

MINUTES

EASTER MEETING of the Chief Pleas held on the 19th day of April, 2006, in the presence of John Michael Beaumont, Esquire, OBE, Seigneur; Lt.Col.R.J.Guille, MBE, Seneschal; A.W.J.Adams, Prévôt; T.J.Hamon, Greffier; Mrs.W.Kiernan, Treasurer, and the Constables.

Members were present as follows:-

27 Tenants, 12 Deputies and the Seneschal.

Apologies were received from Sieur D.Spence, Sieur C.Spence and Sieur D.Willis.

His Excellency the Lieutenant Governor, Vice-Admiral Sir Fabian Malbon, KBE, attended the Meeting and was welcomed by the President of Chief Pleas who explained that Sir Fabian would be leaving in the afternoon in order to attend the Alderney States Meeting and wished him a good crossing.

The House stood in silence in memory of the late Mr.Trevor Donnelly, who had died since the last Meeting and who was the Tenant of La Vaurocque from 1976 until his son John bought the Tenement from him in 2004. In the early nineties ill-health meant he could no longer attend Chief Pleas and John was then nominated to represent his seat. Whilst he did not serve on Committees he took a keen interest in Island matters and once spoke passionately on an oppressed minority on Sark, which turned out to be the horses!

The President then informed the House that the Chief Executive Officer, Mr.Geoff Houston and the Sales Director, Mr. Ian Campbell of Cable and Wireless will be visiting Sark on 12th May and have asked to meet as many dignitaries as possible and he invited all Members and Island Officers to meet them at the Island Hall at 11.15 that morning for coffee, for approximately 45 Minutes.

1. **MINUTES:** The Minutes of the Extraordinary Meeting of Chief Pleas held on 8th March, 2006, having been circulated, were approved as amended below. Proposed Dep.Guille, seconded Dep.Ms.Guy. Carried.

Amendments: From Constitutional Steering Committee: Page 7, fifth paragraph, first line, amend "1952" to read "1951"

Page 8: Add the following words before the proposition "Following the debate on the composition of Chief Pleas and the two options before it, Option "A" made by the Constitutional Steering Committee and the proposal by Madame Rang and Deputy Cocksedge for Option "C", the following proposition was put forward:"

Page 6: Sark Constitution Report: Dep.Guy said that she did not make the comment attributed to her asking if many people had changed their mind.

Page 3:para.3: "Jersey has had its employment law withdrawn because it is non-compliant so it is not just Sark". Mdm.Rang asked that these words be struck from the record as she had

information that this Law had not yet been considered by the Privy Council and asked how it was that the House was being misled on some of these matters. Dep.Dewe, who made the original remark, said that the information came from Channel Television. Carried.

Arising: The President of Chief Pleas said that he wished to raise the issue of comments he made towards the end of the debate at the last Meeting in the area of Judicial Review of an adverse Privy Council decision to Option C and the taking of the UK Government to the European Court of Human Rights by Chief Pleas. The information he had given was from informal advice that he had been given. The Seigneur had more definitive advice and he will address those issues during the debate on the Constitutional Law at Item 5.

Item 14, Arising 8th March, Incinerator: Dep.Cole said that he had now heard from Sieur D.Spence who had advised him that the Minute is unclear, as he was told by the manufacturer that the incinerator was within the UK Clean Air Act when it was developed, but does not now comply with EU emission regulations. He added that in his opinion it will be much more acceptable that the emissions from the rubbish burning that takes place on Sark currently.

Gate Fund: The President of Chief Pleas thanked those who had responded so generously to the Gate Fund. He could not announce the final total yet as there were still one or two cheques coming in and there was still the opportunity for anyone to donate who wished to but who had not yet done so.

2. **QUESTIONS NOT RELATED TO THE BUSINESS OF THE DAY:** There were none.

3. **GENERAL PURPOSES & FINANCE COMMITTEE (G.P.&F.):** Finance sub-Committee: re Financial Statements. The Chairman of the sub-Committee pointed out that the Treasurer had supplied the House with comparisons 2004/2005. During the course of the year money had been diverted from Shipping into Education. The grant to the Island from Accumulated Funds had actually come out of Revenue. Everything else is evident in the Accounts.

Sieur Baker asked about an item under Education of £17k for “Provision for Compensation”. The President of the Education Committee said that the previous Head Teacher failed to satisfactorily complete his year’s probation and he was given notice and paid salary in lieu of serving the time. As a matter of prudence, a further sum was put aside in case of unforeseen expenses arising from the unpleasant events of last year and this is what is in the accounts. He added that the Committee acted, as always, on legal advice from the Crown Officers.

Sieur Raymond explained that there is an entry for Unforeseen Expenses because it is impossible to budget for every possible contingency. They had used something which was not going to be used elsewhere so in the overall budget there was still a surplus. He had been assured that the provision was proper.

Dep.Cocksedge said that the Impôt this year only raised an extra £287 against a collection service of £1615. A zero-rated duty free shop might be able to raise revenue without having to

pay collection. The President of Chief Pleas said that would need a formal Proposition to Chief Pleas with a Report. Dep.Melling asked if it was possible that goods were entering Sark without the Impôt being paid or else Guernsey tax being paid on it, which was not helping Sark's revenue.

Sieur Hurden asked if the Public Works item "Scrap" was the cost of taking the scrap off the Island and was the Island getting anything back. He was informed that it was the cost of disposal and no payments came back to Sark for any waste which was disposed of through Guernsey.

Sieur Harris congratulated the members of the sub-Committee and the Treasurer for the accounts and said he would like to see the Capital Expenditure item shown more fully. The Treasurer had noted this for the future.

Proposition: "That the accounts for the Island for the year to 31st December 2005 be approved." Carried.

4. **EMERGENCY SERVICES COMMITTEE:** The President of the Committee had nothing to add to either the Report or the Accounts.

Proposition: "That Chief Pleas approve the Sark Fire Service accounts for 2005" Carried.

5. **CONSTITUTIONAL STEERING COMMITTEE (C.S.C.):** The President of Chief Pleas asked the House to suspend the Rules of Procedure for this item only. Carried.

The President of the C.S.C. said that the drafting of the Projet containing Option C had taken place after the meeting of 8th March and said that the Committee Report highlighted the areas where amendments have been made. He pointed out that there was an amendment from Sir Peter Miller and Sieur Harris which had gone to the Law Officers as to the possibility of the amendment and said he had taken the necessary steps of informing Sir Peter and Sieur Harris of the views of the Law Officers who are saying that it would be better if the wording of the proposition was made clearer and simpler. The suggested wording has been put to Sir Peter and Sieur Harris and that is the version which the House will be voting on. Sieur Harris said that there is a simple but important fact which is that Sark has an extremely effective body politic. It is lively in debate, and it runs a budget surplus every year. Discussion is sensible and well informed and is generally brief and to the point. Sark is also a very small community and it works because of the participation of the whole Island. Everyone is in the business of Government in some way but it needs all the help it can get in the process of Government. It does not have a large number of civil servants to run the Island and this amendment will enable us to draw from a wider group which has a reasonable connection with the Island. Anyone who owns property in Sark and pays the Sark tax would be entitled to vote and stand for office in an election and would be voted in, or not, by the public.

The amendment is necessary not only to extend the franchise but also for a further reason and that is because the definition "ordinarily resident" is extremely unclear. Legal advice is guarded and cautious but if we base it on property ownership it is much clearer. The difficulty with the phrase "ordinarily resident" is that many people who are resident assume they are not. They

assume that they have to spend the majority of their time in Sark but if you read the case law you will see that is not so. What is important is that there should be a very clear definition and clear understanding and he thought that the definition of “ordinarily resident” should include the owners of Sark property, i.e. those who are paying Sark tax. The Law Officers have come up with a new form of words and he thought the House should show courtesy to the draftsmen by accepting their wording. He said that he and Sir Peter are very happy to accept the amendment which the C.S.C. has put forward. Sir Peter said that he did not wish to add anything.

Dep.Ms.Guy said that both Sir Peter and Sieur Harris had served the Island well and for many years but this was not a reason to give a vote to people who do not live here. The majority of us do not know those people but more to the point they do not know us. Sark is not governed by political parties. Sark is governed by individuals, in the best interests of the Island, and the voting is wholly personal. Those who do not live here do not know how the place is run. The work of the Island government is done in Committee and it is necessary to have resident people. She said that she could not support this Proposition.

Mdm.Rang said that Sark needs all the expertise possible and the outcome of any election will be decided by the voters.

Dep.Gurden supported Dep.Guy. He has in the past frequently said that the possession of property should not be an automatic right to government and the main thing is to be an integral part of the community. If someone is not known and they stand then the public will not vote for them but they will have a vote but will they know who they are voting for? He did not think they would.

Sieur Curtis said that he really believed that the proposed franchise was too wide. If land is leased to a company then the owner of that company would have the right to vote. He said that he supported Deps.Guy and Gurden. Mlle.Perrée said that Chief Pleas needs people like Sir Peter and Sieur Harris and must go with the Proposition.

Dep.Cole said that Chief Pleas should be chosen by the islanders who live here. He asked if an Islander with a house in France or England would be able to vote there. He was against the Proposition. Sieur Harris said that in general such people did have the right to vote. In the UK he could vote even if he was an alien and has property elsewhere. He said that it was not intended that this Proposition should bring in a form of government from people who are not resident in Sark. It is to give the people of Sark the widest possible choice and to give them the widest possible set of people standing for election. These people would have to be nominated and would have to stand and at the end of the day it is the free will of the electorate which will decide if these people are elected or not. He said it was presumptuous of Dep.Guy to say such people should not stand. It is for the people of Sark to say, at an election.

Mdm.Magell said that she could not agree that people who do not live here should be able to tell us how to live our lives. She thought we should look again at Committees – that is where the work is done. She was also concerned about the definition of property, for example land which she could lease to a company. Sieur Raymond said it was very important that views came from the widest possible source and it was dangerous to exclude people who have outside expertise

and who could be extremely important to the Island. Dep.Cole said that people can be co-opted on to Committee where they might be a great deal of help. There is no reason why we should not do that, which will cover Sieur Raymond's point. Sieur Teers said that if people pay tax here they should be allowed to vote. Dep.Dewe said that he had neighbours that he did not know, who are very infrequent visitors and they certainly did not know him and he would be very reluctant to have a person like that able to vote. He agreed it would be very difficult to legislate for but thought there could be a minimum amount of time for residency. Sieur Rang asked if non-residents could have the right to stand for election but not to vote, but the President thought that would be discriminatory. Dep.Guy said that Chief Pleas certainly does need outside expertise but there are lots of ways of getting this, such as co-opting.

Sieur Guille asked if it could be added that you actually have to be on the Island for, say, 90 days and registered on the cadastre for, say, 3 years before you can vote. Sieur Gomoll said it was very important that we bring in people who would like to live on the Island but cannot do so, people who gain experience outside of Sark but who might not be "ordinarily resident" as they are at University. Someone may have been born here but has gone to the UK to study. People who leave for education should be classed as "ordinarily resident". There are also the older people who would like to live here but cannot because of health, etc. Sieur Raymond said that you have to be able to defend your thought processes to Chief Pleas but you could not do this if you are a non-voting Committee member. But Mdm. Magell said that perhaps it was time to look at changes to the system. If someone is valuable they should be able to defend their thinking by speaking at Chief Pleas and then everyone would have the benefit even though they could not vote. Sir Peter said that the idea of people coming over and telling the Island what to do was fanciful, but there should be no tax without representation and it would be very wrong to keep out people who are very much involved with the Island. Mdm.Magell said that she has always loved Sark and now she lives here and has a young family. She is interested in their education – she is interested in the environment – she is interested in things which people who just come here don't necessarily have the same views on as the people who actually live here. Mdm.Rang still could not see why there should be a problem. At the end of the day it is still the electorate who says who is going to sit in Chief Pleas.

Sieur Donnelly said he would like to support the proposition. A lot of people make a big contribution to the Island but cannot be here all the time. He agreed with Mdm. Rang in that the public has a right to vote and it need not be a concern that there will be a big change. If people are being taxed and making a contribution they are still probably aware of environmental issues. We need their support and their expertise and their financial support. The electorate may not vote for them and they may not get in, but they have the right to stand for election to represent us.

Dep.Gurden said that the people talking have served this Island very well and have done an excellent job but it was a mistake to believe that everyone who pays property tax to Sark loves the Island. This is a unique Island with unique customs and unique laws. It needs someone to live here, to find out how the Island lives, now the Island works. They cannot make a decision after two weeks a year here on what it is that Sark wants. Dep.Cole said that there are people who come to Sark and disappear after five years but they will have a vote. They cannot make a serious contribution to the Island. So far as the business of taxation and representation is

concerned, he may pay tax in other places but doesn't have a vote and that is quite right because he doesn't live there.

The President of Chief Pleas said that in the new Legislation anybody who wishes to go on the Electoral Roll must apply, which is not the way it is at the moment. It will no longer be his task to determine whether they are "ordinarily resident" or not. The term is still in the constitution and a determining factor as to whether they can stand or vote in any election. In future it will be the Greffier who will decide if they apply to him as to whether they are ordinarily resident or not. He then said the proposition would be voted on and Dep.Gurden asked for a named vote.

Proposition: "For the purposes of subsection (6)(b) and (c), a person whose name is recorded in the Cadastre maintained in accordance with Section 4 of the Direct Taxes (Sark) Law, 2002, as a possessor of any real property in Sark, or whose name is deemed by virtue of Section 3(3) of that Law to be so recorded, shall be treated as being, and whilst so recorded as having been, ordinarily resident."

27 votes "Pour", 11 votes "Contré" and 1 no vote, the Amendment was carried.

The President of the C.S.C. said that there were only a few alteration made to the legislation and he had drawn the attention of Chief Pleas Members to those which were in the Report. He said that what the Committee had tried to achieve was flexibility by Ordinance and he felt that that had been achieved.

The Seigneur then read a statement (which has since been circulated to all Chief Pleas Members). Mdm.Rang said that the content of the Seigneur's statement made it clear that this was dictatorship by the British Government. Their conclusions on the human rights issues were completely at odds with the advice given by her advisers. Sieur Donnelly reiterated that there was no Referendum but an Opinion Poll. It was agreed that there should be time for all parties to consult further and come back to Chief Pleas with all their relevant paperwork.

This discussion was followed by the following proposal:

Proposition "That a deferred Constitution Meeting be held on 5th July at 7.00 pm in the Assembly Room." Carried.

6. **PROPOSITION re BRECQHOU LIAISON COMMITTEE:** This Proposition was brought by Sieur Donnelly and Sieur Guille. Sieur Donnelly said the purpose of the proposition was to try and see whether Chief Pleas can establish contact to try and deal with some of the issues raised by Committees and settle any contentious issues and, more importantly, to see what Sark and Brecqhou have in common. He said there are many common interests between Sark and Brecqhou and the relationship with Guernsey. He said that the letter attached to the Report, signed by Sir David and Sir Frederick, sets out their position. We need to sit down and see where we can agree and not carry on endless arguments. Sieur Guille agreed and said that it is better to be talking face to face instead of through advocates and lawyers. He hoped to come back to the House with something positive. Dep.P.Williams said that he did not think we needed another Committee. The right and proper place to discuss this was in Chief Pleas and if Sir

David didn't wish to attend himself then he could send a sick note to the Greffier and have a family member represent him. He said he rejected the Proposition. Dep.Dewe said that when he was President of G.P.& F. he was asked to try and reach agreement but the propositions put to him were blackmail and he was not prepared to be blackmailed. He said members of G.P.& F. had received copies of a letter dated 12 April from Ozannes to Crown Officer McMahon. Dep.Gurden, at this point, said there was no mandate to read this letter in the presence of the media. The President of Chief Pleas said that anything that comes to Chief Pleas is in the public domain and the letter could be read and Dep.Dewe then read the letter from Adv.Dawes to Crown Officer McMahon. Adv.Dawes' concerns were (1) that nothing has been done to address the concerns raised about the role of the Seigneur under the reformed constitution; (2) they also questioned the role of the Lieutenant Governor and that it did seem rather out of place in this day and age that the Lieutenant Governor should play such a paternalistic and unaccountable role (3) the insertion (without any forewarning) of a new definition of Sark to include its "dependencies", whatever they may be. Sark cannot confer upon itself a jurisdiction it does not have, and (4) it was noted generally the extent to which much of the detail will be in ordinances which have yet to be drafted. He went on to say his clients reserved all of their rights in respect of this new legislation but hope that agreement can be reached as to the relationship between Sark and Brecqhou with the consequence that these issues need not be pursued. At the conclusion Dep.Dewe said it was a very thinly veiled threat and he thought it was blackmail. Sieur Teers said we cannot liaise with them. Sieur Donnelly said they need to have their interests addressed by somebody. The problem with Chief Pleas, so far as they are concerned, is that they are seen as two people against the world but if we leave it to the lawyers we will still be here in 10 years time. The President of Chief Pleas referred to the word "dependencies" in the letter. He was concerned at the reference to "new definition of Sark to include its dependencies, whatever they may be." That has been in the Law from day one and has been in laws going back to the World War. Many of the Laws have "Sark and its dependencies." It was in the 1999 Inheritance Law and Chief Pleas changed it because of a Barclay challenge. It was passed after the Barclays had given up their case in the Royal Court and it said "dependencies" because they had conceded, by withdrawing their case, that they were part of Sark. Sieur Baker said that in 1852 the fief of Sark was sold and in that contract it included the Ile des Marchands, which is Brecqhou. He said also that they had consistently denigrated the Seigneur, both in letters and in the Press. Dep.Dewe said he did not think Chief Pleas can commit itself to the future saying it will not legislate for Brecqhou. That is what they are virtually demanding.

Dep.Gurden said that throughout the history of this matter there have been inconsistencies of what we can let Chief Pleas know. He did not think, until today, that he had any mandate to give anything to the media. He did not think there was anything to be gained by appointing a new committee. G.P.& F. would like to know if Chief Pleas would like them to continue. Mdm.Rang said she was inclined to agree with a liaison Committee but if they are now starting to attack the Lieutenant Governor she does not want to have anything to do with it and thought that the whole matter should be referred to the Crown, to which the President of Chief Pleas said that it has been raised with representatives of the Crown. Dep.Cole said that the Barclays always insist in the Press and in correspondence that they pay a disproportionate amount of property tax to the rest of Sark and asked was this true that they paid at a higher rate or did they have more property. He was assured that they pay the same rate as everyone else but just have more property.

Following further discussion the question of the make-up of a Committee then arose and Dep.Gurden asked for a 5 minute recess to talk to G.P.& F. After the recess Dep.Gurden said that G.P.& F. agreed that the proposed committee should be a special sub-committee of G.P.& F. It would report to G.P.& F. and would be a limited life Committee and there should be exclusions as to what it can discuss and the following Proposition was voted on:

Proposition: “That a Special sub-Committee of the General Purposes & Finance Committee be formed to act as a Brecqhou Liaison Committee, with a mandate to engage in exploratory talks with the Tenants of Brecqhou on matters relating to the relationship between Sark and Brecqhou, with the following exceptions:

- (a) Issues relating to Seigneurial rights and privileges.
 - (b) Sark’s Constitutional make-up.
 - (c) Any matters relating to the Isle of Sark Shipping Company.
- The sub-Committee to report back to the G.P.& F. Committee prior to Chief Pleas.”

Carried.

5 people stood for the Committee and 4 were elected on a show of hands:

Sieur Gomoll (23) Sieur Donnelly (22) Dep.Armorgie (18) and Sieur Guille (16). Mlle.Char received 14 votes and was not elected. The President of Chief Pleas thanked her for her interest.

The President of Chief Pleas then read a statement which is attached hereto.

7. **ROAD TRAFFIC COMMITTEE:** The Committee asked Chief Pleas to sanction changes to the license fees for tractors (to £75 with a £200 ceiling), driving licenses for both tractors and horse-drawn vehicles (to £7 with a ceiling of £10) but that no alteration should be made to the horse-drawn vehicle licenses. Dep.Dewe pointed out that this payment was a fee for a license, not a tax.

They also asked for guidance on whether or not invalid carriage licenses should be charged for. It was agreed that they could be and would be incorporated with the new electric bicycle. Crown Adv.Ogier was still drafting the Ordinance for the electric bicycles and the President of Chief Pleas asked Dep.Cocksedge to see if the legislation could be brought in time to include it with the Minutes when they are sent out.

Proposition “ That invalid carriages and electric bicycles be subject to a tax/fee.” Carried.

Proposition : “That Chief Pleas instruct the Road Traffic Committee to amend the relevant Ordinances to the agreed license fees and to increase the monetary limits.” Carried.

9. **TRUSTEES OF ISLAND PROPERTIES:** The Trustees said that the Island Hall closed on 31st March 2006 and all island equipment, with the exception of the snooker table, was in the process of being transferred to the Trustees of the Island Community Centre. They asked

that (a) the Hall Management Committee be stood down forthwith, (b) that the remaining portion of the Hall grant from Chief Pleas be transferred to the Trustees of the Community Centre and that the annual grant be continued into the future for repairs and maintenance of the new Island Hall and (3) that the Trustees negotiate a temporary lease of the living quarters at the old Island Hall, to include the maintenance of the public toilets.

Dep.Guille queried the word “maintenance of the public toilets ” and asked did the Trustees mean the cleaning, etc. This was agreed. The President of Chief Pleas (as a Trustee of Island Property) said that this would be spelled out in the Lease and Dep.Dewe said that the Trust Law will need amending. The President said that it is no longer being used as an Island Hall and therefore no longer needs a Committee. The Island Trustees, through Chief Pleas, directed responsibility of the day-to-day management to a Committee but the responsibility under the Trust Law is down to the Island Trustees.

Sieur Guille asked that the Island Hall accounts be kept open until the end of the month and Sieur Baker asked for a vote of thanks to the Hall Management Committee for the work they have done over the past years. Carried.

A vote of thanks was also proposed and Carried for Mrs. Evelyn Nightingale as caretaker for many years.

9. **DOUZAINÉ REPORT:** The Report concerned the future use of the old Island Hall. Dep.Melling explained that the Douzainé cannot demolish the Hall at this time and that they cannot carry out routine maintenance on Island equipment as there is no room to do so. They also need room for the ambulance, to remove it from the Fire Station as the Fire Service is also pressed for room for their equipment. Dep.Melling said that any work needed and not done by volunteers would be put out to Tender. The main hall will be let out commercially for storage. The overall figure given was £6k, including labour, but he was confident that the labour costs could be greatly reduced. He also pointed out that if this permission is not given then it will be an on-going problem. He thanked all those people who have volunteered their help. Mr.Raymond said this was capital expenditure but revenue would normally be spent on maintenance. Mdm.Magell asked if the Trustees had looked at selling the site and the President of Chief Pleas explained that the Trustees came to Chief Pleas with a proposal last year for the future disposal but having done that they then found the cost of disposal was too high and they could not afford to knock it down and use the site for something else. It was also suggested that they sell it off but the mood of the House was not to do that and then there was this proposal and the Trustees stopped looking at the issue of selling. Dep.Cole said that if it is left without use it will have to be closed up and steps taken to stop it going into disrepair and make it safe, all of which is costly. The President of Chief Pleas then said that the refurbishment of the toilets at the Visitor Centre is probably going to be around £5k less than was allowed for so there is something like that coming back into the capital expenditure. Dep.Guy said that she would support the proposal and Dep.Gurden said that he had also come around to the idea that this is the right thing to do at this moment in time. The only reservation he had was whether the floor was sufficiently strong to allow for all this equipment. Dep.P.Williams said the girders had been looked at and there was no problem, which Mlle Perrée found hard to understand as people had been told to refrain from dancing there. Dep.Melling said that he liked to think that in the

future years it would be privately funded for maintenance and he would like to try and raise the money. He wanted Chief Pleas to go ahead and do the job and if the private money is not there have they the right to come back to Chief Pleas. Mr.Raymond said that the capital expenditure should be capped if Chief Pleas says to go ahead. Dep.Guille, as Chief Fire Officer, said that the difficulty Chief Pleas will have is that within 18 months, if we do not make some space available in the Hall, they will be asked to find some. He said he was not scare-mongering but when the Fire Station was first designed there was an acceptable limit and that is now coming to an end. Dep.Plummer said that the number of appliances has increased in 5 years. Mlle. Perrée suggested that a Fire Station was built somewhere else and the Hall leased out. The President of Chief Pleas said that the Trustees came to Chief Pleas with various suggestions and at that time they did not have the money. If the House doesn't like the proposition then they must vote against it and then come back to the Trustees with a suggestion as to what the old Hall should be used for. The issue before the House is for agreement to allow the conversion of the Hall into a temporary ambulance station and storage space. Sieur Rang said that Dep.Melling should be allowed to get on with the conversion if he can get the donation to do the job.

Proposition: “That the old Island Hall be converted, by alteration to the present snooker room, to house the ambulances, that the present library area be allocated to Douzaine use, that the main hall be used for commercial storage space and that the outside area of the premises be landscaped.” Carried.

10.. **PROPOSITION:** To Rescind the Impôt on Alcohol and Tobacco. This Proposition was brought by Sieur Teers, seconded by Dep.Cocksedge. Sieur Teers said that the reasons for the proposition to rescind the previous decision and restore the differential was in the Report. Dep.Cocksedge said that if you look back at the Financial statement a great deal of General Revenue is made up of Impôt and Sark now no longer has enough differential to make it worthwhile for people to spend here. The Impôt for 2005 brought in £173,004 but this was below the budgeted £197,000 and only £300 more that 2004. If the Impôt is lowered customers will buy more wine in restaurants etc.

Mr. Raymond said that this was part of the package of budget requirements in November when the Finance sub-Committee were trying to get more indirect tax instead of direct tax. If the rate of Impôt is reduced there will be a reduction in revenue in this year of £54k. The Report offers no solution as to how this can be restored. We have lost the opportunity of collecting it from direct taxation and if we do not receive this money then we run the budget at a deficit, which he was not prepared to do. He said that the figures are conjecture at the moment and he would not support it. Sieur Teers said he could not agree with Sieur Raymond and if the Impôt went on rising then Sark would lose far more. Dep.Guy said that, sadly, she did not think the locals were going to smoke less because the Impôt had gone up and evidence from Guernsey and Jersey support this. She also said that persons travelling from Sark to Guernsey are not entitled to a duty-free allowance but Guernsey Customs do permit a discretionary 40 cigarettes or 50 grams of tobacco. Dep.Dewe said that speaking as someone who had been in the catering trade he could say that Impôt increases made absolutely no difference to sales. That revenue should be looked at at the end of the year and see what has been earned. We are being asked to project what we would have earned. He could not see that it could be made up on other taxes. The President of Chief Pleas said that by Michaelmas we can see what has been brought in over the

high season. In the winter we are down to Sark residents. Sieur Donnelly said he thought the differential should be kept because without that wider differential we will lose sales. We must be able to sell to people off the Island and we are not going to do that if there is little differential.

Proposition: “That Chief Pleas rescind the last Impôt rises and make the new rises the same differential between Guernsey and Sark as before”. On a show of hands the Proposition was LOST.

11. **SHIPPING COMMITTEE:** The President of the Shipping Committee said that he had very little to add to the Report. Two Winter time-tables were attached for consideration. The designated person for luggage in Guernsey would stop the amount of discontent. He said he had not yet heard from the Guernsey Directors about the shareholders meeting but it would be held as soon as he heard from them. The President of Chief Pleas said that, if possible, notice of the meeting should go in with the Minutes.

Sark Viking: The President of the Shipping Committee then handed over to Sieur Raymond, Sark Director of the Shipping Company, who pointed out the latest photographs of the “Sark Viking” which were on display and said that the gear box will be delivered in the course of this week. Dep.Guy asked when this vessel would be in service and was told it should be within the next 4 – 5 weeks.

Lunch Vouchers: Mdm.Baker said that she had been asked to enquire about the vouchers which had been provided for Sunday lunch at one particular establishment and to ask why the scheme was not open to all restaurants. Sieur Raymond assured her that there was no subsidy from the Shipping Company and the cost of the lunch was added to the ticket price. If they did not have lunch the cost of the ticket was £10 – with lunch it was £20. If any other caterers wanted to participate they could contact the Company, although most of the restaurants had been contacted at the beginning of the season and had declined. Sieur Teers asked if the £10 ticket was making any money. Sieur Raymond said that they were committed to bringing over as many people as possible and it was better to bring 40-50 people at £10 than 12 at £20. In the event, 102 people had used the opportunity to come to Sark at the £10 rate. The President of Chief Pleas said that whatever rate the Shipping Company set is up to them. At the end of the day they have to prove to you that it is commercially sound. He suggested that these questions should be asked at the shareholders meeting. Mdm.Baker said that the I.o.S.S. should be asked to stop this voucher system and keep the £10 fare as it was not fair that only one establishment should have the advantage but Dep.Dewe said that if there was no concession charge why bother. Sieur Raymond said that people like to know they have got something booked before they come over. Sieur Guille pointed out that there had been nobody open for coffee in the Avenue during the morning. Sieur Raymond said that if anyone wanted to put in for vouchers they should get in touch with the I.o.S.S. direct but it has to be done from Guernsey. Go to the Guernsey office and make arrangements there.

Winter Time-Tables: The House agreed on Time-Table A, which showed 10.00 am from Guernsey, 10.45 am from Sark, but asked that the Tuesday and Thursday boat should also be 10.00 am and 10.45 am. All other times to be as shown. Agreed.

12. **DEVELOPMENT CONTROL COMMITTEE (D.C.C.):** The President of D.C.C. said that the House would recall that the Jellicoe Plan had been placed before Chief Pleas but had been rejected because it did not take into account the Tenement structure and the same is true today. What the D.C.C. is trying to do is to have an overall picture so that people can see where they can and cannot build. The Committee accepted that all is dependent on private land owners but he felt that private land owners are not doing enough for the local people. When he was looking for a building plot he was expected to pay up to £15k but now it is anything from £10k-£22k and that is before the young people even start building. In due course the younger generation will not be able to afford to build here and we will lose them but the community needs all generations here. The Committee wants to look at an overall plan for the Island and put something down as to what can be achieved. If you look at the Jellicoe Plan and take away the private land owners scenario, it is an extremely good plan.

Mr. Cooper came to the Committee with some suggestions as to planning and they noted his credentials and that he knew Sark and they were now asking Chief Pleas to approve his appointment as an advisor to the D.C.C. and ultimately to Chief Pleas. Sieur Guille asked if it was the intention of the Committee to ask Mr. Cooper to specify areas of land where houses should be built and where they should not be built. The President of D.C.C. said that although the Jellicoe Plan was very good there was still the problem of finding land and he thought we will have to look at future development of pockets where houses can be built and where they should not be built. However, the Island does not have any land of its own and we need community co-operation. Dep. Gurden said that as land is in private ownership he did not see the point in going forward with this plan. Sieur Teers said the only way the plan would work is if compulsory purchase was brought in and that was not a proposition. Sieur Guille said that if there are designated building areas then that will increase the cost of plots. Mr. Perrée recalled that someone from outside of the Island had once suggested building on the Methodist field but that was liable to flood. Mlle. Bull said that Sark needs to be self-sufficient and there must be enough land to cultivate for food. Dep. Cole said he was surprised that the House did not want to accept this free offer. It is quite clear to him that we must have some sort of overall plan for Sark, taking into account the impact of increasing urbanisation on our services. A professional view will be much more interested in general principles so that the decisions of the D.C.C. are much more predictable. The President of Chief Pleas said that the Committee are going to look at the issue anyway and they are asking the House for permission to take on an advisor to assist them. Sieur Raymond said that Mr. Cooper has a vast amount of experience and has seen the world outside of Sark and the House should not reject his offer of help but should welcome it. He will only make recommendations which can be considered and, if you don't like them, can be rejected. Dep. Guille said that Mr. Cooper has said he does not want any remuneration at this time. If we had to use a professional person to give us advice that person may not be as generous as Mr. Cooper. Sieur Donnelly said there is a lot the Committee can do. They can up-date the Jellicoe Plan and see what has happened since then. He was against this at the moment, until all the information available has been brought together. Sieur Baker said we have looked at building everywhere now. This would be the next step. We don't want all green-belt land built on but a professional can tell us exactly which pieces of green-belt could be used.

Proposition: "That Chief Pleas approve the appointment of Mr. Barry Cooper as adviser to the Development Control Committee." Carried.

13. **GENERAL PURPOSES & FINANCE COMMITTEE:** Ordinance: “The Ivory Coast (Freezing of Funds)(Sark)Ordinance, 2006” together with

14: Ordinance “The Avian Influenza and Control of Birds (Sark)Ordinance, 2006”

These two Ordinances were laid before the House and the President of Chief Pleas reminded Members that all that can happen is that they can be annulled, because they have been approved, they are in the system and they have been to the Royal Court.

“The Ivory Coast (Freezing of Funds)(Sark)Ordinance, 2006”. There was no move to annul.

“The Avian Influenza and Control of Birds (Sark)Ordinance, 2006” Dep.Gurden said that the Committee were mandated to put in place everything which was required. It has been suggested that Clause 18, referring to other animals and other bird and animal diseases, might be a step too far but the disease has been seen in other animals and that is why the Committee covered that eventuality. However, the Committee will have to apply to Guernsey authorities so that will provide a brake. There were no questions and no move to annul.

NEXT MEETING: This will be held on 5th July, discussing the Constitution of Sark and the Road Traffic legislation if it becomes available.

TOURISM REPORT: This is available from the Visitor Centre.

April, 2006

Greffier

Seneschal

Statement by the President of Chief Pleas

In his letter, dated 27th March, to each Member of Chief Pleas Sir David Barclay says “However, in recent years there have been a number of occasions when Chief Pleas has attempted or threatened to legislate for Brecqhou in a way that it would not have done previously; examples include personal capital tax and control of development.” He is just plainly wrong; the Development Control Law applies to Brecqhou. You will recall that we specifically, at their request, passed a Disapplication Law for Brecqhou in terms of who can and cannot occupy housing. All legislation for Sark automatically applies to Brecqhou unless it says on the face of the Law that it does not apply or the Law specifically excludes Brecqhou from part of it, as happened in the new Tax Law. He has asked previously (or at least one of his lawyers) that Brecqhou be treated by Sark as Guernsey treats Jethou, well the Guernsey equivalent of our Development Control Law does apply to Jethou. I wonder how many applications for buildings have been submitted since they bought Brecqhou because the Cadastre lists some 34 buildings etc. He also goes on to say, “It is not unreasonable to insist that the Law be respected.” (He actually means the European Human Rights Convention.) Well, has he complied with the Development Control Law, it might appear that whilst he will insist on our complying with the letter of the Law he sets himself above the Law by ignoring Sark Laws that apply to Brecqhou. [Power corrupts and absolute power corrupts absolutely, I think the same could be said about wealth.]