

# MINUTES of the MIDSUMMER MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 6<sup>th</sup> July 2011 at 10.00 am.

**Present:** Sieur J.M. Beaumont OBE, Seigneur; Lt. Col. R.J. Guille MBE, Seneschal; K.N. Adams, Prévôt; T.J. Hamon, Greffier; W. Kiernan FCA, Treasurer; and the Constables. His Excellency the Lieutenant Governor, Air Marshal Peter Walker, CB, CBE, also attended.

**23 Conseillers** were present at the roll call (see attached list and named voting record). Apologies were received from Conseiller Sandra Williams who was off-Island.

## 01 Opening Comments

- 0.1 [Lt. Governor](#) – the Seneschal welcomed the Lt. Governor; Mrs Walker was unable to accompany her husband on this occasion.
- 0.2 [The Prévôt of Sark](#) – The Seigneur informed the House that, with the Lt. Governor's approval, he had appointed Mr. Kevin Adams as Prévôt, in place of his father, Mr. Alf Adams, who had stepped back to become Deputy Prévôt in place of his son; simply role reversal.  
The Seneschal added that it had been a pleasure working with Mr. Alf Adams over the past 11 years. During that time he, together with Mr. Kevin Adams (his deputy since 2004), have developed procedures to cover most aspects of that Office. The Seneschal now looked forward to working with them both into the future but in their reversed roles.
- 0.3 [Invitation to Guernsey](#) – The Seneschal reported his invitation by the Cultural and Leisure Department of the States of Guernsey to attend on the 24<sup>th</sup> May, the re-opening, by His Excellency, of The Royal Guernsey Militia Regimental Museum at Castle Cornet. It is a splendid museum and is very close to the museums of 201 Squadron (Guernsey's Own) RAF and The Royal Guernsey Light Infantry, a First World War display; the Seneschal recommended that it is visited by Sark residents as we as an Island are very intertwined historically with those museums.
- 0.4 [Resignation](#) – Mrs. Ann Atkinson stood for election in the 2008 General Election and came 24<sup>th</sup> out of 57 candidates, with 205 votes. On the 27<sup>th</sup> June the Seneschal received her letter of resignation as a Conseiller to be effective immediately. She has served on the Finance and Commerce Committee, as Chairman, and was also a Member of the Shipping Committee. Mrs. Atkinson resigned as Chairman and as a Member of the Finance and Commerce Committee on the 15<sup>th</sup> March 2010, however, she remained a Member of the Shipping Committee until her resignation last month. On behalf of Chief Pleas, he wished to thank Ann for her three and a half years of service as a Conseiller and wish her well in her political retirement. A vote of thanks was recorded.
- 0.5 [HMS Ledbury](#) – the Constable recalled the visit of this naval ship and the activities that took place during its visit to Sark and he thanked the Navy Team that organised their coming here. They gave a Royal Navy Presentation which went down well with the few people that attended.  
On the football pitch the Navy gave Sark a run for its money only losing 3–1; he suggested that if the Navy had had more time and players perhaps it would have been a different result.  
The shipboard reception went very well and the shore party from the ship had a great evening here on Sark. On the Saturday, some of Sark's lucky school children were taken to Alderney. The Constable was sure the younger children will be looking forward to another navy ship visiting.  
The Seneschal added that a Sark Shield was presented to the Ship, at the on-board reception, by Conseiller Maitland who was asked to do so by the Seigneur.
- 0.6 [The Island Games](#) – Conseiller R. Dewe paid tribute to all those who took part in the recent Island Games held in the Isle of Wight at the end of June; of the many NatWest Games that he has attended, both as a competitor and administrator, he had never witnessed such a welcome as that given by the people of Ryde and elsewhere on the Island during the Opening Ceremony.  
Stefan Roberts was our standard bearer and Robert Knight performed the Water Ceremony with much aplomb.  
On the first day of competition, the pair, Stefan Roberts and Nicholas Dewe, took the Gold Medal for the Automatic Ball Trap event and, later in the week, Stefan took Bronze in the individual ABT. The same pair just missed out on the medals by coming fourth in the Universal Trench event, but Stefan achieved a Silver Medal in the individual UT event after a sudden death shoot out with Darren Birtenshaw of Guernsey.  
The other clay target shooters, Robert Knight, Glenn Williams and Paul (Ringo) Brown participated in both the team and individual English Sporting events, but sadly the competition was too strong for them to bring back any medals. Glenn Williams also competed in the individual Skeet event; unfortunately we do not have facilities on Sark for this type of clay target shooting and therefore he was at a disadvantage.

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The archery team of Dr. Peter Counsell, Kevin Adams, Jane Norwich and Monika Komla, despite not winning any medals, earned great respect for their skill from the other competitors. There were many other Island Teams that were below their tally. A good achievement, since it is their first taste of a wide multi-island competition.

Sark's mid-distance runner, Michael Doyle, had to retire from the 5,000 metres with cramp during the last three laps of the race.

Conseiller Dewe, on behalf of the team, thanked Chief Pleas for the support that it gives and he was confident that the entry helps to promote Sark to a wider group of Islands. We may be the smallest competing Island with the smallest team but we certainly put Sark on the map.

The House applauded the Team's efforts.

- 0.7 [Sark Folk Festival](#) – Conseiller Melling thanked the organisers of last weekend's Festival which had again proved to be a great success. Blessed with fine weather, many first time visitors had been enthralled with the Island and it was a boost for tourism as many are likely to return. The publicity from the event can do nothing but good for Sark.

Whilst it is always difficult to mention certain people in an organising committee, Conseiller Melling believed a good deal of credit for the success should go to Simon Harvey and David Langlois who have been the main contacts and worked tirelessly during the last year to not only bring so many top artists to the venue but to talk with Sark in general about the plans for the event. That important liaison must continue.

Conseiller Melling noticed in Monday's *Guernsey Press* a headline "*could Sark cope with even more folk, festival organisers wonder*". He thought this might be difficult as more problems would be caused and current standards might be difficult to maintain

He also believed that thanks are due to all the Island's businesses including Sark Shipping, who did extremely well to cope with the weekend.

## 1 Minutes of the Easter Meeting on 4<sup>th</sup> May 2011

- 1.1 Audrain [Art for the Love of Sark \(Ref: 24.14\)](#) Asked on behalf of Conseiller S. Williams that this minute be reworded to read – *Did not have details to hand **of the amount contributed by the Tourism Committee** over and above the £10k raised by Ms Guille and **the** £5k grant requested.*
- 1.2 The minutes were **APPROVED** with this one minor change for clarity.

### Matters Arising

- 1.3 Dunks [Rubbish Dumps \(Ref: 2.5\)](#) – the question had been asked at the Easter meeting "*Could the Development Control Committee seek legal advice to ascertain the law regarding Rubbish Dumps*"?  
The advice is that the type of dumps Conseiller Sandra William seeks to have controlled are not presently governed by The Development Control (Sark) Law, 1991.
- 1.4 D. Baker [Island Health Insurance \(Ref: 12.5\)](#) – updated Chief Pleas on the numbers taking up the new Insurance. There are now 290 individuals insured under the new Q&A/Aetna scheme of whom 261 had transferred from ALC the previous insurer. 21 have transferred from other companies and 8 are new customers; it is believed 10 have elected to stay with ALC.
- 1.5 A small number of people had told her they are insured with another company; this does concern the Committee as it has tried to make it clear that they are not fully covered but it is the choice of the individual and they must accept this risk.

## 2 Questions not related to the Business of the Day

There were no questions submitted.

## 3 General Purposes & Advisory Committee

### The Law Enforcement Commission (Bailiwick of Guernsey) Law, 2011

- 3.1 Maitland Following the withdrawal of the proposition at the Easter meeting, the Committee had consulted with the Home Department in Guernsey and a letter from the Minister, Deputy Mahy has been circulated with the papers.
- 3.2 Bateson Didn't feel the situation had changed but could see no alternative; he asked that the GP&A Committee press for earlier consultation to take place on similar issues in future.
- 3.3 **Proposition – CARRIED**  
That Chief Pleas approve the Projet entitled *The Law Enforcement Commission (Bailiwick of Guernsey) Law, 2011*.

## 4 Development Control Committee

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

- 4.1 Dunks Apologised for the lateness in getting this final draft of the Projet to Chief Pleas; a number of points had been raised at, and following, the most recent public meeting, and it was not anticipated that the necessary advice and drafting would be ready in time for the 8<sup>th</sup> June deadline for submission of papers. However, drafting has been completed in time for the Projet de Loi to be submitted as the late filed item you have since received.  
There has been an ample opportunity for the public to make their feelings known; in addition to the public meetings, the Conseiller Surgeries and Chief Pleas meetings themselves, the members of the Committee have been contacted in person, or have received numerous letters, e-mails and phone calls (including one he had received personally at 8pm yesterday evening) seeking clarification on some aspect or other. The Committee is satisfied that the concerns that have been raised have now been answered, and where necessary, amendments made to the Law, clearing the way for its approval by Chief Pleas.
- 4.2 Bache The Law appears to give considerable powers to the Douzaine and he asked whether those powers will be carefully specified in the enactment Ordinance, required before the Law commences.
- 4.3 Cocksedge Felt there were still anomalies in the Law; in Section 3, for example, if he split his house to accommodate an ageing parent or sick friend, one part of the house would be put on the register so the value would fall. If the relative passed away and the house reverted back to only one residence again, would it be taken off the register? In an alternative scenario, if he passed away would his ageing parent or friend be able to stay in the house?
- 4.4 In Section 5, does it allow for somebody who lives in a separate house but runs a guest house etc. in another plot from where they live? Does this mean they cannot carry on with their business?
- 4.5 Dunks Explained the changes that had been made to better defining the implications of dividing existing property. As a long as a locally qualified person also resided in the property being used as a guest house or for self-catering, the conditions of the law were satisfied.
- 4.6 Perrée Had received comments that the whole consultation procedure had been rushed.
- 4.7 Dunks It was pointed out that this legislation had been an on-going process and that Chief Pleas had been consulted and informed on four previous occasions since as long ago as 2003.
- 4.8 E. Baker Section 5(5) pointed out that the locally qualified person must share the property as their principal residence. He attended the last consultation meeting and believed all the issues raised had been covered or explained to the satisfaction of those present, not all of whom were Island residents.
- 4.9 **Proposition – CARRIED**  
That Chief Pleas approve *The Housing (Control of Occupation) (Sark) Law, 2011*.

## 5 General Purposes & Advisory Committee

### The Election of Conseillers, September 2011

- 5.1 Maitland An amended Ordinance has been circulated this morning to make provision for four vacancies following the resignation of Conseiller Atkinson.
- 5.2 **Proposition – CARRIED**  
That Chief Pleas approves “The Reform (By-Election)(Sark) Ordinance, 2011”.

## 6 Medical Committee

### The Medical Practitioners (Sark) Ordinance, 2011

- 6.1 D. Baker It is with regret that the Medical Committee has to withdraw the Medical Practitioner’s Ordinance following advice from Her Majesty’s Procureur Howard Roberts that this Ordinance would be ultra vires.  
The law officer who drafted this ordinance says, and she quoted -  
“When I was drafting the Ordinance, it seemed to me that Section 37 created a power which was wide enough to enable Chief Pleas to enact the draft Ordinance in the form in which I had prepared it following discussion with you and your Committee”.

- 6.2 D. Baker She continued quoting –  
*“However, HM Procurer (who had not seen the draft Ordinance until he reviewed his copy of the agenda for the Midsummer meeting last week) has raised some doubts about the extent of the power of Chief Pleas under Section 37 to enact the Ordinance in the form currently envisaged. He further indicated that if the Ordinance were enacted in its current form he would feel obliged to ask the Royal Court to consider the exercise of its powers under Section 39(1) of the Reform (Sark) Law, 2008 to annul the Ordinance on the ground that it is ultra vires the Chief Pleas.*  
*In the circumstances, may I ask that Chief Pleas are requested to defer consideration of the draft Ordinance so that revised legislation that satisfies HM Procurer’s concerns can be presented at the Michaelmas meeting of Chief Pleas or that some other satisfactory action can be agreed”?*
- 6.3 HM Procureur then says –  
*“When Sark Ordinances are laid before the Royal Court pursuant to Section 39 of the Reform (Sark) Law, 2008, the practice is for a Law Officer to be asked to confirm that they are not ultra vires. In the case of this one I do not feel able to do that. If the matter is to be progressed at all by means of legislation, I believe it will have to be by way of a new stand-alone Projet de Loi including provision similar to that which has been prepared for the Ordinance”.*
- 6.4 The Committee intend to return at Michaelmas to present a Medical Practitioners Projet de Loi that enables the provisions in the Ordinance to be made into Law. If the Assembly has any questions concerning the content of this Ordinance, it may be as well to ask now just in case the Committee need to seek clarification on any points.
- 6.5 Seneschal Confirmed that the Ordinance and the report’s proposition were withdrawn and invited questions from the Assembly.
- 6.6 Cocksedge Asked about alternative medical practitioners providing, for example, acupuncture or Chiropractors etc.
- 6.7 D. Baker Reiterated the statement made at the Easter meeting that it only referred to Doctors and not to nurses or other practitioners.
- 6.8 Bateson Asked if the Assembly needed a proposition giving the Medical Committee permission to go forward in requesting a Projet de Loi.
- 6.9 Seneschal Checked and asked the Committee to put forward such a proposition.
- 6.10 Gomoll Asked if the Medical Committee would share correspondence received with the GP&A Committee to see if there are implications for other legislation being drafted.
- 6.11 D. Baker Agreed this would be done and requested that perhaps representatives for both Committees should be present at a meeting with the Law Officers to discuss the way forward on this legislation.
- 6.12 Seneschal Suggested using the proposition at Minute 15.6 of the Easter meeting just changing the words Ordinance to read Projet de Loi.
- 6.13 E. Baker Technically the proposition should refer to the Law officers of the Crown.
- 6.14 **Proposition – WITHDRAWN**  
 That Chief Pleas approve “The Medical Practitioners (Sark) Ordinance, 2011”
- 6.15 **Proposition – CARRIED**  
 That Chief Pleas directs the Medical Committee to request the Law Officers of the Crown to draft a Projet de Loi to restrict a medical practitioner practising on Sark other than the medical practitioner(s) employed by the Committee and any personal family physician registered with the Committee.

## **7 Medical Committee**

### **The Smoking in Regulated Premises (Sark) Ordinance, 2011**

- 7.1 D. Baker Further to the Medical Committee’s report at Easter Chief Pleas when both Propositions 1 and 2 were carried, the Committee has met with a Law Officer of the Crown in Sark and believe the Ordinance truly reflects the proposition carried by a named vote.  
 The Medical Committee believes this is what it was asked to bring forward, a simple Ordinance that doesn’t affect shops, workshop and offices with Section 3 allowing hotels and self-catering units to be exempt by designation.  
 It has brought forward no more than what was asked of it.

- 7.2 D. Baker Members of the public had asked her two questions; why this does not extend to the island of Brecqhou. As part of Sark, most of our legislation does indeed include the island of Brecqhou but in this case, she didn't believe Brecqhou has either a public house or a shop that sells tobacco and we couldn't police this legislation anyway.
- 7.3 The second question concerns Section 2 and the requirement to display notices; there are restaurants and cafes which have never had problems with guests trying to smoke inside and she had been asked if notices were really necessary. The Committee was advised that if no notice is displayed people may claim they didn't know they weren't allowed to smoke, especially so in the case of visitors who will be used to seeing such notices everywhere; they could genuinely think that with no notice no restrictions. Although there is not a great deal of difference, the Committee feels that the following words give the licensee a little more freedom on where to place any notices and asks the House to accept the change of wording in The Smoking in Regulated Premises (Sark) Ordinance, 2011, *Section 2 Requirement to display notices* removing the locations listed so that Section 2 reads as follows - *"Subject to Section 3, the person responsible for any regulated premises must at all times display sufficient notices, in such places and manner as to be obvious to persons entering [or present in] any part of the premises to which Section 1 applies, that it is illegal [by virtue of this Ordinance] to smoke there"*.
- 7.4 Two weeks ago she was invited to attend a public meeting in the Mermaid Tavern to hear from the customers there and what they had to say; she declined, but did offer to set-up a public meeting in the Assembly Room. However, this wasn't easy to do achieve at such short notice as there were already meetings planned there and a public meeting such as this needs advertising and the island calendar consulted to allow as many as may wish to attend. She also had a letter from a concerned resident, as did all Conseillers, who feels we are not listening to the public. She replied and had a very pleasant letter back and believes he now better understands the Committee's position.
- 7.5 She thought the Committee and all other Conseillers are listening to the public as that is why it all started and why this legislation is in front of you; the letter went on to say we want to change things without prior public consultation. She reminded the House that three years ago when legislating for smoking inside buildings was first mooted, Chief Pleas invited everyone to write to the Medical Committee putting their views forward, we had a few letters in favour of a smoking ban and a petition signed by 77 people against; she made Chief Pleas aware at that time of the views both for and against. Quite a number of people are speaking out against this because they feel it is their right to continue to smoke in their public bar but this is not an infringement of people's rights as far as the Medical Committee is concerned - this is a health issue.
- 7.6 There are many arguments put forward by those having to go outside to smoke; pneumonia from being outside on a cold winters evening could it was suggested be a greater risk than lung cancer; noise has been mentioned with so many people going outside to smoke and cigarette ends dumped on the floor - surely the smoker can have some thought for the landlord. A little consideration goes a long way. At the last Chief Pleas meeting she spoke about the hazards of smoking and passive smoking and these need not be repeated again.
- 7.7 She has been told that just before the last Chief Pleas - literally ten minutes before - another petition was handed to two Conseillers who declined to accept it at so late a stage; here we are two months later and a petition has in the past 10 days been given to the Medical Committee as well as copied to all Conseillers. She hopes Chief Pleas Members have looked carefully at it; she accepts the word of those involved in setting out the petition understanding that 145 of the people who have signed are living on Sark. She had looked at each page and had a few concerns but at least someone has done something to bring their concerns to our attention. Conseillers' Surgeries had been organised in the hope that people who had something to say would come along; they could have spoken with or written to an individual Conseiller or a Committee. All Conseillers would encourage anyone with an opinion to talk to them but leaving it so late makes action difficult to achieve. She had hoped that we could have done this without legislation; sadly she was wrong but hoped this is as far as we need to go.

- 7.8 D. Baker She asked that any debate should be followed by a vote on the amendment that the Committee has proposed and will ask for a named vote on the smoking in regulated premises Ordinance at the end.
- 7.9 Seneschal Understood that the Law Officers had been consulted over the change to Section 2 and accepted the amendment. He asked if there were any questions on the amendment and, there being none, asked for a show of hands to approve the change.  
*“Subject to Section 3, the person responsible for any regulated premises must at all times display sufficient notices, in such places and manner as to be obvious to persons entering [or present in] any part of the premises to which Section 1 applies, that it is illegal [by virtue of this Ordinance] to smoke there”*  
 This was **CARRIED**.
- 7.10 Plummer Had received a note through the door this morning requesting her to read it out at today’s meeting. It was anonymous so she won’t read it out but sympathises with the views of the writer. She will nonetheless vote for the ban. Would shelters outside pubs be an answer? She too requested better and earlier communication.
- 7.11 Cocksedge A product introduced by the American Indians as a way of forming friendships by the use of a peace pipe has certainly stirred up differences over the years. If this Law was intended to stop people smoking you only have to look over the water to see it does not work. People still stand outside offices and pubs blocking the street and discarding their fag ends. The regulation started off as a voluntary scheme but because one establishment did not comply, this law is being brought in. In his view if only one venue does not comply it is a good voluntary system. As all Conseillers know, we have had a number of letters voicing their opinions - Peter Cox, Ivor Drawmer, Roger Peters, James Askew (who works behind the bar at the Mermaid Inn); they all have valid points to make about noise pollution, rubbish strewn across areas outside premises and freedom of choice, to name a few. They all have no objection to a ban where food is prepared and served but they wish to have freedom of choice in a place that does not supply food. There is the opportunity in the law to allow the owner to have a room or place designated for smoking. He understood the Medical Committee’s stance for a healthier lifestyle but he remembered not long ago when attending Medical Committee meetings that he was the only person who did not smoke. Freedom of choice. Whatever way the vote goes, he thought it has brought to a head the need for any future new legislation being presented in the form of a green paper as they do in Alderney so that all parties have time to consult before legislation comes to Chief Pleas. He intended to vote against the law as it stands.
- 7.12 Guy We should remember that all we are doing here is voting on whether or not the amended Ordinance reflects our decisions of the last meeting. However, having personally received submissions from a number of people saying that they would prefer this Ordinance not to be approved, she had read these points, counted and taken note of those names that she was able to read. She would like to be able to support their desire for freedom of choice on this matter but won’t for the following reasons [*Holding up an empty cigarette packet*] –  
 The message on the cigarette packet is clear:

**SMOKING KILLS.**

**SMOKING CAN DAMAGE YOUR HEALTH AND THAT OF OTHERS.**

While she cannot stop people electing to kill themselves, she cannot make it easier for them. Indeed as an elected member, and as a fellow human being, she felt that it is her duty to make it more difficult for them. In Sark many young people visit the pubs for their social life. Part of rite of passage to adulthood is a night out at the pub. She did it too in Jersey a long time ago. But it is not appropriate for our young people to get a message that smoking is a good thing or, in the 21<sup>st</sup> century, that smoking in a public place is an acceptable thing.

- 7.12 cont. Guy Our government should be endorsing the message that our children get in schools, both here and in the UK, and that message is the one that it says on the packet:
- SMOKING KILLS**
- We are all well aware that the Medical Committee has spent a great deal of time and energy getting a tailor made private health care scheme for the island. Many people have elected to be part of it, others belong to other schemes. If we can do anything at all to lessen the health risk from smoking we should do it to lessen the risk of diseases such as lung cancer, throat cancer and emphysema because, as we are all aware, the greater the number of claims, the more the premiums, already high, go up...for all of us.
- 7.13 Bache Recognised the arguments of those signing the petition but had to set against them the recommendations of the Medical Committee. The loss of parents and friends had convinced him of strength of the case on health grounds.  
What is in the best interest of Sark and future generations? Progress towards less smoking and on that basis he therefore supported the proposition.
- 7.14 Nightingale Had reluctantly changed his mind of this issue.  
Many people are against a total ban and he thought one place for smokers is reasonable. With so many of our laws we have to change because some all-powerful body says we have to. On Sark we always say we do things differently so let's not follow everywhere else and give visitors and locals a choice.  
It is said that it may give a commercial advantage but that could go either way.
- 7.15 Armorgie **Declared a pecuniary interest on both the smoking related issues.**  
He was sympathetic to the views of people who primarily view the proposed smoking ban as an erosion of their 'freedom of choice' and the removal of another of Sark's delightfully quirky and idiosyncratic little ways, irrespective of the health issues. However, he believed that the **19:5 vote** in Easter Chief Pleas was indicative of the feeling of the majority of people to whom he had spoken. Admittedly, he doesn't frequent the Mermaid or the Bel-Air on a regular basis. He has however, been the holder of a Sark liquor licence since 1980, (and a public house liquor licence since 1998), and believed that he meets and speaks to a reasonably broad cross-section of smokers and non-smokers, both locals and non-residents.  
He appreciated that the Sark non-residents did not elect me as a Conseiller but it is important to listen to a broad cross section of well-informed opinion on any subject.
- 7.16 He appreciated that the pro-smoking / freedom of choice lobbyists don't like the proposed legislation and they are quite vociferous. He had received letters in support of retaining the status quo. He had also received copies of petitions from smokers and drinkers. People are perhaps not aware of his personal and deeply held views on the subject. He categorically does not accept the opinion that smoking in enclosed public places on Sark has any positive long-term benefits for tourism on the island. Should we seriously promote Sark to intelligent, sophisticated and thinking 21<sup>st</sup> century tourists as: 'the ashtray of Europe'? He didn't think so.
- 7.17 The Medical Committee is tasked with doing what is right for the health of the general public and the community of Sark as a whole. We are not tasked with being defenders or supporters of any particular personal pro or anti local feeling on this issue. Correctly, we are doing what the overwhelming body of international medical evidence has unequivocally proven: namely that **smoking, and passive smoking, harms, maims and kills the smoker and other people too.**
- 7.18 He continued to believe that he is representing the views of the majority of the Sark electorate to whom he had spoken, both smokers and non-smokers, on both these issues. He had first-hand personal experience of losing his grandparents, his father, and more recently, some younger friends to smoking related diseases. Furthermore he believed that some of his own personal health issues are a direct result of working directly in un-protected, smoke-filled, hospitality environments and inhaling passive smoke when he was younger. He consequently felt that he had a duty of care to try and protect the health of his own children and their generation from the ignorance that has existed throughout much of his own generation. This might appear to be a small and apparently meaningless contribution but it is one to which he remain committed.

- 7.19 Armorgie I have spent my working life listening to, and considering, the views of other people. I would have been happy to attend a meeting at an appropriate location and given reasonable notice. But please be aware that I made my own mind up on this issue many years ago as I watched my father die a slow and painful death from smoking related lung cancer between 1996 and 1999.
- 7.20 Prevel Over the last ten years he has seen Sark's traditions and way of life destroyed by outsiders and locals alike. Forcing the old and new Chief Pleas to bring in new laws, some good and some not good.  
The smoking ban is another law we do not need as the voluntary ban is working well. As a non-smoker he has the freedom of choice to go in to a smoking establishment or not.  
If this ban comes in to force the smokers have **NO** freedom of choice; therefore he will be voting against.
- 7.21 Dunks Was brought up in a house where both adults were smokers (both of whom have since given up for health reasons) and he can therefore only wonder if this is related to any of his own medical history. This left him with an emotional view of smoking in general and he confessed to having difficulty in putting aside his personal feelings. Despite his own views he will be supporting this proposition as it is right for the people of Sark.
- 7.22 Perrée Despite the fact that she is a non-smoker and her Father probably died of smoking and drinking related illnesses, she did put her name down at the elections and was voted in twice to be a Conseiller and represent the people of Sark and their wishes despite her own personal feelings.
- 7.23 She was not sure where to begin. Clearly, she was not the only one to receive Mr. Cox's petition with an amazing amount of signatures of smoking and non-smoking members of our community and frequent regular visitors to the Mermaid Tavern. It has been mentioned by other Conseillers that it is too late in the day but sorry she did not understand this comment; this Item was brought to Chief Pleas with no public discussion and like most things, people talk, moan and even argue ABOUT IT before then considering how it would affect them.  
By this time Mr. Cox decided to do something about it hence the letters and petition and the numerous letters to the Conseillers which she assume the other Conseillers have received and read.
- 7.24 The public have asked for a show of hands from the Conseillers who frequent the Mermaid Tavern and would like the Greffier to take a record of the count.  
*[The President disallowed this request].*  
The Mermaid is really a little privately owned working persons pub where, after a hard day graft, people of all ages head to have a cool pint and a de-stressing cigarette. The people whose choice it is to do this are fulfilling a need and it is their freedom of choice as to how they spend their leisure time. Although they understand the Medical Committee's reasons, they do not think they should be dictated to in how they spend their leisure time or their hard earned cash. Maybe many of the Conseillers have forgotten how it is to be young and attend the disco. We can't all live waiting for God to beckon us and at the end of the day we all have to die of something. As we have no national health and pay heavily for our medical insurance who knows, we might not have smoking related diseases but dust related? Freedom of choice is very important to most of us! Enough people died in the second world war for such a purpose.
- 7.25 The Mermaid Tavern does not serve food as such – a packet of pork scratchings occasionally. It also has two bars with extractor fans running! When this comes to the vote she felt Conseillers should vote against the smoking ban despite few or none of these people attend the failing surgeries due to the fact they were lobbied by the public. She would hate to see more splits in the community and we are supposed to represent the people of Sark not dictate to them; but perhaps she is wrong.
- 7.26 Bateson Reminded everyone that the petition was from the people at the Mermaid Tavern, not from the public.
- 7.13 Perrée Lots of people do go to the Mermaid Tavern – it is not exclusive.
- 7.14 Gomoll Has listened to the arguments; Conseiller Cocksedge has suggested designated rooms; Conseiller Plummer proposes building a shelter. Should we give the Medical Committee the discretion to allow a designated room? He suggested compromise and an edit to Section 3.

- 7.15 D. Baker Had concerns about many of the comments heard today; indeed she had never considered the Medical Committee as an all-powerful body!  
She did not intend to muddy the waters today but, dependent on the vote, she would be prepared to return to the Law Officers to make amendments if that is the wish of the House.

- 7.16 **Proposition – CARRIED on a named vote – 16 Pour, 6 Contre, 1 No Vote**  
That Chief Pleas approve “The Smoking in Regulated Premises (Sark) Ordinance, 2011” as amended at the meeting.

## 8 Medical Committee

### The Sale and Supply of Tobacco Products (Sark) Ordinance, 2011

- 8.1 D. Baker Further to the Medical Committee’s report at Easter Chief Pleas when Proposition 2 was approved, Committee members met with a Law Officer of the Crown in Sark and believe that the enclosed Ordinance truly reflects the carried proposition.
- 8.2 D. Baker Once again she hoped the Committee has done what is needed and no more and she or another Committee Member will try to answer any questions. Sark has never had a problem with tobacco being sold to a minor but this makes sure we all know where we are with legislation.
- 8.3 E. Dewe It is possible for children to obtain tobacco on Sark; her two children have done so.

- 8.4 **Proposition – CARRIED**  
That Chief Pleas approve “The Sale and Supply of Tobacco Products (Sark) Ordinance, 2011”

## 9 Finance & Commerce Committee

### Hathaway Settlement Funds

- 9.1 Gomoll The report is self-explanatory but is really from the Trustees of the Fund. He will answer questions as will Conseiller Maitland or the Treasurer.  
He asked that after the propositions were considered and resolved, a discussion could be held on the process of requesting charitable funding.
- 9.2 Guy Supported Proposition 1 and was impressed at how much lateral thinking has gone into solving the problems that increased charges for pathology and haematology in Guernsey have thrown up. Her only concern on this one is hoping it will not result in too much additional work for our already busy doctor. She assumed that it has been discussed in full with Dr Counsel and any locums who will be equally well versed in how to use the kit.
- 9.3 Gomoll Acknowledged he had spoken to the doctor but not about the locums.
- 9.4 D. Baker The idea is that the majority (at least 50% but probably 80%) of the commonly done tests for chronic disease management such as those needed for optimal care of patients with high blood pressure, diabetes, immune system problems, and kidney disease would be able to be done here.
- 9.5 The machines would be owned or leased and maintained on behalf of the island by the Professor Saint Fund (PSF) who would charge per test to cover the costs of the consumables, maintenance and replacement of the machines. There would need to be one machine for haematology and one or two for biochemistry. At present there are two main options - buying the machines outright then paying for the consumables and training/maintenance or leasing the machines from a company that gets a lot more involved in quality assessment and monitoring but may be more expensive in the long run.  
Dr Counsell has proposals from these providers so these need to be presented with the pros and cons of each option when a decision is considered. It is likely we will need to go back to the providers with a lot more questions before this decision can be reached.
- 9.6 From the Medical Committee and Dr. Counsel’s perspective, the solution needs to be accurate, easy to use, cost effective and reliable. It needs to be a long term solution for Sark to give our residents some protection from Guernsey’s price increases. We anticipate that the charges for the tests would initially be in line with the previous prices that Health & Social Services Department (HSSD) charged before the massive increases; PSF would have to adjust these based on running costs as this should not be a burden on the Trust.

- 9.7 D. Baker It does generate quite a lot of extra work for Dr. Counsel and Fiona Hamon and will for the PSF; how much we don't yet know until we have clarified all the options. The advantages, apart from the main reason of cost saving for patients and our group scheme, are that results are almost immediate and may well help in emergency care as well to aid diagnosis and treatment.  
Dr. Counsel does not anticipate that a technician would be required in the future as these devices are made to be operated by people who have a few days training which needs to be regularly updated and normally would be done by the person who takes the blood. She reminded Chief Pleas that the Medical Committee is advised by Dr Counsel on this as he is the person who has done all the homework and who assures us this is a sensible move; this should help keep the extortionate costs charged by Guernsey down to a minimum.
- 9.8 Bache Thought it an excellent idea and supported it with some reservations about future costs. Is the doctor in favour of this and able to take on the extra work involved? Or will extra staff and any continuing extra costs be involved.
- 9.9 D. Baker The Doctor is confident nobody else will be needed.
- 9.10 **Proposition 1 – CARRIED**  
That Chief Pleas approve the payment of a grant of up to £30,000, from the funds realised by the Trustees of the Dame Sibyl Hathaway Trust, to enable the acquisition by the Professor Saint Sark Medical Trust of diagnostic machines for Haematology and Bio-Chemistry and to carry out essential work at the Sark Surgery to provide the correct environment for their use.
- 9.11 Gomoll Added little to the report which was well documented with supporting papers.
- 9.12 Prevel Had great concerns over the proposed use of the Chapel in the grounds of La Seigneurie as a museum, being led to believe that La Seigneurie Gardens Trust was set up for the people of Sark. However, the Trust seems to be doing what it likes. The Trust has a number of very interesting and historically valuable buildings and has already lost a potential museum site and he referred to the old barn which has been passed suitable for changing into a dwelling.  
The chapel, although never consecrated as such, would surely be more useful if it was restored and consecrated as a chapel instead of being turned into a museum. It would be far too small as a museum, but as a working chapel it would have the potential to be used as a wedding venue in conjunction with *Hathaways Restaurant* and the Gardens.  
He would like to see some sort of consultation with the people of Sark before drastic changes are made to these old buildings. They are the heritage of the people of Sark and should not be altered by the whims of a few.
- 9.13 Maitland Made a statement about the workings and aims of the Trust and took Conseiller Prevel's points very seriously. The Trust has looked at the potential uses for the old chapel but this money is not connected to those; it is to restore the building by replacing decayed windows and restoring pointing to ensure the building is weather resistant again. It is work in progress and the Trust is more than willing to listen to ideas.
- 9.11 P. Williams Concurred with Conseiller Prevel, suggesting the proposition be changed to remove reference to the building as a museum.
- 9.12 Guy The Seigneurie Gardens are a major draw to the island and most visitors go to visit the gardens. They also attract Cruise Liner passengers and groups which have specific interests in gardens. Each one of those visitors pays a poll tax to the island and, as such, benefit all of us.  
There are very few 'indoor options' for visitors when the weather is wet. Eight years ago there was only the Occupation and Heritage Museum. Now we also have the Visitor Centre and The Société Serquaise room and both become very popular in a down pour. A small museum at the Gardens would be a useful addition to this number and would enhance the island experience our visitors receive.  
During five years as a Visitor Officer she had been convinced that the more visitors get to know about our way of life, our flora and fauna and our history the more they become interested and the more likely they are to come back. A museum in the garden could add to their understanding of part of our history.
- 9.13 Hunt The ideas behind a Wedding Venue or Museum are laudable but are immaterial to the issue in hand which is the preservation of the building.
- 9.14 Plummer Believed the building was not consecrated and could only be used for civil ceremonies.

- 9.15 Greffier Explained the options for civil marriage on Sark and the options were limited by law. Such ceremonies could be held in the Greffe Office or in a private house.
- 9.16 D. Baker Thought the building was too small to accommodate many people and its use would be limited anyway. She supported Conseiller Williams' view that reference to a museum should be deleted from the proposition.
- 9.17 Cocksedge Surely Chief Pleas should have seen the accounts in order they can make a sound judgement in where the funds should go.  
He felt the request for £30,000 for diagnostic machines for haematology and bio-chemistry to be an excellent idea as it benefits the whole island. Talking to the doctor he felt this was a way forward to reduce the cost of medical care for the population of Sark. On the subject of the chapel this does not benefit the whole Island and he would be against it.  
Firstly is it not good practice to have a number of quotes for building work. Secondly what happened to the money for the sale of houses and land in that area and could that not be used to fund the project. Yes to the first, no to the second.
- 9.18 Seneschal A request to tender was put out and only one quote for work was received; it should be remembered that it is not Island money involved.
- 9.19 Bache Would like to see the building renovated. He would also like to see it consecrated as it was originally called a Chapel as that was the intention for the building. However, he called for the building to have flexibility of use.
- 9.20 Seneschal Called on the GP&A Committee to consider the flexibility of the building's use.
- 9.21 Prevel Attended a wedding in Guernsey in a very small chapel with only a few guests which worked very well.
- 9.22 Bateson It is not Island money so why Chief Pleas have to give permission for the disposal of the fund.
- 9.23 Gomoll The auction was held on behalf of Chief Pleas which is the reason it was felt necessary to report back.
- 9.24 Bateson The proposition in Midsummer 2009 gave the Trustees absolute discretion to sell by auction on behalf of Chief Pleas those items within the Settlement that they consider have no relevance to Sark. It didn't mention that the proceeds should go to Chief Pleas.
- 9.25 Treasurer The money was placed in a Chief Pleas account waiting for a decision to be made on its use.

**A 10 minute break was taken at 11.35am**

- 9.26 Gomoll The Committee had met and agreed to change the proposition removing the reference to the museum and replacing it with "*to be used for charitable purposes*".
- 9.27 **Proposition 2 – CARRIED as amended**  
That Chief Pleas approve the payment of a grant of £20,000, from the funds realised by the Trustees of the Dame Sibyl Hathaway Trust, to enable The Trustees of La Seigneurie Gardens to restore the "Chapel" located in the Gardens **to be used for charitable purposes**.
- 9.28 Gomoll With the propositions resolved, the Chairman of F&C Committee returned to his request for discussion on dealing with funding requests. At present some urgent requests are brought directly to the Committee asking for payment from the unforeseen budget whilst others are brought to Chief Pleas by pairs of Conseillers. Many of these requests are for charitable purposes and he wished to review the present arrangements and bring some consistency to the consideration of such funding. He put forward the idea of introducing a one page form to be completed by the applicant and against which the Committee could assess the validity of the bid and make recommendations to Chief Pleas. He asked for comments.
- 9.29 D. Baker Accepted the need for consistency but perhaps this was a matter for a later date with an explanatory report. She gave an example of the difficulty in setting up a vin d'honneur to say thank you to Dr. Seymour, a regular locum for many years on Sark, on the occasion of his retirement.
- 9.30 Guy Agreed it seems a good idea and ask that F&C Committee return with a report for debate at a future meeting.
- 9.31 Cocksedge Also agreed and has already written to the F&C Committee suggesting a more consistent approach.
- 9.32 Gomoll Thanked Conseillers for the comments. He was also hoping to find out more about the various Trusts set-up on the Island which operate independently of the F&C Committee. More information would assist the Committee in knowing what alternatives might be available and whom to contact.

## 10 Development Control Committee

### Application Fees

- 10.1 Dunks This item is self-explanatory and the Committee seek comments and approval for the two options laid before the Assembly either or both of which could be adopted.
- 10.2 Maitland Considered the level of fees totally inadequate and suggested a more professional approach. If fees were at a more realistic level, the Committee could afford to pay for professional advice to assess the more complex and commercial applications and there seemed to be a need to better monitor construction once application have been approved to ensure they comply with what has been accepted. Elsewhere, the planning fees for major commercial developments run into thousands of pounds to cover such arrangements.
- 10.3 Guy Supported the propositions, having a marginal preference for option 2; as it seems simpler. However, she also urged the Development Control Committee to review charges completely. The DCC is one of the busiest committees of Chief Pleas and their work load gets greater and more complicated as time goes on. She acknowledged the effort that had gone into the new Occupancy Law, a complicated piece of legislation, which had been passed earlier this morning.
- 10.4 She believed that the DCC should employ professional assistance to cope with their work load: architects to assist with looking at plans, surveyors to look at logistics and outside builders to check that what is being built is what the DCC has given permission to be built. She thought that interim site inspections should be made and certainly a visit on completion. The DCC may also need additional legal advice from time to time.
- 10.5 All these aspects take time, more time, and perhaps more expertise, than members and future members of DCC may be able to give or have. If application fees better reflected the amount of work that has to be done then DCC could afford to employ assistance without the need to spend tax payers' money. Obviously fees should reflect the overall expenditure on the development. It is desirable to keep simple alterations and maintenance work charges low but larger houses and bigger commercial developments are the ones which require most work on the part of the DCC and charges should reflect this.
- 10.6 She had a looked at charges in Alderney.
- |                               |              |
|-------------------------------|--------------|
| Minor works applications cost | £63.50       |
| New dwellings range from      | £265 to £530 |
| Commercial housing from       | £635         |
| New hotels from               | £635         |
| Redeveloped hotels from       | £530         |
| Commercial buildings from     | £265         |
- 10.7 She respectfully asked DCC, a committee for which she had the greatest admiration, to have a detailed look at charges in similar places and reconsider the whole issue. If charges do not go up she feared that we shall need assistance anyway and payment will end up coming from the tax payer.
- 10.8 D. Baker Supported both the previous speakers; a wider review of fees was needed.
- 10.9 Audrain Similarly support the comments made by Conseiller Guy.
- 10.10 Hunt Supported Conseiller Guy's comments and asked which of the current options DCC favoured.
- 10.11 Dunks Both proposition can be accepted; the overall effect was to make small sheds and extensions more expensive.
- 10.12 Seneschal There seemed to be some confusion as to whether Chief Pleas was voting for one or other option or both. He clarified the situation with the Chairman of the Committee to make sure this was fully understood.
- 10.13 Bache Supported the previous speakers and called for a modernised and realistic level of fees for planning applications.
- 10.14 **Proposition 1 – CARRIED**  
That Chief Pleas approves the schedule of Planning Application Fees, as amended under Option 1 above.
- 10.15 **Proposition 2 –** *[A named vote was called by the President after an indeterminate show of hands]*  
**CARRIED on a named vote – 20 Pour, 2 Contre**  
That Chief Pleas approves the schedule of Planning Application Fees, as amended under Option 2 above.

- 10.16 **It was noted that Conseiller Perrée had not returned to the Assembly after the break at the end of Item 9.**
- 10.17 Dunks Asked for a suspension of the Rules of Procedure to deal with a matter concerning the Development Control Appeals Tribunal. **CARRIED**
- 10.18 Dunks Following the resignation of Mr. Simon Elmont as a Tribunal Member and his departure from Sark, the other Tribunal Members have nominated Mr. Jason Lewis.
- 10.19 **Proposition – CARRIED**  
That Mr Jason Lewis be elected to be a Member of the Development Control Tribunal Panel.
- 10.20 The Rules of Procedure were reinstated.
- 11 General Purposes & Advisory Committee**
- Aviation Matters**
- 11.1 Bache Commended this independent review; it was thorough and timely. Channel Airspace Review has important implications for Sark. The initial plan will possibly be ready later in the year before being open to general consultation. New arrangements emanating from its findings are unlikely to enter into force before 2014. A meeting has already taken place with Mr. Fergus Woods, Director of Civil Aviation, who covers both Guernsey and Jersey, and matters were raised over the number of flights, height, flight paths, noise and environment. Committee Members have also met with Ms. Val Cameron, Director of Environmental Health and Pollution Regulation who similarly has work commitments covering both Guernsey and Jersey. A meeting with the consultants, Cyrrus is planned for next month. Following these meetings, he is convinced that Sark will be properly consulted as new model is drawn up; he also remained optimistic that the eventual outcome should be beneficial if care is taken over negotiations.
- 11.2 Guy She thanked the authors of this report for the considerable amount of time and thoroughness they have put into it. Perhaps it is a forerunner of other issues which could be pursued by those who are not members of Chief Pleas then brought to a committee.
- 11.3 Many issues are brought up here not least being the lack of consultation at the early stages. Because we don't have an airport, we seem to have been forgotten. Though the proposition from GP&A Committee doesn't mention REDUCING overflying, bringing this into the wording could bring more 'clout' to future negotiations.
- 11.4 The aviation report suggests that a committee or an individual Conseiller should take this one on. By the proposition she gathered that GP&A are taking this one on, at least initially. She asked if this is likely to remain the case, or will this become the main responsibility of a specific member of GP&A, something she would favour simply because of the work load of the Committee as a whole.
- 11.5 Bache Both he and Conseiller Audrain were taking the lead for GP&A at present and probably it is best to leave it with that Committee, in these early stages at least.
- 11.6 R. Dewe Although this Aviation Report is being presented to Chief Pleas by the General Purposes & Advisory Committee, neither that Committee or the authors have been instructed by this Assembly to carry out such a wide ranging investigation on this subject and, in his opinion, he considered it a very biased report.
- 11.7 He believed that this Report goes far beyond what Chief Pleas has jurisdiction over and overstates many points. The title page shows a photograph of the sky – presumably over Sark – with a network of condensation trails made by aircraft at over eight miles high. These aircraft are under predetermined flight paths between waypoints which for safety reasons are all covered by international agreements. Sark could never have any say in any rerouting of these flights. These condensation trails only occur under certain weather conditions, the absence of such does not mean that there are no aircraft flying over Sark, it is just that our attention is not drawn to these aeroplanes as they are almost invisible and their sound nearly inaudible. As for pollution falling on Sark from aircraft flying at this altitude, this is nonsense, exhaust gases do not fall straight down, they are scattered by the so called jet-stream winds and at this height they are very strong and any contamination would be carried for and wide.

- 11.8 R. Dewe Any fumes emitted from our local lower level Channel Islands' flights would also be strewn over a wide area. If the lichen on the trees in his garden is anything to go by, Sark does not have a pollution problem. Even the burning of fossil fuels by our Power Station, domestic and commercial heating/cooking systems do not appear to impact the ecology of the island.
- 11.9 Flights to the Channel Islands are initially under French Air Traffic Control, and then Jersey Air Traffic Control takes over for that island and likewise Guernsey Air Traffic Control for that island. As you will understand, at peak periods during the holiday season, this puts pressure on the air traffic controllers of all three jurisdictions and it is this that is currently under review, not whether aircraft will be allowed to land on Sark. It is the density of traffic that has to be managed in a safe manner that counts. Because Sark does not have an airport, we have no need to be involved.
- 11.10 The whole purpose of Sark's Restricted Area (S.R.A.) was not to restrict aircraft over-flying Sark, it was to prevent aircraft – fixed wing or helicopters – from landing. It was introduced because a Tenant wished to make a runway on his property for use by his private plane. If there is a restricted minimum of 2,000 feet over Sark, you are unable to land. There is in place, special dispensation for the Brecqhou helicopter with very restricted approach and departure angles to and from that island, which he felt sure are strictly adhered to because, their helicopter pilots are professional people. There can also be special exemption given for Royal Visits, emergency medical evacuation and in the past, Trinity House had been given permission to deliver heavy equipment directly to the lighthouse and Brian Green to take photographs from a lower altitude. Guernsey Air Traffic Control, for safety reasons during adverse weather conditions, may direct an aircraft to fly below this restricted minimum, but this is very rare.
- 11.11 For Chief Pleas to ask Guernsey Air Traffic Control for monthly reports on any incursions is ludicrous, for all aircraft are under their control while over the S.R.A. and if they are below, it is on their orders
- 11.12 When he was Chairman of GP&A, he was able to contact both the Director of Civil Aviation of the Channel Islands and the Airport Director of Guernsey Airport. He found both to be very helpful and understanding of Sark's position, however with any aircraft movement, whether on the ground or in the air, passenger safety is of paramount importance and has to come first.
- 11.13 Aircraft intending to land in Guernsey when the wind is in any of the westerly directions, Guernsey Airport's runway 27 (short for 270 degrees magnetic) is used. From this runway direction a beam from the Instrument Landing System (ILS) is extended outwards, the centre of which cuts across the north end of Sark. When we are clay shooting on the range, we see many aircraft running on this approach ILS. It certainly does not cause us any distress. For safety reasons all aircraft are under radar observation, control and are required to join this beam in all weather conditions, therefore the majority will join this beam to the north-east of Sark and over fly part of Sark. Some inter island flights from Jersey or Alderney opt to join it over the Russel.
- 11.14 To suggest that Sark is in danger from an air crash is a gross overstatement, and he knew of only two unintended landings on Sark, one during the German Occupation by a shot up Lancaster and the other more recently by a small private plane on Little Sark; there was no loss of life in either. Any large aircraft in trouble, would be safer to ditch in the sea, this is why you have a lifejacket under your seat when you fly.
- 11.15 The lengthening of the runway at Guernsey's Airport, will allow larger aircraft to land and take off, this will not necessarily increase air traffic, one aircraft will be able to replace two smaller ones and if there is an increase in aircraft movements, it can only benefit tourism and residents alike in both Guernsey and Sark.
- 11.16 Restricted Aircraft Areas are usually only applied to sensitive military areas, nuclear establishments etc. and since the terrorist attack on the Twin Towers in the USA they have proliferated for good reason.
- 11.17 He will not be voting for the Proposition because:-
- a. The Sark Restricted Area was never intended to stop aircraft over flying Sark; &
  - b. It is debatable whether Chief Pleas has any jurisdiction over the airspace above Sark. There is mention of the power to legislate for our Territorial Waters, but nothing on Airspace in the 2008 Reform Law.

- 11.18 As an aside, he had a DVD copy of a radar log taken by Guernsey Air Traffic Control during a busy day one May, which shows aircraft approaching and departing Channel Islands' airspace, it give a very true picture of aircraft movements, including the Brecqhou helicopter, over the Sark Restricted Area. If any Conseiller is interested, he would be pleased to show it to them at his own home.
- 11.19 Bache This report is an independent report and not prepared by the GP&A Committee, nevertheless it is relevant and the Review is relevant. There does seem to be some confusion in Guernsey over the height levels applying to the Sark restriction and that needs to be thrashed out. Noise is a factor and could become increasingly so if more jets arrive at Guernsey Airport following the runway extension. There is clearly a need for Sark to be represented in the review discussions and by being there some influence can be brought to bear if that is necessary.
- 11.20 Cocksedge At 374 feet above sea level, the Mill on Sark is the highest point in the Bailiwick of Guernsey. The Aviation (Bailiwick of Guernsey) Law 2008, which he felt sure everyone had read, covers many of the points raised by the report on safety matters, over flying etc. What seems to be lacking is the consultation or late approach by the Office of the Director Civil Aviation to GP&A on matters relating to Sark. He has talked to local pilots and they have been warned by Guernsey Air Traffic Controller not to stray into the restricted area. As for transatlantic jets, designers say that a height of 36,000 feet is the optimum level for minimum fuel consumption. On the noise front a well-known tennis star has been recorded making more noise than a Boeing 747 Jumbo Jet. He recalled he had flown backwards and forwards from the mainland and only once crossed Little Sark at a height well above 2,000 feet.
- 11.21 Seneschal Invited the GP&A Committee to withdraw if they wished to discuss the wording of the proposition.
- 11.22 Bache Following discussion the Committee added the words "**and ideally seek to reduce**" ahead of "...**aircraft movements**..." in the proposition.
- 11.23 **Proposition – CARRIED as amended**  
That the GP&A Committee on behalf of Chief Pleas seeks full consultation and involvement in the Channel Island Air Space Review, clarification of the implications for Sark and assurances from the Director of Civil Aviation that any changes will not impose more **and ideally seek to reduce** aircraft movements and noise in Sark's restricted air space.

## 12 Development Control Committee Conservation Areas

- 12.1 Dunks The report sought to remind Conseillers of the words of the legislation in relation to Conservation Areas and that, by applying the law as it is currently drafted, would simply create no-build zones in locations where conservation areas are introduced.
- 12.2 Audrain The introduction of conservation areas would not conserve anything.
- 12.3 Dunks It depended on what is meant by conservation and what is it trying to achieve.
- 12.4 Bache Was very much aware that since the Jellicoe Plan was considered and rejected, there is no on-going plan. An overall Island conservation plan would be highly desirable but would take time to consider and prepare. He proposed that DCC prepare a limited plan for non-contentious areas, and named L'Eperquerie, the Hogsback (and possibly Dixcart Valley) etc. for approval at Michaelmas Chief Pleas.
- 12.5 Dunks He stressed that the area would need to be carefully defined and he quoted the requirements of the law.
- 12.6 Cocksedge We need to look at the whole of Sark and make a list of areas that need to be looked after based on scientific research, flora, habitats, silver mines etc. and not just select areas at a whim.
- 12.7 Dunks The DCC is moving forward by creating a land-use assessment on which it can better define areas where it would never allow building of any sort.
- 12.8 Guy She supported both the DCC for the wider picture in the longer term but supported Conseiller Bache in defining areas of protection in the short term.
- 12.9 Bateson Had concerns about pushing this through quickly without proper consultation and without due regard to the implications. All land on Sark belonged to someone and introducing such conservation areas would reduce the commercial value of such land.
- 12.10 Bache He too supported the need for proper consultation.

## 13 Harbours & Pilotage Committee

### Agreement with the United Kingdom Hydrographic Office

- 13.1 Guy Supposed that this could loosely be termed as 'unfinished business'!  
This type of agreement with the UK Hydrographic Office is pretty standard and the Committee sees no reason why it should not be in place here. The Committee also sent copies to GP&A and Finance & Commerce Committees for consultation but have received no responses so is assuming those Committees think that the agreement is reasonable.
- 13.2 Conseillers may be interested to know what changes were recommended by Martin Thornton -
- In Section 1 - it was altered to Chief Pleas acting through the Harbours and Pilotage Committee (the original was just with the then Harbours Committee)
  - In Section 17 - 'the use of which' commenced at any time prior to the date of termination was added for clarity.
- All references to Harbours Committee were changed to Harbours and Pilotage Committee and in looking last week, she also realise that the post code will need changing too.
- 13.3 It is really simply a question of whether or not you wish H&P Committee to sign this on behalf of Chief Pleas. If you feel any alterations should be made then the Committee would go back to the Hydrographic Office and return with a revised version in October.
- 13.2 **Proposition – CARRIED**  
That the Chairman of the Harbours and Pilotage Committee sign the agreement between the United Kingdom Hydrographic Office and Sark Harbours and Pilotage Committee.

## 14 General Purposes & Advisory Committee

### H.M. The Queen's Diamond Jubilee Celebrations

- 14.1 Maitland Had nothing to add to the report which was included for information.
- 14.2 Melling Made reference to the granite arch salvaged from the crane shed rebuild which might be sited and funded as a Diamond Jubilee commemorative arch but ideas on where and how to fund the proposal would be welcomed and he called for other ideas too.
- 14.3 Seneschal Called for a report to be brought to Michaelmas Chief Pleas with propositions as to how the occasion would be celebrated. The Late May Bank Holiday on 4<sup>th</sup> June will be followed by a Diamond Jubilee Public Holiday on 5<sup>th</sup> June 2012.

## 15 General Purposes & Advisory Committee

### Ordinances made by the Committee and Laid Before Chief Pleas

The Syria (Restrictive Measures) (Sark) Ordinance, 2011

The Ivory Coast (Freezing of Funds)(Amendment) (Sark) Ordinance, 2011

The Iran (Freezing of Funds) (Sark) Ordinance, 2011

- 15.1 Maitland They had been laid before Chief Pleas as having been dealt with by the GP&A Committee as emergency fast track legislation under advice from HM Procurer.
- 15.2 Seneschal There have been no motions to annul any of the Ordinances under Rule of Procedure 12 therefore the Ordinances remain extant.

## 02 Closing Remarks

- 0.8 [By-election](#) – the Seneschal gave details of key dates ahead of a by-election for four vacant seats to be held on 14<sup>th</sup> September 2011 and the Returning Officer's expectation for the count and announcing the results. [see attached sheet at Page 18]
- 0.9 [Vin d'Honneur](#) – this would take place at 1pm today following this meeting to acknowledge the retirement of Mr. Alfie Adams as Prévôt, the award of the MBE to Mrs Pam Cocksedge, to distribute badges to former Constables or their surviving wives and to congratulate those who took part in the Island Games.

## Forthcoming meetings for Chief Pleas Members

**MICHAELMAS MEETING – [Wednesday 5<sup>th</sup> OCTOBER 2011 at 10.00am](#)**

Agenda closes -

**[Wednesday 7<sup>th</sup> September 2011 at 3.00pm](#)**

Papers distributed to Members by Wednesday 14<sup>th</sup> September 2011.

**This meeting closed at 12.45pm**

Brian Garrard MILT (Sark Committee Secretary) 7<sup>th</sup>, 19<sup>th</sup> -22<sup>nd</sup> July 2011

# MEMBERS OF CHIEF PLEAS

Midsummer Chief Pleas Meeting – 6<sup>th</sup> July 2011

	Attending	Item 7	Item 10						
The Seigneur – J. M. Beaumont	/								
The Seneschal – Lt. Col. R. Guille	/								

## CONSEILLERS

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

2 – Term of office ends in January 2013	A	Apologies	C	Contre
4 – Term of office ends in January 2015	/	Present	P	Pour
			NV	No Vote

Brian Garrard, Committee Secretary, 6<sup>th</sup> July 2011

Seneschal and President of Chief Pleas

Greffier

Signed on 25<sup>th</sup> July 2011

## **TIMETABLE FOR BY-ELECTION – 14<sup>th</sup> September 2011**

12 <sup>th</sup> Aug 11	Notice in Gazette Officielle and Island Boxes of forthcoming election. Giving date when nominations are to be received etc.
22 <sup>nd</sup> Aug 11	Nominations to close at 12 noon.
26 <sup>th</sup> Aug 11	Notice in Gazette Officielle and Island Boxes of Nominations with Proposers and Seconders.
14 <sup>th</sup> Sep 11	By-Election polling from 10.00am until 6.00pm – Polling Station in Toplis Room, Island Hall. (Count in Toplis Room (or Assembly Room.) (The Count is to begin as soon after polls close as possible.)
16 <sup>th</sup> Sep 11	Notice in Gazette Officielle and Island Boxes of Result.

In the event of a 'tie' between two candidates, when the addition of one more vote would have caused a person to be elected, a second election is to be held.

28 Sep 11	By-Election re-run, only for candidates tied at 14 <sup>th</sup> Sep. (No other nominations allowed.)
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The Seneschal/Returning Officer will be asking for volunteers for the polling station and the count, in the near future.

**The reports, to which decisions refer, are shown in full on the website**  
**[www.gov.sark.gg](http://www.gov.sark.gg)**  
**and are also available from the Committee Office for a small charge per sheet.**