

MINUTES of an EXTRAORDINARY MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 10th November 2010 at 7.00 pm.

Present: Sieur J.M. Beaumont OBE, Seigneur; Lt. Col. R.J. Guille MBE, Seneschal; K.N. Adams, Deputy Prévôt; T.J. Hamon, Greffier; and the Constables.

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

Opening Comments

- A** Apologies were received from –
Conseillers Guy & Dunks, both on pre-booked holidays;
Conseiller Cocksedge attending a meeting in London regarding the extension of territorial seas;
Conseiller Perrée who is ill;
Conseiller Melling who is out on an Emergency Ambulance call.
The Treasurer was also on a pre-booked holiday.
- B** The Seneschal read out a letter from Mrs. Nellie Le Feuvre, Treasurer of Sark Methodist Church;
“*I thank you and members of Chief Pleas for the grant of £443, so generously given to our Chapel, which is very much appreciated*”.

1 Minutes of Michaelmas Meeting on 6th October 2010

- 1.1 Seneschal Asked for any corrections to the minutes of the Michaelmas meeting of Chief Pleas held on 6th October 2010.
- 1.2 Cole [Questions \(Ref. 2.1\)](#) – change **Benjamin Bon** to read **Monsieur Benjamin Bon**;
Conseiller Perrée’s reference is to a person not the name of a boat.
- 1.3 Cole [Questions \(Ref. 2.1\)](#) – remove **or Jersey**.
- 1.4 Cole [Questions \(Ref. 2.5\)](#) – change **building materials** to read **aggregates**.
- 1.5 Cook [Budget \(Ref. 12.4\)](#) – the point was his and not Conseiller Dunks.
- 1.6 Bateson [Dual Role \(Ref. 14.6\)](#) – change “...**because the Committee stands accused by the Barclay’s lawyer of insufficient consultation**” to read “...**because the Committee has been told it would be open to challenge and stands accused of insufficient consultation**”.
- 1.7 Cook for Con. Guy [Renewable Energy \(17.6\)](#) – remove the final words “...**especially for scallops and other crustaceans**”.
- 1.8 Maitland [Drafting Services \(Ref. 21.6-21.7\)](#) – pointed out that whilst Conseiller Atkinson had raised the issue of turn round time, the proposition was approved as written and without amendment; these paragraphs were therefor irrelevant.
It was **AGREED** to remove them.
- 1.9 With these edits made the minutes were **APPROVED**.

Matters Arising

- 1.10 E. Baker [Renewable Energy \(Ref. 8.7\)](#) – the answer to Conseiller Cocksedge’s question could not be answered at the meeting; subsequently this has been checked and the approved developer, as part of the agreement, would be paying.
- 1.11 Seneschal So it would not come from the public purse.
- 1.12 E. Baker Correct.

2 Questions not related to the Business of the Day

- 2.1 P.Williams Is the GP&A Committee going to take any further steps to reform Sark’s land-holding laws?
- 2.2 Cole The pre-Reform Chief Pleas discussed Land Reform and agreed to leave it to the new democratically elected Chief Pleas to take forward. Sark has now moved from a Feudal system of government to a democracy and it is time to move away from feudal land-holding and to democratise it.
- 2.3 Considerable public interest has been expressed on this subject for some time and, following the initial meeting last month, the GP&A Committee will bring a Report to the Christmas Chief Pleas meeting in January 2011 with a proposal that that it should form a Land Reform Sub-Committee, the membership to include Conseillers serving on the Development Control Committee, the Douzaine (responsible for the Cadastre and local market properties list) and Agriculture (responsible for rural and environmental issues); it could include up to two non-Chief Pleas’ Members with identified specialist knowledge.

- 2.4 Cole The Sub-Committee would consult with other Committees, such as Public Health, from time to time as necessary and will bring a “green paper” for discussion to the Easter meeting of Chief Pleas.
- 2.4 Seneschal It would not actually be a Sub-Committee but a ‘Special Purposes’ Committee and would run until it has completed its mandate, just as the Reform Law Committee did previously.

3 General Purposes & Advisory Committee

The Reform (Sark)(Amendment)(No.2) Law, 2010

- 3.1 Maitland The Committee felt it would be best if this Chief Pleas, which has already voted on the separation of the dual role on two occasions, should finally deal with the issue by agreeing the Projet before us and sending it on its way to London. Hence this extraordinary meeting. It enables us to start next year with a new Chief Pleas and a clean slate, at least as far as the dual role is concerned.
It might be worthwhile going through the main points in this Projet and the few changes and additions that have been made since the Michaelmas meeting.
- 3.2 [Amendment Section 3 \(New Section 5A of the Law\)](#) - in dealing with the Seneschal's (Judge's) role, by adding an Appointments Committee to work with the Seigneur is merely formalising what was the practice in the past. It is customary that judges should not be appointed for fixed terms, which is why there is a retirement age of 65, extendable up to 75. Apart from this, the situation remains very much the same and we have tried not to move away from tradition to any great extent.
- 3.3 [Amendment Section 8 \(New Section 22A of the Law\)](#) - the major change comes with the role of President of Chief Pleas. The Committee did not go down the Alderney route with an Island wide election because it is important that whoever presides over Chief Pleas has the confidence of the Assembly; also, importantly, the President in Alderney has a more political role.
The Committee feels that it is important that Chief Pleas is not limited in any way when making the choice of President by saying who can stand for this post. Again, we are a small community and there is no wish to put off potential candidates.
The Committee has listened to comments made at Michaelmas, and a Conseiller can now stand without having to resign beforehand.
- 3.4 [Amendment Section 11 \(Section 32 of the Law\)](#) - if the President is in any way incapacitated and unable to fulfil his duties in summoning Chief Pleas, because there is no Deputy President, the Seigneur would step in to do so. In reality, of course, the Seigneur would be working with the Committee Secretary and members of Chief Pleas to sort out the situation.
- 3.5 [Amendment Section 12 \(Section 35 of the Law\)](#) - for an actual meeting of Chief Pleas, Conseillers would elect a fellow Conseiller to chair a particular meeting if the President was unable to do so. It must be emphasised that this would not be one of the Seigneur's duties. These are sensible solutions.
- 3.6 [Amendment Section 8 \(New Section 22A\(6\) of the Law\)](#) - the actual procedure for the election of President will be made by Ordinance. This will deal with the vote, how it is counted, what happens if there is only one candidate, or if there are two candidates and they get equal votes. This gives Chief Pleas greater flexibility and if problems arrive in practice, they can be dealt with easily with an amending ordinance.
- 3.7 [Amendment Section 24 \(Section 49\(5\) of the Law\)](#) - as the remuneration and terms of employment of the Seneschal and President are now the responsibility of Chief Pleas through GP&A and the Finance Committees, the Committee has also made a small change so that the remuneration of the Prévôt and Greffier and their deputies are also taken from the Lt. Governor and follow the same course. We now have consistency for all island appointments.
- 3.8 [Amendment Section 17 \(New Section 25\(2\) of the Law\)](#) - deals with the problem raised at the Michaelmas meeting and in future all existing vacancies in Chief Pleas can be filled at a General Election, without the need for a separate by-election for casual vacancies.
- 3.9 [Amendment Section 16 \(New Section 23 of the Law\)](#) -
Greater flexibility has been given where there are vacancies in Chief Pleas due to death or retirement. A previous Chief Pleas had wanted to limit the expense of by-elections and up to this point, a by-election can only be called if there are three vacancies. New Section 23(8) now provides that a by-election can take place where there are two vacancies.

- 3.9 Maitland [Amendment Section 20 \(Section 29 of the Law\)](#) - it was felt that it would be more sensible if the Greffier maintained a register of voters on an ongoing basis rather than as an annual exercise; this will be open for public inspection in the Greffier's normal office hours. An Ordinance will be passed before an election which will provide a date when the Register will close.
- 3.10 He thanked HM Comptroller, Richard McMahon, for his untiring support and to Crown Advocate Vicki Ogier, whose very speedy and effective drafting has enabled this Project to be completed to meet a very tight schedule.
Whatever our feelings on the pressures that have forced these changes on Sark, once the changes have taken place and with good will on all sides we shall have come to a very workable solution which will indeed strengthen democracy on this Island. He offered to answer any further queries from Conseillers.
- 3.11 D. Baker Wished to repeat her feelings about this report as she did on the same subject at the Michaelmas meeting and she would not be supporting the proposition.
- 3.12 S.Williams Was absent for the Michaelmas meeting but wished to ally herself with Conseiller Diane Baker and likewise would not be voting in support.
- 3.13 **Proposition – CARRIED**
That Chief Pleas approves the Projet de Loi entitled “The Reform (Sark) (Amendment) (No. 2) Law, 2010”.

Closing Remarks

C The Seneschal explained the arrangements for the Extraordinary (Special) Meeting of Chief Pleas to be held on Saturday 15th January 2011. These will be similar to those of the Special Meeting held in January 2009 whereby all 28 Conseillers selected and applied for those Committees on which they wished to serve. On this occasion we are only looking at placing the 14 Conseillers elected to fill vacancies left by the previous 14 Members who stand down having completed their two-year term of office.

Once it is known who the Conseillers Elect are to be, the Seneschal will provide a “Nomination to Committees Form” to each which needs to be returned by 3pm on Monday 10th January 2011, a few days ahead of that Special Meeting.

The format of elections will follow that of 2009 whereby the vacant positions on GP&A will be contested first; thereafter Committee elections will happen in alphabetical order. Included in these Minutes is a list of the number of vacancies on each Committee and the Seneschal read these out at the meeting. A similar sheet will also be provided to the Conseillers Elect with their Nomination to Committees Form.

The Special Meeting will have a single item Agenda dealing with elections to Committee and, for the avoidance of doubt, those remaining Members of this Assembly will retain their current Committee Membership; this of course gives that very important continuity, which was one of the reasons for the two-yearly elections of half the Assembly.

Between the Special Meeting and the Christmas Meeting there are only a few days and in that time all Committees will need to meet to elect and/or confirm their Chairmen and Deputy Chairman. It might be as well, due to the shortness of time, for all 26 Conseillers to meet at say 6.00pm in the Island Hall on Monday 17th January and each Committee in turn go to the Board Room for the election or confirmation of Chairman and Deputy Chairman until such time as all Committees have met. Whichever way you decide to do it the Seneschal needs to be informed ahead of the Christmas Meeting as to who are the Chairman and Deputy Chairman of each Committee.

Forthcoming meetings for Chief Pleas' Members

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 7.22pm

Brian Garrard MILT (Sark Committee Secretary) 11th November 2010

Seneschal
and President of Chief Pleas

Greffier

Signed on 12th November 2010

The report to which this decision refers is shown in full on the website
www.gov.sark.gg
and is also available from the Committee Office for a small charge.

ELECTION OF CONSEILLERS TO CHIEF PLEAS COMMITTEES **Saturday 15th January 2011**

GP&A

5 or 6 Members (3 x vacancies)

Agriculture

3 Members (2 x vacancies)

Development Control

5 Members (2 x vacancies)

Douzaine

12 Members (6 x vacancies)

Education

5 Members (1 x vacancy)

Emergency Services

3 Members (2 x vacancies)

Finance & Commerce

5 Members (1 x vacancy)

Firearms

3 Members (2 x vacancies)

Harbours & Pilotage

5 Members (3 x vacancies)

Medical

5 Members (3 x vacancies)

Millennium

4 Members (3 x vacancies)

Public Health

5 Members (2 x vacancies)

Road Traffic

5 Members (2 x vacancies)

Sea Fisheries

5 Members (4 vacancies)

Shipping

5 Members (2 x vacancies)

Tourism

5 Members (2 x vacancies)

EXTRAORDINARY CHIEF PLEAS

10th November 2010 at 7.00pm

Elected Term		Attending							
	The Seigneur – J. M. Beaumont	/							
	The Seneschal – Lt. Col. R.J. Guille	/							
CONSEILLERS									
2	Mr. D.T. Cocksedge	A							
4	Mr. R.J. de Carteret	/							
2	Mrs. H.M. Plummer	/							
2	Mr. D.W. Melling	A							
4	Mrs. H.C. Magell	/							
2	Mr. C.H. Bateson	/							
4	Mr. A. Dunks	A							
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	A							
2	Mr. C.R. Nightingale	/							
2	Ms. J.M. Guy	A							
2	Mr. J.E. Hunt	/							
4	Mrs. A. Atkinson	/							
2	Mr. A.G. Ventress	/							
2	Mr. S.B. Gomoll	/							
4	Ms. C.D. Audrain	/							
2	Mr. P.J. Cole	/							

Brian Garrard, Committee Secretary, 11th November 2010

- A** Apologies
- /** Present
- C** Contre
- NV** No Vote
- P** Pour

2 – Term of office ends in January 2011

4 – Term of office ends in January 2013

Seneschal
12th November 2010