

MINUTES of the CHRISTMAS MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 20th January 2010 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.

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

Apologies: Conseillers Hunt, de Carteret, and Atkinson.

Opening Remarks

- A Seneschal Many eulogies have been made since the death of Conseiller Henry on the 23rd November and all painted a picture of a quite remarkable man. Conseiller Henry was hugely dedicated to this Assembly and the work that needed to be done to move Sark forward after years of work on bringing in the 2008 Reform Law which updated our constitution. Tragically his time with us as a Conseiller was to be cut short by his illness and it shows his dedication that he was prepared to put his name forward as a candidate just 13 months ago when he already knew that he was seriously ill but that was the measure of him. He was proud and delighted to have been elected to serve his community in this new Chief Pleas but of course he had been serving on GP&A since the 22nd February 2007 and on the Medical Committee since July 2007 as a Non Chief Pleas Member. Having been elected as a Conseiller he was then elected to both the GP&A and Medical Committees where his expertise and wise counsel continued to be utilised.

Chief Pleas and the Public stood for a minutes silence in memory of Conseiller Henry.

- B Seneschal His Excellency the Lieutenant Governor (HE) is unable to be with us today but sends his best wishes to us all for a successful 2010.
- C Seneschal Mr Richard (Dick) Adams has tendered his resignation as a Non-Chief Pleas Member of the Harbours and Pilotage Committee. Mr Adams has had long service on this Committee having been a co-opted Member from the time that he stood down as a Deputy of the People at the General Election in 1993 and before that being a full Member of Pilotage for many years as a Deputy. His service has been exceptional and I would wish to have a vote of thanks recorded for his services to the community.
- D Guy There has been communication from Trinity House, the authority for managing the lighthouses around Great Britain, is carrying out a review of lighthouses. The lighthouse at Point Robert, Sark currently has a beam which can be seen for 24 nautical miles; in future the maximum distance provided by any lighthouse will be 18 nautical miles and the strength of Point Robert will be adjusted accordingly. As electronic navigation equipment is carried by most ships now, many smaller lights elsewhere will be removed altogether. A response to Trinity House is being co-ordinated by Captain Peter Gill, Harbour Master and Registrar of British Ships in Guernsey.
- E Seneschal There are four new Items on the Addendum that was published on the 8th January. I would remind Members of Rule of Procedure 9 that allows the President or any Member to propose a change to the order of business and if supported by a simple majority of Chief Pleas the order of business shall be altered. I have no wish to take any of those extra four Items ahead of any other business but if any Member wishes to do so please make that proposal, now or at any time during the Meeting.

1 Minutes of the Midsummer Meeting on 30th September 2009

- 1.1 Cole [Item 12.1 \(6th line\) IoSS Accounts](#) –the prediction should read 40,000, not 41,000.
- 1.2 Cole [Item 12.3 \(4th bullet\) IoSS Accounts](#) – the charge will be reduced to £2.50 *per ticket* not per booking.
- 1.3 Cole [Item 12.3 \(5th bullet\) IoSS Accounts](#) – the accounts are to 30th September 2009 not 31st December.
- 1.4 Cole [Item 24.4 \(2nd line\) Shipping Concession](#) – should read Management and *Directors* not direction.
- 1.5 The minutes, as amended, were **APPROVED** with no matters arising.

2 Questions not related to the Business of the Day

- 2.1 E.Baker [Limitation on the number of tractors on Sark roads.](#)
At the Easter Meeting of Chief Pleas held on the 11th/12th April 2007, a report from the Road Traffic Committee on this subject heading was debated at Item 14 and a resolution was made as follows –
“That Chief Pleas instruct the Road Traffic Committee to seek amendments to legislation to cap the number of tractors at the present level and with a view to reducing the number further in future”.
- 2.2 E.Baker Can the Committee tell Chief Pleas what the number was at that time?
- 2.3 Bateson The nearest relevant figure that could be found was in the Constable’s report of the 7th September that year, six months after Chief Pleas. In that report the number of licences issued is given as 77.
- 2.4 E.Baker Can the Committee tell Chief Pleas what the number is now?
- 2.5 Bateson The number of such licences issued in December 2009 is 89 (later check showed 92).
- 2.6 E.Baker Can the Committee tell Chief Pleas what progress is being made to comply with the Resolution of Chief Pleas on limiting tractor numbers with regard to numbers being discussed in April 2007?
- 2.7 Bateson The Committee, when issuing or renewing tractor licences, continues to be bound by The Tractors (Sark) Law, 1974. This law does not provide for an application for a tractor licence to be refused on the grounds of how many licences have already been issued. Should the Committee attempt to refuse an application on such grounds, it would undoubtedly and quite rightly lose on appeal.
- 2.8 To overcome this problem, The Motor Vehicle (Sark) Law, currently being drafted as a replacement of the 1974 Law, specifically includes a provision for the Committee to take into account the desirability of limiting the number of motor vehicles on Sark when issuing or renewing licences. Until the new law is passed, the Committee must continue to assess each licence on the same criteria used for the last 35 years. As for progress, the Committee is currently awaiting the second draft of the new law from the Law Officers.
- 2.9 Melling [Processing of La Moinerie Hotel Application.](#)
As recently, accusations of deliberate delay have been levelled at the Development Control Committee, would the Chairman of that Committee give Chief Pleas an explanation of what happened during the processing of the application concerning La Moinerie Hotel project.
- 2.10 Dunks Catalogued the sequence of exchanges as follows -
- 2.11 [16th January 2009](#)
A letter was received from Mr. Delaney, on Sark Building Company Ltd headed paper, applying on behalf of the owner of La Moinerie Tenement for permission to construct additional hotel accommodation.
- 2.12 [31st January 2009](#)
A letter was sent to Mr. Delaney, informing him the application would be put in the public boxes and that the application needed to be poled ahead of a site visit. Mr. Delaney was asked to disclose the owner of the property and if he had made an application to Public Health. The Development Control Committee does not approve a development until it has confirmation from the Public Health Committee they are satisfied with arrangements for water and sewerage.
- 2.13 [23rd February 2009](#)
A letter was received from Mr. Delaney, now writing on Sark Estate Management headed paper, in which he informed the Committee that the application is on behalf of Sark Development Ltd (a company whose head office was later revealed as being in the British Virgin Islands), and that a preliminary application had been sent to Public Health.
- 2.14 [24th February 2009](#)
At the DCC meeting the application was considered and deferred, on the grounds -
- Sheer volume of representations received (30+), which needed to be properly read by all of the Committee before being considered.
 - The site visit showed the poles to be erected taller than the plans that had been submitted.
 - Clarification was needed as to who Mr. Delaney/Sark Building Company Ltd/Sark Estate Management/Sark Development Ltd were actually representing. Public Health had not approved arrangements for water and sewerage.

- 2.15 Dunks [20th March 2009](#)
A letter was received from Mr. Delaney indicating that La Moinerie Hotel was owned by Sark Development Ltd, which was owned by Sir David & Frederick Barclay. Also submitted were a new set of plans with reduced heights for the units within the development.
- 2.16 [27th March 2009](#)
As the details of the application had changed, the Committee decided it should be treated as a new application. Mr. Delaney was informed that the new application would be put in the public boxes and that it needed to be poled ahead of a second site visit.
- 2.17 [28th April 2009](#)
At its meeting the Committee noted that the new poles were of the correct height, but some had been removed completely, denying the public an opportunity to assess the full impact of the development. As a result of this, and still no arrangements having been made for water and sewerage to the satisfaction of Public Health, the application was deferred. The Committee felt that for its own peace of mind regarding any future dealings with this development, it needed the owners name(s) on the application, not that merely of a company.
- 2.18 [29th May 2009](#)
As no new submission had been received by the Committee, a letter was sent to Mr. Delaney reminding him that not all the points in our letter of the 24th February had been answered.
- 2.19 [18th June 2009](#)
A letter was received from Mr. Delaney in which he resolved all but one of the outstanding matters; that of water and sewerage.
- 2.20 [6th August 2009](#)
Following concerns raised by members of the public over the future occupancy qualifications of the units within the development, the Committee queried the owners' residential qualifications under The Housing (Temporary Provisions)(Sark) Law, 1976.
- 2.21 [12th August 2009](#)
A letter received from Mr. Delaney took issue over the Committee's authority to administer the 1976 Law.
- 2.22 [10th September 2009](#)
While advice was still being sought from the Law Officers on the matter of the 1976 Law, the Committee sent a letter to Mr. Delaney stating:
- No indication had been received from Public Health that Mr. Delaney had made adequate provision for water and the handling of sewerage.
 - The Committee needed a letter from the owners of La Moinerie stating that they were aware of and approved of the application.
- That until these two points were resolved, the application remained deferred.
- 2.23 [15th September - 5th October](#)
Letters were exchanged during which the Committee was accused of not doing its job properly, and was threatened with legal action. To each of these the Committee responded under advice from the Law Officers, indicating it was not guilty of any of the accusations.
- 2.24 [8th October 2009](#)
A letter addressed to the Committee, but faxed to Ozannes Advocates, was received in which Sir David and Sir Frederick Barclay stated they owned La Moinerie with the lease granted to Sark Development Ltd; further that they were aware of and approved of the development.
- 2.25 [13th October 2009](#)
An application was submitted by Mr. Delaney to the Public Health Committee, with copy to DCC, for the handling of sewerage for the development at La Moinerie.
- 2.26 [21st October 2009](#)
Public Health approved the application sent to them on the 13th October.
- 2.27 [11th November 2009](#)
With the letter of 8th October from Sir David and Sir Frederick Barclay, and the successful application made to Public Health removing the remaining obstacles, at its next available meeting, the Development Control Committee gave conditional approval for the development at La Moinerie.
- 2.28 [26th November 2009](#)
A letter is received, removing threat of legal action against the Committee.

3 Shipping Committee

Isle of Sark Shipping Company Progress in 2009

The Licensing of Vessels (Sark)(Amendment) Law, 2010

- 3.1 Cole Provided information on passenger numbers from IoSS.
Total fare-paying passengers carried by IoSS in 2008 (1/01/08 – 31/12/08) 44,053.
Total fare-paying passengers carried by IoSS in 2009 (1/01/09 – 31/12/09) 45,653.
An increase of 1,600 passengers.
- 3.2 IoSS will be holding an AGM in February to consider the 2009 audited accounts and Members will receive details shortly.
- 3.3 Cole Turned to the Projet de Loi which accompanied the report explaining that the Committee's aim in bringing this Projet to Chief Pleas is to strengthen the legal protection of our lifeline shipping services. It will make no difference to passengers or cargo between Sark and Guernsey.
- 3.4 By "lifeline shipping services", we mean not only our own IoSS, who carry the majority of passengers and have the only cargo licence between Sark and Guernsey but also those smaller vessels with 12 & under licences who run through the winter and sometimes in horrible conditions to provide us with an essential passenger service when IoSS is not available. They play an important part in our lifeline service.
- 3.5 Early last year, the Committee started work with the Crown Law Officers on a replacement to the Licensing of Vessels (Alderney & Sark) Law, 1951, as recommended by Dr. Spencer's Review, 2007 and agreed by Chief Pleas in 2008. Together we made some progress but by late summer it was clear that there was still much to do and no immediate end in sight; and so we agreed with the Law Officers that while continuing work on a new law, we would meanwhile amend the 1951 Law where we could: and that is what this Projet does.
- 3.6 For example, at present the maximum fine for an offence is £100, fairly meaningless now. The law also lacks proper definitions of important concepts – passenger, cargo, the powers of the Harbourmaster to enforce the Law, and so on. In addition the Projet extends the protection of the licensing system to all vessels trading into and out of Sark including those from Jersey, France and the UK. Operators of vessels trading to or from our ports outside of the Bailiwick will need to apply for a licence; these will not be opposed by the Committee where the overall effect does not jeopardise the viability of our lifeline shipping services.
(Conseiller Cole repeated the words underlined to emphasise their importance).
- 3.7 It has been suggested that this part of the Projet introduces (and here he quoted from the Guernsey Press) "...an element of subjectivity where personal agendas can intrude and affect the final outcomes..." and in case some Members might share this concern, he reminded the House – the Licensing of Vessels is not under the control of the Shipping Committee nor of Chief Pleas; the Licensing Authority is His Excellency the Lt. Governor (HE). When issuing Licences, HE seeks advice as he sees fit, including from the Committee; he is free to disagree with the Committee's opinion, as he sometimes does; but the decisions are made by the Lt. Governor, not by anyone in Sark. As for "personal agendas" – the only ones, Conseiller Cole had seen in Chief Pleas Members is their steady intent to do whatever is in the best interests of the people of Sark.
- 3.8 It has also been suggested, and Advocate Dawes argues this in one of his letters copied to us all, that extending the licensing system to all vessels trading in and out of Sark is a step too far, and unnecessary. You may think this is a fair point, and if so, the Committee asks you to please consider the following:
If a vessel trading to or from a port outside the Bailiwick were to be found by the Licensing Authority (not by the Shipping Committee or Chief Pleas), found by the Licensing Authority to be jeopardising the viability of our lifeline shipping services, would you be content to allow it to continue and accept that Sark taxpayers must bear the burden of maintaining our lifeline services even if they become no longer financially viable? Or would you want there to be recourse in the law to protect our lifeline services? It is that question that persuaded the Shipping Committee to ask you to extend the licensing system to all vessels from any port.
- 3.9 Turning to what the Projet does not do, it doesn't remove the Licensing Authority from the Lt. Governor to Sark (as recommended by Dr. Spencer) because to do that we would first need new law to establish a Licensing Authority in Sark.

- 3.10 Cole continued: Part of the slow progress in replacing the 1951 Law comes from the difficulty in finding a way to establish a Licensing Authority in Sark while avoiding conflicts of interest. This is difficult because loSS, the most important Licence holder, is owned by every resident of Sark. As you can imagine, this makes our discussions with the Law Officers interesting.
- 3.11 The Projet was published with the Chief Pleas papers in December 2009. Then just after New Year, the Law Officers contacted the Committee and indicated they have now found some areas where they wish to revise what they had written for us; these include the exact definitions in the Projet and clarification of the part referring to commencement (when the law comes into force). Following their advice, the Committee has reluctantly agreed to ask the House to allow us to defer the vote for approval of the Projet until the Easter meeting.
- 3.12 There has been useful feedback from interested parties and we would all prefer the law to be as free from ambiguities as possible when it goes forward for Royal Assent. The Law Officers tell us that because of the timing of Privy Council meetings, there won't be a delay. The Law Officers revisions are important but they are technical points; they will not alter the essential aims of the Projet which is to strengthen the legal protection of our lifeline shipping services. At the Easter meeting we will bring the revised Projet, explain the revisions and answer any questions before asking the House to approve it.
- 3.13 Cocksedge Had received representation from a Sark resident which he had passed onto the Chairman of the Shipping Committee; these asked the following questions. What is the justification for the inclusion of all routes to and from Sark in the amended law?
- 3.14 Cole Covered in the introduction.
- 3.15 Cocksedge Who will be considered for a licence to operate these newly regulated routes and how will they qualify?
- 3.16 Cole Application can be made for a licence by any commercial operator who considers it worthwhile. Their company and vessels would need to meet all the necessary regulations before consideration could be given to determining if they would provide a supporting role and not compete with the lifeline shipping services.
- 3.17 Cocksedge Who will be the authority to take responsibility for the issue and control of these licences?
- 3.18 Cole Under the terms of this Projet the authority would remain the Lt. Governor who would ensure enforcement of the Law.
- 3.19 Cocksedge How long will the licenses be granted for?
- 3.20 Cole The 12 & under licenses are reviewed and renewed annually, presumably this will be the same.
- 3.21 Cocksedge Will there be any appeals procedure available to rule over a disputed decision?
- 3.22 Cole That would be the responsibility for the Lt. Governor to decide.
- 3.23 Cocksedge Reminded the Committee that there were occasions when one-off trips were provided for goods and passengers and gave as examples the delivery of a drilling rig, chickens, special passenger trips from Alderney.
- 3.24 Cole In principle one would need a licence but the Law Officers are looking at special exemptions for occasional journeys.
- 3.25 Audrain Confirmed that should be the case; surely the Committee would not have any problems providing loSS services are adequately protected. HE can consult whoever he likes.
- 3.26 Seneschal HE consults with anyone he chooses, including the Guernsey Harbourmaster.
- 3.27 Gomoll Agreed that the lifeline services should not be jeopardised but felt this was a sledgehammer to crack a small problem. He gave an incidence when he was stuck in Jersey because of the Guernsey Airport Firemen's dispute. He would have found it difficult to hire a vessel to come direct to Sark as it would have no licence.
- 3.28 Cole Agreed that there was a need for some flexibility and this is one of the things the Law Officers wish to address.
- 3.29 Bateson In the letters circulated by Advocate Dawes, legal action is threatened.
- 3.30 Cole That was in the third letter received last evening. The Law Officers wouldn't draft a Law for Chief Pleas if they thought it was open to challenge in the Courts.
- 3.31 Plummer It must be asked but is loSS intending to operate to Jersey or France?
- 3.32 Cole It has been talked about but he was unaware at present of any details. Competition with such alternatives would be a matter for the Licensing Authority.

- 3.32 Cole continued: There is a customs problem in coming directly to Sark from France or UK as Sark is not a port of entry, having no customs arrangements. Manche îles have special dispensation to come from France because its ships call at Jersey and customs has the opportunity to carry out inspections there should it so wish.
- 3.33 Perrée Represents many people associated with Tourism and she asked whether customs could be set-up again in Sark to give greater flexibility.
- 3.34 Cole He has no wish to deter visitors from France and was conscious of the reduced visitor numbers during the period when no boats operated from France and/or Jersey to Sark.
- 3.35 Guy Confirmed the arrangement with Manche îles and a concession was given by Guernsey Customs because those travelling from Granville were passing through Jersey and could be inspected there.
- 3.36 S.Williams Customs could be re-established but there would be a significant cost for the Tourism Committee and for the people of Sark.
- 3.37 Armorgie Congratulated the Shipping Committee in addressing this emotive and potentially divisive subject and recognised the importance of up-dating the 1951 law for modern 21st century requirements. He welcomed most principles of the proposed legislation and, in particular, Sark's right to self determination in this legislation.
- 3.38 However, he spoke as a member of the Sark Tourism Committee and also declared a personal pecuniary interest because of his business activities. The obligation of Chief Pleas should be to provide the legislative framework to encourage vessels into Sark and to stimulate every aspect of the Sark economy. He was concerned that the law seeks to restrict the movement of legitimate vessels, carrying passengers and/or freight, legally into Sark waters and the Sark harbours. For the sake of the Sark economy we should be looking to stimulate and encourage commerce and trade into Sark, whether this should be passengers or freight. In these times of global recession and, more specifically, falling visitor numbers to Guernsey and Jersey, we should be doing everything possible to encourage any vessels carrying any legal cargo into Sark from anywhere other than Guernsey.
- 3.39 If the primary concern is the potential loss of revenue to the island due to reduced revenue to the IoSS, then surely a less divisive – and more positive and practical solution would be to review the Sark harbour dues/landing (poll) taxes and/or crane charges that we levy on all commercial and recreational vessels landing in Sark. To protect the interests of our own company the charges to IoSS could be zero rated or they could be granted substantial concessionary tariffs similar to those being proposed in Item 23 on today's agenda.
- 3.40 In his personal submission to Dr Spencer's review in 2007 Conseiller Armorgie stated that Sark should safeguard, protect and ring fence the use of the year round lifeline service between Guernsey and Sark. He remains steadfast in this opinion. Furthermore, the Island should actively encourage the establishment of new routes into Sark from the east – from France and mainland Europe. This is undoubtedly where there are potentially significant opportunities for the stimulation and growth of the visitor economy and, therefore, the economy of Sark in general. He would like to see Sark and the IoSS looking to encourage and build strategic relationships with other transport and shipping companies who are keen to serve the island.
- 3.41 Although he saw this legislation positively protecting the Guernsey/Sark lifeline route, he was concerned that it shouldn't restrict the freedom of commercial and recreational shipping activity into Sark from anywhere else; Section 5 of the Projet does not seek to protect the best interests of the Sark economy and encourage opportunities for trade, commerce, employment and prosperity.
- 3.42 Seneschal Harbour dues were a matter for the Finance & Commerce Committee to take up.
- 3.43 Gomoll Small operators have arrangements with Guernsey Customs about bringing supplies from France; he suggested discussions with the Sark Chamber of Commerce as there was a need to identify what could or could not be done.
- 3.44 S.Williams Appealed to the residents filling the public gallery to make their views known rather than leaving it to Advocate Dawes to make representations. She was aware that many of them had lots of work and were well paid but she went to school with many of them and knows that they can all read and write; it would be so good to hear from them with their own views and that would be real consultation and give better information on which to base decisions.
- 3.45 E.Baker It was the norm to receive late e-mails from Ozannes and the implication was that the Law does not apply to Brecqhou. He quoted from a Royal Court hearing in 2000 where lawyers representing the Barclays admitted that Brecqhou was within the jurisdiction of Sark.

- 3.46 Guy It is no coincidence that we receive Chief Pleas' papers about three weeks before each meeting, even approved late papers appear about ten days before. It is because Conseillers are busy, many are working people, many have families, that they need time to consider and consult on the implications of reports.
- 3.47 Sometime after three o'clock yesterday I picked up a lengthy series of e-mails and attachments from Ozannes. Many Conseillers will have picked them up even later, after their working day, perhaps after they had put their children to bed. How could anyone be expected to read, digest and consider these for debate the next day, and there was certainly no time to seek professional advice. At best this action was counterproductive. At worst, some may consider it is verging on harassment. It anyway shows a total lack of respect for the amount of thought and time Conseillers put in to their work.
- 3.48 **Proposition – DEFERRED to the Easter Meeting**
That Chief Pleas approve the Projet de Loi entitled The Licensing of Vessels (Sark) (Amendment) Law, 2010
- 3.49 Seneschal As the proposition is being deferred until the Easter Meeting there is no voting to take place. He called a short interlude to allow those, attending in the public gallery for this particular item, the opportunity to leave if they so wished. Some fifteen members of the public departed the Assembly Room, allowing those standing to sit.

4 General Purposes & Advisory Committee **The Reform (Sark)(Amendment) Law, 2010**

- 4.1 Maitland Introduced the item by explaining that when the GP&A Committee drafted this law, it was the intention to only deal with those urgent amendments that were needed for the smooth running of elections later this year and the strengthening of our democracy at those elections. The amendments in this Projet were not plucked out of thin air but were the result of extensive consultation involving all Conseillers and Committee Chairmen.
- 4.2 There has since been a barrage of correspondence from Advocate Dawes complaining that the Committee has "cynically disregarded" the judgement of the English Court of Appeal on the separation of the Seneschal's roles. Copies of these letters, dated 23rd December and 12th January and replies from the Committee sent on 30th December and 14th January, have been circulated to all Conseillers, except for the latest letter which arrived from Advocate Dawes yesterday. Before dealing with the amending law, these arguments need to be addressed.
- 4.3 The Committee has quite rightly been waiting for the outcome of the latest Appeal to the Supreme Court on the roles of the Seigneur and Seneschal in Chief Pleas before continuing with its work on studying the Seneschal's role; it would have been foolish to do otherwise. Analysis of the Supreme Court decision has shown that the Court of Appeal in its earlier judgement failed to take sufficient account of "proportionality". The European Convention on Human Rights is not a "one size fits all" doctrine and, for instance, does not apply in the same way in a community of 600 as it does in one of 60 million people. Common sense has to prevail. More importantly, the Convention has to be interpreted according to the history and circumstances of the particular community to which it is applied. Refreshingly, the Supreme Court has rejected the exaggerated (as the Court described the Barclays' case) application of the Human Rights Convention to a small community like Sark.
- 4.4 The latest Ozannes letter from Advocate Dawes threatens to issue proceedings unless "*you are able to give me a firm commitment to amend the Reform (Sark) Law, 2008 to separate the roles of the Seneschal and a timetable for putting such amendments to Chief Pleas at the earliest opportunity*". Hold on Gordon (Dawes)! Your litigation this year involving Sark (the Island Hall case and the appeal to the Supreme Court) has not been crowned with success. Sark should not lose sleep over such threats or allow them to stop the Committee doing the work it has to do.
- 4.5 The Dawes' letters have been sent to Her Majesty's Comptroller who has been supportive of the Committee's position and the actions the Committee has taken so far. It is indeed difficult to see how the Barclays can be seen as victims of the non-reformed role of the Seneschal and so have a case on human rights grounds, as they are unlikely to be appearing before him; and of course, they are not even on the electoral role. In fact with the changed procedures in place in the Seneschal's Court, it would be difficult to find victims among potential litigants.

- 4.6 Maitland
Continued: Before Christmas, the Ministry of Justice was informed that it was this Committee's intention to bring proposals to Easter Chief Pleas on the separation of the Seneschal's roles. Unless we are diverted by legal action, it is our intention to do just that. It is essential to make sure that any proposed reforms are affordable, workable and acceptable to this House.
- 4.7 They should also respect an office that goes back to Norman times and an individual who, after the Seigneur, is Sark's first citizen. We must not be bullied into taking precipitate action. The dual role has developed over the centuries and it is going to take time to reform it. We are at the beginning of that process and will carry on with the job in a careful and constructive manner. Should anyone expect more?
- 4.8 Apologised his statement had gone on for so long but he then turned to the matter in hand. The Reform Law before us makes two major changes to Sark's electoral law. Firstly, it provides that in order to get on to the electoral roll you will have to have been ordinarily resident in Sark for two years rather than the present one year. This brings Sark into line with Guernsey and Jersey. Secondly, it is not enough to own property on Sark, you have to be normally resident for the two year period and whether you own property or not is irrelevant. Ozannes have described both these changes as "cynical" but our purpose is merely to strengthen democracy and to make sure that the vote is only given to those who have shown a commitment to the Island by living here.
- 4.9 The other provisions are self-explanatory – one makes sure that not all votes for all candidates have to be recounted in the event of a close vote, and the other deals with clarifying the role of the Deputy Seigneur. He commended this amending law to the Assembly.
- 4.10 E. Dewe Without a formal registration of those arriving on the Island, how will you know how long each person has lived here?
- 4.11 Maitland It is an issue that needs to be considered.
- 4.12 Seneschal It is a criminal offence to make a false declaration and a heavy fine can be imposed.
- 4.13 Dunks Questioned whether there was a conflict of interest in the amendments to Section 13 of the Reform (Sark) Law, 2008 as described in the Reform (Sark)(Amendment) Law, 2010, Section 2(b)(1A) attached to the report to Chief Pleas? A person appealing to the returning officer (who would normally be the Seneschal) and is denied such a request may then appeal to the Court of the Seneschal.
- 4.14 Seneschal Cannot sit on such a Court for such a hearing or appeal and the case would be heard by the Deputy Seneschal or a Lt. Seneschal.
- 4.15 Gomoll The changes from 12 to 24 months qualification could take away the eligibility of those wanting to stand for election or vote in December 2010.
It is only a small jurisdiction and if someone needs to go away for a period, they could lose the right to vote; a child away in the UK as a student or a mother supporting a child at school off-island. Such loss of qualifications needs to be looked at carefully and fully debated.
- 4.16 Maitland The criteria is where the individual is normally resident; students are okay because their home is here on Sark even though they spend periods away at school during term-time. If someone buys a house in France or the UK, they need to specify which property is their main residence.
- 4.17 Seneschal The electoral roll is compiled by the Greffier; if he is in doubt and refuses to put someone on the roll, representations can be made to the Court and special circumstances can be considered; in other words safeguards are in place.
- 4.18 S.Williams Having sat on the Committee that finalised the Reform Law, she was well aware of the lengthy debates that went on right up until the Projet was approved by Chief Pleas over eighteen months ago. The concession, made following representations led by Sir Peter Miller was, at the time considered acceptable, but things have moved on and she had to support the changes being proposed. Whilst still respecting the views of those who have homes here and visit regularly the electoral roll and the ability to stand as a Conseiller should only be for those who are fully committed to living on Sark and she hoped those who no longer qualify will understand the need for change.
- 4.19 **Proposition – CARRIED**
That Chief Pleas approve the Projet entitled "The Reform (Sark)(Amendment) Law, 2010"

5 General Purposes & Advisory Committee

The Charities and Non-Profit Organisations (Registration)(Sark) Law, 2010

- 5.1 Maitland Had little to add to the report except to say that the law is being introduced to bring Sark in line with Guernsey and Alderney. In these days of charities being used as a front for terrorist activities and fund raising, there could be a danger if Sark was the only unregulated jurisdiction within the Bailiwick. Guernsey has the International Monetary Fund (IMF) visit looming and wishes to have its house in order and that, for financial matters under the control of the Guernsey Financial Services Commission (GFSC), includes Sark.
- 5.2 The Committee has looked at the Non-Profit Organisations scene on Sark which includes Sports Clubs and Church Groups and has concluded that they are very low risk as far as financial terrorism is concerned. Regulation in Sark has been kept to a minimum under this law and even in the case of larger Sark Charities, such as the Professor Saint Fund, there will be no requirement to provide accounts. The Register of Charities will enable the authorities to trace those responsible for particular charities and, if there was a question of wrong doing, accounts can be asked for and examined. He asked the House to approve this Law.
- 5.3 S.Williams Admitted that as this was a lengthy Projet she hadn't read it word for word but needed the assurance whether any charities on Sark have to be included.
- 5.4 Maitland Confirmed that they do but only by completing a simple form which is registered with the Greffier giving contact details of those involved; no accompanying accounts are needed. It is only charities, established on Sark but sending money outside the Island that would be required to register.
- 5.5 Seneschal The detail is contained in the schedules to the Projet.
- 5.6 Cocksedge Can the forms be sent to each Sark Charity?
- 5.7 Seneschal The Royal British Legion, Sark Branch, of which he is Secretary, will fall into this category and will need to comply with the Law.
- 5.8 Audrain Asked about contributions to ad-hoc charities – a disaster appeal – someone in the community having an accident and local funding towards their expenses.
- 5.9 Maitland If raising money for an international appeal, for example the Haiti Earthquake organised by Christian Aid, the charity is registered off-Island. It certainly wouldn't involve one-off collections for a specific occurrence.
- 5.10 Guy It should plug the gap; Sark is renowned for its generous fund raising activities and there should be no wish to upset that reputation.
- 5.11 Gomoll Collections for the Sark Fire Service or to send youngsters to the Island Games – the benefit is for the people of Sark.
- 5.12 Armorgie Shared Conseiller Guy's concerns; Sark has an impeccable record for raising charity monies and he was heartened by paragraph two in the report which shows that the Projet has been tailored to the needs of Sark and that the controls are less onerous proportionally than those in the larger jurisdictions. He asked if Sark might see its own Company Register set-up in future.
- 5.13 Melling To whom does one register? Section 2 (3) of the Projet says the Registrar is appointed by resolution of Chief Pleas. So is there a need for a further proposition to identify and appoint the Registrar?
- 5.14 Seneschal The Projet has to go for Royal Assent before a registrar is appointed by resolution of Chief Pleas, so there is no rush; perhaps that could be brought to the Easter meeting of Chief Pleas.
- 5.15 S.Williams Charity Nights – presumably nothing is required of the organisers?
- 5.16 E. Baker The House has been pre-warned that the Greffier is likely to be used as the Registrar but the Committee will come back at a later meeting.
- 5.17 **Proposition – CARRIED**
That Chief Pleas approve the Projet entitled The Charities and Non Profit Organisations (Registration)(Sark) Law, 2010.

A short break was taken between 11.35 and 11.45am

6 The Douzaine

The Cutting of Hedges (Sark) Ordinance, 2009

- 6.1 E. Baker Thought this would be a simple Ordinance to prepare and submit. He drew attention to a typographical error in Section 3.(3); the missing words after the bracket should be “with or without modification), extended or applied”. These had slipped to the bottom of the page. The error has been pointed out to the Law Officers and a clean copy is now available.

6.2 The penalty - "...not exceeding level 2 on the uniform scale" - is £1,000.
There being no questions the proposition was put to the vote.

6.3 **Proposition 1 – CARRIED**

That Chief Pleas approves the Ordinance entitled "The Cutting of Hedges (Sark) Ordinance, 2009", as amended at the meeting.

6.4 E. Baker The legislation (Section 1 (3)) is drafted in such a way as to allow Chief Pleas to add or exclude roads as circumstances change. (It was noted that all cliff paths at present are privately owned). To assist Chief Pleas, a map has been prepared and was circulated at the meeting showing all roads to which the Ordinance applied marked in red. Conseiller Baker asked that the road to Les Laches be added as this had been excluded in error; the Assembly AGREED.

6.5 Guy Noted that the section of road between St. Peter's Church and Clos à Jaôn was not coloured and asked if this too was an oversight.

6.6 E. Baker Explained that there were no hedges over this section but the Douzaine takes responsibility for maintaining the iconic trees that line the road and one limb is below the 12 feet required; to remove it would likely kill the tree.

6.7 R. Dewe Asked a similar question about the lane to La Ville.

6.8 E. Baker Confirmed this had been excluded because of the ancient trees on that lane. He asked if the Douzaine could introduce a second proposition to approve the map and this was AGREED.

6.9 **Proposition 2 – CARRIED**

To exclude all roads, lanes and paths not marked on the accompanying Sark Map, in accordance with Section 1(3) of the Ordinance.

6.10 A copy of the map is attached to these minutes as **APPENDIX 1**.

7 Sea Fisheries Committee

Catching Crustaceans

7.1 Seneschal Reminded Members that the report originally circulated has been supplemented with a second report, issued with the Addendum Papers as the Ordinance requested had not been available in time for Chief Pleas consideration.

7.2 Cocksedge The purpose of this Ordinance is to strengthen the existing legislation should it ever be challenged; "pots with traps" as currently described would not stand up in Court.

7.3 Seneschal The original proposition is therefore withdrawn and replaced with the proposition included in the addendum report.

7.4 **Proposition – CARRIED**

That Chief Pleas direct the Sea Fisheries Committee to bring forward legislation to the Easter Meeting to be held in April 2010 to give effect to the changes proposed in this report.

8 Medical Committee

The Medicines (Human and Veterinary)(Bailiwick of Guernsey) Law, 2008 (Commencement and Amendment) Ordinance, 2009

8.1 Seneschal Noted that there was no proposition to this report only the opportunity to annul the application of the legislation to Sark and notification of that has to be received five days before this meeting; no such request has been received.

8.2 D. Baker Had nothing further to add to the report but reminded the House that this is a commencement Ordinance with very few amendments to the Projet, given final approval last year following Chief Pleas passing the Projet de Loi in 2008. Conseiller Dr. Henry and Dr. Counsell spoke with Crown Advocate Titterington, Director of Legislative Drafting at St. James' Chambers and with the Guernsey Health and Social Services Department, questioning them quite vigorously as to how this was going to affect us here in Sark; both doctors have far more knowledge on medicines than the rest of the Committee Members who were content with the answers received although all at the time were present and took an active part in the discussions.

8.3 Dr. Counsell has now drawn up a list of medication that he is prepared to see sold over the counter here in Sark and those medicines are approved by the regulatory agency. The two local shops will be given this list once approved by the Chief Pharmacist in Guernsey and both retailers are happy to work with the list and any conditions applied by Sark's Medical Officer, Dr. Counsell.

- 8.4 Gomoll Was pleased to note in Paragraph 3 of the report that inspections by the Chief Pharmacist could only be done in company with the Sark Constable and then only in an advisory role.
- 8.5 E. Baker Only the Constable has the power to enforce the law and the Chief Pharmacist cannot act unilaterally.
- 8.6 Gomoll Questioned whether the power of annulment was the best way forward, preferring the ability to opt in rather than opt out of the legislation.
- 8.7 Seneschal The ordinance is under the terms of the main law. The Law is in force in the Bailiwick now and Sark or Alderney can disapply it to their own jurisdictions. This methodology is not covered in the Sark Rules of Procedure but a check of the Guernsey Rules of Procedure shows a much wider remit to bring the "laid before" legislation to the Assembly with concerns raised three weeks before the meeting.
- 8.8 The GP&A Committee took the Seneschal's suggestion that the words from Guernsey's Rules of Procedure should apply and GP&A Committee will return at Easter Chief Pleas with resolutions to amend Sark's Rules of Procedures. This still offers the option to disapply from the floor of this Assembly.
- 8.9 Gomoll Has no wish to disapply the legislation but would like to have Chief Pleas view in opting in rather than opting out of legislation.
- 8.10 Seneschal That issue is one for politicians and needs to first be discussed in the GP&A Committee and a report submitted to a future meeting of Chief Pleas.

9 General Purposes & Advisory Committee

Tidal Power

- 9.1 E. Baker Presented the report on behalf of the Committee, acknowledging that it was a far ranging information document, thanking its author, Roger Olsen, who sits as a non-Chief Pleas Member on the GP&A Committee with a specific role of dealing with Tidal Power. Chief Pleas Members reiterated that thanks.
- 9.2 Subsequent to this Memorandum of Understanding being drafted and submitted to Christmas Chief Pleas, the Committee has been working closely with Guernsey, discussing common ground and whilst it is accepted that the parallel laws will be very similar, they will be tailored to the needs of each jurisdiction. To foster that continued dialogue, the Committee consider that introducing a MoU with Ocean Electric Power at this time could be premature and hinder the unilateral discussions with Guernsey and the other Islands, so it is withdrawing its propositions and putting the MoU on hold. It needs to continue its consultations with Guernsey Renewable Energy Forum, The Guernsey Renewable Energy Commissioners, Conseillers and the public on Sark.
- 9.3 The Committee wish to reaffirm its intention to work closely with the other Channel Islands and it is therefore withdrawing the proposition from this meeting for further work to take place.
- 9.4 Cocksedge Considered that Sark was rushing to establish tidal power in its three mile limit (or even in its extended twelve mile limit when it come in) without looking closely at the cost or the environmental outcome. There needs to be a clear distinction between cheaper electricity for the consumer and creating revenue for the Island. According to the Sark Electric website, Sark needs about one megawatt of generation at any one time and the renewable approach is to supplement rather than replace the present generators. Wind power is the proven technology and cheaper to install at about £1.2-£1.5M per megawatt for big wind turbines or, as some people have now, small scale wind power/micro-generators which produce up to 50 kilowatts each but this would require the Power Station to purchase the excess power produced.
- 9.5 Tidal stream generators are still at an immature stage and what has been deployed so far are prototypes. The issues are reliability, longevity and hence the maintenance costs are vague. The European Marine Energy Centre has been doing a number of tidal site projects where they have been collecting data on the effects on the environment, the mammals and diving birds. The Highlands and Islands Enterprise covered the initial wildlife monitoring; who would do this for Sark? Data has been collected since July 2005 on displacement of species due to tidal developments and is still ongoing. It is also studying the effects on some wildlife species that may arise from acoustic emissions of devices, which can affect some sea mammals, certain fish species and diving birds. The possibility of damage to wildlife through physical collision with wave or tidal devices is an issue of some concern across the environmental stakeholders, and is also being looked into. They are also looking at energy extraction by tidal devices.

- 9.6 Cocksedge continued: Sark needs to weigh up all these issues to ensure there is not a problem in the immediate future and over a longer period. Ocean Electric Power Company does not seem to have any track record; what contracts have they completed or have ongoing? Their abbreviated accounts filed for the year ending October 2008 shows they made a loss of £25k; it would be interesting to see the latest set of accounts. OEP is a project manager, looks for opportunities where it can apply a cradle to the grave approach i.e. it will take everything for the customer but has no physical assets e.g. subsea equipment installation capability or financial strength to fund. Is this the right company to join with?
- 9.7 The MoU seems to be okay with each party bearing its own costs and risks, so Sark has no exposure at this stage other than if OEP goes bust for example. It may be worth trying a clause that in the event OEP ceases trading any information it holds passes to Sark. We must proceed in a manner that encompasses all parties; what are the costs going to be to the taxpayer for the initial exercise. If the companies feel there is financial profit to be made we may then see income; cheap electricity for Sark is a long way off. He stressed caution as the key word.
- 9.8 Ventress Supported Conseiller Cocksedge as it was essential to introduce some form of natural power but, because of its inconsistency, Sark must keep its traditional Power Station. He urged the Committee to work closely with Sark Electricity to preserve the Power Station.
- 9.9 E. Baker Acknowledged and accepted the points raised were of great importance. Guernsey is carrying out a Regional Environmental Assessment, the results of which would be available to Sark.
- 9.10 Maitland At present Sark is riding piggyback on Guernsey, particularly in the Big Russel, as it is here that joint development is most likely to take place. It is essential that Sark does not work alone as it is unlikely to be financially viable to bring power directly into the Island and it will need to work in partnership with other jurisdictions.
- 9.11 **Proposition – WITHDRAWN**
That the General Purposes and Advisory Committee shall execute the attached Memorandum of Understanding with Ocean Electric Power.

10 Development Control Committee

Update Report on Application Charges, Occupation Law, & Tribunals

- 10.1 Dunks This was purely an information report and no questions were asked.

11 Development Control Committee

Application Charges

- 11.1 Dunks As requested at Michaelmas Chief Pleas on 30th September 2009, the Committee has gone away and reviewed the charges proposed, edited the level of charges upwards as suggested and returned with a new schedule for Chief Pleas' consideration.
- 11.2 Cole Congratulated the Committee on its efforts but still felt that this was a missed opportunity. And that the charges were still too low, especially on commercial applications. The fees should be sufficient to employ professional assistance to assess the proposals but even more importantly to inspect progress of the works and to apply building regulations and ensure they are adhered to once work starts.
- 11.3 R. Dewe Was there consideration made for agricultural building; these are often cheaper structures to build and the methods simpler?
- 11.4 Dunks A barn would be embraced by "other" development on the list which carries with it a cheaper price rate.
- 11.5 Seneschal The opportunity was given last time for Conseillers to write in with comments.
- 11.6 Cole Thought it should be left to the Committee to decide the level taking into account the potential to pay for professional assistance.
- 11.7 Seneschal If the proposition is approved, those revised charges come into force as of today. He urged Conseillers to write in with suggestions as the Committee cannot work in a vacuum.
- 11.8 Maitland Agreed with Conseiller Cole and would write in on behalf of the GP&A Committee.
- 11.9 Seneschal Also called on the Finance and Commerce Committee to make suggestions as to whether the charges are appropriate.
- 11.10 **Proposition – CARRIED**
That Chief Pleas approves the Schedule of charges as attached.

12 Education Committee

Update Report on the appointment of Classroom Assistants

- 12.1 Magell Confirmed the details of the information report, reiterating the good wishes to Mrs. Pollard, who left at Christmas, and confirming that Ms. Bourne and Mrs. Bateson had taken up their posts at the beginning of this term and both were settling in well.

13 Development Control Committee

Development Control Applications 2009

- 13.1 Seneschal Drew attention to the full list of applications dealt with by the Committee that had been circulated with the addendum papers.
- 13.2 Dunks Confirmed that it was the regular annual list and was really a matter for record.
- 13.3 Seneschal Commented that it shows the large workload undertaken by the Committee.
- 13.4 E. Baker Pointed out the applications marked "Ret" are for those people who had submitted retrospective applications during the moratorium period. There are still developments without permission and it is a pity that some people consider themselves to be outside the laws of Sark.
- 13.5 Seneschal Asked if the Committee would be considering enforcement.
- 13.6 E. Baker Confirmed it would.

14 Tourism Committee

Committee Mandate

- 14.1 S.Williams Confirmed that the mandate had two additional clauses – (e) and (f) with an addition of the Law at (d). She also announced the retirement of Ms. Guy, one of the two Visitor Officers, and thanked her for the service she had given to the Committee and to the public during her years of involvement. Together with Mrs. Prevel, they had shared the role of Visitor Officer and established the Visitors' Centre as a thriving hub of the Island's Tourism where information about the Island can be obtained and from where promotion of the Island to both potential visitors and to those actually visiting can take place. The Committee will be advertising for a replacement for the job share with someone appointed before the new season gets under way.
- 14.2 R.Dewe Questioned whether the Laws had not been amended beyond the Laws suggested and proposed that the second Law be removed and the words "...as amended" be added after the initial Law as a catch-all for the future.
- 14.3 S.Williams Liaised with her Committee and accepted the suggestion.
- 14.4 R. Dewe Was surprised that there was no other legislation within which the Committee worked.
- 14.5 Seneschal Asked that Conseiller Dewe either inform the Committee of what legislation he felt should be added or visit the Greffier who has all the Laws and Ordinances pertaining to all the Sark Committees.
- 14.6 Cole Asked for explanation of item (e) of the Mandate.
- 14.7 S.Williams This covered complaints received by the Visitors' Centre, including those relating to accommodation permits. The Officers followed through any complaint, often by directing it to an appropriate Committee or dealing with it on behalf of the Tourism Committee.
- 14.8 **Proposition – CARRIED**
That Chief Pleas approves the Tourism Committee Mandate as updated **and as amended at the meeting.**

15 The Douzaine

Constables Service Level Agreement with Guernsey Police

- 15.1 E. Baker This Service Level Agreement (SLA) was really formalising what has been happening in practice for some time. The Douzaine has been pushed by two recent Sark Constables as well as the Guernsey Police to formalise arrangements. There is nothing in the SLA that will detract from the power of the Sark Constable for dealing with any issue that arises in the first instance.
- 15.2 Seneschal Reiterated his thanks to former Constable Blythe for his involvement in this SLA.
- 15.3 Gomoll Asked for explanation of Paragraph 3.1 of the SLA and asked for clarification as to whether the moment Guernsey Police became involved does the Sark Constable become responsible to the Guernsey Police.
- 15.4 Seneschal Gave as an example the death of a visiting yachtsman in Creux Harbour. The Sark Constable did the initial investigation and alerted the Guernsey Police who carried out off-Island investigations, keeping Sark fully informed throughout. The case eventually came back to the Sark Court. The professionals in a complicated case must take the lead as they have resources in depth.

- 15.5 Gomoll As an Advocate, he asked as to who he should deal were he to be involved.
- 15.6 Seneschal Invited comment from the current Sark Constable.
- 15.7 Constable If anybody contacts Guernsey Police directly about any incident in Sark, it would be redirected back to the Sark Constable; any expertise and advice offered by the Guernsey Police is always welcomed by the Sark Constable.
- 15.8 Seneschal The SLA can always be changed or amended by resolution.
- 15.9 S.Williams Remained concerned about Paragraph 3.4 and the implication that Guernsey Police will take control. Are there any increased cost ramifications.
- 15.10 E. Baker Confirmed there were none.
- 15.11 Seneschal It is already in the Law.
- 15.12 Cocksedge Guernsey Police can come in without approval of the Sark Authorities.
- 15.13 Seneschal They can only come in with the approval of the Sark authorities or by the direct intervention of the Lt. Governor.
- 15.14 Bateson (a recent Sark Constable) Thought the SLA reflected exactly what happens in practice.
- 15.15 Seneschal By formalising the arrangements this will prove most helpful to future Constables.
- 15.16 **Proposition - CARRIED**
That Chief Pleas approves the attached Service Level Agreement and authorises the Chairman of the Douzaine to sign the agreement on its behalf.
- 15.17 E. Baker The land slip at and above Grand Grève was beyond anyone's control. The Douzaine has visited the site and can confirm that there have been three separate large falls. Geological Surveys taken in 1990s, show clear fault lines. Two organisations who have expertise in such matters are being consulted
- 15.18 Prevel Was horrified that anyone could suggest that attempts should be made to clear up the falls quickly in order to have the beach opened up for the next visitor season. He stressed that nobody must go near the area until further notice and having been in consultation with Mr Andy Madden from Guernsey, the advice given was to leave well alone; a firm with expertise on such rock falls will be approached on the recommendation given. The slide is still on the move and is extremely dangerous.
- 15.19 E. Baker Insurers will be visiting shortly to assess the risk factor.
- 15.20 S.Williams The Guernsey Press has made public statements about the affect it will have on Tourism suggesting the solution would be to reroute the current path and build an alternative path to the beach; but if the beach is not safe for Summer visitors that is irresponsible. It is just applying pressure on Sark to resolve the problem quickly.
- 15.21 Prevel Confirmed that the beach MUST remain out of bounds.
- 15.22 E. Baker Disclaimers will be posted shortly.
- 15.23 Gomoll There is speculation and the affect on Tourism needs to be quantified. Will it ultimately close the link to Little Sark? Does Sark have a sufficient budget to respond to remedial work?
- 15.24 Plummer When geological checks are complete will the budget cover the costs?
- 15.25 Guy Harbours & Pilotage Committee will need to be kept informed and updated as there is an implication for visiting sailors mooring in the bay and landing on the beach.
- 15.26 Seneschal There will be an assessment and a report back to Easter Chief Pleas. Any costs in the meantime will come from the unforeseen expenditure budget.
- 15.27 S.Williams Asked that the Douzaine come to the Finance and Commerce Committee to discuss the financial implications both in the short and longer terms.
- 15.28 R. Dewe The survey is the first priority and must come first before any remedial action can be considered; once the survey is complete then the way forward can be better assessed.
- 15.29 Prevel Nothing will be done without the landowner's consent.

Break taken at 1.05pm resuming at 2.15pm

16 Harbours and Pilotage Committee

Information Report on Repairs & Maintenance, Insurance, Night Navigation Lights on the East Coast of Sark, Resignation of Mr. R. Adams.

Report on People Shelter/Crane Shed

- 16.1 Guy Firstly covered repairs and maintenance, emphasising the success of quickcrete in repairing erosion and pointing work. No tenders had been received for the work in Havre Gosselin, save one from a Guernsey company which, if accepted, would take $\frac{2}{3}$ of the H&P Committee budget. She appealed to Island builders to place bids for some of this work which is vital and becoming urgent. She thanked Conseillers Prevel and de Carteret who had undertaken many of the immediate tasks required.

- 16.2 All boat owners allocated moorings by the Committee have now produced third party insurance documents which have been checked by the Assistant Constable.
- 16.3 Weather cover for the crane is still not resolved; although the Development Control Committee gave permission for a building to incorporate a protective shed combined with a people shelter on the landward end of The Maseline, there has been representations from those using the quay for cargo and the storage of skips prior to shipping back to Guernsey; whilst the crane operator and Harbourmasters are in favour, the carters are against and more consultation is needed.
- 16.4 Guy In his absence, Conseiller de Carteret wished it to be known that he supports the proposal approved by the Development Control Committee. Another resident has also submitted a strategy suggesting a major revamp of the harbour area to make it more visitor friendly. Clearly more discussion is needed and a meeting between this Committee and the Douzaine will be taking place shortly. An alternative to provide cover for the crane could be a temporary structure alongside the existing crane shed and this too will be discussed on the forthcoming site visit. The Committee remains in favour of the crane/people shelter on The Maseline but appreciate it may require some change in working practices.
- 16.5 S.Williams Welcomed the idea of a shelter for passengers but has had many representations from other harbour users. She suggested deferring the proposition today until more consultation had taken place and a consensus had been reached.
- 16.6 Guy Many of those protesting have not looked at the plans in detail and have not appreciated that it is a Dutch barn with an open end and can be driven into when manoeuvring.
- 16.7 Melling The area intended to locate this shed is vital to the working of the harbour at present; every harbour needs space to manoeuvre and store materials and equipment; these plans will push more traffic to the area outside the tunnel which is already struggling to cope. The ever increasing number of skips, the gas empties and fuel tankers all need to be close for loading onto the boat and the other side of the tunnel is not the answer.
The Public Works Department need to place skips, sometime as many as five, on the quay so that they are obvious and we rely on the goodwill of the carters to move the skips under the crane when ready to load. Taking away this vital area will create problems and provision alongside the present crane shed, covering the area where the crane has stood for the last two months, must be an easier option.
- 16.8 Guy Mention has been made about access to the shoreline should repairs or remedial work be required and whether the crane would be able to reach. A trial run has been made with the crane and shows this is okay and would not cause a problem.
- 16.9 Prevel Mentioned the bolder slip on the front of the cave area and accepted that this may need some stabilising work but divers have inspected the fall and the harbour area is not compromised in any way.
- 16.10 Nightingale The temporary shelter should be given the go ahead even if the permanent structure is delayed.
- 16.11 Seneschal Asked for clarification as to whether the Committee wished to defer its proposition.
- 16.12 Guy Subject to a temporary shelter being possible she proposed to defer the proposition.
- 16.13 Seneschal The reason for clearing the area above the old cave some years ago was for the provision of hardstanding for those using the harbour and a shelter for passengers.
- 16.14 Gomoll Suggested that the Tourism Committee be consulted about the provision of a people shelter in the harbour area.

Proposition – DEFERRED for further consultation

That Chief Pleas approves the construction of a people/crane shelter as approved by Development Control Committee subject to a satisfactory outcome of further consultation with those whose work involves the use of the jetty.

- 16.15 Guy Turned to the question of night navigation at Maseline Quay, stressing that it was not a safe haven, referring to the website description given by the Marine Coastguard Agency. Having received the proposal it has proved an opportune time to speak with search & rescue services and to have consultation with Emergency Services. Discussions have taken place with Captain Gill, Marine Search and Rescue Co-ordinator, Mr. White, Coxswain of the Guernsey Lifeboat and Mr. Beausire Chief Ambulance Officer, Guernsey Ambulance and Rescue Service and in charge of the St, John Ambulance boat, the *Flying Christine III*. All have given full backing to the Harbours and Pilotage decision not to install night navigation lights.

- 16.16 Guy Further discussion with Mr. Lowe and others is being held to consider a simple installation on top of the Noire Pierre rock (always above water and a key navigational point for the harbour approach) to assist radar identification. She felt that having taken advice from so many experts which with the Committee's own resources – Conseiller Cook had yachtmaster qualifications as well as being a Sark Pilot, Conseiller Cocksedge was Chairman of the former Pilotage Committee and one time fishermen, Conseiller de Carteret who is a fisherman in these waters, Mr. Dick Adams, Sark Pilot, who has sadly now left the Committee but remains an examiner for those taking Sark Pilotage examinations, Conseiller Prevel and herself – a team with considerable experience.
- 16.17 Cocksedge Confirmed the range of people and expertise consulted all of whom know the tides and the effects of winds on them. Captain Gill went against the proposal on safety grounds. Any navigational aid that can be installed to improve safety is always supported and the repeater mast recently installed has given greatly improved communication down the east coast of Sark previously screened from the Guernsey and Jersey signals; yet still the pressure is brought to bear on the Committee.
- 16.18 He never took kindly to threats and bullying when he was a pupil at school and received many a bloody nose for his troubles; he still holds those sentiments and suggested a course in management skills might go a long way to improving the situation and moving forward.
- 16.19 Cole Endorsed all that had been said and applauded the due diligence of the Committee.
- 16.20 Gomoll The report suggests that Maseline should not operate commercially in the hours of darkness. He asked whether this also applied to those with 12 and under licenses.
- 16.21 Guy Confirmed that those with 12 and under licenses were allowed in after dark providing they were working within any restrictions imposed on their licence by the Lt. Governor.
- 16.22 Cocksedge Mr. Dick Adams: He along with Miss Caroline Bell were the Steering Party in bringing the Pilotage Law into being in the 1980s. Mr. Adams knowledge of Sark Waters and his unconventional way of helping people to remember the marks has meant a high pass rate in the examinations. Emergency Services has used his tidal expertise on many occasions to find the casualty. Mr. Adams will still continue his role in instructing boatmen in Pilotage matters. He is also training his successor, Mr. Matthew Rang, to eventually take over from him. Conseiller Cocksedge thanked Mr. Adams for his input and advice now and in the future.

17 General Purposes & Advisory Committee Medical Committee

Nominations to replace the late Dr. Stephen Henry

- 17.1 Maitland Put forward the Committee's nomination for a Member to take the place of the late Dr. Stephen Henry.
- 17.2 Conseiller Audrain was nominated and elected as a Member of the General Purposes & Advisory Committee, there being no other nominations proposed from the floor.
- 17.3 D. Baker On the first occasion the Medical Committee needed a new member the choice was made simple because Conseiller John Hunt had put his name forward; this time we have not been approached by anyone else with an interest in this Committee. A lot of thought has been given to this problem as the Committee wanted someone who would read the laws and come back with constructive comments, which I why the Committee is happy to propose Conseiller Richard Dewe who is a former member of the Medical Committee and would be welcomed back.
- 17.4 Conseiller R. Dewe was nominated and elected as a Member of the Medical Committee, there being no other nominations proposed from the floor.

18 Avian Flu Committee Change of Committee Name

- 18.1 Plummer The name of the Committee has been confusing as it is named after Ducks and Birds and has recently been dealing with Pigs. A more general title to better reflect its work was considered appropriate.
- 18.2 Gomoll Asked why Sark needed to be in the title.
- 18.3 Seneschal Many Committees have Sark in the title to distinguish their work here as opposed to outside the Island.
- 18.4 Ventress Will it cover any other human pandemics?
- 18.5 Plummer Confirmed it would.

- 18.6 **Proposition – CARRIED**
That Chief Pleas approve the Avian Flu Committee being renamed to “The Sark Influenza (Human) Pandemic Committee” and request the Law Officers of the Crown to draft the required legislation to give effect to the change of name.

19 Emergency Services Committee

Information Report on Fire Service Review for 2009

- 19.1 Plummer Every year the Chief Fire Officer submits a report on the work of the Sark Fire & Rescue Service. She thanked Mr. Kevin Adams, Chief Fire Officer for his report and commended his and his teams hard work throughout the year; every month the team has practice drill and updating and familiarising themselves with the available equipment is an important part of being prepared when that sudden emergency does occur. The Assembly endorsed that thanks.

ADDENDUM REPORTS

20 Medical and Education Committees

Safeguarding Children and Vulnerable Adults

- 20.1 Audrain Referred to the Michaelmas Chief Pleas at which there was debate about the legislation being proposed. An amended proposition approved Sark participating and working with other Channel Islands to develop and refine their safeguarding approach. The Committee has done just that and is now returning with an updated approach to facilitate a Vetting and Barring Scheme.
- 20.2 The key principle is shown at the indented paragraph 1 in the report and this is taken from the Singleton Report; where a parent exercises their own judgement about who cares for their children, it is a private matter. Where that choice is taken from the parent by an organisation, such as a school or club, then registration is required dependent on the frequency of contact. So looking after each other's children or visiting a school twice a year to read to the children is not a problem.
- 20.3 The publicity surrounds the safety of children but one mustn't forget the issues involving vulnerable adults and both groups will be protected by the Independent Safeguarding Authority (ISA) which body will be registering all those applying. The cost to the employee to register on the scheme is quoted as £64. Volunteers must register but there is no charge for so doing. The Guernsey officers, with whom the Committee has been in working contact are offering to come and give a presentation about the scheme in Sark should it be requested.
- 20.4 S.Williams Thanked Conseiller Audrain for her work on this project and for considering the points Conseiller Williams had previously raised.
- 20.5 Ventress Felt the revised scheme answered all the questions he had posed at Michaelmas. He appreciated the invitation to attend the Committee meeting when the revised scheme was discussed and felt fully briefed as a result.
- 20.6 **Proposition - CARRIED**
That Chief Pleas directs the Medical & Education Committees to confirm that Sark wishes to be included in the legislation to facilitate the Vetting and Barring Scheme at a local level.

21 Education Committee

Notice of Teacher Resignation

- 21.1 Magell Confirmed that Miss Bowers the Class 1 teacher has resigned as from the end of the Summer term and the proposition is to bid for funding to cover the costs associated with recruiting and employing a new member of the teaching staff.
- 21.2 **Proposition - CARRIED**
That Chief Pleas vote a sum of £12,000 for advertising and interviewing for a teacher and for removal expenses for the successful applicant from unforeseen expenditure.

22 General Purposes & Advisory Committee

Transfer of Functions Ordinance

22.1 Maitland This is the last piece of housekeeping legislation associated with the earlier splitting up of the General Purposes and Finance Committee. The proposition is being introduced on the advice of the Law Officers.

22.2 **Proposition - CARRIED**

That the General Purposes and Advisory Committee may exercise functions of the General Purposes and Finance Committee that were not transferred by the Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2009, and that any rights and liabilities related to or arising from such functions shall be transferred to and vested in the General Purposes and Advisory Committee.

23 Public Works Sub-Committee

Logistics for Obtaining Road Repair Machinery

23.1 P.Williams The report and proposition is self-explanatory but some further information may assist the House. The machinery is due to leave the UK on 3rd February and should be here the same day or on the 4th February. The cost of hire is £500 per day plus the board and lodging for the operator. The hire fee is only charged when the machine is operating; this could easily save up to a week of hire charges.

As with last year, if there is time to take on any private work it will do so.

23.2 He thanked Sark Estate Management for its kind offer to carry the machinery free of charge to and from Sark; unfortunately the offer came a little late as all the freighting arrangements had already been made with Sark Shipping Company. However, he assured the Assembly and any other interested parties that, if this proposition is passed with the concession, and with through rates negotiated by Sark Shipping on our behalf from Channel Seaways for freighting from the UK, the saving will be substantial. He would not have been able to obtain such rates himself and thanked Sark Shipping for its efforts on the Island's behalf and for its help and support. It is fair to say that all the options being considered, the outcome will balance out evenly. All we need now is some decent weather early next month.

23.3 **Proposition – CARRIED**

That Chief Pleas direct its company, the Isle of Sark Shipping Company Ltd, to put in place an 80% concession from the published cargo tariff rates for the shipment of one tractor, one Meri-Crusher and one grader blade from and back-to the UK.

Closing Remarks

F Seneschal Requested Conseillers not to use the names of others who are not Members of this Assembly when debating in order to keep personalities out of it.

G Seneschal Has been meeting with the Constables to finalise the arrangements for 10th May 2010, the 65th anniversary of Liberation Day. The Constable had a short general outline available (not a Chief Pleas document) for anyone who wants the information and it is available to circulate to others. The Battle of Britain Memorial Flight is not overnighing in Jersey this year but will pass over St. Peter's Church on the Sunday. The document remained a draft as there was still a lot of fluidity in the arrangements.

Forthcoming meetings for Chief Pleas Members

EASTER MEETING – Wednesday 14th APRIL 2010 at 10.00am

Agenda closes -

Wednesday 17th March 2010 at 3.00pm

Papers distributed to Members by Wednesday 24th March 2010.

This meeting closed at 3.01pm.

Brian Garrard (Sark Committee Secretary) 5th February 2010

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

Elected Term		Attendance	There were no named votes						
2	Mr. D.T. Cocksedge	/							
4	Mr. R.J. de Carteret	A							
2	Mrs. H.M. Plummer	/							
2	Mr. D.W. Melling	/							
4	Mrs. H.C. Magell	/							
2	Mr. C.H. Bateson	/							
4	Mr. A. Dunks	/							
4	Mr. A.C. Prevel	/							
4	Mrs. S. Williams	/							
4	Ms. E.M. Dewe	/							
2	Mr. E. Baker	/							
4	Mr. P.J. Williams	/							
2	Mrs. D. Baker	/							
4	Mr. R.J. Dewe	/							
4	Mr. P.M. Armorgie	/							
2	Mr. A.J. Cook	/							
4	Mr. C.N.D. Maitland	/							
2	Ms. M.A. Perrée	/							
2	Mr. C.R. Nightingale	/							
2	Ms. J.M. Guy	/							
2	Mr. J.E. Hunt	A							
4	Mrs. A. Atkinson	A							
2	Mr. A.G. Ventress	/							
2	Mr. S.B. Gomoll	/							
4	Ms. C.D. Audrain	/							
2	Mr. P.J. Cole	/							
4	Vacancy	-							
4	Vacancy	-							

Brian Garrard, Committee Secretary
20th January 2010

NOTES

A - Apologies for absence

2 – Term of office ends in January 2011

4 – Term of office ends in January 2013

