

MINUTES of the MICHAELMAS MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 30th September 2009 at 10.00 am.

Present: Sieur J.M. Beaumont OBE, Seigneur; Lt.Col. R.J. Guille MBE, Seneschal; A.W.J. Adams, Prévôt; T.J. Hamon, Greffier; W. Kiernan FCA, Treasurer; and the Constables. His Excellency the Lieutenant Governor, Vice-Admiral Sir Fabian Malbon, KBE, also attended.

26 Conseillers were present at the roll call (see attached list).

Apologies from Conseiller Henry who was attending hospital in Guernsey

Opening Remarks

- A** Seneschal Welcomed His Excellency the Lieutenant Governor to the meeting.
- B** Seneschal Explained that the constitution of the Road Traffic Committee is set out in the Mandate as a total of five Chief Pleas Members but inadvertently at the meeting held on the 9th January 2009 a total of six Members were elected. He accepted the error was his as, when it came to the election, eight Members stood and six were elected. A letter of resignation from the Committee has been received from the Chairman, Conseiller Cocksedge. This resignation corrects the earlier error but with no Road Traffic item on the agenda, the Seneschal wished to take this opportunity to thank Conseiller Cocksedge for his past 12 years of service on this Committee and as President/Chairman since 1999; he has had a difficult time in recent years trying to have new law drafted onto the statute books due to higher priorities of legislation drafting effort both here in Sark and from Guernsey's demands on Law Officer time. His resignation letter indicates that at long last the Committee has seen the first draft of the new law and he feels that the time is now right for someone else to take the new law forward. The new Chairman is Conseiller Bateson and the Deputy Chairman is Conseiller Paul Williams.
- C** Seneschal You will also know that Mr. Pollard resigned as a Conseiller and as he was on the Road Traffic Committee the Committee is now one member short having been one too many for the past nine months and that is being addressed at Item 25. The Seneschal took the opportunity to thank Mr Pollard for his time as a Conseiller albeit for a short period of only nine months and for his contributions made on his four committees. On behalf of Chief Pleas, the Seneschal wished him and his family good fortune on their new life in England. The Seneschal had been asked on several occasions, since the news of Mr Pollard's resignation became know, if a By-Election is required and he confirm that a By-Election is not needed as Section 23 of the Reform Law was amended by The Reform (Sark) Amendment) Law, 2008 and sub-Section (9) of that paragraph reads: "**No by-election shall be held... unless the occurrence of the casual vacancy has resulted in the number of Conseillers then holding office falling below 26....**" Mr Pollard was a 4-year term holder of office.
- D** Seneschal Informed the House that the Law Officer's reports on any Sark Projet de Loi and Bailiwick Projet de Loi approved by Chief Pleas, accompanying a Projet de Loi on the process of obtaining Royal Assent, will now be automatically sent to him for the information of the Committee that brought the law forward for approval by this Assembly. You may recall that there was some concern expressed in the run up to approval of The Reform (Sark) Law, 2008 about the content of these reports but having received those for all Projects de Loi approved by Chief Pleas in 2008 the reports are no more than a factual recitation of what the law says. The Seneschal confirmed that neither the States of Guernsey nor Alderney received these reports in the past, so be assured that Sark was treated no differently to other parts of the Bailiwick on this issue.
- E** Seneschal Pointed out that the year-date on the Addendum for Item 26, The Catering Law, should be 1988 and not 1998.

1 Minutes of the Midsummer Meeting on 8th July 2009

- 1.1 Bateson As Item 6 was an information report about Isle of Sark Shipping Company (IoSS), Chief Pleas couldn't accept the recommendations.
- 1.2 Cole Agreed that the power of approval was with IoSS.

- 1.3 Hunt Pointed out that a change in the timetable had occurred since that consultation with the departures on Saturday non-shopping trip days now retarded to 1100hrs from Guernsey with a 12noon back from Sark. This was slid in by the back door and Chief Pleas was not informed.
- 1.4 Seneschal The point is that Conseiller Bateson thinks the statement at paragraph 6.10 is incorrect.
- 1.5 Gomoll Suggested a correction to Paragraph 6.10, replacing *accepted* with *acknowledged*.
- 1.6 This suggestion was agreed and the minutes, as amended, were **APPROVED** with no matters arising.

2 Questions not related to the Business of the Day

None

3 Douzaine

Election of Constable

- 3.1 Constable When invited to speak had nothing to add to his report already circulated with the papers.
- 3.2 Seneschal The Seneschal's Office continues to have many dealing with the Constable's Office and The Seneschal thanked Mr. Blythe, on Chief Pleas' behalf, for his two years of service to the Island. Like his immediate predecessors, he has had an extremely busy second year, not least with the large numbers of Chief Pleas' sittings once again, all of which have to be prepared, albeit that this assembly room continues to make life easier for the Constable. Having counted up, he has had 11 days of formal sittings in his two years of service, 6 days less than his predecessor; it is hoped that downward trend continues. He has continued to uphold the traditions of the Office and it has been a pleasure to work with him. It has been said that he has been too efficient for his own good; now that sort of remark means that he has been doing the job he was elected for and been prepared to upset a few people on the way. On behalf of Chief Pleas he has had a busy year policing the Island, which hasn't stopped since his report was compiled, as well as the civil functions of licences etc. He has been firm with the public and has not been afraid to take some difficult decisions despite some inevitable frustrations when offences committed do not always end up as a prosecution in the Courts. The Seneschal was aware that Mr. Blythe has received some harsh words on his asking persons to comply with the laws but that is why you elect Constables to take those difficult decisions for the good of the community. There was of course a Royal Visit this year and he was thanked by the Seigneur at the Midsummer Meeting for the smooth running of the Constable's Committee, formed to run what was a most successful and enjoyable occasion. He has also been working hard with the Guernsey Police on taking the Office of Constable forward under the new Reform Law and the fruits of his efforts in one particular area will come to you for approval in due course. Mr Blythe was thanked on behalf of the Island for his period of service to our community.
- 3.3 E. Baker Questions were invited on the Constables report but none were asked. Before proposing a person to replace Mr. Alan Blythe as Constable, he referred to an article appearing in a certain publication some time ago and, he quoted "*Mr. Blythe must go and go now,*" well Mr. Blythe didn't go, he continued and finished his term of office to his credit. He did a very good job and carried out his duties to the best of his ability. All of us who have been Constable know that it is a difficult and time consuming job, but when you have finished your term, you should have a sense of pride to know you have served your Island well.
- 3.4 The Douzaine nominated the present Vingtenier, Mrs. Caragh Couldridge, to the position of Constable. **CARRIED**

4 Douzaine

Election of Vingtenier

- 4.1 The majority of the Douzaine has nominated Mr. Matt Joyner to fill the position of Vingtenier. (Conseiller Sandra Williams declared an interest and refrained from voting) **CARRIED**
- 4.2 Seneschal Emphasised the superb role that all Sark's voluntary police officers carry out on behalf of us all. There are some who criticise the system but would the majority wish to go to a full police service provided by attachments from Guernsey with all those extra attendant costs.

- 4.3 Seneschal The voluntary system can only continue to function properly if we all do our part in supporting them during their terms of office. It seems to me that some in this community wish to undermine our voluntary system but I hope that they are not allowed to succeed; however, the system is only able to survive whilst it has the backing of the majority of Islanders and long may that continue. My sentiments here also apply to all those other volunteers in other areas of our small community.
- 4.4 Seneschal Information Chief Pleas that the swearing in of the Constable will be in this Room shortly after the conclusion of this meeting today. The appointed Vingtenier is on a pre-booked holiday and will be sworn into office at the earliest opportunity after his return.

5 Finance & Commerce Committee Report with Propositions and Ordinance 2010 Budget and Taxation

- 5.1 Atkinson Introduced the budget report pointing out the Guernsey Retail Price Index (RPI) is currently showing a negative annual change. The expenditure increases are requested by Committees and any questions on those accepted bids should be raised with the Chairman of the appropriate Committee. She thanked the Treasurer for her report and her continued diligence in managing the Island budget.
- 5.2 Melling Was concerned about the increase in the budget for the Lt. Seneschal, a position brought about by the Reform Law, and the potential payment burden on the taxpayer. He asked if there was any way this could be passed onto those involved in a case. There have only been two cases in this current year (in one of which he was directly involved) but there could have been five.
- 5.3 Seneschal Directed the GP&A Committee to take this point on board when reviewing any revisions to the Reform Law. He reminded the House of remarks made by Mr. Dawes, when he was sitting in Chief Pleas last year on behalf of Sir David Barclay, that supported the view of Conseiller Melling.
- 5.4 de Carteret Referred to an entry under grants and maintenance where the Trustees received £8,440 to maintain the Hall. This was a burden on the taxpayer and the Trustees should seek rent from those using the Hall.
- 5.5 Seneschal Reminded Conseiller de Carteret that this grant of £8k had previously been allocated by Chief Pleas towards maintenance for the Old Island Hall. The amount covered the maintenance of the whole new building, including the school. If Conseiller de Carteret had a point to make he should bring forward a proposal to a future meeting of Chief Pleas for consideration.
- 5.6 Melling Confirmed that the budget figure also covered the maintenance of the School and only a fraction of the allowance has been spent in the current year.
- 5.7 Ventress Also emphasised that this covered the school as well and suggested that it should be compared to the cost of the Beau Sejour Leisure Centre in Guernsey that was equivalent to the total Sark budget.

5.8 **Proposition 1 – CARRIED**

That the budget of income and expenditure for the year 2010 be accepted.

5.9 **Proposition 2 – CARRIED**

That Chief Pleas approves the Ordinance entitled “The Direct Taxes for 2010 (Sark) Ordinance, 2009”.

6 Development Control Committee Report with Propositions and Ordinance Application Charges

- 6.1 Dunks Introduced the report confirming the steady increase in the number of application being dealt with and their increasing complexity. The proposition approved by Chief Pleas in October 2007 would not have achieved the desired effect and the Committee therefore return with a new Proposition 1 and an Ordinance drafted to permit charges to be made for development applications.

6.2 **Proposition 1 – CARRIED**

That Chief Pleas resolve that the Development Control (Sark) Ordinance, 1992 be further amended to permit charges to be made for development applications; and, to give effect to that resolution, that Chief Pleas approve the Ordinance entitled the Development Control (Sark) (Amendment) Ordinance, 2009.

- 6.3 Dunks Introduced the schedule of charges proposed and invited comments.
- 6.4 D. Baker Considered the charges were set too low; admittedly the Committee gave freely of its time but there were increasing costs in seeking direction and advice from the Law Officers and the Committee Secretary's time and pay to consider.
- 6.5 Maitland Supported the same view, especially the levels set for commercial applications.
- 6.6 Atkinson Supported Conseiller D. Baker's view.
- 6.7 Cole Supported the same view and felt the Committee should call on professional assistance in assessing applications and monitoring progress after decisions.
- 6.8 S. Williams Also considered the fees pitched too low but was conscious of the impact it might have on young people and families submitting an application for a first home.
- 6.9 de Carteret Supported Conseiller S. Williams point about young families.
- 6.10 Dunks There was a need to keep the scale of fees simple otherwise they became difficult to administer. He suggested accepting the fees currently proposed with the Committee going away and reviewing the figures and submitting a revised level at the next meeting of Chief Pleas.
- 6.11 D. Baker Asked why it wasn't possible to differentiate using a scale of fees determined by the square metres of the floor area of the property for which permission is being applied.
- 6.12 Ventress Suggested that the scale of fees for dwellings stay as they are but that applications for commercial premises should be charged at £100 per floor.
- 6.13 Cole This isn't the right forum to discuss the issue; Conseiller Dunks should go away and come back with a revised scale of fees.
- 6.14 Seneschal Invited Conseillers to send their idea to Conseiller Dunks for consideration.
- 6.15 Guy Considered that Development Control has the most difficult job of any Committee on the Island; she agreed that the figures should stay as offered but the Committee should return with figures to include the cost of professional advice.
- 6.16 P. Williams Other Channel Islands charged much higher levels of fees.
- 6.17 Dunks Both Guernsey and Alderney have a much more complicated system to calculate fees and these had been discussed with the Law Officers. He was anxious to accept some level of fees ahead of next week's Committee so that a system was in place and to come back at Christmas Chief Pleas with a revised scale.
- 6.18 Guy Sort clarity on no charge for wind turbines; presumably no charge was for those bolted to the side of the house and not freestanding masts.
- 6.19 Dunks Correct and that no charge did not mean automatic approval.
- 6.20 R. Dewe Reminded the Committee of the need to differentiate between agricultural and business when charging for commercial buildings.

Proposition 2 – CARRIED

That Chief Pleas approves the Schedule of Charges for the application of charges as per the above Amendment Ordinance, as attached.

7 General Purposes and Advisory Committee

Report with Proposition

Transfer of Functions

- 7.1 Maitland The report and its attached ordinance is a housekeeping process to bring up to date and regularise the position now that there is a Finance & Commerce Committee (F&CC). The action was approved in principle at the Christmas meeting of Chief Pleas but was not acted upon at the time; this remedies that oversight and brings the ordinance forward for Chief Pleas' approval.
- 7.2 R. Dewe Asked whether, under Schedule 2 of the Ordinance, all the responsibility for legislation regarding the Guernsey Financial Services Commission (GFSC) is being handled by the F&CC.
In the last paragraph of that same schedule – To advise Chief Pleas on Commercial matters – does this mean that the following matters in which the GP&A Committee has been striving to introduce as an income stream for Sark, will also be automatically transferred; the possibility of renewable energy, a domain name for Sark, company registration and internet gambling – all of which have the potential for producing substantial income for Sark.
- 7.3 Maitland Recognised that there is an overlap between the work of the Committees and will continue to liaise with the F&CC; earlier this week a meeting was held with the GFSC and the Chairman of F&CC attended to allow her to be briefed and to contribute to discussions.
- 7.4 Atkinson Confirmed that discussions with the GP&A Committee had reached an understanding on the way forward on matters of common interest.

- 7.5 **Proposition – CARRIED**
That Chief Pleas approve the Ordinance entitled “The Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2009”.

8 Finance & Commerce Committee

Report with Proposition

The Real Property (Transfer Tax, Charging and Related Provisions)(Sark) Law, 2007

- 8.1 Atkinson The report speaks for itself; there is concern over such issues as individuals buying property, refurbishing it and then selling it on and the tax implications involved. Discussions continue with the Law Officers and their advice is that, given the amount of legislation drafting currently required, it is more likely to be Easter Chief Pleas before a Projet de Loi can be available but we continue to be hopeful that Christmas Chief Pleas might be feasible.

8.2 **Proposition - CARRIED**

That Chief Pleas directs the Finance and Commerce Committee to bring forward legislation to the Christmas Meeting to be held in January 2010 to give effect to the changes proposed in this report and other changes deemed necessary after further consultation with the Law Officers of the Crown.

9 Medical Committee

Report with revised Propositions

Children’s Law

- 9.1 D. Baker Admitted that, as Chairman of this Committee since January, she could honestly say that it has been one enormous learning curve with continues daily; there are a couple of errors in her reports about which she would advise when we reached them. This report should have been credited jointly with the Education Committee although it is made clear in the report that the two Committees are working together on this project. Both Committees have been working on the Law for over five years and are pleased that the drafts should go ahead in Guernsey and have instructed the Law Officers what should be in a Sark version of the Law.
- 9.2 During the Working Group’s meetings with Guernsey Health and Social Services Department (HSSD), discussion have taken place and advice given by Crown Advocate Robert Titterington, Director of Legislative Drafting and also from Mr. William Simmonds, a lawyer in HSSD, who has advised on the Guernsey & Alderney Law. As the Chief Pleas report says, Sark’s way of life is quite different from most other communities; we have no social services and no social workers. Guernsey HSSD continues to be helpful with any problems and gives assistance but the Working Group feel strongly that Sark should be able to look after its own community needs whenever possible.
- 9.3 When this Sark Law comes to Chief Pleas for approval, its provisions will start here in Sark with a “Children’s Protection Panel”. This it is hoped will be made up of people who have a background and good knowledge of child protection. The Panel will be there for the benefit of the child; it will have guidelines to adhere to and training will be given but all this needs to be gone into thoroughly early on in the drafting of the Law. The Working Group would like to have such a panel in place now, as there is much to be gained from having its experience and expertise throughout the drafting process.
- 9.4 The Committees would like the Children’s Protection Panel (CPP) to start its work in the community straight away; Doctor Counsell is experienced in dealing with family problems but should this community need any assistance in any sort of family problem, our doctor first priority must be as a family doctor and not a social worker.
- 9.5 Conseiller Baker had already heard comments about family privacy being invaded; this CPP will not be dealing with tittle-tattle or knocking on doors because someone has said something silly. If any member of the public has any concerns about the setting-up of this panel, come and speak to any Member of the Medical or Education Committees and those concerns can be discussed and addressed.

- 9.6 D. Baker The Working Group would like Chief Pleas to instruct the Medical Committee with advice from the Education Committee to appoint up to five suitable people to make up the Sark Children's Protection Panel and for Chief Pleas to allow those Committees, working together, to appoint, replace or dismiss any member of the CPP and in turn reporting to Chief Pleas on appointments, replacements or dismissals at its next meeting.
- 9.7 The CPP is to offer advice in the drafting of the Law, also dealing with any Child protection issues that arise on Sark whilst is being drafted. Following a meeting last week with HSSD and the Law Officer, the Committees would now wish to substitute a fuller proposition covering the points that have arisen since this report was written.
- 9.8 S. Williams Declared herself 99% behind the proposition but she is hearing doubts from the public about safeguarding confidentiality and ensuring the suitability of the panel members. Will they be sworn in by the Court and have that requirement for confidentiality included?
- 9.9 Seneschal Recommended that the point is noted and incorporated into the Law.
- 9.10 **Proposition 1 – CARRIED as amended at the meeting**
That Chief Pleas hereby approves the establishment of a Sark Children's Protection Panel and delegates to the Medical Committee, or such other Committee as Chief Pleas may nominate from time to time, the power to appoint members of the Panel, all such appointments to be laid before Chief Pleas at its next Meeting following the appointment, with Chief Pleas retaining the power to annul any such appointment provided that any exercise of the power to annul shall not invalidate any prior action or decision taken by the Panel.
- 9.11 D. Baker Chief Pleas having given its approval to the concept of a CPP, a second proposition has been circulated before the start of the meeting; its purpose is to set-up immediately a shadow CPP with designated Members to start practising the functions required in the new Law. If this proposition is carried, details of four individuals selected as Members will be given for information.
- 9.12 **Proposition 2 – CARRIED as introduced at the meeting**
That the Medical Committee recruit members to the Sark Children's Protection Panel (Designate) with immediate effect and that the Panel shall carry out the functions described in the Report, or otherwise delegated to it by the Medical Committee until such time as Chief Pleas may determine.
- 9.13 D. Baker Four Members have been recruited – Christine Audrain, Sarah Cottle, Roger Norwich and David Brunning. Brief details of these people were read out as follows -
- 9.14 **Christine Audrain** taught for 32 years and was a Headteacher in Jersey for 12 years, becoming involved in Child Protection in 1988 going on to represent Jersey Headteachers on the Jersey Area Child Protection Committee from its inception. It oversaw the formation of policies across the States' Departments and had representatives from all areas including Hospital, GPs, Probation Service, Police and Prison Service; it co-ordinated training and monitored cases.
She also served on the Youth Panel for 9 years, sitting in Court with the Magistrate for Youth Court cases, bringing her into contact with many Child Protection issues.
- 9.15 **David Brunning** was appointed to act as a Family Court Judge in 1989 following the passing of the Children's Act in the UK. Called Designated Family Judges, each was responsible for the Courts carrying out Child Protection work. All applications by a Local Authority for a Care Order empowering them to remove a child from its birth parents had to be dealt with by the Judge; in practice this meant that it had to be proved that a child had suffered substantial harm as a result of physical abuse or neglect, sexual abuse or emotional abuse. Over the last 20 years, he has dealt with several thousand cases ranging in seriousness from death or grievous physical injury to the sad but prevalent protracted neglect. In 1999, he set-up a working party to produce the Nottingham Protocol, the purpose of which was to reduce delay in Child Care Proceedings. This was subsequently rolled out countrywide and has revolutionised procedure in the Family Court. He has been a Trustee of an Adoption Society that has led the way and set national standards for this work; he has also "adopted" over 1500 children in his role as a Judge.
- 9.16 **Sarah Cottle's** experience in Child Protection is through 10 years of headship prior to moving to Sark. Both schools had a mixed population with a number of families directly involved in receiving support through social services for a variety of reasons – difficulties with parenting, neglect and child abuse [including physical and sexual abuse]. In addition a number of foster families in the village required support with children placed into foster care either as an emergency placement following some trauma or as a planned move prior to adoption.

9.16 cont. D. Baker *All required attending child protection meetings with fellow professionals to construct, agree and review care plans for the children involved as well as more regular 'core group' meetings to monitor how things were going and support both children and parents. Some of the cases involved very difficult decisions, either to leave a child within their family, place them on the at-risk register or to remove them into care. Working so closely with the families through school can make these decisions very difficult, especially when parents are present at the meetings where the decisions are being made. I think this experience will be very valuable in Sark. She has also attended child protection training through her role as child protection co-ordinator. This training was to support her in implementing effective child protection procedures in school so that children at risk could be identified and the necessary actions taken.*

9.17 **Dr Roger Norwich** is a Graduate of Manchester University Medical School 1982 and has had broad ranging experience in medicine in the UK and overseas with particular interest in Paediatrics and Accident and Emergency Medicine. Paediatric posts held include RMO in Paediatrics, King Edward V11 Hospital Bermuda and Associate Specialist and then Locum Consultant in Paediatrics at Yeovil and District Hospital, with broad exposure to Paediatric Medicine and Community Paediatrics. His last NHS position was as Associate Specialist in Accident and Emergency at Gloucester Royal Hospital until 2006. He has extensive experience as a Medico-legal Expert Witness in the UK courts for over 15 years.

10 Douzaine

Report with Proposition

Revised Mandate

10.1 E. Baker Following Midsummer Chief Pleas, when authority was given for the Island Trustees to delegate certain powers to the Douzaine, the proposition below adds the transferred functions to the Douzaine mandate.

10.2 **Proposition – CARRIED**

That Chief Pleas approves the addition of item 20 to the Douzaine Mandate as follows: *To be responsible for the management, repairs and maintenance of properties delegated to the Douzaine by the Island Trustees.*

11 Medical Committee

Report with Proposition

Reciprocal Health Agreement; Status of On-Duty UK Armed Forces Personnel

11.1 D. Baker Sark doesn't have many visits from the armed forces; HMS Catistock, HMS Walkerton and a military band are some that have visited in the recent past. It is understood that a military band might attend next year for our liberation celebrations. The office of the Lieutenant Governor in Guernsey has asked if Sark would consider waiving any charges for emergency, urgent and necessary treatment for service personnel who are here on official duty. Guernsey's Health and Social Services Department is willing to waive charges for immediately necessary treatment in the Bailiwick.

11.2 **Proposition – CARRIED**

That the Chief Pleas of Sark would, if an on-duty member of the UK Armed Forces were injured whilst in Sark, sanction the payment of an account sent by the Sark Medical Officer for the treatment of such a person.

12 Shipping Committee

Report with Proposition

Isles of Sark Shipping Company Accounts 2008

12.1 Cole Was very pleased to be able to stand up and give better news - our Company is in a far stronger financial position than it was at this time last year. Members will recall it ran losses of more than £100k in each of 2007 and 2008. This year, it has been in profit since July with passenger figures up on last year - July up 6.6 %, August up 6.4% - although the year to 24th September is about 700 down on last year; to that date the figure of 41,067 stands against a whole year prediction of 41,000 and there are still three months to go. Because the core business is seasonal, the Company is always going to have a healthier bank balance in September than in March but the Directors' objective for this year was to have enough money at the end of September to pay wages and salaries for the following 6 months, and to pay for essential maintenance of the ships. This has been achieved.

- 12.2 Cole Ship maintenance plans include –
- *Sark Viking*, antifouling of the underwater surfaces, in November;
 - *Sark Venture*, full paint in January;
 - *Bon Marin* painting underwater surfaces in March (still to be decided).
- 12.3 Looking forward the following should be noted -
- The Directors are training management and office supervisor staff;
 - A full review of cargo rates is expected soon;
 - The whole cargo ship can be chartered (already happens twice weekly);
 - In response to feedback from islanders, our Company has been able to reduce the day trip rate a little and has halved the admin fee for ticket changes; it will now be £2.50 per booking.
 - An audit should be completed by end of November 2009 and accounts to 31st December 2009 should be ready for a public meeting by February 2010 at latest.
- Financially things are looking much better; we're not out of the woods by any means, but we are on the right path. loSS is well on the way to becoming an efficient and professional shipping company, more than just an operator that runs boats to and from Sark. The Directors have asked me to say how much they appreciate and depend on the support and patience of passengers and this Assembly. Finally, without apology Conseiller Cole repeated what he finds himself saying each time he reports to the Assembly - that Sark owes a great debt of gratitude to the Directors, unpaid but not un-thanked, who are working so hard on our behalf. He also thanked the administrative staff and especially our excellent boat crews.
- 12.4 He had been asked questions about the size of containers and whether these would be larger now that Sark has a more powerful crane; the old crane, now fully repaired and acting as back-up, could lift 7½ tonnes and the new crane 10 tonnes. Container size is governed by access through the tunnels and trailer capacity and tractor power so the answer is no change in the containers.
- 12.5 The 2010 timetable is available and now covers the whole year rather than Summer only with a separate Winter issue.
- 12.6 Audrain Asked if the accounts were made public.
- 12.7 Seneschal When the accounts are presented at the Annual General Meeting they become public knowledge; a copy is on display in the Committee Room for anyone to read.
- 12.8 Audrain The accounts weren't available to the public at the AGM.
- 12.9 Seneschal Once the AGM has taken place they are public.
- 12.10 Perrée Pleased that numbers are going up but regulars from Guernsey are not coming.
- 12.11 S. Williams The figures don't bear that statement out.
- 12.12 Perrée With only a capacity for 250 on the two boats at 10.00am, are passengers turned away when the boats are full?
- 12.13 Cole When full obviously the boats cannot bring any more but pre-booking is available.
- 12.14 Guy There have been a number of occasions when an extra boat is operated at 11.45am. The break-even point is 25 passengers.

Proposition – CARRIED

That Chief Pleas acknowledges, for the record, the Isle of Sark Shipping Company Accounts for 2008 as approved at the Company's Annual General Meeting held on 27th July 2009.

**13 Medical Committee
Information Report**

**The Medicines (Human & Veterinary)(Bailiwick of Guernsey) Law, 2008
The Mental Health (Bailiwick of Guernsey) Law, 2009**

- 13.1 D. Baker Apologised as Chief Pleas had already approved the Medicines (Human & Veterinary)(Bailiwick of Guernsey) Law, 2008. It should read the Medicines (Human & Veterinary)(Bailiwick of Guernsey) Law, 2008 (Commencement and Amendment) Ordinance, 2009
- 13.2 This is simply an information report to say what will be coming along and Chief Pleas will have the opportunity to discuss this fully in January. She had nothing to add concerning the Mental Health Law; it is a complex law that we hope to adapt for Sark. It will come to Chief Pleas when the Committee is satisfied it suits Sark.

- 13.3 D. Baker She asked that when either of these reports comes before Chief Pleas, Conseillers or the public let the Committee have any questions in writing about a week before the meeting; you will understand these are difficult subjects and if given warning facts can be checked before the meeting and a fuller and correct answer can be offered.
- 13.4 Seneschal Suggested more than a week if possible as the Committee sometimes needs to consult with the Law Officers or departments of Guernsey States.

14 Education Committee Information Report

Annual Report on Sark School

- 14.1 Magell This is an information report and is a digest of what the school has done during the last year. Chief Pleas Members were invited to visit the school and she thanked those who had done so and for supporting sales and concerts organised as money raising events.
- 14.2 Plummer Considered this an excellent report and there were no need of questions. The Assembly gave verbal support.

15 Emergency Services Committee Report with Proposition

Assistance Agreement

- 15.1 Plummer This agreement with St. John Ambulance formalises arrangements in line with the other emergency services. In response to an enquiry, St. John Ambulance has its own insurance cover.
- 15.2 **Proposition - CARRIED**
That Chief Pleas support the Committee signing an Assistance Agreement on its behalf between The St. John Ambulance and Rescue Service and the Island of Sark.

Break taken at 11.20am resuming at 11.30am

16 Douzaine Report with proposition Roadside Hedges

- 16.1 E. Baker This issue has been troubling the Douzaine for some time; the practise of brancage, the cutting back of roadside hedges has been exercised on Sark for hundreds of years but recently landowners have been questioning the laws under which this is required. The only resolutions are those of Chief Pleas and date back as far as the 17th Century. The Law Officers see no problem in formalising the practise in Law.
- 16.2 Cocksedge Asked if this couldn't be incorporated into Development Control Law.
- 16.3 E. Baker The Development Control Laws are concerned with the breaking of banks without permission; this is for maintenance of banks.
- 16.4 Seneschal Regretted that such a long-standing tradition should have to go to legislation but if the Douzaine feel it is necessary in order to enforce it being done then so be it.
- 16.5 **Proposition - CARRIED**
That Chief Pleas instructs the Douzaine to ask the Law Officers of the Crown to draft a Law that enforces the maintenance of roadside hedges.

17 Development Control Committee Report with proposition Occupation Law

- 17.1 Dunks The drafting of the law is nearing completion; the Law Officer assigned to the work is part-time and it has been necessary for many exchanges of correspondence so the work has taken rather a long time.
- 17.2 R. Dewe The Committee invites comments from Conseillers and the public but it is difficult without having a draft against which to comment. Is it possible to have a copy circulated so that the public or Members of Chief Pleas can see what is proposed?
- 17.3 Dunks There may be concern at circulating a draft of the Law that is still under discussion and an incomplete version could cause confusion.

- 17.4 Seneschal It has been done before when complex legislation is circulated; if it were restricted to Chief Pleas Members only the Law Officers might be willing for it to be circulated. Perhaps the Committee could speak to the Law Officer and see whether that would be acceptable.
- 17.5 R. Dewe Likened this to the "Potting Law" which had similarly been regularly extended but was now converted into formal legislation.
- 17.6 Gomoll For the sake of clarity, it would be helpful if the latest draft could be circulated with the minutes of this meeting but that doesn't help with public consultation.
- 17.7 E. Baker There had been an earlier attempt to formalise this Law and a Projet de Loi was drafted in 2004 but it contained loopholes and was shelved as other legislation drafting took precedence. The whole idea of the Law is to protect local people and he would wish to retain the 15-year qualification required for inhabiting local market property.
- 17.8 Seneschal Public consultation must be a matter for the Committee to decide.
- 17.9 **Proposition - CARRIED**
That Chief Pleas directs the Development Control Committee to consult with the Law Officers of the Crown to draw up legislation entitled The Housing (Control of Occupation) (Sark) Law, 2010, and bring the Projet de Loi before the Christmas Chief Pleas' meeting in January 2010 for approval.

18 Medical and Education Committees

Report with proposition

Safeguarding Children and Vulnerable Adults

- 18.1 Audrain Introduced the report and emphasised the need for a new approach following the Huntley case when the Bichard Enquiry identified problems with transference of information between police forces and local authorities. Guernsey is developing a safeguarding approach and it is important that Sark takes part in that initiative to prevent a "backdoor" for paedophiles from outside the Islands.
- 18.2 Ventress His immediate reaction to reading the proposition was another item to be nodded through, after all there is no way children can be denied the utmost protection; that was until reading that Sir Michael Bichard was critical of it. More information is needed than the single page given in this report. He had downloaded the Guernsey Home department report – all 21 pages of it; since this is to basically sign up the Westminster 2006 Act, he downloaded that too – all 88 pages comprising 46 pages of the Act plus 42 pages of schedules. On the face of it necessary and overdue legislation.
- 18.3 The background is the very tragic and traumatic event at Soham, the details of which the media keep on reminding us, to the detriment of the parents and relations of the murdered girls, who, every time they are starting to come to terms with their loss, see the media splash the girls' photographs across the front pages; this sells newspapers very nicely thank you but at what hurt to those most closely involved. This case led to the report by Sir Michael Bichard being rightly very critical of the lack of liaison and other bureaucratic shortcomings of various public bodies. This the Government seized on seeing a vote winning opportunity to show how caring and responsive they are to the public outrage. Every unnatural death is traumatic and hurtful to those left.
- 18.4 So an Independent Safeguarding Authority (ISA) is set-up to work with the criminal records bureau and all persons working with children and/or vulnerable adults in a paid or unpaid capacity must register with the ISA. Individuals will be continuously monitored. The checks undertaken are of two kinds –
- Standard Disclosure – will provide information pertaining to an individual's convictions, cautions, reprimands and warnings held in England and Wales on the Police National Computer;
 - Enhanced Disclosure – contains the same information plus any relevant and proportionate information held by Police including non-conviction data.
- People required to register include support staff in Health, Education, Cleaners, Caretakers, Shop Assistants, Catering Staff etc. etc. etc.

- 18.5 Ventress Who is responsible for obtaining that registration –
 Section 4.42 – it is anticipated that the registration fee (£64) will be paid for by prospective employees as they will be able to benefit from the scheme’s registration portability should they change employment.
 Section 4.16 – an employer must always check a person’s status before offering them employment. An individual cannot hold any post even under supervision until the outcome of that is known.
- 18.6 How does all this affect Sark? Not a lot according to most people Conseiller Ventress has spoken to but they are wrong. All those working at the Yellow Brick Road Nursery or the Play School immediately come under it. How many students earn money doing child sitting? They must be registered. Anyone in the hospitality industry who child monitors while the parents are out must register. Anyone who has other peoples’ children to sleep over is included. Anyone who has a mutual childcare arrangement is liable. Two police women who had a job sharing and mutual child caring arrangement have just been suspended and are facing the possibility of prosecution for looking after the other’s child; while neither benefitted financially they are deemed to benefit in kind and should therefore have been registered. Anybody who has foreign students, this would include the Chernobyl children, staying with them; the list goes on and on.
- 18.7 What are responsible peoples’ views on this? Sir Michael Bichard, who wrote the report, says, “*Ministers should revise these controversial guidelines and some parts of the plan need to be looked at again*”. A group of Labour MPs has that Ministers have allowed Civil Servants to take an over-zealous approach to the registration rules. Wes Cuell, NSPCC Director of Services for Children “*The warning signs are now out that this scheme will stop people doing things that are perfectly safe and normal, things they should not be prevented from doing*”. Esther Rantzen, founder of Childline, “*This is less about protecting children than about organisations protecting themselves. Of course we do not want a convicted child abuser taking a job as a tennis coach, youth worker etc. but we have to be sensible about this and I don’t think we are*”. Professor Alan Craft, former President of the Royal College of Paediatrics said “*The State has already gone too far in creating a culture which restricts freedom for young families and has created a climate where adults feel they can’t put an arm around a child who is upset and there is a real danger that this move takes us yet further down this road*”. Nick Clegg, Liberal Democrat, “This scheme is widely over the top. How are we to create a country fir for our children if we regard every adult looking after children as a potential threat”. There is a lot more in a similar vein.
- 18.8 Then to cost; in England the estimated cost of the vetting scheme is expected to reach £200M and will create about 1,400 jobs in a key Labour marginal constituency. In Guernsey the estimated costs are –
- 2010 £155k
 - 2011 £250k
 - 2012 £200k
 - 2013 £200k
- A total of £805k over four years.
 Knowing the way Guernsey’s budgets work it will probably be doubled. Yet with 17 reported domestic incidents a week, the Guernsey States is stopping funding to reduce this – remembering that most children are abused in the home.
- 18.9 The cost to the individual in Guernsey as laid out in the billet is –
 Para. 4.40 – “*The fee for registration with the scheme in the UK is £64 per person. This sum will include the cost of an initial enhanced disclosure check (£36) and also the administrative and operational costs in respect of the online checking system and continuous monitoring and updating of the individual’s status (£28). It is anticipated that an additional local administration fee will be levied. However the exact figure is not yet known. It is anticipated that this additional local administration fee will be levied on applications arising from within the States of Guernsey*”.
 Conseiller Ventress assumed that “within the States of Guernsey” means States of Guernsey employees only.
- 18.10 Statistics show that 1 in 4 girls and 1 in 6 boys will be molested. Unfortunately the vast majority of these happen in families or with close relatives. These will not be helped or protected by this law.

- 18.11 Ventress Having looked at all this evidence, Conseiller Ventress felt that, in its present state, this is a bad law and should be rejected until it is totally rewritten. BUT there is another part of this Act, a part that has hardly been heard about; it is the vulnerable adults, the elderly in care homes, the mentally ill and others who require help and protection. While we in the Channel Islands are lucky with our caring social services, the UK's social services are in crisis, underfunded and grossly under staffed. A 106-year-old woman amongst others being evicted because her Council wants to close her car home. This is just one of over eighty that Councils of all political persuasions wish to close; Alzheimer sufferers tied to chairs and so on. There are no votes in the old, disabled or mentally ill. They are the people who need our help, protection and above all our publicity. This is the reason I will vote for it.
- 18.12 Audrain Is Conseiller Ventress asking questions; he may have talked to a lot of people but not to her personally as author of the report? Some misinformation is being spread. The scheme is there to protect children and vulnerable adults; there may be lots of adverse reports but this scheme will give better information on individuals and reduce the likelihood of more tragic incidents.
- 18.13 Seneschal Conseiller Ventress is not asking questions only making a statement.
- 18.14 Ventress Could those involved look at the implication in more detail?
- 18.15 Audrain She had indeed done so but there is need for brevity in a report. She has consulted with Guernsey and reminded the House that the scheme is employee driven so it is unlikely to cost Sark or its residents very much.
- 18.16 Atkinson Does it only cover new persons seeking employment?
- 18.17 Audrain Yes but with some retrospective enquiries.
- 18.18 Atkinson Scotland is drawing up its own scheme but will restrict volunteers.
- 18.19 R. Dewe Some form of this scheme is in hand at present. He had concerns about whom we have on the Island at present. There is no form of registration on the Island.
- 18.20 Gomoll Suggested that the Guernsey safeguarding is best practise for Sark without necessarily signing up to it. He reminded the House that there were few formal contracts of employment on Sark.
- 18.21 S. Williams Supported Conseiller Dewe; the idea of a registration system was withdrawn last year. There is a need for the GP&A Committee to bring back a report to Chief Pleas to give this further consideration.
- 18.22 Seneschal Offered the Working Group a five-minute break if it wished to review its proposition.
- 18.23 Guy This is difficult because the scheme is different from straightforward police checks; the "record" goes with the individual even when changing areas. Conseiller Ventress asks how it affects Sark; the answer is not a lot. It is likely to change in the UK but just because we live in a good place we mustn't view it through rose coloured spectacles; it may be sound but it is not perfect.

Short break taken for Working Group to meet

- 18.24 Audrain The Group is really keen to show that Sark is not a back door for paedophiles. It relates to people in employment and volunteers and the issues quoted, such as the policewomen, are side issues that do not have a place here. The Group agreed to slightly amend the wording of the proposition.
- 18.25 **Proposition – CARRIED as amended at the meeting**
That Sark participates and works with the other Channel Islands to develop and refine their safeguarding approach.

19 Development Control Committee Information Report

Responses to Retrospective Applications; Planning Advisor; Complaints and Apologies

- 19.1 Dunks The report lists the retrospective applications that have been made so far but he reminded the House that the moratorium ended on 3rd December. As to the Planning advisor, it is now some considerable time since his services have been required and the Committee feel it is time to move on. Notification of planning decisions to those applying will in future always be ahead of any public notice being displayed and he apologised for a recent instance where this had slipped through and any embarrassment this had caused.

- 19.2 Gomoll The fact that certain developments have been identified for which no application had been received leads to the question as to why those owners were not notified directly rather than opening it up to all residents to declare retrospectively.
- 19.3 Dunks It followed advice from the Law Officers that, rather than pick on individuals, a letter of invitation was drafted, approved and sent out to all residents.
- 19.4 Gomoll Is the Committee expecting residents to declare development that may not have been applied for by the previous occupants.
- 19.5 Dunks No, only what they had built or added themselves.

20 General Purposes & Advisory Committee Report with proposition

Changes to the Reform (Sark) Law, 2008

Meetings to be held during September 2009

- 20.1 Maitland The first part of this report identifies issues and seeks Chief Pleas' approval to go forward and have legislation drafted to edit the Reform Law to ensure the Projet de Loi is cleared ahead of the next election in December 2010. The Committee invites Conseillers to join the discussion process and will be in contact for their views.
- 20.2 **Proposition - CARRIED**
That Chief Pleas directs the General Purposes and Advisory Committee to bring forward legislation to the Christmas Meeting to be held in January 2010 to give effect to the changes proposed in this report.
- 20.3 Maitland The last few months have been a steep learning curve; it has been busy with meetings in Guernsey and Sark and, if the process he had inadvertently stepped on a few toes, he apologised. It has unfortunately been the Road Traffic Committee's toes in particular.
- 20.4 GP&A Committee had two very useful meetings with the Law Officers and H.M. Procureur in July and August and was able to include various new Chairmen of Committees, some of whom were new to Chief Pleas, in the first of these meetings. It has become all too apparent that a great many of Sark's Laws need strengthening and updating and the idea of a Chairmen's Committee to help sort out priorities and talk about future plans has come from this. Many of us will be taking greatly deserved breaks in October and so the first such meeting is planned for Wednesday 4th November. The Law Officers have been encouraged to come over to Sark to talk with Committees – it was good to have Robert Titterington, who heads the drafting team, here last week doing just that.
- 20.5 September began with a visit from the External Relations Group of the Policy Council. Unfortunately, Chief Minister Lyndon Trott was on his way back from Mexico and Minister Carla McNulty Bauer couldn't face a very rough sea crossing but we had useful talks with Deputies Flouquet and Sirett with H.M. Procureur and Law Officers in support. Among the important points discussed was the need for greater consultation particularly in the drafting of ordinances and projets and the recognition that we would rather opt in to new legislation than have to opt out of it. GP&A is making plans for the next meeting early in the New Year.
- 20.6 On the 15th September, Conseillers Cole and Maitland represented the Committee at talks at Government House with Patrick Bourke, a senior Civil Servant at the Ministry of Justice (MoJ) in charge of the Crown Dependencies. He had particularly wanted to discuss the reform of the role of the Seneschal and Land Reform. Unlike the earlier meeting with Lord Bache in February, there did not appear to be the same pressure for quick solutions in reforming the Seneschal's role. It was emphasised that Chief Pleas had already been through enormous changes and needed time to work out a sensible course of action, if any should be taken. Also, any reform would have to be voted through Chief Pleas and this was not a priority for most people on Sark at present. Anyway, nothing can be done until we have a judgement from the House of Lords on the Barclays' latest Appeal.
- 20.7 On the question of Land Reform, it was stressed that the need first for strengthened planning laws and for an updated "Jellicoe Plan" for Sark, covering such topics as the optimum population for our Island, development, schooling, health, water supplies and sewage disposal – in short a blueprint for the future. Mr. Bourke expressed interest in helping to find the right person/organisation to carry out such a study.

- 20.8 Maitland The 25th saw Conseillers Cole and Maitland back in Guernsey for the Inter-Island Meeting with Chief Ministers and advisers from the Isle of Man, Guernsey, Jersey and Alderney. Again a useful meeting with good contacts afterwards. The question of Alternative Energy was raised - whether Tidal or Wind – and how particularly the Channel Islands should be working closely together on this project. There is a proposed French plan for a wind farm in their waters between us and France and this development might well present opportunities in the future in our waters although tidal energy will continue to be our main focus.
- 20.9 Deputy Flouquet emphasised to Conseiller Maitland that if Sark needed help from Guernsey on anything, it only had to ask. There is a great deal of goodwill that we must build on. There was a chance to thank the other islands for their support over the difficulties Sark faced after the election in December 2008.
- 20.10 He apologised for having gone on for so long but the last meeting was this week with the Guernsey Financial Services Commission (GFSC). No problems there. No sign of any resurrected Sark Lark or nonsense of that sort. Sark might be pressured to look at its Charities Law but the Committee explained that there was no appetite in Chief Pleas for further unnecessary regulation. It appears that the basis for all that is that the IMF suspects that some charities can be used as a front for terrorist activity but it seems unlikely that the Church Fete for instance, could ever be seen as presenting a risk to our community.
- 20.11 Finally, Item 17 at Midsummer Chief Pleas, the Wire Transfers Memorandum of Understanding, was agreed. He reported that he had now signed this MOU on 8th September with H.M. Treasury.

21 Development Control Committee

Report with proposition

Committee Mandate

- 21.1 Dunks The Committee was requested at the Easter Chief Pleas meeting to review and prepare a new mandate for Development Control. This is attached to the report. There were no questions.
- 21.2 **Proposition - CARRIED**
That Chief Pleas approves the Development Control Committee Mandate as updated.

22 Conseillers Perrée, Cocksedge and Henry

Report with proposition

Twinning with Port Bail

- 22.1 Perrée Presented her report on the concept of twinning with Port Bail. As a Member of the Sea Fisheries Committee she is always looking for opportunities to assist Sark's fishing industry. Now that the Guernsey Co-operative is closed the exporting of fish is more difficult. Port Bail is central for area distribution on the Normandy coast. Located between Carteret and Barneville, it has a population of roundly 1500 people and is located in a very pleasant part of France. The contact already made there is a member of the local sea fisheries committee in Carteret and they are keen to twin with Sark. She has spoken with the representatives from Manche îles and they see a potential for increased tourism. There is common ground with the cultural, farming and fishing communities in both Sark and Port Bail.
- 22.2 Cocksedge Supported the initiative; it is close to Granville and Carteret and there are many holiday homes in the area. Contacts have been made and there is an opportunity to share cultural and sporting activities as well as promoting school exchanges and commercial development.
- 22.3 R. Dewe Only good can come from it; he had reminiscences from his days at La Moinerie Hotel, when a former mayor of Carteret stayed and conversations about life in both Sark and Carteret.
- 22.4 Guy Supported the idea but there was a need to think about future cost; Port Bail is already twinned with Grouville in Jersey.
- 22.5 Atkinson From what budget was this likely to come? She asked for a definition of small as described in the proposition; it must be specific or limited.
- 22.6 Cocksedge Initially all that was being considered was a lunch and carriage ride here and negotiating a free ride on Manche îles.
- 22.7 S. Williams Excellent idea and has discussed opportunities with Manche îles on the Company's recent visit. She suggested that Conseillers Perrée and Cocksedge meet with the Tourism Committee to further progress.

- 22.8 Cocksedge The initiative was started with a view to helping fishing.
- 22.9 Perrée Considered that a separate Sub-Committee could be formed.
- 22.10 Cole It was great idea but was concerned about the cost.
- 22.11 Seneschal Assisted by quoting a figure of roundly £500 from his experience of bringing the Chelsea Pensioners to Sark.
- 22.12 Armorgie Supported the idea; there have been more continental visitors this year with the strength of the euro and this would improve ties with Brittany and Normandy.
- 22.13 D. Baker Didn't wish to quell the enthusiasm but if a visit was made to Port Bail who would go and what would be the cost.
- 22.14 Perrée Manche îles has offered a free journey for those involved.
- 22.15 Seneschal Suggested a limit to any budget and it was agreed that this should be added into the proposition.

22.16 **Proposition - CARRIED as amended at the meeting**

That Chief Pleas request the Finance and Commerce Committee to make available a budget of up to £1,000 to allow a visit to Port Bail and for a small reception in Sark to entertain a visiting delegation.

23 Conseiller Melling Information Report

Sark School and Community Hall

- 23.1 Melling Appreciated the opportunity to update Chief Pleas on the problems at the School and Hall. The drying-out process is ongoing and at this time the main hall is considered to be drying in a manner that will not incur any long-term problems once the floor is re-laid. The indication from our Engineers is that the main floor could be completed in January 2010. The Trustees are saddened by the length of time but recognise it has to be right or the building will develop major problems in the future. There is no quick-fix solution. It is vital that the area of the hall remains open until all affected areas are given the all clear. It would defeat the remedy to close this up before all other areas were dry. The Trustees greatly regret not being able to offer the full use of the Hall this Christmas but everyone involved is doing their best in very difficult circumstances. More equipment will be installed in the next couple of weeks and this should ensure that the whole process is successful.
- 23.2 Further ventilation work will be carried out during the fortnight of half term at the school; this should have no effect on the day to day running of the school when staff and pupils return after the half term.
- 23.3 For a period of one week, placed sometime between the 16th and 30th October, the day-to-day operation of the Hall will be greatly affected as work is carried out on the kitchen and back room areas. Because it is upstairs, the bar will remain open but the service of food for that period of a "week" will be suspended. This is of great inconvenience to the management but it is the surest route to get these areas repaired in as short a time as possible. Everything will be done to ensure this phase of the work, although complicated, can be completed without delay. The Trustees wish to acknowledge the help and co-operation given by the management team during the disruption surrounding them; they are living with it every day.
- 23.4 The building continues to be monitored every 15 minutes at ten points throughout the building and that information is passed to our consultants in England. They have just been here to assess progress and are booked to return to the site in the first week of November and again in early December. Conseiller Melling promised that he would be one of the happiest people on Sark on the day the consultants say put everything back; perhaps then we can enjoy the building as it was intended.

24 Conseillers Perrée and Cocksedge Report with proposition Shipping Concession

- 24.1 Perrée Announced that the proposition was withdrawn and passed the introduction to Conseiller Cocksedge.

- 24.2 Cocksedge Thanked Chief Pleas for its consideration and reminding them of Conseiller Perrée's passionate and hard work in trying to bring visitors to the Island through various events. For personal reasons, in the period when the reports should have reached the Seneschal, he was off-Island and could not give advice on the layout of the report. It was not our intention to upset the papers in the Treasurer's "Red Box", hence the withdrawal of the proposition. Both Conseillers still wished to discuss the subject and he had backed the proposal because some farmers were finding it hard to compete in selling their wares– meat, ice-cream etc. - in Guernsey. It was suggested that as the returning refrigeration container goes back empty, it maybe a way of reducing their costs. The followed conversations with event organisers – Sheep Racing, Church Fete, Candles on Le Creux, Festival of the Sea - all of which put people on seats for Sark Shipping apart from the income that is spent in shops, restaurants and outlets on the Island.
- 24.3 New ideas have to be thought up to attract the public in the economic climate, sponsorship is drying up so a little help by our own company in transport cost would help. It is a nonsense when someone brings the life boat flags down to the shipping so they can be used at a charity event and are charged £7 to bring them across. On another occasion a Guernsey firm, donating equipment for a charitable event, would be charged for freight. If these events dry up, more pressure will be put on the taxpayer to fund the shortfall. He invited comments from the floor and hope that the Committee would take these comments on board.
- 24.4 Cole Congratulated Conseiller Perrée and her Sea Celebration Team. When the new management and direction of our shipping company took over a year ago; one of the hard decisions they took was to stop all concessions, discounts and free tickets; for three reasons –
1. absolutely necessary as part of the plan to reverse the losses the company was making;
 2. loSS cannot be expected to decide which of the many requests (2 or 3 letters a week) they receive are worthwhile and which not – that is not their job. They are there to run our lifeline shipping service.
 3. the value of what they are being asked to donate is not theirs but the Sark taxpayer's money.
- This is a management decision and the Shipping Committee fully support it.
- 24.5 If Chief Pleas wishes to support worthwhile events and charities, let us allocate some funds and give the responsibility of distributing it to a Committee (perhaps Millennium?) rather than hiding it in loSS accounts. Events can make request to this Committee saying what it is for and how it will benefit Sark; Committee can look at the figures and decide where to prioritise available funds – Sark Carnival; Sheep Racing; Cricket and other sports; Church Fete; Music Society Events; Produce Shows; Lord Taverners; British Legion; Red Cross – the list goes on.
- 24.6 Melling Supported Conseiller Cole; when the concession was given for carrying skips it was stressed this was not an open door and was specific to benefit everyone on the Island. This is the third consecutive year that the Festival of the Sea Team has promoted its event but the first time this has been requested.
- 24.7 S. Williams Charity donations from events on Sark should not involve the taxpayer. £1,000 was raised for a new defibrillator from a darts competition at the Island Hall and all the money was raised without recourse to the taxpayer.
- 24.8 Perrée Accepted the points made but the Team was not asking for freebies, just a concession. The money raised goes to Air Search, a worthwhile cause, and the event brings people over and raises money for loSS and the idea is that they might give something back.
- 24.9 Nightingale Charity begins at home; many small companies on Sark are wrestling with freight charges.
- 24.10 **Proposition - WITHDRAWN**
That Chief Pleas request the Isle of Sark Shipping Company to offer a retrospective concession to Simply Sark to reduce the cost of transporting passengers and equipment to the Celebration of the Sea Event on Saturday 12th September.

Break taken for lunch at 12.55pm resuming at 2.30pm

25 Election of Members to Committees

Following the resignation of Conseiller David Pollard

- 25.1 Seneschal Invited each Chairman to nominate a new Member to join their Committee. In each case Chief Pleas was invited to offer alternative names but none were forthcoming. The following nominations were **CARRIED** -
- 25.2 Agriculture – Conseiller Ventress
Medical – Conseiller Armorgie
Public Health – Conseiller Armorgie
Road Traffic – Conseiller R. Dewe
- 25.3 Bateson Proposed that Mr. Alan Blythe be elected to the Road Traffic Committee as a non-Chief Pleas Member as he had been deeply involved in the early drafting of the new Road Traffic Laws and had worked closely with the Law Officers.
- 25.4 Seneschal Put the proposition to the vote.
- 25.5 **Proposition - CARRIED**
That Chief Pleas elect Mr. Alan Blythe to be a non-voting Member of the Road Traffic Committee.

26 Public Health Committee

Report with proposition

The Catering (Sark) Law, 1988

- 26.1 Melling The report speaks for itself; this Committee, being the authority on behalf of Chief Pleas, has become increasingly concerned that there is no legal method to close an establishment that has proved or is considered to be a potential problem to public health, other than to refuse the application for a permit at the next renewal time. In most cases this is 1st January each year. The Committee has the power to shut down an offending business but it takes too long. In the past it has looked at the role of the doctor, in his capacity as Medical Officer of Health, to see if he would have the legal right to act. It would appear not.
- 26.2 The concern is highlighted by the recent events in England and the determination of this Committee is not to leave itself open to accusations of neglect as has happened to the authority there.
- 26.3 Random water tests are conducted during the summer and these have shown a larger number of failures this year. The establishments are immediately informed of a failure and, in most cases, the fault is found within twenty-four hours and matters put right. However, some do take far too long to put a remedy in place. The Committee needs a strong law to ensure that all permit holders take their responsibilities seriously or they will face the loss of their business. Part of a new law will include the requirement to keep a record book of routine maintenance carried out on the establishment's water purification system. What was clear in England was that the authority took the blame and not the individual owners or managers.
- 26.4 The report mentions bringing other matters forward. These have been reported to Chief Pleas in the past, such as extending the scope of the Law to include all food premises, whether the food is consumed on the premises or not.
- 26.5 The Committee seeks your approval to take this matter forward and to accept the proposal as written.
- 26.6 **Proposition - CARRIED**
That Chief Pleas directs the Public Health Committee to bring forward legislation to the Christmas Meeting to be held in January 2010 to give effect to the changes proposed in this report and any other changes deemed necessary after further consultation with the Law Officers of the Crown.

Forthcoming meetings for Chief Pleas Members

CHRISTMAS MEETING – Wednesday 20th JANUARY 2010 at 10.00am

Agenda closes -

Monday 14th December 2009 at 3.00pm

Papers distributed to Members by Wednesday 23rd December 2009.

This meeting closed at 2.40pm.

Brian Garrard (Sark Committee Secretary) 7th October 2009

The reports, to which these minutes refer, are shown in full on the website

www.gov.sark.gg

Seneschal

Greffier

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

Brian Garrard, Committee Secretary
7th October 2009