flexibility of Beau Sejour
    - i) minimal change & benefits to repertoire
    - ii) medium change and benefits to repertoire
    - iii) major change and benefits to repertoire
  
6. Relative orders to cost
  
7. Way Forward
  - Interviews with users of Beau Sejour Theatre
  - Quantity Surveyor's letter

## **1. EXISTING BEAU SEJOUR CENTRE**

### **1A THE CHALLENGE OF COMBINING SPORTS AND ARTS**

The Beau Sejour Centre is owned and run by the Recreation Committee of the States of Guernsey. It combines performing, conference and multi-purpose spaces with a swimming pool, squash courts and other sporting activities.

This was a popular idea in the Sixties and Seventies at a time when local authorities were keen to provide leisure facilities for the population and attendance at arts events was seen as an alternative leisure activity to sports and therefore could be housed under the same roof. In the UK several leisure centres housed swimming pools and flat floor halls used for meetings and dinners eg Putney and Richmond in London.

Since then, there has been a general move away from combining these activities due to: -

- the different ambiances in which the two activities operate best
- the modes of dress or undress that the activity requires
- the different mental states in which arts audiences and people arriving for a swim might be.

For example, the Bayfront Centre, St Petersburg, Florida had a common entrance to a 2000 seat auditorium and an 8000 seats sports arena. This was divided in the 1980's, along with refurbishing the auditorium to create entrances with different character for the two uses so that the constituent groups could be more directly catered for.

#### **Creating a comfortable ambience**

The challenge for Beau Sejour in upgrading its facilities is to find an ambience for its foyer which is comfortable to both the theatre-going audience and the users of the leisure centre. The former will be anticipating the performance and will want to maintain the buzz of the emotional experience undergone in the first act during the interval in the foyer and not have it diffused by outside distractions. The users of the exercise areas will be looking to the foyer to provide a place to unwind after exercise, without formality.

#### **Coping with highly fluctuating populations**

The Festival Hall in London has an open foyer policy with shops such that people often use the foyer bar as a meeting place independent of attending a performance. The audience groups arrive and temporarily swell the numbers in the foyer before the performance and during the interval when increased numbers of bar staff are needed.

There will be a similar management issue for Beau Sejour.

### **1B Performance Use of Centre**

The Beau Sejour Theatre is one of three public performance spaces within the Beau Sejour Leisure Centre, the others being the Sir John Loveridge Hall and the Sarnia Hall. Depending on the use of the spaces the capacity of the Loveridge Hall is between 1000 and 2000 people and the Sarnia Hall holds between 450 and 1000.

These larger spaces have flat floors which can be used for performances, lectures, banquets and receptions. Four smaller rooms offer break out facilities and meeting rooms for other types of hire. The two larger spaces are approached from the north east side of the leisure centre at a lower level whereas the foyer is entered from the south west side of the centre which it shares with the swimming pool, squash courts and gym and, as such, has difficulty imposing its character on the predominantly sports atmosphere of the building.

### **1C Analysis of Existing Activities in the Centre**

For the centre as a whole, the number of days during which there were events was 598 for the year 2000, with the following division into categories: -

Big Shows	23.5 days	4%
Theatre Events	182.5 days	31%
Meetings and conferences	120.5 days	20%
Dinners	37 days	6%
Film	235 days	39%

This broke down further into 16 difference categories of event each, with different technical staging and acoustic needs, for example: -

- Whether the performance included spoken work or music
- Whether the sound was amplified or not
- One performer or large scale production
- Including projection or not
- Needing a flat floor or not

Regrouping these many categories into a few basic forms of audience to stage arrangement, we discovered the following uses for the whole centre: -

End-on stages performances	65%
End-on with open concert stage	6%
Flat floor	9%
Arena	10%

The large flat-floored spaces provided by the Sir John Loveridge Hall and the Sarnia Hall are suitable for flat floor and arena formats and require a raised stage for end-on performances.

## **2 EXISTING BEAU SEJOUR THEATRE**

### **2A Description of Theatre**

The existing theatre is housed inside a volume of approximate overall dimensions 19m wide, 37m long and 8m high.

The internal dimensions of the theatre area approximately 17.8m wide, 25m long (including an 8.83m deep stage) and 5.7m to underside of ceiling. The height of the raised stage is 1m above the front row of the audience and the headroom is 5m to the grid. Within the auditorium the ceiling height varies between 5.7m at the front of the

audience (a ratio of 1:3 height : width) to 2.5m at the back of the audience. (A ratio of 1:7 height : width).

The roofline is common over the auditorium and the stage and a later addition of a fire curtain have reduced the proscenium height to 4m with a width ratio of 1:4.

The theatre was originally built with pull-out raked seating. This was altered in the 1990's to have a permanently raked audience made of pre-cast concrete planks resting on several sleeper walls underneath, and seating 403 people facing the proscenium opening. Wheelchair positions are located at the front of the audience seating.

## **2B Analysis of Current Use of the Theatre**

The Beau Sejour Theatre is the only theatre on the island of Guernsey. In this respect it has to accommodate all the theatrical productions of any size on the island, be they professional, amateur, visiting companies and local artists.

The block booking of large locally-based theatre events such as those by GADOC, the Gang Show and the Eisteddfod, make for fewer dates when one-off performances can visit the theatre. It is also frequently used as a cinema, receiving the second cut of films after the local Mallard centre.

Last year the theatre was used for 484 events: -

Theatre events	148 days	30%
Meetings and conferences	16 days	3.3%
Film	185 days	38%
Music/Festivals	65 days	13.4%
Dance	33 days	6.8%
Cabaret	37 days	7.6%

This divided further into 12 different categories of event each, with different staging and acoustic needs such as: -

- Whether the performance included spoken word or music
- Whether the sound was amplified or not
- One performer or large scale production
- Including projection or not
- Needing a flat floor or not

Regrouping these many categories into a few forms of audience to stage arrangement, we discovered the following for the theatre: -

End-on amplified events	49%
End-on unamplified events with open concert stage	7%
Flat floor amplified cabaret	12%
Spoken word – end-on or thrust	32%

## **2B Shortcomings of Existing Space**

Technical items are discussed elsewhere in the report. In this section, the issues to do with spatial relationships are discussed.

**Proportion of Space**

What is apparent in the above analysis of use is that 39% of the events held in the theatre are normally held in a natural acoustic. The existing wide and low ceiling space with permanently raked seating has a very dry acoustic. It is hard for amateur and young performers to feel the room response. It also makes it difficult for the orchestral players to hear themselves and each other in concert and rehearsal. For the audience there are currently acoustical 'dead spots' within the auditorium.

**Sightlines for audience**

The rake of the seating is constant and this means that the sightlines are of varying quality depending on the performance being watched. The seats being one behind each other in some central areas do not help to improve the view of the stage.

**Legroom**

When the seats were re-laid out in 1991, the pitch of the rows was angled in plan in five faceted sections. The subsequent geometry has made the depth of each row vary from 900mm in the centre section to 865mm on the side centre and 820mm on the sides of rows. Consequently the knee room for people sitting on the sides is 80mm less than those sitting in the centre.

**Sightlines for lighting the stage**

Due to the low ceiling and the low proscenium height the lighting angles to the stage are much flatter than is desirable. The control rooms also have a low angle particularly for the followspots.

**Orchestra Pit**

The current orchestra pit is entirely housed in front of the stage edge and is shallow, being only 400mm lower than the front row of the audience. The musicians are therefore well in view of the audience and limited in number by the size of the existing well. There were requests for a bigger and deeper orchestra pit which would help to balance the sound between pit and stage. For some events the orchestra is placed at the back of the stage so that it does not overwhelm the singers.

**Height of stagehouse**

This is limited by the common roof height over the theatre. The height of the proscenium is low in order to accommodate a flexible fire curtain between stage and audience, although there are several examples in the UK and other countries of theatres with no change in roof height not requiring a fire curtain with a seat count less than 500. The lack of stage height limits the scenic possibilities of the stage and the ability to fly scenery in view of the audience.

**2D Strengths of Space****As a Cinema**

The theatre attracts an audience who like the ambience of the local cinemas and are prepared to wait for the second run of films to see them in the Beau Sejour. How long this will remain the case with the local 6 screen multiplex showing first runs of film is not certain. From an operational point of view, cinema use is relatively economical compared to live shows.

**Productions needing a wide stage using amplified sound**

The width of the auditorium allows for large casts to play to the sides of the room. However the aspect ratio of the proscenium does not enhance the focus towards the players from the audience.

**3 FUTURE VISION FOR THE ARTS IN GUERNSEY****3A Developing the islands' cultural identity**

The rich culture of the islands finds expression in the myriad of artistic groups which Guernsey supports. Being able to offer a variety of venues, and settings within those venues in which to perform, will encourage a fuller exploration of the cultural personality of the island.

Being able to offer a well-equipped theatre of similar quality to the Jersey Opera House will make Guernsey more attractive to touring shows from the UK and Europe, and it is this cultural cross-fertilisation which is important in developing the future cultural character of the Channel Islands.

In the last 5 years the city of Dublin has been developing an arts quarter in Temple Bar which has changed a rundown part of the city into a thriving centre, popular with tourists. This city of 500,000 people has an Irish Film Centre, a Media Centre, Irish Craft Centre, Music Centre, Arts Centre and several galleries all within a short walk of each other and all prospering because of their synergy. On a smaller scale such a vision might be possible in Guernsey.

**3B Performing arts as part of the education system**

In future the performing arts will have a bigger role in the education of both children and young people in further education. There may be the opportunity to build a new performing space, suitably equipped for training people in technical theatre skills.

The training theatre would then be part of the education vision for children between the ages of 11 and 16 with more specialist training for 16 to 18 year olds.

**3C Having the capacity to receive product from outside**

The existence of a second performance space would ease the booking difficulties with the Beau Sejour. A choice of venue would also allow the theatre best suited to the performance and expected audience numbers to be booked.

**4 TOWARDS THE VISION****4A Housing more product – Provide a better equipped Beau Sejour theatre and build a new complementary theatre space**

A new space will go some way to satisfying the artistic appetite of Guernsey by overcoming the current blockage in the availability of the Beau Sejour Theatre. If built to a smaller seating capacity, the new theatre can be used for events which currently do not fill Beau Sejour or for which a more intimate relationship with the stage is required.

This having been said, the Beau Sejour Theatre is still in need of a technical overhaul and an improvement in its proportions and actor/audience relationship to be a viable alternative to the state-of-the-art facilities on Jersey. Below are listed three levels of change from minimal to major for consideration. The shortcomings identified by the current users are listed and ways of overcoming the problems shown on the right.

#### **4B Increase flexibility of Beau Sejour Theatre**

We have considered three levels of flexibility. The first is a technical overhaul addressing obvious shortcomings but limiting building works to immediately necessary ones. The second has major building work but maintains some aspects of the existing theatre. The third is a major gutting and reshaping of the space.

##### **4Bi) MINIMUM CHANGE**

##### **Essential works for the smooth running of the Theatre**

REPLACE STAGE FLOOR	Reduces noise which lead to loss of dramatic effect
NEW DIMMERS INCREASE WAYS	Speed up light changes Required for health & safety regulations
MORE ROWS OF SEATS AT FRONT	Reduces gulf between stage and audience
MOVE AISLES TO SIDE OF ROOM	Reduces apparent width of room
PROVIDE DISABLED SEATING	At rear and front of audience to comply with regulations
MOVE DOOR IN REAR OF STAGE	More off-stage position would be useful
REFORM LARGE DOCK DOOR NEW SOLID FOLD BACK DOORS WITH GOOD SEAL AGAINST WIND	Speed up set assembly as bigger sets can be delivered intact
SCISSOR LIFT TO DOCK DOORS	Save on get in time
CHANGE CEILING MATERIALS TO MORE MASSIVE, REFLECTIVE SURFACES RAISE CEILING RELATIVE TO ROOF	Attempt to address acoustic dead spots
RELOCATE LIGHTING BRIDGES OVER AUDIENCE	
LATE COMERS TV SCREENS IN FOYER	How would this work with ORMS scheme?
INCREASE DEPTH AND SIZE OF PIT	

GREEN ROOM FOR DANCE  
FESTIVAL  
FIND ANOTHER SPACE IF EXISTING  
GREEN ROOM/CHANGING ROOM  
BEING TAKEN AWAY

REDECORATE AUDITORIUM

MORE WC'S BACK STAGE  
UPGRADE LIGHTS

The above alterations work within the existing theatre form but cannot address the following key aspects of the theatre which have to do with the form and shape of the space.

- Minimal proscenium height – productions will still take place in a letterbox opening
- Shallow lighting angles to stage - a consequence of low proscenium
- Dry acoustics – a product of volume
- Dead spots in auditorium – a product of a low and wide room not reflecting the sound back to the centre audience
- Full flying facilities
- Large orchestra pit returning under stage –
- Sense of intimacy between performer and audience – separation due to proscenium zone, gulf to first row
- Wide aspect ratio of audience from stage, lack of enclosure of performer by audience.

### **MEDIUM CHANGE**

The following set of changes is intended to deal with the drawbacks of the proscenium and the height of the theatre but still maintain the existing theatre rake.

<p>REMOVE EXISTING ROOF AND REPLACE WITH NEW HIGHER ROOF AND NEW LIGHTING CATWALKS &amp; FOLLOWSPOT POSITION</p>	<p>For better lighting angles to stage Steel frame built onto existing wall structure to raise height of walls</p>
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<p>CREATE FLYTOWER WITH SAFETY CURTAIN</p>	<p>To fly scenery in view of the audience Steel frame structure within building envelope</p>
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DEVELOP CEILING OVER AUDIENCE TO REFLECT SOUND TO CENTRE OF AUDITORIUM	To reduce dead spots and provide an acoustic better suited to a range of uses
IMPROVE AIR CONDITIONING	Provide sufficient space so that large ducts with slow-flowing air can be used
RAISED CEILING ALLOWS MORE AUDIENCE AT SIDE BALCONY LEVEL	To give some sense of intimacy to the performer and a link across the orchestra pit
SIDE SEATS REMOVED AND REPLACED BY SEATS AT 2 LEVELS ON CURVING BALCONIES	To reduce number of extreme side seats with tight legroom. Balcony structures built up from below
EXTEND ORCHESTRA PIT UNDER STAGE	To offer better acoustic balance between orchestra and stage and to reduce the division between audience and stage that existing orchestra pit causes
Then add minimal change items	
REPLACE STAGE FLOOR	Reduces noise which leads to loss of dramatic effect
NEW DIMMERS INCREASE WAYS	Speed up light changes required for health & safety regulations
MORE ROWS OF SEATS AT FRONT	Reduces gulf between stage and audience
MOVE AISLES TO SIDE OF ROOM	Reduces apparent width of room
PROVIDE DISABLED SEATING	At rear and front of audience to comply with regulations
MOVE DOOR IN REAR OF STAGE	More off-stage position would be useful
REFORM LARGE DOCK DOOR NEW SOLID FOLD BACK DOORS WITH GOOD SEAL AGAINST WIND	Speed up set assembly as bigger sets can be delivered intact
SCISSOR LIFT TO DOCK DOORS	Save on get-in time?
GREEN ROOM FOR DANCE FESTIVAL FIND ANOTHER SPACE IF EXISTING GREEN ROOM/CHANGING ROOM BEING TAKEN AWAY	

LATE COMERS TV SCREENS IN FOYER      How would this work with ORMS scheme?

REDECORATE AUDITORIUM

MORE WC'S BACK STAGE

UPGRADE LIGHTS

Medium changes will provide a theatre with improved acoustics, lighting angles and relationship between stage and audience. With an additional balcony, the current seat count can be maintained. New exit routes and stairs will be needed for the upper level of seats. The range of productions possible especially for unamplified performances and music will increase as the performers will be better supported, both professional and amateur.

### MAJOR CHANGE

Medium changes work around the fixed seating rake which also retains the useful storage space beneath the theatre.

A full flexible space could be explored by stripping out the seating rake and installing retractable seating over a flat floor. Storage currently under the raked seats would be replaced by storage backstage, but some of the storage need would change with the flexibility of the theatre.

STRIP OUT SEATING AND RAKING TO STALLS      Completely rethink nature of theatre space

INSTALL SEATING GALLERIES AND RETRACTABLE SEATING      Offers opportunity for flat floor use & in the round, traverse as well as end stage

CREATE ORCHESTRA PIT WITH HYDRAULIC ADJUSTMENT IN LEVEL      To form part of flat floor when not in use

Add in all the items from minimum and medium change options

REMOVE EXISTING ROOF AND REPLACE WITH NEW HIGHER ROOF AND NEW LIGHTING CATWALKS & FOLLOWSPOT POSITION      For better lighting angles to stage  
Steel frame built off existing walls to raise their height

DEVELOP CEILING OVER AUDIENCE TO REFLECT SOUND TO CENTRE OF AUDITORIUM      To reduce dead spots and provide an acoustic better suited to a range of uses

IMPROVE AIR CONDITIONING      Provide sufficient space such that large quantities of air can move quietly

EXTEND ORCHESTRA PIT UNDER STAGE	To offer better acoustic balance between orchestra and stage and to reduce the division between audience and stage that existing orchestra pit causes
REPLACE STAGE FLOOR	Reduces noise which leads to loss of dramatic effect
NEW DIMMERS INCREASE WAYS	Speed up light changes required for health & safety regulations
PROVIDE DISABLED SEATING	At rear and front of audience to comply with regulations
MOVE DOOR IN REAR OF STAGE	Move off-stage position would be useful
REFORM LARGE DOCK DOOR NEW SOLID FOLD BACK DOORS WITH GOOD SEAL AGAINST WIND	Speed up set assembly as bigger sets can be delivered intact
SCISSOR LIFT TO DOCK DOORS	Save on get-in time
LATE COMERS TV SCREENS IN FOYER	How would this work with ORMS scheme?
GREEN ROOM FOR DANCE FESTIVAL FIND ANOTHER SPACE IF EXISTING GREEN ROOM/CHANGING ROOM BEING TAKEN AWAY	
NEW AUDITORIUM AESTHETIC	
MORE WC'S BACK STAGE	
UPGRADE LIGHTS	

Major change offers a more flexible space than medium change. Its rectilinearity is determined by the usual profile of retractable seating units. If the curvilinear line of the balconies of the medium change scheme is preferred, then a tapered retractable unit could be considered.

## 5 RELATIVE COSTS

Davis Langdon and Everest, International Quantity Surveyors have been asked to prepare costs on the medium and major change scenarios and AMPC have prepared costs on technical equipment. The figures have been worked out based on outer London costs which according to BCIS information are 25% less than costs in the Channel Islands. (Channel Island costs are 41% higher than the UK national average).

These costs have been arrived at without the benefit of structural engineering advice and any detailed drawings of the existing structure and therefore they should be used for general guidance for comparing the opportunities for development rather than actual costs.

Taking the figures given in DL&E letter in appendix 2, the preliminary costs for refurbishment might be: -

Medium alterations	£2,900,00	building outer London prices
	<u>£725,000</u>	uplift for Guernsey
Total	£3,625,000	
Major alterations	£3,400,000	building outer London prices
	<u>£850,000</u>	uplift for Guernsey
Total	£4,250,000	

Based on the DL&E costs and AMPC equipment costs, we estimate the cost of carrying out essential works to the existing theatre to be £650,000.

All these figures exclude professional fees and client costs.

As DL&E have noted, the cost per square metre is higher than a new build theatre, although AMPC's experience of flexible spaces is that, depending on the amount of flexibility, they will be at the top of the range of cost at £2,200 - £2,500 per square metre. Also the area for a new building will be greater to provide the foyer, backstage and dressing room facilities, car park etc so the difference in cost may be minimal.

## **6 WAY FORWARD**

After initial presentations to the States of Guernsey Arts Committee, early discussions with ORMS about the principles of re-massing the theatre end of the Beau Sejour need to be held along with the principles of future means of escape. Once these are clarified, and early meeting with the planning department would be advisable.

The Recreation Committee being in charge of the Beau Sejour Centre will be able to offer valuable input into the alternative options and their staffing needs.

Consider with costs which way to proceed. The minimal difference between the renovation options may lead to other scenarios being considered.

## **APPENDIX 1**

### **INTERVIEWS WITH EXISTING THEATRE USERS**

#### **President, States Arts Committee Judy Beugeard**

Guernsey is linked with other Channel Islands in its provision of culture and the arts.

Other performance spaces on Guernsey include: -

St James' Church, where the acoustics are appropriate for choral and classical pieces of music and unsuitable for speech, and there is no fixed seating and St Stephen's Church Hall.

Conferences take place in the Beau Sejour Theatre. It is home to an Eisteddfod and a prolific amateur dramatic group known as GADOC.

The equivalent to Beau Sejour on Jersey is the Jersey Arts Centre. Jersey also has a recently restored theatre, the Opera House, which contains State of Art equipment.

The States Arts Committee has a budget of £115,000 per annum, half of which goes towards funding events at St James' and £9000 of which goes to the Eisteddfod. The rest of the budget is distributed in the form of grants and underwriting.

The Beau Sejour Theatre is run by the Recreation Committee.

In a recent education review, it was identified that more performing arts courses were needed on the island, and that a new facility of 150 – 200 seats might be sited at the New College of Further Education with a good sound and lighting installation.

St James' is used for music events except when a bigger stage is needed when the Sarnia Hall in the Beau Sejour Centre can be used. The Beau Sejour charges commercial rates although it can be cheaper mid-week. The rates are based on the hire of the room and the service provided.

Private rock and pop events use private venues, pubs and hotels. Open-air theatre productions are staged at Castle Cornet.

#### **Events Manager Penny Weaver and the Beau Sejour Technical Team**

Currently 403 seats, with ORMS refurbishment looking at removing back 2 rows to accommodate wheelchairs.

Some temporary seating provided in front of the existing fixed front row for companions and wheelchairs.

5m height to rigging from stage and 1.6m above that to soffit. The stalls front row floor is approximately 7.3m under the roof soffit.

Stage floor is concrete with 50mm air page and plywood composite apparently on neoprene (opinions vary). The floor drums when walked upon and the simple butt joints of the ply sheets creak according to humidity. Overall build up on concrete is 100mm.

Orchestra pit is 400mm below stalls front row level and 1.4m below stage level. Stage riser is 1m. Orchestra pit depth is 1.85m on centreline of auditorium. The proscenium height is only some 4m.

Stage extension occasionally provided for gang shows but this makes orchestra pit unusable.

Ventilation to the auditorium crosses the stage in a duct. There is no cooling, only mechanical ventilation. Three ceiling slots for air supply are draughty. Extract is at low level at the side augmented by squares grilles at high level.

The stage has a retractable roller fire curtain contained by metal slides at the sides. There is also a rolled Cinema screen. The depth of the fire separation structure takes up a considerable depth of the downstage area and the height required to contain the folded up fire curtain above the proscenium reduces its potential opening height. The fire curtain does not preclude touring companies from providing the fire retardant/treated scenery required by the local building control.

There are 48 way Strand LD 90 2.5kW dimmers fed by a 70kW currently in use. A local electricity board requirement seems to preclude the use of more than one phase of supply being connected to socket outlets contained in the same enclosure. Hence the dimmers are all supplied from one phase.

There is no 3 phase supply to connect touring equipment, there would appear to be some apprehension on behalf of the local Electricity Board about 3 phase supplies in general.

The lighting angles are low and thereby limited because of the proscenium and the ceiling heights. A small follow spot room is housed at the back of the auditorium on stage left. The size and the inadequate ventilation to the follow spot room means that the operator opens the glazing to the auditorium, thereby defeating the objective of separating the noise of the follow spot fan and its operation from the audience.

Both follow spots and lighting control rooms have concrete ceilings over them.

There is a cue light system and fold back speakers for performers to hear themselves on stage. If orchestras play in the theatre they area amplified.

Backstage the original centrally located load-in door has been modified and the opening boarded up with timber panels leaving a lower opening for deliveries. The reason given was that a steel shutter door originally specified and installed, rattled in the prevailing wind and did not provide adequate acoustic isolation between the rear dock and the stage area. This now means that sets of any size have to be assembled on stage from small pieces thereby increasing fit-up/assembly time and reducing the numbers of potential performances.

The passenger door at the back of the stage to stage right side of the get-in door is too much onstage to be useful during performances and needs to be moved. The position of the door restricts the depth of stage that can be used if a stage left entrance or crossover during performances is required.

The rear dock door is probably adequate for the needs of the theatre, however the space is used for the storage of staging and other items required for other venues within the Centre.

The proposed refurbishment to the centre by ORMS includes the conversion of the Green Room into offices and part of the backstage store will become a fire escape while the conversion work is going on. Both the Dance Festival and the Gang Show use the Green Room as a changing area as does the Eisteddfod. There does not appear to be a space of similar size and purpose included in the refurbishment plans.

The theatre is also equipped as a 35mm cinema that screens second runs of film. As an environment for watching film there is an audience who prefer the Beau Sejour to the local multiplex.

The current technical team are 3 people strong and are busy servicing the whole centre including the Sir John Loveridge Hall, the Sarnia Room, the Neptune Room and the Trophy Lounge.

Modern conferences and like events include complex lighting and sound/audio visual systems. The time that the technical team have to devote to the theatre is therefore limited. Our conversations with the technicians and end users indicated to Catch 22 situation in that certain events could be presented for one night stands in the theatre are precluded as the notice period is insufficient to be fitted into the technician's or the booking schedule, but the nature of the performances means that a long notice period is not practical.

A number of small-scale theatre productions featuring solo performers and small ensembles are performed in Jersey each year. These performers could come to Guernsey the following night where they would find a willing audience. They are precluded from doing so by the lack of centre stall availability. These small-scale performers tend not to be able to give their promoters notice of availability months in advance, which is the notice time required by the Centre. Consideration could be given to the employment of a part-time technician for these occasions.

#### **Arts Council Representatives Terri Domaille and Rob Tiplady**

The Arts Council sponsor 6-8 events per year including dance, drama, and the BBC big band, Ballet Gwent for example. Some events are staged at St James, and other venues, although Beau Sejour is used in the main.

Groups that tour at the invitation of the Channel Island Arts Co-ordinating Committee spread their performances around the island for several days. Finding slots in the schedule at Beau Sejour are often difficult.

To be successful with touring and to be able to combine dates with other islands and their venues requires more short-notice flexibility in the schedule than is possible with only one theatre on Guernsey.

Local events on Guernsey which are booked 2-3 years in advance include the Dance Festival and the Gang Show, both of which have very large numbers (120-600) of children needing to use limited changing facilities in the theatre.

Commonly mentioned problems with the theatre include: -

- Lack of ventilation (openable rooflights) to the changing rooms
- Joint in the stage floor which creak
- The smaller get-in door (made smaller on Fire Officer's request) requiring scenery to be built on stage rather than the workshop
- The need for more lighting equipment (the technical staff at the Beau Sejour have been briefed on what might be expected by dance companies using this size of theatre)
- Second follow spot taking away seating capacity
- Appearance of wear and tear in the auditorium
- New bar will be further to go in the same interval time as existing bar
- At least 2 more WC's required backstage
- Difficult to balance sound from the back of the stage to the audience
- Lack of legroom

Individual shows which come to Guernsey about 3-4 times per year and typically arrive at the Beau Sejour at 10 am to set up, rehearse for 2 hours have 2 hours break and start the evening performance at 8 pm.

7.5% of the box office takings go to the Beau Sejour. Due to the other calls on the Centre's technical staff, there are often compromises in getting the technical rig set up. More staff numbers would be preferable. The sponsors provide extra usherettes and crew when necessary.

The theatre does not differentiate very much between the provision for film and that of live shows. Dance companies need to roll and tumble their backdrops.

A new 250 set auditorium with flexible facilities would be very useful. The touring shows charge £800-1200 fee, selling tickets at £7-9 and 50% of productions are for children. Often they are only booked for one night because the theatre is too big. Some of the companies also go to Sark and Alderney where the audience is often 80 people.

Not having repeat performances for the companies means that they can never get follow on trade or to capitalise on their performance.

### **Stage Door Theatre Company Chris Bougourd**

The Gang Show is produced every two years with up to 100 in the cast and using the stage extension. The orchestra is placed at the back of the stage for balance.

Stage Door produces three shows per year using the stage within the proscenium. The productions are usually comedies, musicals or thrillers and contemporary plays with a maximum of 12 in the cast (eg Misery, Popcorn, Dancing at Lughnasa).

Stage Door has the weekend to set up, light and rehearse for Tuesday opening night. They usually repatch for the second half of the show. The Gang Show has 18 items and therefore there are 18 light sets.

A higher capacity of lighting channels is needed and a new lighting rig.

The stage floor is very noisy and works against a dramatic atmosphere. A new sprung floor is required.

The reduction in height of the get-in doors leads to double handling of scenery and the need to make scenery in smaller elements which then need to be fixed together once on stage. Previously GADOC could make 13ft 6inch high flats and now they produce 11ft high ones.

Light seeps through the backstage door on stage right. It should be moved further towards stage right out of view of the audience.

The double doors from the dressing rooms need new automatic closing mechanisms.

Better facilities are needed for washing brushes and rollers.

Hydraulic lifting system from ground level onto the loading bay and onto stage level is required.

There are dead spots within the auditorium mid way back and to the side of the centre block for the audience.

The follow spot in the auditorium takes away 3 rows of seats. If the follow spot room is used, the ventilation is inadequate and the glass window has to be removed which defeats the object of having a separate room.

The ventilation generally is insufficiently warm in winter and cool in summer.

The current video camera image at the stage manager's desk is inadequate.

Performers feel exposed on the wide stage with minimal wing space. Performers can hear each other on stage adequately. Musicians at the back of the stage need feedback to hear the singers in front.

### **Eisteddfod Barbara Minta**

The festival lasts 3-4 weeks each year. The visual arts exhibit in the Sir John Loveridge Hall, as do photography, needlecraft, flower arranging, silk painting, wine-making and cookery. English Literature, shorthand and typing, set up over one weekend between 9 am and 10 pm. Saturday finishes at 5 pm.

The French speaking classes use the small auditorium since the hire of the theatre is too large. A local adjudicator hears Guernsey French in the school halls. Artistic roller-skating takes place in the Sir John Loveridge Hall and within the theatre there is one week of music and 5 days of speech and drama.

Dance broke away from the Eisteddfod some time ago.

Music classes consist of folk, instrumental, classical, choral, individual. Contestants are aged between 5 and 80 and adjudicators from the UK come. Whether the theatre sells out depends on the class popularity. For songs from the shows there are often queues outside the building. Choruses complain that they cannot hear each other in the theatre. Church music takes place in the town church on Sunday.

It is important to create a scene setting with speech and drama. It is important to have events with children on stage for them to gain experience of performing in a theatre although the daytime events are less cost effective for the Eisteddfod. Drama is currently less well supported. GADOC also holds a one-act play festival.

The States pay 53% of costs of Beau Sejour and the Eisteddfod pay 47% plus the costs of the adjudicators. The Festival charges £1.50 for daytime events and £3.00 for evening events.

The Eisteddfod does not use technical staff from the Beau Sejour and the Eisteddfod pay 47% plus the costs of the adjudicators. The festival charges £1.50 for day time events and £3 for evening events.

Issues with the current theatre include: -

- The doors to the dressing rooms are noisy offstage at the theatre
- The future loss of the bar space for assembling performers will be a problem for the Eisteddfod
- The revamped seats have less legroom than before

The theatre capacity is sufficient for the festival needs. Adjudicators are often impressed with the theatre.

### **GADOC Jim Willis**

In 1995 GADOC made a wish list stating that they wanted to perform 7 productions a year. In 2001 they produced 8 plays and have 9 productions prepared for 2002 including sponsoring Habeas Corpus.

GADOC tends to keep good people, a number of who trained in the UK and came to Guernsey, and are able to get a variety of good roles. The company has a record of quality productions which provide a good training ground. In October 2001 a one act experimental play preceded the Lion, the Witch and the Wardrobe and a pantomime.

The musical is the biggest production with a cast of 80, the limit being dictated by the dressing rooms. Sometimes GADOC build a portakabin next to the loading bay for the extra cast and extra scenery storage. The large casts attract large audiences.

A previous year there were 17 performances of Annie and a 200 seat theatre would have satisfied the audience.

GADOC installs a simple surround sound system. GADOC prefer to do productions without microphones, but then there is a problem with the sound from the orchestra pit. They do not use a mixing desk for plays.

Issues with the theatre include: -

- There are no latecomers' TV screens in the foyer. Instead of tannoys in the dressing rooms, a monitor video would be preferred
- When loud music is performed in the Sarnia Hall, actors hear the vibrations on the stage of the theatre
- The noise of the fans and extremes of temperature are also disturbing backstage
- The sound and communications installation is quite good including the followspot room and the middle of the auditorium
- If there were a fly tower it would be used. GADOC currently make their own flat scenery in a small space and it has to be assembled at the Beau Sejour Theatre.

13 foot 6 inch flats touch the border which is 1m high. With other borders for lighting bars and drop bars, GADOC now make 11 foot flats and 8 foot 6 inch flats for a stage width of 12m.

In terms of future alterations, a priority for GADOC would be to take out the whole stage and provide a proper orchestra pit. The existing pit is not deep enough or big enough. They use scrollers a lot to make up for the lack of lamps.

The stage cloth lives at the Beau Sejour, the ballet bring their own Harlequin floor. GADOC paints the stage and could have their own cloth. There are 370 members of GADOC with a number of people prepared to direct.

GADOC share the box office takings with the Beau Sejour. This is a unique arrangement and the arrangements for other groups may be different. A 200 seat theatre which could be available for the summer season would be very useful in Guernsey.

**APPENDIX 2****LETTER FROM DAVIS, LANGDON & EVEREST**

25 January 2002

DW/jp

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Anne Minors  
 134 Merton Road  
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Dear Anne

**Guernsey Beau Sejour Theatre**

We have now completed our review of both 'medium' and 'major' alteration schemes proposed to the above theatre.

Based on the limited information that we have, we estimate the costs as follows:-

'medium' alterations	£2,900,000
'major' alterations	£3,400,000

The costs given are for the construction works only and exclude any allowance for VAT, professional fees and the like. The costings are at present day London price levels without any allowance for inflation.

Regarding costs in Guernsey, we note that BCIS information suggests that construction costs are 41% higher than the UK national average, 25% above outer London costs and 15% above inner London cost levels. Therefore an adjustment of 25% would be appropriate to the above noted costings.

We believe that it may well be more economical to consider construction of a new theatre rather than either of the refurbishment schemes proposed. Our costings equate to a construction cost of £3,300 to £3,600/m<sup>2</sup> of gross internal floor area. Similarly sized recently constructed new theatres for which we have cost data are typically in the range of cost £1,600 to £2,200/m<sup>2</sup> gifa (these costs are at outer London prices).

Please do not hesitate to contact the undersigned if you have any queries regarding the above.

Yours sincerely

David Wood  
 Senior Project Surveyor  
 For Davis Langdon & Everest

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

Dear Deputy Beugeard,

re: Review of Arts Policy

Thank you for letting the Council have the opportunity to comment on the Arts Committee's draft policy letter "A Review of Arts Policy".

I apologise on behalf of the Council for the delay in responding to your letter. The Council originally considered the policy letter last Autumn, but then deferred further response until it had had the opportunity to consider the implications of its own plans for the development of performing arts facilities as part of its Site Development Plan (hereafter referred to as Education Development Plan Programme 1 or EDP1) for Secondary, Post-16 and Special Needs education.

May I assure you that the plans which the Council is currently developing for new facilities for the performing arts at the proposed new College of Further Education will be subject to further detailed consultation with your Committee, once the States has decided whether or not to approve the phasing proposals contained in the Council's policy letter in the February 2003 Billet.

**1. Response to the Arts Committee Draft Policy Letter**

I have itemised the response of the Council to each of the objectives contained in paragraph 20 of your policy letter.

### Expertise

1. To secure the necessary funds to appoint a full-time, professional Arts Development Officer in order to enable the Arts Committee to implement its key objectives.

**Members fully supported this, but agreed that note would need to be taken of the Machinery of Government proposals for the reorganisation of committees.**

### Venues

2. To improve the quality of venues for the performing and visual arts in Guernsey.

**Members felt that the Council would be assisting with this with the development of a Performing Arts Centre at the new College of Further Education. Members agreed that the Council should consult the Arts Committee over the planning of this project.**

**Members did not support the refurbishment of Beau Sejour Theatre.**

### Young People

3. To increase the range and quality of opportunities for young people to enjoy and participate in the Arts.

**Members fully supported this.**

### Education, participation and training

4. To support educational and participatory activities led by visiting and resident professional arts companies and artists.
5. To support local artists in developing the skills to work in educational and community settings.

**Members fully supported this.**

### Art in public places

6. To enhance the quality of public places by supporting the commissioning and purchase of works of art.
7. To work towards a Percent for Art for Guernsey *[a provision whereby developers are required to devote an appropriate percentage of the cost of any development to public art.]*

**Members agreed that it should be pointed out to the Arts Committee that this appeared to be cutting across the mandates of other States committees and so they should consult with those committees and include their views.**

### New Technologies

8. To encourage innovation in the arts by supporting arts initiatives that make creative use of new technologies.

**Members supported this.**

### Information and communication

9. To improve the quality of communication between the providers of arts facilities, activities and services in Guernsey.
10. To stimulate improved media coverage of the arts in Guernsey, through print, broadcasting and the internet.
11. To raise the public profile of the work of the Arts Committee.

**Members felt that the appointment of an Arts Development Officer would assist with these.**

## 2. The Education Council's Plans for the support of the Arts

The Council has noted the Arts Committee's recommendations for the need for a flexible studio theatre which could also be used for dance, for an exhibition space that is both professionally designed and equipped and available for both local and touring exhibitions, and that ideally this could be provided as part of the new College of Further Education.

The Council has also noted the comments on the need for support for the secondary schools in their promotion of an Arts Curriculum.

In the policy letter which was approved by the States in April 2002 the Council made, inter alia, the following points in support of the development of the Arts.

*The new buildings should be designed to encourage greater community use. (p6)*

*The new buildings should encourage all sections of the population to participate in lifelong learning. (p6)*

*The new 11-16 secondary schools would have specialist facilities available for science, technology, music, art, drama and sport. (p46)*

*Courses (at the College of Further Education) will be offered in traditional craft areas, as well as courses in business related subjects, ICT, health and social care, catering, travel and tourism, art and design and the performing arts. (p14)*

*The Youth Theatre will be offered a base within the Performing Arts facilities to be provided at the new College of Further Education. The Youth Theatre would have its own office and storage facilities within that Arts Complex. (p88)*

*Performing Arts facilities would include a multi-purpose performance base with retractable staging, sound and lighting technology and storage facilities for the equipment and technology available for use by the schools in general. (p89)*

*These facilities would allow for Dance, Drama and Music Technology courses to be offered to level 3 qualification, as well as providing public access facilities for hire by community and commercial organisations. (p90)*

*It is intended that the Schools' Peripatetic Music Service should be based at the Creative and Performing Arts Centre to be developed at the College of Further Education. (p91)*

Following the States' in principle approval of this **April 2002 policy letter**, the Council is now bringing the next stage of its planning to the States.

The forthcoming **February 2003 policy letter** contains the following reference to the Arts:

*The development of a 14-19 curriculum and the need to provide alternative vocational courses as the school leaving age is raised means that the College of Further Education requires more accommodation. No further additions on the three current sites run by the College are possible. The provision of a multi purpose auditorium and associated teaching spaces on the new College site at St. Peter Port School will allow for the development of dance/drama, art, media and music technology courses, for which there is a growing demand on the Island. The facility will also provide assembly and examination facilities and be able to be used for performances and lectures, both by the College and as an income generating facility for the use of commerce, other States committees and clubs and societies. (p53)*

*The College of Further Education will have gained major improvements to its facilities. The auditorium and adjacent teaching rooms and studios will allow the College to invigilate its own examinations on site, have a meeting and performance space, add new curriculum facilities to the courses it provides for the Island, reduce the overcrowding at the main Coutanchez site and allow the process of removal from the Old Boys Grammar site in Brock Road to begin. In addition, the Island will gain a new venue for meetings, performances and exhibitions. (p60)*

The Council has been working over the past year on an Option Appraisal of all the sites within EDP1. A phased development for the new College of Further Education on the St. Peter Port site is now planned, with Phase A – the construction of the multi-purpose auditorium and adjacent teaching rooms and studios - being included in the first phase of the overall construction plan.

The brief, in summary, proposes a building of approximately 1,800 square metres to include an auditorium of 396m<sup>2</sup> with a stage and side stage of 200m<sup>2</sup>. In addition, a Youth Theatre studio of 120m<sup>2</sup> is included. I understand the Director is shortly to meet the Arts Committee to expand on the proposals and to show some of the preliminary designs for the site.

I should emphasise, however, that at this stage the Council is returning to the States to explain the need to phase the proposals which were approved in principle last April and to secure the funding for the initial phase to proceed. The detailed planning of the CFE site and its phase A works are scheduled to go into the master planning and design development stages from the end of March 2003 to the beginning of July 2004. The construction stage is scheduled from July 2004 to the end of October 2005.

All of this is obviously conditional on the States approval of the Council's policy letter at the end of this month. If that approval is achieved, the appointment of design teams and project managers will proceed and the detailed consultation and planning can then begin. The Council is mindful of the need to involve the Arts Committee in the planning for these facilities and Council members are keen to set up a joint working party once the States decision is known.

I hope this letter provides a full summary of our response to your own draft policy letter and also illustrates the Council's commitment to supporting the Arts in the Island.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. A. Ozanne', written in a cursive style.

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

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

The States are asked to decide:-

VI.- Whether, after consideration of the Report dated the 29<sup>th</sup> April, 2003, of the States Arts Committee, they are of opinion:-

1. To note the reports submitted by Phyllida Shaw and Anne Minors contained in Appendices I and II.
2. To formally acknowledge the vital contribution made to the cultural, economic and social well-being of the Island by the arts.
3. To endorse the objectives proposed by the States Arts Committee in paragraph 20 of that Report.
4. To direct the States Civil Service Board to have due regard to the creation of the post of Arts Development Officer when administering the Staff Number Limitation Policy.

**REQUÊTE**

**NUMBER OF DEPUTIES**

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

**THE HUMBLE PETITION** of the undersigned Members of the States of Deliberation

**SHEWETH:**

1. THAT in the opinion of your Petitioners the wish of the people of Guernsey, as expressed in may public meetings and confirmed by the MORI poll reproduced at Appendix 1 to the Report of the States Advisory and Finance Committee in Billet d'État VII of 2003, to reduce the number of Deputies has yet to be achieved.
2. THAT in the opinion of your Petitioners the principle that each and every Islander should have an equal number of votes in electing Deputies is fundamental..

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

1. That the number of People's Deputies shall be reduced to 42, and that six People's Deputies shall be elected in each of seven electoral districts.
2. To direct the preparation of such amendments to the Reform (Guernsey) Law, 1948 as amended, as may be necessary to give effect to their above decision

**AND YOUR PETITIONERS WILL EVER PRAY**

**GUERNSEY**

This 14th day of May 2003

Roy Bisson

DEPUTY ROY BISSON

J.M. Le Pelley

DEPUTY TOM LE PELLEY

John Roper

DEPUTY JOHN ROPER

Ann Robilliard

DEPUTY ANN ROBILIARD

B.M. Flouquet

DEPUTY B.M. FLOUQUET

A.H. Adam

DEPUTY A.H. ADAM

M.E. Burbridge

DEPUTY M.E. BURBRIDGE

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

28 May 2003

Dear Sir,

I refer to the Requête signed by Deputy R.H. Bisson and six other Members of the States concerning a reduction in the number of People's Deputies.

The matter has, pursuant to Rule 16(2)(a) of the Rules of Procedure, been referred to the States Procedures and Constitution Committee and that Committee's response is appended hereto. The majority of the Advisory and Finance Committee are in full accord with the views set out in that letter. The Committee is particularly concerned that the changes proposed in the Requête move away from per capita representation in the electoral districts and consider it inappropriate for such a fundamental change to be introduced by Requête.

The States have, in the course of the past twelve months, agreed to significant and carefully thought through changes to the Island's system of government and electoral processes. Whilst it is accepted that some small changes to the system may be required in future the Committee firmly believes that it must be allowed to settle in before implementing any such refinements.

Those members of the States Advisory and Finance Committee who are not signatories to the Requête unanimously believe that the timing of the Requête is wholly inappropriate and therefore recommend the States to reject the prayer of the Requête.

Yours faithfully,

L.C. MORGAN

President  
Advisory and Finance Committee

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

22<sup>nd</sup> May 2003

Dear Deputy Morgan,

Thank you for your letter inviting the States Procedures and Constitution Committee's comments on the Requête signed by Deputy R.H. Bisson and six other Members of the States concerning the number of People's Deputies.

Paragraph 1 of the Requête's preamble states "*That in the opinion of your Petitioners the wish of the people of Guernsey, as expressed in may [sic] public meetings and confirmed by the MORI poll ... to reduce the number of Deputies has yet to be achieved.*". That statement does not fairly represent the question asked by MORI nor does it represent the question asked in the survey conducted by Bristol University.

The two relevant questions asked by MORI were as follows:

Question 18 "*There are 57 States' Members. Do you think that this is too many, too few or about right?*"

Question 20 "*To what extent do you agree, or disagree, that each voter should elect about the same number of Deputies for their area?*"

Question D1 posed by Bristol University was worded as follows "*Do you believe that the number States Members should be reduced from the present 57 down to 42?*"

All three questions clearly asked whether there were too many States Members: none of the questions specifically related to People's Deputies. The States have already agreed to the abolition of the office of Douzaine Representative the effect of which is to reduce the total number of Members of the States by 17.5%.

In the second paragraph of the Requête's preamble the petitioners state "*The principle that each and every Islander should have an equal number of votes in electing Deputies is fundamental.*". That may indeed be the petitioners' view but, as has already been stated above, Question 20 asked by MORI clearly asked whether there should be "about the same number of Deputies for their area".

Similarly, the Harwood Panel stated "*that each constituency should so far as possible contain an equal number of the population.*". The Panel continued that it did not believe "*that it should necessarily be the overriding consideration as long as any alternative does not create manifest inequality.*".

The States Procedures and Constitution Committee has always concurred with the view expressed by the Harwood Panel in that regard, which view was also expressed in the newspaper supplement dated 10th December 2001 in the following terms: "*The Joint Committees are firmly of the view that electoral districts should continue to be based on parish boundaries, even if it is necessary to have slight differences between the number of Deputies elected by each district.*".

Should the Requête succeed the practical effect will be to reduce by one the number of States Members in each of the electoral districts of St Peter Port North, the Vale and the Castel, ie. the most populated districts. Sub-section (ii) of the proviso to Article 26(2) of the Reform (Guernsey) Law 1948, as amended, requires that "*The allocation of numbers of Deputies shall be in accordance with the respective populations of the districts*". Taking away a Deputy from each of the three aforementioned districts will mean that those three districts are under-represented on a per capita basis and such a distribution, therefore, would not conform with the Law as it stands. Whilst this is acknowledged in the second paragraph of the prayer of the Requête it ignores the primary need for ensuring fair representation throughout the Island.

People's Deputies have been elected by electoral district since 1920 and, whilst the number of Deputies in individual districts has changed, such changes have always been on the basis of the relative populations of the districts. This principle should not be abandoned lightly and without much careful thought. To make such a fundamental change by means of an ill-conceived Requête would, in the Committee's view, be wholly irresponsible. Less than three months ago the States approved a projet de loi the effect of which is to remove Douzaine Representatives from the States. This change proposed in the Requête is unnecessary and does little more than tinker with the constitution of the States.

The States Procedures and Constitution Committee is firmly of the view that the Requête is ill-founded in that it is brought under a false premise and that, if approved, will result in three electoral districts being under-represented. For those reasons the Committee strongly recommends that the prayer of the Requête be rejected.

Yours sincerely,

R.C. BERRY

President  
States Procedures and Constitution Committee

The States are asked to decide:-

VII.- Whether, after consideration of the Requête dated the 14<sup>th</sup> May, 2003, signed by Deputy R.H. Bisson and six other Members of the States, they are of opinion:-

1. That the number of People's Deputies shall be reduced to 42, and that six People's Deputies shall be elected in each of seven electoral districts.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

**(NB Proposition 2 above is subject to the provisions of the Reform (Guernsey) Law, 1948, as amended)**

**STATUTORY INSTRUMENTS LAID BEFORE THE STATES****THE SOCIAL INSURANCE (MARRIED WOMEN AND WIDOWS)  
(GUERNSEY) (AMENDMENT) REGULATIONS, 2003**

In pursuance of the provisions of section 117 of the Social insurance (Guernsey) Law, 1978, as amended, I lay before you herewith the Social Insurance (Married Women and Widows) (Guernsey) (Amendment) Regulations, 2003, made by the Guernsey Social Security Authority on the 8<sup>th</sup> May, 2003.

## EXPLANATORY NOTE

These regulations are made in consequence of the acceptance, on 30<sup>th</sup> April 2003, by the States of Deliberation of the Guernsey Social Security Authority's proposals to remove the right of a married woman to elect not to pay social insurance contributions.

They ensure that although those who had made such a choice before the date of that decision may continue to pay the reduced rate contribution (if employed), or no contribution (if self-employed or non-employed), until the changes come into effect on 1<sup>st</sup> January 2004, no new elections may be made in the intervening seven months.

**THE MILK (RETAIL PRICES) (GUERNSEY) ORDER, 2003**

In pursuance of the provisions of section 8(4) of the Milk (Control) (Guernsey) Ordinance, 1958, as amended, I lay before you herewith the Milk (Retail Prices) (Guernsey) Order, 2003, made by the States Agriculture and Countryside Board on the 12<sup>th</sup> May, 2003.

## EXPLANATORY NOTE

This Order changes the retail price of milk sold in litres and half litres from 18 May 2003.

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

The Royal Court House,  
Guernsey.  
The 6<sup>th</sup> June, 2003

**APPENDIX I****STATES ADVISORY AND FINANCE COMMITTEE****ANNUAL REPORT OF THE DATA PROTECTION COMMISSIONER**

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

13 May 2003

Dear Sir,

**ANNUAL REPORT OF THE DATA PROTECTION COMMISSIONER**

I enclose the annual report from the Data Protection Commissioner setting out the activities of his office for the year ended 31 December 2002.

The Committee continues to support the work of the Commissioner and his office in ensuring that organisations fulfil their responsibilities and that individuals are aware of their rights under data protection legislation. In particular, the Committee was pleased to see the implementation in August 2002 of the Data Protection (Bailiwick of Guernsey) Law, 2001 ("the Law"). The maintenance of the highest standards of data protection is an increasingly important matter and such measures can only serve to enhance the international reputation of the Bailiwick in this field.

Section 52 (b) of the Law requires the Committee to lay the report before the States. I should, therefore, be grateful if you would arrange for its publication as an Appendix to the Billet d'Etat.

Yours faithfully,

L. C. MORGAN

President  
States Advisory and Finance Committee

# BAILIWICK OF GUERNSEY



## DATA PROTECTION COMMISSIONER

### REPORT FOR 2002

#### MISSION STATEMENT

*The Data Protection Office will encourage respect for the private lives of individuals:*

- *by promoting good information handling practice,*
- *enforcing data protection legislation and*
- *seeking to influence national and international thinking on privacy issues.*

## CONTENTS

	<b>Page</b>
Mission Statement	1
Foreword	3
Introduction to the Bailiwick of Guernsey	4
Data Protection Legislation	5
Notification	6
Staffing	9
Awareness	10
Enforcement	15
The Data Protection Principles	18
International Liaison	19
Data Protection within Government	23
Objectives for 2003	24
Financial Report	25

*Bailiwick of Guernsey Data Protection Report for 2002*

## FOREWORD

I am pleased to present my second public report on Data Protection in the Bailiwick of Guernsey that has been prepared in accordance with paragraph 5 of Schedule 5 of the Law.

This report covers the calendar year ending 31<sup>st</sup> December 2002, which has been an extremely busy and productive year both for my staff and for me. The highlight was the commencement in August of the Data Protection (Bailiwick of Guernsey) Law 2001.

Following the completion of our move into Frances House in January, I set about ensuring that all the preparations for the introduction of the Law would be completed in time for its commencement date. I am grateful for the support and hard work of my colleagues throughout the year in ensuring that all the publicity, training and awareness activities and the development of the new notification system and web site were indeed completed on time.

I should also record my thanks for the positive and extensive media coverage that has been given to data protection during this important year of change. This has undoubtedly contributed to the level of notifications and the increase in the number of enquiries and complaints that were handled by my office.

In addition, we were involved, together with our colleagues throughout the British Isles and Ireland, in the planning of the 24<sup>th</sup> International Conference that was held in Cardiff in September, and I am grateful to the Advisory and Finance Committee for providing specific financial support for the joint hosting of that conference, which served to enhance the international reputation of the Bailiwick.

It was also pleasing to receive confirmation at the conference that the European Commission would be undertaking an early assessment of the adequacy of the data protection régime within the Bailiwick; I look forward to progressing this with the staff of the Commission as a priority in the coming year.

2003 will also be challenging as the States presses forward with the reform of the machinery of government and with further proposals for the implementation of electronic government. Both of these related areas of development require vigilance to ensure that the resultant increased sharing of personal data within the public sector is accompanied by adequate safeguards for the protection of such data.

In the coming year I will also be looking in particular at the compliance of the private sector and devoting increased effort to ensuring that data controllers notify me of their processing activities as is required by the Law. 2003 should also see the implementation of new privacy regulations concerned with the use of electronic communications.



Dr. P.R. Harris, Data Protection Commissioner

April, 2003

*Bailiwick of Guernsey Data Protection Report for 2002*

## INTRODUCTION TO THE BAILIWICK OF GUERNSEY

The Channel Islands are a group of islands, islets and offshore rocks located in the English Channel within the Gulf of St. Malo off the north-west coast of France. Although the Islands form part of the British Isles they do not form part of the United Kingdom. They are divided into the Bailiwicks of Guernsey and Jersey. The Bailiwick of Jersey comprises the largest and most southerly island of the group and two small reefs of islets and rocks known respectively as the Ecrehous and the Minquiers.

This report concerns the Bailiwick of Guernsey (hereafter referred to as ‘the Bailiwick’), which comprises the islands of Guernsey, Alderney, Sark Herm, Jethou, Brecqhou, together with the associated islets and offshore rocks. The populations and areas of the inhabited islands are as follows:

<b>Islands of the Bailiwick of Guernsey</b>	<b>Population (2001 census)</b>	<b>Area sq. miles</b>
Guernsey (including Herm, Jethou & Lihou)	59,807	25.11
Alderney	2,294	3.07
Sark (including Brecqhou)	591	2.11
<b>Entire Bailiwick</b>	<b>62,692</b>	<b>30.29</b>

The Islands are dependencies of the Crown (being neither part of the United Kingdom nor colonies) and enjoy full independence, except for international relations and defence, which are the responsibility of the United Kingdom Government. Guernsey<sup>1</sup>, Alderney<sup>2</sup> and Sark<sup>3</sup> are each governed by separate elected Legislative Assemblies. The actual day to day administration, however, is conducted through various Committees formed predominantly by members elected from the Legislatures. The Committees are given specific portfolios of responsibilities and are supported by an efficient, skilled and dedicated Civil Service.

Although much legislation is applicable to the individual islands, other legislation, such as that to do with data protection, applies on a Bailiwick-wide basis and the responsibilities of the Data Protection Commissioner similarly extend throughout the Bailiwick.

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<sup>1</sup> [www.gov.gg](http://www.gov.gg)

<sup>2</sup> [www.alderney.gov.gg](http://www.alderney.gov.gg)

<sup>3</sup> [www.sark.gov.gg](http://www.sark.gov.gg)

*Bailiwick of Guernsey Data Protection Report for 2002*

## **DATA PROTECTION LEGISLATION**

Guernsey has had a data protection law since 1986. The Data Protection (Bailiwick of Guernsey) Law, 1986 was passed by the States of Guernsey on 30 July, the States of Alderney on 3 September and the Chief Pleas of Sark on 1 October, 1986.

The 1986 Law followed closely the Data Protection Act 1984 of the United Kingdom and came fully into force in November 1987. The passage of the 1986 Law enabled the United Kingdom's ratification of the Council of Europe Convention 108<sup>4</sup> "the Convention" in August 1987 to be extended to the Bailiwick.

On 26 July 2000 the States of Guernsey resolved to amend the data protection law to be fully compliant with Directive 95/46/EC<sup>5</sup> "the Directive" and at the same meeting approved the establishment of an independent data protection Commissioner who in the interim would operate under the existing 1986 Law.

The 'Projet de Loi' entitled the Data Protection (Bailiwick of Guernsey) Law, 2001 "the Law" was approved by the States of Guernsey on 28 November 2001, by the States of Alderney on 23 January and by the Chief Pleas of Sark on 16 January 2002. The Law is intended to be a transposition of the Directive and follows closely the UK Data Protection Act 1998.

The Law obtained Royal Assent on 26 March and came fully into force on 1 August 2002, when some 16 Statutory Instruments were also made. These, again, mirrored for the most part those in force in the United Kingdom, but were modified to take account of differences in the legislative environment in the Bailiwick.

The passage of the Law has enabled the Bailiwick authorities to confirm to Her Majesty's Government that when the UK ratifies the Additional Protocol<sup>6</sup> to the Convention, this ratification may be extended to the Bailiwick.

The general philosophy has been to draft data protection legislation to follow the UK legislation as closely as possible. This approach:

- a) gives greater certainty that the requirements of the Directive will have been transposed adequately;
- b) simplifies the compliance procedures for data controllers established in the Bailiwick, since many of them are associated with organisations based in the UK;
- c) enables the Commissioner to exploit access to expertise, literature and advice from the Office of the UK Information Commissioner;
- d) allows the re-use of notification software (and procedures) originally developed for the UK.

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<sup>4</sup> Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, 28 January 1981.

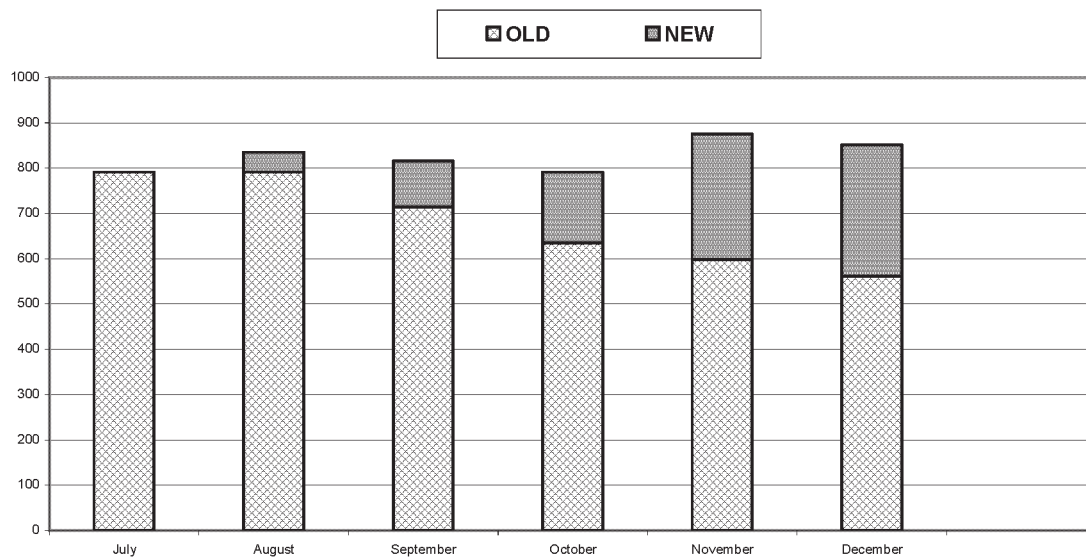
<sup>5</sup> Directive 95/46/EC on the Protection of Individuals with regard to the Processing of Personal Data, 24 October 1995.

<sup>6</sup> Additional Protocol to Convention 108 regarding supervisory authorities and transborder data flows, 8 November 2001.

*Bailiwick of Guernsey Data Protection Report for 2002***NOTIFICATION**

An important aspect of the transparency provisions of the Law is the requirement that data controllers notify the Commissioner of their processing of personal data. The Law requires notification on an annual renewable basis of all processing that is not exempt. Exemptions from notification exist for manual data and data associated with core business purposes of accounts, staff administration and marketing. Controllers registered under the 1986 Law are deemed to have notified until their existing registrations expire.

The chart below shows that growth in new notifications under the Law since August, 2002 has apparently been balanced by the reduction in old registrations under the 1986 Law that have expired. Because data controllers who may have had multiple registrations under the 1986 Law now need only one notification and more data controllers are exempt from notification under the 2001 Law, it would have been expected that the number of notifications might fall. In fact, over the period there have been 289 new notifications and 232 registrations that have been closed, resulting in a small but significant increase in the overall number of data controllers that have notified.

**OLD Registrations and NEW Notifications**

Of the 562 remaining old Registrations under the 1986 Law, 449 Registrations fall due for renewal in 2003, with the remainder expiring in 2004 and the first half of 2005.

The design of the Internet notification process<sup>7</sup> was based on that used in the UK<sup>8</sup>, but it has been extended to support the full process of design, amendment and electronic submission of notifications. Draft notifications may be viewed and edited by the data controller and the staff of the Commissioner's office. Once a notification is complete and the notification fee has been received it is released for publication on the public register which is accessible to anyone on the Internet.

<sup>7</sup> [www.dpr.gov.gg](http://www.dpr.gov.gg)

<sup>8</sup> [www.dpr.gov.uk](http://www.dpr.gov.uk)

*Bailiwick of Guernsey Data Protection Report for 2002*

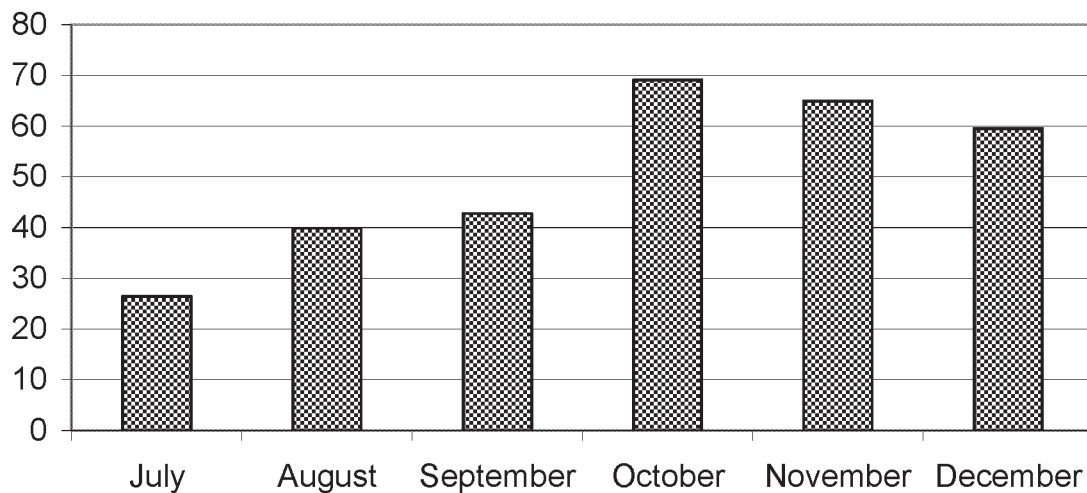
The development of the notification system involved considerable work, not only by the Commissioner and his staff who were involved with specification and testing, but also by the development staff from Eduserv<sup>9</sup>, the organisation that developed the UK Internet notification software. It is to be hoped that this effort will be rewarded as the other jurisdictions are currently examining the system with a view to its wider adoption. Further development of the system to provide improved support to back office processes is anticipated for the coming year.

Notification via the Internet has been very popular with over 80% of notifications being received in this way and about 25% of the fees being paid by annual direct debit. The exploitation of Internet notification has generated staff savings of at least one hour per notification compared with the registration procedure under the 1986 law and enabled more emphasis to be devoted to awareness and compliance activities. The increased use of direct debit is also expected to generate further administrative savings at renewal time.

The chart below illustrates the growth in the average daily activity on the online notification site, since its launch in July, up to the end of December.

The peak activity occurred during October, which coincided with the expiry of many registrations that had originally been taken out at the commencement of the previous Law in October 1987 and had been renewed thereafter on a three-yearly basis. The rate of renewals in 2003 is expected to fall as fewer old registrations come up for renewal and so the activity on the site may well reduce.

Internet Notification Site Page Requests per Day



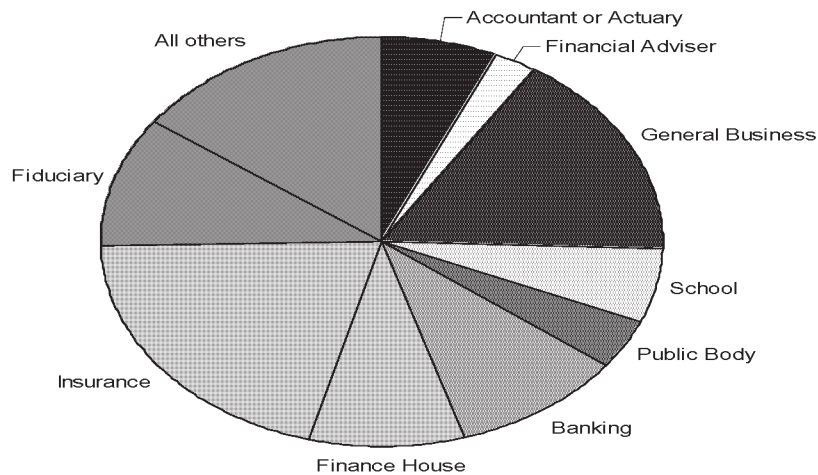
Analysis of site activity for 2002 shows about 20% was central administration by Eduserv, 30% data protection office administration and the remaining 50% was use by external organisations for notification, download of guides or searching of the register.

<sup>9</sup> [www.eduserv.org.uk](http://www.eduserv.org.uk)

*Bailiwick of Guernsey Data Protection Report for 2002*

The new notification process requires data controllers to indicate the nature of their business activity. This not only simplifies the process, as it allows for the generation of a standardised draft notification based on a template, but also enables a record of the number of notifications to be maintained by industry sector.

**New Notifications by Sector**



The chart above shows the distribution of new notifications in 2002 by industry sector. The largest number of notifications were derived from Insurance (21%), followed by General Business (16%), All others (15%), Banking (10%), Fiduciary (10%) and Finance House (9%).

The accuracy of this analysis is dependent on controllers having selected a template that reflects their business sector, which does not always occur; nevertheless, it is expected that the statistics will improve as an increasing number of old registrations under the 1986 Law are replaced by new notifications under the 2001 Law. Because of the three-year registration period under the old law, this process will not be complete until mid 2005.

There has been disturbing evidence of a failure of some data controllers to realise the importance of notifying under the new law prior to the expiry of their registrations under the old law. This is of some concern as notifications cannot be backdated and failure to notify whilst continuing to process personal data is a criminal offence. Accordingly, in any interim period between a lapsed registration and the completion of a notification, data controllers risk prosecution, especially if any complaint is made that would result in an assessment of their processing being undertaken.

The Commissioner will be looking at further measures to increase compliance with the notification regulations during 2003.

*Bailiwick of Guernsey Data Protection Report for 2002*

## STAFFING

The establishment of the Office of the Data Protection Commissioner presently comprises three staff: the Commissioner and Assistant Commissioner who work full time and the Administrative Assistant who works part-time. The Commissioner is a statutory public appointment and his staff are seconded from the Civil Service, but wholly responsible to him.

Under section 2 of schedule 5 of the Law, “*the {Advisory and Finance} Committee must make available to the Commissioner such numbers and descriptions of staff as he may reasonably require for the proper and effective discharge of his functions.*” The Commissioner is of the view that the current establishment of one full time Assistant and one part time Administrator is the minimum level of staffing resource necessary for him to undertake his functions. However, there is no evidence at present that an increased establishment is required.

Anne Wiggins was appointed to the post of Assistant Commissioner in August. She replaced Richard Ansell who was on secondment from the UK Information Commissioner’s Office in Wilmslow, Cheshire. Mr. Ansell had been in Guernsey for sixteen months during which time he had provided seminars to both public and private sector organisations in order to raise awareness of the forthcoming Law. He had also provided considerable help with the establishment of the administrative procedures required for implementation of the 2001 Law. He returned to the UK at the end of August and the Commissioner is grateful to him for giving the Bailiwick the benefit of his knowledge and experience and to the UK Information Commissioner for agreeing to his secondment.

The Assistant Commissioner is primarily responsible for raising awareness of data protection issues and to this end she has provided training to business and finance organisations. Although relatively new to the field of data protection she has received favourable feedback from the organisations that she has visited so far. She has also produced and distributed advice literature throughout the Bailiwick so that individuals as well as organisations can be made aware of their rights under the law. In addition she assists the Commissioner in other areas such as compliance as well as being responsible for some administrative functions, such as the generation and completion of draft notifications.

The Administrative Assistant provides invaluable administrative support, especially to the notification process and to the maintenance of the internal accounts and filing systems. During 2002 she worked a significant amount of overtime, predominantly related to the large number of old registrations that expired and the resulting level of notification activity.

It is anticipated that there may be less time needed in this area during 2003 as there will be fewer registrations under the 1986 law that fall to expire. This may result in a reduced need for overtime working. However, the staffing level will continue to be regularly reviewed in relation to the notification workload and the number of enquiries and complaints that are received and if any significant shortfall in resources is identified, the Advisory and Finance Committee will be informed at the earliest opportunity.

*Bailiwick of Guernsey Data Protection Report for 2002*

## **AWARENESS**

There is a continual need to ensure that individuals are made aware of their rights under the Law and organizations that process personal data are made aware of their responsibilities.

The Office of the Data Protection Commissioner has been pro-active throughout 2002 in raising awareness by:

- Making use of the media,
- Delivering presentations and training,
- Giving compliance advice,
- Developing the Internet web site.

### **Making use of the media**

The Commissioner issued nine press releases throughout 2002; these gave information about:

- the new law,
- the online notification system,
- the publication of advice booklets,
- his attendance at the conference in Brussels to discuss the Directive,
- misleading offers from unofficial data protection agencies,
- the consultation process on the proposed Privacy Regulations.

The Commissioner was interviewed on a number of occasions on local radio and television.

Further joint press releases were also issued on behalf of the organizations involved with the 24<sup>th</sup> International Data Protection Conference in Cardiff.

Throughout the year the local media have proved very supportive of the publicity campaigns that have been mounted and the Guernsey Press in particular has never failed to publish material issued by the Commissioner's office.

A total of nineteen articles on data protection, including a five part series on the implications of the new law, appeared in the local press. These articles included interviews with the Commissioner and the former Assistant Commissioner and various data protection issues and initiatives were commented and reported upon.

A number of articles on data protection have appeared in the Press and in other specialised publications written by various professionals highlighting the passage of the new Law. These have generally been accurate and positive.

*Bailiwick of Guernsey Data Protection Report for 2002*

One article, prompted by a parish official, complained about apparent obstacles to data sharing posed by the Law. This necessitated the Commissioner writing an open letter to the press to explain the situation.

Another letter from a local academic included a misleading interpretation of personal data, which again required a response from the Commissioner in the form of a letter to the Editor.

**Delivering presentations and training**

Prior to the new Law coming into force in August, Richard Ansell, Assistant Commissioner who was on secondment from the Office of the UK Commissioner, had been giving presentations to organizations throughout the Bailiwick to raise awareness of the new Law. Richard returned to the UK at the end of August and was replaced by Anne Wiggins, who is on secondment from the Guernsey Civil Service.

Between January and the end of July Richard delivered twenty presentations mainly to organizations within the financial sector. Between September and December Anne has delivered eleven sessions to organizations within the financial and general sectors. In addition the Commissioner has been invited by various organizations to be a guest speaker at lunchtime seminars and also spoke to local grammar school students.

The Commissioner and his assistant were pleased to have been asked to run a workshop session at a conference held on 24 October that was organised by the Confederation of Guernsey Industry and the Training Agency.

**Giving compliance advice**

To assist data controllers with compliance the office has also given advice and guidance on the following to various organizations:

- Standing orders
- Protocols
- Procedures
- Design of application forms
- Contracts with data processors
- Recording of telephone calls

Representatives of organizations have called at the office to discuss the impact of the Law on their working practices and additionally the Commissioner and Assistant Commissioner have visited a number of organizations on site for this purpose.

*Bailiwick of Guernsey Data Protection Report for 2002*

A press release in October informed the public of the availability of the following literature which has been produced by the Data Protection Office. The brochures are free of charge and are available in hard copy but may also be downloaded from the Commissioner's website.

**Guidance Handbooks (A4)**

- Charities
- Data Controllers
- Financial Institutions
- Notification Exemptions
- Notification Handbook
- Small Businesses
- States Committees

**Advice Booklets (A5)**

- Baby mailing preference service (how to stop unwanted mail about baby products)
- Be Open ... with the way you handle information (obtaining data fairly and legally)
- CCTV Checklist
- Data Controllers (how organisations must process personal data)
- Your rights under the Law: Guidance for individuals
- Mailing, telephoning, fax and e-mail preference services
- No Credit (how to access, and correct, details held by credit reference agencies)
- The Data Protection Law and You (advice for small businesses)
- Violent warning markers: use in the public sector
- Disclosures of vehicle keeper details

*Bailiwick of Guernsey Data Protection Report for 2002*

The Assistant Commissioner has circulated the literature to a number of public, private and voluntary organizations throughout the Bailiwick. She keeps a record of the locations where the literature is sent so that a follow up can be undertaken to assess its uptake and impact. The first review date for this is in January 2003.

Approximately 500 copies of the literature have been distributed during 2002. Two of the advice booklets “Individual Rights” and “Violent warning markers” proved to be in such great demand that the office could not cope with their production and so the two thousand copies that were requested had to be produced by a local printing firm and will be issued early in 2003.

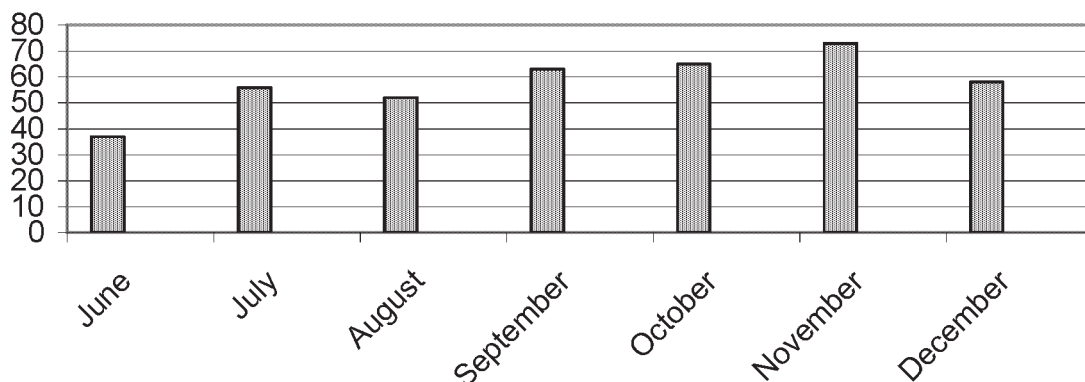
In addition, Notification Guidance Handbooks are sent out to data controllers when their registrations under the 1986 law are about to expire.

Former Assistant Commissioner Richard Ansell is a keen photographer. His legacy to this office has been a set of photographs of Guernsey and Alderney that have been assembled into a calendar for 2003. This has been circulated to Data Protection Authorities worldwide and also to those agencies that were invited to participate in the survey on Privacy Regulations. As well as depicting scenic locations throughout the Bailiwick the calendar reminds all who see it of the data protection principles. It looks set to become a collectors’ item.

### **Developing the Internet Web Site**

During the year a major effort was devoted to redesigning the Internet web site<sup>10</sup>.

#### **Daily Average of Visits to Internet Site**



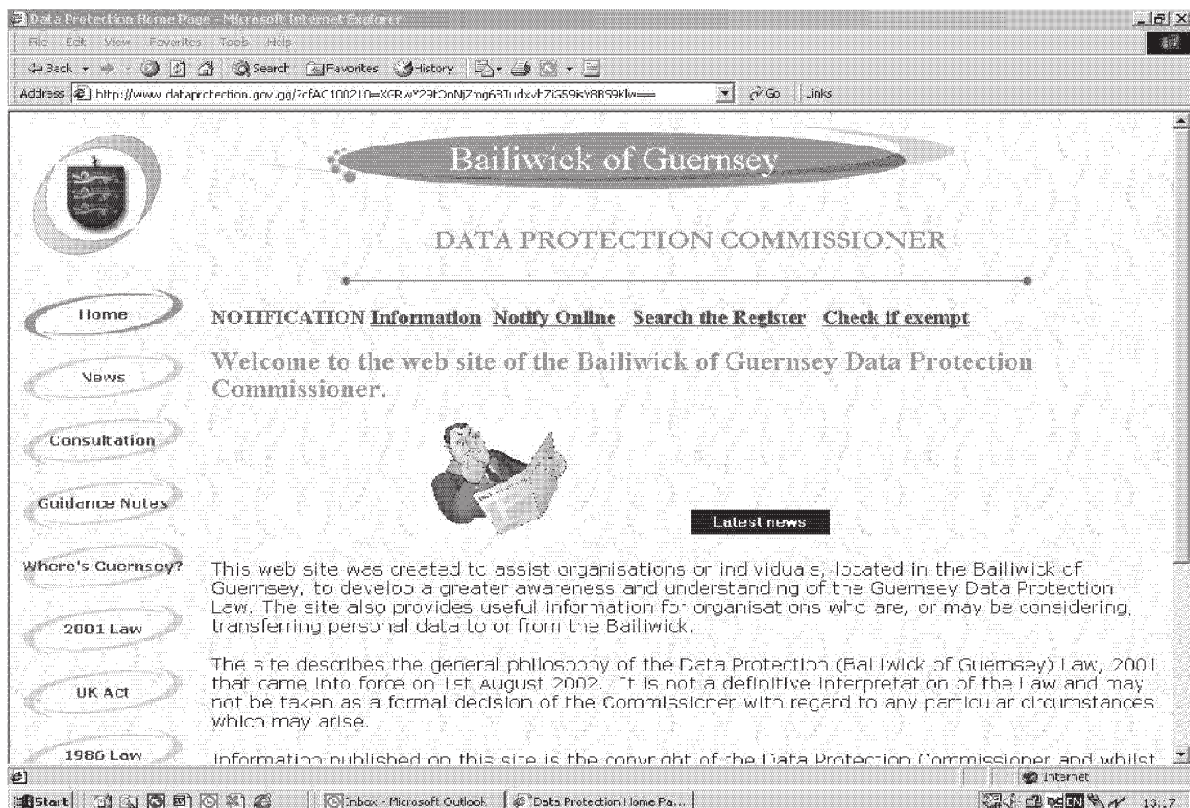
The chart above shows that the usage of the site has increased to an average of about 60 visits per day. This statistic is felt to be rather more indicative of activity than the more usual figure of “hits” which can be misleading. The most popular section of the site has been “Guidance Notes”, where visitors are able to view or download a copy of all of the guidance notes that have been published during the year.

<sup>10</sup> [www.dataprotection.gov.gg](http://www.dataprotection.gov.gg)

*Bailiwick of Guernsey Data Protection Report for 2002*

The Internet site was developed in house and is currently maintained by the staff of the Information Services Department of the Advisory and Finance Committee.

The site is updated on a regular basis and includes copies of all of the material which is published by the Commissioner's office, together with links to other data protection sites and information for data subjects about complaint handling.



The range of information available on the Internet site has now grown to the extent that a redesign will be required. The Commissioner is grateful for the further assistance of the Information Services Department which has offered to undertake this redesign process during the coming year.

*Bailiwick of Guernsey Data Protection Report for 2002*

## ENFORCEMENT

The Law provides for a number of offences:-

- a) Failure to notify or to notify changes to an entry;
- b) Unauthorised disclosure of data, selling of data or obtaining of data;
- c) Failure to comply with a Notice.

The Commissioner may serve an Enforcement Notice where he has assessed that a controller is not complying with the principles or an Information Notice where he needs more information in order to complete an assessment.

Complaints by data subjects to the Commissioner concerning notification, or disclosure offences would be dealt with as potential criminal prosecutions by the Police and Law Officers. Although no prosecutions were undertaken in 2002 for failure to notify, this is an area which will be kept under particular review in the forthcoming year.

One allegation of unauthorised disclosure was investigated by the Police as a criminal offence under section 55 of the Law. It was decided on this occasion not to prosecute, but to issue a caution to the offender.

Complaints involving non-compliance with principles are dealt with as a request for assessment. Only if a data controller fails to comply with an Enforcement Notice or an Information Notice issued during the assessment process would a prosecution be contemplated.

There were fifteen requests for assessments received from individuals who believed that their personal data had not been handled in accordance with the Law.

Three of these cases are ongoing as the Commissioner is still gathering information before he can deliver a final judgment.

Of the remaining twelve there were two where the Commissioner found that no breach of the Law had occurred.

In the remaining cases, the data controllers complied with the Commissioner's recommendations to rectify technical or organizational deficiencies that contributed to the identified breaches of the Law.

A Preliminary Enforcement Notice was served on one organization which had not initially complied with the Commissioner's advice. Following this action, the organization complied without further delay.

Brief details of the assessments undertaken during the year are as follows:

- 1) An organization was found to have breached the third principle in that there was an excessive transfer of a subject's sensitive data from an employee of the organization to an external agency. This resulted in the affected individual suffering distress.

The organization took measures to make their employees aware of the Data Protection Law and placed the issue of confidentiality high on the agenda of a meeting of an appropriate and influential committee. Relevant professional

*Bailiwick of Guernsey Data Protection Report for 2002*

guidelines on the sharing of information were also obtained and circulated to appropriate personnel.

The data subject was able to have the excessive data removed and have these replaced with a summary in the personal records maintained by the recipient agency.

- 2) A Guernsey agency sent unsolicited mail to a United Kingdom based resident. The mail clearly was for another recipient and was wrongly addressed. The Guernsey agency had obtained the outdated and therefore inaccurate data from a mailing list purchased from a UK agency. The situation was rectified by the individual's details being removed from the local agency's database.
- 3) A data controller refused a subject access request which was needed prior to some civil proceedings. The Commissioner wrote to the data controller and drew attention to section 7 of the law. There was subsequent compliance.
- 4) A UK based resident was a regular customer of a Guernsey based mailing company. He received an additional account from the company which was in an erroneous alias. This caused some distress and the client closed his accounts and made a subject access request to establish why the erroneous alias had been created. The subject access request was ignored and the client continued to receive mail shots.

After the Commissioner's intervention the client's name was suppressed from the company's data base and the subject access request was granted. After an internal investigation an employee of the company was disciplined and the client received an apology. There was a review of the company's internal procedures and revisions of procedures resulted.

- 5) Another UK based resident received unsolicited mail from a Guernsey company. The company had purchased a mailing list from a UK company. The client's name was suppressed from the local company's database. The client was advised to contact the UK Commissioner as it was the UK based company who had used the client's data for marketing purposes without consent.
- 6) An individual complained that a financial institution had lost both her and her husband's personal and sensitive data. This resulted in distress as well as a delay in the couple having necessary insurance cover. The data controller undertook a rigorous investigation and an improvement in transfer procedures resulted.
- 7) An individual suffered distress after an unauthorized disclosure of a personal bank account. As a result of fraud an account which was in joint names had become overdrawn and a transfer was made from the subject's personal account without consent. The spouse had been unaware of the existence of the personal account hence the resulting distress.

The data controller undertook an investigation which highlighted a training need for staff where money transfer procedures were concerned. The client also received an apology and a compensation payment.

*Bailiwick of Guernsey Data Protection Report for 2002*

- 8) The UK Commissioner's office approached the Commissioner after a locally based mailing company had sent unsolicited mail to a UK resident. Following the Commissioner's intervention the data subject's name was suppressed from the mailing list.
- 9) A resident of Alderney requested the Commissioner to enquire into Electoral Registration custom and practice and the legal basis of Electoral Registration within the Bailiwick. The resident was prompted to do this as he considered that the form of application for Inscription in the Register of Electors for Alderney did not comply with the Data Protection Law in that it asked for excessive and irrelevant information.

After investigation and consultation with the Law Officers and the Clerk of the States of Alderney it was established that the design of the form did not fully comply with Section 33(3) of the Government of Alderney Law, 1987. Furthermore the Law itself had not been amended to cater for residentially qualified nationals of other European States to join the electoral register.

The Election Procedure Ordinance for Alderney is to be reviewed in the light of the outcome of the investigation.

- 10) A Guernsey organization published personal data when the individual had specifically requested that this should not happen. This caused the individual distress as there were very good reasons why this information should not have been published.

The organization did not comply initially with the Commissioner's recommendations to improve organizational practices and procedures. A Preliminary Enforcement Notice was served and this resulted in the organization taking note and undertaking the necessary actions. The data subject received an apology and a small compensatory award.

- 11) A user of an online forum complained that the editor of the forum had disclosed personal data to another online user. The Commissioner while finding that there was no substantive breach of the Law found it necessary to advise the Editor of a more appropriate manner in which to handle future similar occurrences. Both parties made representations on this judgment so the Commissioner undertook a formal assessment, which upheld his original decision and gave both parties a detailed account of his reasoning. A significant point to emerge from the assessment was that the IP address that is allocated to a computer cannot normally be regarded as personal data, because there is not an unequivocal link between that address and an individual.
- 12) A business organisation complained about the content of an unsolicited fax it had received that offered to sell contact names and addresses. The complaint was found to be ill founded as the author of the fax was offering to sell lists of company names rather than names of individuals and this did not represent unlawful processing of personal data for marketing purposes. The complainant was however advised of the possibility of registering with the fax preference service to prevent the receipt of further unsolicited fax messages.

*Bailiwick of Guernsey Data Protection Report for 2002*

In addition, two complaints were received about the disclosure of e-mail addresses in communications sent out to a large number of recipients. This problem arises because of an unhelpful feature of Microsoft Outlook that by default discloses the addresses of all the recipients of an e-mail to each other. Only by using the normally hidden 'BCC' feature of Outlook (and similar e-mail programs) can this problem be avoided. The first complaint was upheld in that the sender of the e-mail was an Internet Service Provider (ISP) that had disclosed the personal addresses of some of its clients to each other. The ISP issued an immediate apology, compensated its users and revised its procedures. The second complaint was not upheld because the disclosure was of business addresses rather than personal ones. Whilst this raised issues of business confidentiality, the Commissioner decided that there were no data protection breaches in this particular case. Nevertheless, the company involved did apologise to its users over the breach of business confidentiality and revised its internal procedures to prevent a recurrence.

**THE DATA PROTECTION PRINCIPLES**

1. Personal data shall be processed fairly and lawfully and special conditions apply to the processing of sensitive personal data.
2. Personal data shall be obtained for one or more specified and lawful purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purposes for which they are processed.
4. Personal data shall be accurate and kept up to date.
5. Personal data shall not be kept for longer than necessary.
6. Personal data shall be processed in accordance with the rights of data subjects.
7. Technical and organisational measures shall be taken against unauthorised or unlawful processing and against accidental loss or damage to personal data.
8. Personal data shall not be transferred to a country or territory outside the Bailiwick unless the destination ensures an adequate level of protection for the data.

*Bailiwick of Guernsey Data Protection Report for 2002*

## **INTERNATIONAL LIAISON**

### **European Spring Conference**

The Commissioner was invited to attend this conference of European Data Protection supervisory authorities, which was held in Bonn on 25-26 April 2002.

The conference was dominated by the data protection implications of security legislation that was being proposed throughout Europe post 11 September 2001, in particular proposals for the mandatory retention of communications traffic data that threatened to breach the privacy rights of ordinary citizens. In addition, Auditing and Certification concepts, biometric identification and other current issues were discussed.

The Commissioner presented a paper at the conference discussing implementation issues with the application of the Directive to Third Countries (as exemplified by the Bailiwick). This provoked a useful discussion on how relationships between the data protection authorities within the European Union and those in Third Countries might be improved.

### **British and Irish Data Protection Authorities**

A regular meeting of the Commissioners and Registrars from the UK, Ireland, Guernsey, Jersey and the Isle of Man was held on 16-17 May 2002. These meetings are particularly helpful to the smaller jurisdictions as they help to ensure a consistent interpretation of the law and an equivalent enforcement regime across the British Isles and Republic of Ireland. The main topic of discussion on this occasion was the organisation of the International Conference, which was being jointly hosted by all five jurisdictions.

Other topics discussed included the timetable for the implementation of new legislation within each jurisdiction and progress with requests for an adequacy determination by the European Commission.

In the autumn, both the UK Commissioner and the Isle of Man Registrar - Elizabeth France and Lynn Keig - left their posts to be replaced by Richard Thomas and Iain Macdonald respectively. Michael Smith, the Jersey Registrar, is also due to retire during the course of 2003. The Commissioner appreciates the considerable help and support that he has received from these colleagues and looks forward to the further development, with their successors, of the useful working relationship that has grown up over many years.

### **International Conference**

Guernsey, along with the United Kingdom, the Republic of Ireland, Jersey and the Isle of Man, hosted the 24<sup>th</sup> International Conference of Data Protection Commissioners<sup>11</sup>, which was held between 09 -11 September 2002 at the City Hall, Cardiff. The Commissioner was accompanied to the conference by the (newly appointed) Assistant Commissioner, Anne Wiggins and the Data Protection Administrator, Wendy Ozanne.

Over 300 delegates, representing public and private organizations from over 25 countries around the world attended. The theme of the conference, "Information Rights in the 21<sup>st</sup> Century: Confronting the Myths" aimed to tackle crucial issues affecting the world of

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<sup>11</sup> [www.informationrights2002.org](http://www.informationrights2002.org)

*Bailiwick of Guernsey Data Protection Report for 2002*

information rights and data protection and to explode some commonly held misconceptions.

The conference opened with a closed session for commissioners. During that session the Commissioner led a debate that concluded with the commissioners recognising the independent status of the Crown Dependencies (including the Bailiwick) as it affected the passage of resolutions.

Following the closed session the commissioners issued a public communiqué as follows:

**Statement of the European Data Protection Commissioners at the International Conference in Cardiff (9-11 September 2002) on mandatory systematic retention of telecommunication traffic data**

*The European Data Protection Commissioners have noted with concern that in the third pillar of the EU, proposals are considered which would result in the mandatory systematic retention of traffic data concerning all kinds of telecommunication (i.e. details about time, place and numbers used for phone, fax, e-mail and other use of the Internet) for a period of one year or more, in order to permit possible access by law enforcement and security bodies.*

*The European Data Protection Commissioners have grave doubt as to the legitimacy and legality of such broad measures. They also want to draw attention to the excessive costs that would be involved for the telecommunication and internet industry, as well as to the absence of such measures in the United States.*

*The European Data Protection Commissioners have repeatedly emphasised that such retention would be an improper invasion of the fundamental rights guaranteed to individuals by Article 8 of the European Court of Human Rights (see Opinion 4/2001 of the Article 29 Working Party established by Directive 95/46/EC, and Declaration of Stockholm, April 2000).*

*The protection of telecommunication traffic data is now also provided by Directive 2002/58/EC of the European Parliament and the Council concerning privacy and electronic communications (Official Journal L 201/37), under which processing of traffic data is in principle allowed for billing and interconnection payments. After lengthy and explicit debate, retention of traffic data for purposes of law enforcement should meet strict conditions under Article 15 (1) of the Directive: i.e. in each case only for a limited period and where necessary, appropriate and proportionate in a democratic society.*

*Where traffic data are to be retained in specific cases, there must therefore be a demonstrable need, the period of retention must be as short as possible and the practice must be clearly regulated by law, in a way that provides sufficient safeguards against unlawful access and any other abuse. Systematic retention of all kinds of traffic data for a period of one year or more would be clearly disproportionate and therefore unacceptable in any case.*

*The European Data Protection Commissioners expect that the Article 29 Working Party will be consulted on measures that may emerge from the third pillar discussions before they are adopted.*

*Bailiwick of Guernsey Data Protection Report for 2002*

The remainder of the conference was open to all and developed three underlying themes to encourage discussion and debate that would challenge thinking and promote innovation within the field of privacy protection and freedom of information. Those themes were:

- “Data protection principles, by preventing information sharing, hold back both modern government and efficient business – myth or reality?”
- “Anonymity has no place in the age of global information systems and international terrorism – myth or reality?”
- “Effective data protection can only be delivered through independent powerful supervisory authorities – myth or reality?”

Each theme was the subject of a plenary session delivered by eminent speakers from different organizations throughout the globe. Following each plenary session delegates were able to attend one of three parallel workshops to debate the issues in more detail with a panel of invited speakers.

Following the first plenary session the Commissioner led a workshop which was entitled, “Is there a role for technology as a privacy protector in information sharing?” His three invited speakers spoke respectively on the privacy aspects of Geographic Information Systems (GIS), Smart Cards and how to secure the confidence of banking customers as the delivery of services become more technical and less personal.

There were over sixty attendees at this workshop who asked pertinent questions of the speakers. A relevant discussion ensued as to how the rights of individuals in relation to the handling of their personal data could be preserved as technologies further advanced.

Each member of the Guernsey delegation attended a different workshop after the second and third plenary sessions so as to have a broad perspective of all relevant data protection issues. There were also plenty of opportunities to meet others who work in the field of data protection and this proved to be an enriching and beneficial experience.

In addition, Guernsey had a stand at the conference which promoted the Bailiwick as a holiday destination and there was an excellent uptake of the promotional material that had been provided by the Tourist Board and the Post Office.

### **European Commission Conference on Implementation of the Directive**

The Commissioner was invited to attend this conference that was organised by the European Commission to review the implementation of the Data Protection Directive (95/46/EC).

The conference was held in Brussels from 30 September – 1 October and attended by Data Protection Authorities from Europe and elsewhere in the world.

The Commissioner spoke at the closing plenary session on the impact of the Directive on Third Countries. He stressed the need for “adequate third countries” to be given equivalent treatment by Member States in the application of legislation concerned with data transfers and remote processing.

*Bailiwick of Guernsey Data Protection Report for 2002*

The conference closed with a speech by Frits Bolkestein the Commissioner for the Internal Market. He made it clear that the Commission had no intention of undertaking major revisions to the Directive in the near future, but that further efforts would be made to promote the flow of personal data by bringing its implementation in Member States into closer harmony.

**Liaison with the UK Government**

The Commissioner has traditionally maintained close links with the staff of the Freedom of Information and Data Protection Unit within the Lord Chancellor's Department. Staff from that Unit were most helpful in providing advice during the development of the 2001 Law and its associated Statutory Instruments.

The Unit has consistently promoted the need for the European Commission to make an early decision on the adequacy of the Data Protection régime within the Bailiwick. It is pleasing to note that this pressure has now borne fruit and that the Commission will be assessing the régime within the Bailiwick in the coming year.

Whilst there were no formal meetings with the staff of the Unit in 2002, there was frequent communication by other means and informal meetings were held during the other conferences; a more formal meeting with the staff is planned for early 2003, once the new commissioners in the UK and Isle of Man are in post.

The Unit has also provided useful contacts with the staff from the Department of Industry over the implementation of regulations that would comply with the European Directive on privacy and electronic communications<sup>12</sup>.

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<sup>12</sup> Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector.

*Bailiwick of Guernsey Data Protection Report for 2002*

## DATA PROTECTION WITHIN GOVERNMENT

The States of Guernsey exercise executive or administrative functions through Committees every one of which is answerable to the States and in the States for its acts. The Committees are established by the States by Resolution with specific mandates or are constituted by legislation with statutory powers and duties. They administer the various functions of government in Guernsey such as finance, civil service, agriculture, administration, health, social security, education, housing, horticulture, tourism, employment, water, law and order and town and country planning. The States over a period of time have constructed a permanent civil service under the immediate control and direction of Committees of the States. In Guernsey, therefore the civil service derives its authority from the States and not from the Crown as in the United Kingdom.

Although the States is a single legal person and its individual Committees do not have separate legal personality, Section 62 of the Law makes specific provision for each Committee of the States to be subject to the same obligations and liabilities under the Law as a private person; *“and for the purposes of the Law each Committee of the States shall be treated as a person separate from any other such Committee and a person in the public service of the States shall be treated as a servant of each such Committee to which his responsibilities or duties relate.”*

This is particularly important as it means that each Committee must notify its processing separately from each other Committee and data collected by one Committee may not be disclosed to another Committee unless there is a legal obligation to do so (or unless some other valid exemption applies).

The States are currently looking at ways of reorganising the Committee structure to improve the effectiveness of the machinery of government and are also looking to e-government as a way to improve their relationship with citizens.

Without adequate safeguards, these developments could compromise the protection of personal data processed by the States. In order to address these concerns the States have appointed a Data Protection Adviser to work across all committees and to be the primary liaison point between States Committees and the Commissioner's Office.

The Commissioner welcomes the appointment of the Adviser as a positive step towards ensuring that data protection concerns are given adequate consideration during this process of reorganisation. The Commissioner has also been invited to join the 'Citizen Access Group' that reports to the Advisory and Finance Committee's e-government Steering Committee and is looking at ways in which the effectiveness of the administration may be improved by providing more co-ordination between the personal information that is processed by States Committees. The Group is examining the feasibility of developing corporate information and transaction services and will be concerned with the specification of any legislative changes needed to bring this about.

*Bailiwick of Guernsey Data Protection Report for 2002*

## **OBJECTIVES FOR 2003**

### *Legislation*

Consultation on the European Directive 2002/58/EC has commenced with a view to bringing in Regulations concerned with the privacy of electronic communications in the autumn of 2003. Information will also be drawn from a similar consultation exercise that will be undertaken by the UK Department of Industry early in 2003.

The data protection implications of related legislation, in particular, a Rehabilitation of Offenders Law and amendments to the Interception of Communications Law will be kept under review.

### *Adequacy Determination*

Further work is anticipated on ensuring a positive adequacy finding for the data protection régime by the European Commission. This finding is considered essential to ensuring the free flow of personal data between the Bailiwick and other adequate territories (including the UK and other Member States of the European Economic Area).

### *International Liaison*

The Commissioner has been invited to attend the European Spring meeting of data protection Authorities in Seville and the International Conferences in Melbourne and Sydney in the autumn. He has also been invited to speak to members of the Office of the Official Information Commission in Thailand en route to Australia. Close liaison with the BIDPA (British and Irish Data Protection Authorities) will continue with formal meetings taking place in the spring and autumn.

Governmental meetings with officials from the Lord Chancellor's Department are expected to be arranged as issues arise.

### *Raising Awareness*

It will be necessary to maintain the momentum of the media awareness campaign and further seminars and talks will be arranged.

Collaboration with the Training Agency will continue with the aim of assessing the feasibility of running courses leading to formal qualifications in data protection.

It is also planned to promote more specialised training sessions using UK specialists, with training being targeted separately to financial sector organisations, other private sector organisations and the public sector.

### *Compliance*

Targeted compliance activities will be organised to increase the notification level of local organisations. Improvements will be made to the notification system to derive further statistical information that will aid compliance monitoring. The introduction of sector-specific Codes of Practice based on those in use in the UK will be encouraged.

### *Government*

Further advisory work will be undertaken, specifically as a consequence of the Commissioner's membership of the Advisory and Finance Committee's Citizen Access Group and the States Digimap Management Board.

*Bailiwick of Guernsey Data Protection Report for 2002*

## FINANCIAL REPORT

The Data Protection Office is funded by a grant from the Advisory and Finance Committee that is based on a budgetary estimate of expenditure prepared annually by the Commissioner.

In accordance with Section 3 of Schedule 5 of the Law, all fees received are repaid into the General Revenue Account.

The Data Protection Office's Income and Expenditure, which are included within the accounts for the Advisory and Finance Committee, have been as follows:

<b><u>INCOME</u></b>	<b>2002</b>	<b>2001</b>
	<b>£</b>	<b>£</b>
Data Protection Fees <sup>1</sup>	5,902	16,950
<b><u>EXPENDITURE</u></b>		
Rent	22,853	18,150
Salaries and Allowances	120,014	69,458
Travel and Subsistence <sup>2</sup>	13,219	5,099
Furniture and Equipment <sup>3</sup>	11,020	23,838
Publications	2,693	2,176
Post, Stationery, Telephone <sup>4</sup>	3,919	--
Heat Light, Cleaning <sup>4</sup>	4,015	--
<b>TOTAL</b>	<b><u>£177,733</u></b>	<b><u>£118,721</u></b>

### NOTES

<sup>1</sup>Fees were £75 for a new registration or to renew an existing registration for a three year period, up to 31<sup>st</sup> July and £35 per annual notification from 1<sup>st</sup> August 2002, when the new law came into force.

The Fee Income for 2001 is shown above on a cash-received basis, whereas the Income for 2002 is shown on an accruals basis. The cash received in 2002 was in fact £24,990 but most of this sum was accrued into subsequent years, to cover the life of the 3-year registrations (Jan-July) and 1-year notifications (Aug-Dec).

<sup>2</sup>This sum includes the Bailiwick's share of the costs of the International Conference held in Cardiff in September (£7,928).

<sup>3</sup>Furniture and equipment costs exclude the costs of the notification system supplied by Eduserv (£19,200) that were funded from the Advisory and Finance Committee's e-government capital budget. Annual maintenance and development costs of the notification system will be included in future years' accounts.

<sup>4</sup>'Post Stationery, Telephone' and 'Heat, Light Cleaning' are new heads of expenditure resulting from the move of the Office to separate accommodation in January 2002.

Further information about compliance with the Data Protection (Bailiwick of Guernsey) Law 2001 can be obtained via:

E-mail address: [dataprotection@gov.gg](mailto:dataprotection@gov.gg)

Internet: [www.dataprotection.gov.gg](http://www.dataprotection.gov.gg)

Telephone: +44 (0) 1481 742074

Fax: +44 (0) 1481 742077

Post: Data Protection Commissioner's Office  
P.O. Box 642  
Frances House  
Sir William Place  
St. Peter Port  
Guernsey  
GY1 1JE



**APPENDIX II****STATES ADVISORY AND FINANCE COMMITTEE****STATES AUDIT COMMISSION: PROJECT MANAGEMENT**

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

8<sup>th</sup> May 2003

Dear Sir,

**States Audit Commission: Project Management**

The Advisory and Finance Committee has received a report from the States Audit Commission entitled "Project Management".

The Commission has (in accordance with the provisions of the States Audit Commission (Guernsey) Law, 1997) requested the Committee to submit a copy of the report for inclusion as an appendix to a Billet d'Etat.

The amount and value of major States projects (including construction, site development and IT projects etc.) has grown in recent years and is likely to continue to do so. Good project management is an essential feature in the successful implementation of such projects and the Commission's review of this area is therefore to be welcomed.

The Commission's report concludes that States Committees have taken major steps forward in the past year or so towards employing more modern project management techniques and as a result projects are being managed in a more professional manner. However, further work is required to ensure that these good examples are built upon.

The Committee is pleased to note that there have been improvements in the area of project management in recent years, however, it is recognised that there is certainly no room for complacency.

As well as addressing project management in general, the Commission's report builds upon its previous report on Risk Management (Billet d'Etat X, April 2000) emphasising the need for risk management processes to be embodied within project management. The Committee strongly endorses this approach.

The Committee commends the Commission's report to the States and for its own part will be examining how best it can address those issues for which it has primary responsibility. However, it is also important that individual committees also continue to review, and where necessary revise, their own project management practices.

I would be grateful if you would arrange for the publication of the States Audit Commission's report as an appendix to a Billet d'Etat.

Yours faithfully,

L. C. MORGAN

President,  
States Advisory and Finance Committee



**STATES AUDIT COMMISSION**

**Report to the States of Guernsey**

**PROJECT MANAGEMENT**

**CONTENTS****SECTION**

- 1 EXECUTIVE SUMMARY**
- 2 INTRODUCTION**
- 3 PROJECT MANAGEMENT FRAMEWORK**
- 4 PLANNING & SCHEDULING A PROJECT**
- 5 ON-GOING PROJECT MANAGEMENT**
- 6 RISK AND CONTINGENCY MANAGEMENT**
- 7 POST-PROJECT ANALYSIS & PERFORMANCE MEASUREMENT**
- 8 CONCLUSION AND RECOMMENDATIONS**

**APPENDICES**

- I TERMS OF REFERENCE**
- II SCHEDULE OF MAJOR PROPOSED OR APPROVED BUILDING PROJECTS**

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## **1 EXECUTIVE SUMMARY**

### **1.1 Current Position**

It is commonly known that the States of Guernsey is currently managing an unprecedented number and range of complex projects. Its capital spending is at its highest level in recent years, with many more building projects in the pipeline. It also has been, and continues to implement significant new computer systems and technology solutions to streamline and improve the efficiency of its operations. Moreover, there are other forms of major project in progress, such as the implementation of the Machinery of Government review changes, and the recent poverty survey.

Such projects need careful project management to ensure that the end result is in line with expectations, and delivered on time within budget. It is also fair to say that projects mean change, and change brings uncertainty and risk. Modern project management practices are needed to ensure all these facets are properly managed, to ensure the above objectives are met, to manage the change process (and minimise its impact on staff and other stakeholders), and to protect States assets and resources.

Hence, the Audit Commission feels it appropriate to issue this report at the current time. The aims of this report are to provide a blueprint (albeit a flexible one) for managing complex projects well and to learn from the lessons of the past.

### **1.2 Findings**

The Audit Commission was pleased to note, whilst performing this review, that States committees have taken major steps forward in the past year or so towards employing more modern project management techniques. Many of the major projects, currently in progress, where appropriate have utilised the skills of professional, external project management experts.

The Audit Commission believes this is an important and positive move. It is crucial to understand that project management is not a “bolt on to the day job”. The temptation to try to manage major projects in-house using existing staff is one that can have serious implications, not only on the success of the project, but also on the ability of those staff to continue to do their important day jobs. The aim of saving money is admirable, but the employment of experienced and skilled project managers on major or complex projects should pay for itself, by avoiding project cost overruns, inefficiencies, unforeseen risks, and time delays that are almost inevitable if a project is run by staff with inadequate project management skills.

Minor projects, by their nature, do not necessarily need such a heavy investment in external project management skills, and may be managed in-house. However, in these cases, committees need clear guidance on how to manage a project successfully and, in many cases, would benefit from internal, possibly shared, project management expertise.

### **1.3 Recommendations**

This report includes detailed recommendations throughout and these are listed fully in section 8. However, in summary, the findings fall into the following main areas:

- The need for further and wider acceptance and employment of skilled project management expertise and sound project management techniques,
- The need for greater scrutiny over projects - before, during and after projects are completed – within a clearer and more formalised scrutiny framework,
- The need for further detailed guidance and assistance for States committees on how to manage projects,
- The need for a review of the project management resources employed in-house and the profile attaching to such a role,
- The need for greater emphasis to be placed on managing project risks, as a fundamental (but often overlooked) aspect of managing projects.

## 2. INTRODUCTION

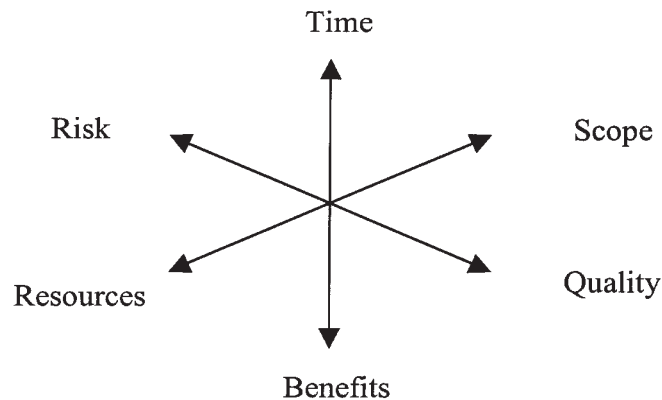
### 2.1 Definitions

A “Project”, for the purpose of this report, is the process of providing a solution to an identified need. That could be as simple a process as ordering new letterhead paper, or as complex as designing and building a complete estate development. The project starts as soon as the need is identified, not just once the preferred solution is decided upon, as the preferred solution should also be subject to challenge and appraisal as part of the process.

A “Capital Project” according to States terminology is any project funded out of capital funds allocation and relate mainly to building projects. However, this report is not restricted to either capital or building projects, but considers all forms of project – revenue and capital funded, building and non-building.

“Project Management” is concerned with the delivery, control and monitoring of projects, of whatever form, on time, to budget and “fit for purpose”, whilst achieving maximum value from the project and the resources invested in it. Fit for purpose means that users are happy with the end product, that it generates the anticipated benefits and that it complies with current legislation and guidance.

The various facets of project management can be diagrammatically represented by the following:



Source: AFA Project Management Ltd

This diagram indicates that inputs, outputs and constraints all need comparable levels of attention by the project management team.

It is clear from experience that initiatives can fail if not properly managed. Hence it is important to invest in proper project management to prevent that from happening.

### 2.2 Terms of Reference

The Terms of Reference for this review are detailed at **Appendix I**.

Please note that, despite the fact that this report looks at building projects quite extensively throughout, it is not intended to be a review of the States’ control of capital expenditure, which may form the subject of a future Audit Commission report.

### 2.3 Scope of Review

The States Audit Commission has a mandate to assist committees in ensuring the effective, efficient and economical management of States’ assets and finances. This latest review by the Audit Commission has looked into the way the States manages its projects and whether there is any scope to

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improve the management of projects to ensure that the significant funds and resources invested in them are protected and utilised to generate maximum value for money.

The review has looked at all forms of projects, not just the “headline grabbing” projects which are mostly building projects. However, the States enters major projects regularly, of all types, including new buildings, of course, but also computer system implementations, change management projects, consultation projects, research projects etc.

A variety of the more notable projects in progress include:

- Energy from Waste Plant
- New Airport Terminal
- Implementation of the Machinery of Government Review changes
- E-Pact Project (Implementation of the States SAP Finance & Procurement System)
- Education Grid for Learning ICT Project
- GSSA Technical Migration IT Project
- Beau Sejour Centre refurbishment project
- Education Estates Development
- Home Affairs TETRA Radio system
- New Courts Buildings
- Town Parking survey

The principles of sound project management should apply to all such projects.

#### **2.4 Background**

States projects have historically not been managed as well have they might have been, due possibly to:

- a lack of knowledge about current best practice in managing projects,
- a reluctance to invest in seemingly costly external advice,
- an ineffective structure for providing guidance and scrutiny of projects by the centre,
- a lack of experienced project managers within the States, and perhaps
- a certain naivety that the problems experienced by other committees would “not happen to us”.

Whilst in the first three areas noted above, things have progressed significantly in the past two years, the latter two areas still exist as issues.

Whilst ideally this report would demonstrate specific examples of where inadequate project management has occurred, the purpose of this report is to look forward. Whilst there have undoubtedly been some project management issues in the past, the Audit Commission was pleased to note during this review that projects are beginning to be managed on a more commercially professional manner. This report seeks to build upon that to provide a blueprint for the future.

#### **2.5 Building Projects**

The States of Deliberation has stated its commitment to prioritising building projects. However, there remains a “wish list” running into hundreds of millions of pounds (see Appendix II). Couple this with a local construction industry under immense pressure, and a limited availability of funds, the need for prioritisation and proper management of projects is crucial.

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Section 6 of this report refers to recent suggestions (made within the Board of Industry report “Guernsey: Constructing the Future”) that poor risk management (a fundamental part of project management) can add a 10% premium to the costs of capital contracts in the Island. If we prudently estimate the future capital spending in the next ten years to be £0.5 billion (based on the estimates included at Appendix II), this will mean that poor project management could result in a loss of some £50 million i.e. £5 million per year.

Compare this with the average cost of employing dedicated professional project managers to run these projects on the States behalf (typically in the region of 1.75% of the contract value), and **the States could save itself in the region of £40 million over the next ten years, just on building projects.**

This in itself should be a major incentive for the States to employ proper project management, notwithstanding the other problems that poor project management results in, including demoralised staff, deteriorating public perception, interruption in public services, unforeseen project risks.

Moreover of course, these figures only relate to building projects and do not take account of the savings to be gained through proper project management of the States IT and other projects.

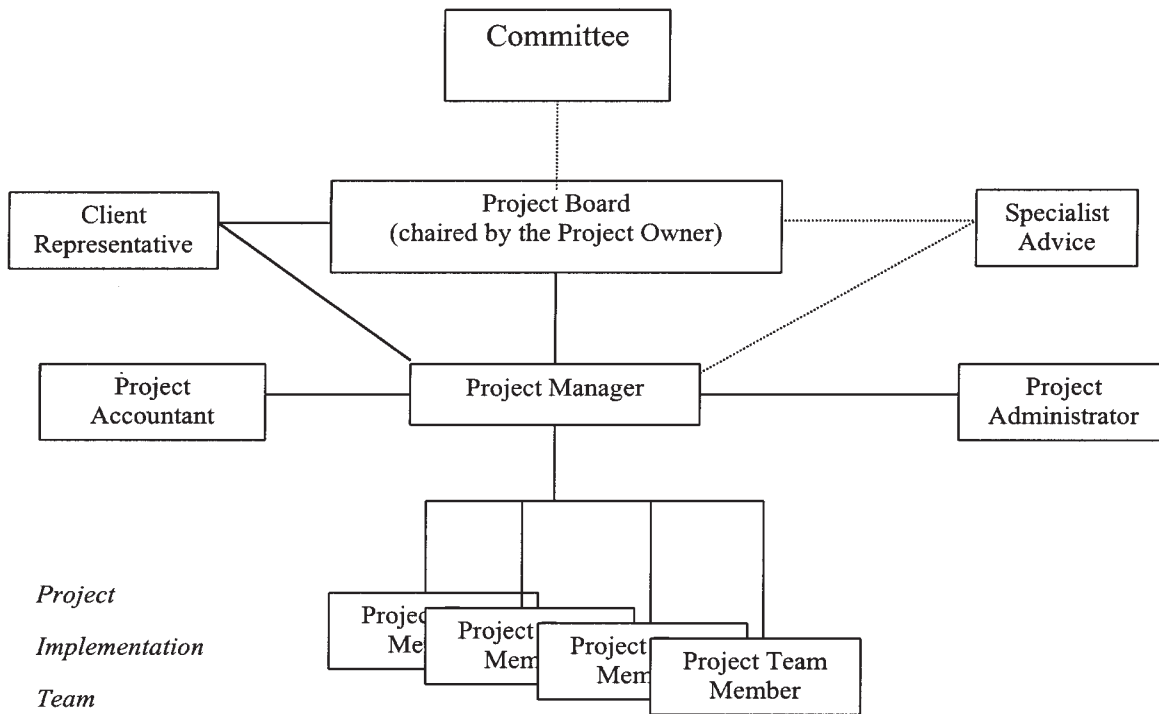
**3. PROJECT MANAGEMENT FRAMEWORK**

**3.1 Project Structure**

One of the most fundamental aspects that affect the success (or otherwise) of a project is the governance structure put in place to oversee that project. It is essential that ownership, responsibilities and accountabilities are clearly laid out, understood and accepted by all parties involved.

Many of the States projects now occurring have recognised the modern thinking that project ownership and management are not necessarily the same thing, indeed it often helps to have these two aspects kept separately, to enable the project manager to get on with delivery of the project, allowing the project owner to maintain the ability to view the project from a more detached viewpoint because he/she is not tied up in the detail of delivery.

A generic framework for governing a project might look something like this:



Whilst the above framework provides a suggested structure for managing a project, actual project structures will vary according to the specifics of each. For example, different client organisations, different end products etc will all alter the project structure, and less complex projects will necessarily have a less complex project management framework in place.

*Project Owner and Project Board*

The Project Owner owns the end product that the project is intended to deliver. He or she will maintain overall responsibility for the project and may be supported by a Project Board (or Steering Group) if the project is sufficiently large or complex. The Project Board will oversee the project progress and costs, and will maintain ultimate responsibility for decisions taken throughout the project, for example sign off of the agreed project specification. The Project Board will be responsible for reporting and taking decisions to Committee Level. (Alternatively, a Committee Member or Members may actually sit on the Project Board).

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They should also act as an authoritative support to the project management team when, for example, conflicting agendas or wishes within the project need an independent arbitrator, or for when resources are not forthcoming and need authority to release or unblock.

It is essential, in our opinion, that the Project Owner role remains internal to the organisation to afford the necessary degree of ownership, and should be someone with sufficient seniority to carry out this responsible task. Obviously this depends on the level of the project, but for major projects we anticipate that the Project Owner would be the Chief Officer of the relevant committee, and the Project Board would comprise members of the Senior Management Team and possibly also Committee Members.

It may also be considered beneficial at this level to have representation from Internal Audit (and/or External Audit if the project involves an accounting system) to provide advice on risks, control measures and value for money considerations. External Audit will need to ensure their independence is not compromised through their involvement in the project. Internal Audit should act as independent advisor and should maintain this independence by not taking part in the executive decision-making role of the Project Board.

#### *Client Representative*

For sufficiently complex projects, a client representative may be appointed. This person (or firm) acts as “critical expert friend” to the Project Board, providing overview and co-ordination of all elements of the project. They may provide advice on the appointment of the project manager and implementation team. They manage the client’s interests throughout the project.

In less complex projects, the Client Representative and Project Manager roles may be combined.

#### *Project Manager*

The Project Manager is ultimately responsible for delivering the project according to the Project Owner’s agenda. They will take the project specification or brief and turn it into a project execution plan that will enable the end product to be generated. As such, it is imperative that the Project Manager is in place before anything happens.

They will be responsible for drafting and managing the project execution plan and all the staff within the project. As such, their role is more one of planner, co-ordinator, team builder and facilitator than doer,

Their accountability is to the Project Board, and will normally attend all Project Board meetings to provide a project progress report.

Whilst it would be ideal if the Project Manager role could be fulfilled by someone internal to the relevant committee, it is our opinion that there are few personnel within the States with the necessary skills to manage projects of such a large scale and complexity. This means inevitably that the project management role will often have to be outsourced. In this instance it is imperative that their contractual roles and responsibilities be carefully drafted to ensure that the States is properly protected in the transactions the Project Manager may enter on the States behalf.

#### *Project Implementation Team*

The Project Implementation Team is those people who carry out the individual tasks within the project execution plan. This might be programming (in the case of a computer implementation), building, testing, bookkeeping, communicating or any one of a whole range of other tasks. Often contractor staff will also be included on the implementation team. End users should also be involved throughout the project to ensure its resulting fitness for purpose.

Their accountability is to the Project Manager

#### *Specialist Advice*

Other parties may be co-opted in to the Project Structure as and when required throughout the project to provide specialist skills or experience. For example, the Royal Courts Project has utilised the skills of Anne Griffiths O.B.E. (actually employed to be the Client Representative for the project) who has extensive experience of Crown and Court building projects in the UK.

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Finally, it is recommended that, for high value projects, a representative of the Internal Audit Department also attends project team meetings to provide advice. Internal Audit Department would have a remit to ensure the project management is sound, and also to ensure that any relevant product delivered by the project has proper internal controls in-built (if it is a system implementation project) and that the end product achieves value for money. Taking part in the project team meetings will enable scrutiny of the project management role, and will also enable Internal Audit to review progress so as to best schedule in any formal audit work the project requires.

It is imperative that the roles and responsibilities of everyone within the project are clearly understood, documented and signed up to. Without clarity of objectives and expectations, team members may work on the project in a misguided way and impact on the success of the project. Similarly, without clearly defined objectives and expectations, it is not possible to assess whether team members have been given tasks that are appropriate to their skills and experience, and may take on tasks they are not equipped to perform.

**Recommendation 1: That committees seek to structure their projects in accordance with best practice, an example of which is laid out above.**

### 3.2 States Resources

Having set out above the type of structure recommended for managing projects adequately, it will have become clear to the reader that projects can be extremely resource intensive. However, it is important that this is recognised as a necessary evil, as poorly resourced projects are almost guaranteed to fail and could end up wasting far greater resources than those that might have been invested in a properly structured project.

The States, at present, has few people skilled in the field of project management (as defined currently in the project management field). Whilst there are several technical experts in the States of Guernsey (such as those within the Guernsey Technical Services Department) experienced in the control of building projects, the generic project management skills we are referring to here are generally lacking in the States. In itself, this is not a problem as project management is an emerging service field now offered by many consultancy organisations, and it may often be more cost effective to employ project managers on this basis, where specialist skills in the particular area can be brought in on a short-term basis.

However, there are other projects continuing throughout the States that are more generic in nature and similar to other projects going on in other committees. **Where these projects are smaller in size and complexity**, the Audit Commission believes that the States would be wise to employ or develop dedicated personnel with project management skills to perform a cross-committee role on such projects. Indeed, project management could be seen as a career path in its own right within the States. Staff employed on this basis could initially shadow professional project managers brought in to manage the more complex projects.

A pool of such staff would enable committees' senior management to continue focussing its attention on what is important, i.e. the day-to-day delivery and development of their services rather than being diverted to running their committee projects. It would also help to reduce the steep learning curve faced by all committees and staff members embarking on a new project for the first time. Finally, a major benefit would be the dissemination of best practice and learning derived from completing these projects. Currently, whilst valuable learning points are derived from every project completed by States committees, these are often lost through the silo mentality of States committees and the failure to spread that learning to other committees now embarking on similar projects.

The Civil Service Board Training & Development Section currently runs a "project sharing" scheme, whereby people who have been through projects put their names forward to assist on other committees' projects. The take up of this service has been low so far, however the scheme may possibly be re-launched later this year and committees are encouraged to make use of the facility. The Department also has plans for project management training events in the future.

**Recommendation 2: That the Civil Service Board investigates the viability of a career structure and/or structured training for in-house project managers for minor, less complex projects.**

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We would stress that project management **should not be seen as a “bolt on” to the day job or an abdication of responsibility for the project** – rather it is the start point and therefore warrants proper consideration and dedicated staff. It is also important that key staff within committees should be allowed to continue with their important day jobs rather than being diverted to managing projects. Hence, the Audit Commission feels that major projects should have a specialist project manager brought in from outside the States (see model in section 3.4)

### 3.3 Estates Sub-Committee

In the case of the States, some projects are subject to an additional level of control, namely those that fall within the remit of the Estates Sub-Committee of the Advisory & Finance Committee.

The Estates Sub-Committee (ESC) has a mandate to oversee those projects (with a land/property dimension) which require States approval, with the aim of enabling the Advisory & Finance Committee to make informed comment in its covering letter to the States in support of the project’s policy letter. The ESC provides a useful scrutiny role in that it will encourage committees to complete proper financial appraisals and to employ sound project management techniques and skills. It is also empowered to appoint parties to perform technical audits of projects if it feels the need for greater independent review and assurance.

Unfortunately, the ESC remit only extends to projects with a land or property aspect, and therefore there remains a gap currently of providing a similar level of independent overview for major non-property projects, such as major IT projects.

Another consideration is that committees sometimes only approach the ESC once they are seeking approval for the funding they require. At this stage the project might be quite well advanced in the design stage, and the benefits of early project management structures and pre-project feasibility studies may have been lost. Whilst they can be revisited or put in place after the ESC becomes involved, such re-work is often costly and causes delay to the projects.

### 3.4 Guidance for Committees

What is needed is some mechanism to extend the type of role, as provided by the ESC, to major non-building projects, and also to provide guidance for committees embarking on projects in the early stages prior to ESC involvement.

Committees require written guidance to refer to in the embryonic stages of a project, and as a reference point throughout the project, particularly if the project does not have the independent oversight of the ESC. The States currently gives some direction in the form of a guidance note entitled “Project Management” issued in March 1997 as part of the Advisory & Finance Committee’s Information Technology Strategy. However, our review suggested that the existence of this document was not widely known about. Furthermore, the guidance is at a very high level and not a detailed procedure note against which to work. It is our opinion that this area is so complex as to warrant detailed guidance and we recommend that the Advisory & Finance Committee develop and issue such a document to committees. The States of Jersey Code of Direction No.8 “The Control of Capital Expenditure” and the Isle of Man Government “Procedure Notes for Capital Schemes” would provide a useful reference point for the development of such a document.

As a result of the lack of detailed guidance for committees embarking on projects, committees have approached the management of those projects from all extremes of the scale. Some attempt to go it alone, some look to others who have been through a similar exercise for advice, and some buy in professional project management advice, skills and resources. None of these approaches is necessarily wrong, indeed there will be instances when each or a combination of all might be appropriate depending on the scale and complexity of the project and whether it is a newly conceived project of which there have been none of the like previously. The procedure note would usefully give guidance on when such approaches might be appropriate, for example “major” projects would necessitate external project management skills being bought in, whereas “minor” projects could be project managed internally. The structure and resources invested in project management need to fit the project size and complexity.

The NHS in the UK classifies minor and major projects as those under and over £1 million, however, a lower level would probably be more appropriate in the States of Guernsey. It would seem sensible to

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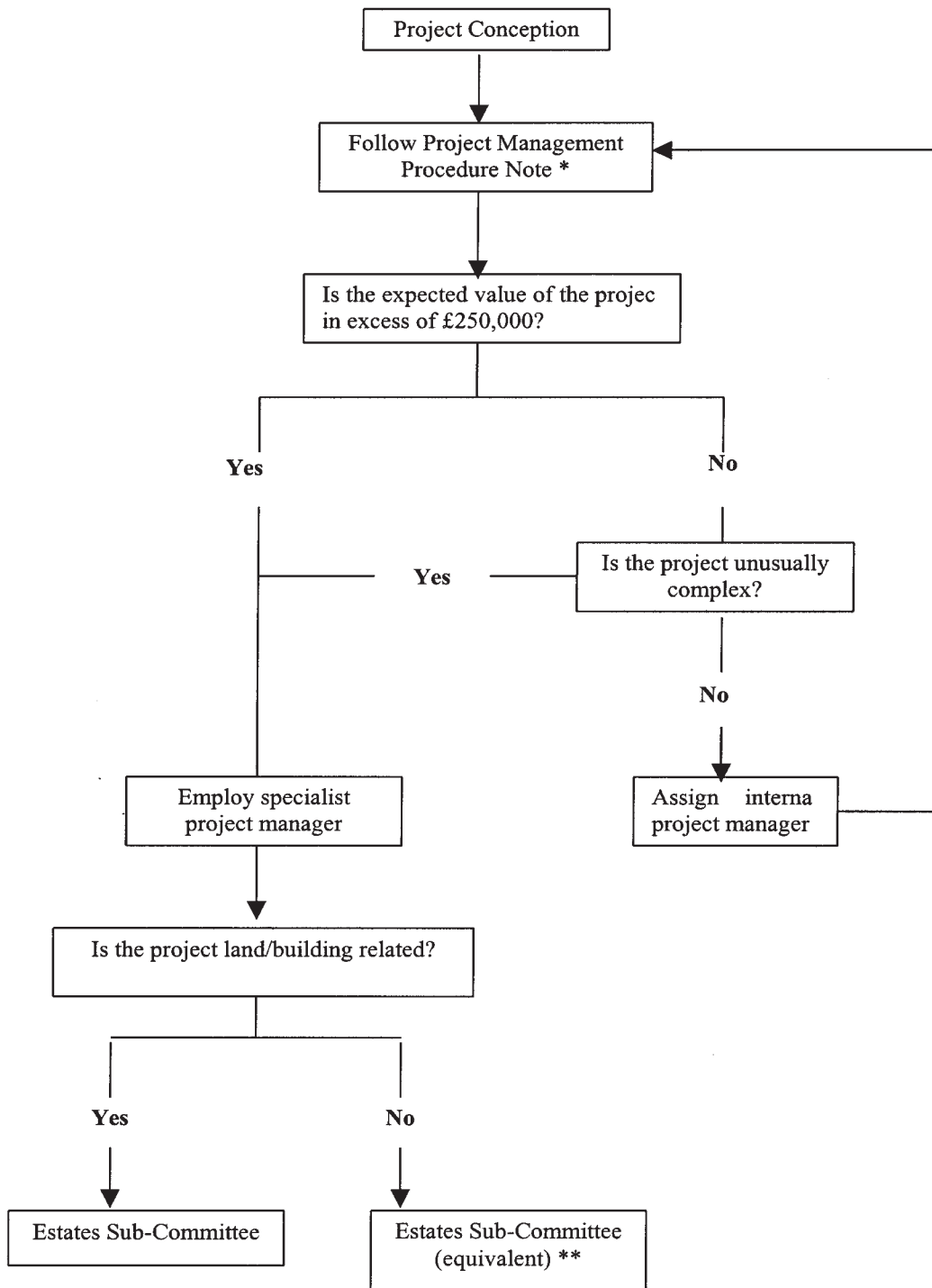
set the cut off point at the level where the Advisory & Finance Committee has delegated approval authority, i.e. £250,000, (with the caveat that some less valuable projects may yet still require external project management skills depending on their content and complexity).

Where it seems appropriate for committees to manage the project internally, because the size, value or complexity of the project is low and therefore not worth investing substantial resources into outsourced project management skills, the detailed procedure note would be available to give guidance, and advice could also be sought from Internal Audit, from other committees who have experienced a similar initiative or from in-house project management staff employed on a cross-committee basis to manage projects internally (see Recommendation 2 above).

**Recommendation 3:** That the Advisory & Finance Committee develops and issues detailed procedure notes to committees on the management and classification of building and other projects.

**Recommendation 4:** That the Advisory & Finance Committee devises some mechanism for providing a role similar to that of the ESC but in relation to projects outside its remit.

Implementation of these recommendations would enable the model overleaf to be established:



\* Not yet in existence – see Recommendation 3 above

\*\* Not yet in existence – see Recommendation 4 above

### **3.5 Resource Co-ordination Working Group**

The 2002 Policy and Resource Planning Report (Billet D'Etat XV, 2002) announced the creation of a staff-level Project Co-ordination Working Group (now known as the Resource Co-ordination Working Group (RCWG)).

It was initially considered that the RCWG might parallel the role of the ESC, but this was decided against on the basis of non-viability. Instead, its purpose was declared as being the first point of call for any committee undertaking a major project, after it has signalled its intentions through the annual Policy & Resource Planning Report. The RCWG would then discuss the resource implications of the project. However, the RCWG has also stated its aim to spread best practice in project management.

It is our opinion that this is a major step forward, in that hopefully the RCWG will become a reference point for all projects in providing project management advice. However, it is also our opinion that there remains a gap, and the "parallel ESC" for non-estate projects is still needed.

The Audit Commission nevertheless wishes the RCWG well in its endeavours.

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#### 4. PLANNING & SCHEDULING A PROJECT

The success of a project will depend to a large extent on the effort, care and skill in which it is initially planned. Time invested in careful planning is never wasted

##### 4.1 Pre-Project Appraisal

No project should go ahead without the appropriate level of pre-project appraisal, both in terms of feasibility and financial viability. Is the project really necessary and does the suggested solution meet the objectives in the most effective way? The aim of completing a sound financial assessment should be to assist in the decision-taking process – not to justify a decision that has already been taken.

There needs to be a good understanding of the costs of the project. Experience has shown that many projects come to the States for approval in principle with an estimated cost against them. When those projects come back for funding approval, the project may appear to have gone over budget before it has started because the costs have increased markedly. What has happened in reality is that the original proposition was based on unrealistic estimates which proved inadequate when further, more detailed financial appraisal occurs. This indicates an inadequate level of pre-project feasibility and financial appraisal.

Furthermore, it should not just be the initial project costs that are understood prior to approving the project – it is important that the “whole life” costs of the project should be fully understood before proceeding. This should include the on-going revenue implications of the project – e.g. what will the running and maintenance costs of a new building be? It is a positive development that the current prison extension project was based on a financial case which gave full consideration to the revenue implications of the various design options as well as to the initial capital cost.

The costs should also include provision for potential costs which may arise as a result of risks materialising as the project progresses (see Section 6). This can be facilitated by “flexing” the assumptions upon which the financial case is based. For example, the financial case for a new building may be based on an assumption that visitor figures will be ‘x’ million and hence that income generated will be £’y’ thousand. The financial case should be recalculated using a “pessimistic” assumption for the number of visitors and an “optimistic” assumption. This enables the financial case to be re-worked using “worst-case” (or at least gloomy) and “best-case” scenarios. The worst-case scenario would include pessimistic results for all assumptions used in the financial case, and would enable the presumed maximum risk contingency to be quantified.

Finally, the pre-project appraisal stage should consider less tangible aspects such as the environmental impact of the project, political and social sensitivities etc. It is essential that States committees be seen to act in an ethically and responsible manner.

**Recommendation 5:** That the Advisory & Finance Committee emphasises the need for adequate pre-project appraisals to have been carried out before considering funding requests, and ensures that full financial implications must be laid before the Estates Sub-Committee (or equivalent) prior to approval of all major projects.

##### 4.2 Project Specification

Once the project has been agreed, substantial effort should be put into developing a comprehensive, documented project specification or project brief.

This document is required to clearly set out and achieve agreement for what the project is intended to deliver. It specifies the intended outcome in terms of:

- What – i.e. it should document clearly what the project is intended to deliver
- Why – i.e. why the project is needed and the anticipated benefits it is hoped it will deliver.
- When – i.e. detail the target completion date and the reasons for any time-criticality

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Whilst the project owner and steering team are ultimately responsible for the project specification, it is important that all stakeholders (project team members, funding providers, end users etc.) are all signed up to the same agenda.

#### 4.3 Project Structure

Once there is a project specification in place, i.e. “we know where we are going”, then the next phase is to put some structure to the project by splitting it into manageable elements or groups of tasks that can be addressed meaningfully. Each element should detail the tasks, the responsibilities, the interfaces to other elements, and the resources allocated to it.

The linkage between the various groups needs to be documented and understood, so that persons or teams assigned to a particular group of tasks understand where they fit into the global picture, what the objective of their tasks are, who they rely on to complete other tasks, and who relies on them to complete their tasks.

It is often helpful at this stage to produce a project hierarchy i.e. a pictorial representation of the project elements and how they relate to each other.

#### 4.4 Project Execution Plan

Once the structure of the project is understood, the concept needs to be turned into reality. This involves the following processes:

- resource planning – i.e. identifying the resources required and how long they will be required for. Resources include funds, equipments, manpower, materials, accommodation etc. It is important at this stage to gain commitment to allocate or make available those resources. Manpower resources are estimated by calculating the time required to complete all of the individual tasks within the project elements to give the total time commitment and resource need. The estimates need to be realistic and include an element of contingency time to allow for unexpected problems such as staff sickness etc.
- scheduling the groups of tasks so that they are completed in a meaningful and practical sequence. The project duration can be calculated by working out the longest path through the various elements. This will need to be adapted to include any timing factors such as holidays, prior staff training commitments etc. It is important to identify key personnel and assess the impact on other elements of the project if those key personnel are absent for any reason. It is also necessary to factor in any time issues which may arise due to the lead-in time of any subcontractors asked to work on the project.
- building the project team (i.e. identifying personal roles and assigning the most appropriate persons to carrying out those roles)

There are numerous tools and methodologies that can be used to facilitate and streamline this scheduling process e.g. Gantt charts, and project management software such as PRINCE2.

**Recommendation 6: That the Client Services Department develops expertise to enable it to act as a centre of guidance and advice to committees wishing to utilise project management software.**

It is important to build into the project execution plan pre-defined milestones, preferably at stages in the project which are recognisable as steps towards the final project completion. These enable staff to work towards a more immediate target date at each stage rather than the project completion date which may be too distant to be anything but a vague deadline. Mid-project cut off dates help to maintain motivation and project momentum, and enable the team to take stock of progress at regular intervals and to recognise and reward success. This sets the early framework for quality assurance over the project (see Section 5) and the milestones should have pre-defined success criteria set against them to enable the project to measure the success of each phase as its completed.

**Recommendation 7: That committees seek to plan their projects in detail in accordance with the guidance set out above.**

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## 5. ONGOING PROJECT MANAGEMENT

Once projects commence, they tend to take on a momentum of their own, and it is important to manage the project closely to avoid it going awry. There are various aspects to consider.

### 5.1 Project Monitoring

As noted above, clearly identified (and identifiable) milestones throughout the project assist the progress of the project. These should be set initially with pre-defined success criteria against which to measure the success of each stage.

Such milestone dates enable the project management team to step back from the project, assess its progress and take the decision whether to continue or to take time out to address issues and re-schedule, or even abort, the project.

At each milestone (as a minimum), the Project Board should consider a detailed progress report from the Project Manager and make any decisions concerning the future of the project.

### 5.2 Project Communications

Effective communication is crucial to a successful project, as it is what keeps everyone involved signed up to the same agenda. This is particularly important if the project specification changes at all. The benefits of good communication include:

- Enabling everyone involved with the project to monitor progress
- Enabling the Project Board to oversee the project costings
- Providing a mechanism for early warnings of potential problems
- Promoting cooperation and buy-in
- Motivating the team by keeping them involved
- Ensuring that all stakeholders (including the public) are kept informed of issues that concern them.

The Project Manager should provide the Project Board with regular communications, including a detailed progress report for all Board meetings. The frequency of Project Board meetings will be determined by the complexity and scale of the project and also the schedule of obvious project milestones.

There should also be regular communications from the Project Manager to his/her team, and from the project teams to other stakeholders. The States E-Pact project included a system of newsletters and bulletins which were circulated and posted on the intranet, which kept all intended end users up to date with how the project was progressing and when they would be involved in training.

It is important to take time at the commencement of the project, and to review this on an on-going basis, to define what information is needed, and in what format it is to be provided. Reports should not be vague statements of progress but should be supported by appropriate evidence and figures.

### 5.3 Programme Management

One of the learning points to come out of the Education Council Grid for Learning project was the need for careful management of sub-contracts. That project was and continues to be a complex contract management jigsaw, where careful programme management has proved to be crucial.

If a project is relying on outside bodies to any extent, it is important to have strategies for managing those interfaces and clarity over the expectations. If any external supplies (of goods or services) are time critical to the project, it is important that these are communicated and understood by the external party, so that they understand the importance of their delivery.

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Hence, it is important that the contractual documents defining these complex interfaces and relationships are carefully drafted to protect the States interests.

**Recommendation 8: That contracts should be properly drafted to give full protection to the interests of the States, and that legal advice be sought from the Law Officers where appropriate.**

#### **5.4 Change Management**

Successful projects are always those that keep all stakeholders on board and signed up to the end product and project delivery methods. Any project that will result in change needs careful change management to ensure that the end result is well received. This is as much about changing the hearts and minds of people as it is about delivering the project itself.

It is also important to manage people's expectations and not to let the project run away with itself due to over-enthusiasm. The project is meant to deliver something which is "fit for purpose" and hence whilst it may be tempting to go for a Rolls Royce scenario, this might not always be necessary or cost effective.

Again, the States E-Pact project took change management very seriously and had a dedicated project team member to look after change management issues, including the training of end users.

#### **5.5 Project Accounting and Procurement**

As noted above, the project should be supported from the start by a proper financial business case. This should provide the basis for a detailed project budget, with budget allocations and responsibilities clearly detailed and signed up to.

The scale and complexity of the project will determine the extent of skills and resources required in this area, for example the planned multi-million Education Estates Development project may require more than one qualified accountant whereas simpler projects may just need someone maintaining a basic project accounts spreadsheet.

Either way, it is important that proper accounting and procurement processes and procedures are followed throughout the project, such as tendering procedures and purchase order approval processes. The time pressure felt within projects should not be an excuse to become lax with proper accounting controls, in fact the opposite is true, as is the need to maintain appropriate levels of accountability over financial decisions.

All expenditure commitments should be recorded on a central tracking system and invoices matched against these commitments. Commitments must be recorded to ensure that project management has as full a picture as possible about the complete costs of the project – not just those which have been invoiced.

It is important to be able to identify the complete level of commitments and liabilities so as to be able to view the day-to-day financial position. The financial position should be reported clearly and accurately to the Project Board. The Project Board members must take an active role in monitoring the financial position of the project, as they are ultimately responsible for the project being delivered on budget.

#### **5.6 Housekeeping and Record Keeping**

As projects can become very complex with multiple teams working on different aspects, to different delivery dates, at different locations etc. etc. it is important that good housekeeping is utilised over things like team meeting minutes, recording decisions, documenting agreed changes to the project scope, following appropriate approval processes, issuing communications, logging issues and so on.

It is recommended that a Project Administrator be appointed to take control of such aspects and to maintain a detailed project diary.

### 5.7 Staff Management

Staff co-opted on to projects are often operating way outside their normal field of activity. Whilst this is an excellent development opportunity, it is essential to ensure that staff remain comfortable with what they are being asked to do, and clear about their objectives.

Projects often come under intense time pressure at critical stages, and it is the responsibility of the Project Manager to keep an eye on the staff and to watch out for signs of stress and indications that staff are acting outside of their abilities. There is a duty on the Project Manager to protect team members from the time pressures and unrealistic expectations of the rest of the organisation.

Regular review meetings should be held with team members to ensure they are still clear of their aims and capable of delivering them.

### 5.8 Quality Assurance and Value Engineering

As noted above, reviews should be completed at each project milestone to assess whether the recently completed stage has met all of its pre-defined success criteria.

It is important to build into the project execution plan sufficient time for this assessment and to test the project phase outputs as they are delivered. Again it is important to have defined what is to be tested, who is responsible for testing, when and how to test. The milestone review by the Project Board should assess the results of these tests and take decisions on how to resolve any problems found.

Internal Audit can be utilised to provide an independent Quality Assurance role for the management projects. Additionally, independent Quality Assurance review may also be employed to review the technical aspects of the project progress. Qualified Assessors in Quality Standards (such as ISO2001 etc.), if employed should be registered and should have adequate levels of Professional Indemnity Insurance covers in place.

We would also encourage committees to consider more far-reaching techniques to ensure the success of their projects, such as the "Value Engineering" technique applied to building projects. Value engineering is concerned with bringing value for money and quality assurance under one banner to derive maximum benefit from the final design and delivery of the building. A useful definition of Value Engineering is given in the National Audit Office's document "The Management of Building Projects in Higher Education Institutions":

"A...technique for improving value for money...involves subjecting the design proposals to systematic review at each stage of the design process (the concept stage, scheme design and detailed design) to ensure that the final design meets user requirements, without over-specification, at the lowest possible cost."

Further guidance on Value Engineering is available from the Department of Trade & Industry website and HM Treasury (where it is referred to as Value Management).

**Recommendation 9: That committees employ sound on-going project management techniques throughout the duration of their projects, as set out above.**

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## 6. RISK AND CONTINGENCY MANAGEMENT

### 6.1 Project Risk

The Audit Commission's report on Risk Management & Insurance (Appendix II, Billet D'Etat X, 2001) indicated the need for proper risk management to be employed throughout the States of Guernsey. This applies equally to the management of projects.

Because of all the reasons noted above, concerning staff performing unfamiliar roles, the time critical aspects, the interfaces with external parties, the high degree of uncertainty concerning what the end result will be and what will be encountered along the way, projects are inherently risky. The recent report commissioned by the Board of Industry entitled "Guernsey: Constructing the Future" indicated that, in general, project risk management in Guernsey was poor to the extent that, for every £10million equivalent project in the UK, a further £1million was factored into the costs incurred in Guernsey due to inadequate risk management.

The current pressures in the local construction industry, such as the pressure on companies to manage more than one client's demands, competition for staff and high staff turnover, cause a high level of project risk in construction projects. Hence, in the current climate, it is all the more important to manage the project effectively and foresee some of the risks and problems so that the project can know how to react if the risks materialise. Such plans should help to manage the related costs and delays of these problems occurring. It is also crucial for the States to manage its projects well so that the States is seen as a good and credible customer to do work for.

A recent report on risk in the construction industry ("Benchmarking Key Risk Drivers in the Construction and Related Industries" by Mike Walker FIRM FRICS FIMgt, published in InfoRM Magazine, June 2002) suggested that the fifteen most common risk drivers in construction projects (ranked according to surveyed perceptions of highest risks) were:

- Methodology (e.g. lax near miss reporting, shoring methods for temporary works)
- Programme (e.g. programme does not reflect scope changes)
- Money/demand (e.g. exchange rate losses, insufficient budget)
- Scope (e.g. lack of clarity or definition)
- Damage (e.g. damage to existing structure, damage to roads)
- Equipment failure
- Lack of knowledge (e.g. lack of knowledge of existing structure)
- Design (e.g. lack of plant space)
- Complexity and interfaces (e.g. complicated scaffold interfaces)
- Communication (e.g. staff not warned of problems, lack of communication between the team)
- Human behaviour (e.g. lack of buy in to proposals)
- Lack of resources (e.g. materials not available)
- Novelty (e.g. novel form of contract)
- Natural problems (e.g. weather affects progress)
- Poor performance (e.g. poor contractor performance)

It is probable that, were the ranking survey to be carried out in Guernsey, the ranking would be quite different. However, it is the risks themselves and not the relative positioning that is important.

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The above might lead the reader to assume that it is only construction projects that require proper risk management. This is definitely not the case – all projects have the potential to go wrong and cause delay and cost overruns.

## **6.2 Risk Assessments**

Whilst this report has emphasised the need for adequate planning, things will still go wrong. The project execution plan needs to be sufficiently flexible to accommodate those things which go wrong, but ideally problems would be anticipated as far as is reasonably possible. This can be achieved by project risk assessments, enabling contingency plans to be prepared ready in case a problem does materialise, and to set aside financial provision for the consequences. This is not planning to fail – it is planning to deal effectively with a problem should it arise.

It is encouraging to see that project risk management is beginning to gain wide acceptance within States projects. For example, the Energy from Waste Project and the Beau Sejour refurbishment project to name two have been through a formal risk assessment phase prior to commencement of the project, and have recognised the benefit to the project of doing such an assessment.

Risk assessments can be adapted and scaled up or down in their level of detail to fit projects of any size and complexity. They need not be a “once only” exercise. It is advisable during the project, if considering a change of scope for example, to complete a further risk assessment to identify the potential impact of the proposed change on the rest of the project. That impact may not just be cost implications, but consider also the potential impact on time, effect on the staff, effect on the end product and effect on the benefits the project was intended to deliver.

## **6.3 Risk Monitoring**

The output of the risk assessment should be a comprehensive risk register that is continually monitored throughout the project. Early warning mechanisms should be established for key potential risks. Monitoring of the risk register should be a responsibility of the Project Board, although in practice the detail of this will be delegated to the Project Manager and the results reported back to the Board.

As the project progresses, new risks may arise, and some may prove to be unwarranted. Similarly, risks may take on more or less importance as the project continues. If risks do materialise, hopefully the early warning mechanisms put in place will alert the Project Manager to that fact and the risk register should be revisited to understand what the likely impact on the project might be.

## **6.4 Risk Financing**

One criticism, that has been levied at States projects which claim to have been completed within budget, is that this has only been possible by the inclusion of a sizeable contingency fund within the project budget. Whilst it is important to include financial provision for things which may go wrong, this should not just be a large “slush fund”.

Once all the potential risks to the project have been identified through the risk assessment, those risks should be quantified as to their financial impact should they materialise. This will enable a “Risk Allowance” to be allocated to each risk, to be used if the problem does occur. If the problem does not materialise, the allowance should be released. A “flexed” financial case can help to quantify the size of the Risk Allowance (see section 4.1).

For example, a building project may face uncertainty in respect of what will be found once the site begins to be excavated. The ground support may be poor and the project may incur additional costs in making good. If this potential risk is identified prior to commencement of the project, a risk allowance can be set aside for extra work in case this is needed. If that money is not eventually needed once excavation starts, or only a portion of it is, the risk allowance can be released.

This is a much sounder method for managing contingencies than adding a blanket 10% contingency into the project costs to which each and every overspend can be dumped without proper approval, monitoring or reporting. A “slush fund” arrangement is almost guaranteed to be spent because of the little incentive to manage the costs posted to it.

### **6.5 Risk Sharing / Transfer**

One aspect of good risk management is to decide which risks to retain and manage, which to avoid or eliminate and which can be transferred to someone else. The risk matrix can be used to help make decisions as to which party involved in the project is best equipped to take a particular risk on-board.

For example, a sub-contractor to the project may be asked to take on all responsibility for health and safety risks to their staff working on a States site, because they are best placed to know the sort of risks their staff will be exposed to.

Similarly the risk of time delay can be transferred by including financial penalties for contractors who fail to complete work to target dates.

Finally, risk transfer through insurance is an important consideration for project managers. It is an important role of the project manager to ensure that all necessary insurance covers are identified, and the parties responsible for placing those covers. It is important to ensure that States interests are protected by insisting that contractors and consultants involved in States projects have adequate levels of Public Liability, Professional Indemnity and Contractors "All Risks" insurance cover.

### **6.6 Avoidable Risks**

There will always be risks to projects of a form that can be easily avoided by firm project management and clearly documented project specifications and plans. Such risks include interference in the project once it has started, changing minds, second thoughts, bright ideas, scope creep etc. Once the project has started, changes result in re-work, additional cost and time. All changes need a full impact analysis. All the planning, documenting, costing, consulting, scheduling, approval etc. in the initial stages of the project is done for good reason. If part of the project has not gone through all this process, it will form a weak link in the chain of an otherwise successful project.

A well documented and signed off project specification, together with a strong Project Board and clearly documented decisions is the key to avoiding these avoidable risks.

**Recommendation 10:** That all projects undergo risk assessment exercises appropriate to the level of complexity involved in the project.

**Recommendation 11:** That committees embody proper risk management processes within and throughout their projects.

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## 7. POST-PROJECT ANALYSIS AND PERFORMANCE MEASUREMENT

### 7.1 Project Completion and Sign Off

Just as it has been important to clearly document the decisions taken throughout the project, the final completion of the project and handover to the end users should also be clearly documented. The end users should sign to indicate their acceptance of the end product, be it a building, new computer system or completed piece of research.

In the case of a computer system, where systems may be transferring from an old legacy system to a newly implemented one, it is important to make the conscious decision whether to “go live” or not as this signifies the Project Board’s satisfaction that the new system is completely ready and sound to start operating in the live environment.

In the case of a building, it is important to identify any remaining issues that require solving. Although handover does not necessarily need to wait until all these are resolved, documenting them means that there is a clear understanding and commitment to what needs still to be rectified. Such a list is often referred to as a “snagging list” and may form part of the formal sign off document.

### 7.2 Post Implementation Review

After a project has been completed, it is important to revisit it to assess whether it achieved what it set out to, and what learning points can be derived from the project and the process of managing it.

Remembering that the objective of project management was to deliver the project on time, to budget and fit for purpose, a Post Implementation Review should assess the success of the way the project was managed and whether that achieved the above objectives. To a certain extent, some aspects of these objectives can be assessed as soon as the project is completed. For example, the organisation can generally tell if the project has come in to budget, unless the project costing was based on whole life costs, in which cases the on-going revenue / running costs also need to be taken into account. Similarly, fitness for purpose can be assessed to a large extent on completion, unless teething problems emerge after commissioning. However, objectives such as achieving value for money and generating the anticipated benefits will be something needing to be assessed over the longer term. Hence, project management is not just important for the duration of the project, but the on-going management of the resulting product.

The States E-Pact project, for example, was based on a ten-year financial case indicating that the efficiency benefits to be derived over that period would repay the initial cost outlay. As yet, a Post Implementation Review has not been completed on this project and it is important that these anticipated savings are not forgotten but delivered as anticipated in the case put to the States.

The best time to perform such a review will vary depending on the circumstances of each project. However we recommend that an initial Post Implementation Review be completed within the first year post-completion, even if this needs to be revisited at a later date.

The sort of things such a review might seek to assess include:

- Was the project delivered on time, in full and to budget?
- Were the anticipated benefits delivered?
- What measure of success was achieved against the project’s pre-defined success criteria?
- Were the original assumptions sound or to what degree did they vary?
- Were the best value materials used etc.?
- Were States procedures adhered to?
- Are the on-going running costs in line with original expectations?

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- How satisfied are the end users with the new product?

The learning derived from such an exercise can be used to better manage projects in future.

Guidance on the completion of a Post Implementation Review is available to States committees through the Advisory & Finance Committee Guidance Note entitled "Post Implementation Reviews" issued in March 1997 as part of the Committee's Information Technology Strategy.

This review found that there have been very few Post Implementation Reviews performed on States contracts or systems implementations. The Audit Commission believes that it would act as an incentive for committees to manage projects properly if they knew they were to be subject to independent scrutiny after the project closes and, as such, it should be States policy that such reviews are carried out. The Internal Audit Department has been asked to ensure in future that management carry out Post Implementation Reviews of their significant projects, and the Department can provide a service in completing the reviews independently if required.

**Recommendation 12: That the Advisory & Finance Committee guidance note on Post Implementation Reviews be mandatory and a condition of funding.**

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## 8. CONCLUSION AND RECOMMENDATIONS

Hopefully it will be apparent from this report that proper project management is essential to avoid projects going wrong, over budget, being delivered late, with an end result that is not what was originally intended and not delivering the anticipated benefits.

The States has proved to date that it is not skilled at managing projects effectively, but it is encouraging that many States committees are learning the lessons of the past and are now employing more modern project management methodologies and dedicated project resources. This is to be commended.

The generic skills of project management – business planning, resource allocation, multi-tasking, project monitoring, risk analysis, performance measurement, people management and so on – are skills that will benefit not only the projects that the States undertakes, but all aspects of civil service operations. Project management principles can be applied to virtually every task – not just those readily identifiable as a “project” as such.

Whilst we have naturally focused this report on the major projects such as buildings and systems implementations, project management methodologies can be applied to other projects, such as consultation exercises, surveys, department re-structuring (e.g. the Review of Machinery of Government changes), event planning (e.g. The Island Games) to name but a few.

Hence, while this report finds that greater project management resources and processes need to be employed within the States to avoid the significant value for money implications caused by their absence, the Audit Commission believes that indirect benefits will also be derived from their implementation.

The detailed recommendations of this review are as follows:

- Recommendation 1:** That committees seek to structure their projects in accordance with best practice, an example of which is laid out in Section 3.1
- Recommendation 2:** That the Civil Service Board investigates the viability of a career structure and/or structured training for in-house project managers for minor, less complex projects
- Recommendation 3:** That the Advisory & Finance Committee develops and issues detailed procedure notes to committees on the management and classification of building and other projects.
- Recommendation 4:** That the Advisory & Finance Committee devises some mechanism for providing a role similar to that of the ESC but in relation to projects outside its remit.
- Recommendation 5:** That the Advisory & Finance Committee emphasises the need for adequate pre-project appraisals to have been carried out before considering funding requests, and ensures that full financial implications must be laid before the Estates Sub-Committee (or equivalent) prior to approval of all major projects.
- Recommendation 6:** That the Client Services Department develops expertise to enable it to act as a centre of guidance and advice to committees wishing to utilise project management software.
- Recommendation 7:** That committees seek to plan their projects in detail in accordance with the guidance set out in Section 4.
- Recommendation 8:** That contracts should be properly drafted to give full protection to the interests of the States, and that legal advice is sought from the Law Officers where appropriate.

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- Recommendation 9:** That committees employ sound on-going project management techniques throughout the duration of their projects as set out in Section 5.
- Recommendation 10:** That all projects undergo risk assessment exercises appropriate to the level of complexity involved in the project.
- Recommendation 11:** That committees embody proper risk management processes within and throughout their projects, as set out in Section 6.
- Recommendation 12:** That the Advisory & Finance Committee guidance note on Post Implementation Reviews be mandatory and a condition of funding.

It is our intention to perform a follow up review of this report in approximately two years' time.

States of Guernsey Audit Commission  
January 2003

Sub-script. Credit is also due to the following article "Planning a Project" by Gerard M. Blair, extracts of which have been included in this report. This article first appeared in a series of ten briefs on Management Skills published in the Engineering Management Journal of the Institution of Electrical Engineers UK.

All other references and credits have been included within the body of the report where applicable.

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**APPENDIX I****TERMS OF REFERENCE**

The terms of reference for the review were

1. To identify existing procedures and practices relating to the management of projects by the various committees of the States of Guernsey
2. To determine to what extent the existing practices and procedures are adequate to enable committees to manage projects to ensure their delivery on time, in budget and fit for purpose, with due regard for value for money during the completion of the project and the on-going use of the resulting product.
3. To determine to what extent the existing practices and procedures are consistent with existing States policies.
4. To identify potential improvements in procedures to achieve greater stewardship and value for money in respect of managing projects within the States of Guernsey
5. To make recommendations in respect of the above.

## APPENDIX II

**SCHEDULE OF APPROVED AND PROPOSED MAJOR BUILDING PROJECTS****Project**

Board of Health Estates Development plans \*  
 Education Estates Development Plan Programmes I, II and III \*  
 Airport Terminal \*  
 Energy from Waste plant  
 Courts \*  
 Beau Sejour refurbishment \*  
 Customs & Immigration  
 New Jetty  
 Recycling / Composting plants  
 Archives  
 New Slaughter House  
 Victor Hugo / Asterix  
 Parking Scheme  
 Alderney Breakwater  
 Housing  
 States Analyst Lab  
 Heritage objects stores  
 Water Board capital expenditure  
 Prison Extension  
 Runway extension

**Total estimated cost of the above projects**

**£ 663 million**

## Notes:

- For reasons of commercial sensitivity, it is not considered appropriate to publish the estimated costs for the individual projects listed, as this could impact on the tenders when they begin. However, the total of £663 million is based on the sum of up-to-date estimated costs for each project noted.
- These projects do not include major revenue projects such as the sewage network extension plan, and maintenance of heritage sites etc.
- The projects listed are only building projects and do not include the significant IT projects, such as the GSSA Technical Migration project, the Education Grid for Learning Project and the continued E-Pact and E-Government projects.
- Please note that those projects denoted with an asterix already have external, dedicated project managers in place at the time of writing this report.

**APPENDIX III****STATES ADVISORY AND FINANCE COMMITTEE****PAYMENTS TO STATES MEMBERS, FORMER STATES MEMBERS AND  
NON-STATES MEMBERS OF STATES COMMITTEES**

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

27 May 2003

Dear Sir,

In accordance with paragraph 1 of Section VI of the Rules for Payments to States Members, Former States Members and Non-States Members of States Committees approved by the States on the 28th February 1996 and amended on 28th November 2001, I enclose, for publication as an appendix to a Billet d'État, a schedule setting out the amendments to the rates of payments, allowances and pensions which took effect on the 1st May 2003.

The amounts have been increased by 5.5% which is the average general change in senior officer salaries.

Yours faithfully,

L.C. MORGAN

President  
Advisory and Finance Committee

**PAYMENTS TO STATES MEMBERS, FORMER STATES MEMBERS AND  
NON-STATES MEMBERS OF STATES COMMITTEES**

		<u>Sum paid since 1.5.2002</u>	<u>Sum to be paid from 1.5.2003</u>
<b><u>STATES MEMBERS</u></b>			
<u>Compensation Payment</u>	(per annum)	£9,466	£9,987
<u>Attendance Allowance</u>	(per half-day)	£28.40	£29.96
<u>Expense Allowance</u>	(per annum)	£1,894	£1,998
<u>Presidential Allowance</u>	(per annum)		
A +		£4,734	£4,994
A		£2,840	£2,996
B		£1,894	£1,998
C		£946	£998
D		Nil	Nil
Maximum Presidential Allowance per Member		£4,734	£4,994
<b><u>REPRESENTATIVE OF THE STATES OF ALDERNEY</u></b>			
<u>ALLOWANCE</u>	(per half day)	£37.86	£39.94
<b><u>NON-STATES MEMBERS ALLOWANCE</u></b>			
	(per half day)	£37.86	£39.94
<b><u>PENSIONS (per week per year of Service)</u></b>			
<b><u>Non-Contributory</u></b> (In respect of service up to 31.12.1989)			
	Member	£2.85	£3.01
	Spouse	£1.43	£1.51
<b><u>Contributory</u></b> (In respect of service from 1.1.1990)			
	Member	£5.70	£6.02
	Spouse	£2.85	£3.01

IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 25TH DAY OF JUNE, 2003

The States resolved as follows concerning  
Billet d'Etat No. X dated 8th May, 2003

(Meeting adjourned from 28th May, 2003)

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

**THE RIGHT TO WORK (LIMITATION AND PROOF) (TENT DWELLERS'  
DECLARATIONS) REGULATIONS, 2003**

In pursuance of the provisions of section 17(d) of the Right to Work (Limitation and Proof) (Guernsey) Law, 1990, that the Right to Work (Limitation and Proof) (Tent Dwellers' Declarations) Regulations, 2003 be annulled.

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

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 25TH DAY OF JUNE, 2003

The States resolved as follows concerning Billet d'Etat No. XIII  
dated 6th June, 2003

**THE LIQUOR LICENSING (AMENDMENT) ORDINANCE, 2003**

- I. To approve the draft Ordinance entitled "The Liquor Licensing (Amendment) Ordinance, 2003", and to direct that the same shall have effect as an Ordinance of the States.

**STATES ADVISORY AND FINANCE COMMITTEE**

**THE PROTECTION OF PRIVACY IN ELECTRONIC COMMUNICATIONS**

- II. After consideration of the Report dated 1st May, 2003, of the States Advisory and Finance Committee:-
1. To approve the enacting of legislation under the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994, that implements the Directive on Privacy and Electronic Communications (2002/58/EC), as described in that Report.
  2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

**GUERNSEY SOCIAL SECURITY AUTHORITY**

**LIMITED PRESCRIBING LIST**

- III. After consideration of the Report dated the 23rd May, 2003, of the Guernsey Social Security Authority:-
1. That with effect from 1st January, 2004, a limited prescribing list shall be introduced as set out in paragraphs 37 to 61 of that Report.
  2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **STATES BOARD OF HEALTH**

### **RE-LOCATION OF STATES ANALYST'S LABORATORY AND ENVIRONMENTAL HEALTH DEPARTMENT**

- IV. After consideration of the Report dated the 19th May, 2003, of the States Board of Health:-
1. To authorise the States Board of Health to proceed with the provision of a new building for the States Analyst's Laboratory and Environmental Health Department, as set out in that Report, but at the revised location approximately 33 metres to the south of the location proposed in the Report, as shown on the plan annexed to this proposition, at a total cost not exceeding £3,500,000.
  2. To authorise the States Advisory and Finance Committee to approve the acceptance of all tenders in connection with this project and to approve a capital vote, not exceeding £3,500,000, such sum to be charged to the capital allocation of the States Board of Health.
  3. To authorise the States Advisory and Finance Committee to transfer an appropriate sum from the Capital Reserve to the Capital allocation of the States Board of Health.

## **STATES BOARD OF INDUSTRY**

### **THE REGULATION OF UTILITIES (BAILIWICK OF GUERNSEY) LAW, 2001 APPOINTMENT OF APPEALS PANEL**

- V. After consideration of the Report dated the 24th April, 2003, of the States Board of Industry:-
- To approve the membership of the Utility Appeals Panel, as set out in the Appendix to that Report.

## **STATES ARTS COMMITTEE**

### **REVIEW OF ARTS POLICY**

- VI. After consideration of the Report dated the 29th April, 2003, of the States Arts Committee:-
1. To note the reports submitted by Phyllida Shaw and Anne Minors contained in Appendices I and II.
  2. To formally acknowledge the vital contribution made to the cultural, economic and social well-being of the Island by the arts.

3. To endorse the objectives proposed by the States Arts Committee in paragraph 20 of that Report.
  
4. To direct the States Civil Service Board to have due regard to the creation of the post of Arts Development Officer when administering the Staff Number Limitation Policy.

## **REQUÊTE**

### **NUMBER OF DEPUTIES**

- VII. After consideration of the Requête dated the 14th May, 2003, signed by Deputy R. H. Bisson and six other Members of the States:-

TO NEGATIVE THE PROPOSITION

#### ***STATUTORY INSTRUMENTS LAID BEFORE THE STATES***

#### **THE SOCIAL INSURANCE (MARRIED WOMEN AND WIDOWS) (GUERNSEY) (AMENDMENT) REGULATIONS, 2003**

In pursuance of the provisions of section 117 of the Social Insurance (Guernsey) Law, 1978, as amended, the Social Insurance (Married Women and Widows) (Guernsey) (Amendment) Regulations, 2003, made by the Guernsey Social Security on the 8th May, 2003, were laid before the States.

#### **THE MILK (RETAIL PRICES) (GUERNSEY) ORDER, 2003**

In pursuance of the provisions of section 8 (4) of the Milk (Control) (Guernsey) Ordinance, 1958, as amended, the Milk (Retail Prices) (Guernsey) Order, 2003, made by the States Agriculture and Countryside Board on the 12th May, 2003, was laid before the States.

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