

MINUTES of the EASTER MEETING of CHIEF PLEAS

Held in the Assembly Room, Sark on 22nd APRIL 2009 starting at 10.00 am.

Present: J.M. Beaumont 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.

28 Conseillers were present at the roll call (see attached list on Page 13).

Opening Remarks

- A Seneschal Asked the House to rise for a period of silence for the late Tenant, Madame Gwendoline Drawmer, who died on 4th March having been a Tenant Member of Chief Pleas since she inherited La Ville Farm Tenement on 8th January 1971. She was not an active member, having lived in Guernsey since 1950, and the Seneschal was unaware of her having attended Chief Pleas in person albeit that she was represented from 2003, under a medical certificate, by Mr. Werner Rang. The tenement is now inherited by her son, Ivor, who lives in England.
- B Seigneur The Seigneur announced that a visit to the Bailiwick by the Earl and Countess of Wessex will take place over two days in July. No more details are available at present but Sark will be included in their itinerary.
The Seigneur introduced a proposition requesting that a Committee be set up under the auspices of the Constable to make the necessary arrangements and that any cost incurred be taken from unforeseen expenses as is usually the case for such visits.
The last Royal visit when Prince Andrew came to Sark cost roundly £2k.
- Seneschal Confirmed that further details would become available in May.
Melling Asked if Chief Pleas needed to vote on the Seigneur's proposition but it was suggested that such action had already been set as a precedent for Royal Visits.
- C Dewe R. Reported the appointment of a second Lieutenant Seneschal, as is permitted under The Reform (Sark) Law, 2008. The appointment of Advocate Alan Merrien was made by His Excellency, the Lieutenant Governor. Advocate Alan Merrien was called to the Guernsey Bar in 1992 and is a Partner in the firm of F. Haskins & Company. He has recently been sworn in by the Royal Court in Guernsey to take the Oath of Office as Lieutenant Seneschal and is now able to preside in the Sark Court as and when required to do so.
Depending on the circumstances of the case to be heard, we now have a choice of Lieutenant Seneschal, Patrick Talbot, QC or Advocate Alan Merrien. This will give a degree of flexibility and take account of their other commitments.
- Seneschal Has passed two cases to them to deal with later this year although neither case may come to court.
- D Seneschal Read out a letter received from La Société Serquaise in reference to World Heritage Site Status for the Channel Islands; a copy is attached to these minutes. He asked that the GP&A Committee keep a watching brief on the project (see Page 14).
- E Seneschal Reported that three Island residents, Bronwen Rogers, Matt Joyner and Jason Lewis would be running in this weekend's London Marathon. They are being sponsored by a Sark resident and Mrs. Rogers has gained entry to the elite female pack of runners whilst the men are running to raise monies for St. John Ambulance. They will all run with www.sark.info on their vests and he wished them well on behalf of the House.
- F Seneschal Drew attention to the new photograph of Chief Pleas taken at the first meeting at Christmas, now framed and placed on the wall behind the top bench.

1 Minutes of the Christmas Meeting on 21st January 2009

- 1.1 The minutes were **APPROVED** by the House with no amendments.
- 1.2 Magell At the last meeting, the Education Committee was asked to look at the possibility of subsidising the fare for Sark's young people who are travelling to Guernsey for further education. Their fares have recently increased by £4.20 for each return journey.
The Committee at present has no spare money in the budget; it is also reluctant to start the expectation of helping people with travel costs when so many children are educated off-island. It is felt that the education budget should be used to provide the best quality of education that it can here on Sark and that to stray into other areas of funding could potentially cause it to have to make difficult decisions in the future that would impact on Sark School.

- 1.2 cont Magell The Committee is responsible for the education of children on Sark up to the age of 15 and what is being explored here clearly concerns much older children and young people who are no longer being educated on Sark. Whilst sympathising with the plight of these young people, the Committee feels that to subsidise them is beyond the scope of its mandate.

2 Questions not related to the Business of the Day

- 2.1 Cocksedge Had given notice to the GP&A Committee of his questions and these were –
1. I have been asked by members of the public to inquire how the voluntary registration for workers is progressing.
2. Do we need to reinforce the message?
- 2.2 Dewe R. Answered both questions as one. Earlier this year, before the tourist season got under way, the Constables sent out a letter, together with a supply of forms to all employers that are known to employ outside labour, reminding them of their commitment under the voluntary code of practise to ensure that their employees complete the forms giving their full details and return the same to the Constables.
- 2.3 He was pleased to inform Conseiller Cocksedge that to date, (Monday of this week) thirteen completed forms have been received, forwarded to the Guernsey Police and returned. Because of data protection, the Constable is unable to disclose their content to him or to Chief Pleas. A further five have been recently received and are being processed. It is early days, two Sark hotels have yet to open and there will be many more forms to put through the system.
Conseiller Dewe thanked all the participating businesses for their co-operation and reassured Chief Pleas and the public of the Constable's vigilance.

3 General Purposes & Advisory Committee Report with Proposition

The Charities and Non Profit Organisations (Investigatory Powers)(Bailiwick of Guernsey) Law, 2008

- 3.1 Dewe R. Had nothing to add to the written report.
- 3.2 Seneschal Confirmed that the States of Deliberation had passed the Law on 25th June 2008. It had been returned to Sark and Alderney because, although it was extensively criminal law, there were certain aspects within it that could be applied to non-criminal activities and HM Procureur has powers on the limited civil aspects within the law. Consequently, the Law cannot have effect in Sark unless approved by Chief Pleas.
Invited questions but as none were forthcoming, the proposition was put to the vote.
- 3.3 **Proposition – CARRIED**
That Chief Pleas approve the Projet de Loi entitled “The Charities and Non Profit Organisations (Investigatory Powers)(Bailiwick of Guernsey) Law, 2008”.

4 Sea Fisheries Committee Report with Propositions

Assistant Constable Sea Fisheries

- 4.1 Cocksedge The Committee had been advised to strengthen the law to incorporate the Assistant Constable Sea Fisheries to be consistent with other Sea Fisheries Law (such as the Scallop Law) and to remove the avoidance of doubt.
- 4.2 **Proposition 1 - CARRIED**
That Chief Pleas approve “The Fishing (Sark)(Amendment) Ordinance, 2009”.
- 4.3 Cocksedge Explained that six months ago, Mr. Simon Higgins was appointed by Chief Pleas as Assistant Constable, Sea Fisheries, for a probationary six month period. The Committee has recently met with Mr. Higgins to discuss his work during that period and, whilst recognising his efforts, has concluded that the arrangement had not worked out. The position requires going out in the Sea Fisheries RIB to check on those fishing at sea and Mr. Higgins has not carried out such operations despite being offered support and assistance so to do.

- 4.4 Cocksedge Mr. Higgins has written a letter of explanation which is available for Members of Chief Pleas to read if they should so wish. An advertisement has failed to elicit any new applications and, for the time being, Mr. Peter Stisted remains available to continue acting as Assistant Constable, Sea Fisheries, until a replacement can be found.

4.5 **Proposition 2 - CARRIED**

That Chief Pleas agree to terminate the probationary period of Mr. Higgins as Assistant Constable (Sea Fisheries).

5 General Purposes & Advisory Committee Report with Proposition

Amended Chief Pleas' Rules of Procedure

- 5.1 Dewe R. Introduced the report pointing out that, although there had been a number of changes, none were fundamental and only acknowledged the changes in terminology introduced by the Reform (Sark) Law, 2008.
- 5.2 Gomoll Felt that there was conflict between the wording applying to motions of no confidence in the Chief Pleas rules (Clause 17) compared to those applying in the Committee rules (Clause 11).
- 5.3 Seneschal These words remain extant from the previous rules. There is a new section to remove members of a Committee by Chief Pleas in the 2008 Law but not in the 1951 Law. Chief Pleas can now remove someone from a Committee, not necessarily with a vote of no confidence.
- 5.4 Gomoll Considered that safeguards are needed as the current wording creates a grey area and needs better interpretation.
- 5.5 Seneschal Suggested that GP&A Committee consider the dichotomy between the wording in each set of rules and return with amended wording.
- 5.6 Dewe R. Accepted that request on behalf of the Committee.
- 5.7 Baker E. Could see no problem; it just tidies up where a Member can be removed without the whole Committee falling.
- 5.8 Gomoll Agreed to pass on the issue for today but suggested it still requires some attention.

5.9 **Proposition - CARRIED**

That Chief Pleas approve the amended Chief Pleas' Rules of Procedure.

6 General Purposes & Advisory Committee Report with Proposition

Amended Constitution & Operation of Chief Pleas' Committees

- 6.1 Atkinson Asked for an explanation of Clause 5 (2) relating to the Chairman of a Committee having an original vote.
- 6.2 Dewe R. An original vote was the Chairman's own vote as a Member of the Committee.
- 6.3 Seneschal This issue is in the Reform (Sark) Law, 2008 which changes and redefines the whole concept as previously practised. As in Chief Pleas, if there is a tie in the voting, the status quo remains.
- 6.4 Atkinson Would like to see the Law changed.
- 6.5 Seneschal Advised that she needed to either work with GP&A Committee in seeking an amendment or sponsor a proposition.
It had proved an interesting experience to go through the Law in order to compare the new Law with the previous rules. As an example, a quorum in Committee can now be no less than three Members. Previously a Committee of three allowed a quorum of two. If you wish to change that a change to the Law would be required.
- 6.6 Guy Committees are usually three or five Members so a casting vote is not necessary. A Committee Chairman's original vote is not necessarily cast first.

6.7 **Proposition - CARRIED**

That Chief Pleas approve the Constitution & Operation of Chief Pleas' Committees as amended.

7 Finance & Commerce Committee Report with Proposition

2008 Financial Statements

- 7.1 Atkinson Accepted that financially 2008 was a successful year thanks to good management of the budget. She reminded Chief Pleas of the current recession, stressing that this year would see a significant reduction in investment income, asking for Committees to reduce costs, to keep within budgets and use restraint in submitting development bids for 2010.
- 7.2 She called for a vote of thanks to the Treasurer and this request was greeted with a round of applause from the Assembly.
- 7.3 **Proposition – CARRIED**
That the Financial Statements of the Island for the year ended 31st December 2008 be approved.

8 Finance & Commerce Committee Election to the Tax Tribunal

- 8.1 Atkinson Reported that two names had been put forward by the Taxation Appeals Tribunal to fill the existing vacancies. Mrs. Hazel Fry and Ms. Jo Birch were willing to be Members of the Tribunal and Conseiller Atkinson asked that their names be forwarded to the Lt. Governor for his approval.
- 8.2 Seneschal Emphasised that the Finance & Commerce Committee has no input into the selection of such nominations and is only the means whereby the Tribunal reports to Chief Pleas.
- 8.3 Dewe R. Asked for clarification that Members of Tribunals should not be Members of Chief Pleas.
- 8.4 Seneschal Accepted that view but reminded him that Ms. Birch was not a Member of Chief Pleas, only sitting as a non-Chief Pleas' Member.
- 8.5 Magell Reminded the House that precedents existed; Mr. Alex Magell was a non-Chief Pleas' Member of the Finance & Commerce Committee and also sat on the Taxation Appeals Tribunal.
- 8.6 Seneschal Mr. Magell had stood down because he considered there might be a conflict of interest as the two disciplines were so close. Ms. Birch sits on the Agriculture Committee and there is unlikely to be any conflict of interest between those two positions.
- 8.7 **Chief Pleas noted the nomination of Ms. Jo Birch and Mrs. Hazel Fry to the Tribunal.**

9 Shipping Committee with Harbours & Pilotage Committee Report with Proposition

The Alderney and Sark (Licensing of Vessels) Law, 1951

- 9.1 Cole At Christmas Chief Pleas, the House was asked to agree large sums of money to support the Isle of Sark Shipping Company (IoSS). The finances of IoSS were publically discussed then and Chief Pleas confirmed its support of the Company for the foreseeable future as well as the recommendations of the Spencer Report produced at the end of December 2007; this included the financial restructuring of IoSS and a full review of the 1951 (Sark & Alderney) Law.
- 9.2 It has been suggested that this issue of licenses should wait until the new Law is in place but he felt that was wrong; the 1951 Law is a simple straightforward Law and makes it clear that a licence is required. The new Law is not likely to be introduced for two years; if an unlicensed operator is accepted now, it will be difficult to stop in two years time. Similarly, if one vessel is allowed now, it could escalate. IoSS must be protected as there is no room for competition.
- 9.4 Guy Harbours & Pilotage is regulated to handle vessels at the Sark Harbours and checks have been made with the Lt. Governor who confirms that the *Brecqhou Warrior* has no licence to operate commercially between Guernsey and Sark. The previous Shipping Committee sent a letter to Mr. Kevin Delaney on 30th January 2008 confirming that it had no objection to the landing of materials on Sark irrespective of its place of origin but later at the Easter meeting on 26th March 2008, Chief Pleas confirmed it would not condone the use of any vessel for the transportation of any cargo between Guernsey and Sark if the goods carried on that vessel are to be used in any commercial activity.
- 9.5 There is nothing in the minutes of either the Shipping or Harbours & Pilotage Committees that suggests any action was ever taken to implement that proposition. It is too late now for the Committees to act on that proposition without the House reaffirming its support.

- 9.6 Last week Mr. Delaney invited members of the Committees to an informal meeting to discuss the issue but this was rejected. There was however a meeting last night in the Committee Room, formally minuted, opening a dialogue which is very much welcomed and it is hoped this will continue as the door always remains open to further discussion and to achieve better understanding.
- 9.7 Henry Had hoped that he would not have to speak on this subject today – several of us have tried to get the two parties involved to discuss their mutual future but this initiative seems to have stalled in a stand-off as to suitable meeting places, so this proposition remains before the House.
- 9.8 The Shipping Committee, together with the Harbours & Pilotage Committee, are asking for a mandate from Chief Pleas to take action against Sark Shipping's biggest freight customer, to stop the *Brecqhou Warrior* coming to Sark. And what about Brecqhou? Brecqhou is part of Sark. At best this could be a bargaining tool, but a pretty weak one at that, and at worst, dangerously confrontational. Weak in that the customer can, albeit at huge extra cost, legitimately and legally change their source of supply from Guernsey to Jersey or France, away from Sark Shipping with a crippling loss of revenue.
- 9.9 He understood that some 70% of Sark Estate cargo comes on Sark Shipping not on the *Brecqhou Warrior*. Dangerous, as the 1951 Law is not at all cut and dried but wide open to different legal opinions that, if handled in a confrontational manner, may end up in very expensive and unproductive court action which Sark cannot afford.
- 9.10 He could not vote to approve such a mandate but neither could he vote not to uphold the Law. As a consequence he asked for a named vote so that he could officially abstain.
- 9.11 Bateson If the *Brecqhou Warrior* is breaking the Law, surely this is a matter for the Constables.
- 9.12 Dewe R. Have the Committees consulted the Law Officers for advice?
- 9.13 Cole Independent legal advice has been taken from Mr. Paul Arditti who is a Maritime Lawyer. Conseiller Henry's earlier informal meeting with Mr. Delaney provided a measure of understanding. The Constitution and Operation of Committees (Item 15) specifies that a member of the established staff must record decisions made at Committee meetings.
- 9.14 Bateson The House could be sending out a message that it was not prepared to enforce the Law.
- 9.15 Cole The Committees are anxious not to be confrontational; he felt it would be better if the Harbourmasters requested the operator to stop.
- 9.16 Gomoll The previous Shipping and GP&A Committees did consult the Law Officers for advice in 2008, however, the question was not asked as to whether the 1951 Law was being breached before the letters were written.
He was concerned at the potential loss of revenue to IoSS (70% of Brecqhou Developments' cargo currently comes on IoSS); the *Brecqhou Warrior* only comes to Sark once a week. It has also offered assistance by transporting the large tractor required by Public Works for re-profiling the roads, to/from Sark. This action could threaten the present revenue of IoSS.
- 9.17 Dewe R. The police investigation last year into the use of the *Brecqhou Warrior* followed a complaint from a Sark resident and was passed to the Guernsey Police, which in turn sought guidance from the Law Officers; the advice received was that, unless it can be proven that money changed hands, there was no case to answer. The *Brecqhou Warrior* is only bringing in freight for the company's own use in its businesses and not cargo for onward sale. Brecqhou is part of Sark and it is better to negotiate a solution to all freight coming through IoSS.
- 9.18 Perrée Is usually at the Harbour when the *Brecqhou Warrior* unloads and it is a relatively small amount of freight; better to negotiate a solution.
- 9.19 Maitland The question of money changing hands is only muddying the waters. The 1951 Law says loading or unloading of cargo. The deal in March 2008 was done under the threat of Sark Estate Management withdrawing jobs and leaving the labour force without work. We mustn't roll over under threat again; this is an act of trade.
- 9.20 Williams P. There are lots of small vessels bringing in cargo for the owners consumption.
- 9.21 Cole The Law refers to cargo vessels, of which the *Brecqhou Warrior* is one such.
- 9.22 Bateson Stopping the *Brecqhou Warrior* is confrontational and will allow the Barclays to take Sark to Court with criminal convictions.
- 9.23 Cole Criminal is overkill; it is least confrontational by going this way.
- 9.24 Dewe R. The former Director of IoSS, Roger Dadd, said he was going to stop the *Brecqhou Warrior* coming; he was an advocate but he failed to achieve his intention.

- 9.25 Baker E. The whole issue is a provocation by Brecqhou and intimidation of IoSS. He quoted from a letter sent by Mr. Mark Harrison to the IoSS Directors on 2th June 2007 - "*As a matter of courtesy, we wish to inform you that later this year it is our intention to provide freight transport between the Island of Sark and Guernsey at competitive prices for the benefit of the residents of Sark*".
The 1951 Law is quite clear in its definition of cargo as an act of trade. Such a simple Law should have no grey areas of understanding.
The issue over which the Law Officers and the Guernsey Police were asked to adjudicate was the transfer of a generator between Brecqhou and Sark and, as that was an internal transfer from ports within Sark, it was not outside the Law.
- 9.26 Nightingale Negotiation must be the best way forward. Why was there no negotiation until last night?
- 9.27 Armorgie The Spencer Review recognised IoSS as a lifeline service and considered it needed protection from competition, suggesting strategic alliances with other operators.
Conseiller Armorgie support Conseiller Guy's open door approach as a conciliatory way forward.
- 9.28 Gomoll Considered the three lines of the proposition were at odds; it recommends taking action, doesn't define what action is to be taken and reasons that it is to safeguard the revenue of IoSS, whereas in reality it could be detrimental to that revenue.
The answer was for the Directors of IoSS and Brecqhou Developments Limited to negotiate
- 9.29 Cook The action is to remove the crange and stevedoring from unlicensed vessels.
- 9.30 Ventress Speculated why Sark Estate Management hadn't applied to the Lt. Governor for a licence.
- 9.31 Guy Conseiller Nightingale raises a good point as to why it took so long for negotiations to take place. Three weeks ago the papers were first circulated and became public. A press statement was also released by way of explanation at the time. It was not until last Thursday that an approach for an informal meeting was made by Mr. Delaney. Having turned that down, it took until last night before a formal meeting with minutes was accepted as an option.
- 9.32 Cole Nobody would know if a licence would be granted unless they applied. The Committees are very willing to talk to Brecqhou Developments Ltd. If this proposition is not approved today, it will be a very one sided negotiation. The prime concern must be to protect Chief Pleas' investment in IoSS. The operators of the *Brecqhou Warrior* do not want to start a fight any more than the Committees do, but the Law is the Law.
The *Brecqhou Warrior* could perhaps operate under the IoSS licence and such an option could be discussed or negotiated. It is hoped this report and proposition pushes the issue forward towards a negotiated settlement.
- 9.33 **Proposition – CARRIED on a named vote – 18 Pour, 1 Contre and 9 No votes (see Page 13).**
That Chief Pleas directs the Shipping and Harbours & Pilotage Committees to take action to uphold **The Alderney and Sark (Licensing of Vessels) Law, 1951** and so safeguard the revenue of Isle of Sark Shipping Company.

10 Shipping Committee Report with Propositions

Isle of Sark Shipping Directors' Indemnity and Isle of Sark Shipping Directors

- 10.1 Cole This report updates the position because of the change of Directors. The 1992 resolution was made at the time of the Drakes and was made to protect those Directors working voluntarily from Sark. The current Directors reside in Sark and it is in acknowledgement of their thankless task, for which they receive no reward, that the least that can be done is to ensure their personal liability is indemnified.
- 10.2 Ventress Asked if they would be indemnified by insurance.
- 10.3 Cole IoSS has its own indemnity insurance cover.

10.4 **Proposition 1 – CARRIED**

That Chief Pleas resolve that the Directors of the Isle of Sark Shipping Company shall be fully indemnified by the Chief Pleas in respect of any personal liabilities they may incur as Directors. No release exclusion or indemnity in respect of a Directors' liability shall cover his actual fraud or recklessness.

- 10.5 Cole Apologised that Mr. Colin Smith was described as a chartered accountant; the word chartered should not have been used. He clarified that he was bringing this to Chief Pleas on behalf of the Island Trustees who will make the appointment if approved by the House.
- 10.6 **Proposition 2 – CARRIED**
That Chief Pleas approve the appointment of Colin Smith to the Board of Isle of Sark Shipping Company.
- 10.7 Williams P. Understood that there were not only two active Directors but also Bruce Wallace, a Guernsey businessman who still remained as a Director. He asked if the Trustees could consider replacing Mr. Wallace with others who can contribute more actively to the running of IoSS.
- 10.8 Cole Agreed and suggested that something will be happening soon.

Chief Pleas took a short break, returning at 11.40am.

11 Douzaine – Public Works Sub-Committee Report with Propositions

Public Works Sub-Committee dispute with Isle of Sark Shipping Company Limited

- 11.1 Melling Admitted that things had moved so quickly in the last 60 hours that he had been unable to keep his Committee fully informed of the progress made and hoped he had its support for what he was proposing. He asked that Conseiller Baker, Chairman of the Douzaine make an amendment to the report itself.
- 11.2 Baker E. Asked that the whole of the 6th paragraph with its reference to an IoSS Director should be removed from the record and disregarded.
- 11.3 Seneschal For future reference, reports should not name individuals who are not Members of Chief Pleas.
- 11.4 Melling He had been asked to withdraw this report but felt he could not do so, for reasons that will become clearer as he progressed. The propositions in the present report no longer apply and the House will be asked to consider alternatives; this follows discussions between IoSS and the Public Works Department over the shipping of waste materials to Guernsey.
- 11.5 An emergency meeting of the Douzaine with a Director of IoSS failed to reach any positive solution to the imposition of new higher charges to be applied by IoSS. Following that meeting on 14th January, a letter from IoSS confirmed that new charges would be £100 per skip for each return journey. Before this the charge had been £5 for tin and paper skip shipment and all other waste was zero rated. Public Works has always paid the cost of Guernsey Crane charges on all skips.
- 11.6 IoSS was billing us the new rate for the whole of 2008 and that was being applied into 2009. That was rejected by Public Works and a payment was made at the previous rates with an RPI increase to cover 2008. The same rate was applied and paid for January 2009; nothing has been paid for February and March 2009. The Committee can only apply new charges to resident's quarterly bills by the agreement of Chief Pleas other than the application of an RPI increase and the first opportunity to bring such a request for an increase is to this meeting. It was also felt that to ask for a retrospective increase from January 2008 was out of order, that no warning had been given of such an increase, and it would be impossible to recoup such an increase from residents.
- 11.7 IoSS has now reconsidered its position and the 2008 billing is withdrawn and the company is prepared to settle for the amount paid based on the original rates. The same applies to January 2009. New invoices for February and March 2009 will be served based on the same criteria. He thanked those at IoSS who saw fit to act on this report by compromising and allowing a way forward that will benefit Sark residents and the company.
- 11.8 As to the future, Conseiller Melling had strong feelings about IoSS and its relationship with its shareholders and considered that concessions should be given to the Public Works Department. Residents should benefit, given the substantial loans granted to the company by Chief Pleas, and he was able to report that if Chief Pleas makes a firm directive, as the owner of the company, the shipment of waste will benefit from an 80% reduction on the published rates charged by IoSS. IoSS will act in accordance to such an instruction.

- 11.9 It should be made clear that such a concession has no bearing on the fact that private individuals have lost discounted rates; private individuals do not own the company, the government of this Island does on behalf of the Island people.
- 11.10 New propositions were circulated and the House agreed that these could replace those accompanying the report.
- 11.11 Guy Wished confirmation that the retrospective bill for 2008 has been withdrawn by IoSS.
- 11.12 Melling Confirmed that was the case.
- 11.13 Henry Dewe R. Both wished confirmation that an 80% discount had been negotiated.
- 11.14 Melling That is the wording agreed by the Directors of IoSS
- 11.15 Gomoll Asked how a figure of 80% was arrived at and noted that the transportation of these full skips was backfilling of the relatively empty cargo journeys returning to Guernsey.
- 11.16 Melling 80% and 90% were offered but, taking into account crange charges, it was felt that 80% was a fairer settlement. This will apply to heavy metals, plasterboards and asbestos as well; Public Works will still need to adjust charges but at a fraction of the increase the original new rates would have required.
- 11.17 Cole Congratulated Conseiller Melling and the Douzaine for this negotiated settlement.
- 11.18 **Proposition 1 – CARRIED**
That Chief Pleas direct their company, Isle of Sark Shipping Ltd, to put in place an 80% concession from the published cargo tariff rates for the shipment of waste from Sark dispatched by the Sark Public Works Department.
- 11.19 **Proposition 2 – CARRIED**
That Chief Pleas instruct and agree that the Public Works Sub-Committee will adjust the charges applied to rubbish disposal in line with the concession granted to them for the shipment of waste to Guernsey. Nothing in this proposal to affect the right already granted to increase rates by RPI annually.

12 Education Committee Report with Proposition

School Brochure, Open Morning and Parents' Representative

- 12.1 Magell Introduced the report and commended the school brochure which accompanied it. An invitation was extended to all Members of Chief Pleas to visit the school at anytime between 9.15am and midday on Monday 11th May to see the school working, to meet the teachers and pupils in their classrooms and to appreciate the way the school functions. It was noted that this was a different date to that shown in the report. She also recommended the House to visit the school website www.sarkschool.com.
- 12.2 Requested that Chief Pleas consider the proposition to nominate Mr. Simon Elmont as a non-Chief Pleas Member to act as a parents' representative.
- 12.3 Ventress Thought the School Brochure excellent and asked what input the children had made to its preparation.
- 12.4 Magell The Brochure had been prepared by the Headteacher but the children were very evident in the pictures in the brochure and had put ideas into its preparation.
- 12.5 **Proposition – CARRIED**
That Chief Pleas approve the co-option of Simon Elmont onto the Education Committee as a non-Chief Pleas' Member until the next Chief Pleas' election.

13 Harbours & Pilotage Committee Report with Proposition

Maseline Harbour, Repair and Maintenance for 2009, Harbour Regulations and Pilotage

- 13.1 Guy Confirmed that the final costs were £996 over the £75k budget¹ set aside for this project and congratulated the previous Committee and those who had undertaken the work for achieving such a positive result.
(NOTE¹: a £15k contingency had been budgeted for the project over and above the £75k).
- 13.2 She had been unaware that fendering had not been included in the original cost and Conseiller Prevel has been researching various alternatives. The concept of a rubberised fendering strip running down the upright pillars was considered visually more acceptable but at £900 per 6 metre length, cheaper options had to be found. Covering the concrete pillars with recycled greenheart, bracketing this to the pillars and hanging tyres on chains down the face is acceptable to the skippers using the quay and comes at a much lower cost.

- 13.3 Guy Explained the need to make repairs in Creux Harbour following the underwater survey carried out in November 2006 and more recent monitoring. Mr. Andy Leaman advises that the apron needs repair with quickcrete (as used on the Alderney Breakwater) and this will be carried out when the tide is sufficiently low to gain access.
- 13.4 Urgent work is required at Havre Gosselin; the fishermen's ladder, installed in 1936 and useful for those landing when there is a swell, is currently in very poor condition. Normally only used regularly by two boat owners on the Island, it could be used by unsuspecting visitors. A notice has gone into the public boxes requesting tenders for repair or replacement of the ladder.
- 13.5 Mentioned the excellent work of the Harbourmasters in controlling the Harbours and maintaining high standards of operation. Letters were being circulated to all boat owners with allocated moorings, to ensure that each had adequate insurance cover.
- 13.4 Cocksedge Confirmed that the request to raise the cost of the examination fee was to cover the cost of administration and the paperwork involved.

13.5 **Proposition – CARRIED**

That the Sark Pilotage and Examination fee is increased from £6.00 to £10.00 with immediate effect.

14 General Purposes & Advisory Committee

Memoranda of Understanding

- 14.1 Dewe R. This request is for the GP&A Committee to sign off Memoranda of Understanding that have already been approved by Chief Pleas, a task previously undertaken by the Seneschal and/or the Seigneur. There is currently nothing in the Committee's mandate that allows this to be done on behalf of Chief Pleas.
- 14.2 Seneschal Having produced amended Rules of Procedure, each Committee should be looking to its mandate to check that it is still relevant and human rights compatible. The Laws embracing the work of the Committees will be reviewed in 2010 and these mandates need to be up to date.
The Seneschal requested that each Committee bring any changes to its existing Mandate to the Midsummer meeting of Chief Pleas for consideration.
- 14.3 Dewe R. This has been briefly discussed at the GP&A Committee and with a quorum now being set at a minimum of three Members by the Reform (Sark) Law, 2009, it may be necessary to increase to five those Committees with only three Members.

14.4 **Proposition – CARRIED as amended**

Chief Pleas approve this report and agree in principle to Chief Pleas' Committees being able to sign Memoranda of Understanding with Chief Pleas' **prior** approval.

15 Public Health Committee

To elect a new Member to replace Conseiller E. Baker, who is standing down.

- 15.1 Melling Thanked Conseiller Edric Baker, who was standing down from the Committee, for his dedicated service over many years; always willing to attend site visits, his knowledge of where everything is when dealing with waste water systems has been invaluable.
- 15.2 **Chief Pleas approved the nomination of Conseiller Ventress to the Committee.**

16 Emergency Services Committee

To elect a new Member to replace Conseiller Dunks, who is standing down.

- 16.1 Plummer Put forward Conseiller Armorgie as a nomination to replace Conseiller Dunks who was standing down.
- 16.2 Seneschal Thanked Conseiller Dunks for his work during his time serving on the Committee.
- 16.3 **Chief Pleas approved the nomination of Conseiller Armorgie to the Committee.**

17 General Purpose & Advisory Committee

Information Report

Renewable Energy from Tidal Streams

- 17.1 Dewe R. This report was really just for information although the Committee was seeking an endorsement that it was proceeding along the right lines. He also pointed out the intention to sign up to a Memorandum of Understanding on behalf of Chief Pleas with a preferred developer.

- 17.2 Cocksedge Asked that the Committee proceed with caution on the way forward with tidal power, putting in safeguards as it progresses. The financial gains for the Island's coffers seem to be there although cheaper electricity for the Island is a long way off.
If we take the advice of the Professor from Nottingham that Guernsey has the potential to produce a third of the UK Energy and add this to Sark and Alderney's efforts, all this squeezed into the 0-3 mile limits will start to put pressure on the environment.
If Sark expects some 100 plus generator units in the sea, each with exclusion zones surrounding them, this will mean Bailiwick fishermen competing for smaller fishing grounds but Sark's fleet has small boats that fish close to land and they could lose out.
- 17.3 What effect do the generators have on the tidal streams and in turn could this have an effect on our coral reefs and scallop beds. With an increase in activity in the zones comes a higher risk of maritime accidents and all the consequences to the tourist trade. What type of generator will be used? Does Sark want to look out over a coastline littered with lines of towers?
He agreed with the potential to make money for the Island but asked that we make sure we do not sell ourselves down the line to the multi-corporations who will not be afraid of having their own way when they get a foothold. Tread carefully tidal power is still in its infancy.
- 17.3 Dewe R. Confirmed that both he and Conseiller Cocksedge recently attended a meeting in Guernsey and all the Islands were working together and information is being shared. There is much research going on and the Committee will indeed proceed with caution.
- 17.4 **The Committee received a vote of support accepting that it was proceeding on the right lines in this regard.**

18 Conseillers Hunt and Plummer

Report with Proposition

Public Vin d'Honneur on Liberation Day

- 18.1 Hunt Supported the report and explained the reason for requesting a vin d'honneur.
- 18.2 Seneschal Had just received bad news by text message to say that the Lady Walker, wife of the Governor of the Royal Hospital, has had a serious ski-ing accident and that neither she nor her husband will be able to attend. The Lt. Governor, the Chelsea Pensioners et al will still attend.
HMS Daring will also be anchored off Guernsey for the Liberation Day celebrations and some of the visiting sailors will also be invited.
- 18.3 Guy Asked how much the reception will cost.
- 18.4 Seneschal Small eats, soft drinks and a little bit of alcohol would be looking at about £1k; the vin d'honneur on 21st January after Chief Pleas cost £700. It will assist the Sark Branch of the Royal British Legion in making the day a success for the visitors and give the residents of Sark the opportunity of meeting those coming from outside the Island.
He declared an interest as Secretary (and the Seigneur as Chairman) of the Sark Branch of the Royal British Legion.
- 18.5 **Proposition – CARRIED**
That Chief Pleas agrees to and funds a Public Vin d'Honneur on 10th May (Liberation Day) at Sark Island Hall between Midday and 1.00pm.
- 18.6 Atkinson Requested that the occasion be well publicised to ensure the public know it is taking place.
- 18.7 Dewe R. Assumed it would be limited to Sark residents.
- 18.8 Seneschal Confirmed that to be the case apart from the invited visitors.

19 Douzaine

Information Report

Sark School and Community Centre

- 19.1 Melling Would like to have reported that the problems at the Hall and School building can be overcome in a simple way but, although the insurance company has admitted liability under the Island's policy, which has proved a major hurdle to overcome, the investigations have to date proved that the problems are greater than at first thought. There are still test bores to be done to obtain concrete samples from the whole site to confirm the area that will need to be dried out and returned to its previous condition.

- 19.2 Melling At this time it is confirmed that the water has spread under the school area and first investigations indicate that the IT room, the headteacher's office and the assembly area are affected. This will mean extensive work in those areas. Further tests will show if the spread is into the downstairs classroom. The Trustees have attempted to put as much pressure on the investigation teams as possible to commence this work as soon as school closes for the summer holiday. However, it is already clear that the work cannot be completed in time for the new term in September. This will mean finding alternative accommodation.
- 19.3 With some luck it is hoped to use the Board Room in the Hall but at this stage we cannot be sure how the insurance company is going to view the job being done in stages. It is hoped that the School can be put right first before moving onto treating the Hall; the Trustees do not have the answer yet. The Headteacher and the Chairman of the Education Committee were informed of this problem on Monday last and hopefully the parents of children at the school will be informed in due course of how the problems will be overcome.
- 19.4 The School and Community Hall Trustees are committed to keeping everybody informed as soon as information becomes available. It is a problem for the Island as a whole and he hoped sincerely that those who criticise the building at every opportunity will have the good grace to allow us to overcome these problems and offer help and support to get back to normal as soon as possible.
- 19.5 The main building itself will be greatly affected. It maybe that alternative accommodation can be provided for some of the functions and activities to continue but business will be affected to a great extent and the management have been kept informed and indeed invited to attend meetings with professional bodies that have been over to the Island to assess the problems.
- 19.6 He then moved on to say a few words connected with the Trust that provided the building and oversees its continuing operation and success. The original Trustees were John Barrows, Bertha Anderson, Jeremy La Trobe Bateman, John Carré and himself. The first three have all left the Trust on good terms for various reasons. No formal public thanks were ever given for their hard work, effort and time that they were required to give in order to make the provision a success. He asked that this be put right today and that it should also be noted that their full support during recent litigation, was over and above the call of duty and they are thanked for this also.
- 19.7 John Carré has been Chairman from the beginning and his time in that position has been far from easy. He guided many problems through to resolution and managed to steer the helm in strong fashion. He is owed thanks for such a wonderful effort. He has now decided that, as from the 1st April, it is time to retire. In his letter of retirement he states that he will always be a friend of the Trust and will make himself available if he can ever be of any help in future; this sums up his attitude to the project and we thank him for a job well done.
- 19.8 The Trust Members today are myself as Chairman, Lewis Heald as Vice-Chairman, Brian Garrard and Jane Norwich, who has taken on the challenge of secretary & treasurer, a role previously taken by Karen Adams who is retiring from the position at the end of this month. We also express our thanks to her for the work she has done. Thanks also to Paul Arditti who has given us endless advice, help and support that has been second to none. Another Trustee is being sought and anyone interested should get in touch with one of the other Trustees.
- 19.9 Magell Wanted to reassure Chief Pleas and parents of children at the School that disruption to the education of pupils at the school will be kept to an absolute minimum.
- 19.10 Seneschal Reminded the Trustees and the Education Committee that this Assembly Room can be made available should it be required.

20 Emergency Services Committee Information Report

The Emergency Services Scale of Charges

- 20.1 Plummer The Committee considered it important that Chief Pleas, and through it the public generally, should be aware of the charges made for various services provided by the Emergency Services. There are no increases included here; this is purely an information sheet.
- 20.2 Seneschal This is useful information and he will ensure it is displayed in the Public Boxes.
- 20.3 Gomoll Asked if telephone numbers could be added to the list. He was sure nobody would want 999 being dialled for a request to fill a swimming pool.

21 Medical Committee Report with Proposition

Tractor for the Island Doctor

- 21.1 Baker D. The present tractor used by the Doctor was second hand and old when donated to Dr. Michael Bedford many years ago. The tractor is not used on the road very often but it needs to be totally reliable and, because of the amount of equipment the doctor is required to take with him on an emergency call-out, is an essential part of the kit available.
- 21.2 Baker D. Medical & Emergency Services Committees and the Douzaine have all discussed the replacement of the present tractor and the Treasurer has been consulted.
- 21.3 Ventress Drove the tractor a couple of years ago and could vouch for the fact that it was in need of much attention.
- 21.4 Henry Hoped this would be an investment rather than a commitment. The cost of the tractor is taken into account within the reimbursement package surrounding the doctor.
- 21.5 Guy Asked who owned the present tractor.
- 21.6 Baker D. The Medical Practise.
- 21.7 Seneschal Presumably the old one will go off the road in line with the Chief Pleas resolution to limit tractor numbers.
- 21.8 Prevel Supported the idea and asked whether the Committee would consider some form of cover to protect the replacement tractor from the weather at its exposed parking place.
- 21.9 Baker D. The Committee will consider that option but it will add to the expense involved.
- 21.10 Cocksedge Dared to suggest that an electric vehicle might be a more practical alternative but many would say that introducing such a vehicle would be the thin edge of the wedge.
- 21.11 **Proposition – CARRIED**
That Chief Pleas directs the Medical Committee to purchase a tractor for the Island Doctor and that a budget allowance of up to £10,000 to be taken from the unforeseen expenditure account for this purpose.
- 21.12 Williams P. Had been investigating a replacement tractor and had identified one at a company in the UK which was second hand, with only one careful lady owner, and refurbished; a 1993 Massey Ferguson, one of the last two to be built, and was retailing at £6,250. It had a cab but would be consistent with the small tractors that Road Traffic Committee would want to encourage as the type and size appropriate to the Island.

Closing Remarks

- G** Seneschal Asked that a vote of thanks be recorded for the vin d'honneur given after the Christmas Chief Pleas' meeting on 21st January 2009 which did not come out of public funds but was paid for with a private donation.
- H** Seneschal Announced that he had received notification from Mr. Simon Ross, Assistant Secretary of the Commonwealth Parliamentary Association's Guernsey Branch, that the Annual Conference of the British Islands and Mediterranean Region of the CPA is meeting in Guernsey in June this year. An optional day trip to Sark is being planned on 18th June on the day after the Conference officially closes, including lunch at Stocks Hotel. This follows a successful visit to Sark in 1998 when Guernsey last hosted the Conference. It is suggested that with the recent Sark Parliamentary changes in mind, Chief Pleas might wish to host a small reception in the Island Hall. This does rule out a formal meeting as well and it is anticipated that as many as 70 Parliamentarians might attend the visit to Sark.
Chief Pleas supported holding a small reception in the Island Hall.

Forthcoming meetings for Chief Pleas Members

MID-SUMMER MEETING – Wednesday 8th JULY 2009 at 10.00am

Agenda closes on Wednesday 10th June 2009 at 3.00pm

Papers distributed to Members by Wednesday 17th June 2009.

This meeting closed at 12.50pm.

Brian Garrard (Sark Committee Secretary) 18th-20th May 2009

Greffier

Seneschal

Chief Pleas Easter Meeting – 22nd April 2009

	Attending	Item 9								
The Seigneur – J. M. Beaumont	/									
The Seneschal – Lt. Col. R. Guille	/									
CONSEILLERS										
Mr. D.T. Cocksedge	/	P								
Mr. R.J. de Carteret	/	P								
Mrs. H.M. Plummer	/	P								
Mr. D.W. Melling	/	P								
Mrs. H.C. Magell	/	P								
Mr. C.H. Bateson	/	P								
Mr. A. Dunks	/	P								
Dr. S.L. Henry	/	NV								
Mr. D. Pollard	/	C								
Mr. A.C. Prevel	/	P								
Mrs. S. Williams	/	P								
Ms. E.M. Dewe	/	NV								
Mr. E. Baker	/	P								
Mr. P.J. Williams	/	NV								
Mrs. D. Baker	/	P								
Mr. R.J. Dewe	/	NV								
Mr. P.M. Armorgie	/	NV								
Mr. A.J. Cook	/	P								
Mr. C.N.D. Maitland	/	P								
Ms. M.A. Perrée	/	NV								
Mr. C.R. Nightingale	/	NV								
Ms. J.M. Guy	/	P								
Mr. J.E. Hunt	/	P								
Mrs. A. Atkinson	/	NV								
Mr. A.G. Ventress	/	P								
Mr. S.B. Gomoll	/	NV								
Ms. C.D. Audrain	/	P								
Mr. P.J. Cole	/	P								

Brian Garrard, Committee Secretary
22nd April 2009

La Société Sercquaise
Visitor Centre
Sark

The Seneschal
Chasse Marette
Sark

4 April 2009

Dear Seneschal,

World Heritage Site Status for the Channel Islands

You have kindly kept La Société Sercquaise informed of the various procedures in place for preparing any bid to be considered for promotion on the UK's Tentative List. I can now report briefly on the state of play.

Jersey Heritage commissioned a Report by Kate Clark 'Valuing the Heritage of the Channel Islands' and, on the basis of its recommendations, proposes a bid for WHS status for the **Channel Islands as a whole, on the basis of over 3000 years of fortifications.**

An initial inter-island meeting was held in Guernsey on 14 March with representatives from Jersey Heritage, La Société Jersiaise, La Société Guernésiaise, the Alderney Society. I represented La Société Sercquaise. Sark's support is considered vital by the other islands, though we have little of major importance to contribute to the chosen theme.

Preparing and negotiating a bid will take many years and involve much bureaucracy, and success is uncertain. It was agreed nevertheless to proceed, on the grounds that co-operation between the heritage organisations in all the islands is very valuable in itself as a way of promoting and preserving our common and unique heritage. Sark in particular has much to gain from the expertise and diverse experience of the heritage organisations in the larger islands.

It was agreed to form a Working Party and to begin preliminary calendaring of fortifications to an agreed historical format and to develop supporting materials. The Group will meet on 6 June in Alderney.

I reported on the WHS meeting to the AGM of La Société Sercquaise on 27 March. The Society as a whole agreed to endorse the venture and to represent Sark's interests in the preparations and negotiations. I was asked to write to you for the information of Chief Pleas, pointing out that this course costs the island nothing and that no harm and considerable benefit may come from participation. We expect to take our turn in hosting the Working Group. Finally, we intend to use the bid for WHS status as a way of promoting heritage awareness and practical heritage projects in Sark.

I or my successors in the Group will keep Chief Pleas informed of any developments that may require formal action by Sark.

With best wishes,
Yours sincerely,



Dr Richard Axton for La Société Sercquaise