

# MINUTES of the CHRISTMAS MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 18<sup>th</sup> January 2012 at 10.00 am.

**Present:** Mlle. B.C. Bell, Deputy Seigneur; Lt. Col. R.J. Guille MBE, Seneschal; A.W.J. Adams, Deputy 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.

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

Apologies were received from Conseiller Byrne who was off-Island.

## 01 Opening Comments

0.1 [Lt. Governor](#) – the Seneschal welcomed the Lt. Governor to his fourth meeting of Chief Pleas and wished His Excellency & Mrs Walker a happy 2012.

0.2 [Royal Visit](#) – the Deputy Seigneur announced that His Royal Highness, the Prince of Wales will visit the Bailiwick of Guernsey as part of the celebrations to commemorate the Diamond Jubilee of Her Majesty the Queen. At the moment the date of such a visit is not known or whether it will include a visit to Sark. However, as the next Chief Pleas will not be until April, on behalf of the Seigneur, she suggested that, as usual on these occasions, the Seigneur, the Seneschal and the Constable will co-ordinate any visit to Sark.

She has spoken to the Chairman of the Finance & Commerce Committee and the Treasurer and funds will be made available from unforeseen expenditure if His Royal Highness's itinerary includes Sark.

0.3 [Mrs Diana Beaumont](#) – the Seneschal sent the good wishes of the Assembly to Mrs Beaumont following her hospitalisation and to the Seigneur who was with her in Guernsey at this difficult time.

0.4 The Deputy Seigneur replied, on behalf of Mr & Mrs Beaumont, thanking Conseillers and members of the public who have extended their good wishes to the Beaumont family.

She would convey those kind wishes to Mr. Beaumont later today.

Those supportive wishes are in stark contrast to the inaccurate and vitriolic views of the author of two pieces in recent issues of the Sark Newsletter. This is the second family to have their personal health issues dragged through this scurrilous publication at a time of distress and anxiety when they should be allowed to concentrate on caring for a relative in privacy.

There are four points in the issue dated 13<sup>th</sup> January which she personally and directly knew to be untrue. As an example, she mentioned the first only: - Mrs Beaumont telephoned the Deputy Seigneur personally at 2147 hours on Thursday 5<sup>th</sup> January inviting her to join them for a meal out on 6<sup>th</sup> January. Why can she be so accurate? Because she has caller ID on her landline!

To be on the telephone and planning the following evening is hardly the action of a woman who, the publication incorrectly claims, was unwell from early afternoon.

One of Mr & Mrs Beaumont's sons is the Senior Consultant in Intensive and Critical Care for an NHS Trust area. He is very satisfied with the three areas of care his mother received to date: - that is from the Sark Doctor and ambulance personnel; her transfer to Guernsey, including the method; and subsequent care – all of which he feels have been entirely appropriate to her medical condition at the time.

0.5 [Sark Newsletter](#) – Conseiller Fry made a statement saying that when she was elected she promised to try and represent the people who had voted for her and it is on their behalf she speaks now. She doesn't receive the Sark Newsletter but the issues on the 6<sup>th</sup> & 13<sup>th</sup> January had been brought to her attention by several others, who are disgusted, upset and angered by the content.

Mrs. Beaumont is a loved and respected member of the Sark community and her illness has caused great sadness. The gross hypocrisy of the Newsletter, wishing her a speedy recovery, when its aim for years, has been to discredit and destroy her husband and family, has been noted. The publication of personal, medical details is a disgraceful intrusion of privacy. Above all, the attempt to exploit Mrs. Beaumont's illness for political ends is outrageous and cruel.

She asked that it go on public record that these are the feelings of a great many Sark residents.

0.6 [Emergency Services and Medical Committees](#) – Conseiller Plummer read out a statement in response to the factually inaccurate and invasive comments made by the Sark Newsletter regarding the illness of Mrs Beaumont and her evacuation from Sark.

**The full statement is attached at the end of these minutes.**

[At the completion of this statement the Assembly showed its support in spontaneous applause]

- 0.7 Conseiller Baker, Chairman of the Medical Committee confirmed that the statement read out by Conseiller Plummer was prepared and approved by all members of the Medical Committee alongside the Emergency Services Committee. The Medical Committee has complete confidence in the doctor's decision making; he is the only qualified person on this island that should make decisions of a medical capacity.
- 0.8 [Dr. Anthony Beaumont](#) – the Seneschal read out a letter received from Dr. Anthony Beaumont –  
*“I am aware of the comments made over recent days that call into question the competence of the Sark medical services.  
 I think that I am very well placed to comment on the care given to my mother over the recent few days. I have been qualified as a medical doctor for nearly 30 years, of which 20 years have been spent in charge of an Intensive Care Unit. I have personal experience of aero-medical transfer of critically ill patients both by rotary wing and fixed wing, and considerable experience of transfer of critically ill patients by land vehicles. Sadly I am also painfully aware of the loss of our local air ambulance helicopter and the death of three men as a result of an accident.  
 My mother received the very best care from the moment the Sark doctor was called. I have no doubt whatsoever that the decisions he made were in the very best interest of my mother and were taken in the full knowledge of the transport options open to him at that time.  
 I have nothing but praise for all the individuals who put themselves out – on a dreadful evening – to look after my mother. The ambulance crew of trained volunteers who took her to the harbour, the crew of the lifeboat who often risk their own lives to save others put out to sea in a force 6-7 to retrieve her to the PEH. There will be too many to thank individually but I am sure you can pass on my personal gratitude to them all.  
 I am equally impressed with the team looking after my mother in the PEH. She is making slow steady progress and I am very happy with all aspects of her care there.  
 Please feel free to pass this letter onto whoever you wish. I have nothing but praise and admiration for **all** the healthcare providers on Sark. My mother could not have been in better hands”.*
- 0.9 [Tax Tribunal](#) – the Seneschal informed Chief Pleas of the changes in membership of the Tax Tribunal Panel that have recently occurred. Upon the election of Mrs. Hazel Fry to be a Conseiller last September she was deemed to have resigned as a member of the Tribunal; additionally Mr. Graham Maguire reaches the venerable age of 75 next month and cannot continue thereafter and is also deemed to have been due to retire.
- 0.10 On that basis an application was made to the Lieutenant Governor to appoint two new members, selected by the Tax Tribunal Panel, to be appointed by His Excellency; the Seneschal reported that His Excellency, on the 2<sup>nd</sup> day of December 2011, was pleased to approve the appointment of Mrs. Sandra Hunt and Mr. Robert Cottle to the Tax Tribunal Panel. Both new Members were sworn into office by the Seneschal's Court on the 20<sup>th</sup> December 2011. On behalf of Chief Pleas, the Seneschal thanked both retired members, Mrs. Hazel Fry and Mr. Graham Maguire, for their service to Sark on that Tribunal Panel; whilst the Tribunal has never sat they were prepared to undertake their responsibilities if called upon.
- 0.11 [Conseiller Higgins](#) – the Seneschal, as President of Chief Pleas, expressed his concern that Conseiller Higgins failed to be elected by the Assembly onto any Committee at the Michaelmas Meeting when a significant number of vacancies were available for the four new Conseillers to fill. One of the frequently made comments by Conseillers is the need to maintain the strength of Chief Pleas at 28 and to share the work load around, yet when the Electorate had spoken and elected 4 new Members from 6 candidates, you have chosen not to give one of those elected a position on a Committee and he did put himself forward for three Committees. The Seneschal hoped that Conseiller Higgins does not have to wait for too long before being elected to a Committee.
- 0.12 [The Diamond Jubilee](#) – the Constable announced that for Sark's Diamond Jubilee celebrations, the plan is to hold an Island event on Monday 4<sup>th</sup> June. It will start with a street party in The Avenue during late afternoon with entertainment, music and food for the children although everyone is welcome to come along. This will be followed by a cavalcade (more details to come of this later). The Glen Miller Elastic Jazz Band from Guernsey will entertain everyone in a marquee by La Collinette, food will be provided and there will be a bar. Sark will join with the UK in lighting a beacon around 10.00pm (this will be visible from the marquee). Other bands will then perform in the marquee, hopefully until 1.00am. The Constable has already had several generous offers of assistance and will be approaching lots of people over the next few weeks to ask for help with what it is hoped will be an all island community event to be enjoyed by everyone. Each child will receive a memento of the occasion.

- 0.13 [Mrs. Pam Cocksedge](#) – the Seneschal said Chief Pleas would recall Mrs. Cocksedge was awarded the MBE in last year’s Queen’s Birthday Honours List; Mrs. Cocksedge requested that her award be presented in Sark and His Excellency has agreed to make that award on behalf of Her Majesty. The award ceremony will take place on Friday the 27<sup>th</sup> April and the Seneschal asked the Assembly to note that date in their diaries.  
Details of the ceremony will be published in due course.
- 0.14 [Addendum](#) – the Seneschal reminded Conseillers of the addendum circulated on the 21<sup>st</sup> December 2011 that made a correction to the proposition at Item 8 and two additional papers for Item 12 that had failed to be included with the distribution of papers due to an administrative error.

## 1 Minutes of the Michaelmas Meeting on 5<sup>th</sup> October 2011

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

### Matters Arising

- 1.2 Bache [2012 Budget & Taxation \(Ref: 9.5\)](#) – Had asked whether the Finance & Commerce Committee should seek to alter its mandate to allow it to examine inflation and cost of living increases on the Island. Does it intend to do so?  
There was also an important discussion of the need in future for scrutiny by the Finance & Commerce Committee of the expenditure bids of committees before personal taxation increases were considered.  
Since Michaelmas Chief Pleas, a number of taxpayers had spoken to him about this issue. They are all now fully aware that their tax has been raised, virtually annually, without expenditure being scrutinised. Some have even suggested that Chief Pleas may not be acting in the interests of the electorate by passing budgets without proper scrutiny of expenditure.  
In the light of these points will the Finance & Commerce Committee now seek to change its mandate to bring in expenditure scrutiny? If not, as the Committee responsible for the Island’s finances, has it an alternative proposal to make to ensure that future budgets are firmly based and that personal taxation is not increased unnecessarily?
- 1.3 Gomoll The matter has already been discussed in Committee and will be the subject of a report to a future meeting of Chief Pleas.
- 1.4 E. Baker [Postage Stamps \(Ref: 2.1\)](#) – following Conseiller Nightingale’s enquiry, contact had been made with the Philatelic Bureau. Whilst already committed in the short term, the Bureau would consider the use of Sark scenes on postage stamps for 2013 and this will be followed through by the GP&A Committee.  
He thanked Conseiller Nightingale for coming up with the idea.

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

None

## 3 General Purposes & Advisory Committee

### The Customs and Excise (General Provisions)(Bailiwick of Guernsey) (Amendment) Law, 2011

- 3.1 Maitland Had nothing to add to this Report. It has to be in the Public Interest that Penalties are increased for drug related offences.
- 3.2 **Proposition – CARRIED**  
That Chief Pleas approves The Customs and Excise (General Provisions)(Bailiwick of Guernsey)(Amendment) Law, 2011.

## 4 Medical Committee

### The Regulation of Health Professions (Enabling Provisions)(Sark) Law, 2012

- 4.1 D. Baker Thought everyone would be quite familiar with this projet by now; in July 2011 the Medical Committee brought to Midsummer Chief Pleas a Medical Practitioners Ordinance which was drafted by but later withdrawn on the advice of the Law Officers. At Michaelmas Chief Pleas in October 2011, the Committee introduced a draft Projet De Loi entitled The Regulation of Health Professions (Enabling Provisions) (Sark) Law 2011.

- 4.2 D. Baker In that meeting, Conseiller Guy asked if Sections 1(b) and (c) contradict Schedule 1, Item 2; an answer by email has since been sent to Conseiller Guy. The Chairman of Medical reassured members of Chief Pleas that the section and schedule work together as this legislation sits on top of any existing rules and regulations that govern Doctors practising anywhere within the United Kingdom and further afield. As previously stated in Minute 10.5 of the Michaelmas Chief Pleas when introducing the draft Projet, a medical practitioner must be fully up to date with his registration; he must be licensed, certified or accredited in a prescribed manner and this would be through the UK licensing authority - all this before he is even considered for a position on Sark.
- 4.3 This Projet is solely to protect the people of Sark and the Medical Officer of Health by not allowing anyone to set up on Sark as a Medical Practitioner without the permission of the Sark Medical Committee. It was that Committee that asked Chief Pleas for this legislation but as it happens Guernsey is also now bringing in a similar Projet de Loi.
- 4.4 The Committee had been asked previously by a member of Chief Pleas if this legislation would extend to other health professions and at that time it didn't; it is now considered this to be a valid point. As indicated in October, this also would give the flexibility to implement a similar Ordinance for any of the health professionals listed in Schedule 2. The Medical Committee is not introducing unnecessary legislation; Sark has an excellent medical service run by one person of which we should all be very proud.
- 4.5 There is just one small additional amendment to the draft projet presented to you in October and that is in Schedule 1, condition (d) ***“practising the profession only in premises of a prescribed kind or description or premises that meet prescribed standard or requirements”***. This was suggested by the Law Officers as it was a concern when drafting the Guernsey legislation; the Committee agreed it was a sensible addition.
- 4.6 On page 8 of the Law under Section 6 Citation it states this law may be cited as the regulation of Health Profession (Enabling Provisions)(Sark) Law 2011; this should now read 2012. The Committee asks that Chief Pleas approve the proposition as amended.
- 4.7 Taylor If the Medical Committee is responsible for permitting healthcare professionals to work on Sark is there a danger that Chief Pleas could be liable for any malpractice committed by those appointed.
- 4.8 D. Baker Needed notice of such a question and would make enquiries and respond.
- 4.9 Taylor Should Chief Pleas wait before approving this Law?
- 4.10 Hunt This is an enabling Law and its provisions cannot be implemented without a commencing Ordinance which could include any additional provisions or safeguards.
- 4.11 Seneschal Suggested that the Chairman of medical raise the issue with the Law Officers.
- 4.12 Guy Was the list in Schedule 2 definitive or just examples? She noted that psychiatrist, for example, was not on the list.
- 4.13 D. Baker The Committee was confident that it covers every possibility but it could always be extended at some future date if required.
- 4.14 **Proposition – CARRIED as amended**  
That Chief Pleas approves The Regulation of Health Professions (Enabling Provisions) (Sark) Law, 2012.

## 5 Tourism Committee

### The Tourism (Sark)(Amendment) Law, 2012

- 5.1 S. Williams This report explains the circumstances leading up to the need for a new amending Law, approval of which is requested in the proposition. It was most unfortunate that the Ordinance approved at the last meeting of Chief Pleas could not be used as it had been intended to make the whole renewal of accommodation permits easier for everyone by moving the date away from the busy festive period. On advice from the Law Officers the Committee reverted to the original renewal dates and the procedures previously used.

5.2 S. Williams A letter has since been received from The Bailiff's Chambers confirming that the Sark Ordinance, when placed before the Royal Court on 12<sup>th</sup> January 2012 was considered, on the advice of HM Procureur, to be ultra vires and has been annulled. It should be recorded that The Tourism (Accommodation Permits)(Sark) Ordinance, 2011, despite being legislation approved by Chief Pleas at Michaelmas, is no longer in force. It will ultimately be replaced by The Tourism (Accommodation Permits)(Sark) Law, 2012 if Chief Pleas carries today's proposition. Hopefully, this will be in time for it to be applied to the renewal of accommodation permits for 2013.

5.3 Seneschal It is unfortunate that there have been two Ordinances in recent times that have proved ultra-vires. That is no reflection on the Committees involved but on the Law Officers who drafted them; the speed and pressure put on them to have legislation ready to meet Chief Pleas deadlines may have been a contributory factor.

5.4 **Proposition – CARRIED**

That Chief Pleas approves the Tourism (Sark)(Amendment) Law, 2012.

## **6 Finance & Commerce Committee**

### **Assistant to the Tax Assessor**

6.1 Gomoll The Committee has considered the arrangement suggested in the report and spoken to both the Tax Assessor and his proposed Assistant. Conseiller Gomoll gave a brief resume of Mr. David Owen's working background, his qualifications and his association with Sark. He has been a regular visitor to Sark for over 40 years and has been the leaseholder of La Mer since 2002, which became his permanent home last year.

Mr. Owen was approached last year by Mr. Trevor Kendall, the present Tax Assessor, whom he has known for many years. As Mr. Owen was qualified for such a role, he readily agreed as it gave him the opportunity to contribute to the running of Sark and show his commitment to the Island.

6.2 The Committee would welcome comments from Conseillers if a different selection procedure should be followed in future rather than the suggested appointee being instigated by the Tax Assessor.

6.3 **Proposition 1 – CARRIED**

That Chief Pleas approves the appointment of Mr. David Owen as Assistant to the Tax Assessor with immediate effect.

6.4 **Proposition 2 – CARRIED**

That Chief Pleas instructs the Finance & Commerce Committee to discuss with the Crown Officers any changes required to the current legislation to appoint a Deputy Tax Assessor.

## **7 Shipping Committee**

### **The Alderney and Sark (Licensing of Vessels)(Amendment) Law, 2010**

7.1 Cook What the amendments to this law set out to do is to ensure sustainable shipping services to Sark for the benefit of the residents of Sark and visitors to Sark. It clarifies and updates some of the definitions, particularly those of cargo and passenger, so helping to remove previous ambiguities that have the potential to cause misunderstandings and distrust.

The Committee feels that relations with all who operate commercial shipping within Sark waters will benefit from the increased clarity that this amended law will provide.

7.2 Cocksedge Does this Projet de Loi still have to pass through Alderney States? When Alderney changed to allow other ships in it did not pass thorough Chief Pleas. If not why do we still have the word Alderney included if it is a law specific to Sark?

7.3 As to the proposed exemption of vessels under 23 metres would this include boats such as the eco-tour rib from Guernsey? What about pleasure boats bringing cargo in for their own use?

7.4 In the past certain individuals have chartered cargo boats from England and elsewhere bringing in building materials and he gave as an example a whole oak barn and associated equipment which worked out cheaper for the client. This was done under the umbrella of Sark Shipping. Would this be a way forward for other users?



- 7.5 Cocksedge Would it be prudent when you have all the comments collected to have an open meeting or put them in a paper laying out the arguments for or against?
- 7.6 Cook It is not a new Law; it is an amending Law and therefore retains its original title. Pleasure boats are not subjected to the Law only commercial shipping. Commercial shipping direct from the UK is something of a rarity but could be dealt with under special licence. He reminded the meeting that although the Shipping Committee was consulted the Lt. Governor remains the licencing authority for issuing local 12 and under licences and it was under this that operations such as the eco-tour rib were covered. He confirmed that introductory legislation would be brought to Midsummer Chief Pleas.
- 7.7 Hunt Felt it was a sad reflection on how Sark has changed that this Law needed to be introduced. Abiding by the spirit of the Law has been lost and replaced with nit-picking ways of finding ways to avoid the letter of the Law. This has required all Laws to be reviewed, clarified and made watertight.
- 7.8 S. Williams Called for a named vote.
- 7.9 **Proposition – CARRIED on a named vote – 25 Pour, 0 Contre, 2 No Vote**  
That Chief Pleas approve of the timetable suggested by the Shipping Committee for the implementation of the Alderney and Sark (Licensing of Vessels) (Amendment) (Sark) Law, 2010.
- 7.10 Seneschal Informed the Assembly that he had received the Judicial Review papers and illustrated the size of the paperwork involved. There were two bundles, one covering the Shipping Law Amendment, the other the Reform Law Amendment. Clearly they are too large to copy to all Conseillers but he would make them available for any Conseiller to come in read if they so wish, Chief Pleas being an “Interested Party”.
- 7.11 Guy Asked if they were available on-line on a website.
- 7.12 Seneschal One assumes eventually this will be the case but he had no address.
- 7.13 Ventress It is difficult to find and a tedious way to read it.

## 8 General Purposes & Advisory Committee Helicopter & Aviation Issues

- 8.1 Maitland The Committee brought this report forward in order to reassure residents. Helicopters can only land in Sark for two specific situations:  
1) Where the Sark Authorities have given permission (e.g. a royal visit) **or**  
2) Where an emergency medical evacuation is required and the Sark Doctor has requested helicopter support.  
The next step is for the Committee to hold talks with the Director of Civil Aviation to conclude an agreement as previously prepared and never signed; this is outlined in the Statement of Policy document no. 1 and shown at **APPENDIX 4**.  
It should be noted that the last line of the proposition should read “**without the consent of Chief Pleas**”.
- 8.2 Gomoll Pointed out that the heights quoted above Sark were at variance across the documents. **APPENDIX 1** should read 2,000 feet above ground level and not sea level. The height above sea level is 2,400 feet.
- 8.3 Guy It is very helpful to have matters clarified in simple terms and she thanked the GP&A Committee for its work on this subject. She supported the proposition wholeheartedly but made one small point - before further discussions she respectfully suggested that the spelling of ‘*Moie de Gouliot*’ is standardised as three different spellings appear, two in the report and one in **APPENDIX 3**.  
Chief Pleas certainly wouldn’t want there to be any confusion!
- 8.4 Hunt Asked if there were penalties for non-compliance.
- 8.5 Maitland Confirmed it was a criminal offence to break the Laws punishable by a fine at Level 5 (£10k) or up to two years of imprisonment.
- 8.6 E. Baker Pointed out that the document at **APPENDIX 4** was approved by Chief Pleas in 2009 but never signed.
- 8.7 Hunt Called for a named vote
- 8.8 **Proposition – CARRIED as amended and on a named vote 26 Pour, 0 Contre, 1 No Vote**

That the GP&A Committee consults with the Director of Civil Aviation to allow for the full implementation of the procedures contained in the Statement of Policy No. 1 document and ensure that no substantive changes can be made to the present policies regarding Aviation Matters affecting Sark **without** the consent of Chief Pleas.

## 9 Road Traffic Committee Tractor Dimensions

- 9.1 R. Dewe Outlined the increasing problem for those part-exchanging tractors for new models whereby standardisation has meant that tractors with cabs now breach the height dimensions currently approved by Chief Pleas. The increased equipment incorporated in the cab roof of a modern tractor raises the height above 2.50 metres and the Committee seeks to increase this by 10cm (or 4 inches). This is even a problem on small and medium size tractors. The Committee has no wish to relax the restrictions on width or length or allow additional horse-power.
- 9.2 Hunt There are a number of residents suggesting this proposition is only brought forward for a Conseiller who purchased a tractor that was too tall. He has resolved the problem by fitting smaller wheels so it's no longer a problem for him and this issue is nothing to do with him.
- 9.3 S. Williams Always understood that there was a restriction on only carrying 3 tons up the hill.
- 9.4 R. Dewe He had never seen such a restriction written down in Law.
- 9.5 S. Williams It appears that link boxes are getting bigger and they always seem to be empty.
- 9.6 R. Dewe That is something of an exaggeration but there is an upper limit determined by what they can carry and if the weight carried in the link box is too great the front wheels come off the ground and steering becomes impossible.
- 9.7 S. Williams Frequently there is nothing carried in the link box and she questioned why the tractor was being used.
- 9.8 Seneschal It was not for the Committee to question the use of tractors only lay down the legislation within which they are regulated.
- 9.9 Bache Had been asked to raise the issue of more tractors appearing with larger trailers. He felt this should be debated as trailers seemed to be carrying double loads.
- 9.10 E. Dewe If one searches the internet there are few tractors with cabs that come within the regulatory height size of 2.50 metres. She pointed out that if loads were reduced the number of trips required to move the amount of cargo would double. Trailers were only six feet wide, no wider than the tractor although she conceded that some newer trailers may now be slightly longer.
- 9.11 Perrée If we don't change the restriction it is still possible to obtain one within the height laid down. There is a difference between a link box and a stock box attached to the rear of the trailer; stock boxes of necessity are bigger.
- 9.12 Cocksedge When the previous measurements came into being, he was Chairman of Road Traffic and had measured all tractors on the Island with Mr P.J. Carre, who was the Vehicle Inspector at the time, to resolve all the previous disputes that had arisen; it was felt at that time 2.50 metres was the maximum needed for height.  
The larger the vehicle, the more power is available to haul larger loads and more damage is done to the roads. If the height limit is increased, the present tractors with smaller wheels would revert to larger wheels. If the problem of fitting smaller wheels is just for clearance for agricultural use, permission could be given for the tractor to just work on the land. He would be voting against the change.
- 9.13 Guy Is it the case that the additional four inches is now standard on the *majority* of tractor cabs to accommodate air conditioning and dust filtering?
- 9.14 Prevel Referred to the continual complaint from tourists and visitors about the number of tractors and the noise they make. This change introduces a precedent to open the way for even bigger tractors in the future.
- 9.15 Melling Quoted 7¼ tons as the maximum weight of a tractor and its load. He suggested that the size and power of the tractor should be directly related to the use for which a tractor application is made. The Island's work force has TAFE tractors, formerly a Massey Ferguson design now built in India, and these can do the same work as more powerful tractors.
- 9.16 Cook Had looked at the internet and found a number of tractors available in the 50-100hp range and still meeting the current standards.
- 9.17 Gomoll If fitting smaller tyres can meet the current regulations why not use that option?
- 9.18 Nightingale Smaller tyres or wheels do reduce ground clearance and this can be critical when using the tractor for agriculture; some tractors are multi-functional.
- 9.19 R. Dewe Confirmed that size and power was taken into account when considering applications and was dependent on the use to which the tractor was required.  
The Committee dislikes four wheel drive tractors for general road use but accepts that on occasions these are necessary especially if working off-road. He mentioned the four wheel drive tractor use by the Island's Public Works for hauling the sludge trailer, often required to access pits off-road.

- 9.20 R. Dewe Stressed that height was just one dimension and that there was no intention to change the length and width restrictions. The reduced wheels used by some are obtained from scrapped tractors but the fixing studs are not always compatible. He assured Conseiller Guy that although acceptable sizes were often quoted in manufacturer's literature this could be misleading, the reality being quite different upon delivery. It can sometimes be resolved by letting air out of the tyres, sufficient to pass the test but this can defeat the object of the restriction. He accepted Conseiller Melling's point that smaller tractors can often be available and quite adequate for the job required.

- 9.21 **Proposition – LOST**  
That Chief Pleas approves an increase in the maximum height of tractors to 2.60 metres.

## 10 Development Control Committee Application Fees

- 10.1 Dunks Although fees have been increased during the last year, there remain calls from Conseillers for an even higher level of increase; the level of fees in Alderney is frequently quoted as an example. The Alderney charges are shown in the box within the report. The Committee feel that there is no justification to charge similar levels as the Committee has no authority to employ staff or expertise to deal with the applications as happens there. The Committee is putting forward a revised schedule which better relates the size of buildings or extensions with the level of fee and these are shown on the reverse of the report.
- 10.2 Bache Was surprised that nobody could be employed to deal with applications. He asked that the Committee give this consideration and come back to Chief Pleas with a proposal as to how this might be achieved.
- 10.3 Cocksedge Had no problem with application fees as long as a full explanation as to why an application is turned down and what would or would not be acceptable to the Committee is given to the applicant. It is expensive for the individual to have drawings prepared and then have to keep changing them in the hope of hitting the right note. It would give the applicant a better opportunity to amend the plans to meet the requirements or know at the outset that nothing can be built. He gave Coin des Anes, which was refused three times, as an example.
- 10.4 Maitland Supported the point made by Conseiller Bache. A large-scale development needed some expertise to examine the application and assess the impact involved.
- 10.5 Dunks Thanked Conseillers for their points and he would take the ideas on board. The Committee remained open to further comments from Conseillers.

- 10.6 **Proposition – CARRIED**  
That Chief Pleas approves the schedule of Application Fees as listed at [APPENDIX 1](#).

- 10.7 Dunks Asked that it be noted that the new schedule of fees would be charged for applications submitted after the next Committee meeting deadline of Friday 10<sup>th</sup> February 2012.

## 11 Harbours & Pilotage Committee Amendments to the Harbours (Sark) Ordinance, 2011

- 11.1 Guy The Harbours and Pilotage Ordinance, 2011, states that the Committee shall have control of the harbour areas. This was also the case with its predecessor, the 1987 Ordinance. The Committee, in consultation with the Law Officers of the Crown, believes that it is desirable to be more specific about some of the issues over which the Committee, and through it the Harbourmasters, have control.
- 11.2 Charges for crane and quay services have been made for many years and it is felt that having the option of determining these charges by resolution of Chief Pleas would be more open and transparent. It also feels that it should involve Chief Pleas in the future, should different charges, for example for services brought about by requirements of any tidal energy projects, be necessary and desirable for the island. Any amendment on this aspect would not include minor charges and recovery of expenses for such things as hardstanding, use of dinghy racks, use of metered electricity for working on private boats etc. as these are already adequately covered by the 2011 Ordinance.



- 11.3 Guy The Committee is rather sorry to have to bring Section 3 of this report to your attention. As stated in the report the majority of harbour users are responsible and considerate, acting on requests made by the Harbourmaster and in response to the annual letter sent out to all boat-owners by the Committee outlining how everyone can assist in keeping the harbours running smoothly. Sadly, a few are not so responsible and other harbour users, even commercial or emergency vehicles and vessels are inconvenienced, or worse, by the actions of these few. A couple of 2011 examples: someone in April, asked permission to leave his boat on the hardstanding for “a few days” for emergency repairs. Despite requests from Harbourmasters and many promises, the boat remained there until October, thus lessening space for those fishermen who have a bone-fide reason for parking tractors on the hard in the summer.
- 11.4 A more serious example is an occasion when the Maseline was very busy with incoming vessels from both Guernsey and Jersey and the Harbourmaster was fully occupied there. A high tide and a calm day allowed *The Flying Christine* to come in to the Creux slip to pick up a casualty. To allow this to happen, the Sark ambulance crew had to move two heavy trailers, both belonging to leisure boat owners, to enable the ambulance to turn. The ambulance crew should not have had to do this as all boat owners are aware that trailers should not be left at the harbour without the Harbourmaster’s permission.
- 11.5 Some tractor owners also leave their vehicles at the harbours with little thought for other harbour users when the tractor owners have a trip to Guernsey. Unfortunately, it is felt necessary to confer some statutory powers on the Harbourmaster as would be the case in other jurisdictions.
- 11.6 Conseiller Guy added that previous committees have issued harbour regulations but the present committee is advised by the Law Officers of the Crown that these would be unlikely to hold legal sway.
- 11.7 Hunt Will Harbours & Pilotage be able to ask for the Harbourmasters to instigate proceedings against those not complying with the Law in the Harbours area?
- 11.8 Guy One Harbourmaster already has powers as a Special Constable.
- 11.9 **Proposition – CARRIED**  
That Chief Pleas directs the Harbours and Pilotage Committee to request the Law Officers of the Crown to draft amendments to the Harbours (Sark) Ordinance 2011 as outlined in this report.

## 12 General Purposes & Advisory Committee

### Review of Sark’s Administration

- 12.1 Maitland Following last year’s Michaelmas Meeting of Chief Pleas, HM Comptroller, Richard McMahon, and the Head of Legal Drafting, Robert Titterington, held two training days for Conseillers. Those Conseillers who were able to attend all or even some of the sessions found them extremely enlightening. Conseiller Maitland asked that the thanks of Chief Pleas for this initiative should be recorded. HM Comptroller’s support and encouragement will be very much missed when he moves on to his new post in the near future.
- 12.2 One of the points stressed was that Conseillers- as the administration of Sark – have a duty to ensure the good governance of the Island. By an accident of history, an island of just 600 residents is to all intents and purposes self-governing. While such a small community can be - and most certainly is – truly democratic, the small pool of people from which to choose the administration brings its own problems.
- 12.3 Despite being so small, Chief Pleas has all the responsibilities of a far larger community - education, harbours, health, planning, roads, infrastructure, and a shipping company - are just some of the issues it deals with, and it raises the money to pay for them without any outside help. Then of course as the outside world is getting more complex, it has to deal with external relations, the Ministry of Justice, EU legislation, the GFSC, to name but a few.
- 12.4 It is up to the 28 Conseillers to do all this with virtually no central support. Conseiller Maitland felt it is with a sense of urgency that Chief Pleas should look at the way it governs the island and how its administration can be improved. To use a rather clichéd expression: is the administration of Sark fit for purpose?

- 12.5 Maitland As the Education report shows, external inspection has played an important part in creating Sark School's reputation as a centre of excellence. Not only that, it gives the Committee and Staff pointers on how the school could be further improved. Belinda Crowe's review should be seen in this light. Sark is exceedingly fortunate to have the opportunity to recruit someone of Mrs. Crowe's calibre to carry out this review. There is an added bonus in that Mrs. Crowe knows all the main players at the MoJ in London and can also see how Sark's relationships there can be improved. As anyone who met her during her visit on December 14<sup>th</sup> will have realised – and she had to brave the most fearful seas in a small boat to get to Sark – she is not someone who is easily daunted and will be completely fearless in her approach to problems.
- 12.6 He had heard one or two murmurings about the cost. There is no doubt that Sark can afford the fees; each year, the Finance Committee and Treasurer put aside money for unforeseen expenses which very often remains largely unspent. For instance, at the end of November last year, the island had drawn down less than 20% of the sum available for the year as a whole. Chief Pleas should also remind itself that one of the main reasons why Sark's government runs on such a modest budget is that the Conseillers are in effect subsidising it out of their own pockets. Conseillers are unpaid, provide their own offices, computers, paper and ink, pay 'phone bills and travel expenses, without any charge to the Island. Before the propaganda press starts screaming that Conseillers demand payment, they are not. He was just pointing this out as a matter of fact. All give their time freely, but are also subsidising the island by claiming the very minimum of expenses.
- 12.7 He was sure that the Crowe Report will be of enormous benefit to Sark and he urged all Conseillers to give the proposition backing so that Chief Pleas can get on with the next steps of improving the administration of this Island without undue delay.
- 12.8 E. Baker As a Member of the GP&A Committee, he fully supported the use of Mrs. Crowe to review Sark's administration. She was already very knowledgeable about Sark but was sufficiently removed from it to consider matters in a detached way.
- 12.9 Cocksedge Was against spending more of taxpayers' money on another review that would probably not be acted upon. Chief Pleas paid Mr. Barry Cooper to do a review of land use and the economic expectations for Sark which had not been used; there was talk not so long ago to pay for another report on the same subject. As the preview from Belinda Crowe states, she will take into account the highly valued spirit of voluntary contributions to the running of the Government. We already know we have a small civil service and rely on the individual committee members to do the leg work. The Island cannot afford to pay for a larger civil service let alone pay for full-time Chief Pleas Members. In November 2004, the present Vingtenier put a report in as President of the Constitutional Steering Committee to an Extraordinary meeting of Chief Pleas on the subject of changes needed to the running of the Island and it is still trying to implement those measures. The general working population has seen its taxes rise, boat fares rise, cargo prices increase, electricity prices rise and much more. To spend £8,000 on a review that could be done in-house is wrong so he determined to vote against the proposal.
- 12.10 R. Dewe Chief Pleas has evolved over the years to where it is now and it will continue to evolve in the future and how this will happen is what we are about to give some thought on today. Should Chief Pleas go to the expense of appointing Mrs. Belinda Crowe to undertake a review of Sark's Administration? He did not think it necessary to spend £8,000 on someone from outside when he was sure that an ad-hoc committee of Conseillers would be able to undertake a review and identify any problems that Sark has with its administration. If any real problems were to be found, he was sure that the ad-hoc committee would be able to recommend a solution without spending taxpayers' money on lavish proposals. Obviously, splitting the dual role of the Seneschal will have its own financial implications as office accommodation, more computers and so on will have to be provided but the last thing Sark wants is to go down the road of a massive Civil Service and paid politicians, because that is what he could foresee would be recommended by someone from outside, as that is to what they are accustomed.

- 12.11 Taylor Agreed with that overview and felt more thought should be given to a strategic approach, considering where the Island wanted to be in five or ten years' time.
- 12.12 Guy Supported the proposition because she felt that it was very desirable to have an outsider doing a review as, because Conseillers are all pretty busy doing the work, it is difficult to take an overview. Forming an ad-hoc committee to do this was not a good idea as many Conseillers have enough to do already. She has no idea what Belinda Crowe's report will recommend but she was impressed when she spoke to Conseillers how she listened and did not dictate or impose her initial views. It was good that someone from outside looked at the school with an impartial view.
- 12.13 S. Williams Was also against; Sark was unique and it didn't need interference from outside.
- 12.14 Bache Thought that an ad-hoc committee would only be able to consider what it already knows whereas someone from outside can apply a much broader view.
- 12.15 Ventress Supported Conseiller Bache; it is essential that someone independent looks at the problems and generates possible solutions.
- 12.16 Audrain Fully supported the proposition. There was no intention that Conseillers should be paid for their service.
- 12.17 E. Baker Agreed completely. It will be good to see what ideas come forward and Sark should have no pre-conceived ideas about a massive civil service or paid Conseillers. Mr. Barry Cooper was not paid personally for his planning briefs, only his travel and administrative expenses.
- 12.18 **Proposition – CARRIED**  
That Chief Pleas agrees to the appointment of Mrs Belinda Crowe to undertake the review of Sark's Administration as detailed in the Project Proposal dated 18<sup>th</sup> November 2011, and for up to £8,000 to made available to cover her fees and incidental expenses as set out in the Project Proposal.

### **13 Development Control Committee**

#### **New Development Control Law**

- 13.1 Dunks Had nothing to add to the report which contained 21 ideas for inclusion into a new Law. That list is not exhaustive and he would be pleased to hear of more issues that might need to be covered by legislation in controlling development and the future appearance of the Island. The Committee had started with a blank sheet and would welcome more thoughts and ideas to consider.
- 13.2 Magell Under bullet point 14, it is envisaged that age and residency restrictions may be applied to those seeking building permission. Is it possible within the new law to take this one step further and place further occupancy restrictions, more than the current ones we have for local market dwellings? Can Sark ensure that only people who have lived here for fifteen years can apply to build a dwelling and that permission may be granted to them subject to them actually living in the house for a certain number of years? If they did not live in the house but sold it or rented it out there could be financial penalties. This would stop speculative building.
- 13.3 Bache Wanted to see greater conservation of rainwater and other green features in new property and approvals should be conditional on such measures being incorporated into the development.
- 13.4 Guy Supported the ideas for the proposed new legislation and congratulated the Committee for grasping the nettle. She suggested that paths and bridleways should also be considered for inclusion.
- 13.5 Hunt If a public meeting was held many ideas and comments would be expressed.
- 13.6 Dunks It is too early for that as we need a document on which to consult.
- 13.7 Melling Shouldn't public opinion be taken into account when decisions on development are made and given as reason for refusal?
- 13.8 Dunks Last year public opinion was added to the amending legislation but the Law Officers advised that it be taken out as it could have personal implications.
- 13.9 E. Baker Suggested introducing preservation of trees (as in Alderney). Many years ago, the Development Control Committee suggested underground rainwater storage but this method has largely been superseded by boreholes however there are still many properties with underground tanks.
- 13.10 Plummer Asked that catchment under oil tanks should be a condition of approval. There is always a risk that an oil tank could rupture and the oil filter into the water system.
- 13.11 Seneschal As an Island Trustee he understood that all new oil tanks being fitted were double skinned but perhaps that requirement could go into the Law.

- 13.12 Plummer Confirmed that she had spoken with Mr Gavin Nicolle on this subject and he had confirmed this precaution was being applied to all the new or replacement tanks now fitted.

## **14 Education Committee**

### **School Inspection**

- 14.1 Magell Introduced the information report which was accepted without comment.

## **15 General Purposes & Advisory Committee**

### **Electricity Regulation**

- 15.1 Maitland The Committee duly met with the Director of Sark Electricity on January 12<sup>th</sup>. No progress was made in the attempt to have a working agreement with the Company, despite the Committee's best efforts. It may well be that in the end the Committee has to go down the regulatory road, but progress will be reported further at Easter Chief Pleas.
- 15.2 Guy Enquired whether these had been informal meetings or were they recorded.
- 15.3 Maitland Confirmed that the last meeting had been fully minuted.

## **16 Development Control Committee**

### **Annual Report on Development Control**

- 16.1 Dunks Introduced the information report which was accepted without comment.

## **17 General Purposes & Advisory Committee**

### **Renewable Energy**

- 17.1 E. Baker Introduced the report which he considered self-explanatory; he acknowledged and thanked Mr Roger Olsen who is totally au-fait with the latest developments on this subject and attends all the consultation meetings and discussions on behalf of the GP&A Committee, reporting back as the first item at the start of the monthly GP&A Committee meetings.
- 17.2 Royal Sanction of the Projet de Loi had been given on the 16<sup>th</sup> November and the Committee was currently discussing the drafting of commencement Ordinances, a Health & Safety Ordinance as well as MoUs with other organisations involved in the approved Law; it would be bringing draft legislation to a future meeting of Chief Pleas this year.
- 17.3 Chief Pleas was reminded that a budget of £6k had been agreed for the deployment of an acoustic device to measure tidal flows at different levels and in additional selective locations in Sark waters during the monthly tidal cycle. These measurements were now underway with some promising results. Only £2k has been spent to date.
- 17.4 Cocksedge Could the Committee update the Assembly on the proposed French generator deployment in the bay of St. Malo? It is reported that they wish to deploy 1,000 units from the tip of Cherbourg to St. Malo. The radio announcement did suggest it might benefit Sark. Also Guernsey is looking at a wind farm off the west coast of Guernsey; how does this affect its financial commitment to the other projects?
- 17.5 E. Baker He was unable to answer such questions without notice. He would refer these back for a written answer to Conseiller Cocksedge and report the response at the next meeting of Chief Pleas.

## **18 The Douzaine**

### **Refurbishment of the Visitor Centre Toilets**

- 18.1 Melling Explained why this was a verbal report and not written; the responsibilities for the building that contains the Visitors' Centre is rather complex and misunderstandings arose after the agenda item had been placed as a joint Tourism and Douzaine report. As a Member of the Tourism Committee and Deputy Chairman of the Douzaine it was eventually agreed that he should take the lead in this matter rather than the individual Chairmen but that delegation meant that insufficient time remained available in which to obtain the facts required for a written report.
- 18.2 The Tourism Committee has been aware for a long time that the toilets are far below the standard expected in 2012. As the Douzaine is the Committee responsible for repair and maintenance, the Tourism Committee made an approach requesting improvements and it was agreed that the toilets should be updated.

- 18.3 Melling Tourism had originally looked to alter and refurbish the existing block but upon investigation it was realised that the structure would not be suitable for modification due to its bunker-type construction. Thoughts then turned to alternative solutions. The favoured option is to build an extension at the rear of the premises, the entrance to which would be inside the Visitors' Centre but with access to toilets from the outside yard by other users of the building when the Centre is not open.
- 18.4 Any such plans will be subject to the approval of the Development Control Committee, the consent of the Island Trustees and any other persons who claim to have an interest in the building. It was hoped to modify what was already there and this may have been possible with funding contributions from different budgets. However, a new build will mean capital expenditure and a firm commitment and decision from Chief Pleas.
- 18.5 The plan is to have a ladies' toilet with three cubicles and two wash hand basins, a gents' toilet with two urinals, one cubical and one wash hand basin, a disabled toilet cubicle and baby changing facilities. Disabled access will be required and alteration to the existing entrance and internal doors will have to be made to achieve wheelchair access. The Tourism Committee has been advised that a figure of £36,000 will be needed for such a project. To allow for floor coverings, fixtures and fittings to complete, Conseiller Melling suggested that finance up to £40k will be required as an agreed expenditure. At present the toilets are only open when the Visitors' Centre is open but it is envisaged that a toilet facility could remain in the old block and open all hours.
- 18.6 As a personal observation, he felt that as an authority, Sark is not providing anywhere near the standard of public toilets that it should be; the provisions for both the disabled and baby changing facilities are poor and far behind those of tourist attractions elsewhere.
- 18.7 S. Williams Apologised for bringing a verbal report requesting money before the start of the tourist season.
- 18.8 Seneschal Asked if it was intended to return at Easter Chief Pleas with a full report accompanied by estimated costs of the various options under consideration.
- 18.9 S. Williams Confirmed that was the intention.
- 18.10 Seneschal The Island Trustees had looked at the existing toilets and the potential for changes some time ago but lack of money at the time was an issue.
- 18.11 Guy Suggested that if and when the plan for the toilet at Visitor Centre goes through then some consideration is also given to disabled/wheelchair access to the Visitor Centre itself.
- 18.12 E. Baker Asked if this could be the subject of an Extraordinary meeting before Easter Chief Pleas?
- 18.13 Seneschal It is possible with agreement to give ten days' notice of an extraordinary meeting; he asked that such a meeting was on the one subject only.
- 18.14 Gomoll With Finance & Commerce spending under scrutiny might the Tourism Committee and the Douzaine look for donations and/or sponsorship to fund such a project?
- 18.15 S. Williams Will look at such an option but the ownership of the toilets will remain with the Island Trustees and under the care of the Douzaine.
- 18.16 Seneschal The amount of land available at the back of the building needs to be confirmed; he awaited developments with interest.

## **19 General Purposes & Advisory Committee**

### **Ordinance made by the Committee and Laid Before Chief Pleas**

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

The Libya (Restrictive Measures)(Sark)(Amendment)(No.2) Ordinance, 2011

The Belarus (Freezing of Funds) (Sark)(Amendment)(No.2) Ordinance, 2011

- 19.1 Seneschal Had received no motions to annul these Ordinances which had already been approved by the Committee under the fast-track provisions of the Reform Law; the Ordinances therefore remain in force.

## **0<sup>2</sup> Closing Remarks**

- 0.15 [Deadlines for Easter Chief Pleas](#) – see next page.



## **Forthcoming meetings for Chief Pleas Members**

**EASTER MEETING – Wednesday 18<sup>th</sup> APRIL 2012 at 10.00am**

Agenda closes -

**Wednesday 21<sup>st</sup> March 2012 at 3.00pm**

Papers distributed to Members before Wednesday 28<sup>th</sup> March 2012.

**This meeting closed at 12.28pm**

Brian Garrard CMILT (Sark Committee Secretary) 19<sup>th</sup> January 2012

**Seneschal and President of Chief Pleas**

**Greffier**

**Signed on 24<sup>th</sup> January 2012**

**The reports, to which these 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.**

# MEMBERS OF CHIEF PLEAS

Christmas Chief Pleas Meeting – 18<sup>th</sup> January 2012

	Attending	Item 7	Item 8						
Deputy Seigneur – Mlle B.C. Bell	/								
The Seneschal – Lt. Col. R. Guille	/								

## CONSEILLERS

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

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

Brian Garrard, Committee Secretary, 18<sup>th</sup> January 2012

## **EMERGENCY SERVICES COMMITTEE and MEDICAL COMMITTEE**

**Statement and Press Release to Christmas Chief Pleas, 18<sup>th</sup> January 2012**

### **RESPONSE TO THE SARK NEWSLETTER DATED 13<sup>th</sup> JANUARY 2012**

The following statement represents the considered and combined opinion of Sark's Emergency Services and Medical Committees including serving members of the Emergency Services.

In the last two weeks, the Sark Newsletter has printed two articles revealing confidential medical information surrounding the emergency evacuation of a Sark resident. The Newsletter has breached the privacy of the individual and their family. In the second issue, it also speculates about the political motivations of the family members involved and suggests that the Sark Doctor's actions may amount to wilful negligence. It is our opinion that the Newsletter is causing harm to Sark's residents and to Sark's Emergency Services.

Many of you will be aware of the on-going Leveson Inquiry, chaired by Lord Justice Leveson in response to harm caused to members of the British public by the media through such activities as biased reporting and breaches of privacy and confidentiality. Lord Justice Leveson opened the hearings saying "The press provides an essential check on all aspects of public life. That is why any failure within the media affects all of us. At the heart of this Inquiry, therefore, may be one simple question: "who guards the guardians?"

The Newsletter may not be a real newspaper but it is a form of media read on Sark and its owners are responsible for its actions. It claims to represent the "free press" and is delivered, unsolicited, to every household on Sark. Those who decline to receive its message are named and supposedly shamed each week at the end of the publication. Its editor and apparently new owner is Mr Kevin Delaney, long time employee and representative of the Barclays interests on Sark. Mr Delaney has loyally served the Barclays for years and is believed by many to be ideologically inseparable from them. In the absence of any evidence to the contrary, can we conclude that the Barclays, who also own the Daily Telegraph, fully support the Editor of the Newsletter and his actions? We have seen in the Leveson Inquiry that the ignorance claimed by those who own or control the media about the activities within their organisations has not absolved them of any of their ethical responsibilities. Attempts to deflect responsibility have only magnified the apparent deception and intensified the pressure on them to adopt the basic moral principles that every member of a democratic society should abide by.

We do not believe the Newsletter when it claims to be acting as a force for the good of Sark. How could anyone claim to condemn harassment, bullying and intimidation whilst also making personal attacks on the families of casualties? The Newsletter has used someone's serious illness as an opportunity to attack their family by simultaneously wishing them a speedy recovery and accusing another family member of "vindictiveness". This is gross hypocrisy and highly offensive by anyone's standards.

It is clear to anyone who was actually involved in the evacuation that the Newsletter's story is factually incorrect. The Newsletter failed again to make even the most basic checks of the details before publishing. A similar incident occurred last year, again following an emergency medical evacuation where the Marine Ambulance was used instead of the helicopter. In each case the Emergency Services have been criticized for causing harm to the patient by not using the helicopter. The publication of confidential medical information and the Newsletter's grossly insensitive treatment of the families of the casualties has caused great distress to those families and the wider community.

The efforts made by the Emergency Services Committee over the last year to improve and streamline helicopter evacuation were largely ignored by the Barclays, whose representatives declined to meet with us and we believe have also declined to familiarise Guernsey's paramedic's with helicopter operations. This means that the doctor always has to travel with the casualty which might not have been necessary if familiarisation training had been given to paramedics. At present - when the helicopter is requested - the St John Ambulance & Rescue Service's marine ambulance is dispatched to provide paramedic cover on Sark whilst the doctor is away and until he returns to the island with the helicopter. The helicopter's departure is not, however, delayed as the Newsletter suggests until the Marine Ambulance arrives – something the Newsletter could easily have found out, had they asked us.

Sark's emergency services are professional, capable and committed. They have not achieved perfection but you can be sure they always set out to do the best they can for the casualty and their loved ones. They do not discriminate against casualties or their families for any reason. Equally, the Brecqhou pilots are not the problem here. Unlike the Sark Newsletter's contributors, they are prepared to put their lives on the line to help casualties by piloting the helicopter in sometimes dangerous conditions. Their bravery, professionalism and commitment should also be recognised.

The bottom line is that the Barclays want us to use their helicopter more than we currently do for medical evacuation but they will not allow full co-operation with the other emergency services.

Could it be that their primary motivation stems from a desire to establish a private/commercial helicopter service rather than to provide medical evacuation? Are they using medical evacuation as a means to achieve this underlying aim? How else could we explain their actions?

If we are to believe that the Barclays' genuine desire is to provide emergency helicopter evacuation for use with critically ill Sark residents and visitors with no strings attached, they need to demonstrate that they have the moral and ethical integrity to do so. A helicopter, vast amounts of money, property and power is not enough. How can they convince us that they are capable of treating casualties and their families fairly? How can they show us that they will not discriminate against people who do not agree with their vision for Sark? How could they justify the Sark Newsletter breaching the medical confidentiality of Sark residents? How do they expect the doctor to make a better decision if he is forced to take into account the fact that a family may be attacked if the helicopter is not called? Surely this has the opposite effect of what we are all aiming to achieve by restricting rather than increasing the emergency evacuation options available to the doctor and the casualty, risking harm when the wrong decision is made for the wrong reasons.

We ask that the Newsletter immediately prints a full and unreserved apology to the families of casualties they have insulted. We suggest that if its contributors are incapable of writing anything but offensive material about an individual that they desist from printing anything at all.

We ask that the Barclays, the owners of their emergency helicopter evacuation service, start to make amends by publicly condemning the actions of the Newsletter in causing harm to the families of the casualties. We ask that they publicly recognise the important role of our Emergency Services and Medical Committees who, as anyone who knows anything about Sark understands, are comprised of ordinary Sark residents who are democratically elected, hold diverse views and are capable of independent thought. They should also acknowledge the time and effort we have put into improving the helicopter medical evacuation system in conjunction with their own pilots. In addition, we ask that the Barclays work co-operatively with Sark's Emergency Services Committee to address these serious issues of patient privacy and confidentiality. The same standards must apply to all casualties irrespective of the casualty's job, political views, age, gender, race or sexual orientation. These basic ethical principles must apply to their treatment of all casualties and their families irrespective of the method of evacuation used. They should contact Sark's democratically elected committees, not the Newsletter, to address any differences of opinion they may have regarding emergency care to ensure that the interests of the patient and their families are always put first. If they will not agree to these simple requests, we will have to conclude that what we have already seen of their actions is an accurate reflection of their true intentions.

The Emergency Services and Medical Committees have complete confidence in the Doctor's decision making processes when deciding on the most suitable method of medical evacuation from Sark, and acknowledge that the doctor is the only qualified person on the island to make this kind of decision; and that he does so with the full co-operation and support of the Marine Ambulance Service and Guernsey Coastguard.

**Conseiller Helen Plummer**  
**Chairman, Emergency Services Committee**

**Conseiller Diane Baker**  
**Chairman, Medical Committee**

**The Sark Newsletter (No. 124 Pages 8 & 9) dated 13<sup>th</sup> January 2012**  
**referred to in paragraphs 0.3 - 0.8 above**  
**can be found at [www.sarknewsletter.com](http://www.sarknewsletter.com)**