

MINUTES of the MICHAELMAS MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 6th October 2010 at 10.00 am.

Present: Sieur J.M. Beaumont OBE, Seigneur; Lt. Col. R.J. Guille MBE, Seneschal; K.N. Adams, Deputy Prévôt; T.J. Hamon, Greffier; W. Kiernan FCA, Treasurer; and the Acting Constable.

His Excellency the Lieutenant Governor, Vice-Admiral Sir Fabian Malbon, KBE, also attended.

25 Conseillers were present at the roll call (see attached list and named voting record).

Opening Comments

- A** Apologies were received from Conseiller S. Williams.
- B** The Seneschal welcomed the Deputy Prévôt standing in for the Prévôt, Mr. A.W.J. Adams, who was currently in hospital; on behalf of Chief Pleas he wished him well for a speedy recovery and it was hoped that Mr. Adams would be home again in a couple of weeks.
- C** The Seneschal welcomed His Excellency and an especial welcome to Lady Malbon. The Seneschal informed Members that this is the last Statutory Meeting that Sir Fabian will be attending, although he does not leave his post until early spring next year. The Seneschal thanked Sir Fabian, on behalf of the Assembly, for his steadfast support of Chief Pleas and especially his support to this democratically elected house in the face of constant and unjustified criticism both in print, verbally and by litigation over his past five years and which has intensified in the last few months. The Seneschal then invited the Lt. Governor to address Chief Pleas.
- D** His Excellency the Lieutenant Governor thanked Chief Pleas for this privilege which was very special on a busy day. He was honoured to have been Her Majesty the Queen's personal representative in the Island of Sark for the past five years and to have learnt so much about the Island, its history and people. He thanked everyone for being so friendly and making him and his wife so welcome. He hoped that once both of them are allowed back into the Bailiwick after their deportation next year, they will be able to anchor in Havre Gosselin or Dixcart Bay and visit the Island again. The last five years have been difficult and eventful times for Sark but it has tackled it all in a very brave and sensible manner and he hoped that he may have helped in some small way in support. He was sure that Sark's perseverance will pay off and he was sure that in the end, Sark will achieve stability, serenity and the Sark that you all want and deserve. He and his wife had been summoned to see HM Queen in London next month; she will be interested to hear reports of the Island, although she will already know more than me about what is going on. He assured Chief Pleas that she is very well informed and interested in the detail of her Island of Sark's business. He would be honoured, if it is Chief Pleas' wish, to convey to Her Majesty the loyal greetings of this House and the people of Sark. **(Chief Pleas indicated its wish for such loyal greetings to be expressed to HM Queen, both from this Assembly and the people of Sark).** He thanked Chief Pleas again for allowing him and his wife to be a very small part of Sark life and it was something which they would treasure. Both wished Sark all the very best of luck and, although this is the formal farewell as neither would be in the Bailiwick for the next Chief Pleas, they will make sure they get over to say informal goodbyes before leaving.
- E** Conseiller Plummer thanked all the branches of the Sark Emergency Services for their very prompt response in extinguishing a severe fire on 1st August at Jardin Louise and to their Guernsey counterparts who attended later; she was also grateful for the help of the Sark residents involved. Unfortunately there was a fatality and our condolences go out to the family and friends of the late John Marquand of Guernsey.
- F** Conseiller Melling reported that during the latter part of August and into September the Island suffered an outbreak of the Group A Streptococcal infection. The Medical and Public Health Committees saw fit to come together to formulate procedures; as time went on the Emergency Services Committee was also included. He thanked all those Committee Members that were involved for their dedication to the problem and for attending meetings at extremely short notice. Thanks must also go to many people for their help but in particular to the Committee Secretary for his out of hour's work, the personnel who were considered essential and voluntarily accepted a course of treatment; this included the Members of the Emergency Service crews. The Committees were grateful for the understanding of the Education Committee and parents regarding the late opening of the school, a move prompted by advice from health professionals at Guernsey Hospital and the University Hospital in Birmingham. Both were heavily involved with our Doctor in formulating the actions needed to be taken.

F Obviously, on behalf of Chief Pleas, he needed to thank Dr. Counsell for all his extra efforts as he came under a lot of pressure; where he found time for so much involvement is unclear but he did. Many emergencies that happen require sea transport; much of the time we do not say thank you publicly. He asked for that to be put right and thanked those responsible for the use of the *Flying Christine*, the Brecqhou boats, the Lifeboat, Buzz White and his *Access Challenger*, all of whom have been used in the last few months.

Conseiller Melling has been advised that accounts will come in for professional fees for expenses incurred by Guernsey and Birmingham; this is estimated at just under £2,000 and other expenses will include swab testing. Clearly such outbreaks will incur costs for the Island and perhaps consideration should be given to an increase in the Public Health Committee's budget in future to cover such eventualities.

Finally, he thanked the majority of residents who took the advice they were given and, for those who did not, they were lucky not to have had further problems.

G Conseiller Maitland said it was no coincidence that Lord McNally's first visit to a Crown Dependency since the election and his appointment as a Minister in the Ministry of Justice was to Sark, the smallest of his responsibilities. On his part, Conseiller Maitland was sure that it was to weigh up the situation here for himself and to get a feel of what our Island is all about and pressures that we find ourselves under; Lord McNally certainly wants us to deal with the separation of the dual role of the Seneschal and to get the UK off the Barclay's legal hook, that goes without saying; but the strong impression was also given that he takes his responsibilities for good government in the Islands very seriously and would not be afraid to stick his neck out if necessary. Two quotes come to mind –

*I don't want anyone to ask in ten years' time why I did nothing to help Sark and –
I have no intention of letting Sark become a Company Town.*

Lord McNally did not come to Sark to sort out the Seigneur and the Seneschal and Sark's feudal ways as maintained by our very local paranoid press because, in case they haven't noticed, Sark already has a full blown and increasingly effective democracy.

Conseiller Maitland continued by pointing to today's agenda in which one could see the breadth and depth of the work we have all been doing – from the taxing of dogs to Mental Health, to the presentation of the budget for the coming year to a long and detailed report on Tidal Energy and the Projet that goes with it, to Dark Skies, another important initiative, to name but a few issues which we will be discussing. Outsiders often don't realise that these reports are the fruit of hours of work and discussion in Committee. Sark democracy has bedded down well since the last election. It has developed too with regular Chairmen's meetings and informal meetings of Conseillers. We should be proud of what has been achieved in a short time and he expressed the hope that those whose terms finish at the end of the year will not allow the bullying and harassment, to which we as a body have been subjected, stop them from standing again. We all owe it to this Island to continue and, be assured, if we stand firm we shall get the support that we need.

1 Minutes of the Midsummer Meeting on 7th July 2010

1.1 The minutes were **APPROVED** with no changes.

1.2 Guy [Matters arising \(Ref: 10.6\)](#) – on reflection, and having gone through the papers of Chief Pleas, Easter 2010, there is no need to rescind proposition 2 (a) as The Harbours & Pilotage Committee did what it was directed to do by the propositions and the present agreement with Mr Leaman does not commercially exploit the sea bed. Indeed should, at some future time, any other business apply to place commercial moorings on the sea bed and make a direct profit from so doing, it is likely that the island would want to make a charge.

1.3 Dunks [Matters arising \(Ref: 12.4\)](#) - had asked if the Saturday boat on non-shopping trip days, in the period 31st October 2010 to 1st April 2011 could be reset to its former time of departing Guernsey at 10.00am (depart Sark 11.00am). Conseiller Cole forwarded the request to the Directors of Isle of Sark Shipping, who gave the following reply -

“During the period 25th Oct 2009 to 30th April 2010 on non-shopping trip Saturdays, the scheduled sailing departed Guernsey at 1100 and Sark at 1200 and we have not received one single complaint about the timing of these sailings. Nor did we receive any comments about these sailings in response to the posters displayed by the Shipping Committee during June 2010 requesting comments.

If we revert to 1000 ex Guernsey or even 1030 ex Guernsey departures on non- shopping trip Saturdays, anybody arriving on the first flight into Guernsey from London Gatwick, will not be able to travel home to Sark until the following Monday, thus incurring a delay of two nights in Guernsey. The alternative would be for them to charter a 12 & under licensed passenger vessel which of course will only serve the purpose of reducing IOSS income.”

2 Questions not related to the Business of the Day

- 2.1 Perrée Asked the General Purpose & Advisory Committee for clarification on Customs clearance for vessels in and out of Sark. There has been a number of verbal, lettered and e-mail enquiries from various parties on and off the Island.
The suggested legislation will affect the livelihoods of many Charter Boat owners, for instance M. Jean Guerin (*Long John Silver*) a long time visitor and friend to Sark, with his sail charter, and who brings groups of visitors all year round, *Benjamin Bon*, the latest Charter Boat from Barneville/Carteret, not to mention our local charter boats having to go through Guernsey and countless other charter boats. Will it affect all chartered and angling boats that venture into our waters?
She understood that a charter boat from Sark with a group of people must clear customs in Guernsey or Jersey and again on the return. Due to tidal conditions this makes it impossible if they were travelling to Carteret not to mention the time it would take; she thought Sark's revenue will drop considerably if this is the case and that we do not seek an alternative system.
- 2.2 Cole Replied on behalf of GP&A Committee and as Chairman of the Shipping Committee. He had spoken with the Chief Officer of Guernsey Borders Agency (which includes the Customs and Immigration Departments) to confirm his own understanding of the relevant law and this is the current situation -
- 2.3 Sark is not an Approved Port for Customs purposes and therefore people should not be travelling directly to Sark from outside of the Bailiwick of Guernsey without first clearing customs at St. Peter Port Harbour in Guernsey as specified under the Customs & Excise (General Provisions)(Bailiwick of Guernsey) Law, 1972.
- 2.4 An Approved Port has to be operational 24/7 and resourced accordingly with trained staff, customs examination and passport facilities including search and interview rooms and arrangements for the lawful safe custody of arrested persons/illegal entrants, including access to medical personnel. Clearly these are not facilities that Sark could provide.
- 2.5 There are two closely limited short term concessions, regularly reviewed; the Manche îles concession for passenger arrivals from Jersey only, where all through passengers from France have to clear Jersey customs and Brecqhou Development Limited for bulk building materials only.
- 2.6 Fishing charters and sailing cruises are also subject to the 1972 Law. It is worthy of note that Sections 7 & 28 of the Customs and Excise Law, 1972, apply to all movements. However, with regard to pleasure craft movements only, the Guernsey Border Agency resources only permit periodic testing or intelligence led exercises on such arrivals into Sark or the other bays/anchorages around all the islands of the Bailiwick. Pleasure craft which have not first cleared in St. Peter Port, Guernsey or Braye Harbour, Alderney before going to Sark are advised of the correct procedure. Currently, Customs Officers discretion is therefore used with regard to pleasure craft movements directly into Sark, unless other Customs, Immigration or drug trafficking offences are apparent or suspected.
- 2.7 Perrée Remained concerned that appointments had to be made with Customs in Guernsey to clear before travelling to/from Sark; time and tide wait for no man.
- 2.8 Cole Noted the reference to the suggested new shipping legislation; this would have no effect on the present 1972 Law relating to Customs and Immigration.
- 2.9 Seneschal The 1972 Law is a Bailiwick Law and amendments could be requested.

3 Douzaine Election of Constable

- 3.1 Seneschal Before electing a Constable to replace Mrs. Caragh Couldridge whose term of office expires, he read a statement from Mrs. Coudridge who cannot be with us today.
"As my official term of office reaches its conclusion today, my only regret is that I was unable to complete the two year commitment that I took on in October 2008 for reasons that you all know. Being asked to become Vingtenier two years ago, I saw it as an opportunity for me to serve Sark – a beautiful Island which has been a wonderful home to me and my family for the last 21 years. I quickly realised that, although life trundles on in its usual way here, there are lots of people working very hard behind the scenes to keep everything running smoothly".

- 3.1 Seneschal
cont. (reading) *"I have immense respect, awe and admiration for the time, effort and ability given so generously by the Special Constables who are the backbone of law and order here and the Fire and Emergency Services who are our lifeline; there cannot be many places in the world where people give of themselves so wholeheartedly for the good of their neighbour and Island home. Not forgetting the Procureur and Deputy Procureur of the Poor who are unsung heroes of Sark; we do not realise how lucky we are. I could not have managed in office without the support of Fiona Hamon as Assistant Constable; Fiona manages all the Constables' "island works" portfolio as well as providing continuity and stability to the Constables' office which is just invaluable. She keeps all the paperwork up to date and the diary events on time. She is worth her weight in gold – even at today's inflated gold prices! Thank you so much Fiona. Beyond Fi, I must thank Wendy (the oracle) Kiernan who was a fount of all knowledge, a great wit and, alongside Brian Garrard and Caroline Robins, was always so warm, welcoming and cheerful. On a practical level: I would like to mention my sincere thanks to Paul Williams for his constant support as Assistant Constable. Paul was always just a call away and provided assistance day or night without fuss or drama (honestly, no drama!). I would also like to thank Adrian Guille as head of the Special Constables and Stephanie Guille, head of the Custody Officers. Their help and advice in dealing with awkward and difficult situations was exceptional and they brought so much experience and wisdom with them. Special thanks to Ewan de Carteret also as Assistant Constable, for so willingly committing to help Matt Joyner in my absence. It is a risky strategy to thank people individually because it is inevitable that someone crucial might be inadvertently omitted and cause upset. So many Islanders support and help the Constables when needed without fuss or complaint, how can I thank everyone but try. I would also like to thank the Seneschal, the Prévôt, the Gréffier and the Deputy Seneschal for their good humour, assistance and their encyclopaedic knowledge which was always given so willingly. To the Conseillers I sat with on Committees – I salute you and keep up the good work; and finally to Matt Joyner. I am indebted to Matt for picking up the 'ball' when I offloaded in March and running all the way to the line with it. No-one would have wanted to be in his shoes and I feel so guilty that this befell him but he has shouldered the responsibilities and demands without fuss or complaint. I regret that I put Matt in such a difficult situation this year but life doesn't always comply with our plans and we have to do the best we can. Certainly Matt dealt with the challenge in a calm, considerate and able manner. Being Constable was a privilege, an honour and a lot of hard work. It requires courage, confidence and common sense. It is a job like no other on an island like no other and may both survive the test of time. Thank you and good luck Matt".*
- 3.2 Seneschal The Seneschal's Office continues to have many dealing with the Constable's Office and he thanked Mrs Couldridge, on behalf of Chief Pleas, for her two years of service to the Island. She, like her immediate predecessors, has had an extremely busy six months of her second year albeit that she has not functioned as the Constable since the time that her daughter became ill, however before that happened she had set up the basic format of the 65th Liberation Day celebrations which the remainder of the Committee put into place. I am pleased to report that she has continued to uphold the traditions of the Office and worked quietly away without fuss and that it has been a pleasure to work with her. On your behalf she has had a busy part year policing the Island as can be seen from the Constables Report, which of course hasn't stopped since the report was compiled, as well as the civil functions of licences etc. He thanked Mrs. Couldridge on behalf of the Island for her service to our community.
- 3.3 Acting Constable Over the course of the past year, he had had numerous 'phone calls about tractors speeding. There is nothing he can do about this but, as the speed limit on Sark roads is 10mph, he expected drivers to adhere to that limit. A couple of weeks ago, a Guernsey Police Officer was here to finish a case he had been working on and, as it was known he would have 3-4 hours free in the middle of the day before his boat departure, the Assistant Constable asked him to bring a speed camera with him to properly research the speed which some tractors are doing. Out of the 20 tractors tested, 7 were over 10mph, the highest being 14mph; this is 40% more than the speed limit. In Guernsey or England, travelling at a speed 40% greater than the limit carries a disqualification. Tractors going too fast on Sark is a problem that can be rectified; a tractor going at 10mph or under raises less dust and makes Sark a more enjoyable place to visit.

- 3.3 Acting Constable The Constable can do something about this so he will be employing a Guernsey Police Officer with a speed camera in the future when he is aware they have free time here.
- 3.4 E. Baker Before proposing the name to go forward as Constable of Sark for the next twelve months, he added his remarks to those of the Seneschal inasmuch as we were all extremely sad that Mrs. Couldridge was unable to finish her term of office. She had been an excellent Vingtenier, conscientious and efficient, which he felt sure would have continued through her full term of office as Constable. He proposed that Mr. Matt Joyner who has been acting as Constable for a good part of this year and, as the Assembly will have read in the Constables report, has been extremely busy.

3.5 **The nomination of the present Vingtenier, Mr Matt Joyner, to the position of Constable.**

CARRIED

4 Douzaine

Election of Vingtenier

- 4.1 E. Baker Following recent custom, with alternative male and female Constables, he proposed Mrs. Joanne Godwin

4.2 **The nomination of Mrs Joanne Godwin to the position of Vingtenier.**

CARRIED

5 Douzaine

Election of a Procureur des Pauvres

- 5.1 Seneschal Thanked Mrs. Sheila Guille, on behalf of Chief Pleas, for her four years of service in the Procureur's office. He mentioned especially the great deal of work that fell upon her soon after she took office when just before Christmas in 2008 she had to deal with the consequences of the Barclay workforce being thrown out of work and Barclay establishments closed. I am pleased to say that the Island rallied around the Sark resident workers as did the other Islands and Mrs Guille co-ordinated financial and other support over the Christmas and New Year period.

- 5.2 E. Baker Before proposing the name of the person to go forward as Procureur des Pauvres, on behalf of the Douzaine, he expressed his thanks and gratitude to Mrs. Sheila Guille for what have been two very difficult years; she has carried out her customary duties of Procureur well beyond what is expected of this office. Mrs. Guille has been caring, understanding and above all, has kept all matters relating to this office confidential to protect those receiving assistance. He asked that a vote of thanks be recorded. He proposed the current Deputy Procureur, Mrs. Karen Adams.

5.3 **The nomination of the present Deputy, Mrs Karen Adams, to the position of Procureur des Pauvres.**

CARRIED

6 Douzaine

Election of a Deputy Procureur des Pauvres

- 6.1 E. Baker The Douzaine nominated Mrs. Belinda Dunks to the position of Deputy Procureur des Pauvres.

6.2 **The nomination of Mrs. Belinda Dunks to the position of Deputy Procureur des Pauvres.**

CARRIED

7 Medical Committee

The Mental Health (Bailiwick of Guernsey) Law, 2010

- 7.1 D. Baker The Committee went ahead with the public presentation of the Mental Health Law even though it wasn't of great interest to many; two members of the public attended but at least they were genuinely interested. It refreshed many of the points the Committee had spoken about when involved in the drafting presentation over a year ago. Chris Ellyatt has worked with mental health and its laws in Guernsey for over 33 years; he worked hard to get to the stage where he was happy this law would work, cherry picking the best from the UK Mental Health Act and leaving out what he felt didn't work. He was an approved social worker and knows hands-on how it all works. On his last visit Chris said that one of his lasting memories of Sark was, when being introduced to the Committee, Dr. Stephen Henry shook him firmly by the hand and said "*don't worry old chap, you are preaching to the converted*". Stephen had of course had first-hand experience of mental health care and the politics behind it. Dr. Henry put his points forward as did Dr. Counsel on how this law would work here. During our various meetings with Guernsey the points raised were taken away by Chris Ellyatt and Law Officer Robert Titterington and dealt with to our satisfaction.

- 7.1 cont. D. Baker I would like to record my heartfelt thanks for the work done by the late Dr. Henry and Dr. Counsel; without their enormous input the Sark Medical Committee would have struggled to know what was right for this community.
It has been suggested that Sark didn't need this legislation; we already have the 1939 Bailiwick Law here but it is out-dated and there are considerable improvements for the benefit of the patient in this 2010 Law. Dr. Counsel feels it will be so much better for patients than the current 1939 Law and he surely is the person who would know.
The patient now has the right to choose a person to act in their interest; this nominated person may be a family member, a carer, a friend or neighbour and the patient may nominate more than one person to act for them in case the first person is not available. The appointment of an approved social worker, to help with difficult decisions, is a great advance; at the moment an application for a compulsory admission to hospital, is made by a close relative or the parish constable. The Medical Committee on Sark will retain the right to appoint the approved social workers who will already be working in Guernsey in this position. It will not be appointing people from within Sark who do not have the relevant qualifications or experience.
A place of safety in Sark has already been identified should this be needed.
The Law is quite long and involved and Conseiller Baker had no wish to go into detail, simply to say the Medical Committee and our Medical Officer are content with this final draft and recommend that Chief Pleas approve the Mental Health (Bailiwick of Guernsey) Law, 2010.
- 7.2 Dunks Thanked the Medical Committee, including members no longer with us, for the work they have done on this Law, and in particular for giving Conseillers and members of the public the opportunity to hear the presentation, as given by Chris Ellyatt, Project Manager for the Mental Health Law, last week.
He confessed he had not read the whole of the Mental Health Law, 2010, nor claimed to understand every aspect of it, especially as the vast majority of it deals with matters in Guernsey; however he had found Mr. Ellyatt's presentation comprehensive and informative. If therefore he took no further part in this discussion, or pose any questions, it is not because he had nothing to say, but he had used the opportunity to have his questions answered last week at the public presentation.
- 7.3 Guy Repeated thanks to the Committee for organising the public presentation. All her question were answered save one on a point of law; Mr. Ellyatt responded to her directly later with the answer.
- 7.4 **Proposition – CARRIED**
That Chief Pleas approves the Projet de Loi entitled "The Mental Health (Bailiwick of Guernsey) Law, 2010".

8 General Purposes & Advisory Committee The Renewable Energy (Sark) Law. 2010

- 8.1 E. Baker The Committee is indebted to Mr. Roger Olsen for many hours of hard work leading up to and preparing this report; he has attended regular meetings in Guernsey and elsewhere and has studied the subject to such an extent, that he has now become an authority on this project for the Committee.
The Projet de Loi has enabling provisions and in Section 42, you will see that Chief Pleas may, by Ordinance amend aspects of the law alleviating the need for another Projet to make small changes. In Section 45 the Law can only come into being by Ordinance and this can be selective, leaving the timing of the relevant parts of the legislation in the hands of Chief Pleas.
At the commencement of the Law you will see resolutions of Chief Pleas in January and October 2008, April 2010 and October 2010 showing that the Committee has been dealing with the drafting of this Law for some considerable time. The Committee believes it has been extremely thorough with the Law Officers during the preparation of this Law.
- 8.2 Cocksedge On Page 6 of the Projet, Section 2(2)(a), there are three different authorities seeming to be involved – Chief Pleas, the Committee or the Commission; surely there is potential for conflict here.
- 8.3 E. Baker Only one of those named will take the Law forward not all three; all are named to give the flexibility already mentioned dependent on which route Chief Pleas decides to go down.

- 8.4 Cocksedge On Page 11, Section 3(2) there is a suggestion that Pilotage Laws may be suspended.
- 8.5 E. Baker Communications will continue with Sea Fisheries Committee and the Harbours & Pilotage Committee to ensure any potential site for plant or apparatus is located in Sark waters only at locations where there is no interference to either fishing or navigational routes. He could see no reason to suspend Pilotage Laws.
- 8.6 Seneschal The Committee will see that the two Laws are complementary.
- 8.7 Cocksedge On Page 17 in Section 5(e) reference is made to inspectors; who will pay for the cost of employing inspectors.
- 8.8 E. Baker Was unable to answer that question.
- 8.9 Seneschal Requested that the question is put in writing and the answer reported to the next meeting of Chief Pleas; an amendment can then be made if necessary.
- 8.10 Cocksedge The Commission can go forward with the purchase of equipment but is there bondage in case of equipment failure.
- 8.11 E. Baker It is all covered within the law and the Health and Safety regulations are very strong.
- 8.12 Cocksedge He referred to a recent article in *The Times* about the Scottish Island of Islay, where ScottishPower hope to build 10 fully submersible tidal stream generating devices with a capacity of 10 megawatts that will provide enough electricity for the Island's 3,500 inhabitants and its famous distilleries. Application for consent was made to the Scottish Government in July 2010.
He had doubts that Sark had enough area of sea to make tidal power commercially viable as it would need 20-30 turbines to generate sufficient power to sell elsewhere. He remained concerned about the placing of generators into the water around Sark without Chief Pleas' authority.
- 8.13 E. Baker If a Commission was to be set-up, it would be working under the authority of Chief Pleas.
- 8.14 Cocksedge Does page 26 give Chief Pleas the ability to create loans for the Commission?
Surely the company set-up to generate energy will pay for any development costs?
- 8.15 E. Baker It is only an enabling law.
- 8.16 R. Dewe This only allows Chief Pleas to set-up a Commission if it should choose to do so and it will require an Ordinance of Chief Pleas to set-up and form a Commission.
- 8.17 Cocksedge On Page 26, Section 9(2) – it suggests the Commission would have authority outside Sark territorial waters – under what jurisdiction?
- 8.18 E. Baker No that it is not right; this is included because the original law prepared for Alderney has come to grief over this issue and is currently held up at the Ministry of Justice whilst it is amended.
- 8.19 Seneschal Suggested the section should be re-read to understand the emphasis.
- 8.20 E. Baker The reference is to a developer from outside Sark, not the waters.
- 8.21 **Proposition – CARRIED**
That Chief Pleas approves the Projet de Loi entitled “The Renewable Energy (Sark) Law, 2010”.
- 8.22 Seneschal Likened this Projet to the Gambling Law which has been approved and lies on the statute book but has not been implemented by Ordinance.
- 8.23 E. Baker Work Permit legislation is something else that is available on the statute books which could also be brought in by Ordinance.

9 Road Traffic Committee

The Road Traffic (Tractors & Invalid Carriages)(Amendment)(Sark)(No.2) Ordinance, 2010

- 9.1 Bateson The Committee was seeking to increase the upper limit for tractor and invalid carriage driving licence fees from £6 to £20; the attached Ordinance, if approved, would raise that upper limit.
- 9.2 **Proposition 1 – CARRIED**
That Chief Pleas approves the Ordinance entitled “The Road Traffic (Tractors and Invalid Carriages)(Amendment)(Sark)(No.2) Ordinance, 2010”.
- 9.3 Bateson The Committee is recommending the increase of tractor driving licence fees from £7 to £10.
- 9.4 **Proposition 2 – CARRIED**
That Chief Pleas approves the fee of £10.00 for a tractor driving licence and the fee of £5.00 for a licence issued on or after the 1st of July in any year.

10 Finance & Commerce Committee

Tax on Cycles, Dogs and Horses

10.1 Cook Agreement for drafting this Ordinance was given at Midsummer Chief Pleas. This Ordinance raises the rates of tax on 'cycles (to £11), dogs (to £11) and horses (to £22) effective from 1st January 2011.

10.2 **Proposition – CARRIED**

That Chief Pleas approve the Ordinance entitled “The Financial Provisions (Amendment) (Sark) Ordinance, 2010”.

11 Road Traffic Committee

The Road Traffic (Horse-Drawn Vehicles)(Amendment)(Sark) Ordinance, 2010

11.1 Bateson Pointed out a minor drafting error in the attached Ordinance; in the schedule the price for a Victoria should be £15 and not £15.50 as shown.

11.2 **Proposition to amend the draft Ordinance – CARRIED**

That Chief Pleas amend the Schedule in the draft Ordinance to amend the amount of annual fee for a Victoria to read £15.00 and not £15.50 as currently drafted.

11.3 Bateson The tax on carriages has remained the same for nine years; this Ordinance raises the upper limit for changes in the future.

11.4 Perrée **Declared an interest.**

Asked for some improvement to road surfaces as she was experiencing an increase in the frequency of carriage tyre replacement.

11.5 **Proposition 1 – CARRIED**

That Chief Pleas approves the Ordinance entitled “The Road Traffic (Horse-Drawn Vehicles) (Amendment)(Sark) Ordinance,2010”, as amended.

11.6 **Proposition 2 – CARRIED**

That Chief Pleas approves the fee of £10 for a carriage driving licence and the fee of £5 for a licence issued on or after the first day of July in any year.

12 Finance & Commerce Committee

2011 Budget and Taxation

12.1 Cook Brought four corrections to the Budget papers to Chief Pleas' attention –

- On the second page of the report, the final item should have ***and rents*** removed from the title as the H&P Committee were not raising these at present;
- Third paragraph of the report should be ***2010 budget*** and not *20010 budget*;
- There is no proposition to accept the budget; the Committee would like to introduce a Proposition 5 as follows –
That the budget of income and expenditure for the year 2011 be accepted.
- On the first page of Appendix 1, the three entries at the bottom of the page are duplicated on the second page and should be removed. There is no change to the value of the totals.

12.2 In preparing this budget the Committee has only increased direct tax and impôt in line with the retail price index. It has taken a sensible view on estimating income and expenditure. It expects to add to the Island's already healthy reserves, allowing for future capital expenditure and the replacement of depreciating assets. Add to this the healthy state of Sark Shipping Company's finances and it is believed that the Island has a sound financial base.

The Committee would like to thank the Treasurer for all her help over the year.

He hoped that Chief Pleas would agree that this is a sensible budget and one that it felt able to support.

12.3 Cole Congratulated the F&C Committee on its report for which he would vote in support. Finance Committee, like the Development Control Committee, is one of the most thankless of the many thankless tasks for Chief Pleas' Members. He pointed out, what may be a typing error on the last page of the report – impôt rates; all show a small increase except the fourth one, which shows a one-third reduction.

12.4 Dunks It is no error but just brings us into line with Guernsey; it may be a guide in future.

12.5 R. Dewe The rules in the past were that Guernsey brewed beer and cider always had a lower impôt than imported beer and cider.

- 12.6 Cocksedge Asked the purpose of the £6k shown in Appendix 1 (second page) Miscellaneous expenditure, and allocated to Renewable Energy Research.
- 12.7 E. Baker It is for attendance at meetings in Guernsey and seminars in the UK and Jersey. If we want to run with the big boys we need to have some cover for expenses.
- 12.8 Cocksedge Asked if it were not time that all Committees had small working budgets.
- 12.9 Seneschal Suggested that question should be raised at the next Chairmen's meeting.
- 12.10 **Proposition 1 – CARRIED**
That the rate of Property Tax be increased to £6.80 per quarter for the year 2011.
- 12.11 **Proposition 2 – CARRIED**
That the minimum rate of Personal Capital Tax be raised to £225 and the maximum rate of Personal Capital Tax be raised to £4,500 for the year 2011.
- 12.12 **Proposition 3 – CARRIED**
That Chief Pleas approves the Ordinance entitled "The Direct Taxes for 2011 (Sark) Ordinance, 2010".
- 12.13 **Proposition 4 – CARRIED**
That Chief Pleas approve the proposed increases in Impôt on Alcohol and Tobacco Products as detailed in the attached list.
- 12.14 **Additional Proposition 5 – CARRIED**
That the budget of income and expenditure for the year 2011 be accepted.
- 12.15 E. Baker Referred back to the last question, stressing that the funding would only be used for legitimate expenses authorised by the Committee.

13 General Purposes & Advisory Committee

The Election of Conseillers December 2010

- 13.1 Maitland Little needs to be added to the report. Basically, the drawing up of the Sark Reform Law Amendment was defective in that it did not enable the Island to hold a by-election and general election at the same time and using the same voting papers. By dealing with the problem in the way proposed, the by-election will also enable any further vacant seats to be filled after the General Election has taken place – probably in February in 2011. The attached Ordinance is a necessary prelude to the General Election in December 2010.
Conseiller Maitland had talked to the Law Officers and suggested that Chief Pleas deals with the necessary changes to the Reform Law to overcome this problem at the same time as the dual role, so that the Reform Law Amendment that comes back to us at an Extraordinary meeting of Chief Pleas in November should also sort out this problem for the future.
- 13.2 Seneschal Those in the Old Assembly will recall that to save on costs, a by-election was only triggered once the number of Chief Pleas Members fell below 26. It was always the intention of the Old Assembly that any casual vacancies would be mopped up at a general election. Unfortunately, the legislation was not drafted succinctly enough and could be challenged if this was done.
If a third resignation occurs bringing the vacancies to three, it will trigger a by-election. For the present the intention of the Assembly is not covered by the Reform Law legislation as presently enacted.
- 13.3 **Proposition – CARRIED**
That Chief Pleas approves The Reform (General Election)(Sark) Ordinance, 2010 and requests the Law Officers to draw up the necessary changes to the Reform (Sark) Law, 2008 to enable a General Election and an election to fill casual vacancies to take place at the same time.

A 10 minute recess was called at 11.20am

14 General Purposes & Advisory Committee

The Dual Role of the Seneschal

- 14.1 Maitland This is the second Act of a three Act drama; GP&A Committee has worked on this report closely with HM Comptroller and has endeavoured to bring a workable solution to the problem, drawing on the best practice in other jurisdictions and not leaving it open to challenge on human rights grounds.
There is one change which the Committee would like to propose; in dealing with the Retirement Age of the Seneschal (Judge) role it has been pointed out that a top age of 70 might be too limiting. The first sentence at the top of the second page of the accompanying report should now read – “*Retirement Age: 65 with an option for the Appointments Committee to renew the appointment twice up to a further 5 years in each instance*”. This would enable a Seneschal to carry on until the age of 75 at the latest and gives greater flexibility.
- 14.2 Had no wish to bore the Assembly with all the reasons for and against change. However, he did feel that this was a crucial vote. There are many important issues facing Sark which will involve the Assembly’s time and energy next year and this should not be one of them. As Lord McNally reminded us, it is vital we take the wide view on this and if we are to fight on any issue, make sure that it is the right one. We need to have an open door as far as London is concerned and to be able to build on the relationships that we are establishing there. That, in his mind, he considered to be absolutely crucial.
- 14.3 There will be a lot of work to be done next year but at least if the Assembly gets this Project sent up to London from an extraordinary meeting of Chief Pleas on Wednesday 10th November, 2010, it will be a major and potentially divisive issue, dealt with.
- 14.4 Dunks On the second page of the report (under Appointment) it says that Conseillers would not be eligible to stand; surely that is not right.
- 14.5 Maitland This is the part of the Gibraltar precedent. The Island can ill-afford to lose important Conseillers; if a candidate resigned as a Conseiller and was not then appointed, they would be out in the cold unless they stood at a future election.
- 14.6 Bateson Expressed complete dissatisfaction with the current process. There has been no consultation with the people of Sark as to whether they support this split.
On the one hand we have undue haste on this issue, yet on the Occupancy Law with which he was involved on the Development Control Committee, we have had to delay because the Committee stands accused by the Barclay’s lawyer of insufficient consultation. We are told this could be open to challenge and its progress to the Privy Council could consequently be delayed.
Do we have to take the Reform Law amendment involving the Seneschal’s role to Christmas Chief Pleas, implementing it despite it appearing to be against the wishes of a majority of residents? He stood for and worked in Chief Pleas to represent the people who elected him and to do their bidding; here they have been not asked for their views.
- 14.7 D. Baker Appreciated the amount of work the GP&A Committee has put into this report and the report is good and makes a lot of sense and if Sark wishes to separate the role of the Seneschal this would be a good way of doing it.
However from her point of view, she still felt Sark is being bullied into this, as happened in the Reform Law. We changed the Reform Law and it still isn’t good enough. She really felt that this role does not need to be split; unfortunately others don’t agree but we can’t even disagree on an even keel. She doesn’t have the funds to employ advocates to act for her and challenge those so concerned to make us change. She was disappointed that Sark wasn’t represented in the House of Lords appeal by the Crown; if the UK Government had supported us at that point, maybe we wouldn’t be here now trying to defend ourselves. We might have won our case, the case that preserves our ancient customs. We cannot win unless someone fights our side with us and she considered Sark has been let down by those who should have supported us. She would have liked to see some backing from those that could have helped us. All she keeps hearing are empty words; the House of Lords supported our uniqueness but refused to quash our Reform Law. Now we are told to change the dual role and we will support you in future; sorry she no longer believed it.

- 14.7 cont. D. Baker What comes next; if Chief Pleas does change the role of the Seneschal what will be the next challenge, or will the changes you are suggesting go far enough. She didn't think we can assume there won't be another challenge. She believed the current role of the Seneschal works and until there is an island wide consultation which tells her it is time to change, she was not prepared to support this proposition.
- 14.8 Plummer Supported the comments made by Conseiller D. Baker as a number of Sark residents have told her that they are not happy with the idea of splitting the role of the Seneschal.
- 14.9 E. Dewe Asked how long will the judge serve?
- 14.10 Maitland There cannot be a fixed term for judges imposed any more than one can allow a fixed term for life.
- 14.11 Ventress The splitting of the Seneschal's role was against common sense and also against economic sense.
- 14.12 R. Dewe Would prefer the election of the President of Chief Pleas to be made by the people of Sark. During his time as Chairman of GP&A Committee he had questioned Deputies in Alderney, where the President is elected by the people and all were in favour of such a system.
- 14.13 Prevel As a Sarkee he was against the change but he had to vote for it having been railroaded into it by those from outside the Island.
- 14.14 Cole When this Assembly began discussing this he had no strong feelings about it; separation of legislature and judiciary is a good idea, but on the other hand, our system works well as it is, with no-one's rights suffering under it. He didn't like being bullied into making changes we don't want by outside forces; so he was ambivalent about it at that time.
However, Chief Pleas must act in the best interests of Sark, so we should support this proposition and go ahead with this reform, for these reasons -
1. the principle of separation of judiciary and legislature is right, and he believed we must support that;
 2. even if we reject this now, it will only come back later - if the enquiry into the position of Jersey's Bailiff decides to reform that role, then Guernsey will follow suit and we will immediately come under pressure to follow too;
 3. if we reject this now, it won't go away - it will continue to haunt us, and will sour our relationship with the MoJ, to no good purpose. This isn't a cause worth dying in a ditch for;
 4. there are many more pressing issues waiting for our attention - land reform, for example.
 5. so he would support this proposition, and urged all Conseillers to do likewise.
- 14.15 Guy Agreed with Conseiller Prevel – her heart says no but her head says yes.
- 14.16 Ventress Called for a named vote.
- 14.17 **Proposition – CARRIED on a named vote – 20 Pour, 5 Contre**
That Chief Pleas supports the division of the Seneschal's dual role as outlined in this Report and requests the Law Officers to prepare legislation to give effect to the proposals for the various offices as set out in this Report to enable the draft Law to be considered as soon as is practicable, and in any event, no later than the Christmas Meeting in January 2011.

15 Shipping Committee

Verbal Report

- 15.1 Cole Our Shipping Company has had a good trading year and is in good financial shape; the Company's financial year ends on 30th September and there will be full details at the Company's AGM early in the new year.

Passengers carried – 1 st January – 30 th September 2010	43,343
Passengers carried – 1 st January – 30 th September 2009	<u>42,111</u>

an increase of **1,232**

As reported at the Midsummer meeting of Chief Pleas, for the next timetable period October 2010 to November 2011, passenger fares will be increased, but by no more than this year's Retail Price Index.

- 15.2 Cole Our Company carried more cargo than last year and freight charges have not increased since October 2008; present rates will continue, and will be reviewed in October 2011. IoSS now offers 'through rates' for cargo brought from UK and on to Sark at competitive rates. All of our vessels are in good order, well maintained and the Company has been able to build up an essential spares inventory.
As to the Management of the Company, after two years' free work on our behalf, the Directors have agreed to be paid; no further details are available yet because the arrangements are still under discussion, but it will certainly cost our Company less than the previous paid management cost. This will commence for Mrs Julie Mann on 31st October 2010 and for Mr Colin Smith on 31st March 2011. They have not just kept our Company running, but have transformed it from a loss-making serious worry, to a successful effective reliable service, paying its own way.
Once again, he expressed the gratitude of this Assembly and he believed, all islanders, for the truly enormous workload that for two years has been shouldered by the Directors on our behalf, entirely free.

16 Road Traffic Committee Revised Mandate

- 16.1 Bateson This is purely housekeeping and removes the responsibility for the licensing of bicycles and horses, a function which has not been carried out by the Committee for some years.
- 16.2 Cocksedge Would this be a good time to hand over the determination of other financial aspects to the Finance & Commerce Committee?
- 16.3 Seneschal That could require additional legal drafting.
- 16.4 E. Baker Could we have a list of Laws, Orders and Regulations added to the Mandate?
- 16.5 Seneschal This applies to all Committees and all the legislation to which it works should be identified on its mandate.
- 16.6 **Proposition – CARRIED**
That Chief Pleas approves the Road Traffic Committee mandate as updated.

17 General Purposes & Advisory Committee The Renewable Energy – Regional Environmental Assessment

- 17.1 Seneschal Pointed out that on the original agenda circulated with papers, the title for this item says *Regional Energy Assessment* when it should say *Regional Environmental Assessment*. This was corrected on the Addendum agenda and on the website.
- 17.2 E. Baker This consultation document contains a huge amount of information and it is worthwhile reading it although it is a lengthy process.
- 17.3 Cocksedge Had read the whole report and it was certainly comprehensive; however it remains a desk-top exercise using collected data and there is a need to do more on the ground assessments.
- 17.4 **Proposition 1 – CARRIED**
That Chief Pleas acknowledge and accept the Regional Environmental Assessment consultation document as a reference document for managing the licensing and regulation of renewable energy systems within Sark's territorial waters.
- 17.5 E. Baker Working on renewable energy with the other Channel Islands is proving very useful. A huge amount of information has been gleaned and a lot of data has been collected and to date it has cost Sark very little. The Committee considers the time has come to show that Sark is not just a sleeping partner but that it can contribute in a small way by collecting important data that will be useful to our neighbours but owned by us. The amount suggested for this work is a maximum of £10k. By "piggy backing" onto surveys being carried out by Guernsey, the cost to Sark is minimised and results will give valuable detailed information and identify the variations of tidal flow in the water column at various depths of sea.
- 17.6 Guy In the second paragraph in the second part of the report, physical measurement of the tidal flow is identified. Attention has been drawn to the pinch point at the north-east corner of the Island and it should be noted that, whilst this may have a particularly strong tidal flow, not only is it on the main shipping lane into and out of Sark but also a key area for fishing, especially for scallops and other crustaceans.
- 17.7 Prevel He hoped the Committee would be monitoring carefully how the £10k is spent.

- 17.8 Cocksedge Guernsey States and Guernsey Electricity are doing investigations already. Is Sark too small to be involved; can we ensure that money will not be wasted? He referred again to the Islay proposals in Scotland questioning the commercial viability and the number of machines required for Sark and how they might interact with each other to influence the rate of tidal flow.

17.9 E. Baker Gave assurances that costs would be carefully monitored.

17.10 **Proposition 2 – CARRIED**

That the General Purposes and Advisory Committee be authorized to spend up to £10,000 for research related to renewable energy systems.

18 Finance & Commerce Committee

Assistant to the Tax Assessor

18.1 Cook The purpose of bringing this report was to ensure continuity; it was anticipated that Mr. Trevor Kendall, the current Tax Assessor, would want to retire at some stage and there was nobody to deputise for him or ultimately to take on the role. However, he had no name to put forward at this stage but hoped to come back as soon as possible with a nomination.

18.2 E. Baker Clarified his own role as it was questioned by a member of the public at the Chief Pleas' surgery. He assists the Tax Assessor but cannot deputise as he is a member of Chief Pleas.

18.3 Cocksedge Referred back to a meeting on 3rd December 2003 when a replacement was being considered for John Carré and asked whether it would be one or two assistants.

18.4 Seneschal That was to replace John Carré as an assistant and was just for one person. What is being sought here is a deputy not an assistant who can cover during any period of illness or long holidays taken by the Tax Assessor.

18.5 Cocksedge Noted that changes were made to the Sark Tax Tribunal at that same meeting.

18.6 **Proposition – WITHDRAWN**

That Chief Pleas confirm the appointment of the Committee's recommended candidate to the position of Assistant Tax Assessor.

19 Development Control Committee

Development Control Appeals Tribunal

19.1 Dunks Despite having similar names, the Development Control Committee has nothing to do with the composition or the running of the Development Control Appeals Tribunal; the two are separate entities. However, in the event of a resignation from the Tribunal panel, a new member is appointed by resolution of Chief Pleas, as per The Development Control (Sark)(Amendment) Ordinance, 2000, and for which the Development Control Committee acts as a channel to bring the name of the proposed new member to the attention of Chief Pleas.

Having served on the Appeals Tribunal since 2005, Mrs. Elsie Courtney has tendered her resignation. On behalf of the Chairman of the Tribunal, I would like to thank her for her time and input to the Tribunal.

I have faced Mrs. Courtney on several occasions when she had been selected to hear a particular appeal. I appreciate the work she, and the other members of the Tribunal have to put in as part of coming to what can never be an easy decision.

The Chairman of the Tribunal would like to propose Mrs. Linda Williams as the replacement member of the Tribunal.

19.2 **The nomination of Mrs Linda Williams as a member of the Development Control Appeals Tribunal. CARRIED**

20 Education Committee

Annual Report and appointment of a Non-Chief Pleas Member

20.1 Magell You will have seen that it has been a busy and successful year at Sark School; this is the joy of being on this Committee. She acknowledged the time and contribution that Mr. Simon Elmont had given to the Committee as parent representative during his long period of service.

She had been asked to amend the proposition as the parent representative is not an ex-officio member of the Committee but stands as a non-Chief Pleas Member.

- 20.2 **Proposition – CARRIED as amended**
That Chief Pleas approves the appointment of **Mr Adrian Guille as a Non-Chief Pleas Member** of the Education Committee, sitting as the parents' representative.

21 Finance & Commerce and General Purposes & Advisory Committees

Payment for Advisory and Law Drafting Services

- 21.1 Cook The report is self-explanatory; any Conseiller can pick up a 'phone to the Law Officers and receive a response. The charges for the services given are considered not unreasonable.
- 21.2 Maitland There has been a great deal of work involving Sark in 2010 and it is an increasing workload. The higher cost reflects the true situation of time spent on Sark legislative drafting and requests for advice.
- 21.3 Atkinson Asked if independent legal advice had been taken on the agreement. She had no problem with the cost but with the wording of the agreement.
In clause 1.2, reference is made to major (advisory work); what is a majority and how is it defined: There is no mention of TAT, explained later as turn around time.
- 21.4 Maitland The Law Officers would advise us if they considered what was being asked was a major task. He had never experienced delays but then that could be the nature of the work with which he was dealing which has had to take priority.
- 21.5 Atkinson She has experienced serious delays and could not find anyone to take on the work required when she was Chairman of the Finance and Commerce Committee.
- 21.6 Seneschal If approved in principle today, could Conseiller Maitland go back for "redrafting" and bring it back to a later meeting.
- 21.7 Maitland Agreed to do so.
- 21.8 E. Baker Considered that a much better relationship had been developed with the Law Officers by the Committees of the new Chief Pleas.
- 21.9 Guy At the initial Chairmen's meeting a priority list of legislation for drafting was prepared and this was sent to the Law Officers to assist.
- 21.10 Seneschal Perhaps this list should be reviewed and the priorities re-assessed.
- 21.11 Maitland Noted and this would be taken on by Conseiller Edric Baker who was chairing the next such meeting.
- 21.12 **Proposition – CARRIED**
That Chief Pleas approve the proposed Service Level Agreement and the associated cost.

22 General Purposes and Advisory Committee

The Protection from Harassment (Bailiwick of Guernsey) Law, 2005

- 22.1 Hunt **Wanted very much to address Chief Pleas on this item and to vote upon it. However he had been advised that there is a view that perhaps he ought not to do so because of the predicament in which he found himself at this time. While he does not agree with that view, he will say nothing and refrain from voting out of respect for anyone who may feel that he should not do so.**
- 22.2 Maitland The Committee in the light of recent events in Sark do not consider that a civil remedy for harassment has any part to play in a small island community such as ours. He understood that Alderney has not even considered the question. It would open the door to endless court actions.
The Committee could have said as much in reply to the Ozannes letter but feel that it is really up to Chief Pleas to make the final decision on this one.
- 22.3 Bateson He was concerned to see this item on the agenda as it was brought following pressure from an advocate representing just three people, two of whom aren't even on the electoral roll.
- 22.4 Dunks Before this item came to Chief Pleas, he suspected that few Sark residents were aware that there was a Protection from Harassment Law.
Part 1 of the Law has been in effect within Sark since 2005, and so for people here there is already legal protection from harassment. This part of the Law makes harassment a criminal offence and upon prosecution a person found guilty can be fined, imprisoned, or both.
We are now being asked to enable Part 2 of the Law, that it may have effect in Sark. Section 4 deals with Restraining Orders, while Section 5 deals with Civil Remedy, the latter allowing a person subjected to harassment to seek damages for any anxiety caused or financial loss as a result of the harassment.

- 22.4 cont. Dunks Part 2 of this Law is not about right and wrong or about justice but instead about money. He do not think that Sark would be a better place for its introduction, which is the main factor he would consider when asked to approve or introduce new Laws to the Island; this means he would not be supporting this proposition.
- 22.5 D. Baker Thought that while harassment is covered by criminal law that is enough; once again she doesn't have the funds to employ advocates to challenge what she might feel is harassment of herself nor the funds to defend herself in such a case. Money does make a difference in life but that shouldn't mean that, because you can afford to, you can harass others.
- 22.6 Guy Did not subscribe to the view '*sticks and stones may break my bones but words can never hurt me*'. She believed that words can be very hurtful indeed, cause anxiety and, in some cases, fear. It is therefore entirely right and proper that the criminal section of the 2005 law referred to should be in place in Sark.
However, and here she spoke as a past Constable, there were a number of occasions when people, often young and often fuelled by alcohol or testosterone, had said or texted or emailed, in a manner that would be described by many as 'hasty', an unpleasant message, sometimes more than once, to someone perceived as an adversary at that moment in time. In all cases these matters were resolved to the satisfaction of all concerned by talking things through, in some cases apologising, warnings and a good sprinkling of being rational, and, of course, the Seneschal's Court can bind a person over to be of good behaviour and apply conditions as required. The passage of time then put the matters in perspective and the adversaries may now be the best of friends or at least not at loggerheads.
Had the civil section of the 2005 Law been in place at the time of some of those occasions it is possible that the recipients of the type of messages of which she spoke may, perhaps encouraged by peer group pressure or an over-zealous lawyer, have sought civil remedy.
Her concern is that, in our small community, this could have blown what, though it seemed serious at the time, was, in the light of hindsight perhaps not as important as it appeared and, had it gone to law, could have resulted in long lasting enmity between families or friends and blown things out of proportion. She had little doubt that there are other past Constables in this room who would have had similar experiences.
She could find no record of The States of Alderney, another small community, passing an ordinance to adopt the civil section and she would vote against the proposition.
- 22.7 E. Baker Called for a named vote.
- 22.8 **Proposition – LOST on a named vote – 0 Pour, 23 Contre, 1 No Vote**
That Chief Pleas directs the Law Officers to draw up the necessary Ordinance to implement civil remedies in Sark under The Protection from Harassment (Bailiwick of Guernsey) Law, 2005.
- 22.9 Seneschal Propositions should support Committee reports. He asked that in future propositions should be written to reflect that position.

23 Public Health and Tourism Committees

Provision of smoke & carbon monoxide detectors in rented accommodation

- 23.1 Melling Introduced this report with the full consent of the Tourism Committee. The report comes from both Committees because that is how the Seneschal's recommendation was directed. It has become clear since that the accommodation law administered by the Tourism Committee is not the right law to amend to resolve this problem. It would be outside the scope of tourism to have to administer non-tourist property regulations. In Guernsey such matters are dealt with under Public Health control. If Chief Pleas agrees to take this matter forward then it should be done by the Public Health Committee.
- 23.2 The opportunity arises to look closely at concerns that have been raised other than the lack of alarms and to look into the whole situation of rented accommodation in Sark. The main concern highlighted is the number of residents in a building and whether or not there is sufficient means of escape. If the proposition is accepted, we can discuss this with interested parties as well as looking at the responsibility of a landlord to supply safe electricity, gas and water supplies etc.

- 23.4 It has also come to our attention that cases of illness have occurred from various substances in the structure of a building; quite how one can control this is unclear at present but we are taking advice.
- 23.5 Should we be considering the state of furniture etc. offered as part of the rental deal? He referred to the fire regulation standards that have long been in place throughout the UK and over which we have no control on Sark at present.
- 23.6 The Committee do not set out to bring in a restrictive law but we will take the responsibility to put in place regulation that will mean Chief Pleas has done all it can to ensure a safe environment for those in rented houses or rooms; that is the duty of this Assembly.
- 23.7 He had in mind that a lease passes responsibility from a landlord to the leaseholder, albeit that the leaseholder might sub-lease and then it becomes much less clear. In the case of a rent being paid, it is clear that the responsibility must be that of the landlord or owner to ensure standards are met whether or not those standards are voluntary or in law.
- 23.8 He felt that at this stage, the Committee needs to have Chief Pleas' permission to go forward and any real debate would be better once we have taken advice and have a good deal more detail; this report is really to kick-start the process. He urged all Members to get in touch with the Committee on any concerns they may have about rented property; this also applies to rented accommodation providers and any resident who feels they wish to be heard. Such contact should not be left too late as everything must be considered before an approach to the Law Officers is made.
- 23.9 He asked the Assembly to accept the proposition and in so doing endorse the fact that Public Health Committee will be the lead Committee for this matter.
- 23.10 Hunt As a member of the Sark Fire and Rescue Service, he fully supported any action that might be taken to improve safety measures in private dwellings.
- 23.11 Ventress Every householder should observe this advice throughout the year.
- 23.12 D. Baker Wasn't sure we should be looking at legislation for this but it does appear we can't trust in good old common sense; we can tell people they must have a smoke detector but that doesn't mean they will be in good working order all through the year or have their batteries replaced. Common sense is worth its weight in gold but you can't buy it. She concluded that there was no alternative but to legislate.
- 23.13 **Proposition – CARRIED**
That the Public Health and Tourism Committees consider the implications of the Seneschal's inquest statement, seek advice from the Law Officers and those on Sark with professional knowledge, with the aim of reporting back to Chief Pleas as soon as possible, it being accepted that only one Committee may bring back that report.
- 23.14 Seneschal Reported a serious fire in Jersey last weekend; Jersey's Chief Fire Officer said that it involved 11 apartments and that without fire alarms there would have been loss of life.
- 23.15 Cole Many alarms are disabled by people removing batteries when burning the toast sets off the alarm; they then fail to replace them. A better alarm is one with a snooze facility; or alternatively wave the air around under the alarm to disperse the smoke that has activated it.

24 General Purposes and Advisory Committee

Liquor Licensing Law

- 24.1 Cole In the early part of last year, GP&A received enquiries from an islander who was planning to make cider for sale, and from someone else thinking of making beer. It found then that the current Liquor Licensing Law does not address this issue at all. Since then, one of the hotels has plans for a micro-brewery, and of course vines have been planted which in time we hope will produce wine.
The production of alcoholic drinks is everywhere regulated, partly as a source of revenue but also for reasons of public health. It is important that consumers can know the strength of what they are drinking, and have confidence that it is safe; that it has been tested by a reliable authority. This is an area an amendment to our Liquor Licensing Law might cover.

- 24.1 cont. Cole The Law could also give Chief Pleas the power to impose an impôt, just as there is on all imported alcohol products. Of course, Chief Pleas might decide to set it at a very low rate, or even zero, in order to encourage local business. That would be for this Assembly to decide when the time comes.
However, GP&A Committee has no settled views on these issues, or even on whether a law to cover the production of alcohol is required by this House. The proposition asks if you want us to investigate this further; if so, the Committee will invite comments from any interested parties before bringing any proposals back to Chief Pleas at a later meeting.
- 24.2 Magell **Declared an interest, took no part in the debate and did not vote.**
- 24.3 Armorgie **Declared an interest, took no part in the debate and did not vote.**
- 24.4 Cocksedge Quoted from a Guernsey Ordinance dated 1931 on domestic alcohol production.
- 24.5 Seneschal That Guernsey ordinance, which formed the basis for Sark's legislation was repealed recently by Guernsey.
- 24.6 Hunt Asked what happens in Guernsey.
- 24.7 Seneschal A newer Guernsey only Law was introduced which repealed the previous Guernsey Ordinance and with it the inclusion of Sark in any such legislation.
- 24.8 Gomoll If a Law was in place in Sark, any impôt applied could be zero rated but it should say no higher than the current impôt on imported alcohol.
- 24.9 Maitland GP&A has no wish to change the proposition as currently written.
- 24.10 E. Baker This subject is nothing new; the late Dr. Henry looked into it when he grew vines. Crab Apples in Sark are particularly good this year and many will be encouraged to do some brewing.
- 24.11 **Proposition – CARRIED**
That Chief Pleas instructs the General Purposes and Advisory Committee to request St. James' Chambers to draw up legislation to regulate the proper production of alcoholic products and to empower the Chief Pleas to impose Impôt on them as it sees fit, and to bring a Report with draft legislation on the matter to this Assembly.

25 Agriculture Committee

Dark Skies Application for Sark

- 25.1 P. Williams Apologised for the original wording in Sark's application to the International Dark Skies Association that had been posted on the official Government website. The penultimate paragraph on Page 11 assumed that Chief Pleas had already made available the amount requested in the proposition to this report. Obviously, this is incorrect and the wording has been changed accordingly. Once again he apologised if anyone was misled by the previous words.
- 25.2 Regarding the application, there are many projects on the Island targeted at enhancing our tourism industry and, no matter how big or small, incentives such as the Dark Skies application should not be maligned as a waste of time and money, a comment which has come from certain quarters of the Island. Most people who care for the Island are very proud of what we have in its uniqueness and natural beauty and to retain our dark skies should surely be an objective for us all.
- 25.3 In saying that however, he was not advocating any big brother approach with yet more rules and regulations; this is certainly not the intention with this application. The Agriculture Committee is the conduit into Chief Pleas for the application and is fully supportive of the initiative. The Committee is unaware of any political motives and certainly would not support any move within Chief Pleas to control any aspect of lighting on the Island. It is sincerely hoped that all residents, commercial and private alike will do their utmost to assist in helping to achieve the objectives outlined in the application and this report.
- 25.4 The driving force behind the application has been La Société Serquaise and he trusted that Chief Pleas would join with him in thanking them and Mr. Steve Owens, the UK Co-ordinator for the International Year of Astronomy, for all their work to gain this status for Sark of first Dark Skies Island.
- 25.5 He asked that Chief Pleas consider adjusting the amount requested in the proposition. The expenses incurred are £4,725; this is lower than estimated due to the generosity of residents who offered free accommodation to the inspection team. La Société Serquaise has raised £2,725.
The request, if approved by this Assembly, is for the rather pleasing smaller amount of £2,000

25.6 E. Baker Congratulated Conseiller Williams on a good report. La Société Serquaise should also be congratulated, especially Ms Jo Birch, who has co-ordinated all the effort made on this project.

25.7 **Proposition – CARRIED as amended**
That Chief Pleas request the Finance & Commerce Committee to make up to **£2,000** available to include the cost of a one-off payment for registering with the International Dark Skies Association and to assist with the development of the project.

The Assembly recessed at 12.50pm and resumed at 2.00pm

26 General Purposes and Advisory Committee

Financial Services and Company Registry

26.1 Gomoll Introduced the item and explained that the reasons for suggesting such an initiative are all listed in the report. Sark is closely regulated by the Guernsey Financial Services Commission (GFSC) and has co-operated in supporting increasing legislation but in turn pays increasing fees for the services it administers; it sees no share of the revenue collected in return.

26.2 Cook Before we move to ask the Law Officers to draw up legislation, should we not first have some understanding of the benefit to Sark that a Company Registry would bring, how and by whom it would be administered, the cost of setting it up and some idea of the expected income. Also by whom it would be regulate and how would outside Companies be assessed and monitored.
He would have preferred to see a proposition asking for support to investigate the practicalities and benefits of a Sark Company Registry before being asked to support instructions to the Law Officers.

26.3 Gomoll The GP&A Committee would need to work out a process during the preparation of new legislation. The Sark economy is paying high fees to Guernsey but seeing no benefits in return.

26.4 Cook If Sark goes it alone, how would it be regulated and what costs would be involved?

26.5 Gomoll It would remain regulated by the GFSC but would have the benefit of administration in Sark alongside Land Reform with registration of both by the Gréffier. Companies would pay much reduced registration costs but the income would be sufficient to cover the costs and provide a revenue stream for the Island.

26.6 Cook Has the GFSC agreed such an arrangement?

26.7 Guy It was mentioned a few years ago but the set-up costs were monstrous.

26.8 Gomoll Guernsey has set-up a separate independent registry. The GP&A Committee is meeting with the External Policy Group of Guernsey States on Friday this week when a visit to GFSC is on the agenda.

26.9 R. Dewe Had heard that the income only just covers the cost in Guernsey.

26.10 **Proposition – CARRIED**
That Chief Pleas supports the creation of a Sark Company Registry and requests the Law Officers to prepare draft legislation governing the Sark Company Registry and legal persons to be incorporated and / or registered in Sark as soon as is practicable for consideration by Chief Pleas at the Christmas Meeting in January 2011.

27 The Douzaine

Alienation of Land

27.1 E. Baker Alienation of land has to come before Chief Pleas before a conveyance can take place.

27.2 **Proposition – CARRIED**
That Chief Pleas approves the alienation of a strip of land ten metres by sixty metres adjacent to the New Island Hall.

28 General Purposes and Advisory Committee Sark Electricity Company

- 28.1 Maitland Almost all communities pass laws to regulate their essential services, not to interfere with them but to ensure they cannot abuse their monopoly position. To do so is not to insult or criticise the present Company because it is almost unthinkable that they would want to do so.
The regulation of utilities isn't a new or alien idea being forced upon us. Our telecommunications, our postal services and our lifeline shipping service have long been regulated to ensure they serve the public interest.
Electricity supply in Sark is not regulated and thus far it hasn't been necessary, because the Company operates with goodwill, good sense and in good faith. That is the situation at present. The question is – are we willing to take a chance that any future new owner or management will continue to act in the same way?
We would be foolish to wait for problems to arise before bringing in legislation. We live in changing and dangerous times for Sark; let us act now to bring in proper protection for our essential electricity supply.
The Committee met with Mr. John Curran, the Office of Utility Regulation regulator over a year ago and from the advice given then it feels now is the time to progress legislation.
- 28.2 Magell Declared an interest, took no part in the debate and did not vote.
- 28.3 Armorgie Declared an interest, took no part in the debate and did not vote.

28.4 Proposition – **CARRIED**

That Chief Pleas instructs the General Purposes & Advisory Committee to continue its discussion with Sark Electricity Company and to report to Chief Pleas in due course with the outcome.

29 Tourism Committee Information Report

- 29.1 Audrain Updated the written information report, confirming that the 2011 brochure was on schedule, that a Tourism Forum would be held in February/March 2011, that improved signage and the external appearance of the office were underway.
The touch-screen facility had arrived and was being installed.
She also confirmed the IoSS figures previously given by Conseiller Cole and thought a slight increase over the year was good news given the poor financial climate in which the Company was working.

30 Road Traffic Committee The Tractors (Sark) Law, 1974 (as amended)

- 30.1 Bateson Any tax rise needs a resolution of Chief Pleas before it can be applied.
- 30.2 Proposition – **CARRIED**
That Chief Pleas approves the increasing of the tractor licence tax to £100.00 per annum and to £50.00 for a licence issued on or after the 1st of July in any year.

Closing Remarks

- H** The Seneschal confirmed that there would be an Extraordinary meeting of Chief Pleas on Wednesday 10th November, 2010, at 7.00pm in the Assembly Room. It was intended to be a single item agenda dealing with amendments to The Reform (Sark) Law, 2008.
The Seneschal would attempt to circulate papers 21 days before the meeting but certainly no later than 10 days before.
- J** The Seneschal reminded the Assembly and the public of the significant dates for the General Election. A briefing note is attached to these minutes as promised.

Forthcoming meetings for Chief Pleas' Members

EXTRAORDINARY MEETING – **Wednesday 10th NOVEMBER 2010 at 7.00pm**

Single item Agenda to approve the Projet de Loi amending the Reform Law.

SPECIAL MEETING – **Saturday 15th JANUARY 2011 at 10.00am**

Swearing-in of new Conseillers and filling Committee vacancies

CHRISTMAS MEETING – **Wednesday 19th JANUARY 2011 at 10.00am**

Agenda closes -

Monday 13th December 2010 at 3.00pm

Papers distributed to Members by Wednesday 22nd December 2010.

This meeting closed at 2.25pm

Brian Garrard MILT (Sark Committee Secretary) 14th - 20th October 2010

Seneschal
and President of Chief Pleas

Greffier

Signed on 21st October 2010

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

www.gov.sark.gg

and are also available from the Committee Office for a small charge per sheet.

MICHAELMAS CHIEF PLEAS

6th October 2010 at 10.00am

Elected Term		Attending	Item 14	Item 22					
	The Seigneur – J. M. Beaumont	/							
	The Seneschal – Lt. Col. R.J. Guille	/							
CONSEILLERS									
2	Mr. D.T. Cocksedge	/	P	C					
4	Mr. R.J. de Carteret	/	C	C					
2	Mrs. H.M. Plummer	/	C	C					
2	Mr. D.W. Melling	/	C	C					
4	Mrs. H.C. Magell	/	P	C					
2	Mr. C.H. Bateson	/	P	C					
4	Mr. A. Dunks	/	P	C					
4	Mr. A.C. Prevel	/	P	C					
4	Mrs. S. Williams	A	-	-					
4	Ms. E.M. Dewe	/	P	C					
2	Mr. E. Baker	/	P	C					
4	Mr. P.J. Williams	/	P	C					
2	Mrs. D. Baker	/	C	C					
4	Mr. R.J. Dewe	/	P	C					
4	Mr. P.M. Armorgie	/	P	C					
2	Mr. A.J. Cook	/	P	C					
4	Mr. C.N.D. Maitland	/	P	C					
2	Ms. M.A. Perrée	/	P	NV					
2	Mr. C.R. Nightingale	/	P	C					
2	Ms. J.M. Guy	/	P	C					
2	Mr. J.E. Hunt	/	P	***					
4	Mrs. A. Atkinson	/	P	C					
2	Mr. A.G. Ventress	/	C	C					
2	Mr. S.B. Gomoll	/	P	C					
4	Ms. C.D. Audrain	/	P	C					
2	Mr. P.J. Cole	/	P	C					

Brian Garrard, Committee Secretary, 6th October 2010

A Apologies
/ Present
C Contre
NV No Vote
P Pour

*** Conseiller Hunt took no part in the debate or the voting.

2 – Term of office ends in January 2011
 4 – Term of office ends in January 2013

Seneschal
 7th October 2010

TIMETABLE FOR GENERAL ELECTION OF 14 CONSEILLERS 8th DECEMBER 2010

- 12 Nov 10 Notice in Gazette Officielle and Island Boxes of forthcoming election and giving closing date & time by when nominations are to be received etc.
- Nomination forms will be available for collection from the Greffe or Seneschal's office. When completed the forms are to be delivered by one of the persons named on the form to the Seneschal (Returning Officer).
- A daily list of nominations received will be posted in the Official Notice Boxes; nominations will be listed in the order received.
- 22 Nov 10 Nominations will close at 12 noon. Thereafter I may need to post Notices asking for volunteers from Island Residents to man the Polling Station and to conduct the Count after the poll closes. However, it is my intention to ask those persons who assisted at the December 2008 Election to do so once more and several have already indicated their willingness to do so again. Any vacancies needing to be filled for those posts will be called for if required.
- 23 Nov 10 Notice in Island Boxes of Nominations with Proposers and Seconders.
- 26 Nov 10 Notice in Gazette Officielle of Nominations with Proposers and Seconders.
- 06 Dec 10 A briefing will be held for the polling station and count volunteers. [Time to be confirmed later]
- 08 Dec 10 General Election Day: 10.00am until 6.00pm – Polling Station in Toplis Room, Count in Main Hall.
- Election results will be announced at the completion of the Count and a Notice of the Results will be posted on the Polling Station door as soon as possible thereafter. (Should a recount be necessary provisional results only will be announced; when the recount is completed the final count results will be made.)
- 09 Dec 10 Notice in Island Boxes of Result.
- 10 Dec 10 Notice in Gazette Officielle of Result.
- In the event of a 'tie' between two (or more) candidates, when the addition of one more vote would have caused a person to be elected, a second election has to be held. (New Voting Papers have to be produced for the tied candidates & Notices of the second election need to be published in the Gazette Officielle & Island Notice Boxes.)
- 05 Jan 11 General Election re-run, only for candidates tied at 08 Dec. (No other nominations allowed.) It is hoped that the same set of volunteers would assist the Returning Officer at this second election as they did on the 08th December.
- 06 Jan 10 Notice in Island Boxes of Result.
- 07 Jan 11 Notice in Gazette Officielle of Result.

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TIMETABLE FOR GENERAL ELECTION OF 14 CONSEILLERS 8th DECEMBER 2010

Continues from previous page:

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|-----------|---|
| 14 Jan 11 | At midnight on the 14 th January the term of office of the two-year term Conseillers will cease in accordance with Paragraph 1 of "The Reform (Election of Conseillers) (Dates) (Sark) (No. 2) Ordinance, 2008". |
| 15 Jan 11 | A Court will be held at 10am to administer the Oath of Office and Oath of Allegiance to the elected Conseillers; this will immediately be followed by a Special Sitting of Chief Pleas at which elections to fill places on all the Committees will be held. Thereafter and before the Christmas Meeting of Chief Pleas all Committees will need to meet to elect Committee Chairman and Deputy Chairman. |
| 19 Jan 11 | Christmas Meeting of Chief Pleas to commence at 10am. |

NOTE:

I have been asked to inform prospective candidates for the Election of Conseillers that any mail shots to households must be sent through the Post Office before the end of November. My advice to prospective candidates is that they should work on getting their manifestos out as soon as they have made a decision to stand and have applied to do so. This is post office policy for the busy mail month of December and the Christmas rush.

**Lt Col RJ Guille MBE
Seneschal and Returning Officer**

5th October 2010