



BILLET D'ÉTAT

WEDNESDAY, 29th MARCH, 2006

VII
2006

1. Policy Council – Review of the New System of Government, p. 461
2. House Committee – Review of the New System of Government: Procedural Matters, p. 505
3. Treasury and Resources Department – Review of Tax on Rateable Value, p. 523
4. Treasury and Resources Department – Document Registration Fees and Fees for Birth, Marriage and Death Registration, p. 537
5. Commerce and Employment Department – Greffe Company Registry – Review of Fees, p. 542
6. Commerce and Employment Department – Amendment of the Preferred Debts (Guernsey) Law, 1983, p. 549
7. Health and Social Services Department – Implementing ‘Smokefree’ Legislation, p. 553
8. Environment Department – Road Transport Strategy, p. 593
9. Legislation Select Committee – Church of England Clergy Discipline, p. 699
10. Panel of Members (Constituted by The Administrative Decisions (Review) (Guernsey) Laws, 1986-1993) – Report of the Review Board 2003-2005, p. 719

Ordinance laid before the States

The Ivory Coast (Freezing of Funds) (Guernsey) Ordinance, 2006, p. 722

Statutory Instruments laid before the States

The Boarding Permit Fees Order, 2006, p. 722

The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) Regulations, 2006, p. 722

APPENDIX

Education Department – St Martin’s Primary School – Validation Report, p. 723

B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE, on WEDNESDAY, the 29th MARCH, 2006**, at 9.30am, to consider the items contained in this Billet d'État which have been submitted for debate by the Policy Council.

G. R. ROWLAND
Bailiff and Presiding Officer

The Royal Court House
Guernsey
10th March 2006

POLICY COUNCIL

REVIEW OF THE NEW SYSTEM OF GOVERNMENT

Executive Summary

In May 2004, the States of Deliberation implemented a new system of government. While continuing to be a ‘committee based’ system with the consensus style of politics that has underpinned the Island’s government for some considerable time, the new political system is now far more streamlined and efficient. States Meetings are shorter and more focused as a consequence.

In developing and implementing the new system, the States acknowledged that it would be impossible to ensure that every aspect would work as well as anticipated from the 1st May 2004. It was also accepted that the whole process of developing, implementing and refining the new system of government should be evolutionary in nature. Consequently the States placed a responsibility on the Policy Council *“for conducting a review of the new machinery of government once this has been in place for a period of twelve months”*. It was intended that the results of the review would be reported to the States together with any recommendations for changes to be made.

This report therefore sets out the suggestions that have been received following a review of the new system which included a public consultation process and makes recommendations for some relatively minor changes.

Having regard to the limited number of suggestions received and the fact that to date no major difficulties have been identified, the Policy Council has concluded that in general terms the new system is working well although there is inevitably room for improvement. Nevertheless, the Council is mindful of the fact that the transition to a new system of government represented both an opportunity and a time for major change. One of the fundamental requirements was a need for cultural change within the public sector at both political and executive levels. It should be borne in mind that any change in culture takes time to fully achieve and as such the new system, and the shape of the public sector, will inevitably continue to evolve.

In preparing this report the advice of the Law Officers has been sought.

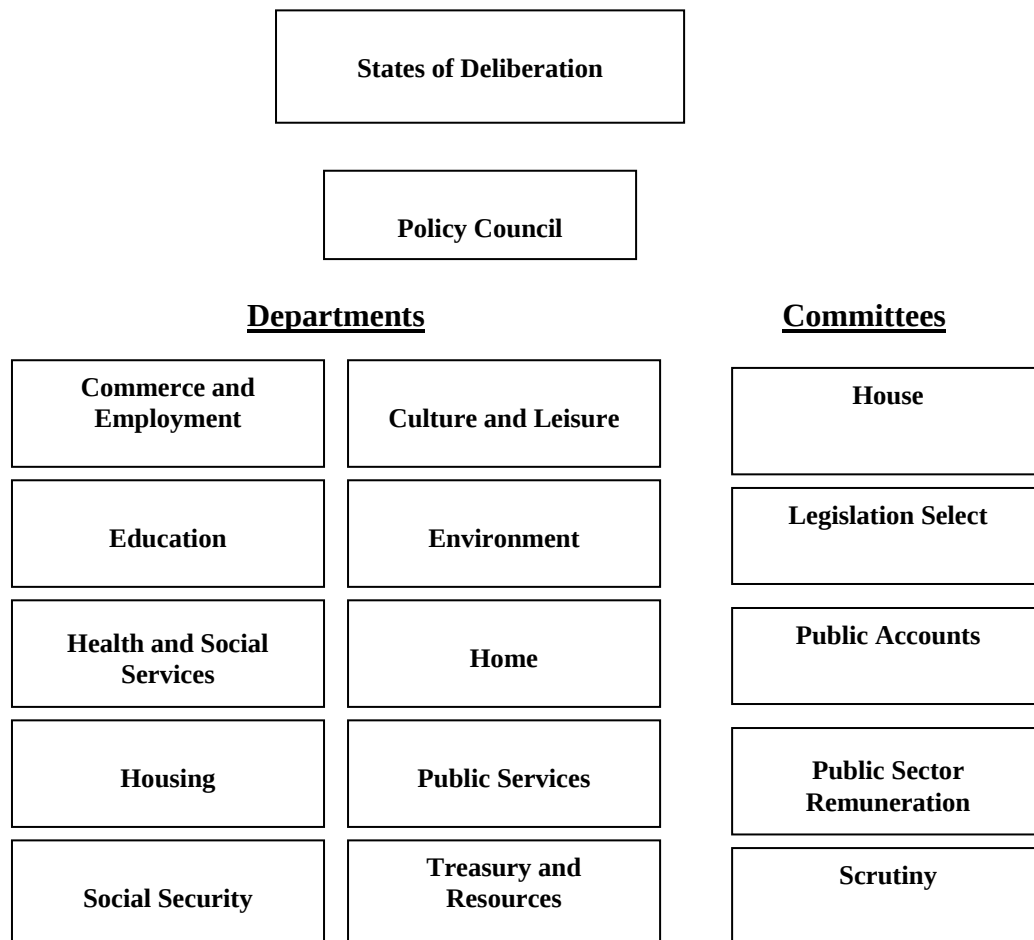
Background

The new system of government was developed having regard to ten key principles which included: -

- The need for clearer leadership within the States.
- The need for a political leader with authority to speak for the Island, especially in matters relating to the Island’s external relations.

- The need for a greater co-ordination of policy development, corporate strategy, provision of public services and the application of resources.
- The need for a slimmed down government that focuses on core issues at a policy level.
- The need for greater accountability for the actions of States Departments and States Members with government responsibilities.
- An improved system of scrutiny through a combination of internal checks and balances and external oversight.
- The need to avoid an over-concentration of power amongst a small number of States Members.
- The desirability of making the best use of States Members.
- The desirability of retaining the system of individual independence.
- The recognition of the beneficial role which the parishes play in the overall government of the Island.

The new system comprises the following structures: -



NB Within the Policy Council the Ministers of each Department undertake their 'corporate' responsibilities which primarily consist of developing and coordinating strategic policies for consideration by the States.

The Consultation Process

During the first twelve months of the operation of the new system of government the Policy Council received a number of suggestions for changes that were put forward predominantly by States Members. Those suggestions, together with the Council's initial conclusions on each of them, were included in a Consultation Paper that was issued at the commencement of a public consultation exercise which began on the 13 June 2005 and concluded on the 29 July.

The Consultation Paper was launched at a Press Conference held on the 10 June and copies were made available at Sir Charles Frossard House and on-line using the States website. Notices were placed in the Guernsey Press publicising the review and encouraging members of the public to participate by sending in their comments and suggestions. Some 30 private sector organisations were sent the Consultation Paper as well as the Island's ten Douzaines, every States Department, Committee and States Member.

The public consultation process resulted in further submissions being received of which 12 were from States Members, 13 from Departments and Committees and 18 from members of the public, private sector organisations and Douzaines. The Policy Council has considered all of the suggestions that were received and wishes to place on record its appreciation to all of the individuals, organisations, States Departments and Committees that contributed to the review.

It is interesting to note that of all the suggestions put forward, none received widespread support with only 12 of the suggested changes being identified by more than one person and only one suggestion being mentioned by as many as 4 people.

A number of submissions contained suggestions for change at an operational level (see Appendix 2) which do not impact upon the structure of the new system although many of these have been or will be implemented. Other submissions merely contained statements of opinion (see Appendix 3).

There were also a number of suggestions relating to procedural matters that are for the House Committee to address and hence fall outside of the Policy Council's review. Those suggestions are shown in Appendix 4 and are addressed in a separate report from the House Committee which appears in the same Billet d'Etat as this report.

Finally, a number of the suggestions were not linked with the review of the new system of government and hence have not been included in this report. Such suggestions included the introduction of car insurance discs for display in car windows and reducing charges made on airlines. However, all of the suggestions were made available to Ministers to enable their Departments to consider taking action where appropriate.

Recommendations for change

Set out in this section are those suggestions which the Policy Council supports and hence is recommending to the States.

States Members Pay

1. Should the proposed RPI increase in States Members' pay due in 2006 and 2007 (as recommended by an Independent Review Panel) be reduced until such time as the next independent review is commissioned?

The Policy Council is of the view that in the current financial climate States Members should be prepared to set a good example and accept increases in pay in 2006 and 2007 that are 1% below the prevailing RPI.

Mandates

2. Amend the mandate of the Policy Council to put beyond doubt that it has the authority to act as a legislative initiating body in any matter for which no Department has mandated responsibility.

It is accepted that as drafted there is potentially some ambiguity in the current mandate particularly over whether or not the Policy Council has explicit authority to initiate legislation in those areas where no Department has responsibility. Consequently the Council's mandate should be revised (see appendix 6).

3. Responsibility for the 'Community and Environmental Projects Scheme' (formerly Fieldwork) should be transferred from the Commerce and Employment Department to the Social Security Department.

The transfer has already been effected in practice on an experimental basis. This has proved to be successful and should be confirmed through minor changes to the mandates of the Commerce and Employment Department and the Social Security Department (see appendix 6).

4. Amend the mandate of the Commerce & Employment Department by altering the reference to "Guernsey Promotions Agency" (GPA) to "GuernseyFinance".

The GPA's title has been changed to GuernseyFinance and this should be reflected by a minor change in the Commerce & Employment Department's mandate (see appendix 6).

5. Amend the mandate of the Public Services Department by removing responsibility for the "management and maintenance of Foulon cemetery and crematorium, public conveniences, States Markets and buildings on Herm

Island” and transferring these functions to the Treasury & Resources Department whose mandate already includes responsibility for property management and maintenance.

The changes have already been enacted at an operational level and are working well. Minor changes will be required to the mandates of the two Departments (see appendix 6).

6. Amend the mandate of the Public Services Department by removing the word “Department” after the reference to “States Works”.

This minor change is appropriate as States Works is a business unit not a government Department.

7. Amend the mandate of the Social Security Department as shown in Appendix 6.

These minor changes are necessary to reflect the transfer to the Department of the Community and Environmental Projects Scheme, a change in the Social Insurance Law, the repeal of the legislation relating to the Outdoor Assistance Boards and to clarify the Department’s responsibility for making Grants.

8. Amend the mandate of the Public Sector Remuneration Committee (PSRC) as set out in appendix 6 to clarify that: -
 - (a) The pay and conditions of employment of all States employees are matters which the Committee **must** determine.
 - (b) Departments or Committees involved in determining the remuneration and conditions of service for States appointees or employees of non-government organisations are **obliged** to consult with the PSRC although the final decision **and subsequent accountability** will remain with the responsible Department/Committee.
 - (c) Non-government organisations in which the States have an interest (which will usually be of a financial nature) will be informed (by the PSRC) that they should seek advice from the Committee on pay and conditions of employment; and to
 - (d) Reflect the recent change in structure within the Royal Court following the appointment of a new Judge.

The Council supports these essential changes and believes that any future recommendations to establish new, non-government organisations should include proposals that ensure the PSRC is involved, on an on-going basis, in establishing pay and conditions matters.

Transfer of functions

9. Transfer responsibility for the 'Food and Environment Protection Act 1985' from the Home Department to the Health and Social Services Department.

The requirements of this Act, which include the licensing of burials at sea, sit more comfortably with the mandate of the Health & Social Services Department and hence that Department should become responsible for administering the Act.

10. Transfer responsibility for the 'Beaucette Quarry (Yacht Marina)(Control of Development and Use) Law, 1968 from the Home Department to the Public Services Department.

Some of the requirements of this Law and in particular those within section 2 lay down various obligations including safeguarding the freshwater supply, maintaining the cliff faces and restoring the sea channel. Prior to the new system of government a single Committee (Board of Administration) had responsibility for administering all aspects of this Law and the Public Services Department is the nearest 'successor' to the Board of Administration particularly in matters connected with the sea including harbours. As many of the responsibilities within the Law are closely aligned with the mandate of the Public Services Department, responsibility for administering it should be passed to that Department which should be required to consult the Environment Department on any issues that might fall within the latter's mandate.

11. Transfer responsibility for the issuing and administration of Auctioneers' licences and the associated law (Loi relative aux Ventes Publiques a L'encan, 1914) from the Home Department to the Commerce & Employment Department.

This responsibility sits marginally more comfortably with the mandate of the Commerce & Employment Department and should be transferred. It is understood that the associated workload is minimal as only 10 licences are issued each year.

12. Transfer to the Emergency Powers Authority, the responsibility under Public Health legislation (Part 5, Article 10 of the Ordonnance Relative à la Santé Publique 1936) that enables the Health & Social Services Department (HSSD) to apply to the Royal Court for a declaration that an emergency exists.

The States has recently amended the Emergency Powers (Bailiwick of Guernsey) Law 1965 in order to confer powers on the Emergency Powers Authority (EPA) – an autonomous sub-division of the Policy Council. Having two States 'bodies' (the EPA and HSSD) that can, in effect, declare a state of emergency raises the possibility of confusion arising in exactly the

circumstances where there will be a requirement for clarity and leadership. The Policy Council therefore believes that the responsibility under Public Health legislation (Part 5, Article 10 of the Ordonnance Relative à la Santé Publique 1936) should be transferred to the Emergency Powers Authority.

13. Transfer all States responsibilities for Herm Island to the Treasury & Resources Department thereby providing a single point of contact.

The Council supports this change although it notes that there will remain a requirement for consultation between the Treasury & Resources and Environment Departments on matters that fall within the latter's area of responsibility. Minor changes to the mandates of three Departments (Environment, Public Services and Treasury & Resources) will be required (see appendix 6).

General Matters

14. Change the 'media embargo' for Billets D'Etat from 9.00am on the day of publication to a minute after midnight on the day of publication.

The publication of Billets d'Etat is governed by resolutions of the States made on the 10 December 1952. As Billets d'Etat once printed become parliamentary documents issued by the Presiding Officer, the House Committee's views have been sought regarding the proposed change to the embargo time. The House Committee, having noted the concurrence of the Presiding Officer, raises no objection to the embargo time placed upon Billets d'Etat being changed from 9.00a.m. to 12.01a.m.

The Council considers there is merit in the proposed change which would facilitate the earlier dissemination of States business to the public. The existing States resolutions dating from December 1952 will require amendment.

Recommendations

Following consideration of this report the States are recommended to agree that: -

1. States Members should receive increases in pay in 2006 and 2007 that are equivalent to 1% below the prevailing RPI.
2. The mandates of the: -
 - Policy Council
 - Commerce & Employment Department
 - Environment Department
 - Public Services Department
 - Social Security Department

- Treasury & Resources Department
- Public Sector Remuneration Committee

should be amended as set out in appendix 6.

3. Responsibility for administering the Food and Environment Protection Act 1985 should be transferred from the Home Department to the Health and Social Services Department.
4. Responsibility for administering the Beaucette Quarry (Yacht Marina)(Control of Development and Use) Law, 1968 should be transferred from the Home Department to the Public Services Department.
5. Responsibility for the issuing and administration of Auctioneers' licences and the associated law (Loi relative aux Ventes Publiques a L'encan, 1914) should be transferred from the Home Department to the Commerce & Employment Department.
6. Responsibility for administering Part 5, Article 10 of the Ordonnance Relative à la Santé Publique 1936 should be transferred from the Health & Social Services Department to the Emergency Powers Authority.
7. All States responsibilities for Herm Island should be transferred to the Treasury & Resources Department thereby providing a single point of contact.
8. The 'media embargo' for Billets D'Etat should be changed from 9.00am on the day of publication to a minute after midnight on the day of publication.

L C Morgan
Chief Minister

14th February 2006

Appendix 1

Suggested changes that are NOT being recommended

The Policy Council has concluded that it is unable to support the changes in this section hence no recommendations are being made to the States.

States Members Pay

1. Should States Members sitting on the Priaulx Library Council, the Board of Guille-Alles Library, Ladies College Board of Governors, Elizabeth College Board of Directors and Outdoor Assistance Boards, be eligible to receive an attendance allowance?

The new pay arrangements recommended by an Independent Panel deliberately moved States Members pay away from the Attendance Allowance. The rules therefore currently preclude States Members on these “Non-Governmental Bodies” from claiming the Attendance Allowance. The current pay arrangements are designed to compensate States Members for all aspects of their work including sitting on “Non-Governmental Bodies” and no change in the rules is required

2. Do the rules governing States Members’ pay need to be amended in order to clarify that Alderney Representatives are not entitled to claim the Basic Allowance.

At the time the States debated new pay arrangements (January 2004) the Alderney Representatives did not wish to be included and instead tabled a successful amendment to preclude them from receiving the Basic Allowance. There is therefore already a clear States resolution and the rules simply need to reflect this.

3. Clarify whether Alderney Representatives should be eligible to receive a Workload Allowance and an Attendance Allowance as a departmental Member.

The intention of the States was to dispense with the Attendance Allowance in favour of a Workload Allowance. The Alderney Representatives opted, by amendment, to continue receiving the Attendance Allowance. It would be inappropriate for any States Member to receive both the Workload Allowance and the Attendance Allowance.

4. Should there be a review of the differential between the Special Responsibility Allowance paid to the Chairmen of the Scrutiny Committee and Public Accounts Committee (£7845) and that paid to the Chairmen of other Standing Committees (£3922) including the House, Legislation Select and Public Sector Remuneration Committees?

The States have previously resolved to commission an independent review of States Members' pay prior to the election in 2008 with any changes to be implemented from 1st May 2008. Without wishing to underestimate the responsibility placed on the Chairmen and Members of the Committees, any review of differentials should form part of the next independent review.

5. Should the Members of the Overseas Aid Commission receive an Attendance Allowance?

No change should be made at this time however payments to all non-States members of Departments, Committees and Non-Government Bodies should be reviewed at the same time that States Members' pay is next reviewed by an Independent Panel.

6. Should there be a review of all the workload and responsibility allowances?

It is far too early for such a fundamental review which should await the next independent review of States Members' pay.

Mandates

7. The Environment Department's mandate is too large and a separate Traffic Department should be established whose responsibilities would be derived from those traffic-related functions of the Environment Department.

Creating another Department cuts across one of the fundamental requirements of the new system (to reduce the number of committees/departments) and would inevitably lead to an increase in financial and staffing resources.

8. Amend the mandate of the Health & Social Services Department to include references to "facilities", "hospital" and "School Dentist".

The Department's mandate implicitly includes these services and it would be illogical to refer to them and not to the wide range of other services that are provided by the Department which would then make its mandate unnecessarily detailed.

9. Amend the mandate of the Public Services Department to clarify that the Environment Department is responsible for public footpaths.

This is unnecessary. The Public Services Department is responsible for the maintenance of the structure and wearing surfaces of the road network (which includes pavement surfaces) as set out in its mandate. The two Departments have developed a written agreement setting out their

responsibilities and the arrangements for their implementation including joint liaison where appropriate.

10. Amend the mandate of the Public Accounts Committee (PAC) to make it clearer that the Committee reports to the public and that all hearings (including the examination of records and personnel) are held in public unless the States resolves otherwise.

Like all Departments and Committees, the PAC is principally accountable to the States. By publishing all of its reports the Committee is, in effect, reporting its findings to the public as well as the States. The Committee is already able to hold its enquiries in public but should continue to be able, at its discretion, to hold enquiries in-camera where circumstances dictate. No change is considered necessary.

11. Amend the mandate of the Public Accounts Committee to include an additional responsibility "To commission and receive reports investigating the value for money achieved by States Departments and other public bodies and to report significant issues to the States of Guernsey".

The Committee's mandate implicitly covers this area and the suggested change is not considered necessary.

Transfer of functions

12. Transfer responsibility for Energy from Waste from the Environment Department to the Public Services Department.

While policy research and evaluation is being undertaken no change in responsibility is required.

13. Transfer responsibility for the tourism sector from the Commerce & Employment Department to the Culture & Leisure Department.

There are three principal areas comprising the Commerce & Employment Department's responsibility for the 'tourism sector' – Events Management, the Provision of Information and Promotion/Marketing. This latter area will continue to be one of the core responsibilities of the Department and it is intended to extend the expertise of the staff into other areas for which the Department is responsible (e.g. the Financial Services sector). With regard to Events Management, the Department has established joint arrangements with the Culture & Leisure Department which has seen line management responsibility for the staff transferred to Culture & Leisure. The two Departments may also jointly consider in due course alternative arrangements for the Visitor Information Centre.

14. Transfer responsibility for the operation of Guernsey Airport from the Public Services Department to the Commerce & Employment Department.

The States will shortly be asked to consider a proposal for the Commerce & Employment Department to have political oversight of a proposed new framework for the regulation of Guernsey and Alderney airports and as such it would not be appropriate for that Department to be also responsible for the operation of the airports.

15. Consider whether responsibility for external transport policy (air and sea) should continue to remain with the Commerce & Employment Department.

The Commerce & Employment and Public Services Departments are working together in this important area and have jointly established an External Transport Group at political level to ensure there is a coordinated and corporate approach to policy development in this area. As such no change in responsibilities is necessary.

16. Consider whether the functions associated with road construction and resurfacing should be combined with those of coordinating road closures and traffic management under a single Department.

Road construction and resurfacing inevitably involves requests for road closures and other traffic management measures. Granting permission for, and coordinating all such requests, are regulatory functions and as such should rest with a different Department as is currently the case. The present arrangement achieves a degree of independence and ensures that all requests for road closures are dealt with on their merits.

17. Responsibility for the Archive Service, Museum (and Art) Galleries and historical archaeological sites should be considered to be part of the 'learning process' and transferred to the Education Department.

The Policy Council has previously considered the possible transfer of some of these responsibilities albeit within a different context and concluded that the existing arrangements were effective, encouraging a greater emphasis on corporate working and hence no changes were required at this time. A view endorsed by the respective Departments.

Departments and Committees

18. Dissolve the Housing Department and create a new 'Estates and Property Department' which would be responsible for all States properties including the States housing provision. Other responsibilities of the Housing Department would be passed to several other existing Departments.

The Treasury & Resources Department has developed proposals relating to possible changes in how the States deals with its high-level property responsibilities and any changes should await the outcome of the States debate on that report.

19. Create a new Department that is responsible for all 'Enforcement' bodies or alternatively place them with the Home Department.

Creating another Department cuts across one of the fundamental requirements of the new system (to reduce the number of committees/departments) and would inevitably lead to an increase in financial and staffing resources. The alternative suggestion is not considered practical.

20. Create a new 'Department for Transport' with responsibility for Harbours, Airports, Traffic and Public Transport.

Creating another Department cuts across one of the fundamental requirements of the new system (to reduce the number of committees/departments) and would inevitably lead to an increase in financial and staffing resources. There have already been detailed discussions between the relevant Departments which have clarified responsibilities and resulted in arrangements for improved corporate working.

21. Should the Health & Social Services Department be involved in the provision of housing for their staff and clients given that these do not form part of the Department's core services or should these responsibilities be transferred to the Housing Department?

Although there is obvious merit in the suggestion it requires considerable in-depth analysis and joint discussions between the two Departments. The subject of Key Worker Accommodation and Special Needs Housing are work streams within the Corporate Housing Programme which might provide the platform for taking them forward. As such these are not matters that should be addressed in the 12-month review of the new system of government.

22. Should there be a change in name for either the Health and Social Services Department OR the Social Security Department in order to eliminate any confusion about their respective roles?

Similar titles are in use in other jurisdictions and neither Department wishes to change their current title. As there is no demonstrable evidence of a significant level of confusion, no change is required.

23. Concerns have been expressed about the roles of the Scrutiny and Public Accounts Committees and a suggestion made that the two Committees should be replaced by a single 'Scrutiny & Public Accounts Committee' when elections for membership of all Departments and Committees are next held following the 2008 General Election.

It is considered to be too early to make such a fundamental change although the progress and achievements made by the two Committees should continue to be monitored by the States and a review conducted in due course.

24. The Legislation Select Committee or the Law Officers require additional resources if the Committee is to properly discharge its responsibility for legislative reform.

It is a matter for the Committee to make its case to the Treasury & Resources Department having regard to the current financial climate, public sector expenditure and staff numbers. Alternatively, it may be necessary for the States to alter the Committee's mandate in due course.

General

25. Should the name of the Policy Council be changed to the "Council of Ministers"?

The Council has noted the view that its existing title may create the impression that it is simply another Department dealing solely with policy matters whereas its mandate is much wider. However, whilst the current title may be potentially misleading the Council does not believe that a change is warranted.

26. Does the Chief Minister need an 'Official Residence' for entertaining VIP's?

The Policy Council does not believe such a requirement exists.

27. Should there be a Chief Minister's Speech (along the lines of the Queen's Speech in the UK) in September of each year, after the States summer recess, where the policy and legislative priorities for the forthcoming year are set out.

This is one of the functions of the new Corporate Agenda which the States will consider in December of each year accompanied by an introductory speech by the Chief Minister.

28. The role of Deputy Chief Minister should be full time (i.e. without portfolio).

The Policy Council has previously considered a similar suggestion and decided it is unnecessary at this time.

29. There is an outstanding States resolution from a debate held in October 2003 where it was agreed “ *to defer the preparation of plans and costings to alter the Royal Court Chamber and to require the Policy Council, once established, to bring forward such proposals during 2005*”.

Having carefully reconsidered this matter, the Council remains of the view that it would be inappropriate to bring forward such proposals for expenditure that are solely for the benefit of States Members at a time when the States revenue is under extreme pressure and there are much higher priority areas.

30. Should Billets d’Etat be replaced with an alternative mechanism for lodging States Reports and creating a formal public record of reports and other papers including those (appendices) that are not debated by the States?

The current system is still considered to be reasonably effective however the Council has decided to conduct a review and consider alternative systems that are in use in other jurisdictions.

31. There should be independent scrutiny of any government decision or action.

A formal system of scrutiny has been introduced and the Scrutiny, Public Accounts and Legislation Select Committees are as ‘independent’ as is practical under a committee-based system of government. There are also other existing forms of scrutiny including the States, individual States Members, Tribunals of Enquiry and the media.

32. Establish an Ombudsman for the benefit of the public.

The States has recently rejected a Requête which called for the establishment of an Ombudsman. However, proposals to amend or replace the Administrative Decisions (Review)(Guernsey) Law, 1986 are necessary as it is acknowledged that it is not Human Rights compliant.

Appendix 2

Operational Matters

The suggestions listed below are ‘operational’ rather than ‘structural’ in nature and hence do not impact on, or necessitate change to, the new system of government. Where appropriate changes have been (or will be) implemented.

Policy Council

1. The Policy Council should coordinate a chart of all States projects and advise on their priority over a 3 – 5 year period.

This suggestion is already partly addressed by the annual Policy & Resource Plan which will be further complemented by a Government Business Plan and prioritisation process.

2. Ensure the Policy Council is effective in promoting corporate working including the prioritisation of projects having regard to the best interests of the Island as a whole.

These are already key objectives for the Policy Council and the Treasury & Resources Department.

3. The membership of the Policy Council’s Steering Groups should include other States Members.

The Council believes that its Steering Groups fall into two categories. Firstly those that focus on matters which clearly fall within the operational mandate of the Policy Council, and secondly those working in more Strategic Policy Development. Council Members consider that the membership of the groups concerned with management of the Council’s mandate should be limited to Ministers (or their representatives). However, those sub-groups that concentrate on strategic policy development could benefit from expansion to include two non Policy Council States Members in their work and steps have been taken to address this.

4. Alter the timetable for the annual States debate on the Policy and Resource Plan and the Annual Budget bringing this forward to September.

A September debate, requiring the two States Reports to be finalised in July, is likely to prove impractical given the requirement to provide accurate assessments of projected income which is best done closer to the year-end. Departments would also encounter difficulties given that their submissions have to be prepared and submitted to the Council and the Treasury & Resources Department some months prior to the States debate.

5. The annual Policy & Resource Plan should be debated in November to provide more time to debate Departments' strategies prior to the annual budget debate.

There is considerable merit in the annual Policy & Resource and Budget Reports being published and debated together which enables the States to identify priorities with the knowledge of the available resources and to match these accordingly. Whether the debate takes place at the end of November or two weeks later in the middle of December is considered to be immaterial.

6. The Policy Council should encourage Departments to implement the Investors in People programme.

All Departments are aware of this programme and accept that embracing quality standards can produce positive outcomes. However, it is also recognised that there are other formal standards of quality assessment that are worthy of consideration.

Transfer of functions

7. Review all Grants being administered by Departments and whether responsibility for any Grant(s) needs to be moved.

The Policy Council instituted a comprehensive review of all Grants during 2005, in consultation with Departments, to ensure that all Grants were being administered by the most appropriate Department. The few changes that were identified have already been implemented.

8. There should be a comprehensive list of government responsibilities for the marine environment and the allocation of these functions to the relevant Departments.

The Policy Council completed this work stream during 2005 in conjunction with the relevant Departments.

9. Should the collection of Exempt Company Fees be transferred from the Greffe to the Income Tax Section of the Treasury & Resources Department?

The Commerce & Employment Department is undertaking a review of Company Law and the Register of Companies. The specific matter concerning the collection of Exempt Company Fees has been referred to that Department to consider as part of the above-mentioned review and in consultation with HM Greffier.

10. Should the payroll functions and associated resources of Guernsey Water, States Dairy and Education be transferred to the Treasury and Resources Department?

The Treasury and Resources Department has been asked to consider this matter in consultation with the other Departments and is already engaged with a new payroll system.

11. Should responsibility for the Island's parks rest with the Culture & Leisure Department (responsible for Beau Sejour and Delancey) or the Environment Department (responsible for Saumarez and Candie)?

The existing arrangements are working well and promoting corporate working. No changes are required.

12. Is there a need to review arrangements for the management, maintenance and regulation of historic sites?

No changes are required to the existing arrangements for the management, maintenance and regulation of historic sites in the ownership of the States. However, the three Departments involved (Culture & Leisure, Environment and Treasury & Resources) have been asked to consider the need for, and development of, an overarching strategy that underpins the existing arrangements and facilitates a continued corporate approach.

Resources

13. The Policy Council and Treasury & Resources Department should give the funding of pay awards further consideration.

The Council is of the view that if the funding of pay awards is to be reconsidered then the negotiating mechanisms must also be reconsidered. However, no changes should be contemplated until the Public Sector Remuneration Committee has completed a review of the Island's approach to public sector pay negotiations and reported back to the States with recommendations for addressing the issues raised in the 'Clark Report'.

14. There is a lack of resources and the prioritisation of those resources.

The Council acknowledges that in the current financial climate there is a lack of resources and that this situation is set to continue. Consequently, the prioritisation of resources, which has been an issue for some time, is now a key focus for Departments and Committees.

15. More resources should be provided for the Scrutiny, Public Accounts, Legislation Select and House Committees.

This is a matter for each of the Committees to take up with the Treasury & Resources Department having regard to the current level of public sector expenditure and staff numbers.

16. Reduce the size of the Civil Service and review the sustainability of Index-linked pensions, RPI wage increases and ‘jobs for life’.

These suggestions are for the Policy Council and Treasury & Resources to jointly address in consultation with other interested parties including the Public Sector Remuneration Committee with proposals then developed for implementation or debate by the States. All of these areas are already under consideration.

17. Departments should further restructure their staffing with a view to generating greater efficiencies.

All Departments have undergone some restructuring as a consequence of the recent Government reforms and this is an on-going process. Departments are also aware of the requirement to continue generating efficiencies.

18. Reduce the size of the Policy Council’s Policy and Research Unit.

This is a matter for the Council to consider but is not an issue that can be directly linked with the review of the new system.

19. Consideration must be given to the amount of duplication of services such as the number of human resources (HR) Units and the need for greater centralisation of services.

It is always difficult to achieve the right balance between centralisation and decentralisation of services. Efficiency and value for money should be two of the key factors in deciding the most appropriate model.

20. More human resources functions should be delegated by ‘the Centre’ to Departments.

The Policy Council supports this suggestion and believes that the process for achieving this must be accelerated in respect of those Departments with appropriate HR capacity. The Policy Council will concentrate on strategic HR issues although it is recognised that the Policy Council’s HR Unit will still need to provide operational support for some Departments.

21. Should the Treasury & Resources Department comment on States Reports which do not have any resource implications?

The majority of proposals contained in States Reports generally have resource implications. Where there are none, the Department generally makes no comment.

General

22. Should the existing structure which facilitates a joint role for the Chief Officer of the Treasury and Resources Department (as Senior Financial Advisor to that Department and the Policy Council) be reviewed?

The existing arrangement is working satisfactorily but will be kept under review.

23. Items for inclusion in a Billet d'Etat could be issued in the form of a green paper for the Scrutiny Committee to comment on one month before going to the printers.

Expecting the Scrutiny Committee to scrutinise all States Reports within a month prior to their publication is unrealistic. A more practical approach might involve the Committee convincing Departments to share policy proposals at an earlier stage (i.e. during their development). Alternatively, and perhaps more appropriately, the Committee should place more emphasis on scrutinising existing policies for effectiveness and to highlight any policy gaps.

24. Billets d'Etat should be published earlier than the present timetable permits.

Rather than introduce, for example, a 30-day publication arrangement for all Billets, alternative mechanisms should be used to enable States Members to be aware at the earliest opportunity of matters being brought before the States.

25. Billets d'Etat should be available to the public free of charge from Sir Charles Frossard House.

There would be a cost implication in implementing this measure. The alternative and relatively cost-free option is to view or download the current Billet from the States website.

26. Items included in a Billet d'Etat should be available to download individually from the States web site.

This can already be achieved for printing purposes by specifying the page range.

27. All Deputies should have a generic email address (e.g. someone@deputies.gg), a shared email address and a general postal address.

States Members are already provided with a generic email address. Those using email can be contacted individually although a common email address

(which can be used for forwarding a message or document to all Deputies simultaneously) might be useful. All States Members' postal addresses are published but it is unclear whether a single forwarding postal address (i.e. Frossard House) for all States Members would be beneficial.

28. Information should be provided well in advance (by Departments) to States Members prior to any media release.

Departments regularly publish significant quantities of information in the form of reports, papers and media releases and much of this is routine. Issuing copies of all such information to States Members in advance of publication would inevitably overwhelm them with unnecessary paperwork. However, States Members are provided with information and briefings on significant issues prior to publication. In addition, the Policy Council emails to States Members copies of all Press Releases it issues to the media.

29. Review the timing of the annual States debate on social security benefits and contribution rates with a view to coordinating this with the annual budget debate.

The merits of this suggestion should be discussed between the Treasury & Resources and Social Security Departments and any agreed outcomes implemented jointly by the Departments.

30. Within a scrutiny context, there is a failure to share or publish information at an early stage in the development of policies and proposals, the absence of key information to support policies and insufficient time for States Members to consider States Reports.

Departments are still getting accustomed to working with the new scrutiny process and it is expected that there will be improvements in the preparation and provision of information. It is also accepted that on occasion States Members may not have sufficient time to consider States Reports however the solution does not necessarily lie in altering the publication dates for the Billets d'Etat but rather through the use of other mechanisms that ensure States Members are aware at the earliest opportunity of matters being brought to the States.

31. Departments should publish their long-term strategies which should be aligned to the Corporate Agenda and in more detail than appears in the annual Policy & Resource Plan.

All Departments produce business plans that must be aligned with the Corporate Agenda and which can be published.

32. Identify opportunities to secure long-term continuity of supply and price stability in critical commodities such as energy.

Whilst being an important issue, it is not linked to the review of the new system of government although the new system is facilitating a more effective approach to such strategic issues. In November 2005 the States agreed that a review should be undertaken to assess the Island's likely energy requirements in the medium and long terms.

33. Prisoners with complaints should be able to address these to the Law Officers who would be seen as independent and impartial (rather than the Prison Governor or Home Department).

Such a move could lead to a variety of difficulties including a prejudiced view of the Law Officers (as the original prosecuting authority), costs and time constraints for the Law Officers and hence staffing implications. The current arrangements already provide for a Panel of Prison Visitors who are independent, have access to prisoners at any time and who are in a position to evaluate prisoners' legitimate concerns.

34. Secretarial resources should be provided for States Members.

This proposal was rejected in 2002 and cannot be justified in the current financial climate.

35. Public meetings arranged by Departments and Committees should be held at convenient times that enable members of the public to attend if they wish.

In agreeing with this view, it must be acknowledged that it is impossible to arrange public meetings at times that are convenient for everyone.

36. The States should seek to identify all retired persons with specialist skills and expertise who could be called upon as consultants/advisors rather than appointing people from outside of the Island.

There are already a variety of opportunities for people from all walks of life, including retired persons, to contribute to the work of the States including membership of Departments, Tribunals and other States bodies.

37. Before providing a grant to a new organisation research should be undertaken to determine whether (and from where) the proposed support/services have been previously available.

Departments are expected to consider the position of existing organisations and the services they provide as part of the process when considering applications for grants from new organisations.

38. Where a franchise exists for the provision of a service these should be advertised openly so that existing organisations can apply.

Departments are required to openly advertise or tender any franchise.

39. St Peter Port Douzaine should run the Foulon Cemetery with the Treasury & Resources Department retaining responsibility for the crematorium and a small section of the cemetery for special police cases.

Previous efforts to achieve this have run into difficulties on the grounds of cost and that position has not changed.

40. Should the existing arrangements for the States high-level property responsibilities be reviewed and is there a good case for further centralisation?

The Treasury & Resources Department has recently published proposals separate from this review for consideration by the States.

Appendix 3**General statements and comments**

The statements and comments in this section do not identify issues that can be addressed through structural changes to the new system of government.

1. There is a general perception that the process of government is now less democratic than before as power appears to be vested in fewer hands.

The underlying basis of the system of government has not changed and little public comment has been received over the past twelve months or during the consultation process that would indicate that this is currently a serious public concern. The ‘government’ of the island remains in the hands of all elected Members.

2. There is a lack of corporate working across the States as borne out by a recent employee survey that showed only 21% of respondents agreed that the States works well together as one organisation.

It is acknowledged that continuing efforts are required to develop and reinforce corporate working across the States at both political and executive levels. There are also the issues of ‘perception’ and ‘awareness’ and more needs to be done to ensure that employees are aware of the current extent of corporate working. However, it should be recognised that what the States has embarked upon with the new system requires a ‘cultural change’ the results of which inevitably take time to achieve.

3. There is a potential ability for the Treasury & Resources Department to take a disproportionate amount of power in relation to States expenditure.

The Department derives its authority from its mandate and from States resolutions within which it must operate.

4. If States Members’ pay is to be reduced then Civil Servants’ pay should also be reduced using a fixed sum rather than a percentage as the latter has a greater effect upon the lower paid.

Civil Servants’ pay is not an issue that is associated with the review of the new system of government and is determined through a process of collective bargaining. Nevertheless, the Public Sector Remuneration Committee will undoubtedly be mindful of all ‘pay restraint’ suggestions and comments.

5. The States should apply more business practices and become more business focused and results orientated.

The States has increasingly adopted relevant business practices. Departments are also continuing to search for opportunities where greater efficiency and effectiveness can be achieved in the delivery of services. However, there are inevitably limits on the extent to which Government can adopt business practices.

6. States Members should have the opportunity to occasionally attend meetings of Departments on which they do not sit as part of a learning process.

Although there may be practical issues to address it is for each Department to consider this suggestion.

7. The Douzaines should be more transparent and open to public scrutiny.

This is not a matter that falls within the review and any initiative to achieve these aims should be led by the Douzaines.

8. The States needs to define its relationship with, and the role of, the Island's Douzaines.

In May 2003 the States determined that the Policy Council would have responsibility for the relationship between the States and the parishes and this is reflected in the Council's mandate. Two members of the Policy Council have been appointed to work with the Douzaines in seeking to define the relationship that should exist between the government and the Douzaines and the latter's role and responsibilities.

Appendix 4**PROCEDURAL MATTERS**

The following suggestions relate to procedural matters that are for the House Committee to address and hence fall outside of the Policy Council's review.

Constitution of the States

1. Should the number of Members in the States of Deliberation be reduced?

Chief Minister

2. Should there be the opportunity for States Members to question candidates for the position of Chief Minister prior to the election process?
3. Should there be a rule that precludes new States Members, with no previous experience, from standing for the position of Chief Minister?
4. Should the Chief Minister, where he deems it appropriate, be able to make two speeches on matters placed before the States for debate; the first where he follows the Minister's / Chairman's introduction and puts forward the Policy Council's views and the second occasion to express any personal views and/or respond to points or issues that have been made by other speakers that are of interest/concern to the Council?
5. Should there be a specific time set aside at each States Meeting for the Chief Minister to make statements and/or answer questions on international and cross departmental issues?
6. The Chief Minister and members of the Policy Council should be elected by the electorate and not by the States.

Ministers

7. Should the Minister of the Treasury & Resources Department be permitted to speak twice during a States debate in circumstances where s/he has already spoken and subsequently significant fiscal issues are raised by other States Members requiring comment or answers that are within the remit of the Minister and his Department?
8. Should a Minister who is presenting a States Report be permitted to speak during a debate in addition to opening and closing the debate?
9. Should the Presiding Officer have the discretion to accede to a Minister's request for a short recess (say half an hour) prior to the summing up on a major policy debate by that Minister?

10. Should a Minister be able to sit on any of the five Committees (House, Legislation, Public Accounts, Public Sector Remuneration and Scrutiny)?
11. Consideration should be given to including Policy Council representation on the Public Sector Remuneration Committee.
12. Prior to a General Election Ministers should acquaint the electorate with any important financial or social issues that are in the pipeline to enable electors to question the candidates.

States Members

13. Candidates wishing to stand as a Deputy should have been resident in the Island for considerably longer than the current twelve months.
14. Introduce a mechanism (possibly mid-term elections) that enables States Members to move between Departments and Committees during each term.
15. Any election of States Members onto Departments and Committees should be deferred if any Member is absent from the Island on States business and/or delayed by fog.
16. Membership of the Scrutiny Committee should comprise two States Members as the Chairman and Vice-Chairman with the remaining members being non-States Members.
17. The term of office for the Chairmen of the Scrutiny and Public Accounts Committees should be limited to two years.
18. Where a by-election occurs there should be a States policy on filling associated vacancies on Departments and Committees (either before or after the by-election).
19. Should States Members who are absent for a vote in the States (i.e. through ill-health, out of the Island) be able to cast their vote through the Chief Minister or Presiding Officer?
20. Should Rule 14 ("Guillotine Motion") be amended to provide for: -
 - (i). A Member who intends to bring such a motion, to be required to give a minimum of thirty minutes notice.
 - (ii). Those Members who have spoken during the debate on a matter that becomes the subject of a guillotine motion, to be prevented from voting on the motion?
21. There should be a code of conduct for States Members that requires them to acknowledge all correspondence within an established time frame.

Non-States Members

22. Should the States elect all non-States Members onto Departments and Committees?
23. Should non-States Members be entitled to vote on departmental matters?
24. Should the 'status' of non-States Members be changed so that they can be appointed for periods determined by the Departments?
25. Should the term of office for non-States Members serving on Departments be reduced (it is currently 4 years)?
26. Establish a mechanism by which failed candidates at a General Election become ineligible for the non-States Members seats on Departments and Committees.
27. The role of non-States Members on Departments should be discontinued.
28. The National Trust should be represented on the Environment Department.

Alderney Representation

29. Should members of the Alderney States sit on those Guernsey Departments which are responsible for the 'Transferred Services' (including Health, Children Services, Education, Civil Defence, Alderney airport and breakwater)?

General

30. Enrolment on the electoral roll should be compulsory although voting should remain voluntary.
31. Abolish the electoral roll and develop a States database from existing databases to assess all Islanders who are entitled to vote.
32. The number of Deputies in each electoral district should be determined by the number of people on the electoral roll in each parish.
33. A General Election after 4 years, without the balancing factor of the 'Party System' inevitably introduces a level of destabilisation in the run-in to an election.
34. States Reports should (once finalised) be made available to all States Members at the same time and not just to those on the Policy Council, Treasury & Resources Department and sponsoring Department.
35. Each electoral district should hold a monthly Deputies meeting and attendance by each district's Deputies should be compulsory.

Appendix 5**PAYMENTS TO STATES MEMBERS**

The new rates payable with effect from 1 May 2005 are listed below:

	Current Rate	New Rate
	£	£
ALLOWANCES		
Basic	20,000.00	20,920.00
Expense	2,500.00	2,615.00
Departmental membership	2,500.00	2,615.00
Committee Membership	1,250.00	1307.50
SPECIAL RESPONSIBILITY ALLOWANCES		
Chief Minister	20,000.00	20,920.00
Deputy Chief Minister	5,000.00	5,230.00
Department Minister	7,500.00	7,845.00
Deputy Department Minister	2,500.00	2,615.00
Chairman Scrutiny/Public Accounts Committee	7,500.00	7,845.00
Vice Chairman Scrutiny/Public Accounts Committee	2,500.00	2,615.00
Chairman Standing Committee	3,750.00	3,922.50
Vice Chairman Standing Committee	1,250.00	1,307.50
NON-STATES MEMBERS		
Allowance per half day	45.00	47.07

Notes

- Maximum amount of Departmental, Committee and Special Committee Membership Allowances increased to £7,845.
- Maximum Special Responsibility Allowance payable to Deputy Chief Minister increased to £23,535.
- Maximum Special Responsibility Allowance payable to any individual Member, excluding the Chief Minister and Deputy Chief Minister, increased to £15,690.
- Alderney Representatives allowance for attendance at meetings of the States of Deliberation increased to £47.07.

Appendix 6**POLICY COUNCIL**

Constituted with effect from 1st May, 2004 by Resolution of the States of 31 October 2003.

CONSTITUTION

The Chief Minister and the Ministers of the ten departments.

MANDATE

a) To advise the States on matters relating to:-

- The Island's constitutional position including its relationships with the United Kingdom, European Union and other Crown Dependencies, international relations and matters relating to the Parishes and the other Islands of the Bailiwick.
- The formulation and implementation of economic, fiscal, human resource, environmental and social strategic and corporate policies to meet objectives agreed by the States.
- The coordination of the work of the States.

And to be responsible for: -

Constitutional Affairs

- Representing the Island and negotiating on international matters.
- Considering international agreements in which the insular authorities have an interest or are invited to acquiesce and making appropriate recommendations thereon.
- The relationship between the States of Guernsey and States of Alderney.
- The provision, on behalf of the States, of hospitality to appropriate visiting persons and organisations.
- The policy for the future provision of aid overseas.

Strategic and Corporate policy

- Developing, together with the relevant department(s), appropriate responses to strategic issues that confront the Island including any population and migration measures considered necessary.
- The policy framework for the regulation of the financial services sector.

- Corporate human resource policy including terms and conditions of employment, compliance with legislation and good practice and to be responsible for: -
 - o The provision of corporate human resource services and advice to departments and committees as appropriate.
 - o Fulfilling the States role as employer of established staff.
 - o The appointment of Chief Officers of Departments and Committees and other senior civil service appointments.
 - o Sanctioning the recommendations of the Public Sector Remuneration Committee in respect of the salaries affecting the posts of Lieutenant Governor, Bailiff, Deputy Bailiff, Law Officers of the Crown and Magistrates.
 - o Determining the remuneration and conditions of service applicable to HM Greffier, HM Sheriff and HM Sergeant after consultation with HM Procureur.
- The provision of corporate research programmes and the maintenance of corporate statistics including responsibility for population data.

Coordination of States activities

- The coordination and allocation of responsibilities and functions to departments and committees.
- The coordination of non-operational matters in the event of an emergency, to preserve life and the well being of the community and the preservation of law and order.
- Requiring a Department or Committee to examine and report to the States or to the Policy Council on any matter which falls within the mandate of such a department or committee.
- ~~Examining and reporting to the States or requiring a department or committee to examine and report to the States or the Policy Council, on any matter which falls outside the mandate of any department or committee.~~
- Receiving and commenting as appropriate on all proposals and reports which are to be placed before the States by Departments and Committees
- The preparation of the Agenda for meetings of the States of Deliberation and the States of Election.
- The prioritisation of the States' legislative programme.
- The Island Archives Service.

- b) To examine and report to the States, or to require a department or committee to examine and report to the States, or to the Policy Council, on any matter which falls outside the mandate of any Department or Committee.
- c) To develop, present to the States for approval as appropriate, and implement policies on the above matters for the provision of services, introduction of legislation and other measures which contribute to the achievement of strategic and corporate objectives.
- d) To exercise the powers and duties conferred on it by extant legislation ~~including (without limitation) the Emergency Powers (Bailiwick of Guernsey) Law, 1965~~
- e) To exercise the powers and duties conferred on it by extant States resolutions, including all those resolutions, or parts of resolutions, which relate to matters for the time being within the mandate of the Policy Council and which conferred functions upon the former: -
 - Advisory and Finance Committee
 - Civil Service Board
 - ~~Emergency Council~~
 - Heritage Committee
 - Island Reception Committee
 - Overseas Aid Committee
- f) To be accountable to the States for the management and safeguarding of public funds and other resources entrusted to the Policy Council.

NB The functions of the former Emergency Council have now been transferred to the Emergency Powers Authority.

COMMERCE AND EMPLOYMENT DEPARTMENT

Constituted with effect from 1st May, 2004 by Resolution of the States of 31 October 2003.

CONSTITUTION

- A Minister, who shall be a sitting member of the States.
- Four members, who shall be sitting members of the States.
- Up to 2 non-voting members appointed by the Department who shall not be sitting members of the States.

MANDATE

a) To advise the States on matters relating to:

- The creation of a dynamic and diversified economy through the promotion and development of commerce and industry that is sustainable and operates in accordance with the strategic, economic, social and environmental policies of the States.

And to be responsible for: -

- Promoting the interests of all sectors of the economy including: -
 - exporters of manufactured goods, non-financial services and e-business
 - financial services sector
 - visitor economy
 - construction industry
 - retail industry
 - horticultural industry
 - agricultural industry
 - sea fisheries industry
- Creating an awareness and fostering the image of the Island as a centre of excellence for business, commerce and tourism.
- The promotion, provision and regulation of air and sea links to and from the Bailiwick including liaison with other jurisdictions.
- Helping to create a sustainable food and farming supply chain serving the market and the environment.
- Safeguarding the living marine resources within the Bailiwick waters and managing, where appropriate, their exploitation in a sustainable manner.
- The strategic approach to, and the regulation of, utilities.

- Promoting good employment practices and policies, good industrial relations and Health and safety at work.
 - ~~The provision of temporary work for the unemployed.~~
 - Consumer advice and protection and trading standards.
 - The States' interest in the Training Agency, Enterprise Agency, ~~Guernsey Finance Promotions Agency~~ and the Guernsey Film Commission or their successor bodies.
 - The States Dairy.
- b) To develop, present to the States for approval as appropriate, and implement policies on the above matters for the provision of services, introduction of legislation and other measures which contribute to the achievement of strategic and corporate objectives.
- c) To exercise the powers and duties conferred on it by extant legislation.
- d) To exercise the powers and duties conferred on it by extant States resolutions, including all those resolutions, or parts of resolutions, which relate to matters for the time being within the mandate of the Commerce and Employment Department and which conferred functions upon the former: -
- Advisory and Finance Committee
 - Agriculture and Countryside Board
 - Board of Industry
 - Committee for Horticulture
 - Sea Fisheries Committee
 - Tourist Board
 - Transport Board.
- e) To be accountable to the States for the management and safeguarding of public funds and other resources entrusted to the Department.

ENVIRONMENT DEPARTMENT

Constituted with effect from 1st May, 2004 by Resolution of the States of 31 October 2003.

CONSTITUTION

- A Minister, who shall be a sitting member of the States.
- Four members, who shall be sitting members of the States.
- Up to 2 non-voting members appointed by the Department who shall not be sitting members of the States.

MANDATE

a) To advise the States on matters relating to:

- Environmental policy including transport, energy and waste policy and policy for the conservation, enhancement and sustainable development of the natural and physical environment of the Island in accordance with the strategic economic, fiscal, environmental and social policies of the States.
- Policy on environmental monitoring.

And be responsible for: -

- The protection of the physical environment from activities that might otherwise compromise the well being of the community.
- The conservation and enhancement of the natural and semi-natural environment.
- Spatial/land use policy to enable the sustainable management of transport, energy resources, waste disposal and natural resources in accordance with the strategic policies of the States.
- Transport policy to enable the safe and efficient movement of people and goods around the Island including traffic management, road safety and the regulation of public transport.
- The management of the natural and semi-natural environment of States owned land including sites of nature conservation importance, cliff paths, beaches, headlands ~~Herm and~~ Lihou islands and other public areas and parks, gardens and plantations.
- The promotion and coordination of environmental issues and initiatives.
- The provision of an integrated land use planning system including the processing of all development applications of all kinds (planning, building control, protected buildings and scheduled sites).
- Vehicle registration and vehicle and driver licensing.

- b) To develop, present to the States for approval as appropriate, and implement policies on the above matters for the provision of services, introduction of legislation and other measures which contribute to the achievement of strategic and corporate objectives.
- c) To exercise the powers and duties conferred on it by extant legislation.
- d) To exercise the powers and duties conferred on it by extant States resolutions, including all those resolutions, or parts of resolutions, which relate to matters for the time being within the mandate of the Environment Department and which conferred functions upon the former: -
 - Board of Administration
 - Heritage Committee
 - Island Development Committee
 - Traffic Committee.
- e) To be accountable to the States for the management and safeguarding of public funds and other resources entrusted to the Department.

PUBLIC SERVICES DEPARTMENT

Constituted with effect from 1st May, 2004 by Resolution of the States of 31 October 2003.

CONSTITUTION

- A Minister, who shall be a sitting member of the States.
- Four members, who shall be sitting members of the States.
- Up to 2 non-voting members appointed by the Department who shall not be sitting members of the States.

MANDATE

a) To advise the States on matters relating to:

The management of publicly owned infrastructure and the provision of public services to meet the strategic and corporate objectives of the States including: -

- Guernsey and Alderney airports.
- St Peter Port and St Sampson's harbours.
- The roads infrastructure.
- The waste and drainage infrastructure.
- The public water supply.
- Alderney breakwater.
- Maritime affairs.

And to be responsible for: -

- The provision and administration of facilities and services in respect of the Guernsey and Alderney airports.
- The provision of facilities and services in respect of St Peter Port and St Sampson's harbours.
- The provision of Coast Guard services.
- The Guernsey Register of British ships and the surveying and licensing of local passenger and commercial vessels.
- Monitoring compliance of all vessels within Bailiwick waters with international and local laws and control of shipping in Bailiwick waters.
- Maritime safety, the investigation of marine accidents, provision of navigational aids and maritime safety information.
- Liaison with the Guernsey branch of the Royal National Lifeboat Institution.

- Pilotage Services.
 - The maintenance of the structure and wearing surfaces of the road network.
 - The maintenance of the surfaces of green lanes.
 - Road cleaning.
 - The management, collection and disposal of surface waters that fall on and/or pass under the road network.
 - The management, collection, treatment and disposal of solid and wastewater from household, industrial and commercial properties.
 - The maintenance of Alderney breakwater.
 - The management of environmental emergencies, control of essential commodities and receivership of wrecks.
 - The provision of corporate engineering and architectural services.
 - ~~The management and maintenance of Foulon cemetery and crematorium, public conveniences, States markets and buildings on Herm island.~~
 - The provision and administration of a direct labour organisation (States Works department)
- (b) To develop, present to the States for approval as appropriate, and implement operational 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.
- d) To exercise the powers and duties conferred on it by extant States resolutions, including all those resolutions, or parts of resolutions, which relate to matters for the time being within the mandate of the Public Services Department and which conferred functions upon the former: -
- Advisory and Finance Committee
 - Board of Administration
 - Public Thoroughfares Committee
 - Water Board.
- e) To be accountable to the States for the management and safeguarding of public funds and other resources entrusted to the Department.

SOCIAL SECURITY DEPARTMENT

Constituted with effect from 1st May, 2004 by Resolution of the States of 31 October 2003.

CONSTITUTION

- A Minister, who shall be a sitting member of the States.
- Four members, who shall be sitting members of the States.
- Up to 2 non-voting members appointed by the Department who shall not be sitting members of the States.

MANDATE

a) To advise the States on matters relating to:

- The provision of social security coverage, through social insurance, health insurance, long-term care insurance and other schemes of social protection, for the well being of Guernsey and Alderney residents and for migrant workers and their families.
- ~~The provision through the Parochial Outdoor Assistance Boards of temporary financial support to persons whose resources are insufficient to meet basic living standards.~~

And to be responsible for: -

- The collection of, and accountability for, the several types of social security contributions and the maintenance of records.
 - The payment of, and accountability for, social security benefits and grants to charitable organisations specified by the States and the maintenance of records.
 - The operation of the Community and Environmental Projects Scheme and the commissioning of certain other work rehabilitation schemes, work-focussed training courses and back to work programmes.
- (b) To develop, present to the States for approval as appropriate, and 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 in particular:

- to control and manage the Guernsey Insurance Fund, as required by section 100 of the Social Insurance (Guernsey) Law, 1978 as amended;
 - to control and manage the Guernsey Health Service Fund, as required by section 1 of the Health Service (Benefit) (Guernsey) Law, 1990;
 - to control and manage the Long-term Care Insurance Fund, as required by section 1 of the Long-term Care Insurance (Guernsey) Law, 2002.
- d) To exercise the powers and duties conferred on it by extant States resolutions, including all those resolutions, or parts of resolutions, which relate to matters for the time being within the mandate of the Social Security Department and which conferred functions upon the former: -
- Public Assistance Authority
 - Guernsey Social Security Authority.
- e) To be accountable to the States for the management and safeguarding of public funds and other resources entrusted to the Department.

TREASURY AND RESOURCES DEPARTMENT

Constituted with effect from 1st May 2004 by Resolution of the States of 31 October 2003.

CONSTITUTION

- A Minister, who shall be a sitting member of the States.
- Four members, who shall be sitting members of the States.
- Up to 2 non-voting members appointed by the Department who shall not be sitting members of the States.

MANDATE

a) To advise the States on matters relating to:

- The allocation and administration of all States resources.
- The regulation and control of States financial affairs.
- The raising of States income and control of financial resources.
- The systems for the assessment and collection of income tax, dwellings profit tax and tax on rateable value.

And to be responsible for: -

- Examining and submitting annually to the States the budget estimates of income and expenditure on capital and revenue account, to submit recommendations on how such expenditure should be financed and, after audit, to submit the annual accounts to the States.
- Receiving and commenting as appropriate on the resource implications associated with all proposals and reports which are to be placed before the States by departments and committees.
- Financial and related functions including the States payroll and the provision of advice and corporate services to departments and committees.
- The management of financial assets including cash and other investments and associated financial activities.
- Authorising departments and committees to borrow temporarily by way of overdraft from the banks or from the States Treasury or in any other manner approved by the Treasury and Resources Department, for such purposes, for such periods, up to such amounts, at such rates of interest and on such terms that the Department may approve.

- Authorising departments and committees to make such loans or grants to registered charitable bodies and similar organisations and upon such terms that the Treasury and Resources Department may approve.
 - Maintaining a register of property ownership for the purpose of assessing and collecting taxes based on rateable value.
 - Providing corporate property services and advice to departments and committees ~~including the administration of~~ and administering certain properties owned or leased by the States including those on Herm, Jethou and Lihou islands
 - Providing corporate procurement services and advice to departments and committees.
 - Internal audit, risk management and insurance of States activities and resources.
 - The development of corporate policies concerning the States use of information and communication technology and the provision, administration and security of the States ICT network.
 - The administration of the Staff Number Limitation Policy.
 - The shareholders' functions and duties in respect of the States Trading Companies and other States owned entities.
 - The provision of resources for the offices of Crown appointees and for the function of the Royal Court.
- b) To develop, present to the States for approval as appropriate, and implement policies on the above matters for the provision of services, introduction of legislation and other measures which contribute to the achievement of strategic and corporate objectives.
- c) To exercise the powers and duties conferred on it by extant legislation.
- d) To exercise the powers and duties conferred on it by extant States resolutions, including all those resolutions, or parts of resolutions, which relate to matters for the time being within the mandate of the Treasury and Resources Department and which conferred functions upon the former: -
- Advisory and Finance Committee
 - Board of Administration
 - Cadastre Committee
 - Civil Service Board
 - Income Tax Authority.
- e) To be accountable to the States for the management and safeguarding of public funds and other resources entrusted to the Department.

PUBLIC SECTOR REMUNERATION COMMITTEE

Constituted with effect from 1st May, 2004 by Resolution of the States of 31 October 2003.

CONSTITUTION

- A Chairman, who shall be a sitting member of the States.
- Four members, who shall be sitting members of the States.
- Up to 2 non-voting members appointed by the Committee who shall not be sitting members of the States.

MANDATE

- a) To be responsible for:
 - (i) Collective bargaining, on behalf of the States as employer, in respect of the remuneration and conditions of service of all staff employed by the States.
 - (ii) The remuneration and conditions of service applicable to all employees of the States who are not subject to collective bargaining arrangements.
 - (iii) Advising on the remuneration and conditions of service applicable to appointees of the States and employees of non-governmental organisations in which the States have an interest.
 - (iv) Reviewing the remuneration attaching to the posts of Lieutenant Governor, Bailiff, Deputy Bailiff, Law Officers of the Crown, Judges of the Royal Court and Magistrates and submitting to the Policy Council for sanction any adjustments which, in its opinion, are necessary.
 - (v) Making recommendations to the States concerning the pensions and other benefits to be paid to or in respect of members of the Public Servants' Pension Scheme and the Teachers' Superannuation Scheme.
- b) To develop, present to the States for approval as appropriate, and implement policies on the above matters for the provision of services, introduction of legislation and other measures which contribute to the achievement of strategic and corporate objectives.
- c) To exercise the powers and duties conferred on it by extant legislation.
- d) To exercise the powers and duties conferred on it by extant States resolutions, including all those resolutions, or parts of resolutions, which relate to matters for the time being within the mandate of the Public Sector Remuneration Committee and which conferred functions upon the former Civil Service Board.
- e) To be accountable to the States for the management and safeguarding of public funds and other resources entrusted to the Committee.

(NB The Treasury and Resources Department strongly supports a less than RPI increase for States Members' pay.)

The States are asked to decide:-

I.- Whether, after consideration of the Report dated 14th February, 2006, of the Policy Council, they are of the opinion:-

1. That States Members shall receive increases in pay in 2006 and 2007 that are equivalent to 1% below the prevailing RPI.
2. That the mandates of the following Departments shall be amended as set out in Appendix 6 to that Report: -
 - (a) Policy Council
 - (b) Commerce and Employment Department
 - (c) Environment Department
 - (d) Public Services Department
 - (e) Social Security Department
 - (f) Treasury and Resources Department
 - (g) Public Sector Remuneration Committee
3. That responsibility for administering the Food and Environment Protection Act 1985 should be transferred from the Home Department to the Health and Social Services Department.
4. That responsibility for administering the Beaucette Quarry (Yacht Marina) (Control of Development and Use) Law, 1968 should be transferred from the Home Department to the Public Services Department.
5. That responsibility for the issuing and administration of Auctioneers' licences and the associated law (Loi relative aux Ventes Publiques a L'encan, 1914) should be transferred from the Home Department to the Commerce and Employment Department.
6. That responsibility for administering Part 5, Article 10 of the Ordonnance Relative à la Santé Publique 1936 should be transferred from the Health and Social Services Department to the Emergency Powers Authority.
7. That all States responsibilities for Herm Island should be transferred to the Treasury and Resources Department thereby providing a single point of contact.
8. To rescind paragraph 1 of Resolution XI of 10th December, 1952, on Billet d'État XXV, and to substitute the following therefor:-
 - "1. To accept the principle that the matters contained in a Billet d'État do not become public property until one minute after midnight on the day of issue."

HOUSE COMMITTEE

REVIEW OF THE NEW SYSTEM OF GOVERNMENT PROCEDURAL MATTERS

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

30th January 2006

Dear Sir

Executive Summary

This report is complementary to that of the Policy Council in which it reviews the new system of government. All the issues identified in Appendix 4 to the Policy Council's report are addressed in paragraphs 1 – 35 of this report, followed by additional matters referred directly to the House Committee. Implementation of the changes proposed will require amendments either to the Reform (Guernsey) Law, 1948, as amended, the Rules of Procedure of the States of Deliberation or the Rules relating to the Constitution and Operation of States Departments and Committees.

Report

For ease of reference the numeration follows that used in Appendix 4 of the Policy Council's report. The words in italics are the points raised by representors.

Constitution of the States

1. *Should the number of Members in the States of Deliberation be reduced?*

In 2003 the States rejected a proposal that the number of States Members be reduced to 35. Whilst such a reduction in the number of People's Deputies would increase the workload of the remaining members it would reduce the amount paid to them by just under £0.5m. in a four-year term. Based on the current population 40 seats would be distributed as follows: St Peter Port South district and West district – 5 members each, the other districts – 6 members each. However, the Committee does not believe that there is, at present, any appetite for change in this area either in the Island as a whole or in the States in particular.

Recommendation: no change.

Chief Minister

2. *Should there be the opportunity for States Members to question candidates for the position of Chief Minister [at a hustings-type meeting] prior to the election process?*

The 2004 General Election was held on the 21st April and the Chief Minister was elected on 1st May, the 10th day after the election. Allowing Members a few days to nominate candidates means that there is very little time remaining in which such a meeting could be held. In any event with no more than 47 electors (which includes the candidates themselves) it is possible for every States Member to speak to each of the candidates personally. The House Committee does not believe that there is a need for a meeting of the sort envisaged in the question.

Recommendation: no change.

3. *Should there be a rule that precludes new States Members, with no previous experience, from standing for the position of Chief Minister?*

Whilst the House Committee considers the introduction of a ‘previous experience’ rule unnecessary in respect of other offices, a majority of the Committee supports the introduction of such a rule with regard to the office of Chief Minister, believing it essential that the Chief Minister should have at least a full term’s previous experience of working within Guernsey’s system of government in order to discharge effectively the responsibilities of that office. Further, the Committee is of the opinion that such experience should be current: a person who had not served in one of the two previous terms of the States would be likely to have lost touch with the current issues of government.

Recommendation: that candidates for the office of Chief Minister shall have held office as a People’s Deputy for not less than four years of the eight years immediately preceding the date set for the election.

4. *Should the Chief Minister, where he deems it appropriate, be able to make two speeches on matters placed before the States for debate; the first where he follows the Minister’s/Chairman’s introduction and puts forward views and the second wherein he responds to points or issues that have been made by other speakers that are of interest/concern to the Council?*

Rule 12(3) allows the Presiding Officer some discretion in permitting a Member to speak twice in a debate and the House Committee therefore does not believe that there is any need for the Chief Minister to be accorded a special position in this regard.

Recommendation: no change.

5. *Should there be a specific time set aside at each States Meeting for the Chief Minister to make statements and/or answer questions on international and cross-departmental issues?*

The Chief Minister, like any other Member, can make a statement on any matter “which in the opinion of the Presiding Officer should be made”. The House Committee does not believe that there is any need for the Chief Minister to be accorded a special position in this regard.

Recommendation: no change.

6. *Should the Chief Minister and members of the Policy Council be elected by the electorate and not by the States?*

The Chief Minister and Ministers form part of the government of the Island. The House Committee is of the view that they should be elected by the States who have a close knowledge of the suitability or otherwise of candidates for governmental office and therefore rejects this suggestion.

Recommendation: no change.

Ministers

7. *Should the Minister of the Treasury and Resources Department be permitted to speak twice during a States debate in circumstances where (s)he has already spoken and subsequently significant fiscal issues are raised by other States Members requiring comment or answers that are within the remit of the Minister and his Department?*

Rule 12(3) allows the Presiding Officer some discretion in permitting a Member to speak twice in a debate and the House Committee therefore does not believe that there is any need for the Minister of the Treasury and Resources Department to be accorded a special position in this regard.

Recommendation: no change.

8. *Should a Minister who is presenting a States Report be permitted to speak during a debate in addition to opening and closing the debate?*

The House Committee considers that the Rules already make adequate provision. A Minister presenting a report may already make two speeches and, pursuant to Rule 12(6), can (a) make points of order, (b) correct inaccurate or misleading statements and (c) explain a statement made by him which is being misconstrued. In addition he has the right to reply to any amendment proposed.

Recommendation: no change.

9. *Should the Presiding Officer have the discretion to accede to a Minister's request for a short recess (say half an hour) prior to the summing up on a major policy debate by that Minister?*

A majority of the House Committee believes that there is some merit in having a short adjournment of debate after a long or complicated debate to allow the Minister/Chairman a brief opportunity to order his notes and gather his thoughts before summing up. However the Committee believes that the decision as to whether an adjournment be granted in a particular case should rest with the States. During such an adjournment the States would not be precluded from dealing with small or non-contentious items of business. The House Committee envisages that requests for such an adjournment would be the exception rather than the rule.

Recommendation: **that the Member replying to the debate be entitled to ask for an adjournment of the debate of not more than 15 minutes immediately prior to summing up and that a proposition to that effect should be put to the States without debate.**

10. *Should a Minister be able to sit on any of the five Committees (House, Legislation, Public Accounts, Public Sector Remuneration and Scrutiny)?*

Reviews conducted by both the Public Accounts Committee and the Scrutiny Committee are likely, in most instances, to involve decisions made by Departments of the States and the House Committee believes that a conflict of interest could arise were a Minister to sit on either of those two Committees. However, the Committee does not consider that there is any reason why a Minister should not be Chairman or a Member of the other committees.

Recommendation: **that a Minister shall not be eligible to serve as Chairman or Member of either the Public Accounts Committee or the Scrutiny Committee.**

11. *Consideration should be given to including Policy Council representation on the Public Sector Remuneration Committee.*

The proposers of the reforms introduced in 2004 deliberately avoided having certain bodies represented on others, preferring to leave it to the discretion of the States to fill each office with the appropriate person. The Committee endorses that view and does not believe that there is any reason to deviate from this standard in the case of the Public Sector Remuneration Committee.

Recommendation: **no change.**

12. *Prior to a General Election, ministers should acquaint the electorate with any important financial or social issues that are in the pipeline to enable electors to question the candidates.*

The purpose behind this suggestion is no doubt to stimulate debate during the election on key issues that will have to be addressed by the newly-elected States. Whilst the Committee has some sympathy with the spirit of this suggestion it does not believe that the matter should be dealt with by legislative means but rather as part of the evolutionary process by which the government of this Island is becoming increasingly transparent.

Recommendation: no change.

States Members

13. *Candidates wishing to stand as a Deputy should have been resident in the Island for considerably longer than the current twelve months.*

Article 8(c) of the Reform Law requires candidates for the office of People's Deputy to have been ordinarily resident in Guernsey for at least 12 months prior to nomination. However, a voter must have been ordinarily resident either for the two years immediately prior to the date of application for inclusion on the electoral roll or at any time before that date for a period or periods of at least five years in total. The Committee is of the view that a person should not be eligible to seek election as a People's Deputy before being able to take part in that election as a voter.

Recommendation: that a candidate for the office of People's Deputy shall be ordinarily resident in the Island on the date of his nomination and shall have been so resident for the two years immediately prior to nomination or at any time before that date for a period or periods of at least five years in total.

14. *Introduce a mechanism (possibly mid-term elections) that enables States Members to move between Departments and Committees during each term.*

(i) In considering this submission the Committee identified initially three options –

- Maintain the status quo, i.e. elections immediately following a General Election;
- Elect all Department/Committee members for a two-year term;
- Elect half the members every two years for a four-year term.

(ii) Previously the States have rejected the second and third options as lacking continuity and the Committee is also of that view. With regard to the second option it takes time to understand fully the work of a Department or Committee and a two-year term is therefore too short. Insofar as the third option is concerned with only half the seats being contested it is far more difficult to move individual members between Departments. It would be particularly difficult for Ministers to move between Departments if half were elected every two years. It is also likely that the post-General Election elections would be more strongly fought than the mid-term elections because newly-elected Members would be seeking Department/Committee positions.

(iii) However, whilst the Committee does not favour moving to options two or three it does perceive, by a majority, that there is a need to provide a “window of opportunity” mid-term which would enable any member of a Department or Committee who wished to relinquish a post to do so without having to state a reason. It might be for example, for health reasons or the member may realise that he has too much work with his current portfolio or it may simply be that the member finds himself to be “a square peg in a round hole”. There is, of course, presently no requirement for a Member resigning from a post to state the reasons for so doing, although the practice has developed that a reason is usually given.

(iv) No amendment to the Rules is required as Rule 7(3) of the Rules relating to the Constitution and Operation of States Departments and Committees provides that when a letter of resignation does not include a request that the resignation be debated by the States it takes effect automatically upon the election of his successor. Subject to the States endorsing this procedure, the House Committee proposes to write to all Members of the States in the Spring of the second year following a General Election to ascertain whether they wish to relinquish any offices at the May meeting of the States.

Recommendation: that the States note the intention of the House Committee as set out above.

15. *Any election of States Members on to Departments and Committees should be deferred if any Member is absent from the Island on States business and/or delayed by fog?*

Initially there appears to be virtue in the suggestion that an election be deferred, particularly if a candidate in the election is prevented from attending. Upon reflection, however, it is clear that potentially more problems would be created than would be solved if this suggestion were implemented. Firstly, if this principle is accepted why should it apply only to elections – should it not also apply, for example, to a critical debate on taxation issues which may be of vital significance to Guernsey’s well-being? Secondly, in accommodating one Member it is possible that another Member may be excluded by the deferral of the election. Thirdly, what would be the position if the Member had not returned before all other business had been concluded or, indeed, if the elections were the only articles of business? The Committee is of the opinion that making

provision as suggested could hinder the proper discharge of States' business and rejects the suggestion. Notwithstanding the foregoing, it is always open to any member to request the Presiding Officer to put to the States a proposition that a particular article be deferred.

Recommendation: no change.

16. *Membership of the Scrutiny Committee should comprise 2 States Members as the Chairman and Vice-Chairman with the remaining members being non-States members.*

The constitution of the Scrutiny Committee is presently a Chairman and eight other members, all of whom must be Members of the States whereas the constitution of the Public Accounts Committee is a Chairman and four members who shall be Members of the States and four members who are not Members of the States. The reason that the Scrutiny Committee is constituted entirely of States Members is that its mandate is to conduct a process of 'political' scrutiny. Notwithstanding that, the House Committee did consider whether the presence of non-States members on the Scrutiny Committee would be beneficial but, having discussed the matter with the Chairman and Vice-Chairman of that Committee, has reached the conclusion it would not be appropriate to make such a change at the present time. It was noted that non-States members have been invited to participate in reviews undertaken by Scrutiny Panels by invitation of the Scrutiny Committee.

Recommendation: no change.

17. *The term of office for the Chairman of the Scrutiny and Public Accounts Committees should be limited to two years.*

The House Committee sees no reason why the Chairmen of these two Committees should be subject to shorter terms of office than any other office and therefore rejects the suggestion.

Recommendation: no change.

18. *Where a by-election occurs there should be a States policy on filling associated vacancies on Departments and Committees (either before or after the by-election).*

This issue arose last year following the sudden death of Deputy Mike Burbridge. On that occasion the States resolved to defer the election to fill the vacant seats on Departments and Committees which arose, until after the by-election for a People's Deputy had been held. The House Committee fully supports the decision taken by the States but recommends that the position be formalised by an amendment to the Rules relating to the Constitution and Operation of States Departments and Committees.

Recommendation: that vacancies in the offices of Chief Minister, Deputy Chief Minister, Minister and Chairman and in membership of Departments and Committees arising from the death or resignation of a People's Deputy shall not be filled until a new People's Deputy has been elected in his place.

19. *Should States Members who are absent for a vote in the States (i.e. through ill-health, out of the Island) be able to cast their vote through the Chief Minister or Presiding Officer?*

The House Committee is totally opposed to this suggestion. It is not aware of any legislature in which members may cast a vote via a third party. At Westminster there is a pairing system – but that is an informal pact not to vote made between persons on opposing sides. The concept of voting by means of a third-party cuts right across the democratic principle of listening to the arguments expounded in debate and, having heard those arguments, voting accordingly.

Recommendation: no change.

20. *Should Rule 14 (“Guillotine Motion”) be amended to provide for:-*

- (i) *A member who intends to bring such a motion, to be required to give a minimum of 30 minutes notice.*
- (ii) *Those Members who have spoken during the debate on a matter that becomes the subject of a guillotine motion, to be prevented from voting on the motion*

This matter has already been addressed by the House Committee in a report considered by the States on 30th March, 2005 (Billet d’État III/2005, p.382). The States accepted the Committee’s recommendation and amended Rule 14(1) the effect of which is that a motion for closure can now be proposed only by a person who has not already spoken in the debate. The Committee believes that the amended Rule is now adequate without introducing a 30 minutes notice requirement.

Recommendation: no further change.

21. *There should be a code of conduct for States Members that requires them to acknowledge all correspondence within an established time frame.*

As a matter of good practice the House Committee would commend all States Members to acknowledge correspondence in a timely manner. However this is not something which needs to be embodied in a code of conduct.

Recommendation: no change.

Non-States Members

22. *Should the States elect all non-States members on to Departments and Committees?*
23. *Should non-States members be entitled to vote on departmental matters?*
24. *Should the ‘status’ of non-States members be changed so that they can be appointed for periods determined by the Departments?*
25. *Should the term of office for non-States members serving on Departments be reduced (it is currently 4 years)?*
26. *Establish a mechanism by which failed candidates at a General Election become ineligible for the non-States members seats on Departments and Committees.*
27. *The role of non-States members on Departments be discontinued.*

(i) Submissions 22-27 all deal with the rôle of non-States members on States Departments and Committees. This is clearly the subject upon which the House Committee has received most representations since May, 2004. Unsurprisingly the views expressed differed widely, ranging from support for the status quo to requests for the abolition of the seats available to non-States members.

(ii) Rule 4(2) of the Constitution and Operation of States Departments and Committees provides that any Department *may* appoint up to two non-States members. Save for the fact that they do not have a vote, they are, in all other respects, full members of the Department: they are entitled to receive agendas, minutes and other papers, they are entitled to attend all meetings and they are entitled to claim payment for each meeting they attend. They serve for a fixed term of four years and can only be removed from office by resolution of the States.

(iii) Of the ten Departments, Commerce and Employment, Education, Environment, Health and Social Services, Home and Housing have appointed non-States members whilst Culture and Leisure, Public Services, Social Security and Treasury and Resources have not appointed non-States members. Insofar as the Committees are concerned, House and Scrutiny do not have the power to appoint non-States members, Legislation Select has appointed two such members, Public Sector Remuneration and Parochial Ecclesiastical Rates Review may appoint but have not done so and Public Accounts and Inheritance Law Review have a certain number of non-States members elected by the States.

(iv) Whilst the Committee dislikes the phrase “failed candidates” preferring instead the term “unsuccessful candidates”, it acknowledges that there was without doubt a public perception that the appointment of such persons as non-

States members of Departments was a “back-door entry” into States business. That said, the Committee does not impute any impropriety to the Departments which appointed unsuccessful candidates. The Committee does not support the view that unsuccessful candidates should be ineligible for appointment as non-States members but, with the advantage of hindsight, believes that all appointments of non-States members should be made by the States and not by the Departments or Committees themselves.

(v) It has also become clear that the present provisions regarding the presence of non-States members do not suit all Departments and Committees. As shown in paragraph (iii) above, just over half of the Departments and Committees have actually appointed non-States members. Clearly one size does not fit all. It has been represented to the Committee that some Departments find the requirement that such appointments once made are fixed for four years is too restrictive. Rather, they would prefer the ability to make appointments on an ad hoc basis on conditions that suit the Department or Committee. For example, the appointment may be for a limited period or to advise on a particular issue.

(vi) As indicated at (iv) above, the Committee believes that the appointment of all members of Departments/Committees should require the endorsement of the States. It follows, whilst acknowledging that some Departments/Committees would prefer to make ad hoc appointments themselves, the Committee cannot support that option; and an arrangement whereby the States are asked to endorse the appointment of a particular Department/Committee member for a specified or open period, or in respect of particular matters, would be entirely impracticable. The Committee has therefore concluded, after much anxious consideration, that there can be but one category of non-States Department/Committee member as such. However, it is of course open to Departments/Committees to take advice, hear representations, and/or solicit views, on any particular issue as they see fit, which may include inviting other persons to attend Department/Committee meetings. Such persons do not have the “right” to receive Department/Committee papers although Departments/Committees are free to make them available as appropriate. The terms of the invitation are at the discretion of the Department/Committee and such persons might be invited to attend single or multiple meetings, for a fixed or open period, for specific items of business or in respect of a particular area of the Department’s/Committee’s business. They cannot, of course, receive any payment under the Members’ Payment Rules.

(vii) The Committee has therefore reached the conclusion that Non-States members of Departments/Committees should be nominated by the Department/Committee and elected by the States at the July meeting following a General Election. The States would either approve or reject the nominations but would not be able to propose alternative candidates. They would not have voting rights but otherwise would have the same rights and duties as ordinary members of the Department/Committee, that is they would be entitled to receive all agendas, minutes and papers and would continue to be remunerated as at present. They

would serve for a four year term (although the House Committee would enquire whether they wish to vacate office mid-term as envisaged in paragraph 14 of this Report).

Recommendation: that the Rules be amended to provide that “Non-States Members” on Departments/Committees be elected by the States on the nomination of the Department/Committee concerned.

28. *The National Trust should be represented on the Environment Department.*

The concept of specialized membership on Departments/Committees was abolished in the 2004 reforms and the House Committee does not advocate its reintroduction. In this particular case the Committee believes it would be wrong for the National Trust of Guernsey to be represented on the Environment Department as it, together with similar organizations, frequently makes representations to the Department regarding development applications.

Recommendation: no change.

Alderney Representation

29. *Should members of the Alderney States sit on those Guernsey Departments which are responsible for the ‘transferred services’ (including Health, Children Services, Education, Civil Defence, Alderney Airport and breakwater)?*

The two Alderney Representatives are entitled to seek election to any Department/Committee of the States. The House Committee does not accept that there is a case for granting Alderney a protected seat on the Departments responsible for the transferred services. It accepts, however, that there will be occasions when it would be appropriate for a delegate from Alderney to attend a meeting when a particular subject is to be discussed. The Committee believes that this can best be achieved by Departments and Committees inviting representatives to attend their meetings as set out in paragraph 27 and that there is, therefore, no need for a special provision for that group. The Committee notes that the questioner incorrectly lists the breakwater as a transferred service.

Recommendation: no specific provision required.

General

30. *Enrolment on the electoral roll should be compulsory although voting should remain voluntary.*
31. *Abolish the electoral roll and develop a States database from existing databases to assess [sic] all Islanders who are entitled to vote.*

The former States Procedures and Constitution Committee presented two substantial policy letters to the States in 2002 and 2003 (Billet d'État XXIII/2002, p.2020 and Billet d'État X/2003, p.1122) on the electoral roll generally and on the promotion of electoral registration. Compulsory registration would require greater staff resources as checks would need to be carried out to ensure that all had registered. Non-registrants would have to be prosecuted. It is possible, however, that either suggestion (compulsory registration or abolition of the roll) will be achieved in time by other means. For example, should identity cards be introduced at some time in the future it is quite possible that such cards could be used to establish voter identity.

Recommendation: no change.

32. *The number of Deputies in each electoral district should be determined by the number of people on the electoral roll in each parish.*

Members of the States represent every man, woman and child living in the district – they do not just represent those on the electoral roll. The number of seats is correctly apportioned by reference to census data: there could be no justification for basing the allocation of seats on electoral roll figures.

Recommendation: no change.

33. *A General Election after 4 years, without the balancing factor of the 'Party System' inevitably introduces a level of destabilisation in the run-in to an election.*

The House Committee did not understand what form of 'destabilisation' takes place in the lead in to a General Election. There might be an understandable reluctance to espouse policies in the run up to a General Election which may be unpopular with the electorate but this is not peculiar to Guernsey nor is it absent in jurisdictions with a party system.

Recommendation: no change.

34. *States reports should (once finalised) be made available to all States Members at the same time and not just to those on the Council, Treasury and Resources and sponsoring Department.*

Rule 2 of the Rules of Procedure provides that every States report is sent to both the Policy Council and the Treasury and Resources Department at least 60 days before the meeting of the States at which it will be discussed. Clearly the sponsoring Department or Committee will also have seen the report which means that for most reports 19 Members of the States (in excess of 40%) will be in possession of the report prior to its publication. As a result of concerns expressed to the House Committee in that regard the matter was referred to the Policy Council. The view of the Policy Council was that the status quo should be maintained, i.e. reports should be made available on a need to know basis

only. However, the House Committee remains concerned that in most instances over 40% of States Members have sight of documents before their colleagues and believes that Departments and Committees should, whenever possible, make reports more generally available to States Members in advance of the publication of the Billets d'État. The Committee intends to monitor this matter.

Recommendation: no change.

35. *Each electoral district should hold a monthly Deputies meeting and attendance by each district's Deputies should be compulsory.*

The House Committee is of the opinion that this is a matter for determination between the electorate and elected representatives of each district and therefore not a matter which the States should seek to regulate.

Recommendation: no change.

36. *Is it appropriate that Ministers are able to nominate an alternate to attend Policy Council meetings where a Minister is unavailable?*

The House Committee considers that it is appropriate that Ministers be empowered to nominate alternates to attend Policy Council meetings. Two purposes are served; firstly, no Department need be unrepresented at a meeting of the Policy Council and, secondly, it assists in providing that the Policy Council will always be quorate.

Recommendation: no change.

37. *Where a sursis is introduced after debate on the principal propositions has commenced the Minister/Chairman should be entitled to respond to any matter raised in the debate and not have to limit his speech to the sursis only.*

This suggestion has been carefully considered by the Committee which, by a majority, is of the view that the current Rules 13(5) and 13(7) are appropriate and should not be amended.

Recommendation: no change.

38. *A conflict arises, particularly in the multi-parish electoral districts, when People's Deputies are also Douzeniers.*

The House Committee considers that there is a clear distinction between the two offices – douzeniers administer parochial business whilst deputies are concerned with Island affairs. On the rare occasions when the two areas overlap the Committee would expect a decision to be taken in the interests of the wider community. The Committee does not, therefore, agree that the two offices are incompatible.

Recommendation: no change.

Consultation

39. The Presiding Officer and HM Greffier have advised the Committee on matters which relate to the Rules of Procedure and on matters relating to the functioning of the States as required by Rule 14(5) of the Constitution and Operation of States Departments and Committees. The Law Officers have been also been consulted.

Recommendations

40. The House Committee recommends the States to resolve –

1. that the Reform (Guernsey) Law, 1948, as amended be further amended to provide that a candidate for the office of People's Deputy shall be ordinarily resident in this Island on the date of his nomination and have had his ordinary place of residence in Guernsey either for a period of at least two years immediately prior to that date or at any time before that date for a period or periods of at least five years in total;

[It may assist Members of the States to have the precise wording of Article 3(4) of The Reform Law which applies to the above recommendation.

“... any resolution of the States of Deliberation directing the preparation of legislation to repeal or vary any of the provisions of this Law which is carried by a majority of less than two-thirds of the members present and voting shall not be deemed to have been carried before the expiration of seven days from the date of the resolution:

Provided that where before the expiration of the aforesaid seven days an application in writing signed by not less than seven members of the States of Deliberation is made in that behalf to the Presiding Officer such resolution shall be brought back before the States of Deliberation by the Presiding Officer as soon as may be after the expiration of three months from the date of the resolution whereupon such resolution shall be declared lost unless confirmed by a simple majority.”.]

2. that the Rules of Procedure of the States of Deliberation shall be amended with immediate effect as follows: -
 - (a) In Rule 20, after paragraph (2), insert:

“(2A) Any Member of the States shall be eligible to hold the Office of Chief Minister provided that he shall have held the office of People's Deputy for a period of not less than four years in the eight years immediately preceding the date set for the election of a Chief Minister.”;
 - (b) In Rule 12(1) delete the full stop and insert:

“, provided that immediately before so doing he may propose an adjournment of the debate of not more than 15 minutes. Such proposal shall be put to the States by the Presiding Officer without debate.”;

3. that the Rules relating to the Constitution and Operation of States Departments and Committees shall be amended with immediate effect as follows: -

- (a) In Rule 4(3), before the full stop insert:

“, nor shall he sit as Chairman or ordinary Member on either the Public Accounts Committee or the Scrutiny Committee”;

- (b) In Rule 7(2), before the full stop insert:

“, save that when the vacancy occurs by reason of the death or resignation of a People’s Deputy it shall not be filled until a new People’s Deputy has been elected in his place”;

4. that the Rules relating to the Constitution and Operation of States Departments and Committees shall be amended with effect from the 1st May, 2008, as follows: -

- (a) In Rule 4, delete paragraph (2) and substitute therefor:

“(2) Any Department may nominate, at the July meeting of the States following a General Election, up to two non-voting members, who shall not be sitting Members of the States, and whose appointments shall expire at the same time as the terms of office of the four sitting Members of the States. No other nomination may be made. Such Members shall have the same rights and duties as ordinary Members (other than the right to vote).

- (b) In Rules 5(1)(c) and 5(1)(d), delete all the words following “Four Members of the States” and substitute therefor:

“- The Committee may nominate, at the July meeting of the States following a General Election, up to two non-voting members, who shall not be sitting Members of the States, and whose appointments shall expire at the same time as the terms of office of the four sitting Members of the States. No other nomination may be made. Such Members shall have the same rights and duties as ordinary Members (other than the right to vote).

- (c) In Rule 18(3) with regard to the Parochial Ecclesiastical Rates Review Committee delete all the words following “Four sitting Members of the States” and substitute therefor:

“- The Committee may nominate, at the July meeting of the States following a General Election, up to two non-voting members, who shall not be sitting Members of the States, and whose appointments shall expire at the same time as the terms of office of the four sitting Members of the States. No other nomination may be made. Such Members shall have the same rights and duties as ordinary Members (other than the right to vote).

5. to note the intention of the House Committee to write to all Members of the States, and all non-States members of States Departments/ Committees, in the Spring of the second year following a General Election to ascertain whether they wish to relinquish any offices at the May meeting of the States.

Yours faithfully

D P Le Cheminant
Chairman

(NB The Policy Council has no comment on the proposals. When this matter is debated by the States, Members will vote on the basis of their individual views.)

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

The States are asked to decide:-

II.- Whether, after consideration of the Report dated 30th January, 2006, of the House Committee, they are of the opinion:-

1. That the Reform (Guernsey) Law, 1948, as amended be further amended to provide that a candidate for the office of People's Deputy shall be ordinarily resident in this Island on the date of his nomination and have had his ordinary place of residence in Guernsey either for a period of at least two years immediately prior to that date or at any time before that date for a period or periods of at least five years in total;
2. That the Rules of Procedure of the States of Deliberation shall be amended with immediate effect as follows: -
 - (a) In Rule 20, after paragraph (2), insert:

“(2A) Any Member of the States shall be eligible to hold the Office of Chief Minister provided that he shall have held the office of People's Deputy for a period of not less than four years in the eight years immediately preceding the date set for the election of a Chief Minister.”;
 - (b) In Rule 12(1) delete the full stop and insert:

“, provided that immediately before so doing he may propose an adjournment of the debate of not more than 15 minutes. Such proposal shall be put to the States by the Presiding Officer without debate.”;
3. That the Rules relating to the Constitution and Operation of States Departments and Committees shall be amended with immediate effect as follows: -
 - (a) In Rule 4(3), before the full stop insert:

“, nor shall he sit as Chairman or ordinary Member on either the Public Accounts Committee or the Scrutiny Committee”;
 - (b) In Rule 7(2), before the full stop insert:

“, save that when the vacancy occurs by reason of the death or resignation of a People's Deputy it shall not be filled until a new People's Deputy has been elected in his place”;

4. That the Rules relating to the Constitution and Operation of States Departments and Committees shall be amended with effect from the 1st May, 2008, as follows: -
 - (a) In Rule 4, delete paragraph (2) and substitute therefor:

“(2) Any Department may nominate, at the July meeting of the States following a General Election, up to two non-voting members, who shall not be sitting Members of the States, and whose appointments shall expire at the same time as the terms of office of the four sitting Members of the States. No other nomination may be made. Such Members shall have the same rights and duties as ordinary Members (other than the right to vote).”
 - (b) In Rules 5(1)(c) and 5(1)(d), delete all the words following “Four Members of the States” and substitute therefor:

“- The Committee may nominate, at the July meeting of the States following a General Election, up to two non-voting members, who shall not be sitting Members of the States, and whose appointments shall expire at the same time as the terms of office of the four sitting Members of the States. No other nomination may be made. Such Members shall have the same rights and duties as ordinary Members (other than the right to vote).”
 - (c) In Rule 18(3) with regard to the Parochial Ecclesiastical Rates Review Committee delete all the words following “Four sitting Members of the States” and substitute therefor:

“- The Committee may nominate, at the July meeting of the States following a General Election, up to two non-voting members, who shall not be sitting Members of the States, and whose appointments shall expire at the same time as the terms of office of the four sitting Members of the States. No other nomination may be made. Such Members shall have the same rights and duties as ordinary Members (other than the right to vote).”
5. To note the intention of the House Committee to write to all Members of the States, and all non-States members of States Departments/ Committees, in the Spring of the second year following a General Election to ascertain whether they wish to relinquish any offices at the May meeting of the States.
6. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

TREASURY AND RESOURCES DEPARTMENT

REVIEW OF TAX ON RATEABLE VALUES

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

24th January 2006

Dear Sir

1. **Executive Summary**

As set out on various occasions, it is recognised that the current system of tax on rateable values (TRV) is in need of fundamental review.

At the July 2005 States meeting, the House approved a 'green paper', that set out the Department's intention to conduct such a review and sought States' approval for the preparation of new primary legislation.

At the November 2005 meeting the States approved the *Projet de Loi* entitled '*The Taxation of Real Property (Enabling Provisions) (Guernsey and Alderney) Law, 2005*'.

The purpose of this latest report is to set out the basic principles for a much simpler, revised system. If the States approves these basic principles a further States Report will be brought on detailed matters.

It is expected that the Department's plans for introducing a revised simplified system will involve further consultation and public presentations.

2. **Background**

The TRV system currently generates £4m in revenue annually, (see Appendices I and II).

The current processes for the rating of real property in Guernsey for taxation purposes date back to 1947, and 1949 in the case of Alderney. These allow for the assessment of the Annual Rental Value (ARV) of a property. The Annual Rental Value was what was deemed to be a fair level of rent chargeable for the property in 1947. The Rateable Value (RV) is derived from the ARV at a rate of approximately 75%. Because the

principles for assessing ARV have not been updated since 1947, they do not reflect the basis upon which rent is actually charged for property in the twenty first century.

In the intervening years, the bases of assessments have become very complex. There are in excess of 30 different factors which are taken into account when assessing the RV of a dwelling, plus many ‘additional features’ which attract increased ratings (such as five different factors relating to central heating systems).

The Policy Council’s ‘Fiscal and Economic Policy Steering Group’, formed in 2004 with a mandate ‘*..to oversee the development of a long-term fiscal and economic strategy for Guernsey..*’, identified the potential to increase significantly the amount raised via this indirect taxation income stream.

Given that the TRV system that has evolved in the sixty years since the Cadastre Law came into effect is overly complex and inefficient to administer, however, the Steering Group recognised that, in order to use the TRV system as a vehicle for the collection of additional revenue, it would be essential for all built and non-built property to be measured using an equitable, consistent and transparent system. This Report contains proposals to support this aim.

3. Consultation Process

The Report considered at the July 2005 States meeting stated that any change to the system would inevitably have an impact on other bodies, notably the Parishes and the computation of their annual Remedies for occupiers’ rates and refuse rates. An undertaking was, therefore, given to carry out comprehensive consultation.

On 3 August 2005 the Treasury & Resources Department issued a consultation document to all States Members, States Departments, Parish Douzaines and a number of representative bodies – a full list of the consultees appears as Appendix III to this Report.

Consultation Response

A total of 45 responses to the consultation document were submitted. Notably, nine out of the ten Parishes made submissions to the Department. In addition, meetings took place with four of the consultees – the Public Services and Housing Departments, Office of Utility Regulation and the Guernsey Growers’ Association.

The main issues highlighted through the consultation process were:-

- There is considerable support for the review of the current system with many respondents referring to the need for any revised system to be equitable, simple and transparent.
- The new system should lead to less administrative effort. An example given was to introduce a system that removes the need for internal inspection of properties.

- Although accepting that TRV charges are currently low and that the system represents a means by which extra revenue could be raised, a significant proportion of consultees expressed concern about the effect of increases on the less well off with some support for the phased introduction being provided.
- There is a need to address the inequalities between Open and Local Market property owners and to pay particular attention to the potential knock-on effect for the rental sector, including Housing Department properties.
- The Parishes overwhelmingly oppose the joint billing of TRV together with Parish rates.
- There is concern over the impact on ‘traditional’ Island industries. For example, horticulture feels that TRV is a punitive tax on what was, historically, a high-value industry.
- TRV should not be reviewed in isolation; the cumulative effects on commerce and householders of this and other States generated charges should be considered as a whole.
- The impact on ‘country’ Parishes needs to be considered, particularly in regard to the taxing of land.

The Treasury & Resources Department acknowledges that, although the proposed revised system will be more equitable and transparent, the increase in annual taxation charge could place a burden on less well off householders. The Department has given an undertaking to address this matter when formulating detailed arrangements for the new system.

4. Supporting Legislation

The current TRV system is supported by the following two principal Laws:

- The Cadastre Law, 1947 (as amended).

This Law principally provided for the creation and maintenance of a Cadastre which included in its records details of the designation, description, measurement, ownership and occupiership and annual rental value of built and non-built real property. Such records are used, amongst other things, for the levying of the annual Tax on Rateable Value, by the Parishes as the basis for their charges and for property transaction purposes.

- The Tax on Rateable Values (Guernsey) Law, 1976 (as amended)

This Law repealed the Tax on Rateable Values Law, 1952 and followed the States decision of July 1974 to introduce a differential system of taxation on real property in Guernsey and Alderney against the rateable values bestowed by the Cadastre Law, 1947. The Law further prescribed for the variation of rates of tax

from time to time by Ordinance and specified the principal ‘rules’ governing the collection of the tax.

Following the States Resolution of 27 July 2005, the Projet de Loi entitled ‘*The Taxation of Real Property (Enabling Provisions) (Guernsey and Alderney) Law 2005*’ was produced and received the support of the States at the November 2005 meeting.

This Law will enable the repeal, amendment, extension adaptation or modification of the Cadastre Law, 1947, The Tax on Rateable Values (Guernsey) Law, 1976 and other relevant extant Laws, as necessary and will provide for the creation of subsidiary legislation via Ordinance and Regulation.

The Department is grateful to the Law Officers for dealing with this matter in such a timely manner.

5. **Categories of Property**

An essential requirement of any revised system for the taxation of real property must be its simplicity and transparency.

Notwithstanding that the detailed rules that will underpin the measurement and taxation of real property in the Islands of Guernsey, Alderney and Herm, (the latter is not currently included in the TRV system), will require specification by Ordinance, the Department recommends that all such property should be categorised into five principal groupings. These are set out below and ‘lay’ definitions have been attached to them for the purposes of explanation:

- **Domestic Dwellings** – A built unit of accommodation, not used for commercial purposes, in which one or more person can reside and to which an area of domestic land might or might not be attached.
- **Commercial Premises** – Premises that are used for commercial undertakings, (whether or not in current use), and comprised of built property, both attached and not attached to commercial land, and areas of commercial land not attached to built property.
- **Publicly Owned Property (Built)** – Built premises that may be domestic or commercial, both attached and not attached to domestic or commercial land that are in the ownership of the States of Guernsey, Parishes or States of Alderney.
- **Exempt Buildings and/or Land** – Buildings and/or land that are to be exempt by Ordinance from liability to pay tax on rateable values. (e.g. buildings used solely for the purposes of religious worship, public highways).
- **Land** – An area of land, either in public or private ownership, that is neither classed as domestic nor commercial land nor exempt.

6. Measurement of Property

The current methodology that applies to property measurement has evolved in the almost sixty years since The Cadastre Law, 1947 (as amended), came into effect. Considerable changes to property ownership and development have taken place during this period, particularly in regard to both the domestic and commercial built environments, and consequently a highly complex set of 'rules' governing assessment has evolved. A further complication is that annual rental value of property is also currently the main factor in the RV values applied.

It is proposed that the concept of rental value should cease and that instead, the rating of property should be based on an objective system of 'assessable units', as follows:-

- **Built Environment** - Unless exempted, all built property will be rated as 1 Unit per square metre of footprint; arrangements will be made for the application of a 'multiplier' to structures of more than a single storey or of warehouse or other irregular type of construction.

It is proposed that measurement will be based on the 'plan view' footprint. Due to the complexities arising from communal areas of flat or apartment type developments, which it is estimated could comprise up to 20% of the Island's housing stock, it is proposed that these properties will continue to be measured by their internal area.

- **Land** – Unless exempted, land will be rated as 1 Unit per measure of 50 square metres. For the purposes of the application of charges for domestic land, the first vergee (1,650 square metres) will be excluded from the rateable area.

It is intended that land boundaries will be based on existing Cadastre records.

The proposed allowance on domestic land will remove from calculations the complexities that arise from including in the assessable area the increasing number of small communal land areas that form part of high density apartment or 'clos' style developments. This proposal would, however, ensure that domestic dwellings that have attached to them substantial areas of land that are not used for commercial purposes would be liable for tax on any area in excess of 1,650 square metres (1 vergee).

NB: It should be noted that the current flow of information regarding land is in perches and vergees. In order to move to measurement by square metre, there will be a requirement at some point to recalibrate records.

The measurement methodology is designed to cater for the vast majority of built environment structures. However, the Department is aware that there will be a relatively small number of structures for which exceptional rules will be required.

7. Application of Tariffs

The present Tax on Rateable Values system provides for a premium to be charged in respect of both commercial and domestic buildings located in designated ‘special areas’. It is recognised that this practice is unnecessarily complex and, therefore, it is proposed that it should cease.

It is further proposed that a range of tariffs be applied, each being appropriate to the type of domestic dwelling, the nature of business being conducted in commercial premises and type of land, if not attached to domestic or commercial premises.

Appendix IV is a schedule of the sub-categorisations that it is proposed will apply to built and non-built property.

Domestic Dwellings

It is intended that flat or apartment type dwellings attract a higher tariff than those that are not comprised of multiple units of accommodation. This proposal will compensate for the communal areas of built multiple unit domestic dwellings that will be excluded from measurement.

By having a separate category for Open and Local Market it would be possible for a higher unit tariff for Open Market to reflect added value.

Commercial Properties

The tariff that will apply to commercial undertakings, whether comprised of built property, built property with land attached or land on its own, will reflect the nature of the business conducted therein. Therefore if States policy required, the owner of a property occupied by a high earning commercial industry could receive a larger Tax on Real Property account than the owner of a property of an equal RV occupied by a low earning industry.

Utilities Providers

Historically charging for TRV has been based on complex formula that takes into account the product supplied or a combination of product supplied and premises occupied or property occupied only. It is proposed that utilities are taxed on the same basis as other commercial enterprises.

8. Appeals

It is recognised that an appeals procedure will need to be established. It is, therefore, proposed to employ a similar model to that used for the States Housing (Tribunal and Appeals) (Guernsey) Regulations, 2005, which is the most recent appeals ‘model’ to be enacted.

9. Transitional Process

Proposed Timing of Implementation

Although greater in number, domestic properties are simpler to measure than commercial and other minor categories of property. Subject to the approval of the Treasury & Resources Department's recommendations concerning the means of re-measuring, it is proposed that accounts for domestic premises measured by the new methodology will first be issued in 2007.

Given the complexity arising from the re-measurement of commercial and other 'non-domestic' property and the time that the process will require, it is proposed that accounts bearing the revised measurements will be issued in year of charge 2008.

Amnesty

Article 8 of the Cadastre Law, 1947 provides for the notification of changes in, and additions to, property and of changes in the use of property. It can reasonably be assumed that some such changes will already have taken place without notification to the Cadastre. As a pragmatic approach to this, it is therefore proposed that a general amnesty, for the purpose of TRV, be included that would remove the potential for prosecution in respect of any changes not notified as at the date of the coming into effect of new legislation.

Resourcing

As set out in the previous States Report, although establishing a new system of Tax on Real Property will have one-off resource implications, the adoption of a simplified system will result in ongoing annual savings.

10. Conclusion

At the July 2005 meeting the States endorsed the Treasury & Resources Department's recommendation to review the system of TRV with the objective of creating a simplified and more efficient system with robust and sustainable bases of assessment. The Department believes that the proposals set out above will provide a robust system that will meet these criteria.

A consultation exercise has been carried out as part of the TRV review and a good level of engagement was achieved with the consultees. The Department has taken particular note of the overwhelming view expressed by the Parish Douzaines that they wish to remain separate from the TRV process in their billing and parish rates collection duties.

If endorsed by the States, the proposed new system of Tax on Real Property will permit the objective comparison of one property to another so that differences in ratings can be clearly understood and justified – this is missing in the present system. The proposed revised system will also standardise the way in which non-domestic property is

measured and will remove the complex and anomalous way in which the utilities providers are assessed.

The re-measurement of all property in Guernsey, Alderney and Herm and the recording of such data so that it will be usable for Tax on Real Property charging purposes will be a substantial undertaking.

Given that States approval has already been provided for the '*The Taxation of Real Property (Enabling Provisions) (Guernsey and Alderney) Law 2005*', subject to the States supporting the recommendations below, the Department proposes that work should commence on the drafting of subsidiary legislation to support the introduction of the new system of property taxation.

11. Recommendation

The Treasury & Resources Department therefore recommends the States:

- a) To endorse the Department's proposals for the fundamental review and simplification of the Tax on Rateable Values system.
- b) To agree to the categorisation of properties along the lines set out in Appendix IV to this Report.
- c) To agree that the first vergee (1650 square metres) of domestic land will be exempt from charge for Tax on Real Property.
- d) To agree that the liability for Tax on Real Property for utilities will be assessed on the same basis as other commercial entities.
- e) To note that the Treasury and Resources Department will be reporting back to the States later this year with detailed proposals to support the revised system.
- f) To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

Yours faithfully

L S Trott
Minister

APPENDIX I**Amounts collected through the TRV System**

	2005
	£'000
Domestic: Local Market	1,556
Domestic: Open Market	254
Tourism	177
Horticulture & Agriculture	167
Public Premises	343
Utilities: Guernsey Post	22
Guernsey Water	42
Cable & Wireless	126
Guernsey Electricity	303
Guernsey Gas	19
Business Premises	<u>1,131</u>
Total	<u>4,140</u>

APPENDIX II**Amounts collected through the TRV System in recent years:**

	£'000
2005	4,140
2004	4,044
2003	3,974
2002	3,862
2001 *	3,827
2000	3,218
1999	3,099
1998	3,061
1997	3,024
1996	3,014
1995	2,951
1994	2,542

* TRV was increased by 18% in 2001 as part of a compensating adjustment for a reduction in the rate of Document Duty.

The marginal growth in latter years is mainly due to new developments and extensions to existing properties, both domestic and commercial.

Between 1994 and 2005, the average cost of a house in Guernsey increased by over 200%.

The annual amount collected in TRV from the vast majority of local market domestic dwellings is in the order of £50 to £100 per annum.

APPENDIX III

TRV Review – Consultees

1. All States Members
2. Policy Council
3. Housing Department
4. Environment Department
5. Health and Social Services Department
6. Home Department
7. Social Security Department
8. Public Services Department
9. Culture and Leisure Department
10. Commerce and Employment Department
11. Education Department
12. Scrutiny Committee
13. Public Accounts Committee
14. Public Sector Remuneration Committee
15. Parish and Ecclesiastical Rates Review Committee
16. House Committee
17. Legislation Select Committee
18. All Parish Douzaines
19. Island Douzaine Council
20. Guernsey Growers Association
21. Guernsey Hospitality and Tourism Group
22. Chamber of Commerce
23. Guernsey International Banking Association
24. Guernsey Society of Chartered and Certified Accountants
25. Institute of Directors
26. Confederation of Guernsey Industry
27. Guernsey Farmers' Association
28. Guernsey Bar
29. Guernsey Post
30. Guernsey Electricity
31. Office of Utility Regulation
32. Alderney – President of the States
33. Alderney – Chairman of the Policy and Finance Committee

APPENDIX IV

Category Reference (and note reference)	Property description/classification
1 (1)	Domestic (whole unit) Local Market
2 (1)	Domestic (flat/apart) Local Market
3 (1)	Domestic (whole unit) Open Market
4 (1)	Domestic (flat/apart) Open Market
5	Domestic Land – Local Market
6	Domestic Land – Open Market
7(2)	Commercial Land (flat/apart) – Local Market
8 (2)	Commercial Land (flat/apart) – Open Market
9 (3)	Hostelry and food outlets
10	Hostelry and food outlets – Commercial Land
11 (4)	Self-catering accommodation
12	Self-catering accommodation - Commercial Land
13 (5)	Motor trade
14 (5)	Motor trade – Commercial Land
15 (6)	Retail
16	Retail – Commercial Land
17 (7)	Warehousing
18	Warehousing – Commercial Land
19	Horticultural
20	Horticultural - Commercial Land
21 (8)	Industrial
22	Industrial - Commercial Land
23 (9)	Agricultural
24	Agricultural - Commercial Land
25	Office accommodation (Regulated finance industries)
26	Office accommodation (Regulated finance industries) - Commercial Land
27	Office accommodation (non - Regulated finance industries)
28	Office accommodation (non - Regulated finance industries) - Commercial Land
29	Recreational/sporting premises
30	Recreational/sporting premises - Commercial Land
31	Utility providers
32	Utility providers - Commercial Land
33	Publicly owned domestic (whole unit)
34	Publicly owned domestic (flat/app)
35	Domestic Land – publicly owned
36	Publicly owned non-domestic ‘built’
37	Publicly owned non-domestic – Land

38 (10)	Land – approved development site
39 (11)	Land - neither domestic nor Commercial Land, without development permission

Notes on Appendix IV

- (1) Includes owner occupied and rental occupied property.
- (2) Permits rating and assessment of communal land areas forming part of flat/apartment developments that are owned other than by the individual occupiers (generally a holding company).
- (3) Hotels and guesthouses (including when such properties are used as lodging houses or long-term 'lets'). Includes properties providing indoor and/or outdoor eating facilities and take away foods. No account to be taken of whether premises hold a licence to sell alcohol.
- (4) Including when such properties are used as long-term 'lets'.
- (5) Includes premises used for the sale, display, repair and valeting of all classes of motor vehicle, (including motorcycles), and tyre and exhaust factors.
- (6) Excludes motor trade premises and premises selling prepared food.
- (7) Includes commercial storage premises and premises used for the transfer and distribution of goods.
- (8) Includes premises used for the manufacture, repair or maintenance of machinery, goods etc.
- (9) Includes farms and enterprises other than farms involved in the use of land for commercial cropping or grazing.
- (10) Treats Greenfield and brownfield development sites alike; buildings (including greenhouses) on the latter that are derelict are to be disregarded for assessment purposes.
- (11) Includes fields, cliff land and marsh areas that are not classified either as domestic or commercial land.

(NB The Policy Council supports the proposals.)

The States are asked to decide:-

III.- Whether, after consideration of the Report dated 24th January, 2006, of the Treasury and Resources Department, they are of the opinion:-

1. To endorse the Treasury and Resource Department's proposals for the fundamental review and simplification of the Tax on Rateable Values system.
2. To agree to the categorisation of properties along the lines set out in Appendix IV to that Report.
3. To agree that the first vergee (1650 square metres) of domestic land shall be exempt from charge for Tax on Real Property.
4. To agree that the liability for Tax on Real Property for utilities shall be assessed on the same basis as other commercial entities.
5. To note that the Treasury and Resources Department will be reporting back to the States later this year with detailed proposals to support the revised system.
6. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

TREASURY AND RESOURCES DEPARTMENT

DOCUMENT REGISTRATION FEES AND FEES FOR BIRTH, MARRIAGE AND DEATH REGISTRATION

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

27th January 2006

Dear Sir

Executive Summary

1.1 The Treasury and Resources Department recommends that the fees payable at the Greffe in respect of Document Registration and Births, Marriages and Deaths Registration be increased as set out in this Report. These fees have been reviewed by HM Greffier as part of the overall Review of Income Generation by the States of Guernsey.

1.2 The following principles have been applied: -

- (i) **The full present day cost of developing and providing the service should, wherever possible, be paid by the users of the service, rather than by the taxpayer**

It is fundamental that charges be set at a level to recover costs in 2006 terms. The review has therefore not been limited to compensating for inflation. That would simply perpetuate anomalies, and would not provide the funds necessary to invest in new services. The present review has shown that several fees, even when last revised, were unrealistic and did not recover the cost of the service provided. Customers do not expect a service equivalent to that in 1966 or 1986, but one to 2006 standards and beyond.

- (ii) **All services provided need to be reviewed to ensure that the charges overall are fairly distributed**

For example, it is logical that the Registry of Births and Deaths should be financed from charges on all certificates; it would be contrary to public policy to deter timely registration of births and deaths by imposing an excessive charge on such events.

(iii) All fees and charges should be capable of being collected efficiently

For example with an open access system the current 50 pence search fee for access to a company file or other public record cannot be fully enforced and is expensive to collect. Instead the cost of keeping, and making available, records, should be built in to the cost of related activities, e.g. to the charges for registration of conveyances or companies or for the issue of birth or death certificates.

FEES FOR REGISTRATION OF DOCUMENTS

- 2.1 The fees payable for registration, and provision of certified copies, of documents such as conveyances, bonds, wills of realty, deeds poll, etc., on the public records at the Greffe were last revised on 1st July, 1977 by the Public Records (Fees for Registration and Certified Copies of Documents) (Amendment) Ordinance, 1977. Considerable investment is being made in new technology to improve Greffe registration systems, and the current fees need to be increased both to fund that investment and to reflect the cost of providing the service in 2006. Provision should also be made for uncertified copies; many such copies are made by searchers themselves, directly from microfilm reader/printer machines at the Greffe. The fee for colour copies of plans reflects the fact that plans have to be extracted and copied by Greffe staff.
- 2.2 Based on an average year, with 4,250 documents being registered, the following proposals would increase income from registration fees from about £16,000 to about £175,000.
- 2.3 The present and proposed fees are as follows: -

a) On Registration

	Existing Fee	Proposed Fee
For each document	£2	£30
For each page or part of a page	30p	£2.50
For each plan	30p	£2.50

In addition a search fee of 50p is levied on each document registered (except Deeds Poll). This fee was set by the States Advisory and Finance Committee in 1977. It is intended to abolish the search fee.

b) Provision of certified copies of registered documents

	Existing Fee	Proposed Fee
For each page or part of a page	30p	£2.00
For each plan (colour copy)	30p	£4.00

c) Provision of uncertified copies of registered documents

	Existing Fee	Proposed Fee
For each page or part of a page	-	£1.00
For each plan (monochrome)	-	£1.00
For each plan (colour copy)	-	£3.00

- 2.4 The following additional charges applicable to bonds should also be updated and formally incorporated in the Ordinance. The present charges were set by the former States Advisory and Finance Committee and its predecessor.

	Existing Fee	Date Set	Proposed Fee
For each debtor or guarantor entered in the index	5p	1922	£25
For the vacating of a charge in whole or in part	£2	1977	£25

MARRIAGE FEES AND FEES FOR BIRTH, MARRIAGE AND DEATH CERTIFICATES

- 3.1 The present fees were fixed by the Births, Deaths and Marriages (Fees) (Amendment) Ordinance, 1991, effective from 1st March, 1991 and the Marriage Fees (Amendment) Ordinance, 1992, effective from 29th January, 1992.

3.2. Marriage Fees

It is proposed that these be revised as follows to recover the cost of the service provided. The fee for Entry of Notice of Marriage has been raised by more than the other fees to reflect the increased time now being spent in detailed interviews of parties and scrutiny of documentation, including passports, foreign divorce orders, etc.

	Present Fee £	Proposed Fee £
1. Entry of Notice of marriage	6.00	50.00
2. Certificate for marriage	6.00	15.00
3. Licence for marriage	12.00	25.00
4. Special Licence for marriage	25.00	40.00
5. Solemnization of marriage	10.00	50.00
6. Additional fee when marriage performed outside Greffe hours of opening	10.00	20.00
7. Attendance of Registrar in licensed building	10.00	40.00
8. Attendance of Registrar in private house (except when item 9 applies)	25.00	50.00

9. Attendance of Registrar in private house or hospital etc., pursuant to Section 2(bb) of the principal Law	5.00	5.00
--	------	------

3.3. The fee payable to each officiating minister or authorised person for certified copies of marriage entries sent to the Greffe should be increased from £1.50 to £5.00

3.4. This would increase the cost of a 'minimum cost' Greffe marriage from £22.00 to £115.00. The present maximum cost private house marriage is £76.00. This would increase to £210.00 if the proposals are approved. £8,000 was received from marriage fees (excluding certificates) in 2004; the proposed new fees would raise £40,000 in a full year.

3.5 Fees for Birth, Marriage and Death Certificates

It is proposed that these be increased as follows: -

	Present Fee £	Proposed Fee £
Full Birth, Marriage or Death Certificate	5.00	15.00
Short Form Birth Certificate	3.00	10.00

£30,800 was received from fees for birth, marriage and death certificates in 2004. 2,100 full birth, 600 short form birth, 800 marriage and 2,900 death certificates were produced. The proposed fees would raise £93,000 in a full year.

3.6 The Legitimacy (Guernsey) Law, 1966

A fee of £5 is payable when parents declare to the Registrar-General that their child has been legitimated; the relevant entry in the Registry of Births may then be amended to show that the child is legitimate. This sum was set by the Births, Deaths, Marriages and Legitimacy (Bailiwick of Guernsey) Law, 1991, which also provided that it might in future be revised by Ordinance of the States.

It is proposed that the fee be increased to £15.

Recommendations

The Department therefore recommends the States: -

- (i) To approve revised fees relating to Document Registration, etc., as set out in paragraphs 2.3 and 2.4 of this Report;
- (ii) To approve revised fees relating to Births, Marriages and Deaths Registration, as set out in paragraphs 3.2, 3.3 and 3.5 of this Report;

- (iii) To approve revised fees relating to Legitimacy Registration as set out in paragraph 3.6 of this Report;
- (iv) To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

L S Trott
Minister

(NB The Policy Council supports the proposals.)

The States are asked to decide:-

IV.- Whether, after consideration of the Report dated 27th January, 2006, of the Treasury and Resources Department, they are of the opinion:-

1. To approve revised fees relating to Document Registration, etc., as set out in paragraphs 2.3 and 2.4 of that Report.
2. To approve revised fees relating to Births, Marriages and Deaths Registration, as set out in paragraphs 3.2, 3.3 and 3.5 of that Report.
3. To approve revised fees relating to Legitimacy Registration as set out in paragraph 3.6 of that Report;
4. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

COMMERCE AND EMPLOYMENT DEPARTMENT

GREFFE COMPANY REGISTRY – REVIEW OF FEES

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

27th January 2006

Dear Sir

1. Executive Summary

- 1.1 The Company Registry fees have not been reviewed for a considerable period of time with the result that the fee income no longer reflects the cost of providing this service. Consequently the Department is proposing a significant increase in fees.
- 1.2 On the basis of consultation with interested parties in the financial and legal sectors, the Department is satisfied that the charging revisions, largely in line with the increases in RPI, will not adversely affect the Island's competitiveness. The additional income received will ensure that existing costs are covered and fund a first step to improve the level of service that can be offered.
- 1.3 The States are asked to note that the review of fees is part of a wider review of Company Registry services that the Department is undertaking to improve competitiveness in a rapidly changing commercial world.

2. Introduction and Background

- 2.1 The Commerce and Employment Department is bringing this review of Greffe Company Registry fees to the States under the Companies (Guernsey) Law, 1994. Responsibility for this legislation was transferred to the Department from the former Advisory and Finance Committee pursuant to the the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003.
- 2.2 This Report relates to the fees for running the Registry. The Report does not cover Document Duty (filing fee for the annual return) or Exempt Company Fees which are the responsibility of the Treasury and Resources Department or Court Fees which are the responsibility of the Royal Court.

- 2.3 The Island's financial, legal and commercial services compete in a fast changing global economy. A timely and efficient registration service for companies in a well-regulated environment is a requirement for an off-shore jurisdiction to retain its competitive position. The Company Registry has traditionally been run on a very lean budget with minimal investment in new services and technology.
- 2.4 The Commerce and Employment Department, the Greffe and the Treasury and Resources Department are agreed that new investment is required in technology, staff and premises to improve the level of service that can be offered. Such investment has already commenced, as part of a broader review of the form of Company Registry required for the 21st century. This review is being undertaken with the participation of the financial and legal sectors and in consultation with the Guernsey Financial Services Commission.
- 2.5 Greffe Company Registry fees have not been reviewed for a considerable period of time. The Department is therefore pleased to support the review of fees carried out by HM Greffier which will ensure that the existing Company Registry service is fully funded by users of the service.

3. Cost of Providing the Company Registry

- 3.1 The Registry will cost circa £250,000 to provide in 2006. This includes the time spent by HM Greffier, other senior staff in the management of the Registry, the small Company Registration Team, investment in new technology and accommodation.
- 3.2 The Greffe also manages the 44,000 company files, a strategic resource for company information.
- 3.3 The proposed new fees are intended to meet the full cost of the service over a year.

4. Present Income

- 4.1 Company Registry income from fees in 2004 was £80,277. Of this, £29,300 was paid in registration fees by newly registered companies (1,172 x £25). The other main source of income is on filing of notice of change of registered office (estimated at more than 2,000 each year x £15).

5. Criteria Followed

- 5.1 The charges have been reviewed according to the following criteria:
 - 5.1.1 To recover the cost of providing the service.
 - 5.1.2 To bring all charges up to a rate appropriate to 2006 and remove anomalies.

- 5.1.3. To ensure that fees can be collected efficiently.
- 5.1.4. To maintain the competitiveness of the Island as a jurisdiction for registering new companies.

6. Fee Proposals

- 6.1 The £25 registration fee for new companies has remained unchanged since 1977. To allow for inflation, it should be increased to £125. The fee in Jersey is £200 and in the Isle of Man £180. On the basis of 1,172 new companies being formed per year and the registration fee being increased to £125, the projected income from new registration fees should rise from £29,300 to £146,500.
- 6.2 Most other fees are also being increased in line with the above criteria. The combined effect of these increases being to provide an anticipated income of circa £250,000.
- 6.3 A list of the revision of fees in relation to companies is given in the tables appended to this report.

7. Abolition of Search Fee

- 7.1 At present, a 50 pence search fee is payable for each search undertaken at the Greffe. This includes, for example, each company file consulted. This figure was last reviewed on the authority of the States Advisory and Finance Committee in 1977. This fee cannot be efficiently enforced because the files and registers are on open access to all searchers.
- 7.2 Rather than make a substantial revision to the search fee, for only a small revenue benefit, it is recommended that the search fee be discontinued and the monies recouped from other charges. The abolition of the search fee is welcomed by the industry as it removes an additional administrative expense (the cost of administering the fee being greater than the fee itself).

8. Comparison with other Jurisdictions

- 8.1 **In setting new fees, care needs to be taken to avoid harming the competitiveness of Guernsey as a jurisdiction in which to register companies.** Comparisons with other jurisdictions are difficult because each applies a different mix of charges (to recover cost) and tax or duty (to raise revenue). A near comparison for new company registration, is that the fee in Jersey is £200 and in the Isle of Man £180. This compares with the proposed increase in Guernsey to £125 in the fee review.
- 8.2 In considering the review of fees, the Department consulted with interested parties in the Island. The results of the consultation have given assurance that

the competitive position of the Island will not be harmed by the fee revision. **The consultation process also emphasised the importance of investing in the service to meet modern trading requirements for company registrations.**

9. Conclusions

- 9.1 The Company Registry Fees need to be revised in line with the current costs of providing the Registry services.
- 9.2 The Competitive position of the Island will not be compromised by the fee revision.
- 9.3 There is a need to modernise the Company Registry service provision and Commerce and Employment are engaged in carrying out a review with the support of the Greffe and interested industry parties.

Recommendation.

The Department recommends the States: -

- (i) To approve the revision of Company Registry Fees as set out in paragraphs 6 and 7 of this Report and in the Schedules 1 and 2 appended to this Report; and
- (ii) To direct the preparation of such legislation as may be necessary to give effect to their above decision

Yours faithfully

Stuart Falla
Minister

Schedule 1. Company Certification fees.

Event	Existing Fee	Date Set	Proposed Fee
*Certificates of Incorporation	£1	Not recorded	£15
*Certificate of change of name	£1	Not recorded	£15
Certificate of Status (aka Good Standing)	£5	Not recorded	£30
Certificate of Entitlement to Commence Business	£30	1995	£50
Certified copies of documents from a company file (per page)	30p	1977	£1
Uncertified copies from a company file (per page)	30p	1977	50p
*Certificate of Removal from the Register on migration out	None	-	£15
*Certificate of Entry on the Register on migration in	None	-	£15
Certificate of removal from the Register (following strike off or winding up)	None	-	£15

[* One copy of each certificate marked with an asterisk is supplied free of charge to the company concerned, as the cost is included in the charge for the relevant event to which the certificate relates.]

Schedule 2. Registration and Filing Fees.

Event	Existing Fee	Date Set	Proposed Fee
Filing of any document on the company file (not otherwise provided for in this schedule)	None	-	£10
Filing of notice of firm's registered office, or change of registered office	£15	1995	£25
In respect of winding up (failure to file notice of registered office)	£15	1995	£25
In respect of winding up (failure to comply with Court order to change company name)	£15	1995	£25
Filing of director's consent (if not with the memorandum)	£15	1995	£25
Filing of special resolution to change company's name	£30	1995	£50
Filing of return of shares allotment	None	-	£10
Registration of company's memorandum	£25	1977	£125
Registration of company's articles (if not with the memorandum)	£20	1995	£30
Restoration to the Register of Companies (in addition to all fees, penalties, etc which would have been payable by the company if it had not been dissolved)	£100	1995	£150
Penalties for late filing of annual return: -			
(i) First calendar month or part thereof	£10	1995	£20
(ii) Second calendar month or part thereof	£20	1995	£40
(iii) Each subsequent calendar month or part thereof	£50	1995	£80
Issue of first Certificate on Application to Amalgamate	None	-	£150
Issue of Second and subsequent copies of Certificate of Amalgamation	None	-	£15
Registration of an overseas company on migration in	£100	1997	£200
Removal from the Register of a Guernsey company on migration out	£250	1997	£350
Entry of Notice of same in La Gazette Officielle	£50	1997	£75

(NB The Policy Council supports the proposals.)

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

The States are asked to decide:-

V.- Whether, after consideration of the Report dated 9th February, 2006, of the Commerce and Employment Department, they are of the opinion:-

1. To approve the proposals to amend the Company Registry Fees as set out in as set out in paragraphs 6 and 7 of that Report and in the Schedules 1 and 2 appended to that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision

COMMERCE AND EMPLOYMENT DEPARTMENT

AMENDMENT OF THE PREFERRED DEBTS (GUERNSEY) LAW, 1983

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

27th January 2006

Dear Sir

1. Executive Summary

When an individual or company is declared “en désastre” or when a company is wound up, the Preferred Debts (Guernsey) Law, 1983 (“the Law”) specifies those debts which are to rank in preference to other debts.

Problems have been encountered in the application of the Law, such that there have been occasions when persons to whom it is intended to give preference have been excluded by the very provisions that were designed to protect them.

The Department therefore proposes that the Law be amended to correct this situation and it also proposes some other more minor amendments and one that would, in future, allow for the Law to be amended by Ordinance rather than by Order in Council.

2. Relevant Provisions of the Law

The Law specifies to the effect that priority shall be given to any debt owed to a landlord by a tenant for rent and after that equal priority shall be given to debts in respect of

- wages and salaries for services rendered to a debtor in a four month period preceding a specified date (a maximum of £3,000 per claim);
- all accrued holiday pay;
- any income tax deducted by an employer from an employee in the 12 months preceding a specified date and not paid by the employer; and
- any primary Class I social insurance contribution deducted by an employer from an employee in the 12 months preceding a specified date and not paid by the employer.

3. Difficulties with the Current Provisions of the Law

The problem that has been encountered in a number of désastre proceedings is that by the time an arresting creditor has undertaken the various judicial steps needed to progress the désastre proceedings, the time limits specified in the Law giving priority to unpaid wages, tax or social insurance have expired.

Even if the arresting creditor has used his best endeavours to progress the matter, HM Sheriff may also be involved in unavoidable delay if any assets take time to locate, arrest and sell.

As a result of these factors, claimants (former employees and the States of Guernsey) lose the preference specified in the Law and they have to rank equally with non-preferential creditors and might thereby only receive a part of the debt owed to them for unpaid wages, tax or social insurance.

Not only does this adversely affect former employees, but there may also be a net cost to the taxpayer in respect of lost income tax and social security contributions. Since any debt which cannot be recouped represents monies already deducted from an employee's wages it would be impossible to claim the lost amounts from such an employee and the relevant States departments have to write the amounts off.

4. Proposed Changes to the Law

The problems with the Law can be resolved by increasing the time periods specified in its provisions during which debts for wages, tax and social insurance can be incurred and enjoy priority.

The Department therefore proposes that the Law be amended such that:

- the 4 month period specified in respect of wages be increased to 6 years; and
- the 12 month period specified in respect of income tax and social insurance contributions also be increased to 6 years.

These proposed amendments would mean that the priority period before the specified date would be the same as the ordinary limitation period for contractual debts as set out in the Loi relative aux Prescriptions of 1889 (i.e. 6 years).

The provisions in relation to accrued holiday pay do not cause difficulties and therefore will remain unchanged.

The Department also proposes that the Law be further amended:

- to increase the maximum sum in respect of one claim for wages or salary from £3,000 to £5,000 to reflect the fact that average pay has increased since this figure was last adjusted (in 1992); and

- to enable the Law to be amended by Ordinance in the future (rather than by Order in Council).

Finally some minor points arise in connection with the Law which can be dealt with at the same time as the amendments proposed above.

In the event that goods are arrested in execution of a judgment for rent arrears and those goods are owned by a person other than the tenant who is in arrears, that person must challenge the arrest within 14 days of HM Sheriff publishing notice of the arrest.

The Royal Court has drawn attention to the fact that this 14-day period is mandatory, but there are times when the owner is not aware that his goods have been arrested until after the 14-day period has expired. It is therefore proposed that a more flexible approach be adopted and that the Law be amended to maintain the 14-day period, but to also permit the Court to allow additional time in any particular case.

As a consequence of the above amendment further amendments will be required to allow:

- HM Sheriff to sell arrested goods after the 14-day period provided no application regarding ownership has been made to the Court; and
- for good title to pass to the purchaser of any goods that are sold and for any rights of a person subsequently claiming to be the owner of such goods to attach to the proceeds of the sale.

In the interests of legal certainty the Law should provide that HM Sheriff will not incur personal liability for the sale of any arrested goods in respect of which it later transpires that the debtor was not the owner, provided that he has acted under the authority of an act of Court and published notice of the sale.

In *désastre* proceedings a Commissioner appointed by the Court should, when examining and admitting creditors' claims, be able to call for sworn evidence from the claimant as to the veracity of the claim.

Finally, the Royal Court should be empowered to make orders regarding the procedure to be followed in relation to the arrest and sale of goods by HM Sheriff and generally in relation to *désastre* proceedings. This will mean that the relevant provisions can be modified or supplemented without the need for an Order in Council.

5. Consultations

This report was initiated following an approach from HM Procureur who has been consulted on the proposed amendment of the Law and the drafting of this report. The issue has also been the subject of consultation with employer, employee and sector groups and the Social Security Department.

6. Resource Implications

There are no staffing or financial implications arising from the amendment of the Law as proposed in section 4.

7. Conclusions

The Preferred Debts (Guernsey) Law, 1983 must be amended to ensure that the effect of one of the main principles relating to the priority given to debts is not frustrated. Other, more minor, amendments are necessary to allow for the more flexible application of some of its provisions and in certain instances, to provide for legal certainty.

The Department believes that the amendments proposed in section 4 are essential.

8. Recommendations

The Department recommends the States to approve the proposals to amend the Preferred Debts (Guernsey) Law, 1983 in accordance with the principles set out in section 4 of this report.

Yours faithfully

Stuart Falla
Minister

(NB The Policy Council supports the proposals.)

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

The States are asked to decide:-

VI.- Whether, after consideration of the Report dated 27th January, 2006, of the Commerce and Employment Department, they are of the opinion:-

1. To amend the Preferred Debts (Guernsey) Law, 1983 in accordance with the principles set out in section 4 of that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

HEALTH AND SOCIAL SERVICES DEPARTMENT

IMPLEMENTING 'SMOKEFREE' LEGISLATION

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

31st January 2006

Dear Sir

Executive Summary

- On Thursday 31st March 2005, the States of Deliberation agreed to accept recommendations by the Health and Social Services Department (HSSD) that all enclosed public and work spaces should become smokefree (Billet d'État III 2005).
- It was also agreed that the proposed legislation should be broadly based on that which had been successfully implemented in the Republic of Ireland on 29th March 2004.
- As in Ireland, a limited number of exemptions and exceptions would be allowed, predominantly in places which might reasonably be regarded as people's 'homes' or 'personal space', providing this did not impact on the health or welfare of others who might be exposed to such smoke.
- The HSSD agreed to consult widely before lodging a further States Report with such proposed exemptions and exceptions.
- The HSSD was advised by the Office of Tobacco Control in Ireland that they had established a high level reference group when looking at possible exemptions and exceptions and the HSSD agreed to follow this approach.
- Seventeen organisations were invited to attend. They included those involved in promoting, protecting or maintaining health, representatives of the licensed trades and restaurants, employer and employee organisations and associated bodies such as the Home Department, Environment Department and Institute of Architects. All, with the exception of the Environment Department, agreed to send a representative.
- The group elected Jurat Alan Bisson as its independent chairman, and met in

total on five occasions, before submitting a report and recommendations to the HSSD.

- The report and recommendations, together with the minority report, have now been considered by the HSSD.
- The HSSD endorses and supports the conclusions and recommendations of the group as attached, subject to the provisos contained in this report, and does not accept the proposals made in the minority report.
- It also recommends that a signage ordinance be prepared.

Introduction

1. The States have debated the issue of smoking restrictions on two occasions over the last year, this is the third.
2. In March 2005 (Billet d'État III 2005), the States decided, by a very large majority, to embrace a comprehensive smoking ban covering pubs, clubs and bars, as well as restaurants, offices and other enclosed work places and public places. By doing so, they clearly rejected the option of only banning smoking in places where food is served, which was the other option put forward in that States Report.
3. The HSSD fully agrees with that decision. The Department warned at the time that the 'food premises only' option was a recipe for controversy over the definition of food and difficulty with enforcement, as well as perceived unfairness between one establishment and another.
4. In all countries where smoking restrictions have been discussed, the hospitality industry, both those in favour and those against restrictions have argued for a level playing field. It is telling that in England, which is the only territory considering the 'food premises only' option, it is the licensed trade which is claiming that approach is discriminatory and unworkable.
5. In September 2005 (Billet d'État XIV 2005), the States agreed the draft legislation, and also agreed that the detailed regime of exemptions would be dealt with separately as an Ordinance. At the time, the HSSD was asked for its views on what those exemptions might be. The reply was that we were not going to pre-empt the report of the implementation panel but that we were mindful to follow closely the example of Ireland.
6. The reasons for that were twofold. Firstly, because we think the rationale lying behind the Irish approach is sound in seeking to protect workers and the general public as far as possible, while allowing adults who wish to smoke to do so in their own homes, however 'home' is defined.
7. Secondly, because while any system might work, we know that two years on

from its implementation, the Irish system does work and has grown in popularity amongst smokers and non-smokers alike.

8. Against this backdrop, it seems pointless to risk a novel system unless there is something in the Irish legislation which is perceived locally as being 'wrong for Guernsey'. The HSSD does not believe any such problem exists which would render the Irish law unsuitable for Guernsey.
9. It is interesting that, having looked at the range of possible exemptions from first principles, the independent implementation panel has come up with a system which mirrors closely the regime in Ireland. Having considered its report carefully, the HSSD has decided to accept the panel's proposals.
10. The HSSD considers it likely that much of the debate about exceptions will surround the issue of work place 'smoking rooms'. As well as the reasons set out by the implementation panel, the HSSD has another practical reason for rejecting this idea. If smoking rooms are to be allowed, it is vital that they should be properly separated from the rest of the premises, properly ventilated and that the ventilation should be turned on at all times it is in use. The latter point is particularly important as ventilation systems are expensive to run and experience elsewhere suggests that there are often unused for this reason.
11. Right at the start, opponents of the restrictions argued that they would be expensive and difficult to police. The HSSD disagreed and pointed out that a blanket ban would be straightforward, easily understood and therefore inexpensive to police, as has been proven in Ireland. Once one introduces the concept of smoking rooms, then policing will become more of a problem and there will be additional cost.
12. If the States are serious about protecting both workers and the public from the effects of other people's smoking, then smoking rooms would need to be examined to ensure they comply with the basic criteria set out above; indeed, it may require a licensing system. Afterwards, checks would be required to ensure those standards were being maintained and, in particular, that ventilation systems were being used.
13. The HSSD does not think this is a sensible way to go, when all the evidence from elsewhere is that, once established, a policy of not allowing smoking anywhere inside enclosed public places and workplaces is quickly accepted and does not cause problems.

Learning from Ireland

14. The successful introduction of smokefree legislation in the Republic of Ireland on 29th March 2004 was referred to in the States Report, as above. Following the strong endorsement given by the States to the proposals, officers of the HSSD contacted the Office of Tobacco Control in Ireland to seek advice on

wider consultation and pointers to successful implementation.

15. They were advised that a reference group had been established in Ireland, involving a wide range of interests, to advise on the detail and implementation of their law. The HSSD decided to adopt a similar approach in Guernsey. A range of professional, trade and community based organisations known to have an interest in this area were, therefore, approached and offered representation.
16. With the exception of the Environment Department, all bodies accepted, and a list of invited organisations with their nominated representatives is attached (Attachment 1, Appendix 1).
17. The membership of the group was intended to represent all those bodies that would be involved in the implementation of the legislation. This included organisations which were involved in promoting public health, representatives of the licensed trades and restaurants, employer and employee organisations and associated bodies such as the Home Department and Institute of Architects.
18. It was also considered important that group meetings were conducted under accepted rules of debate, that Chatham House rules would apply (i.e. nothing said within the meeting would be directly quoted or attributed outside), and that there would be an independent chairman.
19. Jurat Alan Bisson was proposed for this role at the first meeting and very kindly accepted. The HSSD and the Smokefree Legislation Advisory Group wish to record their appreciation of the competent and professional way in which Jurat Bisson undertook this sometimes difficult role.

Undertaking a wider consultation

20. At its first meeting, the group agreed to adopt the terms of reference proposed by the Health and Social Services Department, as follows:
 - To advise the Health and Social Services Department on necessary exemptions to the proposed smokefree legislation.
 - To advise the Health and Social Services Department on necessary further consultation to ensure all views are taken into account.
 - To represent the interests of their particular industry, department or professional group.
21. The group further agreed that it would try to complete its work within three or four meetings. In particular, it would:
 - invite interested parties to give a brief address to the group, expanding on particular aspects of their support or opposition to smokefree legislation;

- through articles in the media, invite submissions and contributions from organisations and the general public; and
 - write to identified individuals responsible for the operational management of various sites where implementation of smokefree legislation might be expected to impact.
22. The group met on five occasions. Despite expressing a range of opinions regarding the need for smokefree legislation and desirable exemptions and exceptions to the general principle, a high degree of consensus across most areas had been reached by the fifth meeting, when a final report was agreed, except for certain provisions which are the subject of a minority report which is attached (Attachment 2).
23. The recommendations of the group, a summary of how this could be applied in the various areas considered, details of invited speakers, references and source documents and submissions from groups and individuals (divided into those generally in favour and those generally opposed to smokefree legislation), are also attached (Attachment 1, Appendices 2, 3, 4 and 5).

Progress in other jurisdictions

24. Since the States Report 'Protecting The Health Of Workers And The Public Against Environmental Tobacco Smoke' (Billet d'État III 2005) was submitted in December 2004, there have been a number of developments in other jurisdictions which may be relevant when formulating Guernsey's proposed smokefree legislation.
25. The one year review of '*Smokefree workplaces in Ireland*' was published on Monday 10th October 2005 and showed that compliance with the smokefree workplace legislation was very high:
- 93% of 1,454 hotel inspections were compliant;
 - 99% of 6,873 restaurant inspections were compliant;
 - 90% of 14,400 licensed premises inspections were compliant;
 - 97% of 12,230 other workplace inspections were compliant.

This represent 94% compliance in a total of 34,957 inspections.

26. There is overwhelming support for the smokefree law amongst smokers and non-smokers. An independent survey amongst a nationally representative sample of 1,000 adults aged 15 years and older, conducted in advance of the one year anniversary of the law, showed:
- 93% of people think the law was a good idea, including 80% of smokers;

- 96% of people feel the law is successful, including 89% of smokers;
 - 98% believe that workplaces are now healthier because of the smokefree law, including 94% of smokers.
27. There is better air quality in workplaces. A study of 40 pubs throughout Dublin City and County assessed the levels of air pollution in pubs before and after the introduction of the smokefree law. Airborne particles, which are the main constituents of tobacco smoke containing the chemicals known to be harmful to health, were measured over a three hour period in each of the premises.
28. Repeat measurements were conducted on the same day of the week and the same month one year on. The results were as follows:

Results	Pre Smoke-free	Post Smoke-free	% Change
Mean PM10	79	37.4	-53%
Mean PM2.5	40.2	4.97	-87.6%

The fall in PM2.5 particles is particularly important, because it is these smaller particles which are most likely to be inhaled deeply, not expelled by the cough reflex, and therefore most likely to cause serious damage to lungs and general health.

29. On releasing the report, Chairman of the Irish Office of Tobacco Control, Dr Michael Boland added:
- ‘An evaluation of the official hospitality sector data shows there has been no adverse economic effect from the introduction of this measure. Bar retail sales in volume terms have increased during the last three-month period (year on year) following a four-year decline. The numbers employed in this sector in the first quarter of this year have increased to 23,200 – up 1,400 from the previous quarter. This represents the most significant quarterly increase in employment since the second quarter of 2002.’*
30. Such scientific findings are translated directly into potential better health for bar workers. In one recent study, public houses in three areas in the Republic of Ireland (intervention) were compared with one area in Northern Ireland (control). Three hundred and twenty nine (329) bar staff were enrolled in the baseline survey, of whom 249 (76%) were followed up one year later. Of these, 158 were non smokers, both at baseline and follow up.
31. In bar staff in the Republic who did not themselves smoke, salivary cotinine concentrations (a measure of nicotine breakdown product in the body) dropped by 80% after the smokefree law, in contrast with a 20% decline in Northern Ireland over the same period.

32. Staff reporting respiratory symptoms declined from 26% to 7% in the Republic, but not at all in Northern Ireland.
33. Norway also introduced a ban on smoking in bars, pubs, cafes, restaurant and other catering establishments on 1st June 2004. Twelve months later (June 2005), the Director General for Health and Social Affairs published a 'Review of the First Year'.
34. In the 'Summary of the Main Findings', it reports:
 - a growing number of the public support the ban (now 68% in favour of smokefree bars and restaurants; up from 54% before the ban);
 - users report that indoor air quality in clubs, bars and restaurants has improved;
 - breweries report a slight decline in beer sales (a 6% fall in bars and restaurants, but 2.2% increase in sales of beer to food retailers);
 - far fewer employees state that they have general medical or respiratory problems;
 - the proportion of employees in the hospitality industry who previously smoked on a daily basis has fallen from 52% to 47%.
35. On 10th January 2005, Italy also banned smoking in indoor public places. A six month evaluation states that the ban has been almost universally adopted, and does not seem to have had an adverse effect on business. A secondary effect has been a 7.6% fall in overall cigarette consumption, and a 23% drop amongst the 15-24 year old group.
36. Belgium has also announced that it will ban smoking in the workplace from January 2006. Previously, smokers had been asked to be mindful of non-smokers, but this had largely failed. The ban will extend to all workplaces, except bars and restaurants, where the ban will take effect one year later.
37. In Scotland, legislation has now been passed prohibiting smoking in enclosed public places, with a few exceptions being made for places which are also classed as people's homes, such as hospices, care homes and prisons. This prohibition is likely to come into force in Spring 2006.
38. There has been agreement that the Welsh Assembly should be enabled to make provision for smokefree public places in the Principality, in accordance with any policy they may agree in relation to this issue.
39. Following a separate consultation on smoking in public places and workplaces, recently completed in Northern Ireland, the Health Minister, Mr Shaun Woodward, has announced that they will follow the Irish Republic and go

completely smokefree, probably from April 2007.

The English experience

40. England's Chief Medical Officer, Sir Liam Donaldson, states in his Annual Report, 'On the state of the public health' (August 2005):
'A commitment to create entirely smokefree workplaces, restaurants, pubs and bars that sell food by 2008, but with exemption for so called 'drinks led pubs'.....represents significant progress in tackling the problem of smoking, but I would like the Government to go even further, as Ireland and other European countries (such as Sweden, Italy, and Malta) have done, and introduce completely smokefree public places and workplaces.'
41. Following the UK General Election (May 2005), Dr John Reid was replaced by Ms Patricia Hewitt as Secretary of State for Health, and she indicated that the proposal to exempt 'licensed premises that do not prepare and serve food', and 'membership clubs' might be open to reconsideration if there was sufficient public support.
42. A consultation document entitled 'Consultation on the smokefree elements of the Health Improvement and Protection Bill' has been published by the Department of Health in London (June 2005). This concludes 'one person's choice may spoil the chances of good health for others' and asks 'have we got the balance right?'
43. In response to the consultation document, the Chartered Institute of Environmental Health (CIEH) pointed out the inconsistency of the proposed protective measures for some workers, but not those working in 'drinks led' pubs and private members' clubs.
44. The CIEH was also against the proposal to phase in smokefree legislation. It believes that 'all workplaces and public places should become smokefree at the same time to maximise the levels of voluntary compliance, reduce the need for enforcement activities and minimise costs to regulators and businesses'.
45. The Health and Safety Commission (HSC) has also commented (July 2005) to the effect that having one law in England and a different law in Wales and Scotland risked creating inequality which would be undesirable. They recommended a universal law restricting environmental tobacco smoke but had concerns that, since the legislation would need to be monitored and enforced by local authorities, other important public health protection might be compromised.
46. The British Medical Association (BMA) also points out in 'Beyond the smokescreen' (April 2005) that passive smoking kills 30 people in the UK each day, and that the true cost of delaying legislation is not financial but human. It

states that ‘Legislation to ban smoking in all enclosed public places is the single most effective way that a government could improve the health of its people.’

47. ‘Going smokefree: the case for all pubs and clubs’ published by ‘Smokefree Action’ (an alliance comprising the Royal College of Physicians, Cancer Research UK, National Heart Forum, British Heart Foundation, Asthma UK, the BMA, ASH, Chartered Institute of Environmental Health, etc) in August 2005 points out:

- a comprehensive smokefree law would significantly improve the nation’s health;
- ventilation and partial bans are ineffective;
- comprehensive smokefree laws have proved to be popular in Ireland, New Zealand, Sweden, Norway, Malta, Italy and other jurisdictions where they had been implemented;
- comprehensive smokefree laws do not result in more smoking in the home;
- smokefree laws do not damage profits.

The report concludes ‘A smokefree law would be good for everyone. We need a comprehensive smokefree law now. It is about health, and it is about time.’

48. Despite much publicised dissension at cabinet level, England has now agreed to proceed with the original proposals of continuing to allow smoking in pubs that do not serve food and in private clubs. This decision has been condemned as unacceptable by the health professions and unworkable by the hospitality industry and enforcement authorities. The Secretary of State for Health, Ms Patricia Hewitt, has stated that it is ‘*only a matter of time*’ before it is rescinded.

The need for action

49. The UK Government’s ‘Scientific Committee on Tobacco and Health’ (SCOTH) has previously concluded (2004):

‘Our knowledge of the hazardous nature of second-hand smoke (SHS) has consolidated over the last five years, and this evidence strengthens earlier estimates of the size of health risks. This is a controllable and preventable form of indoor air pollution. It is evident that no infant, child or adult should be exposed to ‘SHS’. This update confirms that SHS represents a substantial public health hazard.’

50. The late Sir Richard Doll, probably the best known and most respected epidemiologist of his generation, has also stated:

‘An hour a day in a room with a smoker is nearly one hundred times more likely to cause lung cancer in a non-smoker than 20 years spent in a

building containing asbestos.'

51. The States of Guernsey have spent many tens of thousands of pounds removing asbestos from existing buildings, and enforcing building legislation to prevent its current and future use.
52. It would be illogical and inconsistent to take affirmative action to ban one substance known to be hazardous to health but to allow continuing exposure to another substance – environmental tobacco smoke, now known to be many times more dangerous.
53. It would be particularly indefensible to leave workers and patrons of 'drinks led pubs' and 'private clubs' exposed to a known harmful substance when offering protection to the rest of the population.

A consistent foundation for smokefree legislation

54. The States Report "*Protecting The Health Of Workers And The Public Against Environmental Tobacco Smoke*" (Billet d'État III 2005) states in paragraph 98 that:

'The need for a law to ban smoking in enclosed workplaces is based on four premises:

 - There is a significant risk to health from exposure to environmental tobacco smoke.
 - Unless by their own choice, no one should, therefore, be exposed to such smoke.
 - All places where people are working should be free from environmental tobacco smoke.
 - Ventilation is *not* an effective alternative to legal restrictions on smoking in enclosed public places and worksites.'
55. Earlier in the report, considerable factual evidence had been given to substantiate these various points. It was on the basis of this evidence that a large majority of the States had voted in favour of the Health and Social Services Department's proposals to limit involuntary exposure to environmental tobacco smoke by law. They had also agreed that a similar approach to identifying exemptions and exceptions should be undertaken as had been successfully implemented in the Republic of Ireland.
56. However, whilst it was accepted that the workplace for some people might well be 'home' to others, albeit either temporary or involuntary (e.g. hotel bedrooms, prison cells, long stay and psychiatric wards, etc), the rights of workers to enjoy safe conditions of work should generally override the 'right' of others to smoke

where tobacco smoke would cause discomfort or harm to those involuntarily exposed to it.

57. Although it was accepted that everyone had the 'right' to smoke, no one had the 'right' to make someone else ill.

Exemptions and exceptions

58. During a fact finding mission to the Republic of Ireland, the Chartered Institute of Environmental Health was told that the Irish Authorities felt that some aspects of their legislation had been too liberal, and that if they were proposing similar legislation now, they would prefer to make it more restrictive.
59. Similarly, the preferability of exceptions (e.g. no smoking unless an exceptional case could be made) to overall exemptions (where whole categories of sites have been exempted from the need to be smokefree) has also been expressed.
60. When *The Smoking (Prohibition in Public Places and Workplaces) (Guernsey) Law, 2005* was agreed by the States in September 2005, the Health and Social Services Department agreed to return with a more detailed explanation of exemptions, exceptions, signage and penalties.
61. The Health and Social Services Department has now considered the recommendations of the Smokefree Legislation Advisory Group, (Attachment 1), and the Minority Report submitted by the Guernsey Licensed Victuallers Association (Attachment 2).
62. The Department broadly accepts the recommendations of the Advisory Group, and rejects the views of the Minority Report for the reasons detailed below.
63. Specifically, the Health and Social Services Department makes the following recommendations, with regard to the following premises and classes of premises:

- i. **Police Station and Courts**

Smoking should be prohibited in all enclosed areas for staff, members of the public and persons detained in custody. Designated outdoor smoking areas should continue to be provided.

- ii. **'Les Nicolles' Prison**

Smoking should be prohibited for all staff, official visitors, members of the public and prisoners in all internal offices, rest rooms and general communal spaces. Smoking should continue to be allowed in the prison yard during exercise periods, and in prisoners' cells if they declare themselves to be smokers. Every effort should be made to avoid allowing smoking and non smoking prisoners to share a cell, and this provision should be reviewed three

years after the law comes into effect.

iii. **Airport and sea terminals**

There should be no specially designated internal smoking areas at either the airport or sea terminal. External areas may be so designated.

iv. **Workplace smoking rooms**

Internal workplace smoking rooms will no longer be lawful. Employers may, however, give consideration to the erection of external smoking shelters which comply with the law.

v. **Hotels**

Smoking should be prohibited in all public areas of hotels. However, hotel bedrooms *may* be designated 'smoking'.

vi. **Long stay wards, residential, nursing and community homes**

These would generally be exempt on the basis that portions of them may be regarded as the home or private space of residents. However in order to protect the health of other residents and staff, public areas should be smoke free, smoking outside should be encouraged whenever feasible, and a code of good practice should be developed (see below).

vii. **Psychiatric hospital**

Similar considerations would apply to inpatient psychiatric facilities which may be regarded as the home or private space of patients, whether voluntary or involuntary. Accordingly:

- all staff and visitors who wish to smoke would be expected to use the designated external 'smoking shelter';
- clients attending the day centre / occupational therapy department would also be expected to use a designated shelter;
- with regard to inpatient facilities, most service users in the acute psychiatric ward would be expected to use the courtyard; however, *exceptions* should be made for service users in a distressed state or who are potentially violent, who would be directed to use a small internal smoking room, as to insist that such clients use the external courtyard would be operationally difficult and potentially dangerous for staff.

viii. **Clients' homes**

See codes of good practice below.

ix. **Restaurants and hotels serving food, public houses and bars that serve food, cafes, snack bars, teashops and canteens.**

Smoking to be prohibited in all internal areas. Owners and proprietors would be able to designate external smoking areas which comply with the law.

x. **Pubs and bars**

Smoking to be prohibited in all internal areas. Owners and proprietors would be able to designate external smoking areas which comply with the law.

xi. **Private clubs**

Smoking to be prohibited in all internal areas. Owners and proprietors would be able to designate external smoking areas which comply with the law.

xii. **Small and single person workplaces**

As a matter of principle, all workplaces, including small and single person workplaces and the cabs of commercial vehicles, should meet the requirements of the law.

The Health and Social Services Department accept that it will not be possible to police all areas within existing staff and financial resources.

However, should fellow workers or members of the public lodge a complaint, then the Environmental Health Department would wish to investigate this, and would consider initiating legal action if a workable compromise which met the requirements of the law could not be agreed.

xiii. **Ferries and visiting cruise liners, etc**

The Health and Social Services Department recommends that the law extend to all public and work places within its jurisdiction, including Guernsey territorial waters.

This is the situation in the Republic of Ireland and has not, apparently, caused any problems to date.

Additionally, the Department notes that an increasing number of European jurisdictions are becoming smokefree, (soon to include the Republic of Ireland, Northern Ireland, Wales, Scotland, Norway, Sweden, Belgium, Italy and Malta) and that several of these are popular cruise destinations.

With the increasing likelihood of successful legal action by staff claiming to have suffered personal injury due to workplace smoke, it is likely that many ferry and cruise operators will wish to restrict smoking on board to designated passenger and crew cabins and to designated external areas, in line with accepted practice in shore-side hotels.

If this likely to become the industry standard, the Department feels it would be unwise to specifically exempt visiting cruise liners as a class, although it accepts that it would be impossible in practice for them to police this. However, in the event that a complaint needs to be investigated, such vessels would be regarded as floating hotels.

Codes of good practice

64. The recommendations of the Smokefree Legislation Advisory Group conclude that long stay wards, residential nursing homes and community homes should develop 'codes of good practice'. The Health and Social Services Department believes that these should be on a voluntary basis and should not form part of the law.
65. Similarly, the Smokefree Legislation Advisory Group recommends that advice be drawn up for smokers who wish to have the benefit of home care from community nurses and care staff who visit them at home. The Health and Social Services Department also supports this recommendation but feels it should not form part of the legislation.

Consideration of the Minority Report

66. The Health and Social Services Department also carefully considered the Minority Report from the Committee of the Guernsey Licensed Victuallers Association, but could not accept their arguments.
67. Specifically:
 - The reported closure of small pubs in Ireland, especially in rural areas is something which preceded the smoking ban, and this does not appear to have accelerated the trend. In fact, overall there has been a reported increase in numbers employed in this sector (see paragraph 29).
 - Similarly in Guernsey, a number of smaller and working men's pubs have closed over the past few years, prior to any consideration of smokefree legislation. This is felt to reflect more a change in drinking culture and perhaps the impact of drink drive laws and it is uncertain whether it would be accelerated by smokefree legislation.
 - In all jurisdictions which have enacted or are planning to enact smokefree legislation, it has been accepted that smoking is not compatible with the amenity of fellow diners or the health and welfare of staff. It would be difficult to justify Guernsey adopting an alternative stance.
 - The proposed legislation is about protecting the health of the public and workforce. If smoking is dangerous to health (for which there is ample evidence), there can be no justification in delaying effective legislation by a 'three year' lead in period.

Signage

68. An essential component of the success of smokefree legislation has been the requirement for the statutory display of signage which:
 - i. explains that smoking is prohibited by law,
 - ii. explains action to be taken if smoking occurs, and
 - iii. summarises the penalties.
69. The Health and Social Services Department recommends that there should be a legal requirement to display such signage in all enclosed licensed premises (to include all bars, restaurants and night clubs). Such signs should be:
 - clearly visible to all employees, customers and visitors while in the premises;
 - permanently displayed in a conspicuous position at each entrance to the premises, at service counters, in toilet facilities and staff rooms.
70. The Health and Social Services Department recommends that all compulsory signage should meet the following standards:
 - A specified minimum size - 230mm x 160mm is suggested.
 - The international no-smoking symbol is included - a minimum of no less than 85 mm diameter should be specified.
 - The words No Smoking should be prominent, in large print. The font and size could be specified with a requirement for any parts which should be in red.
 - The wording, “*Under The Smoking (Prohibition in Public Places and Workplaces) (Guernsey) Law, 2005 it is illegal to smoke in these premises*” – should be included.
 - The name or designation of the person to whom a complaint may be made by anyone observing a contravention should be included.
 - The wording, “*Maximum penalty in accordance with Schedule 2*” should also be included.
 - The sign should be white with black print unless otherwise specified.

A sample of a sign meeting these requirements is included in Attachment 3.

71. The Health and Social Services Department recommends that a Signage Ordinance be prepared, to become effective at the same time as the other legislation.

Commencement Ordinance

72. A Commencement Ordinance will need to be prepared for this legislation to become effective in June 2006. The exact date will be determined when it is known when the law and other Ordinances will all be approved.

Acknowledgements

73. The Health and Social Services Department wishes to thank all members of the Smokefree Legislation Advisory Group who gave their time and took the trouble to research and debate these complex issues, and to Jurat Alan Bisson who successfully chaired this sometimes difficult process.

Conclusions

74. When the Smokefree Legislation Advisory Group was first formed, several members expressed the opinion that they were starting ‘poles apart’ and that no degree of compromise or consensus would ever be reached.
75. An informal poll conducted at the end of the first meeting, and more formal voting at the end of the fourth meeting, clearly demonstrated that, following discussion, there had been a considerable amount of drawing together, and that full agreement had been reached in quite a number of areas discussed. The only remaining areas of disagreement are detailed in the minority report.
76. The Health and Social Services Department endorses and supports the conclusions and recommendations of the Smokefree Legislation Advisory Group as attached, subject to the above provisos.

Recommendations

77. The Health and Social Services Department recommends that the States:
 - a. to approve that an ordinance be prepared which allows for the exemptions and exceptions to the Smoking (Prohibition in Public Places and Workplaces) (Guernsey) Law, 2005 as detailed in paragraph 63, specifically to include:
 - i. the cells of prisoners at Les Nicolles Prison;
 - ii. hotel bedrooms designated ‘smoking’;
 - iii. designated non public areas of long stay wards, residential, nursing and community homes, provided measures are in place to

minimise unnecessary exposure of other residents and staff to environmental tobacco smoke;

iv. designated internal areas of the acute psychiatric hospital, provided measures are in place to minimise unnecessary exposure of other residents and staff to environmental tobacco smoke;

b. to approve that an ordinance be prepared to specify signage to be displayed in line with paragraphs 68-71.

Yours faithfully

P J Roffey
Minister

HEALTH AND SOCIAL SERVICES DEPARTMENT
IMPLEMENTING 'SMOKEFREE' LEGISLATION

Attachment 1	Report of the Smokefree Legislation Advisory Group
Appendix 1	Invited representatives
Appendix 2	Invited speakers and information sought
Appendix 3	References and source documents
Appendix 4	Submissions received
Appendix 5	Summary of recommendations
Attachment 2	Minority Report from the Committee of the Guernsey Licensed Victuallers Association
Attachment 3	Proposed 'No Smoking' signage

Attachment 1**Recommendations of the ‘Smokefree’ Legislation Advisory Group**

The *Smokefree* Legislation Advisory Group recommend:

i. Police Station

The Island Police advise *‘Guernsey police operates a no smoking policy for all members of staff, both police and civilians within the main building.’*

‘There is one designated staff smoking area located in the garden area at the rear of the building.’

‘Persons detained in custody, may at the discretion of the Custody Officer be permitted to smoke under supervision in a secure open area (currently the custody yard).....officers are strictly prohibited from smoking in this area.’

‘Potential defendants, although allowed to smoke in designated areas, when interviewed in one of the interview rooms within Police Headquarters are not permitted to smoke in this area’.

The ‘Smokefree’ Legislation Advisory Group commends the Guernsey Police on having adopted this clear cut, pragmatic but flexible approach to smoking within the confines of the Police Station and would commend it to other States Departments as a model for balancing the ‘rights’ of smokers with a need to offer protection to others.

ii. ‘Les Nicolles’ Prison

During discussion, it was pointed out that the concept of smoking in prison was somewhat anomalous. Persons incarcerated for drugs offences are not allowed access to illegal drugs, nor is alcohol supplied to those imprisoned for drink related offences.

The example of ‘*smokefree*’ prisons in California and Texas was also noted. The prison health authorities in these jurisdictions point out that minimising prison healthcare costs must also be an important consideration, and reducing smoking prevalence is an effective way of achieving this.

In Guernsey at present, smoking is allowed in the prison yard during exercise periods, and in individual prisoner’s cells (the cleanliness of which is the responsibility of prisoners) but *not* in general communal spaces. Prisoners over the age of 18 are allowed to ‘purchase’ a small amount of tobacco. It was noted that the smoking status of prisoners was documented on arrival, that nicotine replacement therapy, patches and inhalers were offered, but *Zyban* or nicotine gum was not made available.

Also that, *‘Healthy lifestyles for prisoners was an important part of the rehabilitation process staff encouraged prisoners to take the opportunities whilst in prison*

to re-address their lifestyle to enable them to take part in other activities that are available on the island’.

There is one smoking room for prison officers and visiting staff. As with other workplace ‘*smoking rooms*’ (see iv below) this should be closed, but could be replaced with an external ‘smoking shelter’ which complies with the law.

The representative of the Transport and General Workers Union (to which many prison officers belong) informed the Advisory Group that many prison officers would also prefer ‘no smoking in cells’.

In the presentation from the Deputy Prison Governor, he stated that the prison population now stands at above 120 compared with 90 in 2004, and 76% of the prison population are smokers. If it was necessary to put prisoners two to a cell, then their smoking status was one of the ‘*areas of compatibility*’ which was considered.

A particular problem in Guernsey relates to having prisoners of both sexes and several different categories in the one prison, which reduced the amount of flexibility when the prison was crowded. It was the Deputy Prison Governor’s view that the present system was ‘*about as fair as we can make it*’.

The Group were unanimously of the view that the present prison smoking regime should *not* be further liberalised, but that Prison Authorities were to be commended on their attempts to reduce smoking prevalence through the supply of NRT and inhalers, and that these efforts should be maintained.

Whilst agreeing that smoking should continue to be allowed in prison cells as at present, the Advisory Group recommends that the Prison Authorities continue to monitor the success of ‘*smokefree*’ prisons in other jurisdictions, with a view to a similar approach in Guernsey at a future date if they are shown to be successful. A review year date of three years from the commencement of the legislation is recommended.

It was noted that a Prison Officer in Scotland has recently been successful in his claim for ‘*constructive dismissal*’ when he declined to enter a cell in which a prisoner was smoking. Legal ruling will also be influential in deciding where the balance lies between the ‘rights’ of prisoners to smoke, and the ‘rights’ of prison staff not to be exposed to avoidable hazards.

iii. **Airport and sea terminal**

At present, there is a purpose built ‘smoking room’ at the new airport, but no similar provision at the sea terminal. The Airport Director advises that if a smoking room was not required, then this space could be well utilised for much needed office space.

Several members of the Group said that their own informal surveys had shown that the smoking room was relatively lightly used, although it was pointed out that staff were unable to smoke ‘airside’ and that the provision of a smoking room reduced the need for

them to smoke at the front of the terminal.

On balance, it was considered that there was no justification for a special smoking facility to be provided at the airport, and that this should be converted to other uses once the 'smokefree' legislation was implemented.

Consideration should be given to introducing 'smoking areas' and 'shielded' bins at the front of the terminal.

iv. **Workplace 'smoking rooms'**

It was noted that the intent of the proposed 'smokefree' legislation was to protect employee health. Where smoking rooms exist, they require regular cleaning, redecoration, etc. Although attempts could be made to introduce 'codes of good practice', e.g. cleaning would take place first thing in the morning when the air was relatively clean, the general view was that a general exemption could not be justified.

Current 'workplace' smoking rooms should be closed down, but employers could if they wished to, give consideration to the erection of 'smoking shelters' which are open on two sides in order to comply with the law.

This is the approach being taken by the Health and Social Services Department on its various hospital sites, and also more generally throughout the NHS which is committed to becoming completely '*smokefree*' within its internal built environment by the end of 2006.

v. **Hotels**

Whilst it was agreed that all public areas of hotels should be completely '*smokefree*', it was pointed out that hotel bedrooms are the 'temporary home' of paying guests, but that the proportion of guests requesting 'smoking' accommodation is declining, whilst those demanding '*smokefree*' rooms and floors is increasing.

For the time being it was agreed that it would be appropriate for smoking in designated hotel bedrooms to continue to be permitted, but that 'codes of good practice' should be introduced to protect those who had to enter these to serve food, clean, etc. (e.g. smokers might have an earlier check out, windows could be left open, and these bedrooms left to the last to be cleaned in order to give the opportunity for the smoke to dissipate).

It was agreed that this should be subject to review at a future date.

vi. **Long stay wards, residential and nursing homes etc**

It was similarly accepted that these are often by necessity people's homes, and it was therefore inappropriate to recommend that these should be entirely '*smokefree*'.

However, rather than a universal ‘exemption’, the need to protect the health and well being of non smoking staff and other patients should remain paramount. All public areas should be ‘smokefree’, smoking outside should be encouraged wherever feasible, and where this was *not* feasible, attempts to minimise health risks associated with smoking (e.g. by opening windows) should be undertaken.

A ‘code of good practice’ should be developed in each institution to support the need to protect the health of employees and other residents.

vii. **Psychiatric hospital**

A high proportion (around 75%) of mental health patients have been found to smoke, and smoking levels are also probably higher amongst mental health staff than amongst other health professionals. In order to strike an appropriate balance between the needs of smokers and the need to offer a safe workplace to non-smokers, the following compromises have been proposed;

- All staff and visitors who wish to smoke would use a designated external “smoking shelter ”;
- Clients attending the day centre/occupational therapy department would also use a designated shelter;
- Most service users in the acute psychiatric ward could use the semi-secure courtyard;
- However, *exceptions* would be made for service users in a distressed state or who were potentially violent, who would be directed to use a small internal smoking room.
- It was felt that to insist that such clients use the external courtyard would be operationally difficult and potentially dangerous for staff. The existing smoking room extractor fan appears inadequate, and would need to be replaced by a more powerful unit;
- In community homes generally, smoking would be allowed outside or in a conservatory area sealed from the rest of the building. Where these did not exist, one lounge to be designated as a smoking area.

viii. **Clients’ homes**

It was pointed out that with increasing attempts to keep sick people out of hospital, and to favour earlier discharge, there was an increasing need for community nurses and care staff to enter patients’ homes.

It was suggested that a pamphlet be developed and given to smoking patients, advising them of the rights of healthcare staff to enjoy safe conditions of work, and suggesting

compromises which might be adopted, i.e. smoking in one room and 'home treatment' given in another, no smoking for 1-2 hours before scheduled visits (although it is accepted that the workload of many Health and Social Care providers meant that an exact time for home visits could not be guaranteed).

ix. **Restaurants and hotels serving food, public houses and bars that serve food, cafes, snack bars, teashops and canteens.**

It was generally agreed that smoking in areas designated for the preparation and consumption of food was unacceptable on the grounds of both food hygiene and amenity of other diners.

It was noted that even in England, there is already acceptance that areas of food preparation and consumption should be smokefree and that this position is accepted and endorsed by both the Hotel and Licensed Trades.

It is an interesting reflection that proposals to introduce '*smokefree*' eating places in Guernsey in 2002 were rejected in favour of specific labelling giving the smoking restrictions enforced in that eating area. There now seems to be almost complete acceptance that the amenity and health of non-smoking diners and restaurant staff should take precedence.

x. **Pubs and bars**

Perhaps the most contentious area which the Advisory Group had to consider was whether so called 'drinks led' pubs and bars which did not serve food should be exempt. Amongst the arguments put forward in favour of this were:

- There were pensioners who enjoyed 'a drink and a smoke' in the afternoon when few other people would visit the pub.
- The working man was the 'backbone of our community' and not to allow him to enjoy his traditional pint and smoke would be discriminatory against one section of the community.
- Where a pub had more than one bar, one could be made '*smokefree*'.
- Effective ventilation systems would remove much of the danger.

In response it was pointed out:

- The law was intended to protect workers and the public. No one (not even pensioners) had the 'right' to engage in behaviour which would cause harm to others.
- The law should be simple, comprehensible, consistent, and enforceable. Stories had been told of '*drinks led*' pubs in England which were intending to

get around the 'drinks only' legislation by allowing patrons to consume their own 'takeaways'.

- 'Drinks led' pubs tended to be concentrated on areas in social deprivation and exempting these would therefore further increase health inequalities.
- Ventilation systems cannot remove the carcinogens contained in tobacco smoke, and they are hard to install, expensive to maintain and costly to run. It is reported that a number of premises can no longer afford to run their ventilation systems on the grounds of maintenance and operational costs. Ensuring that ventilation systems were properly maintained and used would be difficult and expensive to enforce.
- Ventilation may remove the smell of tobacco smoke, but it does not eliminate all the cancer-causing particles and gases from the air. Just because the air is not visibly smoky does not mean it is safe.
- In the case of separate smoking areas with discrete ventilation systems, pollution levels may be slightly reduced but tobacco smoke drifts and therefore staff and customers will still have no choice but to breathe secondhand smoke.

Because of the inability to reach consensus between these opposing views the Guernsey Licensed Victuallers Association were asked to come up with a workable compromise which would address the spirit and objectives of the proposed legislation. Their full reply is shown as Attachment III.

- Basically they accept the inevitability of a total ban at some future date.
- They propose a 'smokefree' zone measuring one metre from the skirting of the bar by the end of September 2006.
- They suggest that licensed premises be 'encouraged' to install up to date ventilation equipment and/or create a designated smoking room within which no bar staff would be expected to work and where no alcohol would be served.
- They propose the introduction of a TOTAL smoking ban within lounge bars by September 2007.
- They suggest that by September 2008 all licensed premises who have *elected to do so* will have created designated smoking rooms adjacent to their public bars within which no bar staff will be expected to work or serve alcohol. After this date, no new applications for such smoking rooms will be permitted.

Whilst welcoming this work and spirit of compromise which had gone into the above proposal, the Working Group, by a majority, rejected these arguments on the grounds that:

- If we know that smoking is harmful to others, we should make efforts to minimise the risk *as soon as possible*.
- The approach was discriminatory against small pubs. In particular, the traditional ‘working mans pub’ would be the one least likely to have the capital and revenue to install, maintain and operate expensive ‘state of the art’ air cleaning equipment.
- Similarly in the attempt to ensure a ‘level playing field’ the proposal to have separate ‘smoking’ and ‘smokefree’ rooms would also discriminate against smaller licensed premises and ‘working mans pubs’, which frequently only had one bar.
- The suggested ‘phased approach’ would lead to uncertainty, inconsistency and be almost impossible to monitor and enforce within existing resources.

xi. **Private clubs**

In the Department of Health’s Consultation Document on possible exemptions in England, it is proposed that ‘private members clubs’ also be exempt. This too was rejected by the Advisory Group on the grounds that:

- It is discriminatory to offer protection to some staff, but not to others.
- In other jurisdictions, some (formerly) licensed premises have brought in ‘nominal’ membership subscriptions, in order to be regarded as a ‘private members club’. This effectively circumvents the intent of the legislation, disadvantages other licensed premises and does not represent a ‘level playing field’.
- The law should be simple and straightforward to administer as possible. The creation of additional categories would add to definitional difficulties and complexity, and would be impossible to police within existing staff resources.

xii. **Small and single person workplaces**

During the lead up to the States Debate on proposed ‘*smokefree*’ legislation in March 2005, questions were asked about the hypothetical farmer driving his ‘enclosed’ tractor on Chouet headland, and the smoking skipper of a fishing boat who only had a ‘deckhouse’ large enough for one, but who employed a crew member?

Similarly, in their response to the call for comments on the proposed ‘*smokefree*’ legislation, the Commerce and Employment Department suggested that ‘*Any enclosed workplace that is in effect only used by a single person, with little or no access by any other person, for example motor vehicle cabs, fishing boat wheel houses, small single person workshops, etc*’ should be exempt.

Practicalities of enforcement

Other questions have been raised in discussion on whether the law would extend to visiting cruise liners in Guernsey territorial waters, or in the cabs of trucks when only the driver is present.

The Irish Authorities have confirmed that under their legislation, smoking is prohibited on board all commercial vessels with staff and passengers whilst in Irish territorial waters, and *all* persons in commercial vehicles are prohibited from smoking.

However, the Advisory Group accepted that it is rarely possible to frame legislation to include all possible circumstances. Similarly, it would not be possible to police and enforce every location within existing staff resources, even if such locations were included in the legislation.

What is most important is the *spirit* and *objective* of the legislation, which is the need to protect others from the harmful effects of environmental tobacco smoke.

In such circumstances, should a member of the public or employee complain to the Environmental Health Department that they were regularly and unnecessarily exposed to environmental tobacco smoke, whether in a small single person worksite or similar, then the Environmental Health Department would wish to investigate the circumstances and offer the owner or employer appropriate advice on the intent of the legislation and modifications which *could* be undertaken to more fully comply. In most instances, it is felt that a workable compromise could be achieved.

Appendix 1**‘Smokefree’ Legislation Advisory Group****Invited representatives**

Organisation	Nominee
Representative of Legal Community	Jurat Alan Bisson (Chair)
British Medical Association	Dr Chris Monkhouse
Chamber of Commerce	Mr Mark Trenchard Mr Chris Sharp
Commerce and Employment Department	Deputy Leon Gallienne
Home Department	Inspector Ian Morellec
Education Department	Mr Alun Williams
Environment Department	-
Environmental Health Department	Mr John Cook
Guernsey Licensed Victuallers Association	Mrs Cyndy de Jersey
Guernsey Adolescent Smokefree Project	Mr Alun Williams
Health and Safety Executive	Mr Barrie Abel
Health Promotion Unit	Mrs Gerry le Roy
Institute of Architects	Mr Jamie Falla
Institute of Directors	Mr Tony Gallienne
Medical Specialist Group	Dr Wasif Annes
Transport and General Workers Union	Mr John Naftel
Director of Public Health	Dr David Jeffs
Secretariat	Mrs Yvonne Kaill

Appendix 2**i. Invited speakers**

Mr Ian Gray, Policy Officer, Chartered Institute of Environmental Health
Deputy Peter Roffey, Health and Social Services Department, Minister
Mr Peter Leigh, Support our Smokers
Mr Chris Massey, Deputy Prison Governor

ii. Further information sought

Dr Peter Turner, Consultant Psychiatrist
Dr Gillian Turner, Consultant in the Care of the Elderly
Mr Colin le Ray, Airport Director
Mr Dermot Mullin, Senior Manager Specialist Services and Community Care
Mrs Sue Bourne, Senior Manager, District Nurses
Mr Terry Wright, Prison Governor
Mr George Le Page, Chief of Police
Mrs Anna Guilbert, Chief Probation Officer

Appendix 3

References and source documents

Health and Social Services Department '*Protecting the Health of the Workers and the Public against Environmental Tobacco Smoke*' (Billet d'État III March 2005)

Director General of Health and Social Affairs (Norway) "*Review of the first year*" (June 2005).

British Medical Association '*Beyond the smokescreen: myths and the facts*' (April 2005)

Department of Health '*Consultation on the smokefree elements of the Health Improvement and Protection Bill*' (June 2005)

Health and Safety Commission '*HSE's response to the Department of Health's Consultation Document on the 'Smokefree elements of the Health Improvement and Protection Bill'*' (July 2005)

Smokefree Action '*Going smokefree: the case for all pubs and clubs*' (August 2005)

Chartered Institute of Environmental Health '*Smokefree elements of the Health Improvement and Protection Bill* – response to the Department of Health's Consultation (September 2005)

Office of Tobacco Control '*Smokefree workplace in Ireland – one year review*' (October 2005)

Appendix 4

Organisation	Submissions received			Specific point/no state preference
	Agree	Disagree		
Alison Delamare The Captain's Hotel		✓		Felt the legislation would <i>'totally finish this business off'</i>
Commerce and Employment Department		✓		Suggesting categories for exemption
Deputy Carla McNulty Bauer		✓		Supports the ban, but feels the exclusions should be a <i>'workable solution for Guernsey'</i>
Mr Anthony Gover Chairman, Gover Group		✓		Against – <i>'not enough consultation within the industry'</i>
Mr Alun Williams Chairman GASP	✓			Very comprehensive reasons for agreement
Mr Peter Tabb Channel Islands Tobacco Importers Association		✓		<i>'Regulatory ban is both bureaucratic and unnecessary'</i>
Mr Ed Daubeney Managing Director, C.I. Hospitality		✓		Comprehensive reasons as to why exemptions should be adopted
Mr Brian Parsons	✓			<i>'We therefore urge you to finish a good job and have no exemptions at all from the smoking ban'</i> .
Deputy Rhoderick Matthews	✓			<i>'I would ask you to keep exemptions to the very minimum'</i> .

Mr and Mrs D Le Tissier	✓	<i>‘We would both support a complete ban on smoking’.</i>
Mr Neil Martin	✓	<i>‘I would urge you to make as few exemptions as possible’</i>
Mr Andy Walker	✓	<i>‘Why should I suffer from someone’s drug addiction, for that is what it is.’</i>
Mr Charles Poynder	✓	<i>‘going quite overboard over all this and interfering with peoples’ human rights’.</i>
Mr John Nelson	✓	<i>‘excellent idea and should have been brought in long ago’.</i>
E Paterson	✓	<i>‘jobs will be lost’</i>
Mr Gary Blanchford	✓	<i>‘Guernsey is over legislating’</i>
Mr Scott Vines Director, Fox Trading	✓	<i>‘A reasonable approach to this law would be to make sure that all enclosed public places should ...’.</i>
Mr D V Allen	✓	<i>‘Less government not more. Freedom of choice. No nanny state.’</i>
Mr Graham Parsons	✓	<i>‘No exemptions’</i>
Deputy Dave Jones	✓	For the ban – but concerned about local bars and pubs
Ms N Prueter-Burford Yacht Inn	✓	<i>‘why does Deputy Roffey and many other so called ‘do gooders’ try to destroy the island socially and financially’</i>

Mr Andrew Ozanne Chairman, Crimestoppers	✓	<i>‘I entirely support the Health and Social Services Department’s proposals for the public smoking ban’</i>
Mrs B Health	✓	A number of reasons for agreement
Mr K S Brookfield	✓	<i>‘I am totally in agreement with the proposals in the entirety.’</i>
Mrs Jan Morris	✓	<i>‘Please, please consider a full ban on smoking in <u>all</u> public buildings without exception.’</i>
Speech and Language Therapy Department	✓	<i>‘We strongly feel that there should be no exemptions at all.’</i>
Mrs N Crabb	✓	<i>‘it can’t come soon enough.’</i>
Mr Phil Lenfestey	✓	<i>‘I would like to add my support..’</i>
Mr Roy Bisson Chairman, Guernsey Consumer Group	✓	Position Statement – <i>‘due consideration should be given to the large majority of islanders and visitors addicted to smoking’.</i>
Deputy John Gollop	✓	<i>‘liberation policy ‘freedom of choice’</i>
Mrs C A Self	✓	<i>‘lost business’</i>
Mr and Mrs McLuckie	✓	In agreement

Smokefree' Legislation Advisory Group – Summary of proposed exemptions and exceptions

Venue	Smoking prohibited	Smoking Permitted	Special conditions
Police Station	✓	✓	All internal areas Designated external garden area for staff Secure outdoor area for persons detained in custody under supervision at discretion of the Custody Officer
Prison	✓	✓	Offices, restaurants, workshops and communal areas Exercise yards and in individual prisoners' cells <i>It is recommended that the provision of 'smoking cells' be reviewed at no more than three years from the commencement of the legislation</i>
Airport and Sea Terminal	✓	✓	All enclosed public and work areas Designated external areas
Workplace smoking rooms	✓	✓	Smoking prohibited in all internal work and recreational areas External areas and 'smoking shelters' comply with the law
Hotels	✓	✓	All public areas Designated hotel bedrooms. A 'code of good practice' should be drawn up to minimise exposure of staff whilst delivering food and cleaning smoker's bedrooms, etc. <i>It is recommended that this be subject to review no more than three years from the commencement of the legislation.</i>

Venue	Smoking prohibited	Smoking Permitted	Special conditions
Long stay wards, residential and nursing homes, etc	✓	✓	All areas where patients smoke could impinge on the well being of staff and other patients. Exceptions would be made for addicted smokers who were unable to access external areas, providing a ' <i>code of good practice</i> ' had been drawn up to minimise the effect of environmental tobacco smoke on others.
Psychiatric hospital	✓	✓	All public and communal areas, the day centre, occupational therapy, consulting rooms and offices. Designated external 'smoking shelters' open on at least two sides, external courtyard and by exception a small internal smoking room when staff judge that not allowing smoking would be potentially more dangerous for staff than permitting it in <i>exceptional</i> cases.
Clients' homes		✓	A <i>patient information pamphlet</i> should be drawn up for smoking clients summarising the rights of Health and Social Services Department staff to enjoy safe working conditions. Clients should be encouraged to smoke in 'non treatment' areas of their home, or to cease smoking for an agreed period before the scheduled visit of health or social care staff.
Restaurants, hotels, public houses and bars serving food, cafes, snack bars, teashops and canteens.	✓	✓	In all enclosed internal areas. Designated external areas, and 'smoking shelters' which comply with the law.

Venue	Smoking prohibited	Smoking Permitted	Special conditions
Pubs and bars	✓	✓	All internal areas (see Minority Report) Designated external areas, and 'smoking shelters' which comply with the law.
Private clubs	✓	✓	All internal areas (see Minority Report) Designated external areas, 'smoking shelters' which comply with the law.
Small and single person workplaces	✓		The intent of the legislation is to protect the health and welfare of the non-smoking fellow workers and the public more generally. It is accepted that policing smoking prohibitions in small single person work spaces would be impossible within existing resources. If, however, other employees did lodge a complaint with the Environmental Health Department, this would be investigated and appropriate advice on how to comply with the legislation given.

Attachment 2**Minority Report from the Committee of the Guernsey Licensed Victuallers Association**

Deputy P J Roffey
Health and Social Services Minister
'Smokefree' Legislation Advisory Group
Princess Elizabeth Hospital
Le Vauquiedor
St Martins
GUERNSEY
GY4 6UU

10th November 2005

MINORITY REPORT FROM THE COMMITTEE OF THE GLVA

Dear Deputy Roffey

I have represented my members, and other professionals within the Licensed trade at various meetings of the 'Smokefree' Legislation Advisory Group. As you know from previous correspondence, but for the purposes of this report let me re-iterate, I have felt very strongly that the structure of the Advisory Group was, from the outset, heavily weighed against the supporters of retaining some form of freedom to smoke.

Again, let me re-iterate that the GLVA committee, representing its members is prepared to accept the inevitability of a total smoking ban at some future date. However, it is still our considered view that this should be achieved by a gradual process. We have previously likened the process to that of someone trying to give up smoking, most find it easier to achieve this over time with a target date by when they hope to achieve their goal.

We had hoped that the Advisory Group would see the common sense approach in this, but our hopes have been thwarted time and again, hence the requirement for this Minority Report.

We are highly concerned that the proposed legislation is fundamentally flawed and will be both difficult to administer/police, especially as the list of exemptions will grow, meaning that the impact of the legislation will affect a minority of 'workplaces'. In simple terms OUR WORKPLACES. It is important to note that many licensees themselves are non-smokers.

We are also concerned that this is the 'thin edge of the wedge' and that alcohol will be next on the list of pleasures to be put under the spotlight.

Returning specifically to possible further exemptions we are firmly of the opinion that Public Houses, Nightclubs and Restaurants should be exempt to a degree.

To support our case we provide the following statements.

- A) • To our knowledge in excess of 150 pubs have closed in Ireland since their non-smoking legislation was introduced.
- B) • The effect of a smoking ban on smaller 'locals' pubs would **without doubt** lead to their closure and the loss of livelihoods for the licensees. It would also bring financial hardship to many part-time workers whose secondary income is bar work.
- C) • Public Houses in particular are part of the fabric of life. We are in many cases community centres providing a meeting place for those who live alone or who are in the later stages of life but still active. (An irony then that these same people if infirm, would – under the original proposed exemptions – be allowed to smoke in long-stay hospital wards and nursing/residential homes).
- D) • With regard to Nightclubs, we are concerned that the management of people leaving/re-entering nightclubs to smoke will lead to further problems for door staff and possibly increased police monitoring as a result.
- E) • With regard to Restaurants, many of our members – and other restaurateurs who have contacted us, have already introduced their own sensible smoking policies. For example – no smoking in the restaurant before 10.00 pm; smoking only permitted in the bar area not dining area; designated smoking/non-smoking areas. We believe that this 'common sense' approach should be allowed to prevail.

We maintain, as previously stated, that the proposed legislation is fundamentally flawed. However, we also live in the real world and therefore would urge the Members of the States to consider the following POSITIVE proposals, which we would like to implement WITH you, by a gradual process, with the objective of working towards an eventual goal.

We would like to propose the following THREE YEAR PLAN.

1. • YEAR ONE

- 1.1 By the end of September 2006, that all Licensed Premises will have introduced a 'smoke free' zone in their 'Public & Lounge' bars measuring 1 metre from the 'skirting' of the bar itself.
- 1.2 That, by the end of September 2006, all licensed Premises will have introduced a 'smoke free' time period in their 'Public & Lounge' bars during the specified hours that meals are served.

1.3 That all Licensed Premises will be encouraged to install or update ventilation equipment and/or to create dedicated smoking rooms within which no bar staff will be expected to work and where no alcohol will be served.

2. • YEAR TWO

2.1 By the end of September 2007, that all Licensed Premises will have introduced a TOTAL smoking ban within 'Lounge' bars. The proposed 'smoke free' zone in Public Bars will of course be maintained.

2.2 That all Licensed Premises will still be encouraged to install or update ventilation equipment and/or to create dedicated smoking rooms, adjacent to their 'Public' bars, within which no bar staff will be expected to work or serve alcohol.

3. • YEAR THREE

3.1 By the end of September 2008, that all Licensed Premises will have introduced a TOTAL smoking ban within 'Public' bars.

3.2 That, by the end of September 2008, all Licensed Premises, who have elected to do so, will have created dedicated smoking rooms, adjacent to their 'Public' bars, within which no bar staff will be expected to work or serve alcohol. After this date no new applications for such smoking rooms will be permitted.

We trust that some States Members will support these common sense proposals as we feel we have significantly moved our position and we feel that the proposed timescales will allow our customers sufficient time to adjust and to ensure a smooth transition towards a 'smoke free' environment.

Yours sincerely

Cindy de Jersey
President
Guernsey Licensed Victuallers Association



No Smoking

**Under the Smoking (Prohibition in Public Places and Workplaces)
(Guernsey) Law, 2005**

It is illegal to smoke in these premises

Maximum Fine in accordance with Schedule 2

Please notify complaints to

(NB The Policy Council supports the principles and main aspects of the proposals but Members will vote on the basis of their individual views on any amendments to extend the list of exemptions.)

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

The States are asked to decide:-

VII.- Whether, after consideration of the report dated 31st January, 2006, of the Health and Social Services Department, they are of the opinion:-

1. To approve that an ordinance be prepared which allows for the exemptions and exceptions to the Smoking (Prohibition in Public Places and Workplaces) (Guernsey) Law, 2005 as detailed in paragraph 63 of that Report, specifically to include:
 - (a) the cells of prisoners at Les Nicolles Prison;
 - (b) hotel bedrooms designated 'smoking';
 - (c) designated non public areas of long stay wards, residential, nursing and community homes, provided measures are in place to minimise unnecessary exposure of other residents and staff to environmental tobacco smoke;
 - (d) designated internal areas of the acute psychiatric hospital, provided measures are in place to minimise unnecessary exposure of other residents and staff to environmental tobacco smoke;
2. To approve that an ordinance be prepared to specify signage to be displayed in line with paragraphs 68-71 of that Report.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

ENVIRONMENT DEPARTMENT

ROAD TRANSPORT STRATEGY

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

22nd February 2006

Dear Sir

Executive Summary

The Environment Department has undertaken a review of the Island's Road Transport Strategy. In doing so, it has aimed to broaden the focus of the previous Strategy, which was "...to reduce car usage in the Island" and which it felt was too narrow an objective. It felt that more consideration needed to be given to other forms of traffic, such as heavy goods vehicles, rather than simply car usage. The Department also believes that any Strategy should recognise that vehicle use is an inherent part of society in Guernsey today, whilst acknowledging the environmental, social and economic impacts that traffic can have, particularly where this is a result of anti-social driving behaviour, and that it should focus on mitigating these impacts.

The Department believes that, as a matter of principle, the main objective of the Strategy should be to reduce the adverse environmental, economic and social impacts of vehicle use in the Island, in particular, by: encouraging the use of alternative forms of transport; discouraging unnecessary motor vehicle usage; promoting more responsible use of vehicles; and, promoting more efficient use of the Island's transport infrastructure.

This Strategy includes a range of initiatives to encourage the use of alternative forms of transport. With passenger journey numbers having risen by 57% over the past five years to more than 1.3m per annum, a key aim remains the ongoing provision and development of a quality scheduled bus service offering affordable fares and a reliable and frequent service to provide a viable alternative and reduce car dependency. The expansion of the existing school bus network and, ultimately, provision of a free school bus service will be pursued and will provide a significant opportunity to reduce traffic congestion on the Island's roads at peak periods, reducing congestion around schools and improving safety. Initiatives to encourage walking, cycling and motorcycling and to improve the environment and safety for these and other vulnerable road users, feature

prominently, as do schemes to encourage travel planning, car sharing and the use of smaller, more environmentally friendly cars.

The Department believes that fiscal measures should be put in place to discourage unnecessary vehicle usage. The marginal costs of car use are relatively low in Guernsey and are also perceived as being cheaper than that of using public transport. Accordingly, it believes there is a strong environmental case to support the abolition of motor tax and introduce a corresponding increase in petrol tax. This is consistent with the “polluter pays” principle and, by increasing the marginal cost of each journey, will discourage unnecessary vehicle use and promote the use of alternatives. Subject to the considerations set out in detail in the Report, the Department is recommending the States to adopt this approach.

The Department believes that promoting more responsible use of vehicles, together with safe and responsible driving standards, is an important means of reducing the adverse environmental and social impacts of vehicle use in the Island, as well as tackling anti-social driving behaviour, including noise pollution and speeding, that can adversely affect the quality of life and health of many members of the community. The Strategy provides for a number of initiatives in this area, including: driving standards; driver licensing age requirements; speed limits; a ban on bull bars; and, compulsory vehicle noise and emission testing.

The Department feels that an important new focus of the Strategy should be in making the optimum and most efficient use of the Island’s transport infrastructure and, in particular, the road network. Changes and improvements to the road network can play an important part in moving people and goods around the Island efficiently. A road hierarchy has been developed, which it intends to review with the Island’s Douzaines and seek suggestions from them for improvements and changes to the roads within their Parishes. It will also be carrying out a review of the options available to reduce the significant environmental and social impact that heavy goods vehicle activity can have on road users and the community generally. In recognition of the strategic importance that it plays in the Island’s road network, the Department has commissioned a review of the seafront between Bulwer Avenue and the Weighbridge roundabout. Taking into account the interests of all road users, the review will consider the optimum methods of junction control along the route.

The Strategy envisages additional annual revenue and capital expenditure of between approximately £600,000 and £838,000 per annum over the next five years to deliver the package of improvements being recommended. The Department has reviewed a range of funding options for this expenditure, including congestion charging, pay parking, workplace parking levies, tax on fuel, increases in bus fares and other administrative charges.

The Department believes that the chosen funding mechanisms should recognise that, to a greater or lesser extent, all motorists contribute to the Island’s traffic problems and that they should encourage the wider community to take “ownership” of these problems. A priority has been to identify an equitable funding mechanism that spreads the cost of

providing viable alternative forms of transport and improvements to the road network more widely amongst motorists. Having done so, drivers can then exercise “freedom of transport choice” by either continuing to drive or taking advantage of the alternatives they have helped to provide.

Against the above background, the Department is recommending that the Strategy should be financed by a combination of: an increase of 1.2 pence per litre in the existing rate of petrol tax (before any changes arising from the abolition of motor tax), which is payable by all drivers and is consistent with the polluter pays principle; an increase of 10 pence in bus fares and the introduction of a premium fare of £3 for new evening services; the introduction of an administration charge of £35 for the first registration in the Island of new and second hand vehicles; and, the introduction of an administration charge of £25 per annum for residents’ parking permits. It is also recommending that the existing States’ resolutions to introduce pay parking in long-stay parking areas in St Peter Port should be rescinded.

In presenting this Strategy to the States, the Department is also taking the opportunity to recommend some minor changes to existing driver licensing, vehicle registration and road traffic legislation.

Table of Contents	
1. Background 2. Review of Road Transport Strategy 3. Objectives and Principles of Road Transport Strategy 4. Encouraging the Use of Alternative Forms of Transport 4.1 Introduction 4.2 Scheduled Bus Services 4.3 Scheduled Bus Fares 4.4 Scheduled Bus Contract 4.5 Scheduled Bus Fleet 4.6 School Bus Service 4.7 Park-and-Ride 4.8 Taxi and Private Hire Services 4.9 Residents' Parking Schemes 4.10 Motorcycling and Cycling 4.11 Small Car Parking Schemes 4.12 Travel Planning and Car Sharing 4.13 Vulnerable Road Users 5. Discouraging Unnecessary Vehicle Usage 5.1 Tax on Fuel and Motor Tax 6. Promoting More Responsible Use of Vehicles 6.1 Introduction 6.2 Driving Standards 6.3 Driver Licensing – Age Requirements 6.4 Strategic Review of Speed Limits Construction & Use Legislation	7. Promoting Efficient Use of Infrastructure 7.1 Introduction 7.2 Road Hierarchy 7.3 Heavy Goods Vehicle Activity 7.4 Seafront Junction & Link Assessment 8. Funding 8.1 Background Considerations 8.2 Revenue Hypothecation 8.3 Tax on Fuel 8.4 Paid Parking – Long-Stay 8.5 Paid Parking – Long & Short-Stay 8.6 Benefit-in-Kind and Workplace Parking Levy 8.7 Administrative Charges 9. Recommended Funding Option 10. Legislation 10.1 Introduction 10.2 Number Plates 10.3 Signs and Lines 10.4 Provisional Driving Licences – Motorcycles 10.5 Exchange of Driving Licences 10.6 Renewal of Driving Licences 11. Recommendations
Appendices	
1. Taxi and Private Hire Services Policy Statement 2. Residents' Parking Schemes 3. Travel Plans 4. Road Hierarchy	

1. Background

- 1.1 In March, 2003, the former States Traffic Committee submitted its policy letter to the States on an Integrated Road Transport Strategy for the Island (Billet d'Etat IV of 2003). Having considered the proposals, the States adopted the Strategy and, in particular, resolved that its main objective should be to reduce the level of car usage in the Island. The Strategy was based on an integrated set of policies and initiatives on public transport, parking, vehicle registration and licensing, road safety and the environment that were intended to work together towards achieving this objective.
- 1.2 In approving the Strategy, the States resolved that pay parking should be introduced in the long-stay parking areas at the Odeon, North Beach and Salarie car parks and in some (but not all) on-street long-stay parking places. The Committee was required to report back to the States with proposals for the levels at which pay parking charges should be set.
- 1.3 As well as providing an incentive to commuters to switch to alternative forms of transport, the former Committee envisaged that the net revenue raised by pay parking would be essential in providing one of the main sources of income to fund the capital and revenue costs associated with many of the other initiatives that formed part of the Strategy. These included: further improvements to the scheduled bus services; the provision of a free school bus service for all pupils; improved park-and-ride facilities; improved cycling and motorcycling facilities; and, improved and safer facilities for vulnerable road users.
- 1.4 In accordance with the States resolutions, the former Committee reported back to the States with alternative proposals for the rates at which pay parking charges should be set in both July and November of 2003 (Billets d'Etats XVI and XXVIII of 2003). In the course of considering these, the States rejected five different hourly rates for long-stay parking ranging from 15p to 40p per hour.
- 1.5 Nevertheless, having rejected all the differing proposals for charges that were put forward, the States went on to reject a proposition to rescind its original resolutions that pay parking charges should be introduced. These resolutions still remain in place. It also went on to reject a proposition that the operating and capital costs associated with the Strategy should be funded from general revenue.

2. Review of Road Transport Strategy

- 2.1 On assuming responsibility for the mandate of the former States Traffic Committee, the Department was conscious that both the public and States' debates on the above policy letters demonstrated very mixed, diverse and strongly held opinions on the Strategy and, specifically, the use of pay parking as both a deterrent to car use and as a funding tool. This is perhaps best reflected in the States conflicting decisions on pay parking set out in section 1

above, which left the Strategy in place, but without an effective source of funding and, hence, implementation.

- 2.2 Against the above background, the Department agreed that a full review of the Strategy and all its objectives should be carried out before submitting a further report to the States on the matter.
- 2.3 The Department was very conscious that the main objective of the original Strategy had been "...to reduce car usage in the Island". By focusing simply on "car usage", its concern was that this objective was too narrow. It did not give sufficient consideration to other forms of traffic, such as heavy goods vehicles, which can have a significant impact on the environment, both for other road users and the community generally. Furthermore, the Department felt that this objective precluded consideration of other adverse environmental, economic and social impacts that traffic can have, but which are not specifically related to the level of car usage in the Island.
- 2.4 Therefore, in widening the focus of the Strategy, the Department felt that much greater emphasis should be given to the anti-social aspects of driving behaviour within the Island. Whilst responsibility for such behaviour rests with a minority of drivers, the Department is concerned that it is becoming increasingly prevalent and is having a significant impact on the Island's physical and natural environment, as well as the community at large. In this respect, the Department recognises that the nuisance caused by excessive noise and emissions from poorly maintained vehicles is a particular concern for many Islanders, as are the dangers caused by abuse of the speed limits.
- 2.5 Similarly, the Department felt that an additional focus of the Strategy should be the negative impact that heavy goods vehicle activity can have on the roads, traffic circulation, safety, the environment and the community. The Department would like to identify means of reducing the adverse effect this activity can have, whilst recognising that there is a balance to be struck here and that such operations are essential in maintaining the Island's prosperity, services and infrastructure. At the same time, it wanted to explore opportunities to encourage the use of smaller vehicles on our roads, both through fiscal measures and operational initiatives.
- 2.6 In carrying out the review, the Department was conscious that much of the previous debate on the Strategy had focused on the issue of pay parking. There was a perception that the Strategy sought to "ostracise" private car use in the Island and did not properly recognise that the motor car is an integral and inescapable part of modern life in Guernsey. Therefore, whilst examining the appropriateness of the Strategy's policies and initiatives, the Department also took the opportunity to examine alternative funding mechanisms and, in particular, whether more equitable options were available and feasible.

- 2.7 The previous pay parking proposals had envisaged the introduction of charges in public long-stay car parking areas only. The Department was concerned that this approach to pay parking would not encourage “ownership” of the Island’s traffic problems amongst the wider community, particularly as motorists using private parking would not have been subject to the deterrent that the charges in public car parks were intended to provide. The Department believes that any financial tools or mechanisms used as part of the Strategy must recognise that, to a greater or lesser extent, all motorists contribute to the Island’s traffic problems. As such, it also believes that whatever funding mechanism is put in place should seek to spread the cost of providing viable alternatives more widely amongst motorists. Having done so, drivers can then exercise “freedom of transport choice” by either continuing to drive or taking advantage of the alternatives that they have helped to provide.
- 2.8 The review has also provided the Department with a timely opportunity to address the future arrangements for the provision of scheduled bus services. Following the States’ acceptance of its public transport strategy in 2001, the former Committee entered into a five-year contract with Island Coachways for the provision of the bus service. This is due to expire on 30th June, 2006. As the provision of a quality scheduled bus service will be a cornerstone of any road transport strategy, it is important that the future contractual arrangements for the service are confirmed at this time.

3. Objectives and Principles of a Road Transport Strategy

- 3.1 The number of vehicles taxed for use in Guernsey continues to rise. In 2004, the total number of vehicles taxed for use reached 47,941, an increase of 16% since 1990. This was made up of 40,268 private vehicles (up 15% over the same period) and 7,673 commercial vehicles (up 25% over the same period).
- 3.2 During the course of each year, these are supplemented by visiting vehicles. For example, in January of 2004, the number of vehicles arriving and departing through the harbour (excluding commercial, trade and unaccompanied ones) was 700 and 552 respectively. These figures rose to a peak of 6,624 and 6,844 respectively during August. The Department feels that any Strategy should also take account of the impact that these visiting vehicles have and, in particular, a means should be identified of ensuring that they also contribute towards the funding of the Strategy.
- 3.3 The Department believes that, as a matter of principle, the main objective of the Road Transport Strategy should be to **reduce the adverse environmental, economic and social impacts of vehicle use in the Island**, in particular, by:
- a) encouraging the use of alternative forms of transport;
 - b) discouraging unnecessary motor vehicle usage;
 - c) promoting more responsible use of vehicles; and,

d) promoting more efficient use of the Island's transport infrastructure.

3.4 The Department believes this broader approach will be well placed to deliver the benefits envisaged by the original Strategy, including:

- a) a reduction in the levels of traffic congestion that is responsible for many of the stresses being witnessed on the existing road system;
- b) the more efficient movement of people and goods around the Island;
- c) environmental benefits, notably through reduced vehicle emissions; and,
- d) an improved quality of life for all road users and the community generally.

The revised objective does not simply seek to reduce car use in the Island, which the Department feels was too blunt an objective. Rather, it focuses on all types of vehicle use generally and recognises that this is and will continue to be an inherent part of society in Guernsey today. Nevertheless, it acknowledges that vehicle use does have a profound and significant social and environmental impact on the community. It focuses on reducing these harmful impacts, rather than just motor vehicle use itself. As such, it provides for a more flexible approach to the Island's traffic problems that acknowledges that vehicle use will continue, but seeks to mitigate the effects that it has.

3.5 The Department also believes that this revised strategic objective is consistent with the guiding corporate themes set out in the 2005 Policy and Resource Plan and, in particular, section 2.2.10 of the Plan which confirms that the States will "...support measures to protect the Island from the adverse impacts of environmental pollution and global warming and to play our part in preventing the causes of global environmental problems".

4. Encouraging the Use of Alternative Forms of Transport

4.1 Introduction

The Department has reviewed a number of initiatives in the following areas intended to promote the use of alternative forms of transport, including:

- a) scheduled and schools bus services;
- b) park-and-ride services;
- c) taxi and private hire services;
- d) residents parking schemes;
- e) motorcycling;

- f) cycling;
- g) small car parking schemes;
- h) car sharing schemes;
- i) travel plans; and
- j) vulnerable road users, such as cyclists, pedestrians, children and the disabled.

Its position on each of the above is set out in greater detail below.

4.2 Scheduled Bus Services

- 4.2.1 Considerable investment has been made in the Island's scheduled bus services since the States approved the former Committee's public transport strategy in 2001, including a new route network and timetables, cheap bus fares and a new bus fleet. In 2005, the net subsidy cost of providing the services is expected to be £1.8m. This includes the cost (through lost revenue) of providing free travel for OAPs, which was approved by the States in 2000 as a separate matter to the public transport strategy. The bus service provides an essential social facility for this sector of the community, many of whom are on low incomes and/or are no longer able to drive. The number of passenger journeys being made by OAPs has increased by 59% to just over 200,000 per annum.
- 4.2.2 Evidence continues to show that the public, both residents and visitors alike, is responding positively to the provision of a quality bus service, as follows:
- a) total passenger journeys have increased by 57% since the first year of the contract with Island Coachways from 860,100 to 1,350,590 per annum;
 - b) strongest growth has consistently been recorded during the winter months, when the services are predominantly used by local passengers and journeys increased by 85%;
 - c) passenger journeys at commuter periods have increased by 71% from 254,656 to 435,142 per annum;
 - d) again, the strongest growth at commuter times has been recorded during the winter months, when journeys have increased by 95%.

At certain peak periods, the services are now running beyond their capacity and passengers are actually being left behind at bus stops. Regrettably, the Department does not have sufficient funding at this time to expand the services to cater for this increased demand.

- 4.2.3 The Department supports the ongoing development of the bus service and its associated infrastructure (bus shelters, timetables, promotions etc). It believes that the aim should be to provide a quality scheduled bus service offering affordable (but not necessarily cheap) fares and a reliable and frequent service in order to provide a viable alternative and reduce car dependency.
- 4.2.4 The Department's priority, in developing the services, will be further improvements to the commuter and early evening services. Better coverage at these times should provide greater choice and flexibility for passengers and improve confidence levels for those commuters who might previously have been deterred from using the bus for fear that, for example, they would have no means of getting home on occasions when they might have to remain at work later. Thereafter, the Department's other priorities will be to provide better off-peak service frequencies, better late-evening and Sunday services and further improvements to the Footes Lane park-and-ride service, which has potential to relieve pressures on parking in Town during the peak summer season in particular.
- 4.2.5 The following package of measures is currently under consideration:
- increasing the peak period service frequencies for commuters on the core corridors between Town and the Bridge, L'Ancrese, St Martins, L'Aumone, Vazon and Grandes Rocques to 10 minutes. The estimated cost of these service improvements is £78,000 per annum;
 - increasing the peak period service frequency at commuter times on the Footes Lane park-and-ride service (which also serves the main housing estates and supermarkets on the outskirts of Town) to 15 minutes. The estimated cost of this service improvement is £19,500 per annum;
 - targetted additional services for commuters arriving in Town at or around 7.30am on selected routes where services at these times are currently poor, estimated at costing an additional £8,000 per annum;
 - an extension of services in the early evenings on all routes with regular departures from Town until between 6.30pm and 7pm. The estimated cost of these improvements is £63,500 per annum. An extension of these services until around 11.30pm would cost around a further £74,500.
- The extension of services into the evenings does have a disproportionately high level of additional cost. This is a result of the split shift arrangements that are involved in the employment of additional bus drivers;
- off- peak service improvements. These include:
 - maintaining the Footes Lane park-and-ride service at 15 minute frequencies throughout the day;

- increasing service frequencies between L'Aumone and Town and between L'Ancrese and Town from 30 minutes to 15 minutes throughout the day; and,
- increasing service frequencies between Landes du Marche/Pleinheume/Baubigny and Town and between St Andrews/Longfrie and Town from hourly to half-hourly.

The estimated annual cost of these service improvements is £206,312.

The above costings have been prepared in isolation of each other. In the event that a “package” involving more than one of the above is taken forward, then it is possible that the costs will reduce as opportunities for more efficient driver and vehicle rotas emerge.

Island Coachways has noted that, if the proposed commuter improvements are introduced, it will have no spare vehicles at peak periods within either its own fleet of private vehicles or the States provided fleet of scheduled buses. Given the operational difficulties this could cause (if vehicles are off the road for servicing/repairs etc), it is strongly recommending that consideration be given to the purchase of additional vehicles. The Department is proposing that three additional buses should be purchased and that these should be funded by a loan from the Treasury and Resources Department to be repaid by the Department over the useful life of the vehicles.

4.3 Scheduled Bus Fares

- 4.3.1 The current low fare structure was put in place following the agreement of the States in 2001. A flat cash fare of 50p per journey is available. In addition, pre-paid multi-trip “smart card” tickets allow passengers to travel for further discounts. A ten journey card can be bought for 35p per trip, a thirty journey card for 25p per trip and a fifty journey card for 20p per trip. Fares have not changed since that time and, in effect, have fallen in real terms. Bus receipts (including advertising revenues) currently cover approximately 20% of the cost of operating the services.
- 4.3.2 Whilst the Department remains committed to the provision of affordable fares, it will consider increases in them to assist in the ongoing funding of the service and, in particular, additional and improved service initiatives. For example, this could include the introduction of “premium” fares to assist in the provision of late-night services. It is estimated that a single fare of £3 would be required to cover the estimated cost of operating late-night services.
- 4.3.3 The Department will also seek to increase fares so they keep up with inflation so that the real cost of the current services to the taxpayer does not increase further. For example, if fares had been maintained in line with inflation since 2001, then at current passenger levels, this would raise approximately £81,000 per annum

in additional revenue. An increase across the board of 10p in all fare categories (excluding OAPs) would generate an additional £115,000 per annum.

- 4.3.4. In the event that the existing bus service was to be fully funded by fares receipts, then the existing flat fare would have to increase from 50p to just under £2.00. Alternatively, if a zoned fare system relating to distance travelled was re-introduced, then a range of five fares from £1.45 to £2.55 could achieve the same results. However, this assumes that passenger numbers would be unaffected by the increases and would remain constant. This would not be the case.
- 4.3.5. Research indicates that the “price elasticity” of demand for bus patronage in the short term can be 0.3 and, in the long-term, as much as 0.6. Price elasticity of demand measures the responsiveness of demand to a given change in price. The higher the figure for price elasticity, the greater will be the response in demand following a change in price. In Guernsey, passenger numbers have continued to grow following the introduction of cheap tickets, despite there having been no further changes to the fares since 2001. This supports the hypothesis that elasticity of demand is higher in the long-term. Research undertaken on the Department’s behalf has shown, for instance, that if bus fares were quadrupled, this would not be matched by a corresponding increase in fare receipts. Income would only double as passenger numbers eventually fell by half as a result of the increased fares.
- 4.3.6. Whilst the above is perhaps an extreme example of the effect that price increases can have, it does demonstrate that an increase in fares does not necessarily equate to a corresponding increase in receipts. It can lead to a “vicious circle” of passenger decline, in turn necessitating further fare increases or reductions in service levels.

4.4 Bus Contract

- 4.4.1. Island Coachways’ contract for the operation of the scheduled bus services expires on 30th June, 2006. The Department is recommending that it be authorised to negotiate a new five-year contract with Island Coachways for the provision of the scheduled services. Such negotiations would be undertaken in conjunction with the Treasury and Resources Department and the final contract would be subject to its approval.
- 4.4.2. The Department has taken the following factors into account in considering this matter:
 - a) the ongoing provision of quality scheduled bus services in the Island is a cornerstone of this Strategy. Continuity of service provision will therefore be very important if the Department is to be able to proceed with the delivery of the Strategy in a timely manner;

- b) Island Coachways has delivered the services specified under its contract with the Department to a very high standard.

As is the case with the current arrangement, any new contract would include flexibility to vary service and fare levels, either upwards or downwards, in the light of changing circumstances and budgets.

- 4.4.3 The Department believes that, in Island Coachways, there remains a competent, experienced and dedicated local company that has shown considerable commitment to working with it to develop the scheduled bus services. The Company has demonstrated a very strong commitment to providing high quality customer services, backed up by improved staff training. This has been essential in underpinning the “quality bus partnership” that has been established with the Company, an arrangement that is now being widely recognised and pursued by local authorities throughout the UK as “best practice”.

4.5 Scheduled Bus Service Fleet

- 4.5.1 The Department is conscious that there has been much adverse comment about the size of the new bus fleet that was ordered by the former Traffic Committee and is now operated by Island Coachways. It has reviewed the considerations that were taken into account in deciding to order the vehicles concerned and has set out the main points below.
- 4.5.2 At the outset, it is worth noting that the tender specification for the fleet required that the buses were “low floor” and, as such, had only a single step for boarding. This is an important consideration for elderly passengers and children. It also specified that they should have “kneeling” suspension, allowing the front nearside of the bus to be lowered even further once stationary. This allows the use of a wheelchair ramp, opening up the services to the disabled, as well as further assisting the infirm in boarding the vehicles. There are designated spaces inside the buses for wheelchairs, but when this is not in use, this provides valuable additional space for parents with buggies and prams etc.
- 4.5.3 At the time that tenders for the fleet were sought, the buses were the narrowest **low floor** bus available that could also comply with the other requirements of the tender specification. At 2.359 metres in width, the new fleet is wider than the vehicles it replaced, but is narrower than the maximum permitted on the Island’s roads. At 9.669 metres in length, the buses are shorter than the maximum permitted on the Island’s roads. Although approximately one metre longer than the Optare Metroriders that they replaced, they are shorter than the old Bristol LH coaches that were employed by the former Guernseybus on the scheduled services for many years.
- 4.5.4 Although the body overhangs the front and rear axles, the vehicles’ shorter wheelbases actually provide for easier manoeuvrability. Island Coachways was anxious that the driver should be positioned ahead of the front axle, as this

provided easier vision and manoeuvrability for the driver. The vehicles have a short wheelbase, providing a swept turning circle of 17.884 metres. Of the tenders received, the next closest contender had a turning circle that was one metre greater.

- 4.5.5 The size of the vehicles was also intended to cater for future growth in passenger numbers. Since the new arrangements for the bus services were put in place, total passenger numbers have increased by 57% and are continuing to climb. The **average** load factor of all the bus services during the last contract year was over 18 per journey. However, this figure varies widely depending on the time of the day, the time of the year and the area of the Island being served. As noted above, Island Coachways is now having to cut short their routes and leave passengers behind at bus stops at peak periods because of capacity problems. There is some evidence available to suggest that growth in the peak summer months in passenger numbers is being constrained by capacity shortages.
- 4.5.6 The capacity of the vehicles was also largely driven by the requirements of the private hire school bus services that the Department provides using the scheduled bus fleet (see section 4.6 below). Approximately three quarters of these services require buses with more than 30 seats to cater for the number of pupils using them.
- 4.5.7 Consideration has been given to a mixed fleet of different sized vehicles. However, there are a number of compelling economic and operational reasons why the use of a standard fleet is preferred:

- a) It significantly reduces maintenance costs;
- b) It provides flexibility and efficiencies in the planning of timetables and driver/vehicle rotas. The use of different sized vehicles tailored to parts of the Island or times of the year would mean that the driver and vehicle rotas would not be as efficient as would be the case with a single fleet, thereby increasing operating costs and, most likely, also requiring the use of a greater number of vehicles.

Whilst smaller vehicles might be appropriate in certain parts of the Island or certain times of the year, this will not always be the case. For example, routes 5 and 5A operate from the north of the Island through Town to the south of the Island. Passenger loadings in the south of the Island on these routes can be low during the winter months, but they also serve the northern end of the Island, which has busy passenger corridors throughout the year. The use of different vehicles on each leg would mean the concept of the through service would have to be withdrawn;

- c) It ensures that disabled or infirm passengers can be confident that an accessible vehicle will be available for them.

In addition, consideration was given to the use of a smaller, but standard, sized fleet. However, this would have required higher frequency services and more buses to cater for passenger demand, increasing vehicle and driver costs.

4.6 Schools Bus Service

4.6.1 The existing schools bus services fall into two categories:

- a) dedicated “private hire” buses that operate to schools around the Island from their main catchment areas. These are provided by the Department on behalf of the Education Department and are free of charge to children entitled to use them; and,
- b) schools bus “vouchers”, which children can use to travel to and from school on the scheduled bus services. Depending on their circumstances, some children are entitled to these vouchers free of charge and some have to pay.

Entitlement to use the school bus services depends on the child’s age and the distance he or she might live from school. There is a legal obligation to provide free transport between their homes and schools for all children aged under eight years living in excess of one mile from their school and for all children aged eight years or over living in excess of two and a half miles from their school.

4.6.2 The Department believes that tackling the school run provides one of the best opportunities to reduce traffic congestion at peak periods. The 2001 Census showed that some 5000 children were driven to school as a passenger in a car or van. 500 pupils drove themselves to school, whilst 757 took the school bus, 1305 walked and 399 used a bicycle. With over half of journeys to school throughout the Island being made by car, there is a large market to tap. If this group can be encouraged to use alternatives, particularly public transport, then significant improvements can be made. The possible benefits can be seen during the school holidays, when traffic volumes fall generally and movement around the roads is more free flowing and efficient. By way of example, previous research has shown that traffic levels on The Grange fall by just over 30% during the school holidays.

4.6.3 Encouraging greater use of the school bus service will:

- a) reduce traffic congestion on the Island’s roads at peak periods;
- b) reduce congestion and traffic levels around schools, improving the environment and road safety, thereby encouraging children to walk and cycle to school; and,
- c) facilitate the use of alternative forms of transport to and from work by parents if they no longer have to undertake the “school run” as part of their journey to work.

- 4.6.4 The Department has expanded the number of dedicated “private hire” buses that it currently operates from within its existing budgets. This has been funded by savings that have been made by working with Island Coachways to better integrate these dedicated private hire services with the Company’s scheduled bus operations. However, it is unlikely that any further savings can now be achieved.
- 4.6.5 The Department believes that the next step should be the provision of a free and more comprehensive school bus service for all pupils, regardless of their age and the distance they live from school. Approximately 1,400 journeys are made each day on the Department’s school bus services. Assuming that the Department was able to double this number, then its estimates are that this would involve:
- a) at least a further 19 vehicles to manage the peak school traffic loadings. Second hand vehicles aged around 5 years and of a reasonable specification are available for approximately £35,000, so this would involve capital expenditure in the region of £665,000. The Department would propose funding this with a loan from the Treasury and Resources Department, which would be paid back over the useful life of the vehicles.
 - b) increased annual operating costs of £233,700.

However, the actual cost of providing this service will depend very much on the level of patronage, which is difficult to estimate, as well as the final specification of the vehicles that are used.

- 4.6.6 Accordingly, the Department is recommending that the provision of a free school service for all pupils be undertaken on a trial basis at one or two primary schools and one secondary school to be agreed with the Education Department during the course of 2006. The project would be monitored by:
- a) passenger counts on the services, both before and after their introduction, to assess the percentage change in pupils travelling to school by public transport;
 - b) monitoring of traffic levels on key roads using traffic counters before and after the services’ introduction;
 - c) surveys of school pupils and parents.

The experiment will provide evidence of the demand for such services, which will then enable the Department to estimate accurately the cost of providing it on an Island wide basis. It will also provide evidence of the impact on traffic levels in the immediate vicinity of the schools concerned. The results will be reported back to the States with recommendations on whether the scheme should be made

permanent and extended to schools throughout the Island. Assuming the experiments are a success, then a priority would be to expand it to schools in and around the Town area in the first instance, where traffic pressures are arguably at their greatest. Such an extension would also depend very much on the Department being able to secure a suitable site to park the vehicles when not in use. However, it should be possible to find some use for the vehicles during the remainder of the day, either in assisting with the provision of enhanced scheduled bus services or in catering for the Education Department's requirements for "ad hoc" transport of children during the school day to events, sports facilities etc.

4.6.7 The Department estimates that a budget of £80,000 would be required for this experiment. Given the limited number of buses that would be required for such an experiment, it expects to be able to "procure" the necessary services by an extension of its current private hire contracts for school services with existing private hire operators in the Island, rather than purchasing vehicles outright.

4.6.8 In addition to the above, the Department is liaising with the Education Department on the following issues:

- a) what scope there would be for a general change in school times to reduce traffic levels generally at peak periods.

The Education Department has indicated that any such initiative could only be considered after full consultation with school staff and parents. Initially, though, it has made a number of observations on the idea:

- there may be health and safety concerns for pupils needing to leave home earlier and wait for a school bus whilst it was still dark in the winter months;
- finishing the school day earlier may be an issue for working parents whose hours might not be able to be changed to allow them to be at home to receive their children from school; and
- a later start to the school day would again be an issue for those working parents that needed to leave for work before the school day commenced. Such parents might then want to drop their children off at school at a time that was unacceptable educationally for the children and difficult organisationally for the school.

- b) what scope there might be to stagger the start and finish times between some individual schools to reduce the peak driver and vehicle requirement for the existing (and future) school bus services.

For example, previous research showed that altering the opening and closing times for La Mare de Carteret by half an hour each day would

reduce peak driver and vehicle requirements, reducing the operating cost of the service by some £70,000 per annum;

Again, the Education Department has indicated that such an initiative could only be considered after full consultation with parents and staff and has suggested that it may well raise the same issues as those highlighted in (a) above. An additional issue would be that of post-school extra-curricular activities, both at school and in the wider community. For example, schools need to finish at roughly the same times to accommodate after school games fixtures.

The Department anticipates that there would likely be opposition to this proposal by those working parents with children at different schools and who would find the domestic arrangements required to deal with the staggered start and finish times difficult to manage;

- c) the possibility of working with one or two schools on a trial basis on the development of pilot school travel plans (see section 4.12 below). A number of individual schools have already expressed an interest in such plans and are working with STEPS (Stop Traffic Endangering Pedestrian Safety) to take them forward.

4.6.9 In considering the future arrangements for the schools bus services, the Department will also consider establishing dedicated pick up and collection points for pupils using the services to facilitate “meet and greet” arrangements for parents. It is also proposing that legislation should be introduced to make it an offence for other drivers to overtake a stationary school bus when it is dropping off or picking up its passengers. Similar arrangements are in force in the United States and are intended to safeguard children walking in the road in the immediate vicinity of the bus just before or after they board or alight.

4.6.10 The Department is also aware that poor pupil behaviour on the school bus service can be a deterrent to its use. Over the past year, it has expanded the use of CCTV systems on the buses after evidence showed that, on those buses where it was already fitted, behaviour was generally better. Subject to availability of resources, the Department proposes to continue expanding the use of CCTV on its vehicles. Expansion of CCTV to the remainder of the existing States’ owned bus fleet is estimated as costing £30,000. Opportunities for providing supervision on board will be reviewed with the Education Department and bus operators.

4.7 Park-and-Ride

4.71 Following the States consideration of a report on parking in St Peter Port in 2001, the former Committee was directed to undertake a comprehensive review of the opportunities for improving the Island’s park-and-ride infrastructure and introducing new and additional sites and services (Resolution IX.3 of Billet d’Etat XIII of 2001). This was re-affirmed as part of the Integrated Road

Transport Strategy approved by the States in 2003 (Resolution XXI.4 of Billet d'Etat IV of 2003).

- 4.7.2 The Department acknowledges that park-and-ride services have a role to play in managing traffic congestion issues. However, within the context of Guernsey, it has reservations about the value it is ever likely to provide. In particular, with the relatively short distances that car journeys anywhere in Guernsey involve, it believes that the additional time involved in using park-and-ride services will always represent a significant disincentive.
- 4.7.3 In addition, the provision of additional dedicated park-and-ride services will be expensive, not just in terms of the capital cost involved in the provision of a car park and associated buses, but also in the annual operating cost. By way of example, the provision of a park-and-ride car park at Frossard House has previously been estimated as costing in excess of £4m and the annual operating cost of the service at £144,000.
- 4.7.4 Against the above background, the Department believes that it would be more cost-effective at this time to prioritise its limited resources on the development of the scheduled bus services, as set out in section 4.2 above. Provided the necessary improvements can be introduced, the scheduled bus services can provide as convenient an alternative as new park-and-ride facilities, if not more so. More importantly, the costs involved would be less significant and are likely to provide a better return on investment, in terms of improved patronage, than the development of new park-and-ride facilities.
- 4.7.5 The Department will continue to support and develop the existing park-and-ride service from Footes Lane, where the facilities have been significantly upgraded recently. The Department believes this existing service has a role to play in easing parking difficulties, particularly during the peak summer season. Although the car park is not served by dedicated park-and-ride buses, two existing scheduled bus routes link the car park with Town three times per hour with journey times of approximately 15 minutes. As part of its improved bus service initiatives (see paragraph 4.2.4 and 4.2.5 above), the Department would like to see a minimum of four services an hour operating from the car park at regular 15 minute intervals.

4.8 Taxi and Private Hire Services

- 4.8.1 The Department is conscious that there is a dominant perception within the community that taxi availability is a difficulty. There is plenty of anecdotal evidence available that reflects concerns about shortfalls in supply. However, there is a lack of quantifiable and objective data or evidence to determine if and to what extent this is the case.
- 4.8.2 The Guernsey Taxi Owners' Federation has previously maintained that, as there are currently difficulties with the recruitment and retention of taxi drivers in the

industry, it would be unlikely that the issue of additional plates would have any significant effect on taxi availability, particularly if individuals currently employed as taxi drivers acquired their own plates. The Federation has also expressed concerns about the sustainability of the taxi industry if additional plates are issued in a limited market, either on a permanent or seasonal basis.

- 4.8.3 It appears that driver recruitment is a significant problem, given the Island's full employment situation. Again, anecdotal evidence supports this concern. The Department has been made aware of instances when many taxi company vehicles sit idle at peak times because of driver shortages. This is reflected by declines in average mileage figures recorded for company owned vehicles over the past five years.
- 4.8.4 The Department has therefore agreed to commission an independent 'unmet demand and supply survey' of the taxi industry. This survey will seek to objectively identify and quantify when and where any such taxi availability difficulties occur and will be used to assist the Department formulate and develop policies and initiatives to try and address them. These will then be published in the annual Taxi and Private Hire Services Policy Statement that is issued by the Department each year. A copy of the 2005 Policy Statement is attached as Appendix 1.
- 4.8.5 It is intended that the terms of reference for this independent survey will be drafted in conjunction with the Guernsey Taxi Owners' Federation to enable the views of the trade to be taken into consideration.

4.9 Residents' Parking Schemes

- 4.9.1 Previous surveys have shown that 22% of Town residents only moved their cars from the disc parking area outside or near their home in the morning to another long-stay area in Town whilst they were at work because the disc parking regulations prevented them from leaving their car there during the day. In effect, many residents are being forced by the disc parking schemes to drive to work elsewhere in Town and are being discouraged from walking or cycling. This adds unnecessarily to peak period traffic movements.
- 4.9.2 With the endorsement of the States, the former Traffic Committee had introduced residents' parking schemes around Town to tackle this conundrum. The schemes operate by reducing the disc parking in the areas concerned to 2-hour periods. Eligible residents are then issued with permits that allow them to overstay the 2-hour parking areas for upto 23 hours. Non-residents who want to visit or shop in the area can continue to use any available spaces as normal for up to 2 hours, but cannot overstay that period. This helps to ensure better utilisation of the available spaces and minimises the administrative requirements of the scheme. Commuters from outside of Town can no longer park in these residential areas. Conversely, they should find it easier to use the main off-street car parks, as residents no longer have to move their cars there during the day.

- 4.9.3 The Department is supportive of these schemes and proposes to continue rolling them out in St Peter Port. Appendix 2 sets out the streets where these schemes have been introduced. In most cases, the schemes have been opened up to residents of neighbouring streets as well. Appendix 2 also sets out those additional streets where the Department intends to extend the scheme.
- 4.9.4 The intention had previously been to operate these schemes principally in the St Peter Port area. However, given the role that they can play in reducing peak period traffic movements and encouraging the use of alternative forms of transport, the Department is proposing to extend them in disc parking areas throughout the urban area, including the Bridge and St Martins.
- 4.9.5 The States has previously resolved that fees should be introduced to cover the **administrative and operational costs** of the residents' parking schemes (Resolution XV.2.(3) of Billet d'Etat XXII of 1998). A sample of twenty other local authorities in the UK showed that charges for different residents' parking permits range from £10 per annum in Blackpool up to £160 per annum in central Edinburgh. The benefits offered by these schemes vary widely across the country.
- 4.9.6 Subject to the introduction of the necessary enabling legislation, the Department proposes to introduce an administration fee of £75 for these permits, which are valid for 3 years. It is estimated that this will generate income of approximately £50,000 per annum. The Department would propose to ring-fence this income to assist in funding the provision of alternative forms of transport and, in particular, improved facilities for the walking and cycling that the residents' permit system is intended to encourage (see sections 4.10 and 4.13 below).
- 4.9.7 The Department appreciates that the above scheme will not address the other significant problem facing Town residents, this being the shortage of overnight on-street parking. In conjunction with the Treasury and Resources Department and subject to the associated planning considerations, it will consider any opportunity to acquire and develop suitable sites to provide off-street parking for Town residents. Permits for the use of these spaces would be made available to residents in return for a realistic annual "leasing" charge sufficient to recover the capital and operating costs involved.

4.10 Motorcycling and Cycling

- 4.10.1 The Department is committed to a policy of encouraging motorcycle and cycle use in the Island by improving and extending the associated infrastructure and parking facilities.
- 4.10.2 The former Traffic Committee and Board of Administration had a programme of introducing additional cycle stands around the Island, both in urban car parking areas and coastal car parks. Responsibility for both of these now falls under the

Environment Department and additional sites for cycle stands at these facilities will be identified, as well as in the Town area and around the Island generally. One priority will be to provide improved facilities at main bus stops outside the Town area to encourage “cycling-and-riding”. The carriage of bicycles on buses (possibly on rear-mounted racks) is also being explored. However, the configuration of the new bus fleet does mean that, provided there is room to do so, Island Coachways will carry bikes on board the buses. It is working with the Guernsey Bicycle Group to develop this facility.

- 4.10.3 In reviewing the Strategy, the Department has consulted with the Guernsey Bicycle Group on opportunities to improve the Island’s cycling infrastructure. The Group has identified a number of initiatives, including: additional sites for cycle stands; improved signage; cycle shelters and weather protection; and, improvements to the cycle path along the Town seafront. The Department will work with the Group towards implementing these wherever possible.
- 4.10.4 Provision for new cycle paths has been made at both the Bouet and Glatigny Muras and, through its Planning Division, the Department will continue to ensure appropriate provision is made for cycling and motorcycling facilities as part of new developments. The Department is also currently exploring options to improve the links between the cycle path along the Town seafront and the cycle paths for which it is responsible along the west coast. Opportunities to do so may be available by establishing better links through Les Nicolles or Belgrave areas or by extensions to the Ruelle Tranquilles network. Its preference is to create new cycle paths that are separate from the public highway, rather than running alongside it. The Outline Planning Brief recently issued by the Department for Belgrave Vinery discusses some of the specific opportunities for improvement that exist in this area.
- 4.10.5 The rate of growth of motorcycle registrations in the Island continues to outstrip that of cars and other vehicles. Since 1990, car registrations in the Island have increased by 15% to 40,268, whereas motorcycle registrations have increased by 58% to 5,681 over the same period.
- 4.10.6 Motorcycles make more efficient use of the Island’s limited road and parking space. The Department will be encouraging motorcycle use by developing a more proactive programme to expand the amount of motorcycle parking bays, if necessary at the expense of some existing car parking spaces. Typically, a single car parking space can accommodate between four and five motorcycles. It is aware that such changes in the past have attracted criticism from drivers frustrated that the new motorcycle parks are not being fully utilised. Experience has shown, however, that over time utilisation of the spaces increases as motorcyclists take a little time to adjust to the existence and availability of new facilities.

4.11 Small Car Parking Schemes

- 4.11.1 Just as motorcycles make more efficient use of limited road and parking space, so do compact cars. The Department is now experimenting with a pilot compact car parking scheme on the Careening Hard arm of the Crown Pier.
- 4.11.2 The arm has been turned over to dedicated parking facilities for smaller vehicles. The scheme operates by marking out smaller individual parking spaces, resulting in an overall increase in the number of spaces available. Under the existing parking legislation, it is an offence to park “outside” the white lines marking a parking space. Therefore, a driver parking a vehicle too large for the space concerned is parking illegally and can be ticketed for doing so.
- 4.11.3 The Department will be monitoring the operation of this scheme and, if it is successful, will consider extending it to other parts of the Town.

4.12 Travel Plans and Car Sharing

- 4.12.1 As indicated in paragraph 2.7, the Department wants to encourage greater “ownership” of the Island’s traffic problems by the community at large. Travel plans can help to achieve this aim by involving an individual part of the community, such as a business or school, in the creation of a dynamic plan of action to meet their own specific transport needs. Each plan is tailored to an individual location and the members of the community that work there.
- 4.12.2 Travel plans begin with an assessment of the current travel patterns of its participants. This is then used as a benchmark to measure the success of whether car-usage has been reduced after implementation of the plan. This is usually achieved through a questionnaire to all members of the organisation, which is repeated after a regular review period. The responses to the questionnaire informs the organisation why members use the transport that they do, which in turn allows it to consider ways to alter their choices through positive action.
- 4.12.3 A successful travel plan would usually include the following characteristics:
 - a) it offers benefits to the organisation as a whole and its individual members;
 - b) it is tailored to an organisation’s specific circumstances and is based on a detailed assessment of its members current travel patterns;
 - c) its includes a range of incentives, rewards and/or deterrents;
 - d) its seeks to reduce the financial costs of transport issues to the business;
 - e) it clearly states the benefits of not using a vehicle and offers a package of alternatives; and,

- f) it has practical support and ‘buy in’ from senior management to ensure the integration, monitoring and maintenance of the plan.

Measures that can be taken by an organisation to encourage alternative travel include:

- a) improving availability of public transport information;
- b) providing cycling and changing/shower facilities;
- c) negotiating improved public transport services with bus operators and local authorities;
- d) establishing car-sharing schemes and allocating dedicated car-sharing parking spaces;
- e) offering flexible working practices;
- f) restricting and/or charging for car parking; and,
- g) promoting the health benefits of cycling or walking.

Travel plans focus on promoting the benefits of alternative methods of transport to the participant. These are then reinforced with incentives (and/or disincentives) not to use a car. Appendix 3 sets out in more detail some different types of travel plans and their associated benefits.

4.12.4 With the support of the Chief Officer Group, the Department’s staff have begun working with staff at the Policy Council on the development of a travel plan for Sir Charles Frossard House. The Health and Social Services Department is also developing a plan for the Princess Elizabeth Hospital. The Department hopes that, through practical experience, it will be able to demonstrate by example the benefits that travel planning can have and then work with other businesses and organisations in the Island, in both a practical and advisory capacity, to encourage their use.

4.12.5 As part of this process, the Department has agreed to establish an internet based car sharing database, which will be used to support the development of travel plans at both Sir Charles Frossard House and the Princess Elizabeth Hospital. It is also consulting with the Education Department about the use of this database on a trial basis at one or two schools around the Island. Such databases are now in increasingly widespread use throughout the United Kingdom. Access to the database can be restricted to “members” of the scheme as necessary.

4.13 Vulnerable Road Users

4.13.1 The Department is committed to improving the environment for vulnerable road users, such as cyclists and pedestrians. An improved environment for such road

users is an essential element of the Strategy in encouraging cycling and walking. The requirements of these road users and, in particular, the need to provide a safe and pleasant environment for them, will continue to feature highly in the design of all traffic management schemes. In addition, through its Planning Division, the Department will seek to ensure that safe and proper provision is made for pedestrians in new development proposals being brought forward.

- 4.13.2 A priority will continue to be improvements around the Island's schools to encourage children to cycle and walk. This will work in tandem with improvements to the school bus services (see paragraph 4.6 above) to create a "virtuous" circle whereby more children are encouraged to use alternative forms of transport to school, thereby reducing the impact that traffic has around the schools themselves and providing the safer and improved environment that will further encourage the use of alternatives. The Department has continued to implement many of the results of the walking audits carried out around the Island's schools by the former Traffic Committee. It has also recently set aside a capital budget of £100,000 from within its existing capital allocation to fund a series of minor capital projects identified by the audits.
- 4.13.3 The walking audits also recommended various reductions to speed limits in areas around schools. Rather than approaching these on an ad hoc basis, the Department intends to consider these suggestions within the context of a strategic review of speed limits for the Island that it will be carrying out (see paragraph 6.4) below. The terms of reference for this review include a requirement to recommend a standard speed limit policy around the Island's schools, including the associated signs and road markings.
- 4.13.4 The Department is also committed to improving safety at existing pedestrian crossings, by improving the associated signs, lines and lighting. It has carried out pilot projects to upgrade to the associated British Standard the lighting at two pedestrian crossings, one at St Martins and one at Footes Lane. The improvements have been significant and the Department has received much positive feedback on the results. The total cost of upgrading all the lighting at existing pedestrian crossings is estimated as £140,000. The Department intends to carry out these upgrades over a three year period and has set aside a capital budget of £47,000 from within its existing capital allocation for the first phase of highest priority crossings. Subsequent phases will be subject to the availability of the necessary funds.
- 4.13.5 The Department will continue to introduce improved pedestrian facilities and phases at the Island's traffic signal junctions as part of the ongoing replacement programme. These will include:
 - a) the replacement of existing signal controlled pelican crossings with "Puffin" crossings (pedestrian user friendly intelligent signals), which provide safer crossing facilities for pedestrians;

- b) the introduction of additional pedestrian phases at traffic signal controlled junctions, particularly where these have been identified as necessary during the walking audits. Examples of additional phases recently introduced include the junctions at L'Aumone, Chene Hill and Les Caches;
- c) minor footpath improvements introduced during the signal replacement works. Such improvements have already been carried out at L'Aumone, St Julians Avenue, Le Vauquiedor and the Grange/Doyle Road.

In addition to the above, the Department has been and will continue to consult with local organisations representing the hard of hearing, visually impaired and wheelchair users over the best use of audible warnings, tactile push button units and tactile paving at signalised junctions. For example, the Guernsey Blind Association has previously assisted the Department with the introduction of tactile push button units to assist the visually impaired in crossing the road where it is not suitable to use audible warning. The Department also plans to expand the use of tactile paving at signalised crossings as part of the programme to replace the traffic signals and will be consulting with the Association on this matter.

5. Discouraging Unnecessary Vehicle Usage

5.1 Tax on Fuel and Motor Tax

- 5.1.1 The States has previously agreed in principle that motor tax should be abolished or reduced and that a corresponding increase in the tax on petrol and diesel sales should be introduced (Resolution XXI.12 of Billet d'Etat IV of 2003). The former Advisory and Finance Committee was directed to prepare proposals in this respect as part of its future budget proposals, such proposals to include consideration of the introduction of an "end of life" vehicle disposal levy.
- 5.1.2 Although it did not include any specific proposals, the former Advisory and Finance Committee indicated in its Budget Report for 2004 that it felt that:
 - a) a system of vehicle registration and licensing should be retained, but in an amended or simplified form whereby motor tax would be based on the metric weight of the vehicle, but with rates broken down into just three or four bands that would be easier to administer and specifically intended to encourage the use of lighter vehicles;
 - b) the motor tax system should be used to introduce an "end of life" vehicle disposal levy. This was introduced with effect from 1st January, 2005, following the States' subsequent acceptance of the 2005 Budget Report;
 - c) whilst motor tax would be retained, any future increases should be directed towards the duty on fuel; and,

- d) consideration would be given to introducing a duty on diesel fuel, subject to it being satisfied that such a system would be administratively and economically efficient and could be effectively policed and enforced.

In its Budget Report for 2006, the Treasury and Resources Department indicated that it would be carrying out a review of the motor, petrol and diesel tax systems and would report back to the States as soon as practical on the matter.

- 5.1.3 It is recognised that a concern about increasing the tax on fuel is the effect that this could have on the costs of commercial vehicle and public transport operators, which might be passed on to customers and effect inflation generally. In addition, consideration would need to be given to the extent to which fuel wholesalers and retailers would look to retain their existing percentage profit margins, which could add further to pump prices.
- 5.1.4 Nevertheless, the Department believes that there is a strong environmental case to support the abolition of motor tax and introduce a corresponding increase in petrol tax. This is consistent with the “polluter pays” principle, in that the amount of duty payable increases with the amount the vehicle is used. As such, it supports this Strategy’s objective of discouraging unnecessary vehicle usage and it is consistent with the guiding corporate themes set out in the 2005 Policy and Resource Plan. In particular, section 2.2.12 of the Plan indicates that the States would be prepared “...to use taxation as an instrument to achieve States objectives in meeting social and environmental aims”.
- 5.1.5 In comparison to the fixed costs, the marginal costs of car use are relatively low. With tax on fuel replacing motor tax, the marginal cost of each journey would increase significantly, which will act to discourage unnecessary vehicle usage. It would provide a direct and immediate connection between the cost to the driver or operator, the wider costs to the community and the usage of the vehicle. It would also provide an incentive to switch to more fuel-efficient and smaller vehicles in the Island. As such, it is also consistent with the aforementioned guiding corporate themes for the use of taxation as an instrument in achieving environmental aims.
- 5.1.6 The marginal cost per journey of using public transport is also perceived as being higher than that of using the car. A move towards increased fuel duties would also reduce the differential between the two marginal costs and make them more readily comparable. As such, it would help to promote the use of alternative forms of transport and, in particular, the bus service.
- 5.1.7 The Department is conscious that, within the current economic climate, the abolition of motor tax should provide an opportunity to reduce the number of staff employed at its Driver and Vehicle Licensing Office, contributing towards the drive to reduce the size of the Civil Service and the level of the States’ general revenue expenditure. In addition, a move towards tax on fuel would ensure that the thousands of visiting vehicles and their drivers (see section 3.2

above) coming into the Island each year would contribute towards the maintenance and upkeep of the Island's roads, as well as the costs of implementing this Strategy.

5.1.8 There are a number of considerations that would need to be addressed in any move to abolish motor tax and introduce a corresponding increase in tax on fuel. These are set out below:

- a) the need to introduce a duty on diesel fuel. At the present time, diesel powered vehicles pay higher rates of motor tax to compensate for their use of non-dutiable fuel. However, this is a fixed sum that does not vary with usage and, for the "polluter pays" reasons set out above, the Department would support the introduction of a duty on such fuel as well.

However, there is one important consideration here. Within the limitations of a road transport strategy, moving motor tax to fuel requires the additional duty on diesel to be restricted to road fuel, as opposed to supplies being used for heating, marine or agricultural use. If the duty was restricted to road diesel, this differentiation could be achieved by marking the "dutiable" fuel with a dye at the point of transferring the fuel from bulk storage to road delivery tankers. However, retailers of both dutiable and non-dutiable fuel would need to invest in additional, separate storage facilities;

- b) the need for the Department to maintain an accurate and up-to-date vehicle registry and whether this should continue to be undertaken by the Environment Department. The collection of tax on a regular basis currently provides an opportunity to update and check the accuracy of individual vehicle records and to check that, at least at the time the vehicle is taxed, its registered keeper held a valid certificate of third-party insurance.

Without these checks, it is likely that the accuracy of the vehicle registry will decline, unless additional measures are put in place to require vehicle owners to report or confirm any changes of registered details. In addition, legislation would need to be introduced to require the display of windscreen insurance discs;

- c) the need to consider what, if any, provision should be made for vehicles that, under the previous system, had been exempt from or offered preferential rates or flat rates of motor tax. These currently include buses, dumper trucks, invalid carriages, motorcycles and agricultural tractors;
- d) what, if any, staffing implications might be associated with: any measures that are put in place to maintain an accurate vehicle registry; the administrative arrangements associated with a windscreen disc or other

insurance scheme; and, what resources may be needed by the Police and Customs to enforce safeguards against the improper use of non-dutiable fuels.

- 5.1.9 The Department is recommending that, for the “polluter pays” and strategic reasons set out above, the States agrees to the abolition of motor tax and a corresponding increase in tax on fuel. It is also recommending that the Treasury and Resources Department, in consultation with the Environment Department, be directed to report back with detailed proposals for the implementation of the above as part of its budget report for 2007, including recommendations to address the issues set out in section 5.1.8 above.

6. Promoting More Responsible Use of Vehicles

6.1 Introduction

Promoting more responsible use of vehicles, together with safe and responsible driving standards, is an important means of reducing the adverse environmental and social impacts of vehicle use in the Island. It is in the interests of safety for all road users, but in particular, non-car drivers such as pedestrians, cyclists and children. The provision of a safer environment for these road users is an important factor in promoting them as alternatives. The Department has reviewed a number of initiatives intended to promote the use of alternative forms of transport, including:

- a) driving standards;
- b) a review of driver licensing age requirements;
- c) a strategic review of speed limits; and,
- d) amendments to the construction and use legislation.

Its position on these is set out in more detail below.

6.2 Driving Standards

- 6.2.1 The Department will promote good standards of driving through the effective testing and education of drivers. It continues to work closely with the UK Government’s Driving Standards Agency, which has responsibility for promoting driving standards and road safety there. At the Department’s request, the Agency has recently completed an independent review of the Island’s practical driving test service and confirmed that the standards here remain good.
- 6.2.2 The former Traffic Committee introduced a separate driving theory test for car and motorcycle candidates. The Department supports the view that the additional training and education that is required for this more “demanding” test

improves driving standards and, this year, has introduced a separate theory test for lorry and bus drivers.

- 6.2.3 The Department will shortly be introducing a number of changes to the practical driving tests, including the introduction of additional vehicle safety related questions in all categories and more demanding off-road manoeuvres for lorry and bus drivers.
- 6.2.4 The Department intends to continue aligning driving test standards in the Island as closely as it can with those in the UK, not just in the interests of road safety, but also because this ensures the Island (through the UK) can maintain its reciprocal agreements for the exchange and recognition of Guernsey driving licences in other jurisdictions. However, in response to the third EU Directive on driver licensing, the Department is aware that a number of changes are being planned to the driving tests in the UK which will present significant practical problems for the Island to adopt. Given the scarcity of suitable sites, one of the principal difficulties will be the potential requirement for a much larger off-road manoeuvring area to accommodate some of the updated test requirements. In the event that it is decided that it is not practical to proceed with these additional requirements in the Island, then this could prejudice our reciprocal driving licence agreements. The Department is continuing to investigate this matter.
- 6.2.5 The Department is also committed to the introduction of a register of driving instructors in the Island, which would apply to any instructor that charged for driving tuition. The intention would be to maintain and improve the standards of driving tuition available in the Island in the interests of road safety. It is possible that the criteria for entry on to the register might be similar to those required of applicants for permits to drive a public service vehicle, including driving, medical and character checks. However, the Department would intend to consult with local driving instructors on how such a register might operate before reporting back to the States with the results of its investigations into the matter and any firm proposals.
- 6.2.6 The Department also intends to carry out a review, in consultation with the Home Department, on the pros and cons of introducing “P” plates for new drivers and whether tougher penalties should be considered for traffic offences committed by learner drivers.

6.3 Driver Licensing – Age Requirements

- 6.3.1 The Department is committed to undertaking a review of the existing policies and legislation relating to the age requirements for driving licensing. Whilst not an exhaustive list, such a review could consider issues such as:
 - a) the extent to which factors such as driving inexperience, as opposed to immaturity, is a factor in accident causation amongst new drivers;

- b) what benefit the riding of a scooter at a young age can have in overall driving skills at a later stage in life;
- c) whether or not there should be changes to the minimum and maximum age limits for driving in all or some categories of licence.

6.3.2 The Department will consult closely with the Home Department and Guernsey Police in carrying out this review and, in the event that any changes are proposed as a result, will report back to the States with the results in due course.

6.4 Strategic Review of Speed Limits

6.4.1 The Department recognises and shares the very real concerns that exist about abuse of speed limits in the Island. Whilst responsibility for this generally rests with a small and inconsiderate minority of drivers, the impact can be profound. Aside from the dangers that such abuse creates for the driver concerned and other motorists, excessive traffic speed can be a major disincentive in encouraging the use of alternatives, such as cycling and walking. The Department is committed to commissioning a comprehensive and strategic review of the Island's speed limits in close consultation with the Home Department, Guernsey Police and other interested organisations. It also wants to continue working closely with the Police on effective enforcement of speed limits, although it recognises the resource issues that this presents for them.

6.4.2 The majority of the Island's current speed limits have not been comprehensively reviewed for many years and the Department is aware of a number of anomalies and inconsistencies with the current arrangements. For instance, roads on the outskirts of St Peter Port within the existing 25mph "cordon" sometimes join onto narrower roads where conditions are less suitable, but which fall outside the cordon and are therefore subject to a higher 35mph limit. An example is where Les Baissieres, which is 25mph, turns into Pont Vaillant Lane, which is 35mph.

6.4.3 There are many country lanes in which the Island-wide speed limit of 35mph applies where it could be argued that it should perhaps be reduced. Conversely, there are some roads where it might be argued that the speed limit is unrealistic and could actually be made higher. However, the Department wishes to avoid a proliferation of different limits all over the Island, as this can be confusing for drivers and would result in a proliferation of signs. Nevertheless, it believes that the existing 25mph and 35mph regimes should be reviewed to assess whether they are still relevant and appropriate for current traffic conditions.

6.4.4 Where anomalies with the current system occur and speed limits are considered inappropriate by motorists for the area, this encourages drivers to generally ignore them. It is anticipated that a comprehensive review will help to overcome this problem and raise awareness of speed and speed limits.

6.4.5 The Department receives many requests for changes to speed limits on an almost weekly basis. It does not have the resources to investigate these on a case-by-case basis. It is also conscious of the fact that experience has shown that isolated changes to a speed limit have very little effect on the speed of traffic, unless reinforced by high levels of enforcement or other traffic calming measures. The Department would therefore like to determine a better policy framework against which to judge any future requests for speed limit changes as part of the review.

6.5 Construction and Use Legislation

6.5.1 The States has previously agreed in principle that detailed proposals should be introduced for a ban on the use of “bull bars”.

6.5.2 Although increasingly fashionable as accessories on a large number of 4x4 vehicles, as well as being fitted to many vans and lorries, bull bars do pose an additional risk of injury to pedestrians and cyclists. In the UK, the Transport Research Laboratory has estimated that a ban on “rigid” bull bars currently being progressed by the European Union (but not yet finalised) would prevent 140 deaths and 1500 injuries amongst pedestrians and cyclists in the UK each year.

6.5.3 The States of Jersey banned bull bars in 1997. The legislation there requires that any motor vehicle or part/accessory on it must always be in such a condition that no danger is caused by any “...front projection...” on the vehicle to any person on or near the road. The legislation there goes on to say that devices commonly known as bull bars (or similar) may not be carried on a motor vehicle “...unless the device is non-metallic or flexible”.

6.5.4 The Department is minded to adopt the approach taken in Jersey in framing legislation for a ban. However, it is conscious that the nature of a ban being progressed by the European Union has not yet been finalised. The Department feels that it would be unfortunate for any ban introduced locally to be out of step with the Union.

6.5.5 Accordingly, it intends to bring forward enabling legislation that gives it the ability to introduce a ban on bull bars, but that allows it to determine the detail of such a ban by Regulation, thereby providing the Island with flexibility to adjust to changing circumstances elsewhere.

6.5.6 The Department appreciates and shares the concerns that exist about the emission from vehicles of pollutants, such as carbon monoxide, nitrogen oxides, hydrocarbons etc. A focus of this Strategy is to discourage unnecessary vehicle usage and encourage the use of alternative forms of transport, which will help to reduce such emissions.

- 6.5.7 Nevertheless, road traffic will continue to have a significant impact on the environment in terms of the noise and pollutants it generates. Noise is a particularly important issue within a small Island community, especially for those living near busier or higher speed roads. The localised impact of freight traffic in residential areas can also be a concern. Noise pollution can clearly result in stress for those affected by it and, together with other pollutants, can affect the quality of life and health of many members of the community.
- 6.5.8 The Department is therefore also committed, in consultation with the Guernsey Police and the GMTA, to the development of proposals for the introduction of compulsory emission and noise testing for all vehicles registered for use in the Island. Detailed proposals will be submitted to the States for consideration in due course. However, it is anticipated that the benefits of such a scheme would help to reduce such pollution, provide the Police with improved powers to remove the worst offending vehicles from the road and raise awareness of the value of regular vehicle maintenance.
- 6.5.9 On the wider question of general roadworthiness tests, or MOTs, the Department supports the ongoing use of the Police's "Vehicle Rectification Scheme". This has and continues to be an effective means of either rectifying or removing un-roadworthy vehicles from the Island's roads.
- 6.5.10 In considering the use of MOTs in the Island, the Department has taken into account the following:
- a) MOTs have been the subject of abuse in other jurisdictions, including the UK;
 - b) A system of policing those garages authorised to undertake MOTs would have to be introduced in order to maintain confidence and impartiality in the test. This would have manpower and financial implications for the States. Similarly, a States owned and run test centre, such as that operated in Jersey, would involve significant capital, revenue and manpower requirements; and,
 - c) The Department understands from the Guernsey Police that very few accidents in the Island are directly attributable to the poor condition of vehicles.

Against the above background and, taking into account the existing Vehicle Rectification Scheme, the Department has decided against recommending the introduction of a general annual roadworthiness test.

7. Promoting More Efficient Use of the Island's Transport Infrastructure

7.1 Introduction

Whilst a road transport strategy will inevitably focus on mechanisms to encourage different choices in travel behaviour to reduce vehicle usage, the Department feels that an important focus should also be in making the optimum and most efficient use of the Island's transport infrastructure and, in particular, the road network. Changes and improvements to the road network can play an important part in supporting the Strategy's objectives to move people and goods more efficiently around the Island, to improve the environment and provide a better quality of life for road users and the community generally. Such changes and developments can also help to strike an appropriate balance between the many functions that roads perform and the many competing demands placed upon them. A balance needs to be struck between road safety, traffic flow, environmental quality and the impact on residents and businesses.

7.2 Road Hierarchy

7.2.1 The former Traffic Committee had adopted a "road hierarchy" for the Island, which designated roads within the Island into one of the four following categories:

- a) the inter-harbour heavy goods vehicle route between the Weighbridge roundabout and St Sampsons Harbour. This strategically important route between the two main urban areas of the Island has to accommodate the largest heavy goods vehicles in circulation on the Island and high traffic flows. It is also now having to cope with the traffic generated by the Bouet and Glategny Muras. The functional emphasis for this road must be one of mobility and free traffic flow;
- b) traffic priority routes. These are characterised by high traffic flows and comprise the busiest of the Island's main roads. These are the key routes whose primary function is to distribute traffic throughout the Island and on which, again, the functional emphasis is mobility and traffic flow;
- c) local circulation routes. These routes comprise main roads which have lower flows than traffic priority routes, but often with significant frontage activity. They must accommodate more limited through traffic and traffic movements terminating within the surrounding areas;
- d) neighbourhood and country roads. These routes are predominantly residential in character with much less through traffic and will also include other areas such as rural lanes. The functional emphasis of such roads is primarily one of access to individual properties and provision for vulnerable road users.

Appendix 4 shows a map of all roads on the Island and the category within which they have been designated under the hierarchy. Guidelines on the traffic management regimes associated with each category have been established to help fulfil the functional emphasis of the roads within it.

- 7.2.2 Whilst the hierarchy has a number of applications, historically its principal usage has been to provide guidance to architects and developers on the traffic management and road safety considerations that they need to take into account in bringing forward development proposals. However, the Department feels that the hierarchy provides it with an important tool that can be used in a much more dynamic manner than has previously been the case to plan and prioritise, on both a short and long-term basis, improvements and changes to the road network in support of this Strategy.
- 7.2.3 In the first instance, the Department is proposing to carry out a review of the road hierarchy with the Parish Douzaines. The intention of the review would be as follows:
- a) to seek the Douzaine's suggestion for improvements or changes to the roads within their Parish, taking into account their designation within the road hierarchy and the functional emphasis accorded to them. Such improvements might include physical initiatives, such as traffic calming or road widening schemes, or alternatively, different traffic management regimes, such as the introduction of one-way systems, clearways or different forms of junction control;
 - b) develop and prioritise a long-term plan of proposed minor and major improvements to the network, taking into account the objectives of the road transport strategy in doing so; and,
 - c) inhibit larger vehicles from using minor roads as through routes or "rat running" through roads which clearly are not intended for this purpose.

It is important to recognise, however, that there will be many other issues to take into account in pursuing such a plan, including financial constraints, ownership of any land that might be involved and planning considerations. Nevertheless, the development of such a plan would provide a structured basis on which to move forward in the long-term, rather than dealing with such matters in an "ad hoc" manner. For example, the Department could be more proactive in working with developers in seeking to implement improvements as part of development proposals and in working with the Public Services Department to identify and introduce improvements as part of its roads maintenance programme. This is generally more cost effective than in carrying out such improvements in isolation. It would also enable the Department to plan and prioritise the use of its very limited budgets for road improvements in a more effective manner. At the present time, the Department only has a revenue budget of £10,000 per annum for road improvements.

7.3 Heavy Goods Vehicle Activity

7.3.1 The level of heavy goods vehicle (HGV) activity on our roads is a reflection of the relative prosperity enjoyed by the Island. The Department also recognises that it is essential in sustaining the many different requirements of businesses and the community generally. Aside from the “conventional” container and delivery vehicle lorries that are involved here, HGV activity also extends to vehicles such as skip deliveries, mobile cranes, bulk loaders, tractors, hedge cutters, scaffolding trucks, low loaders, fuel tankers etc.

7.3.2 Such activity can and does have a significant environmental and social impact on road users and the community generally, particularly given the constrained physical nature of much of the Island’s road network. Typical problems include:

- a) the erosion of roadside hedges and banks;
- b) the actual and, perhaps more importantly, perceived threat that HGV’s present to other road users, in particular vulnerable ones such as pedestrians and cyclists and especially around the Island’s schools;
- c) the congestion caused by HGV un/loading activities and the negative impact this has on the efficiency of the road network and traffic circulation; and,
- d) the significant levels of HGV activity in the prohibited Town streets during the permitted un/loading times.

7.3.3 The Department recognises that there is a very delicate balance to be struck between the above factors and the associated regulation of HGV activity. In particular, excessive regulation could significantly increase costs to businesses and the Island generally. Nevertheless, it intends to carry out a review of the options that are available to reduce the impact that such activity can have on traffic management and road safety, including:

- a) the use (and enforcement) of existing and new “clearways” to reduce the impact that HGV un/loading activity can have at peak traffic periods;
- b) restrictions on the size of lorries permitted to carry out deliveries in the prohibited Town streets;
- c) better control of the times that skip lorries can deliver skips (where such deliveries involve stopping in the public highway;
- d) reviewing the “permitted route network” for oversize vehicles;
- e) reviewing policies for the granting of oversize vehicle permits and prohibited street permits;

- f) improved enforcement on the speed limit (25mph) for HGVs;
- g) the introduction of additional prohibited street regulations; and,
- h) the provision of improved un/loading facilities for such vehicles;
- i) better control and, if necessary, prohibition of slow moving vehicles at peak periods.

The Department intends to carry out such a review in close consultation with HGV and commercial vehicle operators, the Chamber of Commerce and the Guernsey Police, which would be responsible for the enforcement of any changes that are introduced. The Department intends to use the road hierarchy as one of the tools used to determine any changes to the existing framework.

7.4 Seafront Junction and Link Assessment

7.4.1 In recognition of the strategic importance that it plays in the Island's road network, the Department has commissioned a review of the seafront between the junction of Longue Hougue Lane/Bulwer Avenue and the Weighbridge roundabout.

7.4.2 The review will consider the method of junction control along the Seafront, and determine which method of control is best for each junction. The following options are to be assessed and compared for each junction: status quo; priority junctions; filter-in-turns; traffic signals; mini roundabouts; and conventional roundabouts.

7.4.3 In carrying out the assessment, the following will be taken into account:

- a) road safety issues for each category of road user;
- b) the need to accommodate commercial traffic (HGVs and PCVs);
- c) junction capacity and likely delays, identifying opportunities to increase the former and reduce the latter;
- d) any changes to the junction geometry required to accommodate the method of control, taking account of practical constraints (land availability, demolition of properties, reclamations of land, etc);
- e) the costs of any proposed changes either to junction geometry or method of control;
- f) an assessment of the likely disruption during construction or implementation of any proposed changes.

- 7.4.4 The review is looking at the following junctions: the Longstore; Admiral Park; the Red Lion; Victoria Avenue; the proposed access to HTA8; the Halfway; Grandes Maison Road; and Longue Hougue Lane. It will also consider the impact of minor junctions with the Seafront, such as Bosq Lane, Well Road and Piette Road.
- 7.4.5 An assessment of the existing road links between these junctions is also being carried out, in terms of the impact that these links have on the existing situation and their impact on the working of the different types of junctions. Opportunities for improvements to these links will be identified, taking into account the strategic functional role of the seafront, as well as the localised user requirements associated with the businesses and residents alongside it. Opportunities to improve both formal and informal pedestrian crossing facilities will also be identified.
- 7.4.6 The Department's intention is that, having determined the best solution for individual junctions, an overall strategy will be developed based on best solutions but taking account of the benefit of having complementary types of junction control along its entire route, such as all roundabouts, the linking of signals or other proposals. The results will be presented to States Members later this year.

8. Funding

8.1 Background Considerations

- 8.1.1 At the present time, the States' expenditure on road transport is channelled mainly through the Environment and Public Services Departments. In 2005, the budgeted general revenue expenditure for these Departments was as follows:

Environment Department	£	£
Scheduled Bus Services (net expenditure)	1,800,000	
School Bus Services	244,000	
Bus Shelter Maintenance	10,500	
Minor Road Improvements	10,000	
Traffic Lights and Street Lighting (Maintenance and Electricity)	57,000	
Traffic Signs and Lines (maintenance and new)	342,000	
Sub Total:		2,463,500
Public Services Department		
Road Resurfacing and Reconstruction	2,200,000	
Road Cleaning	1,086,000	
Upkeep and Repairs	302,000	
Sub Total:		3,588,000
Total Expenditure		6,051,500

The above figures exclude recent and ongoing capital expenditure on items such as the new bus fleet (£3,150,000) and the traffic signal replacement programme (£1,725,000).

- 8.1.2 The States' budgeted total revenue income for 2005 generated through road transport is as follows:

	£	£
Motor Tax	6,000,000	
Motor Spirit	2,040,000	
Sale of Registration Marks	30,000	
Total Income		8,070,000

Revenue income from road transport is forecast in 2005 to exceed expenditure significantly. This surplus is retained by the Treasury and Resources Department for general revenue expenditure.

- 8.1.3 As set out in section 2 above, one of the Department's principal intentions in carrying out a review of the Strategy was to see what options existed for alternative and possibly more equitable means of funding the key initiatives associated with the Strategy. This was especially important in light of the previous mixed decisions by the States on the question of pay parking, which effectively left the Strategy without an effective source of funding.
- 8.1.4 In considering these options, the Department has taken the following into account:
- a) some of the taxes and charges that could be utilised offer opportunities not just to raise additional revenue, but also to incentivise changes in travel behaviour. This Strategy focuses heavily on encouraging such changes by providing a better choice of alternatives in order to reduce the adverse social and environmental impact of vehicle usage in the Island;
 - b) as noted in section 3.5 above, the guiding corporate themes set out in the 2005 Policy and Resource Plan and, in particular, section 2.2.10 of the Plan, confirms that the States will "...support measures to protect the Island from the adverse impacts of environmental pollution and global warming and to play our part in preventing the causes of global environmental problems";
 - c) as noted in section 5.1.4 above, the 2005 Policy and Resource Plan also confirms that the States would be prepared "...to use taxation as an instrument to achieve States objectives in meeting social and environmental aims".

8.1.5 The Department has considered a range of charges or tax initiatives as funding mechanisms for the Strategy and, in doing so, has revisited the question of pay parking. A summary of the issues and considerations involved is set out below.

8.2 Revenue Hypothecation

8.2.1 In looking at the charges and taxes that might be used to raise funds for the implementation of the Strategy, the Department has also considered the question of revenue hypothecation.

8.2.2 Perhaps one of the highest profile examples of hypothecation at this time is the central London congestion charge, which has been hypothecated back to significant improvements in public transport services. Congestion has been reduced by 30% in London following the introduction of the charge and, in its first year, bus patronage increased by 37%.

8.2.3 Notwithstanding the success that the London charge has had in reducing congestion and increasing use of public transport, the Department does not feel that it would be appropriate for use in Guernsey. Aside from the significant capital and operating costs such a scheme would entail, the Department is concerned that it is a relatively blunt and indiscriminate tool. Any driver entering the charge area (and not necessarily parking in it) would be subject to the charge, whether they were a worker, shopper or visitor. Whilst exemptions and discounts can be organised, the administrative requirements for doing so would be considerable. If pricing mechanisms are to be considered, then alternatives exist which would be more appropriate for the Island at this time.

8.2.4 The Department believes that one advantage of hypothecation is that those road users affected by any charges or taxes introduced in order to fund this Strategy will accept these much more readily if it can be shown that there is an element of choice of consumption involved and that the extra revenues being generated were directed towards initiatives to improve those choices, in this case alternative forms of transport. The Department also believes that this is essential if the community is to take greater “ownership” of the Island’s transport problems.

8.2.5 Nevertheless, the Department also recognises that, whilst the 2005 Policy and Resource Plan did include provision to use taxation as an instrument to achieve States objectives in meeting social and environmental aims, it indicated there should be a presumption against earmarking or hypothecating taxation income for expenditure in the area from which it was raised.

8.2.6 Accordingly, whilst increases in taxation have been considered later in this section as a means of generating revenue for the States to fund the Strategy and to achieve its environmental objectives, the Department will not be recommending that these be hypothecated directly back to it for future

expenditure, although there will be a need for its annual revenue budget to be increased.

8.3 Tax on Fuel

8.3.1 For each 1p that is added to fuel duty, it is estimated that an additional £300,000 per annum in revenue will be raised.

8.3.2 Given that such an increase would be paid by all vehicle users and linked to the distance travelled, it would also provide a fair degree of equity as a fund raising mechanism. One of the other principal advantages is that there would be little, if any, additional administrative cost in raising this revenue. This option would also increase the marginal cost of each journey made and provide a clearer incentive to drivers to reduce their vehicle usage and consider alternatives that, at the point of use, are cheaper.

8.4 Paid Parking – Long Stay Only

8.4.1 The concerns relating to the use of paid parking in long-stay areas only are set out in section 2 above. Nevertheless, it does present an opportunity to raise additional revenue to fund the initiatives associated with this Strategy. In addition, it provides a very transparent increase in the marginal cost of each journey. In the event that a daily parking charge is greater than the corresponding cost of a return bus fare (currently between 40p and £1), then it provides a strong incentive at the “point of use” to switch to alternative forms of transport and, in particular, the bus service.

8.4.2 In the event that pay parking was introduced at the long-stay areas only at the North Beach, Odeon and Salarie car parks and in, say, half of the on-street long-stay disc areas, then charges would be introduced at approximately 1,500 spaces. The Department has estimated that an hourly parking charge of 10 pence could raise in excess of £275,000 per annum. This is a net income figure based on the assumption that a system of pay parking using scratch cards was introduced. In Jersey, the cost of producing and distributing scratch cards in 2004 was approximately 8% of the total value of card sales. A figure of 8% has therefore been assumed in estimating the net income in Guernsey.

8.4.3 The Department appreciates that the above focuses on long-stay areas in the Town area only and that, in the interests of equity, it could be argued that road users in other parts of the urban area should be subject to the charge. For example, in the event that such charges were introduced for the 5 and 10 hour disc parking zones in the St Sampson’s area, then an hourly charge of 10p would raise an additional £34,127 per annum.

8.5 Paid Parking – Long and Short Stay

- 8.5.1 The use of paid parking as a revenue generating tool in long-stay areas only is based on the premise that it is commuters driving into St Peter Port (and the urban area generally) that are responsible for the highest periods of congestion on the roads. It also reflects concerns about the impact that charges in short-stay areas could have in maintaining the commercial viability of St Peter Port.
- 8.5.2 Nevertheless, the introduction of charges in both short and long-stay areas would be a more equitable approach, recognising that all motorists are contributing to the Island's traffic problems. It would spread the charging "burden" amongst more drivers.
- 8.5.3 There are approximately 1450 short-stay spaces in St Peter Port. The Department has estimated that an hourly charge of 10 pence for these spaces would raise a further £235,000 per annum. This assumes that the spaces are occupied constantly for 7 hours a day, with no charges at weekends or bank holidays and an administration cost of 8%. The extension of this charge to the short-stay areas in St Sampsons area would generate a further £35,866.

8.6 Benefit in Kind and Workplace Parking Levy

- 8.6.1 A common criticism of parking charges in public car parks is that they would not affect the many motorists who are able to take advantage of private parking spaces provided by their employer. As such, these same motorists are not subject to any incentive to consider alternative forms of transport, nor do they contribute to the funding of those alternatives.
- 8.6.2 The introduction of a "benefit in kind" charge, whereby the benefit from the use of a private parking space, is chargeable through the income tax system would help to address this inequity.
- 8.6.3 At the present time, there is no **financial** benefit to an employee who is provided with a parking space by his employer, as opposed to one who is not and who uses public parking facilities. Whilst there may be a benefit for the employee provided with the parking space by way of convenience and time saving, this is not measurable fiscally under the existing income tax legislation. However, were parking charges in public car parks introduced, the position would change, in that the employee provided with a space by his or her employer would have a financial and fiscal advantage over those that did not. A relatively simple amendment could then be made to the Income Tax (Exemption of Benefits) Ordinance, 1995, that would then make the financial benefit arising from the provision of a private parking space a chargeable benefit for income tax purposes. The value of this benefit could be set by Regulation so that the 20% tax that was payable on it was equivalent to the cost of using the public spaces throughout the year.

- 8.6.4 Although the introduction of a benefit-in-kind initiative would resolve the issues of equity associated with public parking charges, it is probable that there would be calls from the private sector for a number of concessions and exemptions. For example, these might be for staff holidays, periods of sickness, spaces that are used by employees during the course of their duties etc. These are likely to add to the complexity of administering the system, both by the Income Tax Department and by employers, who would inevitably have to maintain additional records.
- 8.6.5 From an administrative perspective, an easier approach would be to consider the introduction of a workplace parking levy. This would take the form of a charge levied on the employer linked to the number of parking spaces provided for its employees at its premises. This would limit the administration of the scheme to the employers providing the benefit, rather than the much greater number of employees receiving the benefit. It would then rest with the employer to determine whether or not to recover the sums payable under the levy from its employees.
- 8.6.6 The Department is monitoring the development of workplace parking levies in the United Kingdom. Although no local authority there has yet introduced one, it understands that the City of Nottingham is actively pursuing such a scheme and will be pressing ahead with plans for its introduction shortly.

8.7 Administrative Charges

- 8.7.1 The Department has identified two areas of its existing operations where new charges for the use of the services it provides could be introduced to assist in the funding of this Strategy.
- 8.7.2 The first of these is for residents' parking permits. Paragraph 4.6.6 above notes that an annual administration charge of £25 for such permits could generate income of £50,000 per annum.
- 8.7.3 The second area relates to the registration for the first time in the Island of new and second hand vehicles. The Department currently registers between 8,000 and 10,000 vehicles and motorcycles in the Island for the first time each year. The States has previously agreed that all such vehicles, whether new or second hand, should be the subject of an administration fee. The Department believes this should be set at £35 per vehicle, which should raise upwards of £280,000 per annum.
- 8.7.4 The charges for both the above can be collected at the existing "point of transaction" with the customer and, as such, the administrative costs involved should be minimal.

9. Recommended Funding Option

- 9.1 Table 1 (overleaf) sets out the anticipated annual expenditure for the implementation of this Strategy over a five year period. This varies from a minimum of £601,268 in year 1 to a maximum of £847,504 in year 3.
- 9.2 The Department is recommending that this expenditure should be financed by a combination of the following:

Bus Fares

An increase of 10 pence will be applied to all existing scheduled bus fares, with the exception of OAPs, who will continue to travel free of charge. The Department will monitor the impact that this has on passenger numbers, but given that fares have been frozen for 5 years and have fallen in real terms, it is anticipated that this will be minimal. It is estimated that this will raise an additional £115,000 per annum.

A premium bus fare of £3 per journey will be introduced for new late-evening services that it is intended to introduce. These services should be self-funding.

In addition, it is assumed that the remaining new services being introduced will generate revenue equivalent to 15% of their operating costs.

Residents' Parking Permits

An administration charge of £25 per annum will be introduced for residents' parking permits. Although such charges have previously been agreed in principle by the States, this will require the enactment of new legislation and it is therefore assumed that this revenue stream will not come on-line until the second half of the first year of the Strategy.

Vehicle Registration Charge

An administrative charge of £35 for the first registration in the Island of new and second hand vehicles will be introduced. Although such charges have previously been agreed in principle by the States, this will also require the enactment of new legislation and it is therefore assumed that this revenue stream will also not come on-line until the second half of the first year of the Strategy.

Petrol Tax

The Department has carefully weighed the pros and cons of an increase in petrol tax against the introduction of pay parking (together with a benefit-in-kind charge or workplace parking levy). It favours an increase in petrol tax for the following reasons:

- a) it is more equitable, in that all motorists, both resident and visitors, will contribute to the funding of the Strategy;
- b) it is consistent with the polluter pays principle;
- c) there will be no additional administrative costs associated with it, nor will it inconvenience motorists in the same way that pay parking would.

The Department has estimated that, combined with the changes to bus fares and the introduction of residents' parking permit fees and vehicle registration charges, an increase of 1.2 pence to the **current** duty on motor spirit of 6.8 pence per litre will be sufficient to generate revenue to fund the balance of the Strategy. It is assumed that this revenue will come on-line with effect from 1st January, 2007, half way through the first year of the Strategy.

- 9.3 Accordingly, the Department is also recommending that the States rescinds its previous Resolutions agreeing to the introduction of pay parking in the long-stay parking areas in St Peter Port.
- 9.4 The annual surplus/deficit for the Strategy varies from year to year, but Table 1 demonstrates that, with the above funding initiatives in place, a small surplus of over £86,000 will exist at the end of the five year period.

TABLE 1 - COST AND REVENUE ANALYSIS

	Year 1	Year 2	Year 3	Year 4	Year 5
Balance b/fwd		14,018	(168,464)	(81,246)	(84,028)
EXPENDITURE					
Scheduled Bus Services					
Additional Commuter Services	105,500	105,500	105,500	105,500	105,500
Extended Early Evening Services	63,500	63,500	63,500	63,500	63,500
New Late Evening Services	74,500	74,500	74,500	74,500	74,500
Off –Peak Service Improvements	206,000	206,000	206,000	206,000	206,000
Additional Bus Requirements (1)	36,768	36,768	36,768	36,768	36,768
Bus Shelters		15,000	15,000		
Schools Bus Service					
Initial Experiment		80,000			
Full Free Service - Operating Costs			233,700	233,700	233,700
Full Free Service - Additional Buses (2)			161,000	161,000	161,000
Additional CCTV Equipment	30,000				
Vulnerable Road Users					
School Walking Audits	30,000	40,000	30,000		
Pedestrian Crossing Lighting	45,000	45,000	45,000		
Tactile Paving	5,000	5,000			
Cycling Infrastructure	5,000	5,000	5,000	5,000	5,000
Speed Limit Review - Traffic Signs		30,000			
Road Improvements		40,000	40,000	40,000	40,000
TOTAL EXPENDITURE	601,268	760,286	847,504	844,722	841,940
INCOME					
Scheduled Bus Fares					
Additional Services – Fare Receipts (3)	56,250	56,250	56,250	56,250	56,250
10p increase in all fares	115,000	115,000	115,000	115,000	115,000
Premium Fare - Late Night Services	74,500	74,500	74,500	74,500	74,500
Administration Charges					
Residents Parking Fees (4)	25,000	50,000	50,000	50,000	50,000
Vehicle Registration Fee (4)	140,000	280,000	280,000	280,000	280,000
Fuel Tax - Assume extra 1.2p per litre	176,500	353,000	353,000	353,000	353,000
TOTAL INCOME	587,250	928,750	928,750	928,750	928,750
(DEFICIT)/SURPLUS	(14,018)	168,464	81,246	84,028	86,810

1. Assumes loan from T&R of £300,000 for new buses repayable over 12 yrs at 6.5%
2. Assumes loan from T&R of £665,000 for second hand vehicles repayable over 5 yrs at 6.5%
3. Assumes additional services generate receipts equal to 15% of operating costs
4. Requires change in legislation (already agreed in principle by States).

Therefore assume only 6 months revenue in first year

10. **Legislation**

10.1 Introduction

In presenting this Strategy to the States, the Department is taking the opportunity to recommend a number of minor amendments to existing legislation, principally in the interests of reducing bureaucracy and improving the quality of service it can offer to its customers.

10.2 Number Plates

10.2.1 The first of these relates to the design of number plates, which are determined under the provisions of the “Ordonnance supplementaire a l’Ordonnance ayant rapport au Trafic Vehiculaire en cette Ile, 1932” and a number of subsequent amendment Ordinances. The legislation includes specifications on the size and colour of number plates, as well as the size of the figures and the margins around them.

10.2.2 A specific problem has arisen with the legislation, which requires that registration marks must be displayed on the plates in a single line. This has not been a problem historically. However, with the growth in motorcycle registrations in the Island, the Department will very shortly have to start issuing five digit registration numbers to motorcycles. On a single line, a five digit registration plate will be too long and impractical to fit to most motorcycles.

10.2.3 The Department is therefore recommending that the legislation should be changed to enable registration marks to be displayed on two lines to overcome this problem. It is also recommending that the legislation be changed to enable the Department to specify the design of number plates by Order in future.

10.3 Signs and Lines

10.3.1 Generally, any traffic sign or line that is installed by the Department on or by the road must be in accordance with the provision of the Traffic Signs and Traffic Light Signals Ordinance, 1988. The Ordinance includes schedules including illustrations and descriptions of any traffic sign, line or signal that the Department can install and, for each one, a definition of the prohibition, order, restriction or direction that is being given.

10.3.2 The Department is currently required to submit a report to the States on each occasion that it proposes to add to or amend these schedules, which if accepted, requires the preparation and approval of an amendment Ordinance. The Department is concerned about the administrative burden that this places on the States and is therefore recommending that the legislation be amended to enable it to make provision, by Order, for changes to the schedules so that it has greater flexibility to introduce new or amend existing signs, lines and signals.

10.4 Provisional Driving Licences - Motorcycles

10.4.1 Under the terms of the Driving Licences (Guernsey) Ordinance, 1995, as amended, provisional driving licences for motorcycles are issued for two-year periods. Once issued with a provisional licence, the rider must complete a compulsory basic training course for motorcyclists before taking to the roads. At the end of the two-year period, if the licence holder has not successfully passed a theory and practical driving test and been issued with a full licence, they cannot renew their provisional licence for a further year. This prevents the holders of such licences from continually renewing their provisional licences and driving for years without ever passing the necessary tests. There is no discretion within the legislation for the Department to waive this requirement, regardless of individual circumstances.

10.4.2 In the interests of road safety, the Department feels that it is essential that there remains an incentive for riders to take their test within a reasonable period. However, it is concerned that being disbarred from riding for a year if a candidate has not done so is relatively harsh, particularly as it is seeking to encourage motorcycling, and that an alternative option should be available for candidates in this position without compromising road safety considerations.

10.4.3 It is therefore recommending that, where a rider has not passed the necessary tests within the two-year period, the legislation is changed so the Department may renew the provisional licence straight away, provided that the applicant has retaken and passed the full compulsory basic training course. The requirement to retake the course would provide an incentive to ensure the necessary tests had been passed, but in the event that the candidate had not done so, would minimise any road safety concerns in allowing him or her to continue riding.

10.5 Exchange of Driving Licences

10.5.1 Under the terms of the Driving Licences (Guernsey) Ordinance, 1995, as amended, individuals taking up residency in Guernsey may continue to drive under the terms of a full licence issued to them in another jurisdiction for a year. However, if they have not exchanged their licence for a full Guernsey one at the end of that period, their “foreign” licence is no longer valid for driving here. This arrangement is consistent with most other jurisdictions, which allow

Guernsey licence holders to drive there for up to a year if they take up residency abroad.

10.5.2 In Guernsey, the above Ordinance requires that, if a new resident has not exchanged their foreign licence for a Guernsey one within their first year of residency, they cannot then be issued with a full local licence without first having applied for a provisional one and passed a theory and driving test. This differs from the United Kingdom, which now allows new residents from the Isle of Man, Jersey and Northern Ireland to exchange their full licences for UK ones after the end of their first year of residency there.

10.5.3 The Department is therefore recommending that the legislation be amended so that new residents from the United Kingdom (including Northern Ireland), Jersey and the Isle of Man can apply to exchange their full licences for a full Guernsey one beyond the end of the one year period, provided their existing licence is either valid or has expired within the previous five years. This latter point would be consistent with Guernsey residents, who can apply to renew their local licence up to five years after it has expired. The Department is also recommending that this arrangement should apply to all other EU Member States, whose licences are fully recognised in the United Kingdom, and other designated licensing authorities with whom the United Kingdom has reciprocal exchange agreements.

10.6 Renewal of Driving Licences

10.6.1 Under the terms of the Driving Licences (Guernsey) Ordinance, 1995, as amended, the Department is only permitted to consider an application for the renewal of a full driving licence in the two-month period immediately before its expiry. In the case of a provisional driving licence, the period is one month.

10.6.2 The Department has no discretion under the legislation on this matter. This creates difficulties for licence holders who, for instance, are leaving the Island to go travelling for extended periods and whose licences expire whilst they are away. If they are away for, say a six month period and their licence expires three months into that time, the Department cannot accept an application for it to be renewed before they leave the Island.

10.6.3 The Department is therefore recommending that the Ordinance is amended to provide it with discretion to consider applications received outside of the above one and two-month periods.

10.7 The Driving Licences (Guernsey) Ordinance, 1995, as amended – Consolidation

10.7.1 In addition to the changes being recommended above, there have been a large number of other amendments made to the above Ordinance since its introduction. There are a large number of Amendment Ordinances to the main Ordinance and, after consultation with the Law Officers, the Department is

recommending that the Ordinance should be consolidated into a single piece of legislation.

10.8 Vehicle Registration Log Book

- 10.8.1 The current vehicle registration legislation refers to registration “books” being issued by the Department upon a vehicle being registered. The Department is recommending that all such references in the legislation are amended to read registration “...documents”. This is a technical amendment that will enable the Department to alter the format of the current log books in future should the need arise as and when the current hand written log books are computerised.

11. **Conclusions and Recommendations**

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

- (1) approve that the main objective of the Island’s Road Transport Strategy should be to reduce the adverse environmental, economic and social impacts of vehicle use in the Island, in particular by: encouraging the use of alternative forms of transport; discouraging unnecessary motor vehicle usage; promoting more responsible use of vehicles; and, promoting the more efficient use of the Island’s transport infrastructure;
- (2) approve the Department’s plans to improve the bus service schedules, as set out in section 4.2 of this Report;
- (3) approve the Department policies in respect of bus fares, as set out in section 4.3 of this Report;
- (4) authorise the Department to enter into a new five year contract with Island Coachways for the provision of the scheduled bus service, as set out in section 4.4 of this Report, the terms and conditions of which would be subject to the agreement of the Treasury and Resources Department;
- (5) approve the Department’s proposals to introduce free school bus services on an experimental basis, as set out in section 4.6 of this Report and, subject to the results, to direct the Department to report back to the States in due course on the provision of a free school bus service for all pupils;
- (6) approve the introduction of legislation making it an offence to overtake a stationary school bus when it is dropping off or picking up its passengers;
- (7) rescind its Resolution IX.3 of Billet d’Etat XIII of 2001 and Resolution XXIV.4 of Billet d’Etat IV of 2003 in respect of park-and-ride services and the associated infrastructure;

- (8) approve the Department's proposals for the introduction of further on-street residents' parking schemes, as set out in section 4.9 of this Report;
- (9) approve the Department's intention to acquire and develop suitable sites that might become available for the construction of off-street residents' parking facilities, as set out in section 4.9.7 of this Report;
- (10) approve the Department's policies in respect of motorcycling, cycling, small car parking schemes, travel plans, car sharing and vulnerable road users, as set out in sections 4.10 to 4.13 of this Report;
- (11) approve that motor tax should be abolished and that a corresponding increase should be introduced in the tax on petrol and diesel and direct the Treasury and Resources Department, in conjunction with the Environment Department, to report back to the States with detailed proposals as part of its budget report for 2007, taking into account the issues set out in section 5.1.8 of this Report;
- (12) approve, in principle, the introduction of a register of driving instructors in the Island and direct the Department to report back to the States with detailed proposals in due course;
- (13) approve the Department's intention to carry out a review of the existing policies and legislation relating to the age requirements for driver licensing and direct it to report back to the States with the results in due course;
- (14) approve the Department's intention to commission a comprehensive and strategic review of the Island's speed limits;
- (15) approve the introduction of legislation banning the use of "bull bars" as set out in section 6.5 of this Report;
- (16) approve the Department's intention to develop proposals for the introduction of compulsory emission and noise tests for vehicles and direct it to report back to the States with these in due course;
- (17) approve the Department's intention to carry out a review of the road hierarchy for the purposes set out in section 7.2 of this Report;
- (18) approve the Department's intention to carry out a review of heavy goods vehicle activity and its regulation in the Island, as set out in section 7.3 of this Report;
- (19) note the seafront junction and link assessment that has been commissioned by the Department;
- (20) rescind its Resolutions XXI.5 and XXI.6 of Billet d'Etat IV of 2003 in respect of the introduction of pay parking;

- (21) approve that the Strategy should be funded by a combination of:
 - a) the increases in bus fare revenues set out in section 9.2 of this Report;
 - b) the administration charges for residents' parking permits and vehicle registrations set out in section 9.2 of this Report;
 - c) an increase in the duty on motor spirit of 1.2p per litre;
- (22) direct the Treasury and Resources Department to take account of the additional revenue and capital expenditure, revenue income and operating income associated with this Strategy, as set out in section 9 of this Report, and to increase the Environment Department's budget accordingly;
- (23) approve the amendments to the legislation on number plates, as set out in section 10.2 of this Report;
- (24) approve the amendment to the legislation on traffic signs and lines, as set out in section 10.3 of this Report;
- (25) approve the amendment to the legislation on the renewal of provisional driving licences for motorcycles, as set out in section 10.4 of this Report;
- (26) approve the amendment to the legislation on the exchange of driving licences issued by other jurisdictions, as set out in section 10.5 of this Report;
- (27) approve the amendment to the legislation on applications for the renewal of driving licences, as set out in section 10.6 of this Report;
- (28) approve the consolidation of the Driving Licences (Guernsey) Ordinance, 1995, as amended, and its subsequent amendment Ordinances within a single new Ordinance, as set out in section 10.7 of this Report;
- (29) approve amendments to the vehicle registration legislation on registration books, as set out in section 10.8 of this Report.

Yours faithfully

B M Flouquet
Minister

APPENDIX 1

**TAXI AND PRIVATE HIRE SERVICES POLICY STATEMENT
2005**

Taxi and Private Hire Service Licences

Policy Statement 2005



ENVIRONMENT

A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

Table of Contents

	Page No.
1. Introduction	1
2. Trade Structure	3
3. Availability of Taxis	6
4. Taxi Companies	8
5. Transfer of Taxi Service Licences	10
6. Conduct and Discipline	11
7. Licences to operate Private Hire Omnibuses	15
8. Licences to operate Private Hire Cars	17
9. Use of small Minibuses as Taxis	17
10. Fees	18
11. Prohibited and One-Way Street Permits	18
12. Fares Review	19
13. Policy Review	19
APPENDIX A Present Structure of Taxi Trade	20
APPENDIX B Code of Conduct for the operation of Taxi Service Licences	21
APPENDIX C Spot Interim Inspection of Taxis - Checklist	24
APPENDIX D Fees	26

1. Introduction

- 1.1** The Environment Department has reviewed the Taxi and Private Hire Service Licences Policy, after consultation with the trade, and has prepared this Policy Statement for 2005. It is being sent to all holders of Road Service Licences and other interested parties. In addition, it has again been sent to all holders of a permit to drive a taxi or private hire car.
- 1.2** The prime objective of the Department's policy is in accordance with the general duty of the Department, acting as the Passenger Transport Licensing Authority, as defined in the Public Transport (Guernsey) Law, 1984 : to ensure that : **“so far as is practicable, there are at all times available in this Island sufficient, efficient and safe systems of public transport to meet the requirements for the time being of the public”**. In order to fulfil that mandate the Department must reserve the right to take appropriate action at any time, whether or not it is in strict accordance with its stated policy, and to amend its policy should special circumstances so dictate or should there be no specific provision in the Policy Statement. Any such action taken by the Department may be made without prejudice to the stated policy, and without prejudice to any other action which the Department might take.
- 1.3** Under the Public Transport Ordinance, 1986 (section 21), the Department, when considering applications for Road Service Licences, is **required** to take into account: whether the requirements of the public are sufficiently being met by the number of existing Road Service Licences (and can impose a limitation on the number of Public Service Vehicle licences, ref. Section 26); whether the proposed operation is already adequately served and suitable; and whether the vehicle is suitable. The Department may attach conditions to Road Service Licences (section 20) and Public Service Vehicle Licences (section 7). The Department may also require the production of accounts, e.t.c. relating to Road Service Licences (section 3).
- 1.4** The present structure of the taxi trade is shown in Appendix A.
- 1.5** As a result of its present review, the Department feels that only a few further modifications of the policy are desirable, and these are summarised below, along with the other main features of this document :-
- The number of permanent Taxi Service Licences, for the time being, is to remain at 115. However the Department will continue to monitor the performance of the white plates and may subsequently decide to issue additional road service licences sometime in the future. In addition, the States has previously agreed that the Department should have the authority to sell any additional new plates that it may wish to issue. Legislation giving effect to this decision is currently being prepared for final approval by the States (see section 2.1).
 - The Department will continue to monitor the performance of the green plates and may subsequently decide to issue additional temporary taxi service licences sometime in the future (see section 2.2).

- The Department has again decided not to proceed with the issue of peak periods taxi road service licences (red plates) at this time, although it reserves the right to issue the above plates in the future (see section 2.3).
- The Department will be prepared to investigate the introduction of additional fare incentives, in the future, to improve taxi availability during peak periods. This may include an investigation into the possible introduction of a surcharge on journeys from the Airport taxi rank (see section 3.1).
- The requirement for taxi companies to keep vehicles at the Airport at certain times is to be maintained (see section 3.2).
- The Department will be investigating the introduction of a practical and properly structured taxi sharing scheme (see section 3.3).
- Teletext flight information is now available on Cable & Wireless GSM WAP mobile phones (see section 3.4).
- The Department still intends to investigate the possibility of installing a 'taxi telephone' at the new Airport terminal, in conjunction with the Airport Authorities, which will be linked directly to taxi company offices (see section 3.4).
- The Department intends to investigate the possibility of funding an external Teletext screen to be fitted to the exterior of the new Airport Terminal to enable taxi drivers to monitor flight arrivals and departures from the Airport taxi rank (see section 3.4).
- The Department has agreed to commission an 'unmet demand survey' which will take into consideration supply and demand within the taxi industry (see section 3.6).
- The Department intends to investigate whether the conditions of a taxi company's road service licence, when it is only operating **one vehicle**, should be amended to the conditions which would normally apply to an individual plate holder (see section 4.4).
- Each taxi will only have a scheduled examination once a year but will also be subject to random additional examinations at any time, to ensure safety standards are maintained. In addition, spot interim vehicle inspections which cover the appearance of the vehicle and driver will continue to be carried out on a regular basis (see sections 6.6 and 6.7).
- The Department would like to continue to encourage all taxi operators to hold personal accident and assault insurance (see section 6.11).
- The prohibition on smoking in all public service vehicles has previously been agreed by the States. Legislation giving effect to this decision is currently being prepared for final approval by the States (see section 6.12).

- The Department would again like to highlight and recommend the merits of the ‘Welcome Host’ customer care training scheme. (see section 6.13)
- The Department has decided to investigate, in conjunction with the Guernsey Taxi Owners’ Federation, the possibility of introducing policy guidelines on taximeter setting (see section 6.14).
- The States has previously agreed to an amendment to the public transport legislation to enable the Department to introduce a new category of road service licence which will cater for the operation of transfer services. Legislation giving effect to this decision is currently being prepared for final approval by the States (see section 7.3).
- The Department still intends to investigate the possibility of licensing an Airport ‘transfer bus service’ (see section 7.3).
- The States has previously agreed to an amendment to the public transport legislation which will provide public excursion operators with greater flexibility in the way they provide their tours. Legislation giving effect to this decision is currently being prepared for final approval by the States (see section 7.4).
- The Department for the time being will continue to waive all fees relating to the application process for a Permit to Drive a Public Service Vehicle **for new applicants only**, subject to certain conditions (see section 10.1).

2. Trade Structure

White Taxi Plates

- 2.1** The number of permanent taxi service licences will remain fixed at 115 for the time being.

However, although the number of permanent taxi service licences will not increase at this time, following the debate on the review of the public transport legislation the States has previously agreed that the Department should have the authority to sell any additional new plates that it may decide to issue sometime in the future. Legislation giving effect to this decision is currently being prepared for final approval by the States.

In this manner, any operator that is issued with a new additional plate will be subject to a similar financial incentive to fully utilise the plate as those current operators who have obtained their plate through the existing transfer market.

The Department’s interest at this stage is only in selling any additional new licences that it may issue. Thereafter, the operator would be open to transfer his plate within the existing transfer market, subject to the necessary conditions being satisfied.

The Department intends to continue to monitor the performance of the white plates, whilst taking into consideration taxi availability in general. The Department may subsequently decide to issue additional white plates in the future, following consultation with the Guernsey Taxi Owners' Federation.

Green Taxi Plates

- 2.2** In 1998, following a proposal put forward by the Guernsey Taxi Owners' Federation the former Traffic Committee decided to issue five temporary Taxi Service Licences (green plates), subject to a number of conditions. A further five were issued in 2000.

The 'green plate' scheme recognises that there are a number of plateholders above retirement age who wish to reduce the number of hours they are required to work under their current road service licences, but who also wish to continue operating their own taxi service.

These plateholders are encouraged to 'transfer' their plates under the current transfer policy to another individual who may work more hours and therefore increase the productivity of the permanent plate. The applicant is then issued with a green plate with a reduced mileage condition. Applicants for a green plate must meet the following criteria :-

- a) the applicant must be over the age of 65 years (in certain exceptional cases the age limit restriction may be lowered at the discretion of the Department);
- b) the applicant must have operated a permanent taxi service licence satisfactorily for at least five years;
- c) the application for a 'green plate' is being made in conjunction with an application to transfer the applicant's existing permanent licence to another individual that is subsequently approved by the Department.

The temporary green plates are also subject to the following conditions : -

- a) the licence holder will not be permitted to employ any other drivers on either a full or part time basis;
- b) The mileage performed by the licence holder should not be less than 13,000 miles per annum.
- c) the 'green plate' has to be returned to the Department when it is no longer required by the licence holder. The plate cannot in any circumstances be transferred to another individual;
- d) the licences are issued for a five year period, at the end of which time each licence may be extended, on an individual basis, at the discretion of the Department.

All of the ten green plates are currently in circulation. The Department has no plans

to issue any additional green plates at this time. However, the Department will continue to monitor the performance of these green plates and the effect the above initiative has had on taxi availability in general. The Department may subsequently decide to issue additional green plates in the future, following further consultations with the Guernsey Taxi Owners' Federation.

There is currently a waiting list for green plates. Any taxi operator who meets the necessary criteria, as detailed above, may apply in writing to the Department for his or her name to be placed on the waiting list. In the event that a green plate becomes available in the future, then it will normally be offered by the Department to the person at the top of the waiting list. However, sympathetic consideration may be given to cases involving medical conditions that, in turn, result in an operator needing to reduce the number of hours being worked. Applications for a place on the waiting list should be made in writing to the Department.

As stated above, temporary licences are issued for a five year period, at the end of which time each licence may be extended, on an individual basis, at the discretion of the Department. The Department has concluded that, unless there are exceptional circumstances, these green plates should be allowed to expire, before being issued to another operator on the waiting list, rather than being extended for the current holders. However, the Department is prepared to consider each case on its own merits taking into account the individual circumstances of each green plate holder.

Red Taxi Plates

- 2.3** In recent times, the Department has continued to receive complaints regarding taxi availability during certain peak periods, including Friday and Saturday nights and all day on Sunday and bank holidays.

The former Traffic Committee had previously investigated, in conjunction with the Guernsey Taxi Owners' Federation, the possibility of issuing 'peak period' taxi road service licences (red plates) which would, for example, only be valid during weekends (e.g. Friday evening to Sunday night) and over bank holiday periods.

In particular, the Department has noted the concerns previously put forward by the Guernsey Taxi Owners' Federation. The Federation's view is that the issue of additional plates would not increase taxi availability due to the current difficulty with recruitment of drivers. These plates may only attract existing drivers in the trade.

The Department has therefore concluded that, against the above background, it will not proceed with the issue of 'red plates' at this time as it intends to carry out more research into the effects this may have on existing operators, as well as a survey of unmet taxi demand and supply (see section 3.6 below). It therefore reserves the right to issue the above plates in the future, following further consultations with the Guernsey Taxi Owners' Federation.

3. Availability of Taxis

Fare Incentives

- 3.1** The former Traffic Committee introduced additional fare incentives to improve taxi availability during certain peak periods. These include applying a 60 pence surcharge on all journeys during normal hours on Sundays and introducing a £3.00 surcharge on all journeys on Christmas Day, Boxing Day & New Year's Day, as well as on all journeys after 7.00pm on Christmas Eve and New Year's Eve. In addition, the night time tariffs have been brought forward from 11.00pm to 10.00pm on Monday to Friday and from 11.00pm to 7.00pm on Saturdays and Sundays.

The Department will also be prepared to investigate the introduction of further fare incentives to improve taxi availability, in the future, if it is considered to be appropriate at that time.

This may include an investigation into the possible introduction of a surcharge on all journeys from the Airport taxi rank at certain times of the day, as recommended in the Independent Review of Taxi Fares Report undertaken by the Halcrow Group Ltd in 2003.

Port Services

- 3.2** Regular monitoring of the supply of and demand for taxi services, especially at the Airport, is continuing. However, the Department continues to receive complaints about taxi availability at the Airport. It has therefore decided that each taxi company will continue to be required to base one of their licensed taxis at the Airport from 5.00pm to the time of closure of the Airport on Fridays, Saturdays and Sundays throughout the year.

Regular monitoring of taxi availability at the Airport will continue to be carried out in conjunction with Visit Guernsey. The Department will monitor the situation closely, both at the Airport and the Harbour, and may apply similar or other conditions should that prove necessary.

Taxi Sharing

- 3.3** As part of the review of the public transport legislation, the States had previously agreed that the legislation should be amended to enable a practical and properly structured taxi sharing scheme to be introduced. Legislation giving effect to this decision is currently being prepared for final approval by the States.

The Department will subsequently be investigating the implementation of such a scheme in due course, in conjunction with the Guernsey Taxi Owners' Federation.

Communications

- 3.4** It has again been noted that the provision of shipping information in conjunction with flight information on the local teletext service continues to be of benefit. Also, the installation of a fibre optic link from the Harbour Signal Station to the Harbour Office by the former Board of Administration allows Signal Station staff to update the arrivals/departures information on the teletext system when received from agents or vessels. The Department will keep abreast of any further technical developments which might help to improve communications, both for the taxi operators and the public.

The Department would like to make taxi operators and their drivers aware that the teletext flight information is now available on GSM WAP mobile phones as part of the Cable & Wireless 'Lifestyle' package. This information has been provided free by the Airport authorities to Cable & Wireless in an effort to make access more readily available to taxi drivers.

In particular, the Department welcomes the continued increase in the use of mobile telephones, particularly on the GSM network, which has certain advantages for smaller operators who have grouped together and used the mobile network to create "informal" combines in order to provide a more comprehensive service for their customers.

There is a GSM mobile phone message system which allows Visit Guernsey desk staff at the Airport to 'broadcast' a group text message to all taxi operators about the demand for taxis at the Airport taxi rank, at any time. The Department is working with Visit Guernsey to improve and enhance the utilisation of this service.

The Department also intends to investigate, in conjunction with the Airport Authorities, the possibility of installing a 'taxi telephone' in the new Airport terminal building. It is envisaged that the telephone will be directly linked to taxi company offices to allow potential passengers to contact them easily and free of charge.

The Department also intends to investigate the possibility of funding an external teletext screen to be fitted to the exterior of the new Airport Terminal to enable taxi drivers to monitor flight arrivals and departures from the Airport taxi rank. It is believed that improving the provision of flight information to taxi drivers will have a positive effect on taxi availability at the Airport.

Yellow Pages

- 3.5** The Department considers that the publication in the yellow pages section of the telephone directory of GSM, company and radio link telephone numbers is of great assistance to members of the public.

It confirms that these telephone numbers should continue to be included in the Yellow Pages. It does not require that the home telephone numbers of taxi service licence holders should be included.

The Department would like to make it clear that, although it no longer provides financial assistance towards the cost of publishing entries in the yellow pages, this should not deter operators from entering their mobile telephone numbers in the yellow pages in the future.

Unmet Demand Survey

- 3.6** The Department is conscious that there is a dominant **perception** within the wider community that taxi availability is a difficulty. Although anecdotal ‘evidence’ is available to suggest that this may reflect an **actual** shortfall in supply meeting demand, there is a lack of quantifiable data or evidence to determine if and to what extent this is the case.

The Guernsey Taxi Owners’ Federation has previously put forward its view that as there are currently difficulties with the recruitment and retention of taxi drivers in the industry, it would be unlikely that the issue of additional plates would have any significant effect on taxi availability particularly if individuals currently employed as taxi drivers acquired their own plates. The Federation has also expressed concerns about the sustainability of the taxi industry if additional plates are issued in a limited market.

The Department has therefore agreed to commission an independent ‘unmet demand survey’ which will take into consideration supply and demand within the taxi industry. This survey will seek to identify and quantify when and where any such taxi availability difficulties occur and will be used to assist the Department formulate and develop policies to try and address them.

It is intended that the terms of reference for this independent survey will be drafted in conjunction with the Guernsey Taxi Owners’ Federation to enable the views of the trade to be taken into consideration. In this respect, the Department has agreed that the survey should consider the question of “unmet taxi supply”, as well as “unmet taxi demand”.

4. Taxi Companies

- 4.1** The Department will continue to seek to encourage the creation of taxi companies and the transfer of taxi service licences to them has achieved its objective. Companies are able to mobilise more easily the resources required to support their operations, and consequently, improve taxi availability.

The success of this policy has been reflected in investments in computerised link facilities, and a satellite positioning system, which it is hoped will result in further improvements by enhancing efficiency.

- 4.2** The Department also believes, however, that it is in the interests of the Island that a proportion of individually owned taxi services be maintained. The following restrictions in relation to taxi companies will therefore be enforced :-

- a maximum of 25 taxi service licences per company; and
- a total of 50 taxi service licences held by all companies.

At present a total of thirty-eight taxi service licences are held permanently by taxi companies. Minibuses and other private hire vehicles are not included in the maximum quota of twenty five vehicles that individual taxi companies are permitted to operate.

- 4.3** The taxi companies must continue to comply with the following conditions. Failure to do so may result in the revocation of their licences :

- a) the shareholders, directors and managers must be acceptable to the Department. There must be no change in the beneficial ownership of the company, or transfer of shares in the company, without the Department's approval.
- b) Except with the Department's approval: the company must not be owned or controlled by a bus company; any person may not have a shareholding in more than one taxi company; and no taxi company may have a shareholding in any other taxi company.
- c) The company's audited accounts and statistics must be submitted upon request annually to the Department.
- d) The company must operate a radio link, although does not necessarily need to own such a link. As an alternative the Department will consider proposals from companies wishing to operate on a mobile telephone system.
- e) The company must provide a 24 hour service. The Department may occasionally request companies to maintain a log for submission to the Department of journeys undertaken between midnight and 6am over certain periods. No personal details of the passengers carried, however, will be requested.
- f) The company must have access to flight and ferry information provided on the teletext service.
- g) The company must place an entry in the Classified Directory of Trades and Professions (the 'Yellow Pages') section of the Telephone Directory.

- 4.4** The Department will especially encourage the operation of taxi companies when there was a clear commitment on the part of the shareholders and directors to operate a fleet of vehicles rather than just a single taxi. In this way, the operational

efficiency and improved vehicle utilisation could be optimised for the benefit of the travelling public.

In the event that an existing company reduces its fleet and only wishes to retain one taxi road service licence, then the Department is currently investigating amending the conditions of the taxi company's licence to reflect the conditions which would normally apply to an individual plate holder. This could include a requirement for the owner of the company to operate the plate himself for a minimum number of miles per year.

5. Transfer of Taxi Service Licences

5.1 The Department continues to believe that the transfer of taxi service licences is helping to increase the use of the taxi fleet as the transferred licences are often more fully used, with a consequent improvement of the taxi service for the Island; that it encourages the continuity of services; and that it is proper for taxi operators who have spent years building up their business to be able to realise the business as an asset.

5.2 The Department's relevant mandate under the Public Transport Ordinance is to grant and revoke road service and taxi service licences, rather than to directly transfer a licence from one individual to another.

5.3 The Department has decided to continue to permit persons wishing to discontinue holding a taxi service licence to designate an individual as the recipient of a licence, effectively allowing the transfer of a licence.

The Department's action will continue to be to revoke one licence, upon surrender by the holder, and to grant a new licence to the designated individual. The Department will not be concerned with any arrangements which may be arrived at between the parties concerned.

5.4 Policies relating to the transfer of taxi service licences have previously been reviewed by the Department in light of the most up-to-date advice on human rights legislation. In particular, it was noted that the policy that required the licence holder to operate the licence satisfactorily for at least five years before being permitted to "transfer" the licence may no longer be compatible with the legislation. The former Traffic Committee therefore decided to withdraw this requirement in 2003.

5.5 The conditions applying to such "transfers" are now as follows :-

- a) Applications must be made on a special form, signed by both the present licence holder and the recipient of the licence.

- b) If the licence holder also holds a private hire motor car licence he will not be permitted to retain that licence.
- c) The recipient of the licence must be acceptable to the Department.
- d) The recipient of the licence must have had recent experience of working satisfactorily in the taxi trade in the Island as a driver for a minimum of one year.
- e) In the event of revocation of a taxi service licence, the holder will be given three months to designate an individual to whom a new licence may be granted. This period may be extended at the discretion of the Department.
- f) In the event of the death of a holder of a taxi service licence, his or her estate will, at the discretion of the Department, normally be permitted to “transfer” the licence within a reasonable period.

5.6 It should be noted that transfers may be made from individual to individual. Transfers may also be made from individuals to companies, provided that the quota for companies detailed in section 4.2 above is unfilled, unless there are exceptional circumstances, and subject to the conditions stipulated in section 4.3 above. Transfers from companies to individuals will also be permitted, again subject to the conditions detailed in section 4.3 above. Transfers between companies may be allowed at the discretion of the Department.

Temporary transfers

5.7 The Department will continue to permit the temporary transfer of Taxi Service Licences to companies or suitably qualified persons in such events as illness, extended holidays or vehicle breakdown. All such transfers must be subject to the specific approval of the Department.

6. Conduct and Discipline

Code of Conduct

6.1 It will continue to be a condition of the grant of a taxi service licence that the licence holder shall subscribe to the Code of Conduct (see Appendix B) and ensure that each of his or her drivers has a copy. Further copies are available from the Bulwer Avenue office of the Environment Department or on the website www.gov.gg.

Island Tours

- 6.2** Taxi operators may continue to display notices advertising “Island Tours” inside their vehicles. The Department will also continue to allow these signs to be visible from the outside of the vehicle i.e. placed inside the windscreen.

Assistance with Luggage

- 6.3** The Department wishes to remind operators that all drivers must afford sufficient assistance with luggage, as specified in item 9 of the code. It is emphasised that this is considered to be an important part of the taxi service. Complaints that are investigated and subsequently upheld are noted on the records maintained by the Department of the driver and operator concerned.

Taxi Rank Telephones

- 6.4** The Department also wishes to remind operators that all drivers must comply with the requirements in item 13 of the code that they shall answer the taxi rank telephones, and taxi service licence holders are requested to ensure that their drivers are aware of this requirement.

Identity Cards

- 6.5** The Department continues to require all drivers to carry their existing identity cards with them at all times whilst driving a public service vehicle. If drivers have misplaced their identity cards replacements can be obtained from the Bulwer Avenue offices of the Environment Department.

Vehicle Examinations

- 6.6** The examination of taxi and private hire cars will continue to be staggered throughout the year with only a scheduled examination for each taxi once a year, rather than twice as previously was the case. However, alongside an ongoing programme of annual examinations, taxis will also be subject to random additional examinations, at any time, to ensure safety standards are maintained. As such, all taxis will be inspected a minimum of once a year, but those chosen at random will be checked twice.

All vehicles must be fitted with a speedometer, illuminated and in working order. In addition to the mechanical examination these inspections will also include the appearance and cleanliness of the vehicles. The Department has previously issued guidelines on the appearance and cleanliness of taxi and private hire cars to all operators (see Appendix C).

Spot Checks

- 6.7** The Department confirms its intention to continue undertaking spot interim inspections of taxis at the ranks or at the premises of the operator. These will cover the appearance of the vehicle and driver, as well as a few other simple items (see Appendix C).

Copies of the reports of these inspections will be supplied to the holder of the Taxi Service Licence. Inspections may be carried out at the time of taximeter testing.

Minimum Mileage

- 6.8** The Department intends to review formally the grant, operation and terms of any taxi service licence which it has reason to believe may not be operated properly.

Taxi service licences will continue to be the subject of a minimum mileage condition on taxi road service licences, to replace the previous condition on the minimum number of hours a licence holder is required to operate the taxi in any calendar week. This is 25,000 miles per year for a white plate and 13,000 miles per year for a green plate.

Island Knowledge Test

- 6.9** The Department will continue to publish a formal syllabus for the Island Knowledge Test.

It is hoped that the publication of the syllabus will encourage more individuals to apply for a Permit to Drive a Taxi Public Service Vehicle.

This syllabus is available from the Environment Department's offices at Bulwer Avenue or on the website at www.gov.gg.

Refusal of Hire from a Taxi Rank

- 6.10** The Department wishes to remind operators of the circumstances under which a driver may refuse an offer of hire at a taxi rank under the public transport legislation. These are as follows :-

- a) the driver has good reason to believe that the fare will not be paid;
- b) the period of hire will be of a duration of more than one hour;
- c) the driver considers any passengers condition or conduct is objectionable or is likely to become objectionable.

Accident and Assault Insurance Cover

- 6.11** The Department shares the serious concerns that have been highlighted by previous assaults on taxi drivers. It will continue to work closely with the Guernsey Taxi Owners' Federation and Guernsey Police in considering any measures that could be introduced to alleviate and address these concerns.

In the meantime, the Department is aware that an increasing number of operators hold personal accident and assault insurance cover for themselves and their drivers. In the circumstances, the Department would wish to take this opportunity to commend such insurance to all operators and drivers and to encourage them to hold such cover.

Smoking in Public Service Vehicles

- 6.12** In July, 1993, the States of Guernsey resolved that a total ban on smoking in all public transport vehicles should be introduced. This followed consideration of a policy letter from the Board of Health on Substance Misuse in Guernsey. At present, the legislation only prevents passengers from smoking on scheduled omnibus services.

The Board of Health subsequently approached the former Traffic Committee about including this matter in its policy letter to the States on the review of the public transport legislation. Subsequently, the States has previously agreed to make the necessary provisions within the law for such a prohibition, which will be introduced in due course.

In this manner, the non-smoking majority of the population will be protected from having to travel in smoke filled vehicles or those with a strong interior smell of stale tobacco.

Welcome Host Training

- 6.13** Although the Department acknowledges that the standard of customer care within the taxi industry is generally very high, it nevertheless would again like to highlight and recommend the merits of the 'Welcome Host' training scheme now operated by the Guernsey Training Agency on behalf of the Commerce and Employment Department (Visit Guernsey). These training workshops take place over one day, or two days if someone wishes to become an 'in-house trainer', and are aimed at people who serve visitors to the Island as part of their customer base. The Guernsey Training Agency has already indicated that, if there was sufficient demand, a course could be devised specifically to meet the needs of the taxi trade.

Taxi Meter Setting

- 6.14** The Department has decided to investigate, in conjunction with the Guernsey Taxi Owners' Federation, the possibility of introducing policy guidelines on taxi meter setting.

In particular, it has recently been noted that the only guidance available on the setting of taximeters appears in the current public transport legislation which states that the taximeter should be started 'immediately upon the vehicle being hired for a taxi service'.

It is considered that providing clarification on the above matter, through the introduction of policy guidelines, will be of benefit to both the taxi operators and the travelling public alike. In particular, it will help to ensure that taxi fares are charged in a fair and consistent manner throughout the industry.

For example, this policy may include guidelines on when it would be appropriate for a booked taxi driver to start his or her taximeter when collecting passengers from their home, place of work, the air or sea ports, or a restaurant e.t.c. This is particularly relevant since the introduction, in recent years, of a 'Collection Time' fare tariff.

However, due to the practical considerations and complexity of this issue the Department intends to form a Working Group, which will consist of representatives from the taxi trade and the Department, to undertake a full investigation into this issue prior to the policy guidelines being agreed and published.

7. Licences to Operate Private Hire Omnibuses

- 7.1** The operation of private hire omnibuses by taxi companies should continue to be clearly auxiliary to the companies' taxi operations.

Additional Road Service Licences

- 7.2** The Department recently decided to issue two additional road service licences for two Routemaster double decker buses to operate private and public excursions around the coast. In particular, the Department noted that the combination of both the services to be operated and the vehicles, was of a specialist nature not currently being provided for in the Island.

The Department does not intend at present to grant any further road service licences for the operation of private hire omnibuses. The situation will be kept under review, however, and further licences may be granted if considered necessary to counteract deficiencies in the service to the public.

Transfer Services

- 7.3** The Department has noted that the existing legislation relating to the operation of Private Hire Omnibus Service Licences can be detrimental to the efficient operation of airport, harbour and hotel private hire transfers. In particular, the current legislation (and consequential private hire licence conditions) only allow a private hire vehicle to be hired by a single party in accordance with the terms of a single contract, on a pre-booked basis, at a predetermined charge.

In undertaking the review of the public transport legislation, a number of operators have confirmed to the Department that their entire transfer business is based on a 'per head' charge and it is impractical to enter into a 'single' contract with tour operators for the hire of each individual vehicle. In practice, a number of clients from various tour operators are carried in one vehicle. In effect, the vehicle is being used simultaneously for the carriage of passengers under a number of different contracts with various tour operators.

As part of the review of the public transport legislation, the States has previously agreed to the Department's proposal to introduce into the current public transport legislation a new category of road service licence which will cater specifically for the operation of transfer services in the above manner. This will allow operators to lawfully provide flexible and, subsequently, improved services to the general public. Legislation giving effect to this decision is currently being prepared for final approval by the States.

The Department also intends to investigate the possibility of licensing an Airport 'transfer bus service' which, for example, could provide a shuttle service for visitors between the Airport and various hotels.

However, it should be noted that no decisions will be made on the above matter until the Guernsey Taxi Owners' Federation has been fully consulted.

Public Excursion Services

- 7.4** The current public transport legislation states that the routes, itineraries, timetables and fares of public excursion services **must** be approved by the Department and set out in the relevant road service licence. However, the Department believes that operators should be allowed more commercial freedom to operate these tours on the routes and at the fares that they wish. This introduces an element of competition into the market, which subsequently should have the effect of improving the range and quality of services being offered to the public.

In considering the policy letter on the review of the public transport legislation, the States has previously agreed to the Department's proposal that, whilst licences will still continue to be needed for all public excursion services, there should no longer be any need for it to necessarily include the above details on routes, itineraries,

timetables and fares within the terms of the licence. In effect, the Department will issue a licence to an operator to provide an agreed number of tours, but the details of the tours themselves will be left to the operator's discretion. Once the legislation is introduced the licensed operators will then have much more flexibility to react to the needs of the market.

8. Licences to Operate Private Hire Cars

- 8.1 The Department acknowledges the efforts and investment that many taxi operators have made in improving the quality of vehicle that they operate. It recognises that many of these vehicles can, as a result, be offered as private hire vehicles for use on special occasions, at functions and for general private hire services.
- 8.2 The Department is satisfied that the **general** market for private hire services is satisfied by the existing taxi and private hire car road service licences that are in force. Therefore, it does not intend at the present time to grant any additional road service licences for private hire car services.
- 8.3 However, consideration will be given to applications for road service licences for the operation of "specialist" private hire car services, where a unique service is offered which expands customer choice in terms of the range, type and quality of service and vehicle that are available to the public in this sector.
- 8.4 Against this background, the following 'specialist' vehicles are currently licensed as private hire cars :
 - 2 vintage cars;
 - 2 Rolls Royce's;
 - 3 Daimlers;
 - 2 stretch limousines;
 - 2 high quality executive cars.
- 8.5 The Department will continue to reserve the right to approve the type of vehicle that should be operated for these specialist services.

9. Use of Small Minibuses as Taxis

- 9.1 The Department will continue the policy of granting taxi licences for 8-seater minibuses which conform with the provisions of the Public Transport Ordinance.

10. Fees

- 10.1** The Department has agreed, in principle, that all fees relating to public service vehicle licences, vehicle examinations and taximeter tests should be increased broadly in line with the corresponding increase in the retail price index. Fees were set at their current levels in December, 1990. This proposal has previously been agreed by the States and will be implemented in due course.

It has also agreed not to increase any fees that would, for the time being, effect the cost of applying for a permit to drive a public service vehicle for the first time.

The Department has decided for the time being to continue to waive all fees relating to the application process for a Permit to Drive a Public Service Vehicle for **new applicants only**. However this will only apply to individuals when they are taking their PSV driving test or Island Knowledge test **for the first time**.

Candidates who fail either of these tests who decide to resubmit themselves for a further examination will be required to pay the normal fees for their second and any subsequent tests.

- 10.2** The Department has agreed to maintain the current system for payment by taxi and private hire car operators of fees. Operators renewing their public service vehicle licences each December for the following year will be required at that time to make payment in advance for the following year's vehicle examination. Operators will therefore only have to make one trip per annum to the Department's Bulwer Avenue offices for licence renewals and payment of fees, rather than the three time consuming visits that were previously required.

11. Prohibited and One-Way Street Permits

- 11.1** Taxis displaying their public service vehicle identification plates are not required to carry prohibited and one-way street permits when picking up or setting down passengers in Les Cotils, The Strand, The North Plantation, La Plaiderie and Smith Street. In the case of Smith Street, it should always be remembered that permission is given for picking up and setting down disabled and infirm passengers only.
- 11.2** In addition, permits are no longer required by taxis needing access to Fermain Bay.
- 11.3** Permits are still required for access by taxis to all other prohibited and one-way streets. All other categories of public service vehicles are still required to display permits for access to all prohibited and one-way streets.

12. Fares Review

- 12.1** In consultation with the Guernsey Taxi Owners' Federation, the former Traffic Committee commissioned an independent report on taxi fares in 2003, undertaken by Halcrow Group Ltd. The initial conclusions of that report were published in the 2003 policy statement. The former Committee and the Federation were unable to reach an agreement on either an appropriate level for the current fare tariffs, or a formula on which to base future fare settlements.
- 12.2** Therefore, the former Traffic Committee consequently agreed to implement a 2004 fare increase in line with the rise in the Guernsey Retail Price Index, as at December, 2003, of 3.9%, which was implemented from 1st May, 2004.
- 12.3** As stated in section 3.6 above, the Department has agreed to commission an 'unmet demand and supply survey' to quantify and provide objective evidence on taxi availability and to assist in the formulation of policies to address the issue, which could include changes to fares.
- 12.4** Until this further research has been carried out and the Department has had an opportunity to review fares in a wider context of their effect on taxi availability, the Department will continue to liaise with the Guernsey Taxi Owners' Federation on an annual basis to review fares. It is hoped that any fare increases for 2005 will be implemented on or around 1st April.

13. Policy Review

- 13.1** This policy is reviewed on a continual basis and your views are welcome at any time. This statement is issued to all private hire and taxi operators, and holders of permits to drive a taxi or private hire car public service vehicle, as well as other interested parties. Prior to the issue of a revised policy statement the views of the Guernsey Taxi Owners' Federation, each of the taxi companies and combines, the bus operators, and other interested parties are specifically sought. These views and comments, as well as any other submissions received throughout the year, are then taken into consideration as part of the review of the policy statement.

Any comments on the policy statement should be addressed to The Minister, States of Guernsey Environment Department, Sir Charles Frossard House, La Charroterie, St. Peter Port, Guernsey GY1 1FH.

The taxi companies and combines will also be asked to provide the names of their member operators.

- 13.2** In future reviews of this policy the Department will take into account any new capital expenditure incurred by companies or individuals as a direct result of this policy.

18th January, 2005

Appendix A

Present Structure of Taxi Trade

Company/Combine	Licences granted	Affiliated taxis	Total taxis	Private hire minibuses
Euro Cab '97 Ltd.	3	0	3	0
Blue Bird Services Ltd.	10	0	10	0
Delta Taxis Ltd.	12	28	40	9
Sunshine Taxis Ltd.	3	0	3	0
Island Supplies & Services	1	9	10	0
Moss Taxis Ltd	2	0	2	0
Swift Taxis Ltd	2	3	5	0
Island Taxis	4	0	4	0
PTR Trading	1	0	1	0
Intransit Passenger Services	0	0	0	8
Total for companies	38	40	78	17
Full-time operators			37	
To be re-issued			0	
Part-time operators ('green plates')			10	
To be re-issued			0	
Total taxi licences			125	

16th August, 2004

Appendix B

Environment Department

Passenger Transport Licensing Authority

Notes Concerning Code of Conduct

To all holders of taxi service licences and to all applicants for licences:

Section 24.(1) of the Public Transport Ordinance, 1986, reads as follows :-

“The Authority may at any time revoke, suspend or vary a road service licence and shall do so if in the opinion of the Authority the terms and conditions of the licence are not being complied with.”

The Department has set out in the attached Code of Conduct the standards it expects from persons holding Taxi Service Licences and the circumstances which would lead to a Licence being suspended or revoked.

In order to get maximum usage from vehicles and to provide a full service to the public, the Department will raise no objection to the employment of part-time drivers provided that :-

- (a) The part-time driver holds a current Permit to Drive a Public Service Vehicle of the correct category for the vehicle in his charge.
- (b) The name and address of the part-time driver is notified to the Department.
- (c) The part-time driver is used only for support purposes.
- (d) The holder of the Taxi Service Licence accepts full responsibility for the actions of his part-time driver. The holder will be expected to deal promptly with any complaints about his part-time driver, and if the Department is not satisfied with the action taken it may suspend or revoke the Taxi Service Licence.

Environment Department

Passenger Transport Licensing Authority

Code of Conduct for the operation of taxi service licences

1. When in charge of a taxi, the taxi driver shall be smartly dressed. Taxis shall be kept clean and well maintained.
2. If a taxi driver is at the front of a taxi rank and is, for any reason, unable to take his or her turn, that turn shall be offered to the next driver in turn on the rank. The first driver's turn shall be forfeited and, upon rejoining the rank the driver shall take the last position.
3. The first two vehicles on all major ranks shall be attended at all times by the drivers of those vehicles.
4. Any taxi designated as a vehicle in which smoking is not encouraged must clearly indicate this by a sign visible from outside the vehicle, that sign to be of a design approved by the Department.
5. The licence holder shall ensure that the insurance cover for the vehicle provides for unlimited cover as regards risks to passengers.
6. Taxis shall not display notices to the public offering "Island Tours", unless such notices are on the inside of the vehicle. The sign may be visible from outside the taxi. The term "Island Tours" shall be deemed to include Island drives, public excursions and similar services.
7. The driver will ensure that every precaution is taken for the safety of passengers whilst they are entering and alighting from the taxi.
8. Any accident to a vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein, or any serious incident involving the driver, shall be reported to the Department by the Taxi Service Licence holder as soon as reasonably practicable, and in any case within seventy-two hours.
9. The driver shall afford all possible assistance in loading and unloading, including assistance in moving luggage to and from the entrance of any house or other place from which passengers are collected or set down.
10. When in charge of a taxi, the driver shall not convey or permit to be conveyed, any greater number of persons than the number of persons specified on the licence relating to that taxi and displayed on the tariff card.
11. The Department requires the Taxi Service Licence to be operated by the person named on the Licence on a full-time basis. If it is shown that the vehicle is not being fully

used the Authority will consider revoking the Licence and issuing one to a person who is prepared to operate full-time.

12. All drivers are required to carry their identity cards with them at all times whilst driving a public service vehicle.
13. The taxi driver shall answer any taxi rank telephone provided by the Department.
14. Any taxi shall be available for inspection by any duly authorised officer at any time.
15. Before a vehicle is submitted for examination, it must be fully equipped to operate as a taxi.
16. Licence holders operating a taxi on a Temporary Road Service Licence will either cover or remove from the vehicle the PSV plate and the taxi sign if the vehicle is being circulated on the public highway out of the operating hours stipulated on the Road Service Licence.
17. All holders of Taxi Service Licences shall comply with the relevant provisions of the Public Transport Ordinance, 1986, as amended, at all times. Copies are available at cost from the Greffe. The attention of licence holders is particularly drawn to sections:
 35. General conditions as to use of taxis
 36. Taximeters to be used for taxi service
 37. Requirements as to use of taxis and in particular, section (a) regarding those circumstances when a driver can refuse an offer of hire at a taxi rank
 39. Provision of fire extinguishers and braking lights on public service vehicles
 40. Reporting of defects in public service vehicles
 41. Reporting of alterations to public service vehicles
 44. Prohibition of smoking by drivers in public service vehicles; and
 45. Control of filling with petrol of public service vehicles.
18. The mileage performed by 'white plate' owner / drivers should not be less than 25,000 miles per annum, or 13,000 miles per annum for 'green plate' owner / drivers. All taxi company vehicles should not perform less than 25,000 miles per annum.
19. Between 1 May and 31 October, inclusive, all owner / drivers shall follow no other employment.
20. **Hand-held** mobile phones should never be used by taxi operators *whilst driving*.

Appendix C

Spot Interim Inspection of Taxis - Checklist

1. Condition of bodywork; impact damage or rust.
2. Condition of all road tyres and spare.
3. Position of taxi plate at rear of taxi..
4. Position, illumination and design of roof taxi sign.
5. Operation of all lights, horn and windscreen wipers.
6. Cleanliness of vehicle, inside and out.
7. Operation and security of all doors, locks (bonnet and boot), and window winding.
8. Position and fixing of fire extinguisher.
9. Dress and appearance of operator.
10. Correct display of tariff card, identity card and number of passengers.
11. Position of taximeter, and condition of taximeter seal.
12. Odometer head reading.

Taxi Plate No.Reg NoVehicle

DriverDate

Mileage

Remarks:

.....

.....

.....

.....

Guidelines on appearance and cleanliness of Taxi and Private Hire Cars

Exterior

Bodywork - The bodywork should be clean and have no significant accident damage, be significantly corroded, nor have any sharp edges which may cause injury to passengers or pedestrians.

Trims & Bumpers - Trims and bumpers should have no significant accident damage, or be significantly scratched or scraped.

Paintwork - The paintwork should be in good condition and consistent. It should be clear and uniform over the whole vehicle. There should be no excessive stains from exhaust emissions or fuel spills.

Wheel trims - Wheel trims should be in place, if originally fitted, and should not be significantly scratched or scraped.

Interior

Seats - Passenger seat coverings should be clean, and free from tears, stains and excessive cigarette burns. The interior springs should be sound. There should be no sharp edges which are likely to cause injury or damage.

Floor coverings - Carpets and mats should be relatively clean and free from excessive stains. They should not be so badly worn so as to be likely to cause danger to passengers. In particular, all floor coverings should be free from tears.

Head lining - The head lining should be clean and free from tears and stains.

Dashboard - The dashboard should be clean and free from dust.

General Upholstery - All upholstery should be clean, and free from dust, stains and tears.

Window winders & door handles - All window winders and door handles should be able to be operated easily by passengers.

Freshness - The interior should be free from unpleasant odours.

Appendix D

Environment Department

Passenger Transport Licensing Authority

Fees

Public service vehicles:

Vehicle licence grant and renewal	£15.00
Temporary replacement vehicle	£5.00
Permanent replacement vehicle	£7.50
Transfer of licence to a new owner	£5.00
Refundable deposit for PSV plate	£3.00
Vehicle examination	£10.00
Vehicle re-examination	£25.00
Taximeter Test	£5.00

Permits to drive a public service vehicle:

Application fee	£5.00
Driving test (2 x normal driving test period)	£55.00
Island knowledge test	£10.00
Grant of a 4 year permit	£10.00
Renewal of a 4 year permit	£20.00
Annual renewal of permit	£5.00

Reference: The Public Transport (Fees) Ordinance, 1990;
 The Public Transport Ordinance, 1986;
 The Road Traffic (Permits to Drive Public Service Vehicles) Ordinance, 1986



ENVIRONMENT

A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

APPENDIX 2

RESIDENTS' PARKING SCHEMES

APPENDIX 2

RESIDENTS PARKING SCHEMES

Current Schemes

Streets on the Scheme	Other Eligible Streets
L'Hyvreuse	L'Hyvreuse Avenue; Cambridge Park Road; Les Cotils; Candie Road; Monument Road; Monument Gardens; Beauregard Lane; Les Vauxlaurens; and, La Butte.
Les Canichers and Bruce Lane	Bosq Lane; Corbin Steps; and, Well Road
George Road and Pedvin Street	Hauteville
Clifton; Saumarez Street; Union Street; and, St Johns Street	Little St Johns Street; Clifton Steps; and, Constitution Steps
Park Street; Mount Durand; Valnord Road; Valnord Hill; and, Victoria Road	Burnt Lane; Back Street; Upper Mansell Street; Park Lane; Rue du Pre; La Charroterie; Mount Row (east); Les Petites Fontaines; and, Mount Herman
Note: The left hand column above shows the streets where residents parking permits can be used. The right hand column shows additional streets from which residents are eligible to apply for a permit for use in the corresponding streets identified in the left hand column	

Proposed Future Schemes in St Peter Port

Upland Road; Arsenal Road; Les Vardes; Havelet, Hauteville; La Couperderie; Cordier Hill; New Place; Les Petites Fontaines; Les Amballes; Paris Street; New Paris Road; St Clements Road; Piette Road; St Johns Road; and, Coronation Road.

APPENDIX 3

TRAVEL PLANS

Types and benefits of travel plans

Type of travel plan	Focus of travel plan	Benefits of travel plan
Schools	• Reduce congestion around schools • Increase travel choices for students and parents • Improve safety for school children and their parents • Improve health for students	• Improved safety at your school gate and quieter streets for local residents • Improved health through walking and cycling as well as a reduction in vehicle emissions in and around the school environment • Increased safety through cycling proficiency lessons and ‘walking buses’ • Children gain greater independence and social interaction by walking and/or cycling with other students • Greater awareness of environmental issues and practical actions to take
Tourist and leisure sites	• Reduce congestion • Improve accessibility for visitors and goods deliveries • Provide customers with transport choices other than the car	• Reduced congestion therefore improved experiences for visitors on arrival and departure • Attract those tourists and visitors who travel by foot, bicycle and public transport • Reduce need for car parking or put land to better use. • Less congestion, noise and pollution on and around site • Improved accessibility for goods deliveries • Establish your company as being environmentally and socially responsible

Workplaces	• Increase travel choices • Improve accessibility for customers and goods deliveries by reducing congestion • Reduce staff travel time and costs and dependence on car use	• Relieve on-site parking and congestion problems • Help you gain financial control of your transport expenditures • Ensure site developments can proceed • Improve your reputation and relations with your local community • Can contribute to accreditation of your Environmental Management System and Quality Assurance • Increase choices for employees, especially for those who do not own a car, do not receive a company car, or have access to free parking • Help to improve local public transport services • Improve the efficiency of fleet operations and deliveries • See also the Department for Transport's website www.dft.gov.uk
-------------------	--	--

APPENDIX 4

ROAD HIERARCHY

ENVIRONMENT DEPARTMENT

TRAFFIC ENGINEERING GUIDELINES FOR GUERNSEY

ROAD HIERARCHY *Traffic Management Regimes*

ENVIRONMENT DEPARTMENT

ROAD HIERARCHY

TRAFFIC MANAGEMENT REGIMES

Contents:

Introduction:

Description of Types of Route within the Road Hierarchy:

Traffic Management Regimes:

Inter Harbour HGV Route:

Traffic Priority Routes:

Local Circulation Routes:

Neighbourhood Roads and Country Lanes:

Plan of Road Hierarchy Designation:

Appendices:

(Separate Documents)

APPENDIX 1: Road Hierarchy Issues:

Duty of Care:

Overall Philosophy:

Mobility vs Access:

Environmental Capacity:

Severance to Movement:

Pollution:

Noise:

Vibrations:

Conclusion:

Traffic Management & Congestion:

Level of Service:

The importance of individual routes to motorists:

APPENDIX 2: Design Parameters:

Adherence to Design Standards:

Design Parameters:

APPENDIX 3: Interpretation of Roadside Character:

APPENDIX 4: Sample Road Hierarchy Designations:

APPENDIX 5: Designation Criteria:

ENVIRONMENT DEPARTMENT

ROAD HIERARCHY

TRAFFIC MANAGEMENT REGIMES

Introduction:

Roads perform many functions and are subject to competing demands. A balance must be struck between road safety, traffic flow, environmental quality, and the impact on residents

In accordance with the States Resolution of the 28th September 1989, the objectives of designating a road hierarchy for Guernsey and the production of traffic management regimes for the various road designations are in order to:

- reduce the degrading effects of motor vehicles upon the physical environment caused by air pollution, excessive noise and vibration;
- improve and enhance the environment, especially for vulnerable road users,
- balance the competing demands placed on individual roads, and
- ensure the optimum use of the existing road network.

The designation of a road hierarchy should not be seen in isolation but also within the context of public transport, parking and development control policies. The implementation of the policies should be on a step by step basis in which the motorist is educated to moderate his driving in accordance with the character of the road and the likely presence of vulnerable road users.

ENVIRONMENT DEPARTMENT ROAD HIERARCHY TRAFFIC MANAGEMENT REGIMES

Description of Types of Routes within The Road Hierarchy:

Inter Harbour HGV Route:

The route between St.Sampson's Harbour and the Weighbridge. This special route must accommodate 15m long vehicles and high traffic flows. This route is of strategic importance, linking the two main urban areas of the Island. It must also be able to accommodate traffic generated by the HTA's and MURAs designated in the Environment Department's UAP. For these reasons the functional emphasis is one of mobility and free traffic flow.

Traffic Priority Routes:

Traffic Priority Routes have high traffic flows and comprise the busiest of the Island's main roads. These are key routes whose primary function is to distribute traffic throughout the Island. The functional emphasis is mobility and free traffic flow.

Local Circulation Routes:

Local Circulation Routes comprise main roads, which have lower traffic flows than Traffic Priority Routes, often with significant frontage activity. They must accommodate limited through traffic and traffic movements terminating within the surrounding areas.

Neighbourhood and Country Roads:

Predominately residential in character with little or no through traffic but may include other areas such as rural lanes. The functional emphasis is primarily one of access to individual properties and provision for vulnerable road users.

ENVIRONMENT DEPARTMENT

ROAD HIERARCHY

TRAFFIC MANAGEMENT REGIMES

Inter Harbour HGV Route:

The route between St Sampsons Harbour and the Weighbridge is a special route, which must accommodate 15m long vehicles, very high traffic flows and gross vehicle weights up to 32T. This route is of strategic importance, linking the two main urban areas of the Island, it must also be able to accommodate traffic generated by the HTA's and MURAs designated in the Environment Department's UAP. For these reasons the functional emphasis is one of mobility and free traffic flow, therefore the following policies are recommended:

- IHR01** "All reasonable measures should be investigated to reduce frontage activities along this route to a minimum and maintain highway and junction capacities."

- IHR02** "Any proposed measures (in conjunction with a planning application), along the Inter Harbour Route, which would lead to a reduction in disruption to the flow of traffic, or reductions in vehicular movements, should be favourably considered when determining an application."

- IHR03** "Very careful consideration should be given to the creation and the standard of any new accesses. The presumption should be to discourage direct access along this route in order to maintain highway capacity. Generally minimum design parameters must be achieved, with relaxations of the standard design parameters only being permissible in exceptional circumstances"

- IHR04** "Careful consideration should be given to the parking regime along this route. Wherever possible parking should be regulated to minimise the disruption to the flow of traffic"

- IHR05** "All reasonable opportunities should be taken to provide a footpath on both sides of the carriageway."

- IHR06** "Due to the high vehicular flows split pelican crossings should be provided as a pedestrian crossing facility. These formal crossings should be supplemented with central pedestrian refuges along the length of the Inter Harbour Route to provide enhanced informal crossing opportunities for pedestrians."

**ENVIRONMENT DEPARTMENT
ROAD HIERARCHY
TRAFFIC MANAGEMENT REGIMES**

IHR07 “The cycle path should be extended in order to promote cycle use. Cycle crossing points should be provided to enable cyclists to access and egress the cycle path.”

IHR08 “Consideration will be given to the suitability of Toucan Signal Crossings to provide joint cycle/pedestrian crossing facilities.”

Note: A Toucan Signal Crossing is a special type of road crossing designed to enable both pedestrians and cyclists to use the signal controlled crossing.

ENVIRONMENT DEPARTMENT

ROAD HIERARCHY

TRAFFIC MANAGEMENT REGIMES

Traffic Priority Routes:

Traffic Priority Routes have high traffic flows and the capacity to accept 9T axle loads, and they comprise the busiest of the Island's main roads. Generally they will have traffic flows between 600 – 1400 vph during peak periods. These are key routes whose primary function is to distribute traffic throughout the Island. The functional emphasis is mobility and free traffic flow.

Due to the high traffic flows a strict traffic management regime is required to ensure the optimum use of the existing road network and minimise congestion, therefore the following policy is recommended:

TPR01 “Developments which would have an adverse effect on traffic management, which are unsustainable in terms of traffic generation, or produce unacceptable interruptions to traffic flows or reductions in highway capacity, either by themselves or as part of a process of incremental change, should be resisted.”

Due to the high traffic flows it is more likely that sub-standard accesses will have an adverse effect on traffic management and road safety, therefore the following policies are recommended:

TPR02 “On urban Traffic Priority Routes which form key arterial routes into the centre of town, strict controls of frontage activities are required to mitigate traffic congestion. Very careful consideration should be given to both the creation and the design standards of proposed accesses. Generally minimum design parameters must be achieved, with relaxation of the standard design parameters only permissible in exceptional circumstances”

TPR03 “On sub-urban Traffic Priority Routes, frontage activities need to be controlled to ensure the flow of traffic is not unacceptably interrupted leading to traffic migration to minor roads. Careful consideration should be given to the design standards of accesses. Generally minimum design parameters should be achieved, with only relaxation of the standard design parameters only permissible in exceptional circumstances”

ENVIRONMENT DEPARTMENT

ROAD HIERARCHY

TRAFFIC MANAGEMENT REGIMES

Due to the limited ability to undertake junction and highway improvements it is important to pursue traffic restraint policies in order to reduce overall traffic movements and ensure the optimum use of the existing road network and minimise congestion, therefore the following policies are recommended:

- TPR04** “Any proposal leading to an intensification of use which in turn leads to a significant increase in traffic movements, must include proposals to mitigate the increase in traffic movements.”
- TPR05** “Any proposed measures along a Traffic Priority Route which reduce the volume of vehicular movements, should be favourably considered when determining an application.”

The ability of pedestrians to cross the road is curtailed by high vehicular flows along Traffic Priority Routes, therefore the following policies are recommended:

- TPR06** “Pelican Light controlled crossings should be provided as a pedestrian crossing facility, although Zebra crossings may be acceptable in some locations. These formal crossings should be supplemented with central islands acting as pedestrian refuges at key points to provide enhanced informal crossing opportunities.”

During peak hours substantial delays can be incurred due to parked and unloading vehicles interrupting the flow of traffic, therefore the following policy is recommended:

- TPR07** “Special parking restrictions will be enforced during the AM peak (0800 to 0900) and the PM peak (1630 to 1800), along urban Traffic Priority Routes to ensure minimum disruption to the flow of traffic.”

ENVIRONMENT DEPARTMENT

ROAD HIERARCHY

TRAFFIC MANAGEMENT REGIMES

Local Circulation Routes:

Local Circulation Routes comprise of main roads, which have lower traffic flows than Traffic Priority Routes, often with significant frontage activity. They must accommodate limited through traffic and larger volumes of traffic movements that terminate within the surrounding areas.

Along Local Circulation Routes the control of frontage activities is less important and a more relaxed regime of traffic management is permissible, however Local Circulation Routes are still important in distributing traffic throughout the Island, therefore the following policy is recommended:

LCR01 “Along Local Circulation Routes, any proposed developments should not adversely effect traffic management by themselves or as a process of incremental change. When considering the design standards of an access, minimum design parameters should be achieved, with only occasional departures from the standard design parameters permissible”

In order to reduce the degrading effects of the motor vehicle upon the physical environment and minimise the adverse effect on residents and vulnerable road users, but still enable the percolation of through traffic, traffic restraint measures may be required, and therefore the following policies are recommended:

LCR02 “On urban Local Circulation Routes within the town with high frontage activities, pedestrian activity and significant through traffic, opportunities should be taken to reduce overall traffic levels, in order to balance the needs of motorised traffic and that of vulnerable roads users and residents.”

LCR03 “On sub-urban Local Circulation Routes with significant frontage activities and pedestrian movements, opportunities should be taken to reduce the adverse effects of vehicular traffic and provide a safe environment for vulnerable road users, by introducing traffic restraint measures and sympathetic speed restrictions.”

ENVIRONMENT DEPARTMENT ROAD HIERARCHY TRAFFIC MANAGEMENT REGIMES

LCR04 “On rural Local Circulation Routes with low flows, opportunities should be taken to reduce the adverse effect of vehicular traffic and promote a safe environment for vulnerable road users.”

In order to improve and enhance the environment, especially for vulnerable road users, it is important to promote non-car-based trips within the local area, therefore the following policies are recommended:

LCR05 “Local Circulation Routes should not present a barrier to the movement of vulnerable road users. The provision of a footpath is desirable, however, suitable traffic restraint measures are acceptable.”

LCR06 “Measures to aid cyclists, especially child cyclists travelling to and from school, should be investigated, and where necessary traffic restraint measures introduced.”

The ability of pedestrians to cross the road can be curtailed by the vehicular flows along Local Circulation Routes, therefore the following policies are recommended:

LCR07 “Zebra crossings should be provided as a pedestrian crossing facility, where there is significant pedestrian activity. These formal crossings should be supplemented with central pedestrian refuges or pedestrian tables at key points to provide enhanced informal crossing opportunities.”

ENVIRONMENT DEPARTMENT

ROAD HIERARCHY

TRAFFIC MANAGEMENT REGIMES

Neighbourhood Roads and Country Lanes:

Predominately residential in character with little or no through traffic but may include other areas such as rural lanes. The functional emphasis is primarily one of access to individual properties and provision for vulnerable road users.

Due to the low traffic flows experienced along Neighbourhood and Country Roads, the control of frontage activities is not important and a greatly relaxed regime of traffic management is permissible, therefore the following policies are recommended.

NCR01 “On urban neighbourhood roads, such as minor streets with significant frontage activity a safe environment should be created for vulnerable road users by using traffic restraint measures. New accesses are permissible but consideration should be given to the effect that additional parking will have in generating additional traffic movements.”

NCR02 “On sub-urban neighbourhood roads, a safe environment should be created for vulnerable road users, and through traffic should be discouraged.”

NCR03 “On rural routes with low flows a safe environment should be created to encourage vulnerable road users, and through traffic should be discouraged in order to improve the environmental quality of the area.”

Due to the low traffic flows experienced along Neighbourhood Roads and Country Lanes, there will often be the opportunity to improve and enhance the road environment and reduce the degrading effects of motor vehicles upon the physical environment. In order to achieve these objectives a sympathetic traffic management regime is required, therefore the following policies are recommended:

NCR04 “Neighbourhood areas will be designated, and public consultation and agreement will be sought for each area, in order to implement traffic restraint measures.”

NCR05 “Neighbourhood Roads and Country Lanes should be made safe by discouraging through traffic and by the introduction of traffic restraint measures where necessary.”

**ENVIRONMENT DEPARTMENT
ROAD HIERARCHY
TRAFFIC MANAGEMENT REGIMES**

NCR06 “Any proposed developments must be suitable in terms of the volume of traffic or the types of vehicles they will attract, with the presumption that HGVs will be excluded from Neighbourhood Roads and Country Lanes except by permit”

Policy NCR06 would require careful consideration of how any permit system would be operated to ensure that it could be administered efficiently and there are no adverse enforcement pressures on the police.

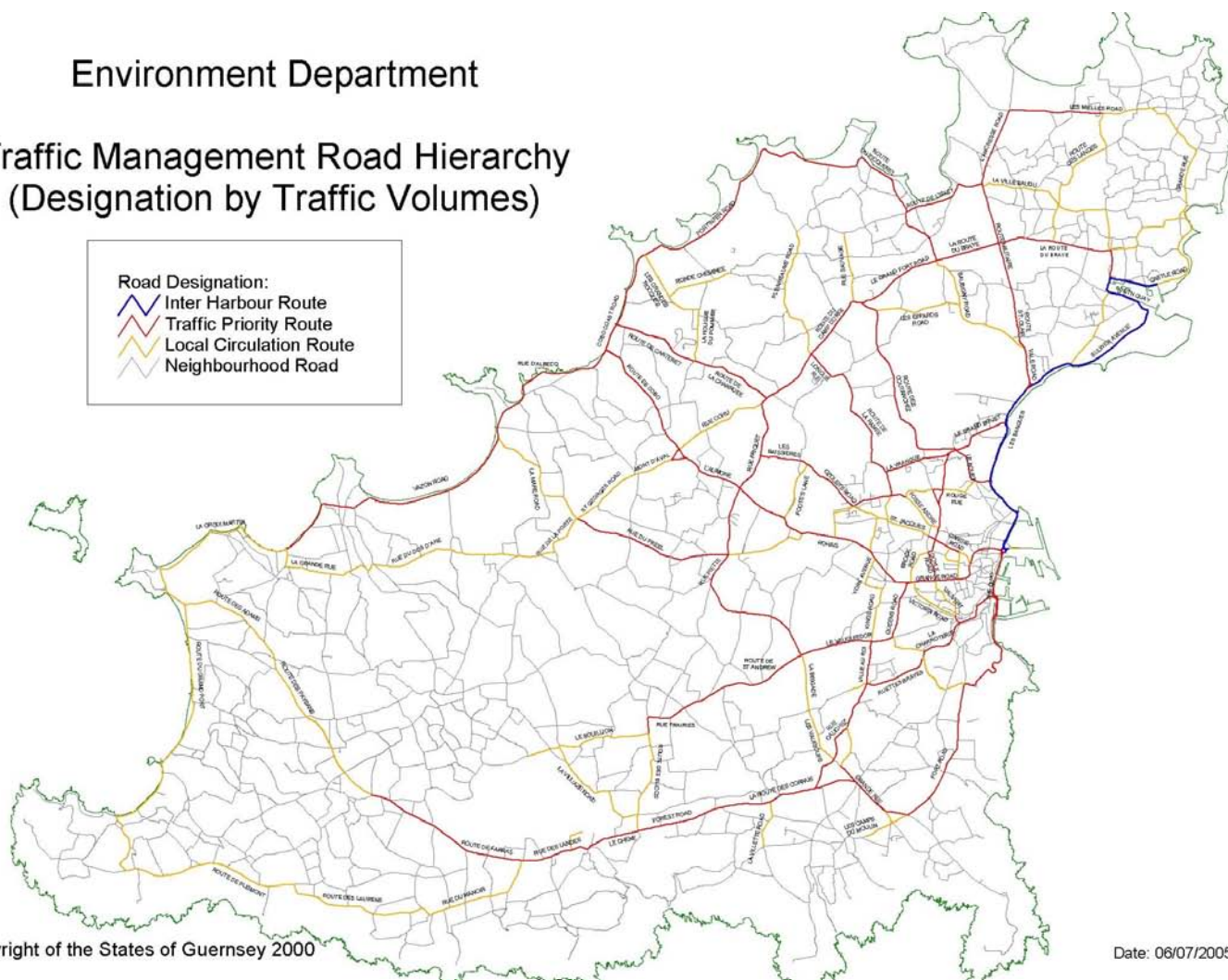
The ability of pedestrians to cross the road is unlikely to be curtailed by the vehicular flows along Neighbourhood Roads and Country Lanes, pedestrians should be able to cross at random points with out any significant delay, however vehicular speeds may have an adverse effect on pedestrian activity therefore the following policies are recommended:

NCR08 “Careful attention will have to be given to prevailing vehicle speeds, to ensure that appropriate speeds are achieved (typically these should be sub 20mph speeds).”

NCR09 “Within Neighbourhood Roads and Country Lanes the motorist will be required to drive at appropriate speeds. This will follow a step by step approach, one of consultation, education and then enforcement.”

Environment Department

Traffic Management Road Hierarchy (Designation by Traffic Volumes)



(NB The Policy Council supports the Environment Department's revised Road Transport Strategy but, by a majority, Members favour retaining the existing States Resolution to introduce paid parking for long stay car parking rather than increasing the duty on motor spirit by 1.2 pence per litre to help fund the strategy.

The Council therefore supports all the propositions other than 20 and 21(c).)

(NB The Treasury and Resources Department's comments are set out below.)

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

31st January 2006

Dear Sir

ROAD TRANSPORT STRATEGY

The Treasury and Resources Department fully recognises that the issues and history surrounding Road Transport Strategy in Guernsey are complex. It also recognises that it is a matter that individual States Members and members of the public have very diverse and strong opinions on.

The Department believes that rescinding the existing States Resolutions to implement paid parking is a missed opportunity for raising revenue.

If Members wish to support some or all of the Environment Department's proposals they need to do so in the knowledge that:

- As a consequence States expenditure will be increased.
- There will be an adverse impact on the cost of living and doing business in Guernsey.

It also has to be acknowledged that in an affluent society such as Guernsey individuals are able and indeed willing to spend many thousands, if not ten of thousands of pounds, on purchasing and running a motor vehicle of their own particular choice.

As such it is difficult to imagine that any marginal increase in motoring costs will have a significant impact on their motoring habits. It is therefore necessary to have a realistic expectation of the actual impact of the proposals.

The Treasury and Resources Department also notes that the States Report has very little in the way of quantified objectives by which the success, or otherwise, of the proposals can be objectively measured if they were to be implemented.

The Department supports the increase in scheduled bus fares but believes that the proposed increase of 10p is the minimum that should be considered.

Although the Treasury and Resources Department understands the Environment Department's reasons for extending the contract with the existing bus company, it needs to be acknowledged that not seeking competitive tenders is not standard practice.

Duty on Motor Spirit & Motor Vehicle Licences

The 2006 Budget Report (approved by the States in December 2005 States Meeting) included the following:

“Over recent years, despite outstanding Resolutions, several attempts have been made to revise the arrangements for taxing motor vehicles and fuel. The Treasury and Resources Department is firmly of the view that the present arrangements (whereby the duty on motor spirit raises £2m annually; Licences raise £6m annually and motor vehicles that are diesel driven are charged a higher licence fee to compensate for an absence of duty on diesel fuel) is inappropriate.

It is the Department's intention to bring forward proposals, after consulting with the appropriate parties, including the Environment Department, to enable a revised system to be introduced during the life of the existing States.”

The States duly endorsed the Treasury and Resources Department's intention to conduct a review of the system of motor vehicle licences and motor spirit excise duties and to report back to the States with proposals as soon as practicable.

Although the recommendations in the Environment Department's report somewhat pre-empt the above, they are nonetheless broadly in line with the Treasury and Resources Department's own thinking.

However, it is important that members are aware of the fact that at present Motor Vehicle Licence fees generate over £6m of income and motor spirit duties only £2m. If motor vehicle licence fees are abolished, or substantially reduced, the duty on petrol (before any increases as a consequence of the future economic and taxation strategy) will need to rise from the present 6.8p per litre to around 30p. “Cheap” petrol pump prices in Guernsey will be a thing of the past. **The Department is firmly of the opinion that any significant increase in fuel duties must be accompanied with the introduction of an effective competition policy.**

In terms of timing, the Treasury and Resources Department does have reservations about including matters of very specific detail in the annual Budget Report (which, particularly in the run up to 2008, needs to concentrate on more strategic issues).

Therefore, if there is clear support for the abolition of motor tax, the Department would hope to report back to the States possibly before the December 2006 Budget.

Yours faithfully

L S Trott
Minister

The States are asked to decide:-

VIII.- Whether, after consideration of the Report dated 22nd February, 2006, of the Environment Department, they are of the opinion:-

1. To approve that the main objective of the Island's Road Transport Strategy shall be to reduce the adverse environmental, economic and social impacts of vehicle use in the Island, in particular by: encouraging the use of alternative forms of transport; discouraging unnecessary motor vehicle usage; promoting more responsible use of vehicles; and, promoting the more efficient use of the Island's transport infrastructure.
2. To approve the Environment Department's plans to improve the bus service schedules, as set out in section 4.2 of that Report.
3. To approve the Environment Department policies in respect of bus fares, as set out in section 4.3 of that Report.
4. To authorise the Environment Department to enter into a new five year contract with Island Coachways for the provision of the scheduled bus service, as set out in section 4.4 of that Report, the terms and conditions of which shall be subject to the agreement of the Treasury and Resources Department.
5. To approve the Environment Department's proposals to introduce free school bus services on an experimental basis, as set out in section 4.6 of that Report and, subject to the results, to direct the Department to report back to the States in due course on the provision of a free school bus service for all pupils.
6. To approve the introduction of legislation making it an offence to overtake a stationary school bus when it is dropping off or picking up its passengers.
7. To rescind their Resolution IX.3 of Billet d'Etat XIII of 2001 and Resolution XXIV.4 of Billet d'Etat IV of 2003 in respect of park-and-ride services and the associated infrastructure.
8. To approve the Environment Department's proposals for the introduction of

further on-street residents' parking schemes, as set out in section 4.9 of that Report.

9. To approve the Environment Department's intention to acquire and develop suitable sites that might become available for the construction of off-street residents' parking facilities, as set out in section 4.9.7 of that Report.
10. To approve the Environment Department's policies in respect of motorcycling, cycling, small car parking schemes, travel plans, car sharing and vulnerable road users, as set out in sections 4.10 to 4.13 of that Report.
11. To approve that motor tax shall be abolished and that a corresponding increase should be introduced in the tax on petrol and diesel and to direct the Treasury and Resources Department, in conjunction with the Environment Department, to report back to the States with detailed proposals as part of its budget report for 2007, taking into account the issues set out in section 5.1.8 of that Report.
12. To approve, in principle, the introduction of a register of driving instructors in the Island and to direct the Environment Department to report back to the States with detailed proposals in due course.
13. To approve the Environment Department's intention to carry out a review of the existing policies and legislation relating to the age requirements for driver licensing and to direct the Department to report back to the States with the results in due course.
14. To approve the Environment Department's intention to commission a comprehensive and strategic review of the Island's speed limits.
15. To approve the introduction of legislation banning the use of "bull bars" as set out in section 6.5 of that Report.
16. To approve the Environment Department's intention to develop proposals for the introduction of compulsory emission and noise tests for vehicles and to direct the Department to report back to the States with these in due course;
17. To approve the Environment Department's intention to carry out a review of the road hierarchy for the purposes set out in section 7.2 of that Report.
18. To approve the Environment Department's intention to carry out a review of heavy goods vehicle activity and its regulation in the Island, as set out in section 7.3 of that Report.
19. To note the seafront junction and link assessment that has been commissioned by the Environment Department.
20. To rescind their Resolutions XXI.5 and XXI.6 of Billet d'Etat IV of 2003 in respect of the introduction of pay parking.

21. To approve that the Strategy shall be funded by a combination of:
 - (a) the increases in bus fare revenues set out in section 9.2 of this Report;
 - (b) the administration charges for residents' parking permits and vehicle registrations set out in section 9.2 of this Report;
 - (c) an increase in the duty on motor spirit of 1.2p per litre;
22. To direct the Treasury and Resources Department to take account of the additional revenue and capital expenditure, revenue income and operating income associated with this Strategy, as set out in section 9 of that Report, and to increase the Environment Department's budget accordingly.
23. To approve the amendments to the legislation on number plates, as set out in section 10.2 of that Report.
24. To approve the amendment to the legislation on traffic signs and lines, as set out in section 10.3 of that Report.
25. To approve the amendment to the legislation on the renewal of provisional driving licences for motorcycles, as set out in section 10.4 of that Report.
26. To approve the amendment to the legislation on the exchange of driving licences issued by other jurisdictions, as set out in section 10.5 of that Report.
27. To approve the amendment to the legislation on applications for the renewal of driving licences, as set out in section 10.6 of that Report.
28. To approve the consolidation of the Driving Licences (Guernsey) Ordinance, 1995, as amended, and its subsequent amendment Ordinances within a single new Ordinance, as set out in section 10.7 of that Report.
29. To approve amendments to the vehicle registration legislation on registration books, as set out in section 10.8 of that Report.
30. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

LEGISLATION SELECT COMMITTEE

CHURCH OF ENGLAND CLERGY DISCIPLINE

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

17th February 2006

Dear Sir

Executive Summary

The Clergy Discipline Measure, which received Royal Assent in July 2003, provides a new structure for dealing efficiently and fairly with formal complaints of misconduct against Church of England clergy. The Legislation Select Committee has considered a draft Scheme prepared by the Bishop of Winchester for the application to the Bailiwick of the Measure, and in connection therewith certain provisions of the Church of England (Legal Aid) Measure 1994, subject to certain variations; and by this Report recommends the States to acquiesce in that draft Scheme, which is set out in the Appendix to this Report. Unofficial versions of the Clergy Discipline Measure 2003, and the Church of England (Legal Aid) Measure 1994, as they would apply in the Bailiwick in accordance with the draft Scheme, will be available on the States web-site at www.gov.gg/law; and hard copies will additionally be available to States Members in the Members room at Sir Charles Frossard House.

Ecclesiastical legislation and its application to the Bailiwick

Although the Sovereign has been recognised ever since the Reformation as Supreme Governor of the Church of England, the legislative provisions by which it operates as the established Church in England have, since the introduction of constitutional monarchy, been those enacted by or under the authority of the Sovereign in Parliament. By the Church of England Assembly (Powers) Act 1919, the then National Assembly of the Church of England (subsequently re-constituted as the General Synod) was empowered to pass Measures which, subject to Parliamentary approval, have the force and effect of Acts of Parliament. But it is constitutionally important that Acts of the Westminster Parliament do not apply to the Channel Islands, save in very limited and exceptional cases; and in the same way, Measures passed by the General Synod, notwithstanding that the Channel Islands are annexed to the Diocese of Winchester and within the Province of Canterbury, and are in fact represented in the General Synod, Measures passed by that assembly do not generally extend here.

By the Channel Islands (Church Legislation) Measures 1931 and 1957, however, if such a Measure contains an express provision that it may be applied to the Islands, and if the Bishop of Winchester concludes that it ought to be so applied, with or without variations, he may prepare a draft Scheme for that purpose in consultation with the Deanery Synod[s] of Guernsey and/or Jersey. In that event, the 1931 and 1957 Measures provide that the draft Scheme must be communicated to the States of Deliberation “for the ascertainment of their views thereon” (hence the reference in the recommendation of this Report to acquiescence); and when “finally settled” it is presented to the General Synod and, subject to their approval (Synod cannot amend the draft Scheme), submitted to Her Majesty in Council, who is invited to make an Order confirming it. This admittedly somewhat complex procedure ensures the proper engagement of the Diocesan Bishop, of local and central synodical government, and of the States (but, importantly, not the involvement of the Westminster Parliament) in the application to the Bailiwick, where appropriate, of legislation appertaining to the governance of the established Church.

The Clergy Discipline Measure 2003

The 2003 Measure establishes a unified procedure for dealing with formal complaints against Church of England clergy of whatever rank, and whether concerning the performance of their duties, unbecoming or inappropriate conduct, or contravention of the laws ecclesiastical (but not in relation to matters of doctrine, ritual or ceremonial). Its principles are that there should be one procedure, whose basic structure is easily understood, which is fair to all concerned, and which is flexible yet encourages as speedy a resolution as is consistent with justice. An important consideration underlying the carefully designed system is the right to a fair trial before an independent and impartial tribunal established by law, as guaranteed by Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The process is commenced by a formal complaint in writing made to the Bishop of the diocese concerned (or, in the case of complaint against a Bishop, to the relevant Archbishop), who obtains a report from the Registrar before deciding whether it should be dealt with as a disciplinary matter. Unless the Bishop decides to take no further action, he may, as he considers most appropriate, attempt to bring about conciliation through a conciliator appointed with the agreement of the complainant and respondent; leave the complaint on record for up to five years to be dealt with if, and only if, action is taken in respect of another complaint made during that period; or impose one of the penalties set out below, if the respondent admits the misconduct and consents; refer the complaint to a senior lawyer, designated “President of Tribunals”, to decide whether there is a case to answer in respect of a which a disciplinary tribunal should be requested to adjudicate.

A tribunal comprises a legally qualified chairman, two lay persons, and two persons in Holy Orders, all drawn from provincial panels established under the Measure; it will generally sit in private unless the respondent requests otherwise or the tribunal considers that the interests of justice require a public hearing; it determines any matter

before it by the opinion of the majority of its members, applying the civil standard of proof. If the tribunal finds that the respondent committed the misconduct alleged, it may remove him from office, prohibit him from exercising any of his functions, either for life or for a specified time, order him to do or refrain from doing a specified act, issue a rebuke, or impose no penalty. There are rights to appeal to the relevant provincial court, and entitlement to compensation if a penalty of removal from office is revoked on appeal. Legal aid is available (from a fund maintained by the General Synod and Church Commissioners) to accused persons, including appellants and those entitled to apply for compensation.

The 2003 Measure also provides a separate procedure where a member of the clergy is sentenced to imprisonment in respect of the criminal offence, or is divorced following a finding against him/her of adultery, desertion or unreasonable behaviour, whereby he/she may be liable to a penalty of removal from office or prohibition from exercising any functions.

The Draft Scheme

Both the 2003 Measure and the 1994 Legal Aid Measure contain provisions permitting their application to any of the Channel Islands in accordance with the Channel Islands (Church Legislation) Measures 1931 and 1957, with or without variation, by a Scheme prepared by the Bishop of Winchester, approved by the General Synod after the views of the States thereon have been ascertained, and confirmed by Her Majesty in Council. The Legislation Select Committee is mandated to study such schemes together with the Standing Committee of the Guernsey Deanery Synod, and to report thereon to the States. The Legislation Select Committee has received a draft Scheme so prepared by the Bishop of Winchester for applying the Clergy Discipline Measure 2003 and, for purposes connected therewith, the Church of England (Legal Aid) Measure 1994, to the Bailiwick of Guernsey subject to variations set out therein.

The key principles underlying the draft Scheme are that:

- All concerned – clergy accused of misconduct, people making such allegations in good faith, the Bishop and others involved in the procedures, and the Church and society in general – are entitled to no less under the Guernsey system, in terms of independence, impartiality and general fairness, than under that in operation in England; as in England, the Bishop (or Archbishop) is by virtue of his consecration required to administer discipline; and, conformably with a proper reflection of the principles set out below, the Scheme ought to apply the relevant Measures with as little departure as possible from their provisions as they have affect in England.
- Misconduct by clergy in the Bailiwick ought in principle be adjudicated upon by tribunals (including appellate tribunals) which are specially constituted for the Bailiwick, and which do not purport to require any Bailiwick resident to attend for the purpose of answering a charge (or on an appeal) at some place outside the Bailiwick.

- A tribunal constituted for the Bailiwick ought to have some appreciation of local circumstances; but priests holding office in the Bailiwick ought neither to judge, nor to be judged by, any of their locally incumbent or licensed colleagues.

In addition to various technical modifications, the principal variations which would be made by the draft Scheme in the application of the Clergy Discipline Measure to the Bailiwick are that:

- Tribunals would be drawn from a special deanery panel comprising a panel chairman and four other appropriately qualified lawyers, ten lay persons, and ten persons in Holy Orders, each nominated by the Dean after consulting the Bishop of Winchester and the Deanery Synod Standing Committee.
- Tribunals themselves will, as in England, consist of two laity, two clergy and one of the lawyers (who will chair the tribunal), each drawn from the panel. At least one member, but not more than two members, of every tribunal would have to be resident in the Bailiwick; but where the respondent is a local priest the Guernsey resident member(s) must not also be a local priest. Tribunals would be required to sit within the Bailiwick.
- Appeals would lie, rather than to the Court of Arches, to a Commission appointed specifically for the purpose of hearing a particular appeal from an appellate panel established by the Dean of Arches following consultation with the Dean of Guernsey. The Commissioners would again comprise one lawyer, two lay persons, and two persons in Holy Orders; one of its members would have to be resident in the Bailiwick; and its proceedings would be conducted in the Bailiwick.
- The panel chairman, referred to above, in addition to acting as the chairman of any tribunal where in his opinion an important point of law or principle was involved, would be responsible for most of the functions which, under the Measure as it applies in England, are the responsibility of the President of Tribunals, that is to say the chairman and deputy chairman of the Clergy Discipline Commission.
- The Clergy Discipline Commission itself would have no statutory role in relation to the Bailiwick, but persons exercising functions under the Measure as applied would be required to have regard to codes of practice, general advice and guidance prepared by the Commission, subject to any adaptations and/or modifications made thereto by the Deanery Synod Standing Committee and approved by the Deanery Synod. The Deanery Synod Standing Committee would also be the body charged, after consulting the Bishop, to make and lay before the Deanery Synod rules for carrying into effect the provisions of the Measure in the Bailiwick.

Legal aid

The Bishop of Winchester has concluded that clergy accused of misconduct should have access to legal aid in the Bailiwick to the same extent as they do in England, and with that conclusion both the Deanery Synod and the Legislation Select Committee are wholly in agreement. Accordingly, clause 2 of the draft Scheme set out in the Appendix to this Report is designed to effect appropriate modifications in the application to the Bailiwick of the Church of England (Legal Aid) Measure 1994. This would ensure that legal aid is available not only in respect of any tribunal hearing, but also in proceedings before the Bishop, on appeal, and in any claim for compensation where a penalty of removal from office or licence revocation is imposed but subsequently revoked on appeal. It is emphasised that such legal aid would not be a charge on the Legal Aid Fund in Guernsey, but on that held by the Central Board of Finance on behalf of the General Synod in England.

Consultation

The draft Scheme has been prepared by the Bishop of Winchester in close consultation with the Dean of Guernsey and H.M. Comptroller, who have discussed it with the Deanery Synod Standing Committee and presented it to the Deanery Synod. In accordance with its mandate the Legislation Select Committee has studied the draft scheme together with the Standing Committee of the Deanery Synod. The Legislation Select Committee concurs with the view expressed by the Standing Committee, with the endorsement of the Deanery Synod given at a meeting in November 2005, that the Clergy Discipline Measure 2003, and for purposes connected with that Measure the Church of England (Legal Aid) Measure 1994, should be extended to the Bailiwick of Guernsey in accordance with, and subject to the variations set out in, the Scheme prepared by the Bishop of Winchester, as set out in the Appendix to this Report.

Recommendation

The Legislation Select Committee accordingly recommends the States to acquiesce in the draft Scheme prepared by the Bishop of Winchester, pursuant to the Channel Islands (Church Legislation) Measures 1931 and 1957, for applying to the Bailiwick of Guernsey the Clergy Discipline Measure 2003 and the Church of England (Legal Aid) Measure 1994, as set out in the Appendix to this Report.

Yours faithfully

C H Le Pelley
Chairman

APPENDIX

A SCHEME

Prepared by the Bishop of Winchester in pursuance of the Channel Islands (Church Legislation) Measures 1931 and 1957 for applying the Clergy Discipline Measure 2003 and the Church of England (Legal Aid) Measure 1994 to the Island and Bailiwick of Guernsey and its dependencies.

WHEREAS section 48(3) of the Clergy Discipline Measure 2003 provides that that Measure may be applied to the Channel Islands or either of them, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957 in accordance with those last-mentioned Measures.

AND WHEREAS section 6 of the Church of England (Legal Aid) Measure 1994 provides that that Measure may be applied to the Channel Islands or either of them, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957 in accordance with those last-mentioned Measures.

AND WHEREAS the Bishop of Winchester, acting in accordance with paragraphs 1 to 3 of the Schedule to the Channel Islands (Church Legislation) Measure, 1931, has come to the conclusion that the Clergy Discipline Measure 2003 and the Church of England (Legal Aid) Measure 1994 ought to be applied to the Island and Bailiwick of Guernsey and its dependencies, and has prepared the following draft Scheme for that purpose.

Application of the Clergy Discipline Measure 2003.

1. In the application to the Island and Bailiwick of Guernsey and its dependencies of the Clergy Discipline Measure 2003:

- (a) in section 2, for “for the diocese in question” substitute “for the deanery”;
- (b) omit section 3;
- (c) for section 4 substitute:

“The Panel Chairman

4. The panel chairman shall exercise the functions conferred on him by this Measure and in addition shall have the following duties –

- (a) to issue practice directions;

- (b) to act as the chairman of a disciplinary tribunal where, in his opinion, an important point of law or principle is involved;
- (c) to exercise such other functions as may be prescribed.”;
- (d) omit section 5;
- (e) for section 6 substitute:

“Jurisdiction in disciplinary proceedings.

6. (1) A disciplinary tribunal constituted for the deanery has jurisdiction to hear and determine disciplinary proceedings under this Measure against any clerk in Holy Orders -

- (a) who, when the misconduct complained of is alleged to have been committed, held preferment in the deanery or was resident therein, but subject to subsections (2) and (3) below; or
- (b) who is alleged to have officiated as a minister in the deanery without authority; or
- (c) who is resident in the deanery when the complaint is made.

(2) Where disciplinary proceedings in respect of any matter are instituted under section 10 of this Measure as it has effect in England on the basis of any preferment held there, no such proceedings in respect of the same matter shall be instituted in the deanery on the basis of residence therein, and any such proceedings previously instituted on that basis shall be discontinued.

(3) Where disciplinary proceedings in respect of any matter are instituted under section 10 of this Measure as it has effect in England on the basis of officiating as a Minister without authority there, no such proceedings in respect of the same matter shall be instituted in the deanery on the basis of preferment or residence therein, and any such

proceedings previously instituted on that basis shall be discontinued.”;

- (f) in section 7(2), for “in accordance with the 1963 Measure” substitute “as heretofore”;
- (g) in section 9, for “the president of tribunals” substitute “the panel chairman”;
- (h) for section 10(1) substitute:

“(1) Disciplinary proceedings under this Measure may be instituted against any person who is subject to the jurisdiction of a disciplinary tribunal by virtue of section 6 above by -

- (a) a churchwarden of any parish which has a proper interest in making the complaint; or
- (b) any other person who has a proper interest in making the complaint.”;

- (i) in section 11(1):
 - (i) for “registrar of the diocese or province concerned, as the case may be,” substitute “registrar of the Ecclesiastical Court”;
 - (ii) omit “parochial church council or other”;
 - (iii) immediately after “the respondent” insert “and the Dean”;
- (j) in sections 11(3), 13(2) and 14(4), immediately after “the respondent”, wherever appearing, insert “and the Dean”;
- (k) in section 16(4), for “registrar of the diocese concerned” substitute “registrars of the diocese concerned and of the Ecclesiastical Court”;
- (l) in section 17:
 - (i) for “president of tribunals”, wherever appearing, substitute “panel chairman”;

- (ii) omit “or the Vicar-General’s court, as the case may be,”, wherever appearing;
 - (iii) immediately after “bishop”, in subsection (5), insert “, the Dean”;
- (m) in section 18:
- (i) for “president of tribunals” substitute “panel chairman”;
 - (ii) for “High Court” substitute “Royal Court”;
 - (iii) omit “or court”, wherever appearing;
 - (iv) insert the following additional paragraph immediately after subsection (3)(c):
 - “(d) the tribunal shall have regard to any codes of practice and general policy guidance issued by the Clergy Discipline Commission under this Measure as it has effect in England, and to any adaptations and/or modifications made to such codes or guidance under section 39 below.”;
- (n) in section 19:
- (i) omit “or the Vicar-General’s court” and “or court”, wherever appearing;
 - (ii) for paragraphs (a) and (b) in subsection (2) substitute “the Dean, the bishop of the diocese concerned, the archbishop concerned, or, if the respondent is an archbishop, the other archbishop”;
 - (iii) immediately before “the bishop”, wherever else appearing, insert “the Dean,”;
 - (iv) insert the following additional subsection immediately after subsection (2):
 - “(2A) In considering the imposition of a penalty the tribunal shall have regard to any general advice given by the Clergy Discipline Commission under this Measure as it has effect in England, and to

any adaptations and/or modifications made to such advice under section 39 below.”;

(o) in section 20:

(i) omit “or the Vicar-General’s court”;

(ii) for all the words in subsection (1) from “to the Arches Court” to “the province of York)” inclusive substitute “to a Commission appointed specifically for the purpose of hearing that appeal from an appellate panel established by the Dean of Arches and Auditor following consultation with the Dean of Guernsey.”;

(iii) for subsection (2) substitute:

“(2) Any Commission under this section shall be appointed by the Dean of Arches and Auditor, and shall comprise a President who shall be an appropriately qualified lawyer, two lay persons, and two persons in Holy Orders.”;

(iv) immediately after subsection (2), as so substituted, insert:

“(3) One member (but not more than one member) of any Commission appointed under this section must be resident in the deanery; its proceedings shall be conducted in the deanery; and its procedures and powers shall, subject to any rules made under section 45 below, be the same, as far as may be, as those of the Arches Court of Canterbury.”;

(p) for sections 21 and 22 substitute:

“Composition of the deanery panel and disciplinary tribunals

The deanery panel.

21. (1) It shall be the duty of the Deanery Synod Standing Committee to compile and maintain, in accordance with the provisions of subsection (2) below, a list (hereinafter referred to as “the deanery panel”) of persons available for appointment under the following provisions of this Measure as members of a disciplinary tribunal.

(2) The deanery panel shall contain the names of –

- (a) a panel chairman and four other appropriately qualified lawyers;
- (b) ten lay persons;
- (c) ten persons in Holy Orders;

in each case nominated by the Dean, after consultation with the Bishop of Winchester and the standing committee of the Guernsey deanery synod.

(3) No lay person who is not an actual communicant of the Church of England shall be nominated to serve on the deanery panel.

(4) Persons nominated to serve on the deanery panel shall so serve for a period of six years, (but half of the persons initially nominated within each category (to be determined by agreement or, failing agreement, by lot) shall retire after three years); and a person retiring from the panel shall be eligible to be nominated to serve for not more than one further period of six years.

(5) Where the period of service of a person nominated to serve on the deanery panel expires while he is a member of a disciplinary tribunal to which proceedings under this Measure are referred, he shall continue to be a member of the tribunal until the completion of the proceedings.

(6) Where a casual vacancy occurs on the deanery panel the Dean may nominate a person to fill the vacancy, and the provisions of subsection (2) and (3) above, relating to qualification and consultation shall apply for the purposes of this subsection as they applied for the purposes of the nomination of the person whose place he takes on the deanery panel.

(7) Any person nominated to fill a casual vacancy shall serve only for the unexpired term of service of the person whose place he takes on the deanery panel.

Disciplinary tribunals.

22. (1) A disciplinary tribunal shall consist of five members as follows -

- (a) the chairman, who
 - (i) where in his opinion any important point of law or principle is involved, shall be the panel chairman, or
 - (ii) in any other case, shall be appointed by the panel chairman from those nominated under section 21(2)(a) to serve on the deanery panel;
- (b) two lay persons, appointed by the panel chairman from those nominated under section 21(2)(b) to serve on the deanery panel; and
- (c) two persons in Holy Orders, appointed by the panel chairman from those nominated under section 21(2)(c) to serve on the deanery panel.

(2) The panel chairman shall not appoint any person to be a member of a disciplinary tribunal unless he is satisfied that there is no reason to question the impartiality of that person; and before doing so he shall afford an opportunity to the respondent to make representations as to the suitability of that person to be appointed.

(3) At least one member, but not more than two members, of every disciplinary tribunal must be resident in the deanery

(4) However, where the respondent holds preferment in the deanery, or held preferment in the deanery when the misconduct complained of is alleged to have been committed, no person in Holy Orders who currently holds preferment in the Deanery shall be appointed as a member of that disciplinary tribunal.”;

- (q) omit section 23;
- (r) in section 25 omit “or Vicar-General’s court, as the case may be,” from subsection (1), “or court” from subsection (2), and “or the Vicar General’s court, as the case may be,” from subsection (4);
- (s) in sections 26 and 27 omit “or the 1963 Measure”, “and deposition”, “or deposition” and “or deposed”, wherever appearing;
- (t) in section 30
 - (i) in paragraph (1)(a), for “England” substitute “the Bailiwick of Guernsey”;
 - (ii) in subsection (2), immediately after “the president of tribunals,” insert “and, if that person is resident or holds preferment in the deanery, with the Dean and with the panel chairman,”;
 - (iii) in subsection (5), for “and to the registrar of the diocese concerned” substitute “,to the registrar of the diocese concerned, and, if the person penalised is resident or holds preferment in the deanery, to the registrar of the Ecclesiastical Court”;
- (u) in sections 31(1)(a) and 33(1), for “England” substitute “the Bailiwick of Guernsey”;
- (v) in section 35:
 - (i) in subsection (1) for “as they apply for the purposes of that Measure” substitute “notwithstanding section 84 of that Measure”;
 - (ii) immediately after paragraph (2)(g) insert:
 - “(h) in section 61(1) for all the words following “by proceedings”, where first appearing, there shall be substituted “in the Royal Court”;
 - (i) in section 62(1) the words “and the Vicar General’s court for the purpose of proceedings instituted under section 4 of the Care of Cathedrals (Supplementary Provisions) Measure 1994” shall be omitted;

- (j) in section 63, the reference to the Ecclesiastical Fees Measure 1986 shall be construed as a reference to that Measure as it has effect in England;
- (k) in sections 74(1) and 76(1), immediately after “this Measure” there shall be inserted “for a specified time”;
- (l) in section 76, for all the words from (and including) “and subject to the provisions of the following subsection” to the end of subsection (1) there shall be substituted “vest in the Crown”; and subsection (2) shall be omitted;
- (m) in section 80, immediately after “in any place” there shall be inserted “in the deanery”;
- (n) in sections 81 and 83(2), for “High Court” wherever appearing, there shall be substituted “Royal Court”; and subsection (4) of section 81 shall be omitted.”;
- (w) in section 38(4), immediately after “prescribed” insert “by rules made under this Measure as it has effect in England”;
- (x) for section 39 substitute;

“Codes of practice and general advice”

39. (1) It shall be the duty of the Deanery Synod Standing Committee from time to time to consider what, if any, adaptations and modifications ought to be made in the application in the deanery of any guidance promulgated in a Code of Practice approved (or deemed to have been approved) by the General Synod, and of any general advice and policy guidance given by the Clergy Discipline Commission, pursuant to this Measure as it has effect in England.

(2) If and to the extent that the Standing Committee, after consulting the bishop, considers that such adaptations and/or modifications ought to be made, the Committee shall promulgate them and lay them before the Deanery Synod.

(3) Such adaptations and modifications shall not come into force until approved by the Deanery Synod.

(4) Every person exercising functions, or otherwise involved in proceedings, under this Measure is hereby enjoined to have regard to any such Code of Practice, general advice and policy guidance, and to any adaptations and/or modifications made thereto under this section.”;

(y) at the end of the words in section 41 insert “, as those provisions apply in England”;

(z) for subsections (1) and (2) of section 43 substitute:

“(1) In this Measure, unless the context otherwise requires -

“the 1963 Measure” means the Ecclesiastical Jurisdiction Measure 1963 as amended, as that Measure has effect in England;

“appropriately qualified lawyer” means an Advocate of the Royal Court of Guernsey or the Royal Court of Jersey, a member of the Bar of England and Wales, the Bar of Northern Ireland or the Faculty of Advocates in Scotland, or a Solicitor of the Supreme Court of England and Wales, or of the Supreme Court of Judicature of Northern Ireland, or of Scotland, in each case of at least seven years’ standing;

“clerk in Holy Orders” includes any archbishop, bishop, priest or deacon;

“the Dean” means the Dean of Guernsey;

“the deanery” means the deanery of Guernsey;

“designated officer” means an officer of the legal office of the National Institutions of the Church of England designated by the Archbishops’ Council for the purposes of this Measure;

“diocese” means a diocese in the province of Canterbury or a diocese in the province of York, and “diocesan” shall be construed accordingly;

“disciplinary tribunal” means a disciplinary tribunal constituted in accordance with section 22 above;

“the Ecclesiastical Court” means the Ecclesiastical Court of Guernsey;

“limited prohibition” has the meaning assigned to it by section 24(1)(b) above;

“misconduct” means any act or omission referred to in section 8(1) above;

“panel chairman” means an appropriately qualified lawyer nominated in accordance with section 21(2) above as the chairman of the deanery panel;

“preferment” includes an archbishopric, a bishopric, archdeaconry, dignity or office in a cathedral or collegiate church, the office of Dean, a benefice, and every curacy, lectureship, readership, chaplaincy, office or place which requires the discharge of any spiritual duty;

“prescribed” means prescribed by rules made under section 45 of this Measure;

“the president of tribunals” means the person holding that title by virtue of sections 3 and 4 of this Measure as it has effect in England;

“prohibition for life” has the meaning assigned to it by section 24(1)(a) above, and “prohibited for life” shall be construed accordingly;

“relevant province” means, according to the context, the Province of Canterbury or the Province of York;

“resident” means ordinarily resident;

“Royal Court” means the Royal Court of Guernsey.

(2) References in this Measure to a decree of divorce being, or being made, absolute include reference to, or to the making of, a final order of divorce.”;

(aa) omit section 44 (and both schedules);

(bb) for section 45 substitute:

“Rules

45. (1) The Deanery Synod Standing Committee may, after consulting the bishop, make rules for carrying into effect the provisions of this Measure.

(2) Rules made under subsection (1) may in particular make provision for -

- (a) regulating the procedure and practice (including the mode and burden of proof and admissibility of evidence) of disciplinary tribunals and commissions;
- (b) the appointment and duties of officers of, or responsible to, disciplinary tribunals and commissions;
- (c) the procedure and practice where complaints are referred to the Registrar of the Ecclesiastical Court under section 11 of this Measure;
- (d) the time within which any act required or permitted to be performed is to be performed;
- (e) matters relating to the appointment of authorised complainants in

connection with proceedings or contemplated proceedings;

- (f) the forms of complaint instituting proceedings, and of any answers to be made thereto;
- (g) all other forms and notices required in connection with this Measure;
- (h) the mode of effecting service of complaints and other documents, including provision for substituted service;
- (i) the fixing of the time and place in the deanery of any hearing, and for notifying the parties thereof;
- (j) matters relating to costs, fees and expenses in respect of any proceedings;
- (k) any matter which may be prescribed by virtue of this Measure.

(3) Rules made under subsection (1) shall be laid before, and shall not come into force until approved by, the Deanery Synod.

(4) It is the duty of every person exercising functions, or otherwise involved in proceedings, under this Measure to comply with all applicable Rules made under this section and approved by the Deanery Synod.”;

(cc) omit section 46;

(dd) in section 47, omit subsection (1), the proviso to subsection (2), and subsection (3);

(ee) omit section 48.

Application of the Church of England (Legal Aid) Measure 1994.

2. In the application to the Island and Bailiwick of Guernsey and its dependencies of the Church of England (Legal Aid) Measure 1994:

- (a) in section 2(1), for “in the province of Canterbury or the province of York” substitute “pursuant to any provision of the Clergy Discipline Measure 2003 as applied to the Island and Bailiwick of Guernsey and its dependencies in accordance with the Channel Islands (Church Legislation) Measures 1931 and 1957”;
- (b) immediately after section 3(3) insert:

“(4) In this section “solicitor” and “counsel” both include an Advocate of the Royal Court of Guernsey.”;
- (c) immediately after section 4(6) insert:

“(7) In this section, and, unless the context otherwise requires, in any rules made under this section, references to a “solicitor” or “counsel” shall in both cases be taken to include an Advocate of the Royal Court of Guernsey.”;
- (d) omit sections 5, 6, 7 and 8(2);
- (e) for Schedule 1 substitute the following Schedule:

“SCHEDULE

Sections 2(1) and 4(2)

PROCEEDINGS FOR WHICH LEGAL AID MAY BE GIVEN

Description of proceedings	Description of applicants
1. Proceedings in respect of misconduct in any disciplinary tribunal or before the bishop or a Commission, under the Clergy Discipline Measure 2003 as applied to the Island and Bailiwick of Guernsey and its dependencies.	Any accused person
2. Proceedings under Schedule 4 to the Pastoral Measure 1983 as applied by section 41 of the Clergy Discipline Measure 2003, as that Measure is applied to the Island and Bailiwick of Guernsey and its dependencies	Any person having a right to compensation conferred by section 41 of the Clergy Discipline Measure 2003 as applied to the Island and Bailiwick of Guernsey and its dependencies.

”.

General interpretation.

3. For the purposes of this Scheme, and of the Measures applied to the Island and Bailiwick of Guernsey and its dependencies by this Scheme, any reference to any other enactment is, unless otherwise expressly stated, a reference to that enactment as it has effect in the Island and Bailiwick of Guernsey and its dependencies.

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

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

The States are asked to decide:-

IX.- Whether, after consideration of the Report dated 17th February, 2006, of the Legislation Select Committee, they are of the opinion:-

To acquiesce in the draft Scheme prepared by the Bishop of Winchester, pursuant to the Channel Islands (Church Legislation) Measures 1931 and 1957, for applying to the Bailiwick of Guernsey the Clergy Discipline Measure 2003 and the Church of England (Legal Aid) Measure 1994, as set out in the Appendix to that Report.

PANEL OF MEMBERS

(constituted by The Administrative Decisions (Review) (Guernsey) Laws, 1986-1993)

REPORT OF THE REVIEW BOARD 2003-2005

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

3rd January 2006

Dear Sir

In accordance with the provisions of Section 8 of The Administrative Decisions (Review) (Guernsey) Laws, 1986-1993 I submit a report on the complaints received by the Chief Executive of the States (formerly the States Supervisor) during the period from 1st January, 2003 to 31st December, 2005.

Section 1 of the Law provides that all applications for a matter to be reviewed by a Review Board shall be made to the Chief Executive of the States except where the matter complained of relates to the Policy Council and its staff (formerly the Advisory and Finance Committee), in which case application is made to Her Majesty's Greffier. No such complaint has been received by H M Greffier in the period covered by this report.

Yours faithfully

W M Bell
Chairman
Panel of Members

The Administrative Decisions (Review) (Guernsey) Laws, 1986-1993

REPORT OF COMPLAINTS RECEIVED

by the Chief Executive of the States (formerly the States Supervisor)

during the period from 1st January, 2003 to 31st December, 2005

1. Mrs T Bacon v. Board of Administration

A complaint that the decision of the Board of Administration to use concrete kerbing stones rather than granite setts at the junction of La Ruelle Lane and the realigned Route des Frances, St. Saviour was wrong.

The States Supervisor referred the matter to the Chairman of the Panel of Members who appointed Deputy F J Roper as Chairman of the Review Board, together with Deputy B J Gabriel and Douzaine Representative H J Dorey as ordinary members.

The Review Board concluded that none of the decisions or actions of the Board of Administration which were the subject of the complaint fell within any of the provisions of Section 7(3) of The Administrative Decisions (Review) (Guernsey) Laws, 1986-1993 and the complaint was therefore dismissed.

2. D v Education Council

A complaint that the Education Council was wrong to base the complainant's entitlement to paid maternity leave on her basic contractual part-time hours and to disregard time worked in addition to contractual hours.

The complaint was not referred to the Panel of Members because the complaint related to the interpretation of contractual arrangements which is a matter of private law and thus for determination either in judicial proceedings or by recourse to the provisions of the Industrial Disputes and Conditions of Employment Law.

3. W v Children Board

A complaint that the Children Board refused to appoint a different Court Welfare Officer in on-going Court proceedings.

The complaint was not referred to a Review Board as the Royal Court is responsible for matters relating to Court Welfare Officers and the matter was therefore not justiciable before a Review Board.

4. **E v Board of Administration**

A complaint regarding conditions at Le Foulon Cemetery.

Not referred to a Review Board as the matter was satisfactorily resolved without recourse to formal Review Board proceedings.

5. **Mrs S Phillips v Education Department (formerly Education Council)**

A complaint against the Education Council's decision (subsequently confirmed as an Education Department decision) not to make provision for supervised school lunches at St Anne's School, Alderney.

The Chief Executive of the States referred the matter to the Chairman of the Panel of Members who appointed Deputy T M Le Pelley as Chairman of the Review Board, together with Deputies M. M. Lowe and F W Quin as ordinary members.

The Review Board concluded that none of the decisions or actions of the Education Department which were the subject of the complaint fell within any of the provisions of Section 7(3) of The Administrative Decisions (Review) (Guernsey) Laws, 1986-1993 and the complaint was therefore dismissed.

(NB The Policy Council has no comment on the proposal)

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

The States are asked to decide:-

X.- Whether, after consideration of the Report, dated 3rd January, 2006, of the Review Board constituted under the Administrative Decisions (Review) (Guernsey) Laws, 1986 - 1993, they are of the opinion:-

To accept that Report

ORDINANCE LAID BEFORE THE STATES

**THE IVORY COAST (FREEZING OF FUNDS)
(GUERNSEY) ORDINANCE, 2006**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Ivory Coast (Freezing of Funds) (Guernsey) Ordinance, 2006, made by the Legislation Select Committee on the 13th February, 2006, is laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE BOARDING PERMIT FEES ORDER 2006

In pursuance of Section 17 (3) of the Tourist Guernsey (Law), 1948, as amended, the Boarding Permit Fees Order, 2006, made by the Commerce and Employment Department on 27th January, 2006, is laid before the States.

EXPLANATORY NOTE

This Order prescribes the fees payable by a holder of a boarding permit from 1 April, 2006 and replaces the Boarding Permit Fees Order, 2004.

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL
BENEFIT) (AMENDMENT) REGULATIONS, 2006**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) Regulations, 2006, made by the Social Security Department on 15th February, 2006, are laid before the States..

EXPLANATORY NOTE

These Regulations add to a limited list of drugs and medicines available as pharmaceutical benefit which may be ordered to be supplied by medical prescriptions issued by medical practitioners or dentists, as the case may be.

.

APPENDIX

EDUCATION DEPARTMENT

ST. MARTIN'S PRIMARY SCHOOL – VALIDATION REPORT

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

25th January 2006

Dear Sir

I enclose a summary of the St. Martin's Primary School Validation Report, together with the Education Department's response and would be grateful if you would arrange for them to be published as an appendix to the Billet d'État for March 2006.

Copies of the full report will be made available for any member of the public to inspect at both the school and the Education Department.

Yours faithfully

M A Ozanne
Minister

**ISLANDS' FEDERATION FOR THE EVALUATION OF SCHOOLS
(IFES)**

Summary of the Validation Report

ST MARTIN'S PRIMARY SCHOOL

GUERNSEY

September 2005

SUMMARY OF THE SEPTEMBER 2005 VALIDATION REPORT

ST MARTIN'S PRIMARY SCHOOL

St Martin's Primary School is situated in the south east of the island. It includes the whole of St Martin's parish and a small section of St Peter Port.

There are 503 pupils on roll, 255 boys and 248 girls, aged from 4 to 11.

They are taught by 23 teachers, including the headteacher, and 2 part time staff.

There are 21 classes, with an average class size of 24.

Background

The validation team consisted of six inspectors. Five were Ofsted inspectors from the UK and one was an IFES trained headteacher from Jersey. The team met informally with the staff and toured the school accommodation on the Sunday before the validation and then spent four days inspecting the school.

The school provided very full documentation and its self review report in advance of the visit, having spent a year working on its self-evaluation activities. Additional information, such as children's work, videos and portfolios of other evidence, was scrutinised by the team during the week. Extra support for the school's review process was provided by the Education Officer Primary. All staff, with the exception of the two newly qualified teachers, had attended the Education Department's IFES Internal Evaluator training course on how to carry out a self-review.

The evidence base to validate the school's findings was collected through :

- * scrutiny of a range of whole school and subject documentation, including School Improvement Plans since the last inspection, portfolios, minutes of meetings and SATs results; information and evidence about standards and progress had been provided from the last three years;
- * observation of 108 whole or part lessons;
- * examination and discussion of teachers' planning;
- * attendance at assemblies and some extra curricular activities;
- * examination of pupils' current and previous work;
- * approximately 16 hours of planned discussions with teachers and other staff, pupils and parents;
- * observation of pupils on arrival and departure from the school and at other times around the buildings and grounds;

- * scrutiny of 58 letters and 223 returns from the confidential parental questionnaire.

At the end of the week, subject leaders received an oral feedback on their areas of responsibility, and the team's main findings were reported to the headteacher and her deputy, and then to the Director of Education.

Main Findings

- * St Martin's School continues to provide good standards of education for its children. It has sustained and built upon the achievements of the previous headteacher, and made steady progress in many areas since the last validation in 1999.
- * The inspection took place in only the third week of the new school year when teachers were still getting to know their classes. Despite this, the school environment and classrooms were enhanced by stimulating displays and examples of children's work in books and portfolios.
- * The school's self evaluation exercise was planned, organised and conducted in a thoroughly professional manner, and all staff were suitably involved. The headteacher made good use of her own expertise as a trained IFES validator. Staff collected evidence from classroom observations, scrutinies of planning and children's work, surveys and discussions. As a result, the school has produced an accurate account of its strengths and areas for development which will reliably inform future planning.
- * The headteacher and her staff work successfully to provide a purposeful, caring and supportive atmosphere within which good teaching and learning can take place. Children are happy at school and work diligently.
- * During the validation week, 108 lessons were observed. Of these, 95% were judged to be of at least satisfactory standard in teaching and learning. A commendable 47% were of good or excellent quality.
- * Particularly effective lessons were observed in literacy, mathematics, music, history, PSHE, PE and games, but all subject areas and year groups provided some examples of good practice. The quality of teaching and learning is underpinned by updated policies and schemes of work, improved planning and more clearly defined learning objectives and assessment procedures. The school meets the requirements of the National Curriculum (Guernsey).
- * The best lessons feature high expectations of work and behaviour, excellent relationships, activities which challenge all levels of ability, and provide suitable opportunities for discussion and independent working. Weaker lessons reveal some over prescription of activities, lengthy expositions, ineffective use of the plenary sessions, inconsistent behaviour management and lack of sufficient differentiation and pace.

- * The teaching and learning are well supported by the school's teaching assistants. The school's provision for the 25% of children with special educational needs (SEN) is well organised, with good co-ordination of support from the outside agencies. The newly established nurture unit provides a secure base for children who need individual help and attention. The SENCO effectively oversees and implements the Guernsey Code of Practice for SEN.
- * The detailed analysis of SATs results, and the assessment data that the school now possesses, provide useful information about strengths and weaknesses at whole school, key stage, year group, class and individual levels. This enables the school to target its resources effectively.
- * Standards of teaching, learning and attainment are improving steadily in most areas of the curriculum, particularly at KS2. The KS2 SATs for 2005 show that significant progress has been achieved in English, mathematics and science at Level 4+ and at Level 5.
- * The school is making good progress in the development of its practices for assessment, recording and reporting (ARR). A new policy contains appropriate guidelines for assessing pupils' attainment and using the information to guide planning and target setting. The next stage is to monitor the consistent application of the ARR, marking and homework policies, and to ensure that children's work in portfolios and elsewhere is always dated to assist with monitoring of continuity and progression. Reports to parents are comprehensive and informative.
- * Very good provision is made for children's social and moral development; good provision is made for cultural and spiritual development. High quality portfolios have been produced in the school for personal, social and health education (PSHE) and citizenship, and spiritual, moral, social and cultural (SMSC) development.
- * In the Foundation Stage, effective arrangements are made for the induction of new children, and the curriculum is well planned across the six areas of learning. A Foundation Stage profile provides a summative record of pupils' progress over time. Continued attention could profitably be given to promoting continuity of learning into Y1, to providing opportunities for more open-ended activities, and to developing speaking and questioning skills.
- * The school meets the requirements of the Agreed Syllabus in Religious Education. Assemblies and acts of worship are well organised and led, with some strong contributions from outside visitors, such as the vicar of St Martin's.
- * Behaviour in the school is of a high standard. Relationships are excellent and pupils have positive attitudes towards their work. The establishment of the School Council of elected pupils is proving to be very successful.
- * The school is very well led by an able and committed headteacher. She receives high levels of support from her deputy, acting deputy and senior management team. Both teaching and non-teaching staff undertake their duties

conscientiously. Many staff have taken opportunities for professional development through attendance at appropriate in-service training courses.

- * The system of Performance Management is now well established and there are appropriate arrangements for the supervision and support of newly qualified teachers (NQTs).
- * Returns from the parental questionnaire (Appendix A) reveal widespread satisfaction and support for the work of the headteacher and her staff.
- * Internal and external lines of communication are good, with a regular programme of purposeful minuted meetings. Subject leaders work hard and effectively to oversee and develop work in their areas. The school rightly intends to sustain its programme of monitoring work in the post-validation period.
- * The school has an appropriate improvement plan (SIP). Steady progress is being made in the areas of ICT, the playground environment, the nurture group and literacy in KS2.
- * Relationships with parents and the local community are great strengths of the school, and there are many examples where their support enhances the curriculum and benefits the pupils. The PTA raises generous extra funding for the school on an annual basis for such things as the outside classroom/pergola, digital cameras, storage units and CD players.
- * The school has benefited from the generous provision of ICT hardware and software, including inter-active whiteboards. Staff confidence and competencies in ICT are variable at present, but steady progress is being made through in-service training and the guidance of the school's ICT management group.
- * Efficient use is made of the school's available staffing, accommodation and learning resources. The school is very well cleaned and maintained and provides an attractive learning environment. A sound oversight of budget spending is provided by the headteacher and by the administrative staff who carry out their duties assiduously.
- * The school is rightly addressing issues relating to site access, safety and security raised in last year's internal audit, and continues to seek improvements to the unsatisfactory parking arrangements. The use of the library and the second ICT space are also sensibly under review. The school is adequately resourced to meet the requirements of the NC (Guernsey).

Key Issues that the School Needs to Address

- * The school's internal report correctly highlights a number of important areas for future attention, and these are endorsed by the validation team. In particular, the headteacher and her staff should continue to strengthen the work of the school through a focus upon:

- enhancement of the role of the subject leader; the spreading of good practice;
- continued monitoring by the SMT and subject leaders of the implementation in classrooms of the teaching and learning policy and other whole school policies;
- implementation of the ICT strategic plan;
- strengthened planning for cross-curricular and differentiated work to ensure that all pupils are suitably challenged, and that there are sufficient opportunities for independent learning;
- improved continuity between the Foundation Stage and KS1; more opportunities for open-ended activities and the development of speaking and questioning skills;
- the strategic introduction of 'Assessment for Learning'.

The school is responsible for drawing up an action plan after receiving the Report, showing what it is going to do about the issues raised and how it will incorporate them in the school's Improvement Plan.

A follow-up visit to the school will be made in spring 2007 in order to monitor and discuss the progress the school has made, and a written report will be made to the Director of Education.

EDUCATION DEPARTMENT

Response to the Validation Report on St Martin's Primary School

The Education Board and the staff of St Martin's Primary School welcome and accept the Validation Report of October 2005. The school is rightly commended for the way that the self evaluation was planned, organised and the professional manner in which it was conducted

The Board is pleased to note that St Martin's Primary School continues to provide a good standard of education for its pupils. Detailed, coherent and well structured planning enable pupils to make good progress. The Board is also pleased to record that the developments and improvements since the previous validation include the greater use of ICT, detailed assessment of data and more investigative work in mathematics and science. The Headteacher and her senior management team have successfully established an ethos of providing a caring and inclusive environment for all. The whole staff help to create an excellent environment that supports, encourages and motivates pupils. Pupils feel valued and respected. Behaviour is consistently good.

The partnership between parents, the community and school is one of the strengths of St Martin's. The returns from the questionnaire indicate widespread satisfaction with the school and appreciation of the school's caring, happy and purposeful ethos and the commitment of the Headteacher and her staff.

Since the last inspection in June 1999 the staff has made progress in a number of areas. 95% of lessons were judged to be at least a satisfactory standard, a commendable 47% being either good or excellent. The best lessons featured high expectations of work and behaviour, clear learning objectives, good pace and challenge and opportunities for discussion and independent work. The school meets the requirements of the National Curriculum (Guernsey).

The school's self evaluation and the validation report have clearly identified its strengths and areas for development.

Key areas identified:

- To enhance the role of the subject leader; the spreading of good practice
- To continue monitoring by the senior management team and subject leaders of whole school policies
- To implement the ICT strategic plan
- To strengthen planning for cross curricular and differentiated work to ensure that all pupils are suitably challenged, and that there are sufficient opportunities for independent learning
- To introduce 'Assessment For Learning'

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 29th DAY OF MARCH 2006

The States resolved as follows concerning Billet d'État No VII
dated 10th March, 2006

POLICY COUNCIL

REVIEW OF THE NEW SYSTEM OF GOVERNMENT

- I. - To defer consideration of this item until the April meeting of the States.

HOUSE COMMITTEE

REVIEW OF THE NEW SYSTEM OF GOVERNMENT PROCEDURAL MATTERS

- II. - To defer consideration of this item until the April meeting of the States.

TREASURY AND RESOURCES DEPARTMENT

REVIEW OF TAX ON RATEABLE VALUES

III.- After consideration of the Report dated 24th January, 2006, of the Treasury and Resources Department:-

1. To endorse the Treasury and Resource Department's proposals for the fundamental review and simplification of the Tax on Rateable Values system.
2. To agree to the categorisation of properties along the lines set out in Appendix IV to that Report.
3. To agree that the first vergee (1650 square metres) of domestic land shall be exempt from charge for Tax on Real Property.
4. To agree that the liability for Tax on Real Property for utilities shall be assessed on the same basis as other commercial entities.
5. To note that the Treasury and Resources Department will be reporting back to the States later this year with detailed proposals to support the revised system, and direct the Department to have regard to the aspirations of the States Corporate Anti Poverty Programme in compiling that report, and include in it proposals for a mechanism through which people with low incomes are afforded appropriate protection.
6. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

TREASURY AND RESOURCES DEPARTMENT

DOCUMENT REGISTRATION FEES AND FEES FOR BIRTH, MARRIAGE AND DEATH REGISTRATION

IV.- After consideration of the Report dated 27th January, 2006, of the Treasury and Resources Department:-

1. To approve revised fees relating to Document Registration, etc., as set out in paragraphs 2.3 and 2.4 of that Report.
2. To approve revised fees relating to Births, Marriages and Deaths Registration, as set out in paragraphs 3.2, 3.3 and 3.5 of that Report.
3. To approve revised fees relating to Legitimacy Registration as set out in paragraph 3.6 of that Report;
4. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

COMMERCE AND EMPLOYMENT DEPARTMENT

GREFFE COMPANY REGISTRY – REVIEW OF FEES

V.- After consideration of the Report dated 9th February, 2006, of the Commerce and Employment Department:-

1. To approve the proposals to amend the Company Registry Fees as set out in paragraphs 6 and 7 of that Report and in the Schedules 1 and 2 appended to that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision

COMMERCE AND EMPLOYMENT DEPARTMENT

AMENDMENT OF THE PREFERRED DEBTS (GUERNSEY) LAW, 1983

VI.- After consideration of the Report dated 27th January, 2006, of the Commerce and Employment Department:-

1. To amend the Preferred Debts (Guernsey) Law, 1983 in accordance with the principles set out in section 4 of that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

HEALTH AND SOCIAL SERVICES DEPARTMENT

IMPLEMENTING 'SMOKEFREE' LEGISLATION

VII.- After consideration of the report dated 31st January, 2006, of the Health and Social Services Department:-

1. To approve that an ordinance be prepared which allows for the exemptions and exceptions to the Smoking (Prohibition in Public Places and Workplaces) (Guernsey) Law, 2005 as detailed in paragraph 63 of that Report, specifically to include:
 - (a) the cells of prisoners at Les Nicolles Prison;
 - (b) hotel bedrooms designated 'smoking';
 - (c) designated non public areas of long stay wards, residential, nursing and community homes, provided measures are in place to minimise unnecessary exposure of other residents and staff to environmental tobacco smoke;
 - (d) designated internal areas of the acute psychiatric hospital, provided measures are in place to minimise unnecessary exposure of other residents and staff to environmental tobacco smoke;

and also any premises which are

- (A) premises (excluding specified commercial vehicles) used as a place of work by only one individual
- (B) specified commercial vehicles used as a place of work by only one individual

to which members of the public, do not regularly have access;

and also any area on board a fishing vessel with an enclosed wheelhouse which is operated solely by one master and is either on passage to Guernsey and Herm and within territorial limits or moored in a port, harbour or other place in Guernsey or Herm.

2. To approve that an ordinance be prepared to specify signage to be displayed in line with paragraphs 68-71 of that Report.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

LEGISLATION SELECT COMMITTEE

CHURCH OF ENGLAND CLERGY DISCIPLINE

IX.- After consideration of the Report dated 17th February, 2006, of the Legislation Select Committee:-

To acquiesce in the draft Scheme prepared by the Bishop of Winchester, pursuant to the Channel Islands (Church Legislation) Measures 1931 and 1957, for applying to the Bailiwick of Guernsey the Clergy Discipline Measure 2003 and the Church of England (Legal Aid) Measure 1994, as set out in the Appendix to that Report.

PANEL OF MEMBERS

(constituted by The Administrative Decisions (Review) (Guernsey) Laws, 1986-1993)

REPORT OF THE REVIEW BOARD 2003-2005

X.- After consideration of the Report, dated 3rd January, 2006, of the Review Board constituted under the Administrative Decisions (Review) (Guernsey) Laws, 1986 - 1993:-

To accept that Report

ORDINANCE LAID BEFORE THE STATES

THE IVORY COAST (FREEZING OF FUNDS) (GUERNSEY) ORDINANCE, 2006

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Ivory Coast (Freezing of Funds) (Guernsey) Ordinance, 2006, made by the Legislation Select Committee on the 13th February, 2006, was laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE BOARDING PERMIT FEES ORDER 2006

In pursuance of Section 17 (3) of the Tourist Guernsey (Law), 1948, as amended, the Boarding Permit Fees Order, 2006, made by the Commerce and Employment Department on 27th January, 2006, was laid before the States.

THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL BENEFIT) (AMENDMENT) REGULATIONS, 2006

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) Regulations, 2006, made by the Social Security Department on 15th February, 2006, were laid before the States.

K. H. TOUGH
HER MAJESTY'S GREFFIER

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 31st DAY OF MARCH 2006

(Meeting adjourned from 30th March, 2006)

ENVIRONMENT DEPARTMENT

ROAD TRANSPORT STRATEGY

VIII.- Whether, after consideration of the Report dated 22nd February, 2006, of the Environment Department:-

1. To approve that the main objective of the Island's Road Transport Strategy shall be to reduce the adverse environmental, economic and social impacts of vehicle use in the Island, in particular by: encouraging the use of alternative forms of transport; discouraging unnecessary motor vehicle usage; promoting more responsible use of vehicles; and, promoting the more efficient use of the Island's transport infrastructure.
2. To approve the Environment Department's plans to improve the bus service schedules, as set out in section 4.2 of that Report.
3. To approve the Environment Department policies in respect of bus fares, as set out in section 4.3 of that Report.
4. To authorise the Environment Department to enter into a new five year contract with Island Coachways for the provision of the scheduled bus service, as set out in section 4.4 of that Report, the terms and conditions of which shall be subject to the agreement of the Treasury and Resources Department.
5. To approve the Environment Department's proposals to introduce free school bus services on an experimental basis, as set out in section 4.6 of that Report and, subject to the results, to direct the Department to report back to the States in due course on the provision of a free school bus service for all pupils.
6. TO NEGATIVE THE PROPOSITION to approve the introduction of legislation making it an offence to overtake a stationary school bus when it is dropping off or picking up its passengers.
7. To rescind their Resolution IX.3 of Billet d'Etat XIII of 2001 and Resolution XXI.4 of Billet d'Etat IV of 2003 in respect of park-and-ride services and the associated infrastructure.
8. To approve the Environment Department's proposals for the introduction of further on-street residents' parking schemes, as set out in section 4.9 of that Report.
9. To approve the Environment Department's intention to acquire and develop suitable sites that might become available for the construction of off-street residents' parking facilities, as set out in section 4.9.7 of that Report.

10. To approve the Environment Department's policies in respect of motorcycling, cycling, small car parking schemes, travel plans, car sharing and vulnerable road users, as set out in sections 4.10 to 4.13 of that Report.
11. TO NEGATIVE THE PROPOSITION to approve that motor tax shall be abolished and that a corresponding increase should be introduced in the tax on petrol and diesel and to direct the Treasury and Resources Department, in conjunction with the Environment Department and the Home Department, to report back to the States with detailed proposals as part of its budget report for 2007, taking into account the issues set out in section 5.1.8 of that Report.
12. To approve, in principle, the introduction of a register of driving instructors in the Island and to direct the Environment Department to report back to the States with detailed proposals in due course.
13. To approve the Environment Department's intention to carry out a review of the existing policies and legislation relating to the age requirements for driver licensing and to direct the Department to report back to the States with the results in due course.
14. To approve the Environment Department's intention to commission a comprehensive and strategic review of the Island's speed limits.
- 14A. To direct the Environment Department to review the speed limits applicable to those parts of the public highway in the immediate vicinity of all schools, and to make such regulations as the Department may consider appropriate prior to commencement of the autumn school terms in September 2006.
15. To approve the introduction of legislation banning the use of "bull bars" as set out in section 6.5 of that Report.
16. To approve the Environment Department's intention to develop proposals for the introduction of compulsory emission and noise tests for vehicles and to direct the Department to report back to the States with these in due course;
17. To approve the Environment Department's intention to carry out a review of the road hierarchy for the purposes set out in section 7.2 of that Report.
18. To approve the Environment Department's intention to carry out a review of heavy goods vehicle activity and its regulation in the Island, as set out in section 7.3 of that Report.
19. To note the seafront junction and link assessment that has been commissioned by the Environment Department.
20. (1) To progress their Resolutions XXI.5, XXI.6 and XXI.7 on Billet d'État No. IV of 2003 in respect of the introduction of pay parking.
(2) To agree that a charge shall be imposed for parking in the long-stay parking places at the Odeon, Salarie and North Beach car parks, and in

such other on-street long-stay parking places in St Peter Port as shall be identified by Ordinance.

- (3) To agree that that charge shall initially be set at 15p. per hour.
 - (4) To direct the Environment Department to cause an Ordinance to be placed before the States as soon as possible, to establish that charge, identify those other on-street, long-stay parking places in St Peter Port, and specify the modalities for collecting and enforcing payment of that charge.
 - (5) To direct the Environment Department to report to the States within 12 months on the desirability and practicality of extending paid parking to other locations.
21. To approve that the Strategy shall be funded by a combination of:
- (a) the increases in bus fare revenues set out in section 9.2 of this Report;
 - (b) the administration charges for residents' parking permits and vehicle registrations set out in section 9.2 of this Report;
 - (c) paid parking in accordance with Proposition 20;
22. To direct the Treasury and Resources Department to take account of the additional revenue and capital expenditure, revenue income and operating income associated with this Strategy, as set out in section 9 of that Report, and to increase the Environment Department's budget accordingly.
23. To approve the amendments to the legislation on number plates, as set out in section 10.2 of that Report.
24. To approve the amendment to the legislation on traffic signs and lines, as set out in section 10.3 of that Report.
25. To approve the amendment to the legislation on the renewal of provisional driving licences for motorcycles, as set out in section 10.4 of that Report.
26. To approve the amendment to the legislation on the exchange of driving licences issued by other jurisdictions, as set out in section 10.5 of that Report.
27. To approve the amendment to the legislation on applications for the renewal of driving licences, as set out in section 10.6 of that Report.
28. To approve the consolidation of the Driving Licences (Guernsey) Ordinance, 1995, as amended, and its subsequent amendment Ordinances within a single new Ordinance, as set out in section 10.7 of that Report.
29. To approve amendments to the vehicle registration legislation on registration books, as set out in section 10.8 of that Report.

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

K. H. TOUGH
HER MAJESTY'S GREFFIER

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 26th DAY OF APRIL 2006

(Meeting adjourned from 31st March, 2006)

The States resolved as follows concerning Billet d'État No VII
dated 10th March, 2006

POLICY COUNCIL

REVIEW OF THE NEW SYSTEM OF GOVERNMENT

I.- After consideration of the Report dated 14th February, 2006, of the Policy Council:-

1. That States Members shall receive increases in pay in 2006 and 2007 that are equivalent to 1% below the prevailing RPI.
2. That the mandates of the following Departments shall be amended as set out in Appendix 6 to that Report: -
 - (a) Policy Council
 - (b) Commerce and Employment Department
 - (c) Environment Department
 - (d) Public Services Department
 - (e) Social Security Department
 - (f) Treasury and Resources Department
 - (g) Public Sector Remuneration Committee
3. That responsibility for administering the Food and Environment Protection Act 1985 should be transferred from the Home Department to the Health and Social Services Department.
4. That responsibility for administering the Beaucette Quarry (Yacht Marina) (Control of Development and Use) Law, 1968 should be transferred from the Home Department to the Public Services Department.
5. That responsibility for the issuing and administration of Auctioneers' licences and the associated law (Loi relative aux Ventes Publiques a L'encan, 1914) should be transferred from the Home Department to the Commerce and Employment Department.
6. That responsibility for administering Part 5, Article 10 of the Ordonnance Relative à la Santé Publique 1936 should be transferred from the Health and Social Services Department to the Emergency Powers Authority.

7. That subject to the environmental responsibility of the Environment Department in respect of Lihou Island all States responsibilities for Herm Island, Jethou Island and Lihou Island should be transferred to the Treasury and Resources Department thereby providing a single point of contact.
8. To rescind paragraph 1 of Resolution XI of 10th December, 1952, on Billet d'État XXV, and to substitute the following therefor:-
 - “1. To accept the principle that the matters contained in a Billet d'État do not become public property until one minute after midnight on the day of issue.”.
9. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

K. H. TOUGH
HER MAJESTY'S GREFFIER

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 27th DAY OF APRIL 2006

The States resolved as follows concerning Billet d'État No VII
dated 10th March, 2006

HOUSE COMMITTEE

REVIEW OF THE NEW SYSTEM OF GOVERNMENT PROCEDURAL MATTERS

II.- After consideration of the Report dated 30th January, 2006, of the House Committee:-

1. That the Reform (Guernsey) Law, 1948, as amended be further amended to provide that a candidate for the office of People's Deputy shall be ordinarily resident in this Island on the date of his nomination and have had his ordinary place of residence in Guernsey either for a period of at least two years immediately prior to that date or at any time before that date for a period or periods of at least five years in total;
2. That the Rules of Procedure of the States of Deliberation shall be amended with immediate effect as follows: -
 - (a) In Rule 20, after paragraph (2), insert:

“(2A) Any Member of the States shall be eligible to hold the Office of Chief Minister provided that he shall have held the office of People's Deputy for a period of not less than four years in the eight years immediately preceding the date set for the election of a Chief Minister.”;
 - (b) In Rule 12(1) delete the full stop and insert:

“, provided that immediately before so doing he may propose an adjournment of the debate of not more than 15 minutes. Such proposal shall be put to the States by the Presiding Officer without debate.”;
 - (c) Immediately after Rule 13(7) insert:

“(7A) If a sursis is carried, which was proposed and seconded after the commencement of general debate on a matter, the person who would otherwise have been entitled to reply on that debate under Rule 12(1) shall be so entitled notwithstanding that sursis.”.

3. That the Rules relating to the Constitution and Operation of States Departments and Committees shall be amended with immediate effect as follows: -
- (a) In Rule 4(3), before the full stop insert:
- “, nor shall he sit as Chairman or ordinary Member on either the Public Accounts Committee or the Scrutiny Committee”;
- (b) In Rule 7(2), before the full stop insert:
- “, save that when the vacancy occurs by reason of the death or resignation of a People’s Deputy it shall not be filled until a new People’s Deputy has been elected in his place”;
4. That the Rules relating to the Constitution and Operation of States Departments and Committees shall be amended with effect from the 1st May, 2008, as follows: -
- (a) In Rule 4, delete paragraph (2) and substitute therefor:
- “(2) Any Department may nominate up to two non-voting members, who shall not be sitting Members of the States, and whose appointments shall expire at the same time as the terms of office of the four sitting Members of the States. No other nomination may be made. Such Members shall have the same rights and duties as ordinary Members (other than the right to vote).”
- (b) In Rules 5(1)(c) and 5(1)(d), delete all the words following “Four Members of the States” and substitute therefor:
- “- The Committee may nominate up to two non-voting members, who shall not be sitting Members of the States, and whose appointments shall expire at the same time as the terms of office of the four sitting Members of the States. No other nomination may be made. Such Members shall have the same rights and duties as ordinary Members (other than the right to vote).”
- (c) In Rule 18(3) with regard to the Parochial Ecclesiastical Rates Review Committee delete all the words following “Four sitting Members of the States” and substitute therefor:
- “- The Committee may nominate up to two non-voting members, who shall not be sitting Members of the States, and whose appointments shall expire at the same time as the terms of office of the four sitting Members of the States. No other nomination may be made. Such Members shall have the same rights and duties as ordinary Members (other than the right to vote).”

5. To note the intention of the House Committee to write to all Members of the States, and all non-States members of States Departments/ Committees, in the Spring of the second year following a General Election to ascertain whether they wish to relinquish any offices at the May meeting of the States.
- 5A. To direct the House Committee to undertake a comprehensive review of the eligibility of employees of the States and other public sector bodies to serve as Members of the States of Deliberation or as non-States Members of States Departments or Committees, and to report back to the States as soon as possible before the next General Election.
- 5B. To direct the House Committee to undertake a comprehensive review of all practicable methods of introducing Island-wide voting for the office of People's Deputy, and to report back to the States in sufficient time to enable the introduction of such a system with effect from the General Election to be held in 2012.
6. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

K. H. TOUGH
HER MAJESTY'S GREFFIER