

MINUTES of the CHRISTMAS MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 19th January 2011 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 Constables.

25 Conseillers were present at the roll call (see attached list and named voting record). Apologies were received from Conseiller Atkinson who was unwell.

01 Opening Comments

- 0.1 [Sir Fabian and Lady Malbon](#) – the Seneschal announced a Vin d'Honneur at the Island Hall in Sark to mark the retirement of the Lt. Governor; this would take place at lunchtime on Wednesday 9th February and all Sark residents were welcomed to attend. There will also be a medal presentation by the Lt Governor to two Fire Service personnel.
- 0.2 [Col. Richard Graham MBE](#) - the ADC to the Lt Governor, was awarded the LVO (Lieutenant of the Royal Victorian Order) for services to Her Majesty in the New Year's Honours List and which award is a personal gift of the Queen. The Seneschal has given him personal congratulations and the Assembly also added its congratulations to him.
- 0.3 [Road Traffic Tribunal](#) - the Seneschal announced that Mr Roy Cook has tendered his resignation, having been elected by Chief Pleas in October 2002, serving as Chairman for the past 7 years. During that period he dealt with a goodly number of appeals; as he said in his resignation letter - "...and of course not everyone, be it the Applicant or indeed members of the Appeals Tribunal Panel, were always happy with the outcome." Mr Cook's reason for going is purely advancing years as he is now 86 (was already 78 when he volunteered and was elected) and it shows his commitment to this community that he has kept going for so long, with no retirement age in his terms & conditions. On a non-Chief Pleas matter he has, until this year, been the Sark representative on the Channel Islands Music Council and has helped bring a varied choice of live music to Sark and the Sark School for the past 10 years. His commitment has been exceptional and the Seneschal asked to have a vote of thanks recorded for Mr Cook's services to the community. Mr Kendall tendered his resignation by letter of 12th December and his resignation may have been prompted by that of Mr Cook; Mr Kendall has served on the Tribunal Panel since Michaelmas 2003 and has sat on several appeals and in his resignation letter points up a number of issues for the current Road Traffic Committee to consider to assist the work of the Tribunal appointed to hear an appeal. Mr Kendall remains active in support of the community by his on-going work as the Tax Assessor. The Seneschal asked for a vote of thanks to be recorded for Mr Kendall's work on the Tribunal Panel.
- 0.4 [St. Peter's Church](#) - the Seneschal read out a letter of thanks from the Churchwardens for the annual grant of £880 received from Chief Pleas.
- 0.5 [HMS Ledbury \(Mine Hunter\)](#) – the Seneschal announced its visit on the 13th & 14th May 2011. A Constable's Committee will be formed to organise the events around the visit and a request for any funding requirements will be made at the Easter Meeting. Funds of £500 were made available for the visit of HMS Cattistock in 2008 and the Seneschal would expect a similar amount to be needed this time. A reconnaissance by the Royal Navy on 22nd February will discuss a programme with us for the visit.
- 0.6 [Deputy Greffier](#) – the Seigneur announced the retirement of the Deputy Greffier, John Hamon, and the appointment of his replacement by his grandson Mr Gary Hamon. Chief Pleas asked that a vote of thanks be recorded for Mr Hamon senior's work over many years.
- 0.7 [Land Reform](#) – the Seigneur made a statement as follows –
"I would again like to welcome you all to another term of office. I know there is much work in front of you though I personally believe that the most important task for Chief Pleas now or in the very near future, is to complete the Reforms started some years ago. That esteemed Sark Estate Management paper wrote recently of me, and I quote: -
He should say whether he approves of Land Reform or not and whether Land Reform would apply to his own land or not.
So I take this opportunity to answer and the answer to both questions is an emphatic YES. Land Reform has, unfortunately, been left behind by having to concentrate on the Human Rights issues of taxation and on this democratic Assembly".

0.7
Cont

“Sark land tenure, as I am sure you are all aware, is peculiar to Sark. In the sixteenth century under Norman Law, land was divided up amongst the heirs on the death of a tenant. Sark land holdings were too small to allow this, as farming would have become untenable and stability lost, so at the request of the Seigneur this was changed by the 1611 Charter to the state we still have, that land should be indivisible. Long leases were also banned for the same reason. Now, after our changes, all the original reasons for the indivisibility have gone and we are left with just the downside of the original law.

At present, no leaseholder can hope to own their own house and no landowner can sell a piece or plot of their own land. They can only lease or rent it whereas, if divisibility were allowed, as in all other democracies, prospective buyers could obtain mortgages to build their houses and have access to cheaper money, and landowners could raise capital by mortgage or selling a parcel of land should they wish to do so. Of course, all subject to planning consent, nobody wants a complete free for all of development.

For the sake of all the Sark leaseholders, I would also like to see the introduction of lease enfranchisement as has been done elsewhere in the UK when faced with a similar problem of big wealthy landlords dominating the leasehold market to the exclusion of freeholds. I appreciate that such a move would not be popular with some landowners; some will wish to retain their feudal holding as land gives power and they won't want to lose any of that to a leaseholder and others who just don't like change.

Of course some leaseholders may not wish to avail themselves of it either but at least they would have a choice which at the moment is denied them.

It is important that we all recognise that feudal land tenure has resulted in the vast majority of our population being leaseholders, quite unlike the other Channel Islands or the UK. Many of these are very much in the hands of their landlords. This was tolerable when the landlord lived in Sark and was part of the Sark community but now we have the problem of one family who hold one third of the Island as landlords, who not only do not reside on Sark, are most certainly not part of the community and where a leasehold is just one insignificant property in part of a portfolio of properties. Indeed, some landholdings are now owned by companies and there are others in the pipeline so what interest do they have in Sark, apart from making money. If that were not bad enough, we now believe that a move is likely in the near future to incorporate all those family properties into company ownership. I am confident that, when fully explained, the majority of tenants and, most if not all the leaseholders who to a greater or lesser extent are beholden to their lessor, will see its benefits and, perhaps far more importantly, see the empowerment of the leaseholder as a matter of common justice of which regrettably in recent years has often been more noticeable by its absence.

This won't be your only problem by any means; there are many already in the pipeline and there is always another one round the corner that nobody has yet thought of; it is all part of life's rich pattern – but, whatever direction you may decide to take, I wish you all a satisfying and productive term of office”.

- 0.8 [Addendum](#) - there is one new Item (23) on an Addendum that was published on the 7th January and the Seneschal reminded Members of Rule of Procedure 9 that allows the President or any Member to propose a change to the order of business and, if supported by a simple majority of Chief Pleas, the order of business may be altered. He had no wish to make such a proposal to take that extra item ahead of any other business but he invited any Member who wished to do so, to please make that proposal, now or at any time during the Meeting.

1A Minutes of the Extraordinary Meeting on 10th November 2010

- 1.1 Cocksedge [Opening Comments A](#) – explained that his meeting on the extension of territorial seas related only to Sea Fisheries' issues.
- 1.2 The minutes were **APPROVED** with this one minor change for clarification.
There were no matters arising.

1B Minutes of the Special Meeting on 15th January 2011

- 1.3 The minutes were **APPROVED** with no changes.
There were no matters arising.

2 Questions not related to the Business of the Day

- 2.1 Perrée [Question 1](#) - Asked if the General Purposes & Advisory Committee (GP&A) would further consider the possibility of a dedicated Customs Post on Sark by making more representations to the Chief Officer of Guernsey Borders Agency (which includes the Customs and Immigration Departments) on this issue.
- 2.2 Maitland This question was answered by Conseiller Cole at Chief Pleas on 6th October 2010 (Ref: 2.1-2.9) and he was unaware of any change in the situation since then. The problem was one of cost as a dedicated facility, allowing Sark to become a Port of Entry, would be prohibitively expensive. If Conseiller Perree has more information on how to reduce such costs he would be pleased to discuss these new circumstances.
- 2.3 Perrée Did have more information.
- 2.4 Seneschal Suggested that Conseiller Perrée might attend the beginning of the next GP&A Committee to explain the new information and this idea was accepted by Conseiller Maitland.
- 2.5 Perrée [Question 2](#) – has written to the Development Control Committee (DCC) concerning the permission given to turn the Grain Barn at La Seigneurie into a private dwelling. 21 people have requested her to make representations on their behalf. They are upset that the two people taking over the building are members of La Société Serquaise and she quoted the Society's charter which "*Supports a basic code to protect historic buildings and archaeological sites*". Is there a way to overthrow this permission? She passed a photograph of the internal workings of the Grain Barn to the Committee Secretary for the record.
- 2.6 Dunks Decisions in respect of developments, made by DCC are governed by The Development Control (Sark) Law, 1991 and The Development Control (Sark) Ordinance, 1992, specifically Section 4, subsections (a) to (h) of the latter and a copy of these can be found in the report associated with Item 12 on this agenda, which lists the factors the Committee may take into consideration.
- 2.7 In considering the application to convert the Seigneurie Grain Barn into a dwelling, all relevant factors available within the Ordinance were taken into account; the Committee did not find the application deficient and, regardless of any personal feelings, granted approval of the application. He asked that Chief Pleas note that nowhere in Section 4 does the Ordinance allow the Committee to consider the historical significance of applications in reaching its decisions. If the Committee were to reach a decision using factors not contained within the Ordinance, it will be acting *ultra vires*, giving grounds for an appeal.
- 2.8 On this subject, there was an appeal by a neighbour against the Committee's decision to approve the development of La Seigneurie Grain Barn. It is believed this is the first time this has occurred. As Section 12 of the Development Control (Sark) Law, 1991 states that "*any person aggrieved by any decision of the Committee...may appeal*", the Prévôt instigated proceedings for the formation of a Tribunal. With nothing in the Law to say otherwise, the Chairman of the Tribunal advised the DCC of a time and place for the Tribunal to take place.
- 2.9 Whilst the above was in progress, legal advice was taken on the interpretation of the Law, the result of which was that an "*aggrieved person*" was the person against whom the decision was made and meant in this case, that the neighbour was not an "*aggrieved person*" so could not call for a Tribunal. The Tribunal that had been called was thus cancelled before it sat.
- 2.10 Perrée Has received a petition of 150 signatures pointing out that the actions of the two applicants for the conversion did not comply with the Société Serquaise charter. Would Chief Pleas ask the DCC to meet with La Société Serquaise to reconsider its decision?
- 2.11 Seneschal Conseiller Perrée would have to come back to Chief Pleas with a report and proposition to follow that course of action. He suggested that the petition be handed to the DCC for its consideration.
- 2.12 Dunks Public opinion is not a matter that DCC is allowed to consider as a reason for refusal under the legislation.
- 2.13 Seneschal It was difficult for Committees to tease out the actual questions here. They had been allowed but he asked that in future, questions asked should be properly formed although he would allow supplementary questions to be asked if clarification was needed.
- 2.14 E. Baker On a point of clarification, some of the original letters of objection and the earlier petition had been handed to the DCC after its decision had been taken.

3 Development Control Committee

The Housing (Control of Occupation)(Sark) Law, 2011

- 3.1 Dunks Following a public meeting on the previous evening, the Committee was withdrawing the Projet de Loi and the proposition as some further redrafting was found to be necessary.
- 3.2 A new proposition will be tabled to extend the current legislation to ensure an interim measure remains in place whilst the new legislation is re-drafted, reconsidered and submitted to the Privy Council for approval.
- 3.3 He apologised to those people who attended the public meeting of the 26th October 2010 and who felt their concerns have not been answered. All the relevant comments and suggestion made on that evening were acted upon and amendments made to the Law accordingly. The Committee may however have not adequately reported this back to the public, thus giving the impression they had been ignored; that was a mistake.
- 3.4 He felt he should make it clear that, had Chief Pleas approved this Projet today, it would not come into effect straight away; instead it would be sent away to the mainland where it would be reviewed and if found satisfactory would be granted Royal Assent. It would then return to Sark, where at a future meeting the Committee would present it back to Chief Pleas for it to be commenced by a finalised version of the draft Ordinance that accompanies this Projet in the accompanying papers today.
- 3.5 At Section 1.(1), the Projet calls for establishment of a Register; it is the intention of the Committee to begin this task as soon as is convenient, to produce a draft version of the Register, that the public may inspect and make comments well ahead of the Law coming into effect.
- 3.6 The Committee requests an amendment to the Projet; in Section 14 Repeals, the deleting of the reference to the Housing (Temporary Provisions) (Prescribed Persons) Ordinance, 1978.
In Section 14, on the third line delete “1978,” and at footnote i, after the words “**Orders en Conseil**” delete “**Vol. XXVI, p. 59**”;
This particular Ordinance was asked for by the then Development Control Committee as Item 13. of the Chief Pleas meeting of 18th January 1978, but was subsequently withdrawn as Item 9. of the Chief Pleas meeting of 29th March 1978.
He thanked the Greffier for his search of the Chief Pleas minutes from 1978 to 1989 to confirm the Ordinance did not come back to Chief Pleas during that period.
The 1978 Ordinance appears by mistake on the Guernsey Legal Resources website and should be removed shortly.
- 3.7 S.Williams As a DCC Member, she was very unhappy about pulling out this proposition at the eleventh hour. She had attended the Conseiller Surgery on 10th January and sat with 20 other Conseillers for two hours, available to answer questions that the public might have and only four people turned up. Now on the evening before Chief Pleas, 16 people insisted on meeting the Chairman of DCC and gave so much hassle that the Projet has been withdrawn for minor redrafting. They have had over three weeks since the Chief Pleas papers were first published to make their views known.
- 3.8 Plummer If a person who has not lived here for 15 years, bought an open market property (built in say 1920), demolished it and then rebuilt it, does it revert to a local market property.
- 3.9 Dunks No it retains its open market status.
- 3.10 Guy When the last draft of this Projet came to Chief Pleas, she was approached by several members of the public and asked a lot of questions which they had asked her to air. This time, no one has spoken to her so these queries are hers alone and she really seeks clarification for her own mind before voting.
- 3.11 The replacement of dwellings in Section 2(c); does this mean that one has 24 months to get started and a further 24 months to complete?
- 3.12 Dunks Yes but this period can be extended on application to the Douzaine.
- 3.13 Guy The control of restricted dwellings in Section 5(5); does this section allow for workmen who do not live on Sark to stay somewhere where the owner has a tourism accommodation permit in the same way as if they were tourists? This was brought up at the public meeting and workmen staying are an important source of winter income for guest house owners.
- 3.14 Dunks Confirmed this to be the case.
- 3.15 Guy In Section 6 (Application for declaration that a dwelling is unrestricted); will owners of all existing unrestricted dwellings have to make an application?
- 3.16 Dunks No – a list of restricted property will be available for inspection before the Law is implemented and the only need to make an application will be if an unrestricted property has been listed by mistake.

- 3.17 Guy In the draft Ordinance, Section 2, the list of prescribed persons includes seasonal employees; under Section 4, interpretation, a maximum of 24 weeks in any one year is specified. The season is often as long as 1st March to 31st October - about 32 weeks.
- 3.18 Dunks 24 weeks was rather plucked out of the air so that figure could be reviewed.
- 3.19 Hunt Supported Conseiller Williams' comments; it is our duty to listen to the electorate which is why Conseiller put themselves forward two weeks ago. If people do not come and talk with us we cannot know what might be a problem. It is the responsibility of the electorate to talk to us if they are not aware of what is going and certainly not to rely on information provided by the local newsheet. People should lobby us if there is a problem but not the night before the Chief Pleas meeting.
- 3.20 Audrain Asked for clarification, now that the proposition has been changed, as to how the Committee intends to move forward.
- 3.21 Dunks Some amendments are now needed as to go ahead would produce a flawed Law. Last night's meeting was actually enjoyable – it should have been six months ago – but it was helpful. The Committee will liaise with the Law Officers and return with a revised version at the next Chief Pleas meeting.
- 3.22 Audrain Asked if the Committee was looking for further information following the latest consultation with the people? The register should be made available as soon as possible. Some of the criteria from the Douzaine appear confusing and that listing is needed to give people confidence.
- 3.23 Magell Which Sections need amending?
- 3.24 Dunks Section 1(4)(c) where interpretation shows a gap between 1976 and 1991. Section 5(3)(c) causes problems and he outlined his own problems should his mother come to live with him; this needs to be looked at again to check it is completely correct. Section 14, repeals, already mentioned.
- 3.25 Seneschal So there are no substantial changes?
- 3.26 Dunks Agreed – only some minor modifications.
- 3.27 Hunt As nobody had come to him he approached some residents but they had been persuaded that there was a problem having read the diatribe contained in the Sark Newsletter.
- 3.28 Gomoll The missing years 1976-1991 might be hard to find in the archives but the possessor of the house should have records and the onus is on them to prove otherwise if the property is listed as having local market status.
- 3.29 Dunks Agreed that was the case.
- 3.30 Ventress This will be the first part of some very complex legislation which is going to have to take into account and try to satisfy four disparate groups. Firstly the Tenants, landowners who fear losing what in many cases is their sole capital asset.
- 3.31 Seneschal Suggested that this was not relevant to the matter in hand but if Conseiller Ventress felt it was, he should talk directly to the Committee.
- 3.32 E.Baker A well-meaning friend passed him a copy of the Sark Newsletter in which it advocated that Sark should discontinue its protection of local market housing and replace it with a pool of affordable homes for indigenous people. He wondered if they meant a reservation.
Can we ask Chief Pleas if it wishes to keep the fifteen year qualification Law?
- 3.33 Seneschal Once the Law returns for approval we will find out.
- 3.34 Magell In Section 7(1) does this mean that qualification can lapse even if at some stage one is a qualified resident? If you live here for 15 years, move away for 30 and then return, does one still qualify?
- 3.35 Dunks Referred the question back to Section 5(2) which is unequivocal about qualification providing somebody has been ordinarily resident on the Island for 15 years.
- 3.36 Magell In the draft Ordinance, Section 2(d) someone is a prescribed person if they are given accommodation within the curtilage of the building which is their place of employment. If they are no longer employed would they have to leave the accommodation if it wasn't part of their job?
- 3.37 Dunks It was to check out such questions that he was doing a final check of the Projet.
- 3.38 Hunt He came to Sark 9½ years ago and has every intention of staying for life. (He apologised to his fellow Conseillers). If this Law is lost, Sark will finish up with empty houses with people owning property and living off-Island and only visiting occasionally. It would also create a ghost town and damage the commercial heart of the Island. Retaining local market properties ensures that those who qualify can continue living here in a dwelling that is affordable.

- 3.39 Cocksedge Felt it would have been so much easier if a plain English version of the Law had been provided. He welcomed the draft list of local market property and an explanation list. He asked about derelict properties such as Clos de La Tour de La Cloches; if they are rebuilt will they have local or open market status?
- 3.40 Seneschal Clarified that this reference was to the fire damaged property between the Post Office and the Church.
- 3.41 Dunks With rebuilds, once the application has been approved by the DCC the applicant has 24 months grace before commencement and then a further 24 months in which to build. If a longer period is needed the applicant can apply to the Douzaine for an extension.
- 3.42 Cocksedge Asked what happens if an open market property is split into two separate dwellings.
- 3.43 Dunks If it becomes two completely separate properties, one will remain open market whereas the other will need to be registered as a restricted property. The choice of which becomes which lays with the owner of the whole dwelling.
- 3.44 Cocksedge Asked about young people sharing a property.
- 3.45 Dunks It would be dependent on the property and whether any of those sharing was qualified. The Douzaine would consider such cases.
- 3.46 E.Baker If it is a replacement building it stays an open market property.
- 3.47 Dunks Moved to the new proposition which again extends the existing 1976 Law to ensure that any delay in the processing of the new Law does not leave local market property vulnerable without the protection of legislation.
- 3.48 **Proposition – WITHDRAWN**
That Chief Pleas approves The Housing (Control of Occupation) (Sark) Law, 2011.
- 3.49 **New Proposition – CARRIED**
That Chief Pleas direct the Development Control Committee to request that the Law Officers draft an extension of The Housing (Temporary Provisions) Law, 1976.

4A General Purposes & Advisory Committee

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

- 4.1 Maitland Reiterated the background to this legislation and, following its approval at the Christmas Chief Pleas meeting of 2010, indication was given that in due course the appointment of a Registrar was a necessity before the Law could be brought into force. The appointment of the Greffier to this role needs the approval of Chief Pleas.
- 4.2 Hunt Do all charities have to be registered with the Greffier?
- 4.3 Maitland Confirmed that to be the case pointing out that Sark based charities using its funding solely for Sark beneficiaries only have to provide the minimum of basic information.
- 4.4 Cocksedge Did non-profit Organisations include the Sports' Club and Theatre Group have to register.
- 4.5 Maitland Confirmed they did.
- 4.6 **Proposition – CARRIED**
That Chief Pleas resolves to appoint the Greffier as Registrar in accordance with the provisions of the Charities and Non-Profit Organisations (Registration)(Sark) Law, 2010 and that the Greffier should act as Registrar until such time as Chief Pleas resolves otherwise.

4B General Purposes & Advisory Committee

The Charities and Non-Profit Organisations (Registration)(Sark)(Amendment) Ordinance, 2011

- 4.7 Maitland The Law includes criminal penalties for non-compliance; Guernsey has introduced administrative penalties earlier in 2010 to avoid criminalising charities and organisations and this Ordinance does the same for Sark, leaving it to the discretion of the Registrar to impose penalties.
- 4.8 **Proposition – CARRIED**
That Chief Pleas approves the Charities and Non-Profit Organisations (Registration) (Sark)(Amendment) Ordinance, 2011

5 Emergency Services Committee

Marine Ambulance

- 5.1 Plummer The Emergency Services and Medical Committees have been in discussions over the past year with Mr Jon Beausire, the Chief Officer at St. John Ambulance and Rescue Services (SJARS). We are asked to support the idea of a St. John Marine Ambulance Subscription Scheme to support the Flying Christine III in exchange for which subscribers will not be charged during the subscription period if in need of the marine ambulance or transfer by road ambulance in Guernsey.
- 5.2 Plummer Over the past fifteen years that Mr Beausire has been with St. John, there have been no accounts sent out for using the Marine Ambulance Service as it is a charity and relies on public donations. SJARS receives an annual grant from the States of Guernsey to assist with the provision of the road ambulance service but the Marine Ambulance, like the in-shore rescue boats and other rescue activities of the service is funded by public generosity. Although the ALC Island Medical Insurance, introduced in 2010, does include a £300 pay-out per response, up until now no ALC patients have used the service so the donation payment hasn't been tested yet. Any other scheme already available to Sark Residents does not cover the Marine Ambulance. This scheme is not intended solely for Sark but can be available Bailiwick-wide and SJARS has offered to administer the scheme.
- 5.3 Magell Asked whether seasonal workers can join the scheme but just for the three months or so when they are resident on Sark.
- 5.4 Plummer This is currently under discussion.
- 5.5 Audrain Questioned whether, if she didn't join the scheme, she would now receive a bill from SJARS or would it remain a voluntary donation.
- 5.6 Plummer You would not receive a bill but you would be asked to contribute.
- 5.7 Audrain Such a contribution might be covered by Medical Insurance.
- 5.8 Nightingale Declared an interest through age! A few years back he was involved when the daughter of a posh Surrey resident, here on holiday, had to be evacuated by the Marine Ambulance. His experience confirmed his believe that we must keep the Marine Ambulance Service.
- 5.9 Guy Could Mr Beausire come to Sark to explain the scheme before it starts
- 5.10 Plummer That is intended.
- 5.11 Guy No one here needs reminding that Sark is privileged to have the service of such a first class marine ambulance and its caring and professional staff, and the skippers and crew who give freely of their time and experience. It would not be an overstatement to say that our very privileged life here depends on the 24/7 service of the Flying Christine and its staff and volunteers.
- 5.12 She believed that we should encourage everyone to support the proposed subscription scheme, not only because it represents fantastic value but also because it underlines our huge respect for the service. She also hoped that the Committees involved will explore additional avenues of finding ways of putting even more financial support into the St John's system.
- 5.13 Hunt Elaborated more on the advantages of the scheme. It costs £2,100 to fund each transfer from Sark, so somebody on Family Membership could pay the premium for 20 years before the comparable cost of just one trip was reached. In the meantime the whole family of two adults and children were covered if the service was needed.
- 5.14 S.Williams Supported the Marine Ambulance but stressed the scheme needed to be supported Island-wide not just by 80% of residents, if it was to be successful. Some residents might struggle to make a lump-sum payment and she asked if it might be feasible to have a standing-order system to spread the bill over monthly payments.
- 5.15 Seneschal Would it be possible to call a public meeting before the scheme became available on 1st March so that details can be explained and any ideas put forward for discussion?
- 5.16 Plummer Would enquire this afternoon when she returned home from Chief Pleas.
- 5.17 R.Dewe Reminded the Assembly that it would be a rolling subscription – year on year from the time of joining.
- 5.18 Seneschal Drew attention to the Sark Fire and Rescue statement included with the Chief Pleas papers.
- 5.19 Plummer Thanked Chief Fire Officer Kevin Adams for such a clear and concise report.
- 5.20 Seneschal Supported the view that it was an excellent report and this was verbally endorsed by the Assembly.

The Seneschal, having announced a short break, was requested by Conseiller S. Williams to bring Item 23 forward on the agenda as the next business for discussion. Following a show of hands 15 Conseillers supported that course of action.

10 minutes break

23 General Purposes and Advisory Committee

The Seigneur's correspondence with Sir David Barclay

- 23.1 Maitland Asked permission of the Assembly to introduce a proposition relating to privilege.
- 23.2 S.Williams Asked for an explanation of why this was needed.
- 23.3 Maitland Section 33 of the Reform (Sark) Law, 2008, is not completely clear on qualified privilege.
- 23.4 Seneschal Explained that whereas the Members of this Assembly enjoy absolute privilege, and no proceedings in defamation can be made against any statement made, Chief Pleas had to give express authority to any person who publishes a fair and accurate account of the proceedings so that no proceedings in defamation can be made in respect of any such publication.
- 23.5 **Proposition – CARRIED**
That Chief Pleas expressly authorise any publication of any statement made to Chief Pleas by any Member of Chief Pleas.
- 23.6 Maitland The Committee's motives for releasing these letters have been questioned – the answer is quite simple: as this Assembly forms the basis of democratic government in this Island, it is only right that Conseillers are aware of all that is going on. And in the interests of openness and transparency, the electorate should also be made aware of the pressures that we are under.
- 23.7 He was grateful to the Sark Newsletter for distributing the letters to all residents as they make extraordinary reading. It is quite apparent throughout that litigation is not undertaken as a matter of principle, but is used as a bargaining chip. Litigation will only be dropped in return for substantial concessions from Sark's administration. It would have been a poor bargain for the people of Sark. All the court cases mentioned were lost by Their Excellencies - the question of the Seneschal's dual role was not up for negotiation. There is never any question of how any of this will benefit Sark – only what is in it for Brecqhou.
- 23.8 In the first letter to the Seigneur, dated November 15th 2010, Sir David says a possible meeting would "*be beneficial to both our families' long term interests*". It would be illuminating to know what he had in mind. Hasn't he heard that democracy has arrived in Sark? Negotiations between two families behind closed doors about the Island's future hark back to Victorian ideas of behaviour and would be entirely unacceptable in this day and age. In the letter of the 18th November 2010, Sir David has the gall to say to the Seigneur: "*I am not aware of the vitriolic attacks against you that you are referring to and certainly would not agree or condone them*" and when the Seigneur stands his ground, it is quite clear from the letter of the November 29th that Sir David supports those attacks and indeed seeks to justify them.
- 23.9 Sir David goes on to say in that letter: "*The Chief Pleas members and those who seek public office in Sark cannot expect to be above scrutiny and vitriolic criticism*". "**Vitriolic**" according to my Oxford English Dictionary means "**filled with bitter criticism or MALICE**". "**Malice**", according to the OED means "*the desire to do harm to someone*". This is what is so objectionable and damaging in a small island of just 600 people: there is this desire through the Newsletter to do harm to someone or to his or her reputation. One elderly resident said to me "*it's like getting hate mail in the post every week.*" It is causing stress and unhappiness and it's doing great damage to the image of Sark. When Sir David compares Conseillers to UK MPs and world leaders, I have to remind him that we are not professional politicians or in it for the money and expenses. We get none. We give our time freely for the good of a very small Island and if the electorate doesn't like what we are doing, then every two years they have the chance to kick half of us out. The reason why taxes are so low here is that there is very little waste. All decisions are debated in the respective committees and no one Conseiller can make decisions on his or her own. We govern by consensus, the Channel Island way.

- 23.10 Maitland Just dealing with the Agenda attached to the Seigneur's letters, again, highly revealing. Presumably, accepting Sark's feudal status means maintaining Sark's feudal land holding system. That is the only remnant of the feudal system remaining in situ. I believe there is perhaps one explanation for this whole second series of letters: the fear of Land Reform.
- 23.11 The question of parachuting Mr Delaney or an SEM representative on to GP&A has been brought up in both lots of letters. We invite non-Chief Pleas Members onto the Committee when they bring specific skills – in the case of Roger Olsen because Tidal Energy is his particular expertise and we are very grateful for the time and energy he gives in dealing with this complicated subject. We do not invite representatives from a particular interest or pressure group, no matter how powerful. That would not be democratic. I have not yet identified any special skill that Mr Delaney might possess that would be useful to GP&A.
- 23.12 None of us in this Assembly enjoy the present situation. We would dearly like to bring it to a conclusion and return Sark to a peaceful and tranquil island. However, there is nothing in Sir David's letters to convince me that he would call a halt to the present bullying tactics unless we capitulate to his demands. This is not possible. As a democratically elected administration we are answerable to all the people of Sark, and not just to the business interests of two very rich individuals.
- 23.13 Conseiller Maitland had been reminded in reading these letters of the classroom bully who says to his victim: We've got to talk. The victim pipes up that all the bully has to do is stop his bullying. It's as simple as that.
The only reply to Sir David and Sir Frederick is quite simply - stop your aggression and pursue your interest by democratic means instead. There is nothing mutual about the aggression, the hostility, and the vitriol; these are your tactics, not ours.
- 23.14 Hunt Applauded Conseiller Maitland's introduction and referred to the proposed Barclay agenda accompanying the 29th November 2010 letter. In Item 1, how can they drop their application to the European Court of Human Rights or are they just being manipulative? At Item 4, supporting a Sark Estate Management (SEM) appointment of a representative on the GP&A Committee, what about other employers of large groups of staff; do they too not have an equal right to be represented in such a way?
- 23.15 P.Williams Before continuing any further he declared an interest as he would be commenting on his own business and he made reference to the penultimate paragraph of the covering report to Chief Pleas –
"While seeming to hold out the hand of friendship, the campaign of harassment and litigation has continued unabated. After the recent elections, for instance, legitimate businesses with connections to Conseillers had their contracts (sic) terminated and have been deprived of trade: is this connected to the results achieved by those candidates who are Barclay employees or contractors"?
It is completely understood that any of the hospitality businesses on the Island can get their supplies from whomsoever they want.
- 23.16 Up until early December he had been supplying SEM run establishments but, just after the recent elections, noticed that he was not receiving any more orders from them and that all the commodities were arriving direct from Guernsey. He went to see one of the managers to ask what the problem was and was told they had been instructed not to deal with Conseiller Williams any longer. A little later that day, he 'phoned another of their establishments and asked the same question and was given the same answer.
- 23.17 He did not know if this is because he is a Conseiller and happens to have opinions of his own or whether it is perceived that he had said something against SEM. After all, surely business and politics should be kept separate and whatever has happened to the premise *"that we will support local businesses"*. He asked to see the over-all manager of SEM and also sent him an e-mail requesting clarification. However, to date nothing has been received, not even the courtesy of a reply.
Just before Christmas Conseiller Williams received a card from SEM. wishing him a *'Happy Christmas and a prosperous New Year.'* "Gee guys, thanks!" Knock me down and then kick me in the head, why don't you?

- 23.18 P.Williams In addition to this, is there an intention to mess with family ties as well? He asked for consideration as to how his son, Alex, (who you all know works for their marine division) feels having his Father kicked into touch. And to add even more insult to injury, last week Conseiller Williams' wife, Sue, had a phone call asking her to quote for some upholstery work at one of their hotels. That certainly smacks of trying to drive a wedge between family members. Fortunately the respect and love that his family and he have for one another transcends any nonsense like this. Maybe he is getting paranoid but it does make you wonder.
- 23.19 He knows he is not the only business that has been affected, and thought it a very sad state of affairs that when there are other people who might want to get into Island politics, yet run businesses of their own, they might have to think twice in case they get the same treatment.
It seems that if you are in politics and agree with SEM and its policies, then one is okay but if you have an opinion that might differ in some way then you are likely to be slated in the "newsletter".
- 23.20 The Agriculture Committee offered that hand of friendship and promptly had it bitten off; it was told what SEM was doing with agricultural and horticultural matters on their land, we were not asked our opinion – our opinion does not count. That is a major part of the problem. "*We do what we want whether you like it or not*". Great attitude that, really makes for harmony. As stated before, he has no problem with investment on the Island, but this particular investment seems to come at a heavy price.
- 23.21 He was frequently asked why he continues to receive the "Sark Newsletter". The reason why is because he wants to know which one of his colleagues and friends, or indeed himself, are being ripped to shreds this time. Yes, he was concerned about colleagues and friends and how they must feel; and what about their families? Does anyone care about what they think? It seems not.
There is one vain hope that he clings to; that with all the calls for openness and transparency, all the writers – and he means all the writers – of this propaganda sheet might be honest enough to put their names to it.
- 23.22 Guy Made it clear that the views expressed were her thoughts and her thoughts alone. She has discussed them with no one and speaks as a layman having taken no legal or other advice. She hoped that the house will understand her need to speak from notes as she had given this matter very careful consideration and wished to avoid missing anything of what she wanted to say and avoid getting flustered. She admitted to being nervous.
- 23.23 She found this correspondence extraordinary. The writer of the initial letter, champion of democracy for Sark, chooses to write to The Seigneur who, as we are so frequently told in case we didn't already know, is unelected.
A private meeting is suggested (and she quoted) '*to be beneficial to both our families long term interests*'. The suggested behaviour smacks of many centuries ago, when powerful lords got together to carve out deals related to land and alliances, totally disregarding the needs, wishes, or even the existence, of the ordinary people. This should not be the stuff of the 21st century and it is as well that we have an honourable Seigneur who refused to have any truck with it.
- 23.24 It is suggested that Brecqhou should have a representative on GP& A. Should Little Sark? It has its own particular geographical situation. Should the owners of Stocks Hotel? They have invested considerable money in a major tourism project. If the suggestion is that the Brecqhou representative should be the editor of the Sark Newsletter then that, it seems to me, comes very close to an attempt to subvert the will of the electorate. That gentleman stood in the 2008 election and did not get in. He chose not to stand in the 2010 election.
- 23.25 The offer of withdrawal of the current application to the ECHR shows a woeful lack of respect for that lofty court. Using such a withdrawal as a bargaining chip suggests that the writer's concern for the issues contained therein is not as serious as it is claimed to be. It trivialises the whole issue.
This sort of offer (to drop proceedings) has, of course, been made before, with reference to the Island Hall case. As things turned out, it would have cost The Island or the Trustees more to take up that offer, bearing their own costs, as is suggested in appendix 2 in these papers,... but that is in the past.

- 23.26 Guy The Seigneur is of the opinion that the Sark News Letter and its various previous manifestations are over vitriolic. She agreed. According to these papers she, and she quoted, '*may have voted socialist*'. That's fine. She may have done, or she may not. The Guardian, a real newspaper in the real world, found it bizarre that this should be levelled as a criticism and she too find it so, but for the editor of The Sark Newsletter to move from that to suggest that she displays (a further quote) '*Stalin like behaviour*' either suggests the writer knows little about 20th century history or that he/she intended to be extremely unpleasant to her and yes, it did hurt, very much. Others, good people who work hard for the island, have endured much more than she has.
- 23.27 There are also many factual errors in the newsletter, a recent one being that the Dame of Sark inherited from her UNCLE W. F. Collings. (Perhaps the writer's knowledge of history is a bit ropey). We even had the wrong Conseiller Helen referred to in both words and pictures related to item 7 of this very agenda of Chief Pleas.
- 23.28 Many Sark Estate Management projects have improved aspects of the island. No one can deny that the right hand side of The Avenue (as you go westward) is a much better place than it was ten years ago. The Bel Air is tidied up and the hanging baskets and troughs are lovely. She believed that Dixcart Hotel should, when finished, offer a much more comfortable experience for its guests and she is delighted that the annexe has been removed, despite its historic interest. Other projects, both large and small, have been initiated by other businesses and individuals as has always been the case. SEM is not unique in developing and improving.
- 23.29 Though she did not believe Chief Pleas or any of its committees are doing any attacking, a lot of defending maybe, however 'peace in our time' would be such a relief to all, and she sincerely means that. But 'peace in our time' cannot be synonymous with 'peace on their terms' and there is much evidence that if the game does not go the way Sark Estate Management wish it to then the bat and ball are taken away or a whole new set of rules, of which we have no prior knowledge, are suddenly brought in to play, usually by a lawyer.
- 23.30 What would go a long way towards convincing me that the true intention of the initiator of these letters is to move forward in a way that would benefit Sark, its tourism industry, and its people? In other words, what would be her agenda? She would like to see:
1. The gradual phasing out of the alternative shipping company currently being run by Brecqhou Development Limited presumably at huge cost. She believes that Isle of Sark Shipping (which, as we will hear later today is holding its own and not struggling) could do everything that Brecqhou and SEM might require. In fact it looks as if Sark Estate Management is beginning to work with IoSS. This is to be applauded, strongly. It makes economic and common sense for all concerned.
 2. The phasing out of **Welcome to Sark**, its office and its website as Sark already has a tourism office and website run at little cost for the benefit of **all** tourism related businesses and, of course, **our tourists**, some of whom are confused by the muddying of the water of having two information centres. A further gesture of goodwill would be if any expertise and particularly contacts were passed on to Sark Tourism to the benefit of the industry as a whole.
- In mentioning these two suggestions she will, no doubt, be castigated for suggesting that the state should take more control and stultify competition but **let's get real**. We are talking about a community of about 600 people with one major industry. We do not need two of everything. It is to our detriment.
- 23.31 3. Converting the Sark Newsletter to a recognised newspaper (it has now reverted to having a price on it) with higher standards of accuracy and less personal vitriol, which can be **bought**, like *The Sark Scribe*, by those who wish to purchase it, rather than dropped through the letter box, like junk mail. If some independent businesses do not wish to sell it surely Sark Estate Management has sufficient influence with their Avenue based shops to find an outlet? Maybe it should also be sold in Guernsey and Alderney as it refers to people who live in those islands too. Perhaps even outside The Houses of Parliament.

- 23.32 Guy 4. She would like to see builders who are currently working on SEM projects being encouraged by Sark Estate Management to tender for island work when and if they have available manpower. The current building boom means that it is difficult to find skilled workers to do vital island work.
- 23.33 5. **Perhaps above all** she wanted to see **completion** of SEM building projects and then **consolidation** of those projects for a few years with stable staffing, high standards and the stability that our regular staying visitors, so important to the industry, had come to respect, and expect. A taking stock now, or soon, without the constant drive to move on to the next, and the next and the next project would also avoid the constant disturbance of building related noise and excess tractor traffic so despised by our tourists and so alien to the image of car free tranquillity that we surely **all** wish to promote. While you can't make an omelette without breaking eggs how big is this omelette going to be?
- 23.34 If these suggestions were to be taken up and acted upon then it would go a long way to convincing her that the initiator of the correspondence really does want to work with us for the good of Sark and its future....and she would **like** to be convinced because all she sees at the moment, despite what is said in the first paragraph of a letter here dated January 5th 2009, is a very powerful drive to take ever increasing control of our island by every possible means perhaps for an end game of which we, the people of Sark, know nothing at all.
A round of applause greeted this statement from the Assembly and the Public Gallery
- 23.35 D.Baker The Seigneur in his reply to David Barclay is saying he cannot meet and discuss any of the subjects contained in David Barclays letter as he does not have the authority to negotiate on behalf of Sark which is quite correct; the Seigneur is not a politician, but we do have in place a democratically elected assembly which is able to deal with the subjects mentioned in Sir David's letter and agenda for discussion.
- 23.36 Sir David Barclay may well be the head of his family business but Sark is not a family business it is a community, a word she herself uses often these days because it is a community she loves and wishes to protect it. The Barclay family may well invest millions of pounds in their own business here on Sark but it is not in the community, although it is admitted that many in our community do benefit from earning their living from them. The investment is in their own businesses for their own return, investment in the island's community would have been made quite differently.
- 23.37 She believes the Barclay family underestimated how strongly we would protect ourselves and our way of life. A donation given to the hall and then disputed shows they have no regard for us, look at the costs of us having to defending such an action, we should not have had to do this, so is it any wonder we would not wish to accept any financial help with our shipping company, there is no trust. Sark shipping is our lifeline, what if the rug was pulled from under us at a time of yet another disagreement when one committee or another didn't do what was expected of them; we had already learnt from the hall case we couldn't trust people who gave with one hand and took away with the other. She had no problem with inward investment as long as we recognise that is what it is; she didn't understand how or why anyone would invest such an enormous amount of money when it will be years before this shows some form of return but that is for the investor to know and understand.
- 23.38 David Barclay says they would consider entering into a freight contract with the Isle of Sark Shipping Company; she thought that anyone coming to live, work or invest here should have used our shipping company right from the start; it is ours, yours and mine and to use an alternative is to undermine our own, it has taken a long time and a lot of work to finally own this company, we have struggled to own it, now it makes good business sense to me that someone who wanted to invest in the community of Sark and not just their own business would have helped by using that service completely and not running in competition with it.
- 23.39 She doesn't take the newsletter from personal choice but she says let it continue; the amount of people that make a point of saying they bin it fills me with hope for the future. Some do believe everything they read; let them. The only thing she would ask of anyone is if you have a question that maybe she could answer, ask her and if she didn't know the answer she will ask someone else. Speak to us, stop her in the road pick up the phone, better still, talk to the person who does know and is on the committee which your question is about. The Seigneur does not have the right to speak for Chief Pleas, why must anyone over ride the proper procedure.

- 23.40 Ventress This will be in two parts the first $\frac{2}{3}$ demolition, the last $\frac{1}{3}$ reconstruction.
- 23.41 A quote from *The Independent Newspaper* on 30th November 1999 - "*Legal complaint from the Barclay Brothers: DO NOT report any aspect of the Barclays' or Brecqhou without specific legal advice*" - end quote.
In the early 1960s having asked why a certain matter could not be solved by common sense, an eminent Q.C. responded "*Always remember that laws, contracts, deeds, etc. etc. are drawn up by lawyers specifically for the benefit of lawyers and common sense has no place in it. The advice given by lawyers is specifically dependent on the depth of their client's pocket.*"
- 23.42 Before he finished Conseiller Ventress anticipated upsetting an awful lot of people, lawyers and advocates already, the pro-Barclay lobby, the anti-Barclay lobby, the Alliance Party (if it exists), the writers of the Sark Newsletter and above all the detractors of Kevin Delaney. He is the editor of the Sark Newsletter but it is considered that the content is mostly if not all written by other people and he is there purely to take the flack. We have to remember that he is a middle ranking employee of the Barclay's and has to toe their line; if he did not he would be sacked and it would be made extremely difficult for him to find another job and more importantly he would lose his pension.
- 23.43 Immediately after the 2008 election when he declared that all the Barclays' businesses were being closed down this was certainly done on orders from above and the hasty re-opening of them after the massive anti-Barclay backlash in and outside the media must confirm this because if he had acted off his own bat he would certainly have been given his marching orders. In dealing with him, Conseiller Ventress had found him ready to listen and take aboard criticism as well as defending his corner and if in the rest of the speech any part of it could be indirectly construed as criticism of him, Conseiller Ventress absolved him and apologised.
- 23.44 As to the Sark Newsletter; Conseiller Ventress was told in his early days always attack policies, do not attack or worse still insult the people involved as that will create a backlash against one's own position. Also try to find a conciliatory position with positive plans to replace theirs. The writers of the Newsletters totally fail to abide by these common sense rules and instead use misinformation, character assassination of anyone who dares to stand up to the Barclays' perceived programmes and debunk anything they themselves have not thought of or instigated.
- 23.45 Looking at the Newsletter and its predecessor and specifically their treatment of himself, Sark News pre-election 08 issue 17, and he quoted: "*He is a liability and should not under any circumstances be elected*"; result he was elected 26th out of the 56 candidates. In the 2010 pre-election issue No.58, he was chastised for not issuing a manifesto and whoever wrote it published the last part of an e-mail cancelling a meeting he was due to have with Mr Delaney. Conseiller Ventress felt it only right that the electorate hear the whole e-mail: "*Mr Delaney has decided to cancel tomorrow afternoon's schedule meeting with you at his office. He notes that you have announced publicly that you are not going to issue an election manifesto. He asks me to relay to you that he will not be party to your arrogant and contemptuous treatment of the Sark electorate. There will be a considerable number of important issues that the next Chief Pleas will be asked to deliberate and vote upon and Mr Delaney feels that if you are not prepared to set out your views publicly then there is nothing to be gained by him listening to your views behind closed doors*"; this signed by a P.A.
His vote went up by 4% comparing like with like not down by 4% as shown in the Newsletter's very flawed table in issue 60.
- 23.46 What was it that he intended to discuss with Mr Delaney? First, reference Agriculture, to find out whether SEM would be willing to show the Committee round their estate again and also to say that there was a groundswell of opinion amongst the populace about certain aspects of the agricultural developments. Second, to find out the truth about SEM withdrawal from the Sark Chamber of Commerce and was this done because the Chamber's officers had invited a certain Chairman of a Chief Pleas Committee to address a Forum and to try to persuade SEM to re-join? The last item was to suggest that the Sark Newsletter do what *The Sark Scribe* and *Guernsey Press* did and allow the candidates to put forward a short summary. He did not issue a manifesto as almost all the electorate know him and frankly with my green hat on it would be a waste of paper, unlike the newsletter which calls into question SEMs avowed green intent. How many trees are sacrificed for all these Barclay Propaganda Sheets; hopefully it comes from sustainable forestry or recycled paper.

- 23.47 Ventress Having read a letter dated 9th July 2010 from SEM to Lord McNally, published in their Newsletter No.37 of 16th July, Conseiller Ventress wrote to Lord McNally on 23rd July, copied to SEM, their advocates and the Barclays, pointing out certain errors of fact. The response - a whole two page centre spread in newsletter No. 42 quite obviously written by their advocate. Conseiller Ventress admitted to being surprised not to have received a New Year's Award from the newsletter!
- 23.48 Didn't advocates' eyes go out on stalks seeing £ signs after a glimpsing a caricature of a certain German, so, with their bosom pals in the *Guernsey Press*, turned a stupid kindergarten joke into a full blown category 5 hurricane in a bantam egg cup. A re-action which has rebounded into a feeling of contempt for them. That's the demolition over now to attempt re-construction.
- 23.49 The most telling remark reported in the *Guernsey Press* after the election came from one of the unsuccessful candidates - "*Islanders are too quick to attack her employer. Don't criticise people you don't know*". How many people on Sark know the Barclays? How many have spoken to them? He has met them once for five minutes when they were brought into his Avenue Cycle shop by one of their Sark Sycophants to view one of the properties which they had picked up in the big buying spree.
- 23.50 We need to turn this around; the Barclays are too quick to attack Sark and Sarkees. Don't criticise people you don't know. How can they know us? They are ensconced in their Monaco penthouse surrounded by aides, yes-men and secretaries to insulate them from the wicked world. This will help to explain the seeming discrepancy between H.E. Sir David Barclay's letter of November 18th - "*I am not aware of the vitriolic attacks against you that you are referring to and certainly would not agree or condone them*". One can only surmise the following conversation:-
 "Here aide what is he referring to?"
 "Sir, the Sark Newsletter"
 "Well! have we a copy?"
 "Yes Sir"
 "Why haven't I seen it?"
 "I didn't think they are important enough to show you."
 So that is why it appears as item No.6 on the proposed agenda attached to the letter of 29th November.
- 23.51 They are out of touch with the real world. They leave their penthouse by private lift to a private garage whisked by bullet proof car to airport, private jets and helicopter to their weekend cottage to which they summon those they wish to consult, these sycophants and yes-men tell the Barclays what they feel will please their Lords and Masters. How can this be changed?
- 23.52 They need to realise that Sark has a unique character, we are a small egalitarian island community who know each other and are all on christian name terms. Everybody calls him Tony, in fact some people don't know his surname. Should the Barclays come to Sark he was sure that they would quickly become Dave & Fred and would appreciate the informality that this Island inspires. We all have to work together and are interdependent on each other. We cannot get involved in feuds because in the future we will probably need the help of the person we have fallen out with and vice versa.
- 23.53 Now to fly a kite and hope that there is enough of a breeze to get it off the ground. The Barclays need to meet and get to know the people of Sark in a friendly relaxed informal atmosphere. They will find that, contrary to the impression that some of their toadies try to convey, we are civilized and friendly even when we disagree. Therefore Conseiller Ventress proposed they be invited, as Lord McNally was, to a meeting in the Island Hall with the populace and buffet lunch to start at, say Midday, and last until about 4 o'clock but without their lawyers. As His Excellency Sir David Barclay finds carriages uncomfortable for his bad back Conseiller Ventress suggests a leisurely walk up the Harbour Hill path especially in the spring with the bluebells and other seasonal flowers out; the dress code naturally casual. The best day would be a Saturday when many of the workers are free.
- 23.54 Who to issue the invitation? Not Chief Pleas, not the Seigneur nor SEM but an independent body; say the Chamber of Commerce which could also finance it. The invitation would have to go directly to the Barclays not through an intermediary who would no doubt put their spoke in. He had their Monaco address should any responsible body require it and hoped that this idea gets off the ground.

- 23.55 Melling It appeared to him that all this is very one sided.
- 23.56 From the day the brothers moved into Brecqhou they commenced their fight with Sark. It seems strange, but he has seen this before when visitors who have been coming to Sark for years decide to settle here; what do they do after a short while – try to change things. It was great for holidays, year after year, but not to live in. The brothers are quoted as having said they enjoyed a holiday - or maybe more than one – years ago and that is why they came to settle with us, because they enjoyed themselves as it was; but they have done the self-same thing and want to change everything and indeed are making changes.
- 23.57 The fights in courts about whether or not Brecqhou was part of Sark went on for years and he assured the Assembly it was most unpleasant for the Seigneur; the outcome, as we all know, was that Brecqhou is considered to be part of Sark. At this stage it is worth noting that allowances have been made to Brecqhou, a privilege not extended to us on the main part of the island and he repeated that again for emphasis - privileges have already been granted to Brecqhou.
- 23.58 Everything that has happened in Sark since - the case against the Hall Trustees, the European Court hearings, etc. - have changed the Island. We would not be here with 26 or 28 Conseillers but for them; we would not have discussed the dual role of the Seneschal and had to act on it. How many more things have happened to us because they came to live here? If they had not, would Sark have changed so much, would anyone else have bothered to change a way of life that was accepted by those who lived here? He thought it is very unlikely.
- 23.59 He reflected and imagined we could have 52 seats in the House, of which some would be occupied by new tenement owners, some by those not on Committees, and some by those who have just travelled in for the occasion; would that be a recipe for debate – yes of course it would – but today we have fewer seats, more work on Committees, the Conseillers working closed together in joint Committees and they complain about debate. It was down to them this change happened.
- 23.60 Now to the point of the GP&A report; it is right that these letters should be seen by all and Conseiller Melling admired the Seigneur for his patience in the handling of all the dealings he has had with the Barclays and the GP&A Committee for its decision to bring this report.
- 23.61 The requirement for a let-up in the relentless barrage of criticism is not unreasonable and indeed they should be the ones to make moves that could bring some peace to the Island. But it is not for Sark to give way anymore; there can only be one Government and that Government should be left alone to get on with the job. The elected Conseillers are the true representatives. Why should they have to put up with this continued farce?
- 23.62 He was saddened that the action, witnessed after the 2008 Election, has occurred again in a different form after the 2010 Election. Is this really ground for harmony? It's time that things settle down and that will only happen by a big improvement in the conduct of the Barclay camp. A little more respect for Islanders and anyway forward must be on Sark's terms.
- 23.63 Some time back, at a meeting with Sir David and Sir Frederick Barclay, Sir David said to me "*I have to tell you we will drag Sark and its people, screaming if necessary, into the 21st Century.*" Conseiller Melling had not forgotten those words and wished he had understood better what Sir David had meant at the time.
A round of applause greeted this statement from the Assembly and the Public Gallery
- 23.64 Hunt One of the letters in the earlier set refers to an Memorandum of Understanding. (Letter from Sir David Barclay on 5th January 2009)
- 23.65 Maitland That goes back to 2007 and he had managed to obtain a copy. Advocate Dawes had ultimately accepted in the Royal Court that Brecqhou was part of Sark. How then can you have a Memorandum of Understanding between residents within the same jurisdiction
- 23.66 Bache Wanted to see peace on Sark but he needed to stress the following points -
- Sark's democracy matters – it is a fragile plant which needs careful nurturing;
 - Democracy espouses free speech, supports freedom of opinion and defends the freedom of the press. However freedom of the press is not a licence to publish malice, vindictiveness and vitriol; these can never be the badges of Democracy.

- 23.67 Bache He had had a career in diplomacy and negotiation and, if anyone aspires to discussion, dialogue and negotiation, the atmosphere must not be poisoned by vindictiveness and vitriol. Why? Because such behaviour destroys trust. Trust, or an element of trust, is essential for any successful negotiations.
- 23.68 E.Baker Thought the way the Seigneur had been treated by the Barclays was disgraceful. Brecqhou is not a separate jurisdiction it is a property like any other property on Sark. In a lot of our laws, Brecqhou is classed as a dependency of Sark. The contract of sale of the Fief of Sark, 1852 included the island of Brecqhou so - Why are the Barclay brothers against the majority of the Sark Residents? Why are the Barclay brothers against the democratically elected Chief Pleas? Why can't the Barclay brothers accept criticism of any kind? Why do the Barclay brothers bully and intimidate the Sark residents that can't accept the Barclays vision for Sark (their manifesto for Sark 2008)? Why are some Conseillers picked out for special treatment by the newsletter? Shame on you Barclay Brothers.
- 23.69 R.Dewe Thanked the Editor of the Sark Newsletter for publishing the exchange of letters as it gave everyone on Sark the opportunity to read them.
- 23.70 E.Dewe Has two young sons and she encourages them to read the Chief Pleas papers. It is important that they should know what happens on this Island as it is their home and their future is here. Having read the letters, her fourteen year old son commented that the Barclays had offered olive branches covered in thorns. Behaviour like this will drive young people off the Island.
- 23.71 Dunks Reiterated that if the Barclay's accusation that Sark's laws are not human right compliant, how can they justify their own actions as compliant?
- 23.72 Hunt Before the Assembly was reformed following the 2008 election; Mr Kevin Delaney sat in about the same position as Conseiller Hunt was sitting now. Mr Delaney had the opportunity to take action or say his piece....but he never did; he said virtually nothing and made little contribution.
- 23.73 Prevel Supported all those who had spoken so passionately today; he admired the Seigneur for standing his ground against Sir David. He had one question on Sir David's final letter of 29th November 2010 – who is Lt. Col. Reg Gill against whom Sir David has no malice?

6 Douzaine

The Procureur des Pauvres

- 6.1 E.Baker The office of Procureur has expanded over the last few years, not by choice but by necessity, and fortunately with the willingness of those appointed. The Procurers have become carers, cleaners, administrators, financial advisors, confidants and very good listeners. What we are proposing is simply a thank you for their services willingly given. Not everyone would be prepared to be Procurer, and confidentiality is a key factor to whose name we put forward. We have been fortunate to have suitable people continuing to put their names forward.
- 6.2 Dunks Declared an interest through his wife who is Deputy Procureur and he asked if the Assembly wished him to leave the meeting whilst matters were discussed.
- 6.3 Guy Felt strongly about declared interest and would like Conseiller Dunks to leave the meeting during discussions.
- 6.4 S.Williams Whilst the Seneschal consulted the Rules of Procedure, she too suggested he should leave.

Conseiller Dunks willingly withdrew from the Assembly for Item 6

- 6.5 D.Baker The Procureurs business is confidential and must remain so; unfortunately that means 98% of the islands has no idea what they do. We know what their responsibilities are but not what they do on a daily basis. She understood some people have recently said they would be prepared to help the Procureur; if so come forward but you must be prepared to commit to a routine no matter how small. She stressed that this honorarium is not for the cooking and cleaning, it is for the huge responsibilities they hold. We have had some excellent Procureurs over many years but the work load continues to increase; this honorarium shows appreciation for all they do.

- 6.6 P.Williams Agreed with Conseiller Edric Baker's opening statement but now endorses the idea. He too had not thought it a good idea some years ago but would now like to endorse the move. The Procureurs were unsung heroes and we were lucky that people still came forward to do the job. He saw no problem with some sort of financial reward. He had been the last male Procureur and the ladies have done a wonderful job; confidence is important; the Procureurs are answerable to the Douzaine and that is why the Douzaine minutes should not be made available to the public.
- 6.7 Prevel He had only been in the Parliament for two years but on the Douzaine during that time and now knows how much the Procureurs undertake; he wished to support the proposition.
- 6.8 S.Williams She had been on Chief Pleas for only seven years but not on the Douzaine. People have asked her what the Procureurs do but she is not sure how to answer; she was not sure whether they should be paid and asked if others could help them.
- 6.9 R.Dewe As a Douzainier, he knows what they do; he was Procureur during the 1960s but the position has so changed since then and he wouldn't want to do what they do now.

6.10 **Proposition 1 - CARRIED**

That Chief Pleas approves the payment of an annual honorarium to the Procureur and Deputy Procureur on or around the date of Michaelmas Chief Pleas each year commencing Michaelmas 2011.

6.11 **Proposition 2 - CARRIED**

That the first payments be £3,000 to the Procureur and £2,000 to the Deputy Procureur and that they be increased annually in line with Guernsey RPI from 2012 onwards.

- 6.12 E.Baker Mrs Sheila Guille was a very hard working and dedicated Procureur who has remained involved with those that were in her care. He had been asked to clarify certain facts; Mrs Guille was in office at the time of the 2008 first democratic election and the aftermath which included the closure of businesses and the sacking of the entire workforce. Mrs Guille had many offers of financial help from outside the island and also with food parcels. Sometime later, when it became apparent that the workforce was reinstated, Mrs Guille worked hard to return the donations; there was only a very small amount that could not be returned. Although that was only a small part of Mrs Guille's four year service, we are extremely grateful for all that she has done.

6.13 **Proposition 3 - CARRIED**

That Chief Pleas approves a one off payment of £3,000 to the recently retired Procureur.

Lunch Break 12.55pm - 2.00pm

7 Medical & Education Committees

Health Visitor

- 7.1 D.Baker There is no health visitor service here on Sark; our entire healthcare is delivered by the doctor and, as you have already heard, the Procureur does an enormous amount of work in other social areas. Sark has no social worker and no school nurse and it is beyond the capabilities of the medical practice to fulfil all the functions of a health visitor. It is the belief of the Doctor and Headteacher that there are children with important needs that are not being met.
- 7.2 A health visitor is a qualified and registered nurse or midwife who has taken further training in order to fulfil this extended role to help and advice on family health and the prevention of illness. Their work is aimed at supporting families with young children and the elderly, their role is about the promotion of health and the prevention of illness. In many ways Sark is different to the UK but the people's needs and problems are very similar; we have several families who are encountering the same challenges as families in the UK face but the support is more limited because as a community we are isolated.

- 7.3 D.Baker Regular visits from a health visitor could provide support for young families; this person could be approached by the Headteacher and/or Doctor as well as parents or family members so that any problems that are affecting a child or adult could be addressed at an early stage. It will provide an opportunity to discuss a problem with someone who is not part of this community with the sure knowledge that this information will not be shared, always of course, on the understanding that the safety of the child is paramount. The elderly may benefit from meeting with the health visitor and discussing their concerns.
- 7.4 She finished with these words from the medical officer of Sark, Dr Peter Counsell, who is kept extremely busy not only with the medical practice but also with many of the social problems that have arisen here.
"I think that the provision of a health visitor on Sark would be beneficial to families here and I believe there is definitely sufficient need to justify monthly visits. Children's services in the UK have long been criticised for being slow to act and are widely accepted to be underfunded and underperforming; we need to prioritize children's services on Sark because the islands children are our future".
- 7.5 Nobody can say yet if the services of a health visitor will need to continue but the expectation is it will; we need to see how this year will work and if families benefit from the advice. Neither committee has taken the expenditure asked for lightly; we are very aware we must look after our pennies to save our pounds but there are times when we must put people first. The Medical and Education Committees of Sark ask you to approve the proposition.
- 7.6 Gomoll Who would the Health Visitor report to and when.
- 7.7 D.Baker The Doctor and only once a month.
- 7.8 Bache In favour of the idea but the Committee must appreciate that £5k is not the end cost; potentially the visits could lead to treatments back in Guernsey. What about the quality of the service provided – will the Committees monitor the visits, will they be able to select the Health Visitor and will it be the same person on each occasion?
- 7.9 D.Baker The Doctor will report to the Medical Committee on performance but not on detail. Guernsey will send a Health Visitor of their choosing but will be asked for a consistent approach. All are aware that if problems show up there might be more expense down the line. At this stage we are putting people and families first to see whether such assistance is helpful. It can be stopped if there are no obvious benefits.
- 7.10 Magell Had concerns about ongoing costs and the implications if a family and/or Sark could not pay. The Doctor thinks that insurance may help in such cases.
- 7.11 S.Williams What jurisdiction would the Health Visitor have in Sark as there is no supporting legislation?
- 7.12 D.Baker Visits will not be forced on families or individuals only offered as a support option.
- 7.13 Magell Just as nobody is forced to go to the Doctor, so no one will be forced to see the Health Visitor.
- 7.14 Hunt A Health Visitor will help with the prevention of problems or their development which could lead to bringing in Social Services.
- 7.15 R.Dewe The children concerned are not just of school age but from birth and helping new mothers with help and advice.
- 7.16 Guy Had spoken to a member of the public during the lunch interval who asked why the Doctor couldn't undertake the role; you listen to professionals.
- 7.17 Hunt If you have seen Monday's Sark Newsletter, it questioned why someone local could not be used. Such comments are not helpful and one needs to be careful – we are looking for a properly trained professional and not someone off the street.
- 7.18 **Proposition – CARRIED**
 That Chief Pleas supports the Medical and Education Committees with a request for up to £5,000 for the year 2011 to enlist the services of a Health Visitor from Guernsey on a monthly visit to Sark.

8 Sea Fisheries Committee Information Report for 2010

To elect Mr A. Leaman to the position of Assistant Constable Sea Fisheries

- 8.1 Cocksedge Since this information report was written, Alderney has put out a green paper to its Assembly for consideration. He is going, in company with the Guernsey and Alderney representatives, to another meeting at DEFRA in London on 24th January to discuss the 3-12 mile extension of territorial waters. The second picture in the report shows the type of trawlers that have all but wiped out the scallop beds in Guernsey; Alderney has a netting problem around its Island.
- 8.2 He acknowledged the help and support received from Mr Jon Torode, the Guernsey's Senior Fisheries Officer, over many years and wished him good luck in his new role as Deputy Greffier. He congratulated Mr Chris Morris on his promotion from Deputy to take over as Guernsey Fisheries Officer.
He also asked if Chief Pleas would endorse his thanks to Mr Peter Stisted who is retiring from his position as Assistant Constable Sea Fisheries and for his years of service in that role; this was acknowledged by the Assembly.
- 8.3 He introduced the proposition confirming the permanent appointment of Mr Andy Leaman as the Assistant Constable. Since becoming Assistant Constable on probation, Mr Leaman has produced a report on the The Gripe and is building up a picture of the seabed in the main fishing area.
- 8.4 Prevel Noted from the report that the Sea Fisheries RIB was undergoing an overhaul at present and asked whether the boat could be covered when not in use.
- 8.5 Cocksedge Confirmed this was in hand.
- 8.6 **Proposition – CARRIED**
That Chief Pleas confirm the permanent appointment of Mr A Leaman to the post of Assistant Constable Sea Fisheries.
- 8.7 Seneschal Requested the Sea Fisheries Committee to organise a swearing in date for Mr Leaman either this Friday or the following Friday when the Court was sitting.
- 8.8 P.Williams Noted that Conseiller Perree remained in the Assembly and even voted for the proposition but should have declared an interest.
- 8.9 Perrée Admitted her error and apologised to the Assembly.

9 Shipping Committee

Island Loans to Isle of Sark Shipping Company

- 9.1 Cook The report was self-explanatory but reminded the Assembly that one loan remained outstanding and at the Christmas Chief Pleas on 21st January 2009, it was agreed not to request payment for two years. This proposition was to extend that period by a further two years.
- 9.2 **Proposition – CARRIED**
That Chief Pleas will not require the Isle of Sark Shipping Company Ltd to repay any part of the outstanding loan of £304,788 for a further 24 months from this date.

10 Douzaine

Harbour Quarry Area

- 10.1 Melling Having considered the report, he felt sure the Assembly would agree that there is an urgent need to apply a remedy to the problem before the new season arrives. It is essential that this area continues to be workable. He believed that the costs of making the area 100% safe, with similar work as at La Coupée or above the hard standing in Maseline, would be definitely prohibitive and accept that we cannot go down that road.
- 10.2 We are looking at making the area safer for the least expenditure; to this end it is necessary to employ a team of three trained men. The Lead Man would have to be a Level Three Rope Technician from the U.K. and the others qualified to Level 1 and 2. Their remit would be to drop all the loose stone they can in a week. Such work to be directed by us - the Douzaine and Public Works. We would need the use of the crane which is no problem now that we have two available so we have allowed for man hours to operate this service. The fallen stone will be stored or crushed for the roads etc.

- 10.2 Melling The report mentions a safety wall. Perhaps we could make this with the bigger
cont boulders. If not we have allowed for the hire of a pecking machine to break the fallen
material already on the ground.
- 10.3 In order to contract our preferred engineering company, GEOMARINE, and to cover
local labour and hire costs etc. all indications at this time point to a figure of up to
£10,000.
Having worked for many years in the area and being fully understanding of the nature
of the work that is carried out there that there is no alternative site and something has
to be done to secure the area.
He proposed that, if Chief Pleas is so minded and accepts the financial implications
and needs of the area, that in the proposition, after the word '**available**' a new
sentence be added '**that such funds having been agreed not to exceed £10,000**'.
- 10.4 Hunt Referred again to the Sark Newsletter, its questioning of finding an alternative
location and its criticism of excessive smoke.
- 10.5 Melling With the large amount of building works taking place, large quantities of packaging
and foam are being received and there is insufficient staff to break down the rubbish
into a size that would allow it to go into the incinerator. Consequently, there was more
open burning than normal. Although open burning is restricted to the period following
the departure of the afternoon boat, sometimes this is not always possible and also
spontaneous combustion does sometimes occur.
- 10.6 Guy Drew attention to some additional small rock falls at either end of the old tunnel
leading into Creux Harbour. It was intended that advice on this would be given by
Geomarine at the same time as the visit about the Quarry area.
- 10.7 Melling Confirmed that this had been mentioned and would be covered.
- 10.8 Seneschal Questioned whether it would be done within this work programme.
- 10.9 Melling Suggested that it might be possible.
- 10.10 Melling Apologised to the Finance & Commerce Committee that he had only just found out
the amount involved and had not had a chance to consult with the Committee.
- 10.11 **Proposition – CARRIED as amended**
That the necessary funding to clear and make safe the quarry area at the Harbour be made
available; that such funds, having been agreed, are not to exceed £10,000.

11 Finance & Commerce and General Purposes & Advisory Committees

Royal Wedding

- 11.1 Gomoll Handed over the introduction to Conseiller Cook the previous Chairman of F&CC who
had written the report.
- 11.2 Cook Felt the report speaks for itself and establishes what celebrations will apply on 29th
April 2011, the day of the Royal Wedding.
- 11.3 Maitland Supported the proposition and had nothing further to add.
- 11.4 Hunt Suggested that when such events come up, they should be passed to the Millennium
Committee rather than set-up a one-off Constable's Committee. The Constable was
an ex-officio Member of the Millennium Committee anyway.
- 11.5 Seneschal Asked if the Committees would be prepared to change Proposition 2 to reflect the
request. Alternatively the Millennium Committee can come with a proposal to a future
Chief Pleas meeting with its own proposition for change.
- 11.6 Cook Suggested that it stays as written but that the Constable uses the Millennium
Committee for the organising Committee.
- 11.7 Melling The Millennium Committee will produce a mandate for the next Chief Pleas. In the
meantime it would be happy to take on the £2k proposed.
- 11.8 Seneschal Nobody can accuse Sark of not being forward thinking with a Millennium Committee.
He suggested that consideration be given to the date of May 2015 – the 450th
Anniversary of the colonisation of Sark: the Millennium Committee can start thinking.
- 11.9 S.Williams Asked for clarification of proposition 1 - will there be no boats on the 29th April 2011?
- 11.10 Seneschal It is a Sark Holiday which means the school is closed but everyone else works!
- 11.11 **Proposition 1 – CARRIED**
That Chief Pleas agree that the Royal Wedding day is declared a Sark holiday.
- 11.12 **Proposition 2 – CARRIED**
That Chief Pleas approves the formation of a Constables' Committee to organise the day.

- 11.13 **Proposition 3 – CARRIED**
That Chief Pleas approve a sum of up to £2,000 be made available for this purpose.
- 11.14 Hunt Suggested that the Constable similarly use the Millennium Committee for the visit of HMS Ledbury as mentioned earlier (Paragraph 0.5 of these minutes).

12 Development Control Committee

The Development Control (Sark) Law, 1991

- 12.1 Dunks The wording of the two new proposed factors is in no way fixed and is very likely to be amended during drafting.
With reference to the suggested (j), letters currently received by the Committee voicing concern over a proposed development are read by the Committee and any relevant information they provide is considered by the Committee when coming to a decision. However; at present the Committee are not able to consider *public opinion* as a reason for refusal which the introduction of (j) might allow.
The Committee is aware of the dangers posed by introducing (j) but is seeking permission from Chief Pleas to be allowed to investigate the possible effects by discussing the idea with the Law Officers.
- 12.2 Since Chief Pleas papers have been published the Committee has been approached with a suggestion of another factor the Committee should consider:
(k) environmental factors; including flora, fauna and hydrological.
- 12.3 If Chief Pleas gives its approval to the proposition, Development Control Committee will return to Chief Pleas at a future date with an amendment to the 1991 Law.
- 12.4 Cocksedge Suggested that with these three additional factors, the problems over the Grain Barn would not have occurred because of consultation before hand.
- 12.5 Maitland Was aware there had been development of roads which have no permission – across La Rondellerie for instance. The DCC seems powerless to stop this form of development.
- 12.6 Dunks It only requires some small edits to the existing law for such matters to be addressed.
- 12.7 Audrain Welcomed the additional categories; she supported an open meeting at which ideas could be considered. If a new Planning Law was to be introduced when would this realistically happen.
- 12.8 Dunks A new Law will be drafted but, once the present update of the Occupation Law is completed, these changes listed in the report will be drafted and forwarded for approval to give a quick fix to immediate problems.
- 12.9 Guy Agreed with Conseiller Audrain; the DCC seem to be looking for suggestions; Flora/Fauna and Hydrology – expand please.
- 12.10 Dunks Anything to do with water – supply and disposal.
- 12.11 Guy Can an additional factor be roads and paths?
Consideration of (k) might need expertise from outside Sark because of the increased demands on water supply.
- 12.12 Gomoll Public consultation is essential. Will Sark have “listed buildings”; it needs time for full consideration.
- 12.13 Dunks The purpose of this proposition is to give authority to seek time from the Law Officers to begin drafting.
- 12.14 Cook The scale of the objection would need to be taken into account – how many, how relevant and how close to the application.
- 12.15 **Proposition – CARRIED**
That Chief Pleas instructs the Development Control Committee to approach the Law Officers in Guernsey with a view to amending The Development Control (Sark) Law, 1991.

13 Education Committee

Education Committee Policy Document

- 13.1 Magell Recently the Committee looked at its mandate and consider whether it was up to date and fit for purpose and in so doing it also decided to look at the legislation concerning the Committee and at the way it currently operates. It was realised that there were working practises and decisions which had been taken in response to circumstances and events not formally recorded anywhere. Many of these would not be appropriate to include in a mandate or enshrine in legislation but need to be identified as guidance in future, hence the decision to produce a document to supplement the legislation as a statement of current policy.
- 13.2 Seneschal Invited questions but none were forthcoming. He congratulated the Committee on a well laid out and useful piece of work.

14 General Purposes & Advisory Committee

The Law Enforcement Commission

- 14.1 Maitland A States of Guernsey Resolution of 24th September 2008 concerned the future of Law Enforcement in the Bailiwick and proposed the setting up of a Law Enforcement Commission to have independent responsibility for the operational oversight of the Police and Customs and Immigration Service (now the Shadow Guernsey Border Agency). The explanation here is in the clarification provided by Paul Whitfield, Chief Officer, Home Department, Guernsey. Since circulating the report, an explanatory consultation session for Conseillers has been arranged, with Mark Lampriere, from Guernsey Home Department coming on Friday 28th January from 11.30am.
- 14.2 Plummer Will there be Members from other Islands on the Commission?
- 14.3 Maitland Believed it was just Guernsey. There are doubts as to whether it is appropriate for Sark at all but these are questions that can be raised at the consultation meeting.
- 14.4 Seneschal Noted that it was on the State of Guernsey Billet for approval next month.

15 Road Traffic Committee

Revised Mandate

- 15.1 R.Dewe Moved straight to the proposition as this was just a follow-up from Michaelmas.
- 15.2 Cocksedge Suggested that JCBs, Tele-handlers and Fork Lifts should be a separate category from tractors.
- 15.3 R.Dewe A new Law is being drafted and that separation will be made in future.
- 15.4 Nightingale There is no mention of electric bicycles.
- 15.5 R.Dewe Incorporated within the legislation on invalid carriages.
- 15.6 **Proposition – CARRIED**
That Chief approves the Road Traffic Committee mandate as updated.
- 15.7 R.Dewe Asked that a vote of thanks be recorded for the work of Mr Alan Blythe who had continued serving on the Committee as a non-Chief Pleas Member after ending his term as Constable. His task was to assist with the bringing together of all the road traffic legislation so that a new draft Law could be introduced. Unfortunately, the Law Officer assigned to the drafting has been away for some time and consequently Mr Blythe is now stood down as there is no immediate prospect of the legislation being drafted.

16 Public Health Committee

The Catering (Sark) Law, 1988

- 16.1 Melling Despite the various articles bounding around, this is straight forward issue. The Catering Law, 1988 ... 1988, that was 23 years ago and times have moved on; this Law needs updating. The Committee has been considered it many times in the last ten to twelve years and agree that it needs to increase the range of premises covered. The Committee wish to achieve this by removing the restriction which applies the Law only to food or drink consumed on the premises. In other words, all premises that sell food or drink will require a permit, by law, to do so regardless of whether the food is consumed in the premises or taken away.

- 16.2 Melling Admitted that we have had a good standard of co-operation from most quarters but we have problems in some areas; with an updated Law this would assist us to demand the standards expected by the public and, indeed, to safeguard them where possible. Recently the Liquor Licence Law was amended to require the holder of a licence to also have a Catering Permit. That is whether or not those licensed premises sold food.
- 16.3 We need to have a better overall picture of event catering and apply basic standards to such events. It is not just local business that is trading off-premises these days and we need to be assured that the standards required in fixed premises are similarly achieved when applied to different and remote sites; the temporary Permit Option.
- 16.4 Hawkers Licences; during last year's applications to the Court, the sale of lobster from the street was included. The Committee feel that this type of activity needs to be monitored closely. Other ventures have been suggested such as burgers and, at one time, home-made lemonade. Surely it would be only right that such a venture should require a permit before applying to the Court.
- 16.5 Inspections; this is not new, we are simply looking to make it clearer in the Law as to the rights of the owner/manager of the premises and the legal right of an Inspector. Last year the Committee organised inspections on all catering permit holders' premises. Whilst we had grief from some quarters, unlike anywhere else in the U.K., we gave notice of the day of inspection. Conseiller Melling thought the Committee was too kind – elsewhere they turn up out of the blue. Spot checks are needed to ensure the recommendations of the Inspector have been acted on, especially those marked urgent.
- 16.6 Once a water test is confirmed as failed the holder should immediately seek remedy to the problem. We have too many failures from mismanagement of systems or not even looking at them from one test to the next. Even some switched off!! We need clout here to ensure that action is taken. Indeed if the water purity is not passed the premises are working outside the Law; but the Committee's hands are tied because of the amount of time we have to give in notices; it can be up to 28 days to call in a permit. A lot can happen to a lot of people in 28 days.
- 16.7 The Committee has no way of closing down a business proven by professional inspectors to have caused an infection, albeit that such closure could only be while steps were taken to put things right. That power is only to be used in extreme circumstances and only after professional advice has been given to the Committee, bearing in mind here that a Liquor Licence will fall if a Catering Permit is removed. The person named on the permit can be the only person that we will pursue in any action we may have to take. How can we deal with a remote person who has no dealings on a daily basis on the premises? The Permit Holder can be the only one responsible.
- 16.8 The last item on the report suggests that the Permit Holder must ensure that he buys from a reputable supplier. This line of approach was to overcome small home traders such as cakes, fudge, jam makers etc. etc. Would it be correct to leave such small business out of the Law but to make the eventual seller, just before consumption, responsible to ensure the premises he bought from were hygienic.
- 16.9 This requirement is only local as supplies into the island are checked, probably more than once, on their various routes to us. The Proposition is only to enable us to move forward. Naturally Chief Pleas will have further opportunity to comment. It may well be that a new Law, such as "The Food and Drink (Sark) Law" would be better suited than using the limited word 'Catering'. We will take advice.
- 16.10 Audrain Welcomed and supported the ideas. She was concerned about standards for those who made cakes for charitable events; how can that be regulated?
- 16.11 Melling That is why we want to put the onus on the catering permit holder. A home baker should perhaps at least have a valid water test. The existing law can be easily overlooked.
- 16.12 Hunt Totally support this review. That premises can be given notice of an inspection is mind-boggling and anyone who needs it must be doing something wrong. He asked if events such as sheep racing would need a permit.
- 16.13 Melling There has to be an element of control on remote catering. He was impressed last year when 100% co-operation was given by those organising the Folk Festival. They were used to the standards required in Guernsey and at other locations they use.

- 16.14 Prevel Concerned about individual householders being responsible for their suppliers.
- 16.15 Gomoll Only for people preparing food and selling food.
- 16.16 Melling Was not worried about what happens before food from off-island arrives at White Rock. The UK/Guernsey have professionals closely monitoring each process. We also now have deep freeze facilities on the boat which ensures transport to Sark is under better conditions. The Committee's main concern is what happens once it reaches the Island or is produced on Sark.
- 16.17 Bache There is any number of questions raised here. There must be public consultation with those affected before going to the Law Officers. You need to show caterers that they need to clean up their act and show the public that we want their views.
- 16.18 S.Williams How many people asked Conseiller Melling such questions at the public surgery two weeks ago?
- 16.19 Melling None yet the papers have been out since before Christmas.
11 catering permits were re-issued during the course of last year because the permit holders change so frequently.
- 16.20 Hunt If nobody showed interest at the surgery it does not encourage more time to be taken setting up more public consultation meetings.
- 16.21 Melling This is not the first time we have brought these ideas forward; the Committee could see problems six years ago but many of those problems have now gone with new ones taking their place. Sark needs to come into line with the UK and Guernsey; it only needs one serious outbreak of infection to seriously undermine Sark's Tourism.
- 16.22 P.Williams Every Member of the Committee has worked in the Industry.
- 16.23 **Proposition – CARRIED**
That Chief Pleas instructs the Public Health Committee to request the Law Officers at St. James' Chambers to revise the Catering (Sark) Law 1988 to increase the effectiveness of the present legislation and to return with the amended legislation to a future meeting of Chief Pleas.
- 16.24 Gomoll Ask for clarification on how any changes to the present law would proceed.
- 16.25 Seneschal If a new Law is required it will need the Committee to come back with a request.

17 Harbours & Pilotage Committee

Harbours (Sark) Ordinance, 1987

- 17.1 Guy This is simply the Committee carrying out what it was directed to do by Chief Pleas last July. The changes to the 1987 ordinance, as amended, are minor -
- The first attempts to remove any confusion created by double negatives and slightly complicated phraseology in the recent amendment which was to correct an error on the 1987 ordinance. It also matches the wording with that on the admiralty charts;
 - The second simply matches matters on which we may consult to matters which we have to consider when viewing applications for permission to place moorings;
 - The third relates to definitions and acknowledges that the committee is now The Harbours and Pilotage Committee (since the amalgamation of the two committees) and redefines vessel to ensure that official and emergency duties are not hampered in any way.
- 17.2 If you approve the proposition either further amendments to the 1987 ordinance or a consolidated ordinance encompassing all amendments and reflecting the recommendations made in this report will, of course, come back to Chief Pleas.
- 17.3 **Proposition – CARRIED**
That Chief Pleas approves the proposed amendments to the Harbours (Sark) Ordinance 1987, as amended, as set out in this report and requests the Law Officers to prepare a draft Ordinance giving effect to them for consideration at the Easter Meeting of Chief Pleas or as soon as possible thereafter.

18 Development Control Committee

Annual Report on Applications and their disposal

- 18.1 Dunks A list of applications considered by the Committee during 2010, listed by category with decisions.
- 18.2 Audrain Listed in this way, one appreciates just how much the DCC does. When approvals are given is there any follow up to see that the building is carried out to the specification submitted and approved.
- 18.3 Dunks There is no requirement in the legislation but occasionally notification is given to the applicant that follow-up will take place particularly on new builds.
- 18.4 Audrain Is there any opportunity for the public to refer back to plans approved once a property is built?
- 18.5 Dunks All plans have been publicised so they are in the public domain; if the public has doubts they can go back to the office and check.
- 18.6 E.Baker Referred to the Appeals Tribunal system pointing out that the Committee did not like having decisions referred there. Consequently, it makes every effort not to go beyond its remit as defined in the legislation. However, the decision of the Tribunal is final and binding. The Committee had refused the Golf Course but it went to appeal and ruled against the Committee; he had intended to clarify that with Conseiller Atkinson but she was not attending today.
- 18.7 Seneschal Confirmed that Conseiller Atkinson did chair the Development Control Appeals Tribunal for the Golf Course appeal.

19 Shipping Committee

Progress Report December 2010

- 19.1 Cook This is a progress report written by the outgoing Chairman of the Committee and reflects the work of the Committee in 2010. Conseiller Cook thanked Mr Peter Cole for his time as Committee Chairman and for all the work he had done. Mr Cole had invited the Directors of the Isle of Sark Shipping Company to attend all Committee meetings and their input was very positive and always kept the Committee up to date.
- 19.2 Hunt Regretted that Mr Cole had not been returned but criticism is always attached to the Chairman of a Committee. It should be remembered that the Chairman does not work alone and that decisions are made by three, five, six or twelve people depending on the membership of the Committee
- 19.3 Seneschal Reference is made to the replacement for the 1951 Shipping Law. Can you give us any update on its progress?
- 19.4 Cook The Shipping Project went to the UK following its approval by the Easter Chief Pleas meeting in April 2010 (Ref: 5.45) and it has been with the Ministry of Justice (MoJ) ever since. Following representations it is understood that it will not be going to the February meeting of the Privy Council but it is hoped to go for approval to the Privy Council in March 2011.
- 19.5 Seneschal No reason has been given for this delay.

20 Road Traffic Committee

To elect two new Members to the Road Traffic Appeals Tribunal Panel

- 20.1 R.Dewe Two nominations had been passed to him by the Road Traffic Tribunal's Panel - Mr David Brunning and Mr William Raymond
A proposition to elect these two nominees to the Tribunal was **CARRIED**.
- 20.2 Hunt Enquired if the Members of Chief Pleas who were not voting when asked to do so were actually abstaining?
- 20.3 Seneschal Encouraged Conseillers to put their hands up for or against a proposition rather than simply not voting.

21 To elect Non-Chief Pleas Members to Committees

- 21.1 Seneschal Had received three nominations for non-Chief Pleas' Members and he called the Chairmen of each Committee to put forward their Committee's nominations.
- 21.2 P.Williams On behalf of the Agriculture Committee he nominated Ms Josephine Birch who had sat with the previous Committee - **CARRIED**
- 21.3 Magell On behalf of the Education Committee she nominated Mr Adrian Guille who had sat with the previous Committee having been elected as recently as Michaelmas 2010 (Ref: 20.2) to sit as the parent's representative - **CARRIED**

- 21.4 Maitland On behalf of the GP&A Committee he nominated Mr Roger Olsen who had sat with the previous Committee to deal exclusively on matter's relating to renewable energy which was his particular interest - **CARRIED**
- 21.5 Seneschal Thanked all three for volunteering their time and the work they carried out for the community.

22 General Purposes and Advisory Committee The Iran (Restrictive Measures)(Sark) Ordinance, 2010

- 22.1 Maitland In 2010, the Security Council of the United Nations passed Resolution 1929 which introduced further sanctions against Iran in respect of Iran's nuclear programme. This was followed by similar measures from the Council of the European Union which came into force on October 27th 2010.
In order to ensure that Sark meets its international obligations, the above Ordinance was approved by this Committee on behalf of Chief Pleas on the 30th November 2010.
- 22.2 Seneschal No notice to annul the Ordinance had been forthcoming so it remains in force.

23 Brought forward on the agenda after Item 5

24 Agriculture Committee Dark Skies

- 24.1 Seneschal Following communications received since last Saturday, Conseiller Paul Williams has asked to bring a late item to the meeting and this request had been granted.
- 24.2 The Rules of Procedure were suspended on a show of hands to allow Conseiller Paul Williams to make a statement about this initiative. A proposition was **CARRIED** by the Assembly on the understanding its content was subject to a moratorium by Members and any Press present until a late date.
At the end of this item the Rules of Procedure were reinstated.

0² Closing Remarks

- 0.9 [Brian & Jill Garrard](#) – the sympathy of Chief Pleas was extended to the Committee Secretary and his wife at the loss of their son, Robert Garrard. The Seneschal acknowledged the diligence of the Committee Secretary in preparing for this meeting and continuing with his Committee duties.

Forthcoming meetings for Chief Pleas Members

EASTER MEETING – Wednesday 4th MAY 2011 at 10.00am

Agenda closes -

Wednesday 6th April 2011 at 3.00pm

Papers distributed to Members by Wednesday 13th April 2011.

This meeting closed at 3.35pm

Brian Garrard MILT (Sark Committee Secretary) 20th-25th January 2011

Seneschal
and President of Chief Pleas

Greffier

Signed on 26th January 2011

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.

MEMBERS OF CHIEF PLEAS

Christmas Chief Pleas Meeting –19th January 2011

| | | | | | | | | | | |
|------------------------------------|-----------|--|--|--|--|--|--|--|--|--|
| | Attending | | | | | | | | | |
| The Seigneur – J. M. Beaumont | / | | | | | | | | | |
| The Seneschal – Lt. Col. R. Guille | / | | | | | | | | | |

CONSEILLERS

| | | | | | | | | | | |
|---|----------------------|---|--|--|--|--|--|--|--|--|
| 2 | Mr. R.J. de Carteret | / | | | | | | | | |
| 2 | Mrs. H.C. Magell | / | | | | | | | | |
| 2 | Mr. A. Dunks | / | | | | | | | | |
| 2 | Mr. A.C. Prevel | / | | | | | | | | |
| 2 | Mrs. S. Williams | / | | | | | | | | |
| 2 | Ms. E.M. Dewe | / | | | | | | | | |
| 2 | Mr. P.J. Williams | / | | | | | | | | |
| 2 | Mr. R.J. Dewe | / | | | | | | | | |
| 2 | Mr. P.M. Armorgie | / | | | | | | | | |
| 2 | Mr. C.N.D. Maitland | / | | | | | | | | |
| 2 | Mrs. A. Atkinson | A | | | | | | | | |
| 2 | Ms. C.D. Audrain | / | | | | | | | | |
| 4 | Mr. D.T. Cocksedge | / | | | | | | | | |
| 4 | Mrs. H.M. Plummer | / | | | | | | | | |
| 4 | Mr. D.W. Melling | / | | | | | | | | |
| 4 | Mr. C.R. Nightingale | / | | | | | | | | |
| 4 | Mr. A.P.F. Bache | / | | | | | | | | |
| 4 | Mr. E. Baker | / | | | | | | | | |
| 4 | Mr. C.H. Bateson | / | | | | | | | | |
| 4 | Mr. S.B. Gomoll | / | | | | | | | | |
| 4 | Mrs. D. Baker | / | | | | | | | | |
| 4 | Mr. A.G. Ventress | / | | | | | | | | |
| 4 | Mr. A.J. Cook | / | | | | | | | | |
| 4 | Ms. M.A. Perrée | / | | | | | | | | |
| 4 | Ms. J.M. Guy | / | | | | | | | | |
| 4 | Mr. J.E. Hunt | / | | | | | | | | |
| 2 | Vacancy | | | | | | | | | |
| 2 | Vacany | | | | | | | | | |

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|--|--------|----------------------|---|
| 2 – Term of office ends in January 2013 4 – Term of office ends in January 2015 | A / | Apologies Present | No named voting took place during the meeting |
|--|--------|----------------------|---|

Brian Garrard, Committee Secretary, 19th January 2011