

## MINUTES

CHRISTMAS MEETING of the Chief Pleas held on the 18th and 19th days of January, 2006, in the presence of John Michael Beaumont Esq., OBE, Seigneur; Lt.Col.R.J.Guille, MBE, Seneschal, A.W.J.Adams, Prevôt; T.J.Hamon, Greffier; Mrs.W.Kiernan, Treasurer, and the Constables. Also present was the Lieutenant Governor, His Excellency Vice-Admiral Sir Fabian Malbon, KBE, and Lady Malbon.

There were 24 Tenants, 10 Deputies and the Seneschal

The House stood in silence in respect of Mr.J.Mountstephen who, when a Tenant, had been an active member of Chief Pleas for many years.

Apologies for absence were received from Mdm.E.Perrée, Mdm.S.Thorpe, Sieur C.Spence, Sieur C.Harris, Sieur D.Willis, Deputies Ms.J.Guy and P.Williams.

The President of Chief Pleas welcomed Sir Fabian and Lady Malbon to their first meeting of Chief Pleas. He said he had hoped that this would be an historic meeting being convened under the provisions of a new constitutional Law, but unfortunately the will of this House and Island residents was frustrated by a successful petition of Sir David and Sir Frederick Barclay to Her Majesty the Queen in Council. I would like to point out that should a system of Government of universal suffrage, as envisaged in the Report to be put before you later today, be adopted by this House it is likely that Sir David and Sir Frederick will not be able to take a part in such elections because as far as I can conclude they are not Ordinarily Resident in this jurisdiction and therefore would not be eligible to stand for or vote in any election but of course they have their own agenda for this action. He then invited Sir Fabian to address the House.

Sir Fabian said that it was a great honour to be in the House for their second visit to Sark. He said it was particularly appropriate to be here as Lieutenant-Governor of Sark, representing Her Majesty. He acknowledged that the people of Sark have had a hard time and might feel embattled and that no-one "out there" is interested in Sark. He said that this was not the case and that Sark was a unique place and assured the House that although it might feel overwhelmed at times there is great respect for Sark and to make Sark work. He gave his personal assurance that whatever happens Sark will have his full support, what help he can give and will do what he can to make sure that what Sark wants will be put through.

The President welcomed the three new Deputies and thanked all those who had stood for election, including Ms.Graham. Without her standing there would not have been an election and he thought it was important that people stand when here is an opportunity. That is the only way for people to have a voice. He thanked Mr.J.Carré and Mr.W.Mercer who did not stand for re-election for the time they have devoted to Chief Pleas, which in Mr.Carré's case was 18 years, and he wished them both well for the future.

He announced that Pippa Curtis has been selected for the under-15 England ladies rounders team and she is bringing the team to Sark for a match against the local Sark schoolchildren, for which he congratulated and thanked her.

1. **MINUTES:** Sieur Raymond requested that a correction be made to Item 16 under Shipping at page 12 of the Minutes, lines 3 and 4 of the last paragraph, the sentence “The trim can be sorted by changing the propellers.” In fact, the trim can be changed by adding ballast rather than a change in the propellers, which would be a cure for the gearing problem, which is mentioned in the next paragraph.

Item 17: Proposal for new Member for General Purposes & Finance Committee from the floor was seconded by Mdm.Hester and not Mlle.Perrée.

The Minutes as amended were Approved.

2. **QUESTIONS NOT RELATED TO THE BUSINESS OF THE DAY:** None.

Dep.G.Gurden asked if the Shipping Report could be brought forward so that the timetable could be approved as this had to be put in print as soon as possible. Approved.

Sieur S.Gomoll asked if Agenda Items 8, 9. and 10 could be voted on when all the items had been discussed. After consideration the President ruled that as the items were not directly inter-linked this was not necessary and they would each be taken and voted on in turn.

### 3. **ROTATION OF COMMITTEE MEMBERS AND ELECTION OF MEMBERS TO COMMITTEES.**

Agriculture Committee  
Constitutional Steering Committee  
Development Control Committee  
DC Appeals Tribunal

Douzaine

Education Committee

Emergency Services Committee

Firearms Committee

G.P.& F. Committee

Finance sub-Committee

Hall Management Committee

Dep.A.Guille re-elected  
Dep.A.Guille re-elected  
Mrs.J.Carré re-elected  
Mr.S.Southern has resigned and  
Mrs.E.Courtney was elected to the Tribunal.  
Mr.Southern was thanked for his work over the past years.  
Mr.J.Carré and Mr.W.Mercer to be replaced.  
Dep.Ms.J.Guy and Dep.Mrs.H.Plummer  
were put forward by the Douzaine and  
Dep.T.le Lievre from the floor. On a  
counted vote Dep.Mrs.Plummer 23 votes  
Dep.MsGuy 19 votes were elected.  
Dep.le Lievre received 11 votes  
Dep.MsGuy will replace Mr.Mercer to 2011  
and Dep.Mrs.Plummer will replace  
Mr.Carré to 2009.  
Dep.Ms.J.Guy was elected to replace  
Mr.J.Donnely who had stood down.  
Dep.Mrs.H.Plummer to replace  
Mr.W.Mercer  
Dep.T.le Lievre to replace Mr.W.Mercer  
Dep.G.Gurden re-elected..  
Dep.T.le Lievre to replace Mr.J.Carré  
The 4 standing members were re-elected and  
Sieur C.Guille was asked to bring forward a

Harbours Committee

name for the fifth member at Easter.

Dep.Ms.J.Guy and Dep.T.le Lievre to replace Mr.J.Carré and Dep.R.Dewe.

Medical Committee

Dep.Mrs. H.Plummer proposed by the Committee to replace Sieur C.Spence.

Millenium Committee

Dep.P.Armorgie re-elected.

Pilotage Committee

Sieur P.Perrée re-elected.

Public Health Committee

Dep.D.Melling re-elected.

Road Traffic Committee

Sieur R de Carteret re-elected.

Sea Fisheries Committee

Dep.Mrs.H.Plummer to replace Mr.J.Carré

Shipping Committee

Dep.T.le Lievre to replace Mr.J.Carré.

Tourism Committee

Dep.Mrs.S.Williams proposed by the Committee and Dep.R.Dewe from the floor.

Dep.Dewe elected on a show of hands.

The President announced that the Deputy Procureur, Mrs.L.Williams, elected at Michaelmas has resigned. There had been no time to place this on the Agenda and the President had allowed the Douzaine to nominate Mrs.S.LaTrobe-Bateman. Carried.

The President informed the House that Dep.Mrs.Plummer (Douzaine) and Mrs.LaTrobe-Bateman (Deputy Procureur) would be sworn into office at 5.00 pm.

4. **PROPOSITION** to amend the Constitution and Operation of Chief Pleas Committees. Proposed Dep. Gurden, seconded Dep.Guille. The proposition was to remove the requirement to rotate Committee members annually. Dep.Gurden, in clarification, said this was not and never had been a way to remove the right of Chief Pleas to say who should be on Committees. The whole purpose was to eliminate annual rotation system, as they are almost never opposed. If a Committee member resigned it comes to Chief Pleas anyway. Dep.Guille said it is a question which arises every time the House has to go through the procedure. Several Members were opposed to the proposition, feeling that to eliminate the system could lead to accusations of cronyism and that Memberse with an interest in a certain Committee may not get any other opportunity to be on it.

**PROPOSITION:** “That the practice of Committee members standing for re-election on an annual rota basis be discontinued and that the Constitution & Operation of Committee procedures be amended accordingly.” The Proposition was Lost.

The President asked Members of the House to seriously consider challenging some of the re-elections that are proposed. For the last three years not one Deputy or Tenant has stood against a Member standing for re-election and this proposition came forward because it is not used for Members to say they want to be on a certain Committee. He believed Members must now take responsibility to make sure the procedure is functioning as it was designed to be.

19. **SHIPPING COMMITTEE:** Dep.Gurden said it was necessary that the time-table is agreed and printed up by the end of the day. He apologised that the time-table the Members first received had now been superceded and an amendment had been put forward by Tourism for Sunday boats during the entire season to be 10 am and 4 pm ex Guernsey and 11 am and 5 pm ex Sark. Apart from that, it was almost identical to last

year's Summer time-table and acceptable to most sections of the community who would be using it. It was also approved by the Directors of the Shipping Company.

Sark Viking: Photographs were on show of the state of build of the new cargo boat as at the end of last week and it was hoped it would be ready by the beginning of the season.

There were no comments on the report, and the President of Chief Pleas reminded the House that they are not able to direct the Shipping Company on time-tables but can only recommend changes etc.

5. **TOURISM COMMITTEE:** The President of the Tourism Committee presented the accounts and informed the House that the balance had been reimbursed to the Treasurer and that the Committee would no longer be keeping accounts. The Report which had been handed to Members at the door was for information only and gave an account of the coming year's projects.

The Accounts were approved.

6. **HALL MANAGEMENT COMMITTEE:** The accounts were presented and the President of the Committee informed the House that, as with Tourism, the balance had been reimbursed and the Committee would no longer be keeping accounts.

The Accounts were approved.

7. **EMERGENCY SERVICES COMMITTEE:** Deputy Mrs.Plummer is now a member of the Committee, which will have to elect a President. The Accounts were presented and Dep.Melling said that the money received for the new ambulance will be reimbursed.

The Accounts were approved.

The O.i.C. Fire Service said that the necessary calls were 15, not 14, special services 11 not 10 and total man hours 417.

Sieur Curtis thanked Mr.Mercer, on behalf of the Committee for his work as President of the Committee and said that a letter of thanks would be going to those who had contributed toward the ambulance once it was fully on line but they had been publicly thanked at the meeting when the cheque was handed over.

The ambulance accounts will not be going to the Treasurer as they do not have anything from the Island - it is all self-funding but those for the Fire Service will.

8. **CONSTITUTIONAL STEERING COMMITTEE:** The Future Membership of Chief Pleas. The President of the Committee said that they were very aware they must not leave Sark open to any challenge.

Elections: We believe it is possible to put into practice by December 2006. Proposition 4 is straightforward.

Community Commitment: The Committee was determined that in any report it would make it quite clear that without the support of the community the Government will not work. We need the people to come forward for election and to do the work.

Each section can be debated as a single item.

Mdm.Rang said that the debate should be deferred for a month as it would not be fair to take decision when other Members of the House were not here but the President of Chief Pleas said this cannot be taken into consideration as he would have to call an Extraordinary Meeting and others would not be available as it was unscheduled.

Mdm.Rang then suggested that the House go for Option C but it was pointed out that this was not for debate today, only Option A. The President said the discussion could be widened by a majority vote to suspend the Rules of Procedure but this would need to be proposed, seconded and supported and the Committee would need to know what is going to happen at the next meeting, who is going to produce a report. If it is deferred the Constitutional Steering Committee (CSC) will put this same proposal forward unchanged and it would be up to other Members to bring an alternative course of action to the Committee's report.

The President of the CSC said he was aware of information which Mdm. Rang had in her possession which had been circulated to some Members of the House but not others. The Committee had been given that information and did not agree with it. There is a slight information blockage not caused by the Committee. He said they would happily agree to the suspension of Rules of Procedure as they did not want to be seen to stifle debate. If Mdm. Rang wished to present a proposition and it is supported by the House the Committee will go along with it. The President of Chief Pleas was concerned about discussion of any other Option which was based on papers which some have and some do not. It is difficult for the House to make a decision when some people have the advantage of papers. Sieur Gomoll and Dep.Gurden both agreed with a deferral, Dep.Gurden on the grounds that paperwork has been made available to only some people. For any debate there must be a pre-sight of that material. He said the Propositions from CSC should be maintained and other people should bring in a second proposition with all correspondence available to everyone. Dep.Dewe said that the secondary paperwork although based on CRC work, is not complete, particularly where legal advice is concerned. If this is circulated again then the legal advice should be complete and not just what the author wants quoted. The President of Chief Pleas said he had not distributed any of these papers. He was aware of them because he was given a copy but it does not have official Chief Pleas status.

Dep.Guille said he had seen a letter from the Privy Council in which the word "assured" was used regarding the election but he had never used that word. It was also mentioned that the CSC, General Purposes & Finance Committee (GP&F) and the Seigneur were meeting the Department of Constitutional Affairs (DCA) on 8<sup>th</sup> February. The Seigneur was worried about proposals being put to the House in March without the DCA knowing about them. Various solutions are talked about which are thought to be, by some legal authorities, human rights compliant but not all lawyers agree. It is very important that we know to what extent we will be supported by the DCA.

There was further discussion, during which several Members recommended deferral, and the following Proposition was put to the House

**PROPOSITION:** “That Item 8 should be deferred to an Extraordinary Meeting on the 8<sup>th</sup> March at 10 am in the Old Hall” Carried.

The President of Chief Pleas requested that Item 26 be taken out of turn. Approved.

26: **GENERAL PURPOSES & FINANCE COMMITTEE:** Report on European Convention for the Protection of Human Rights and Fundamental Freedoms. The President of G.P.& F. explained that this the right of individual petition and was normally renewed every 5 years and Sark was now being asked to make this permanent and mandatory. He said it will make very little difference to anything in place now and will bring us in line with other Crown Dependencies, such as Jersey and the Isle of Man, where the Convention has already been made permanent.

**PROPOSITION:** “That the Chief Pleas of Sark resolves that the Island of Sark should be included in The States of Guernsey’s request to Her Majesty’s Government for a further declaration under the European Convention for Human Rights and Fundamental Freedoms making the right of individual petition permanent and mandatory with effect from 14<sup>th</sup> January, 2006, in the Bailiwick of Guernsey. Carried.

9. **CONSTITUTIONAL STEERING COMMITTEE:** Report on the Amalgamation of Committees. The President of CSC explained that this had been raised at a previous Chief Pleas Meeting and it was agreed then that this was within the remit of the G.P.& F. However, following consultation it was felt that this would be sensible for the subject to be undertaken by the CSC and they proposed the following:

**PROPOSITION:** “That Chief Pleas instruct the Constitutional Steering Committee to bring forward proposals for the amalgamation of the current Chief Pleas Committees to the Easter Meeting of Chief Pleas”. Carried.

10. **FINANCIAL SUB-COMMITTEE OF THE GENERAL PURPOSES & FINANCE COMMITTEE:** Report on the Proposals for a Property Tax and the Abolition of Congé and Trezieme. Sieur Raymond said that the House was being asked to vote on three propositions, on the abolition of the congé and trezieme, the annual stipend of the Seigneur and a Sark property transfer tax. All three propositions were interdependent.

The abolition of conge and trezieme is dependent upon the concurrence and agreement of the Seigneur. It has been agreed that he will be paid an annual stipend provisionally agreed at £28,000. It has not been budgeted to pay at that level so we are looking at a property transfer tax. The validity of any transaction would be subject to its registration in the cadastre and that would be after the Treasurer has received the transfer tax. Sieur Donnelly asked how much the Seigneur had received to date as trezieme.

The House agreed that there should be a property transfer tax but several questions were asked about leasehold, leases and possible land reform. Sieur Raymond said his Committee would withdraw the Propositions and bring a further report at a later date, possibly Easter, and would liaise with Sieur Gomoll, who had raised the issue of leases and land reform.

**11: FINANCIAL SUB-COMMITTEE OF GENERAL PURPOSES & FINANCE COMMITTEE:** Report on amendments to the Financial Provisions (Sark) Law, 1978 as amended. This concerns the upper limit of tax for horses, dogs and cycles which under the 1991 Amendment was £15, £5 and £5 respectively. The Committee felt that these should be put to a more realistic level but to do this the ceiling would have to be raised and they proposed an upper limit of £100 for horses, £30 for dogs and £30 for cycles. Harbour dues and landing tax should be looked at by the Harbours Committee as a matter of urgency and reported to the Financial sub-Committee.

**PROPOSITION:** “That the Finance sub-Committee of the General Purposes & Finance Committee instruct the Law Officers to draft Amendments to The Financial Provisions (Sark) Law to reflect the proposed figures detailed above.” Carried.

**12. GENERAL PURPOSES & FINANCE COMMITTEE:** Report and Ordinance on Liquor Licensing. Dep.Cole said that this brought together all the points which have been discussed and agreed by Chief Pleas over the past years. There is nothing new in it and they will be incorporated into a new Law at a later date.

Catering Permits and Liquor Licenses: Dep.Melling asked about Catering Permits and a Liquor License and it was agreed that the amendment meant that one could not be used without the other – i.e. if a catering permit was withdrawn, the liquor license would be suspended until such time as the catering permit was re-issued

Off-License: Dep.Cocksedge said he had been approached by the Constables who felt that policing the hour between the off-licence closure and the pub closure would be very difficult but the President of Chief Pleas said that set times had been wanted and if there is a feeling that the Committee has got it wrong they are at liberty to change it. Dep.Lieuvre asked if there was a history of misdemeanours after 9 pm and if so was this going to solve it. Dep.Cole said that the Committee based this figure on the Constables history.

Club Licence: Dep.Cocksedge asked if this meant that club members would not be able to drink on a Sunday. Dep.Cole said that when the Committee had a public discussion almost everybody did not want drinking on a Sunday but an amendment could be put forward.

Extensions: Dep.Cocksedge asked if this applied to hotels and resident guests. Dep.Dewe said he had always been told that a resident guest could have a drink any time of day or night just because they are resident. Many places have mini-bars which are available 24 hours. The President of Chief Pleas said that the issue of the residents of an hotel was a good one and has obviously never been debated in the House before. He did not want to hold up this particularly Ordinance but perhaps an amendment could be drafted fairly quickly to clarify the situation. Dep.Cole asked Members to let the Committee have any thoughts they might have.

**Afternote:** Provision is made in the Law for Hotel residents to consume alcohol outside permitted hours, but not guests of residents.

**PROPOSITION FROM THE FLOOR:** “That off-license have times, other than Sundays, that are the same as discretionary hours, 10am to 10pm. Proposed Dep.Cocksedge, seconded Dep.Mrs.Williams. Carried.

**PROPOSITION FROM THE COMMITTEE:** “That Chief Pleas approved the Liquor Licensing (Amendment)(Sark)Ordinance, 2006. as amended.” Carried.

13. **GENERAL PURPOSES & FINANCE COMMITTEE:** Report on “Protection from Harrassment” and Projet de Loi entitled “The Protection from Harassment (Bailiwick of Guernsey)Law, 2005.” Members were reminded that they had voted to “approve that the powers in Part 2 of the Projet de Loi entitled “The Protection from Harassment (Bailiwick of Guernsey) Law, 2005” be extended to Sark. Members were now being asked to approve this Projet in its entirety.

**PROPOSITION:** “That Chief Pleas approve that the Projet de Loi entitled “The Protection from Harassment (Bailiwick of Guernsey) Law, 2005 be extended to Sark.” Carried.

14. **DOUZAINÉ:** Report on the need for an Incinerator. Dep.Melling explained that the amount of consumables the Public Works has to get rid of has greatly increased. They have made great strides forward in getting down the amount of fires burning on the top of the Island which have caused many complaints. The department made representations to the shopkeepers in the Avenue not to burn before 7.00 pm and they now have it all down at the quarry. The Harbour is the only place for the Island to burn where it will not produce contaminants in the Island water level. One problem has always been that of security but this is dealt with by the unit being in a container which can be locked. He emphasized that there will be costs, especially with extra labour needed both for collection and in the quarry, and finance will have to come from other sources. He said that the department was recommending that the quarterly charge be doubled with the commercial charge also being raised appropriately or that there be an increase in the quarters rate on the property tax. This would remove some of the administration.

Dep.Cole congratulated Dep.Melling, especially for the good job he does. However, he asked why the incinerator was so cheap. Guernsey are working it out at £1k per head. This one comes out at £100. Does it mean that all the legal requirements are there. Sieur D.Spence said he had been to see the manufacturers of this unit. It does secondary burning of chemicals etc. which used mainly air to fuel the burning and it does come under the Clean Air Act. We will be improving our position currently under the Law.

Dep.Gurden thanked Sieur Spence for the effort on our behalf but asked if there was enough rubbish to justify the expense and what about maintenance in the salt air. Dep.Melling said they intend to firm up agreement with larger establishments that have been doing their own burning that will no longer be doing so. The department will therefore be responsible for more premises. He said that one of the biggest increases is in packaging coming on the cargo boat all of which has to be got rid of. Building waste would have to be made available to the operators in a way that is acceptable for the incinerator. So far as the running costs are concerned Sieur Spence said the operators of the one he had looked at in England could confirm the fuel costs but not electricity.



Dep.le Lievre asked if the department were planning to charge anybody who is using the unit and Dep.Gurden wanted to know how the Island would pay for the unit. Sieur Raymond said he had looked at it with members of the Committee and provided the House is happy with the charge for rubbish being practically doubled then there are ways of affording it. Dep.le Lievre asked if the charge went to pay for this one or the replacement. Sieur Spence said that if the unit is ordered by the end of January it will be at the price quoted. Dep.Guille said that Public Works was set up as a service and never as a business plan to put in equipment.

Following further discussion an Amended proposition was put forward by Dep.Melling.

**PROPOSITION:** “That Public Works and the Douzaine respectfully ask Chief Pleas members to consider the approval of a Budget request of £55k by way of Capital Expenditure for the purchase of an incinerator during the year 2006 and that Chief Pleas also agrees to a 100% increase in the present domestic rubbish collection charge and a similar increase to commercial users.” Carried.

The House then adjourned.

The House reconvened on Thursday, 19 January, 2006 at 10.am, with those present being 18 Tenants, 10 Deputies and the Seneschal. Apologies were received from Sieur D.Spence, Sir Peter Miller, Sieur C.Teers and Mdm. C.Hester. These were in addition to the apologies of Day 1.

The President of Chief Pleas then made the following statement:

“It has been brought to my attention by the Deputy Seneschal that a member of the public – Miss Mary Collins – was communicating with Members of this House during the debate on the Constitutional Reforms. I would refer you to Rule 15 “A Member shall not, during a meeting, communicate orally or in writing with a member of the public”. The problem lies with the Member – however, members of the public are here to listen but not to speak or attempt to communicate with Members.”

15. **GENERAL PURPOSES & FINANCE COMMITTEE:** Report on “The Rights of Illegitimate Persons in an Inheritance to Personal Estates.” The President of the Committee said that he was indebted to H.M.Procureur for the very firm description of what this is about as given in the Report. The significant part is that “any form of discrimination in an inheritance against a person by reason of his or her illegitimacy is a breach of the European Convention on Human Rights.” In order that Sark’s international obligations are met it will be necessary for this part of Sark law to be reformed and as it is similar to Guernsey Law the Committee recommend that it goes along the lines of Guernsey Law.

**PROPOSITION:** “That Chief Pleas direct the preparation of legislation along the lines exacted by the 1970 Law and also along the lines proposed by the First report of the Inheritance Law Review Committee in Guernsey as it relates to inheritance by or through illegitimate persons, thereby removing discrimination in inheritance against them.” Carried.

16. **GENERAL PURPOSES & FINANCE COMMITTEE:** Report on “The Sark Law of Collateral Succession to Personal Estates”. The President of G.P.& F. said that the report was quite clear and was talking about the confusion which arises when property is left with no will and no inheritors and that the provisions of the real property succession should be extended to cover personalty. The Committee would like to go to the Law Officers along the lines suggested and bring it back to the House.

**PROPOSITION:** “That the General Purposes & Finance Committee be empowered to consult with the Guernsey Law Officers of the Crown with a view to drafting legislation appropriate to the purpose.” Carried.

17. **GENERAL PURPOSES & FINANCE COMMITTEE:** Report on Maintenance Orders (Reciprocal Enforcement)(Bailiwick of Guernsey)Law, 1984. At present Sark is outside the reciprocal arrangements between States for the enforcement of affiliation Orders. The Sark Court cannot make orders for maintenance but we are asked if we will enforce those from other jurisdictions. In fact the Court is being asked to act as a debt collector. The Seneschal’s Court can enforce matrimonial orders made in the UK and this new legislation will mean it will now recognize matrimonial orders made in reciprocal participating countries.

**PROPOSITION:** “That Chief Pleas authorize the Law Officers to draw up legislation to allow the Court of the Seneschal to recognize and thereby enforce Affiliation Orders in Matrimonial Proceedings arising from actions in relevant participating Countries.” Carried.

18. **GENERAL PURPOSES & FINANCE COMMITTEE:** Report on Amendments to the Law of Tort in Sark. The President of the Committee said that Sark has no legislation by which this can be done and we need to do it but need to do it very carefully. He thought the Law Officers should be asked to draw up legislation as in the proposition and then consider whether any provisos be made if necessary for Sark.

Sieur Gomoll spoke of the difference between the Law Courts in Guernsey and in Sark. He spoke of the ramifications this might have, i.e. the necessity for Health and Safety legislation and how that might affect the landowners of Sark, and how the incidences of claims for damages might rise.

The President of Chief Pleas said the Law Officers would not like to spend a great deal of time and effort in drafting an Ordinance which was then not brought into force.

Sieur Raymond said he was worried about the depth of this and proposed that the Committee defer.

The President of Chief Pleas suggested that the Committee withdraw the Report to investigate further ramifications and considerations and that Sieur Gomoll be consulted. The Committee President agreed.

21. **HARBOURS COMMITTEE: PROPOSITION:** “ That Chief Pleas approve the fee for the grant or renewal of a twelve or under passenger boat license by the

Seneschal's Court be at the rate of £2 per fare-paying passenger for the 2006 Season and thereafter until amended." Carried.

22. **ROAD TRAFFIC COMMITTEE:** Electric Bicycles. The President of the Committee said they had been approached by several people about the use of assisted bicycles. Dr.Teunisse feels they can be of use to certain people, say with asthma or a heart condition and will give them some exercise but will also assist them when necessary. Invalid carriages are allowed on the recommendation of the doctor and these bicycles would operate under the same conditions. Mdm. Rang hoped that the proposition would be agreed. The bicycles are noiseless and should not give problems to any road users. Dep.Cocksedge said that the statistic of 15 mph had been taken off the advertisers literature and the speed could be limited to whatever the House wanted. Dep.Mrs.Plummer wanted to know if bringing in these bicycles would lead on to other things later. When someone has an electric carriage it can only be used by that person on public roads and the same would have to apply to the bicycles. Dep.Melling asked if it was the intention of the Committee to issue driving licenses and would any offences be contained in a licensing Law. Dep.Cocksedge said it would be the same as the invalid carriage law. They will also have to be insured. These things can be debated when the Road Traffic Committee come back with recommendations.

**PROPOSITION:** "That Chief Pleas instruct the Sark Road Traffic Committee to amend The Invalid Carriages (Sark) Law, 1967, to accommodate electric bicycles. Carried. 22 votes Pour, 5 Contre and 1 no vote.

Licences: Dep.Cocksedge said that the Committee has put in place with the Law Officers the mechanism to raise the top level of tractor licenses to £500. They are also looking at splitting the present tractor license into tractors and other mechanized vehicles. The amendment could also be to have a £100 license for the first tractor and a higher rate for any subsequent ones. They are not looking to raise the cost of carriage licenses too much because they are a tourist attraction. Dep.Gurden suggested a tax on fuel to limit the amount of tractor usage but Dep.Dewe said it would not work. However, it was one aspect of cutting down on tractors which could be looked at.

The Committee were asked to come back at the Easter Meeting with firm proposals with regard to the increases in license fees.

22. **USE OF THE OLD ISLAND HALL:** This was a proposition brought by Dep.Williams seconded by Dep.Melling to use the old Hall as an ambulance station and as a storage facility for Island equipment. Any space left over could be used commercially for storage. The main problem was that the Hall could not be demolished at present because of the cost as it was made of asbestos and the island store at the harbour was in use as winter storage for the Island bus and the RIB used by the Sea Fisheries. There is no space in the Fire Station for the new ambulance which will hopefully be in use shortly.

The Seigneur said that the Trustees had discussed the old Hall at a recent meeting and the estimated cost of demolishing it was £40-£50k which is beyond the reach of the Trustees at the moment. They would support the proposal put forward dependent upon the cost of conversion. On top of the conversion costs there will be running costs and outside

maintenance, although Dep.Melling said this could be done by the Island workmen, and some money could come in if the flat was put up for short-term rental. Several people wondered if this was the right place for what is, in essence, storage and a garage and Dep.Dewe said that to take the weight of some of the equipment would mean a concrete floor being put down. Dep.Gurden endorsed Dep.Dewe's comments and said that a few years ago they had put down a concrete floor in the café end of the Hall and it had taken 2ft of concrete. Dep.Gurden thought that it should be a more commercial proposition with storage rented out to anyone who wanted it and any space left over could be used by the Island. Dep.Guille acknowledged that the Island needed storage but was concerned that they seemed to be going into the Chapel of Rest scenario. This was something which should be provided by the undertaker if he felt it was necessary. The Hall must not get to look as if it was an industrial estate and perhaps the "Sark in Bloom" committee could have some input.

Sieur Raymond said that there was the possibility of realizing some capital if the site was sold. He said that at yesterday's meeting there was disquiet when it was suggested the rubbish collection charges should be doubled but the income from the sale of this site would go a long way to help. Some of the assets should be realized in order to bring the Island up-to-date and invest in the infrastructure. The Trustees should also be asked to look at selling the site and retaining some for storage.

The Douzaine was asked to look into the cost of conversion and discuss with Dep.Melling what was envisaged and the Trustees to look at Sieur Raymond's suggestions.

**PROPOSITION:** "That Public Works be authorized through the Douzaine to look into the cost of converting part of the Old Hall into the ambulance station, and other parts of the Hall as miscellaneous storage facility." Carried.

23. **TRUSTEES OF ISLAND PROPERTIES:** The Seigneur, as President of the Trustees, gave a verbal report on the refurbishment of the toilet and storage area at the Visitor Centre. He said that the sum of £12,500.00 was in the 2006 Budget estimate for Capital Expenditure. These are the toilets adjacent to the Centre and at the moment are unusable by the public and he was bringing it to Chief Pleas with a formal request for the money to refurbish them to an acceptable standard. The interior structure was to be left unchanged. And there was to be provision for toilets with washing facilities and a dry storage area for the Visitor Centre. He would like it completed by the beginning of the tourist season. The refurbishment would have to include mending the roof, which is leaking. The Trustees had looked at the possibility of installing a toilet for the disabled but it would be a huge cost and there were very good facilities at the new Island Hall. Baby-changing facilities were part of the plan. Sieur Raymond made it clear to the house that the entire Capital Expenditure budget for the year was now spent. Sieur R.de Carteret suggested that the Tender should include two prices – to refurbish and also to demolish and rebuild – otherwise it might be a case of spending good money after bad if they need to be demolished in a few years time. Dep.Melling asked if there could be liaison with the Constable's Office as there was some interior work needed at the Prison which would be at no cost within the Budget.

**PROPOSITION:** “The Trustees of Island Properties request up to £12,500.00 from Capital Expenditure to refurbish or rebuild the toilets and storage area at the Visitor Centre.” Carried.

24. **MR.BRIAN GREEN** has requested permission to over-fly Sark to take aerial photographs, which will be made available, at no cost, for use by Tourism. Mr.Green had permission last year but had not been able to use it. Dep.Mrs.Plummer asked if he would also be photographing Brecqhou but was informed that the Tenants would not give permission. The Brecqhou helicopter is not allowed to overfly Sark but made 411 helicopter flights in and out of Brecqhou in 2005.

25. **GENERAL PURPOSES & FINANCE COMMITTEE:** Report on Avian Flu Planning Measures. The President of the Committee said they had been asked to form a Committee consisting of the Presidents of Emergency Services, Medical, Agriculture, G.P.& F. and Public Health Committees and the Constable, by the then President of Emergency Services as it would facilitate things if a Committee was already in place just for this one contingency so that each Committee is not working alone. Any Regulations that need to be published would be published under the auspices of the Committee concerned. It was agreed that the various members could nominate his deputy. Mdm.Char asked if it should encompass more than just Avian Flu but the President of Chief Pleas pointed out that we already have an Emergency Services Committee which looks into all aspects of the normal running of emergencies. This would be a specific Committee for a specific emergency. The Assistant Constable would come in under Proposition 2. The President of Chief Pleas said the Committee must have the ability to co-opt any member of the public without coming to Chief Pleas.

Brecqhou must be informed of all action which they must comply with and any cases of bird flu in Brecqhou must be reported to the Sark Constable and Sieur Donnelly asked what facilities had Sark in mind to extend to Brecqhou and was told that any official requirements must be made by the appropriate Committee and must be published in Brecqhou. The reporting line of Brecqhou is within Sark’s jurisdiction. The new Committee must write to the Manager of Brecqhou saying that this special Committee has been appointed and pointing out to them that the reporting point will be to us. One of them can be a co-opted member if they so wish.

**PROPOSITIONS:** (1) “That Chief Pleas approve the formation of a new Committee to prepare and co-ordinate any and all measures necessary to deal with a possible outbreak of Avian Flu in Sark”

(2) “That this Committee be constituted from the above-named members and officers of Chief Pleas or their deputies”

(3) “That its meetings shall be considered as quorate with any four of the six members present” and

(4) “That the Committee have the power to co-opt any person without recourse to Chief Pleas”.

Propositions 1-4 were voted on and Carried.

**NOTICES:** The President of Chief Pleas presented the good wishes of the meeting to Nicky Dewe and Stefan Roberts, wishing them good fortune in their competing in the Commonwealth Games in Melbourne.

The closing date for the Agenda for the Easter meeting is Friday, 24<sup>th</sup> March.

The Extraordinary Meeting will be on 8<sup>th</sup> March and the closing date for papers for that meeting will be Friday, 10<sup>th</sup> February. The meeting will be in the old Island Hall.

In the event of any Vin d'Honneur being held by Chief Pleas, husbands, wives and partners are all welcome to attend.

January, 2006

Greffier

Seneschal