

MINUTES of the MICHAELMAS MEETING of CHIEF PLEAS

Held in The Island Hall, Sark on 3rd October 2012 at 10.00am.

Present: Sieur J.M. Beaumont OBE, 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 (see attached list and named voting record).

Apologies were received from Conseiller Maitland.

0¹ Opening Comments

0.1 [Lt. Governor](#) – the Seneschal welcomed the Lt. Governor to this meeting of Chief Pleas.

0.2 [Conseiller's Workshop](#) – Conseiller Bache made a statement about the Workshop held in Sark on 29th September since not everyone was able to be present. The idea of the Workshop was developed some weeks ago after a very successful meeting for the General Purposes & Advisory Committee (GP&A) in Guernsey at His Excellency's suggestion. The meeting there involved the "Friends of Sark" and looked at the strengths and weaknesses of Sark's position and possible ways forward. The meeting was entirely successful with helpful ideas put forward and no attempts made to steer or push GP&A in any direction.

0.3 For Saturday's Workshop the same approach was adopted. Ms Cathryn Hannah from the Ministry of Justice (MoJ) and Mr Jo Reeve, External Relations Officer, States of Guernsey travelled across at no cost to Sark. 21 Conseillers, Island Officials, the Headteacher and the Doctor (a total of 30) attended.

0.4 Initially, the meeting split into two groups to draw up separate SWOT analyses, lists covering Sark's **S**trengths, **W**eaknesses, **O**pportunities and perceived **T**hreats. The two sets of lists were then compared, with the strength and weakness showing remarkable similarities, suggesting some widely held and key conclusions. For instance both groups saw the Community and Community spirit as an important strength while the lack of clear leadership, an unsatisfactory consultation process and high costs were among the weaknesses. Perceived threats included legal intimidation, the Sark Newsletter and rising energy and healthcare costs.

0.5 During the afternoon the idea of an island-wide questionnaire to help the incoming Temporary Chief Secretary and to assist in developing priorities for forward planning was discussed. All those present agreed that this should be taken forward so that the views of the Community could be fully understood and taken into account.

As the meeting ended there was a general feeling that it had been entirely helpful in opening up ideas which would be useful for Sark's Government as it sought to move forward.

0.3 [Art for the Love of Sark](#) – the Seigneur reported that the Island has been presented with the No.1 copy of the deluxe, limited edition of *Art for the Love of Sark*, by Gateway Publishing.

He asked that the thanks of Chief Pleas and the Island should be recorded for this donation and he will place the book in La Société Serquaise so that it is available for all to see.

0.4 [HMS Daring](#) – the Seneschal reported his visit to represent Sark, on behalf of the Seigneur, to HMS Daring off Guernsey on the 29th September; on that visit the Seneschal presented the ship with a Sark Shield and in return was presented with a Ships' Shield for Sark.

1 Minutes of the Extraordinary Meeting on 29th August 2012

1.1 [Appointment of Temporary Chief Secretary \(Ref: 4.34\)](#) – Conseiller Bateson had suggested that, in the event of the proposition being carried, the GP&A Committee should send a house to house delivery to the people of Sark explaining what was happening and why. This was not included in the minutes and was not carried out before an appointment was made.

1.2 The minutes were **APPROVED** with this one change.

2 Matters Arising

- 2.1 Dunks At Item 14 of the Michaelmas Meeting, 5th October 2011 the (Development Control) Committee presented a proposition to replace and update **The Development Control (Sark) Law, 1991**. This was discussed and amended by Chief Pleas. At Item 13 of the Christmas Meeting, 18th January 2012 the Committee presented a proposed framework for ideas to be included in the new Law. This was discussed and amended by Chief Pleas. The Committee has been in discussion with the Law Officers and been assigned Crown Advocate Helen Shorey for the purposes of drafting. Following initial exchanges it is hoped a 'first draft' of the new Law will be with the Committee by the end of the year. Once the Committee has seen this 'first draft', it will re-start the process of consulting with the public.
- 2.2 P. Williams [\(Ref: 4.57\)](#) asked why detailed costs of the new Chief Secretary's position are not included in the budget figures as mentioned at the Extraordinary meeting.
- 2.3 Gomoll For the moment this is a one-off and short-term appointment and it could be part covered from unforeseen expenses. Half would be paid from the 2012 budget as unforeseen expenses but if the remainder is to be paid from the 2013 unforeseen expenses it cannot be allocated within the budget at this stage.
- 2.4 P. Williams He asked supplementary questions about the likely cost of implementing all the recommendations suggested by the Crowe Report including two further civil servants. This is likely to cost more than £200-250k annually.
- 2.5 E. Baker This was inappropriate at present as there is no commitment to the Crowe Report recommendations beyond appointing a Temporary Chief Secretary.
- 2.6 Cook [\(Ref: 4.60\)](#) Conseiller Cook confirmed that Mr Colin Kniveton, currently working in the Isle of Man, has been appointed to the position of Chief Secretary and that, in line with the resolution of Chief Pleas, this is a temporary appointment.
- 2.7 Guy [\(Ref: 5.15\)](#) Conseiller Guy confirmed that since the introduction of the Harbours Amending Ordinance, a system of reporting passenger numbers travelling to/from Brecqhou has been set-up.

3 Questions not related to the Business of the Day

- 3.1 Fry *In July, I raised a question to the GP&A Committee regarding a comment, quoted in the media, by Advocate Dawes. I understand Seigneur Beaumont contacted the Guernsey Bâtonnier on behalf of Chief Pleas on this matter. May I ask what response he's received?*
- 3.2 Seigneur After discussing the matter with Conseiller Maitland, the Seigneur sent a complaint to the Bâtonnier regarding the Article in the *Sunday Times*: he didn't expect it to get anywhere but was initially heartened by the response he received in acknowledgement stating: "*I can well understand your concern at a number of the comments set out in this article.*" It went on to say "*I am happy to refer this matter to La Chambre de Discipline*"
- 3.3 However the final response from the Deputy Bâtonnier was in line with the Seigneur's original expectations of a 'white wash'. The letter reads as follows:
- Seigneur (reading) "*I have received a detailed response from Advocate Dawes and the matter has been further considered as to whether it constitutes misconduct under the rules of professional conduct and ought to be referred to the Registrar. Advocate Dawes has advised that his comments were misreported in the article, and has provided evidence that he raised this issue immediately with the relevant newspaper and that he discussed the misreporting with members of Chief Pleas including Charles Maitland during an interval of the meeting of Chief Pleas on 4th July. A correction was published on the 8th July, 2012, which confirms the newspaper's complicity. We have concluded that the publication misreported Advocate Dawes' comments and therefore de facto, there is no evidence of misconduct. Accordingly we will not be referring the matter to the Registrar for investigation.*"

- 3.4 Seigneur (reading) The letter continued – *“Whilst not directly relevant, we would observe in passing that protest, criticism, lampooning and satire of individuals and institutions has long been part of the democratic cut and thrust of holding political or public office, particularly in Britain. Had this complaint not been dismissed for other reasons, there is some prospect that we would have formed the view that it should be dealt with by a political response rather than as a question of professional misconduct. Whilst we accept that members of the Guernsey Bar are generally obligated to behave in a manner which does not bring disrepute on their profession, they are entitled to express their political views in public”.*
- 3.5 *“In closing we would also like to observe that the best means of ventilating a complaint about the conduct of an Advocate is to seek redress or explanation from that Advocate in person, or his senior or managing partner or partners of the same firm in the first instance, rather than directly to the Bar Council.”*
End of Letter.
- 3.6 Seigneur Clearly it is a waste of time complaining to the Guernsey Bar. The Seigneur considered them little more than an old fashioned Trade Union operating a closed shop and only concerned with protecting their members. In this particular case, the Seigneur was concerned that outside pressure has been put on both the *Sunday Times* and the Bar.
It stretches credulity to its limits to suggest that the *Sunday Times*’ reporter used the phrase *“Feudal Taliban”* in relation to Chief Pleas by chance; perhaps we are meant to believe he reads the ‘*Sark Newsletter*’ and added the phrase on his own volition.
- 3.7 He could not understand the assertion that *“Had this complaint not been dismissed for other reasons, there is some prospect that we would have formed the view that it should be dealt with by a political response rather than as a question of professional misconduct. Whilst we accept that members of the Guernsey Bar are generally obligated to behave in a manner which does not bring disrepute on their profession, they are entitled to express their political views in public”.*
- 3.8 What the Deputy Bâtonnier does not say is how he squares this with Rule 75 of the Guernsey Bar, which states – *“An Advocate must not make an allegation which is intended only to insult, humiliate or annoy the other side, the witness or any other person”* and with the commentary on this which says; *“this rule would preclude an Advocate from making an allegation which is merely scandalous...”*
In the Seigneur’s mind, but clearly not in that of the Deputy Bâtonnier, calling Chief Pleas the Feudal Taliban is scandalous; so it’s difficult to imagine what he thinks is scandalous.
- 3.9 The Seigneur emphasised that this is all a personal view and he had to leave Chief Pleas to draw its own conclusions.
- 3.10 Dunks *At a recent meeting of the Development Control Committee, approval was given to the installation of three new GSM antenna on a disused electricity pole in the grounds of La Rondellerie Cottage. The consideration of the application gave rise to a wider discussion about the health issues of electro-magnetic radiation and its effect upon the Island’s residents, a significant number of whom suffer from tinnitus or Menières disease.*
A consultant at Southampton General Hospital, who has treated two young people from Sark with Burkitts Lymphoma, has expressed concern as this condition is rare while two cases from such a small area is very unusual.
Can the Chairmen of the Public Health and Medical Committees comment on whether the existing antenna on the mast at the Telephone Exchange, and the array of aerials located at the Committee Offices (including Tetra) have been tested to measure whether their combined output could have any harmful effects on those living on Sark?
- 3.11 Melling Thanked Conseiller Dunks for his question and confirmed that he did have his own personal concerns. Speaking as Chairman of the Public Health Committee the answer to the main part of the question - *“do we have a test undertaken for the combined levels from all installed units”* - the answer is a clear - **No**.

- 3.12 Melling continued Cable and Wireless has confirmed that tests are carried out on its equipment, some of these being spot checks; such tests are undertaken by Ofcom, an independent body. The Home Department in Guernsey has annual tests carried out on the installations on Sark's Committee Office building. As to Wave and Airtel installations, he was not in a position to comment at this time.
- 3.13 So, it would appear that tests are carried out but only on a site by site basis and not as a combined exercise. He believed that to answer this question in a proper manner and to consider the obvious duty of care that falls on Chief Pleas, the Public Health Committee should place a report before Chief Pleas, after consulting with all owners of equipment on Sark. The aim is to establish a formal line of six monthly check results being presented to the Committee from all providers and to seek the services of an independent company to carry out island wide checks on behalf of Chief Pleas.
- 3.14 The assessment of island-wide checks and the implication of combined effect, should deal with the concerns raised. There is a financial implication here but that will have to be considered when our enquiries are complete.
- 3.15 P. Williams *I have been asked by a member of the public to put forward the following questions –*
1. *What are the full costs of the Temporary Chief Secretary as it was stated in the press release that the costs were within budget?*
 2. *Where is the Temporary Chief Secretary staying, and how much is this costing?*
 3. *What are the extra costs involved, in detail please, which were not specified during the debate on the 29th of August?*
- 3.16 E. Baker There is a budget of £45k and for four months this would see a retainer of £37,332 being paid to the Chief Secretary; half of this would be paid from the 2012 budget and half from 2013. As to accommodation, he was not prepared to answer directly save to say Colin Kniveton will not be housed in either of Conseiller Baker's self-catering cottages and the amount involved is a fraction of the amount that was budgeted. There will be extra cost for travel expenses; to give Chief Pleas an indication, the bill for interview expenses for the four candidates was £1,778.
- 3.17 Dunks
1. *Could the Committee please provide Chief Pleas with a summary of the Sea Fisheries Officer's activity this season?*
 2. *Have the Sea Fisheries Committee acted on the report of flat fish being illegally stabbed by licensed scallop divers (and possibly others) in Sark waters and then landed in Guernsey?*
 3. *Does the Committee believe that there a conflict of interest within the triangle of the members of the Committee, the appointed Sea Fisheries Officer and those who are felt to be fishing illegally? If so, what does the Committee propose to do to address the problem?*
- 3.18 Cocksedge He only received these questions by e-mail late on Friday (28th September), and if he had been away for the weekend, as he was in the previous week, he would not have seen them till Monday – both times less than the five day period required. What ever happened to the good old written letter which would have arrived on time? Needless to say he would try and answer the questions. The Assistant Constable, Sea Fisheries, (ACSF) is away at present attending to his very sick mother, so Conseiller Cocksedge had not had access to the log books. We have regular updates at our meetings and he confirmed that the ACSF has put a lot of effort into law enforcement, along with collecting data on marine life amongst his various other jobs and is very diligent in his work, using his own boat and the Sea Fisheries' Rib for the job.
- 3.19 At present Conseiller Cocksedge is putting together an Annual Report for Christmas Chief Pleas which will contain a section based on the ACSFs log book of all the activities carried out on the limited budget available. We also have a bonus in the work carried out by the Guernsey Sea Fisheries Patrol vessel, in its role for British Sea Fisheries, its Officers having conducted six Rib patrols in Sark waters and taken notes of activities around Sark as they have passed south and north of the Island on numerous occasions. Only last week they were asked by Sark Harbourmaster Peter Byrne to check on a boat thought to be illegally diving, which they willingly did and have done similar tasks in the past. Both Sark's Assistant Constable and Guernsey's Sea Fisheries Officers are only a 'phone call away.

- 3.20 Cocksedge continued As to the second question the answer is **yes** and the enquiry is on-going. Only two weeks ago the question was raised by one of our fishermen at the meeting in Sark where all sides attending were given reports by Guernsey Sea Fisheries Officers on the licensing scheme; they gave assurances, along with Sark's ACSF, that they are only a 'phone call away and that all complaints would be looked into.
At Committee level, the subject has been discussed on many occasions and suspensions imposed. Personally, he has had conversations with the Sark ACSF and his Guernsey counterparts on the subject many times.
As a Committee, we do not just sit on our backsides and stick our fingers in our ears and do nothing. As an ex-Constable himself and with the present Constable in the room, he could only stress that hearsay is not evidence and frequently those who report such matters are reluctant to stand up in court.
- 3.21 Prosecutions have to be water-tight, as we have found to our cost in the past. Sark Sea Fisheries Officers take part with the Guernsey Sea Fisheries Officers in training sessions for boarding and arresting illegal fishing activities.
Cases in Sark have been taken to court only to be told by the Law Officers that the evidence was not strong enough. The Seneschal can vouch that we had one case that was won only to be overturned later by a judicial review on the grounds of a small oversight.
Sark is the only Island in the Bailiwick that has a ban on diving for certain fish so, if a boat catches it elsewhere but it is sold here or in Guernsey it is legal to do so.
As a Committee, we are trying to strengthen the regulations to tie the person who catches scallops to the place where they are sold on Sark. Conseiller Ventress is looking at the possibility of making the use of a spear gun illegal under our Firearms Law. Each year the scallop licenses are renewed and all reports of wrong doing, which need to be in writing, may lead to withdrawal of the licence.
Guernsey are also aware of and are investigating the selling of certain Sark caught fish in Guernsey.
He felt the Committee is doing all it can apart from all putting on wet suits and a tank and going down and seeing for ourselves.
- 3.22 He found the final question insulting to the members of the Committee and the Officers involved. If it was felt there was no faith in the Committee then it should have been brought to Chief Pleas as a vote of no confidence.
Both Assistant Constables and Conseillers swear an oath to say each will carry out his/her duties to the best of their abilities in a fair and unbiased way.
Everybody looks at problems and tasks in a different way, which will not appeal to certain sections of the population.
We live on a small Island, the very nature of which sees many people multi-task and it brings us in contact with members of our own family or certain groups of people etc. It might be said that my 16 years of fishing with one section of the fishing community might favour those people on issues in the Committee. As a whole we have tried to let everybody put their point of view forward and make the industry stronger for the future. We have regular meetings with the fishermen where views are exchanged and used to the good of the industry.
- 3.23 Some parts of the community might think it wrong to have a person on the Development Control Committee who both collates the Cadastre and is on the tax panel or a hotelier on the Tourism Committee or employees on Public Works.
It comes down to a small Island with few people willing to put themselves forward for Chief Pleas or Constable's jobs and it is left to those few to do of their best.
It helps nobody when people do come forward to work on the Island Community's behalf and are criticized for their associations or their points of view that go against certain peoples' ideas.
- 3.24 Conseiller Cocksedge had every confidence in his Committee and the Sea Fisheries Officers to carry out their duties in a fair and conscientious way. The good working relationship that has been built up with the fishermen will only be undermined by a question that is boarding on the lines of calling members of the Committee corrupt.

4 Douzaine Election of Constable

- 4.1 Seneschal Invited the Constable to make a statement and drew attention to the Annual Report circulated with the Chief Pleas' papers.

- 4.2 Constable Mrs Joanne Godwin said that it was with a certain amount of surprise that she stood here with her term of office completed; she couldn't quite believe she had made it! She publicly acknowledged the support and understanding of her employers Messrs David and Andrew Gordon-Brown; they never complained or questioned the numerous times she had left the office to attend to the latest incident and for that she owed them a debt of gratitude. She had been amazed and humbled by the support, advice, helpfulness offered by the people of Sark, in what is often a difficult role. It is a privilege to live in this community, to be entrusted by the people of Sark to take on the role of Constable and to have had their support. She thanked Matt Joyner and Adrian Guille for working with her and wished the very best of luck to Adrian for the remainder of his time in office.
- 4.3 She thanked the Assistant and Special Constables who turn out, day and night, weekends and holidays, when asked; the job would be impossible without them, and Fiona Hamon, who is a constant support in all office matters, can find anything and sometimes at unsociable hours; she would have really struggled without Fiona's kindness, helpfulness and knowledge. The Committee Office team – the Seneschal, Deputy Seneschal, Greffier and Prévôt along with Wendy Kiernan, Brian Garrard and Caroline Robins, always cheerful and willing to help. She gave a personal thank you to Kevin Adams and Elizabeth Dewe for their welcome support in some difficult times. She didn't forget her husband and family for their support and understanding.
- 4.4 Being involved in organizing Sark's Jubilee celebrations was a pleasure and such a delight to see our community pull together, The Royal visit by Prince Charles and Camilla, Duchess of Cornwall was another lovely occasion to see our Island at its best. Of course there have been problems, but there is a fantastic support network both in Sark and from Guernsey to help everyone. It was an honour and a privilege to serve Sark as Vingtenier and Constable. She sincerely hoped that with the support of the community these roles can continue for many years. She wished Adrian all the best and assured him she would try not to miss the night-time phone calls.
- 4.5 Seneschal The Seneschal's Office continues to have many dealing with the Constable's Office and he thanked Mrs Godwin, on behalf of Chief Pleas, for her two years of service to the Island. Like her many predecessors, she has had an extremely busy second year, as you will have noted from the Constable's Report. There have been times when she has been put under extreme pressure and in the Seneschal's view some of these may have been attempts to discredit Sark's system of policing. She has held up to all the stresses imposed on her and had to deal with the tragic accident involving a carriage where a lady was badly injured and died of those injuries. On a more pleasant note Mrs Godwin and her Committee laid on terrific Diamond Jubilee celebrations, closely followed by helping to organise the Royal Visit by The Prince of Wales and The Duchess of Cornwall. He was pleased to report that she has continued to uphold the traditions of the Office and that it has been a pleasure to work with her. On your behalf she has had a busy year policing the Island which of course hasn't stopped since the report was compiled, as well as the civil functions of licences etc. He thanked Mrs Godwin on behalf of the Island for her service to the community. No Conseiller raised any questions on the contents of the report.
- 4.6 E. Baker Added his thanks on behalf of the Douzaine before nominating her successor.

4.7 The Douzaine nominated the present Vingtenier, Mr Adrian Guille, to the position of Constable.

CARRIED

5 Douzaine Election of Vingtenier

5.1 The Douzaine nominated Miss Lucy Belfield to the position of Vingtenier.

CARRIED

6 Douzaine

Election of a Procureur des Pauvres

- 6.1 E. Baker Asked for a vote of thanks for the work of Mrs Karen Adams, for her term of office as Procureur; she has conducted herself with professionalism, care, compassion and respect particularly for those who had unfortunately reached the end of their days.
The Assembly agreed unanimously that a vote of thanks be recorded.
- 6.2 **Conseiller Dunks declared an interest and withdrew from the room, returning after the decision had been made.**
The Douzaine nominated the present Deputy, Mrs Belinda Dunks, to the position of Procureur des Pauvres. **CARRIED**

7 Douzaine

Election of a Deputy Procureur des Pauvres

- 7.1 **Conseiller Higgins declared an interest and withdrew from the room, returning after the decision had been made.**
The Douzaine nominated Mrs Lynda Higgins to the position of Deputy Procureur des Pauvres. **CARRIED**
- 7.2 Seneschal Thanked all those elected for volunteering and continuing their support to the community.
The Swearing in of the Constable, Vingtenier, Procureur and Deputy Procureur will be in this Room shortly after the conclusion of this Meeting, once the Court and Officers to be sworn are assembled.

8 General Purposes & Advisory Committee

The Regulation of Production of Alcoholic Products (Sark) Law, 2012

- 8.1 **Conseillers Armorgie & Magell declared an interest and withdrew from the room, returning after the decision had been made.**
- 8.2 E. Baker Many years ago the Advisory Committee, the predecessor of GP&A was asked by a group of people, "*if they planted vines and apple trees to produce wine and cider would that be permitted by Law*". He didn't know if that wine or cider was ever produced. Since then the subject of alcohol production has been raised several times. The late Conseiller Stephen Henry did a lot of research on a suitable law to cover all aspects of the regulation that was considered necessary for the production of alcohol. For a number of reasons this has taken several years; today you have the final draft of the Law.
He pointed out that Chief Pleas approved the Liquor Licencing (General Provisions) Sark Ordinance, 1979 and all the subsequent amendments to date presented by GP&A. It may also bring an amendment for Chief Pleas to consider at Christmas.
- 8.3 Bateson Will an Ordinance to this new Law be brought in to test the quality and safety of the finished product as required in Section 13.
- 8.4 E. Baker This is an enabling Law and allows Ordinances to be introduced for testing and anything else that is appropriate.
- 8.5 Byrne Whose responsibility will it be to enforce the Law in regard to environmental issues?
- 8.6 E. Baker It will be safeguarded by GP&A through the introduction of Ordinances.
- 8.7 Melling Where are the links to the Public Health Committee and the ability to take legal action against those producing food and drink without the proper permits? He could not see where this is included in the new Law and how it interacts with public health issues. When applications are made to the Court for a Liquor Licence this is not granted without possession of a Catering Permit so how does that legislation fit together with this new Law?
- 8.8 E. Baker The detailed practicalities will be introduced by Ordinance.
- 8.9 Guy Was pleased to see that testing would be at the expense of the producer (Sec. 2(4)). She hoped that in Section 22. 1(b) there would be common sense exemptions for products such as *Caragh's Chocolates*.
- 8.10 E. Baker Correct.
- 8.11 Melling Will premises be inspected before licences are issued?
- 8.12 E. Baker There is clearly a need to work with the Public Health Committee in developing Ordinances which clarify the procedures required when implementing the Law.
- 8.13 **Proposition – CARRIED**
That Chief Pleas approves The Regulation of Production of Alcoholic Products (Sark) Law, 2012.

9 General Purposes & Advisory Committee

- **The Reform (Election of President)(Date of Election)(Sark) Ordinance, 2012**
- **The Reform (Election of President)(General Provisions)(Sark) Ordinance, 2012**
- **The Reform (Sark)(Amendment)(No.2) Law, 2010 (Commencement No.3) Ordinance, 2012**
- **The Reform (General Election)(Sark) Ordinance, 2012.**

9.1 Seneschal A revised version of The Reform (General Election)(Sark) Ordinance, 2012 has been circulated to Conseillers as it was realised that an earlier version had inadvertently been sent out. The new version incorporates the date of closure of the Register of Electors as 16th November 2012, beyond which date the roll will remain unchanged before the election takes place.

9.2 E. Baker Apart from the Reform (General Election) (Sark) Ordinance, 2012, all the other Ordinances are the final pieces in the jigsaw of Laws in regard to the splitting of the Seneschal's dual role. This Committee has come under unprecedented pressure to bring forward this legislation, after the Barclay twins' successful challenge at the Court of Appeal.

The people and Chief Pleas of Sark did not want this; this little Island with its small population and its limited resources has been bullied into these changes.

There are Conseillers, including himself, that are frequently accused of supporting feudalism, including the role of the Seneschal; these accusation come from people who are employed by the Barclay twins who, we are told, live in Monaco, and are domicile there, a State that is far more feudal than Sark has ever been.

He had no alternative but to ask this Assembly to support these Ordinances.

9.3 D. Baker Explained her abstention from voting on Propositions 1 & 2. She had not voted for anything that supported the splitting of the Seneschals duties into the dual role.

9.4 Ventress Endorsed the same view and will vote against. This has been forced upon Chief Pleas by outside influences.

9.5 **Proposition 1 – CARRIED**

That Chief Pleas approves The Reform (Election of President)(Date of Election)(Sark) Ordinance, 2012.

9.6 **Proposition 2 – CARRIED**

That Chief Pleas approves The Reform (Election of President)(General Provisions)(Sark) Ordinance, 2012.

9.7 **Proposition 3 – CARRIED**

That Chief Pleas approves the Reform (Sark)(Amendment)(No.2) Law, 2010 (Commencement No.3) Ordinance, 2012

9.8 Guy Asked if the Greffier can send out the updated Electoral Roll by email?

9.9 Seneschal This was confirmed, subject to request. There has been criticism as to the correctness of the Roll but it can only be as correct as the information supplied to the Greffier. Changes can only be instigated following an individual's request in writing. For example, there have been marriages taking place, yet no information supplied on name changes or changes of address.

9.10 Voting took place on the revised version of the Ordinance circulated before the meeting.

Proposition 4 – CARRIED

That Chief Pleas approves The Reform (General Election)(Sark) Ordinance, 2012

10 Shipping Committee

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

10.1 Cook This report is the culmination of the process started at the last Christmas Chief Pleas (Ref: 7.9 18/01/12) and hopefully gives the understanding and information you require. You will notice that the issue of a Sark resident returning home and cases of emergency have been addressed in the exemptions Ordinance.

- 10.2 Cook continued The Committee is advised that for the avoidance of any confusion the Proposition should include the titles of the Ordinances, we would therefore like to amend the proposition to the following -
That Chief Pleas approve the Ordinances entitled –
- **The Alderney and Sark (Licensing of Vessels) (Amendment) (Sark) Law, 2010, (Commencement) Ordinance, 2012**
 - **The Alderney and Sark (Licensing of Vessels) (Exemptions) (Sark) Ordinance, 2012.**
- 10.3 Finally, you should be aware that Sir David & Sir Frederick Barclay have reserved the right to take this Amended Law to Judicial Review, subject to either the issuing of licences and terms of the Exemptions' Ordinance or the passing of 6 months from, he believed, the 13th July 2012 – whichever happens sooner.
 If the Ordinances are passed today and as expected any licences applied for are issued for 1st January 2013, then it is presumed that we will know at that time whether the Law will face the scrutiny of Judicial Review.
- 10.4 Cocksedge How are exemptions to be dealt with?
- 10.5 Cook It is fully explained in the Ordinance as is the passage to Sark issue.
- 10.6 E. Baker During interviews with the other Crown Dependencies recently, their representatives were asked if they are challenged by Judicial Reviews. They were astounded to learn of the situation in Sark.
- 10.7 **Proposition – CARRIED as amended**
 That Chief Pleas approve the Ordinances entitled –
- The Alderney and Sark (Licensing of Vessels) (Amendment) (Sark) Law, 2010, (Commencement) Ordinance, 2012
 - The Alderney and Sark (Licensing of Vessels) (Exemptions) (Sark) Ordinance, 2012.

11 Finance & Commerce Committee 2013 Budget & Taxation

- 11.1 Gomoll Introduced the report immediately highlighting the expectation of lower income from Property Transfer Tax (PTT) based on the experience of 2012 when, instead of an anticipated income of £179k, only £44k was realised. He drew attention within the report to the principal differences compared to the 2012 budget and, in particular, the high increased cost of central administration and stipends, much of which was to cover the costs of a temporary Chief Secretary.
- 11.2 Bache Next year looks like being a difficult year and he suggested that Chief Pleas needed to look particularly hard at this Budget not only for what it contains but for what it omits and how it is presented? Once again the budget is presented without any mention or reference to the economy now in worrying decline. How can we make sensible decisions without understanding the economic context? Increasing unemployment, oil, electricity and freight costs, burgeoning salaries and pressures on the Procureur will all be major issues. We need a steer about the economic outlook into which this budget must fit.
 The Finance and Commerce Committee (F&CC) has sensibly adjusted what it requires from spending Committees in their bids but has it examined the resulting bids? Has it prioritised expenditure for a year when the economy will tighten?
 A replacement tractor (£18,000), school computer costs (£12,000): how absolutely essential are these for this year? Could some or some parts be delayed?
 Can any savings be achieved from individual Committee budgets?
 Unless F&CC scrutinizes these costs and makes recommendations or at least offers expenditure choices, how can Chief Pleas' decisions be meaningful. It may be argued that mandates need to be changed but if this is the case then let's do it rather than be hobbled by an incomplete system.
 He asked the Chairman of F&CC:
1. In future when the Budget is introduced can Chief Pleas be given background on the economic outlook for Sark?
 2. How far has proposed expenditure been scrutinized and prioritized? Can Chief Pleas be given any recommendations on which to base its decisions?
 If mandates have to be changed to achieve all this, can this now be done?

- 11.2 Bache continued 3. Could the cost of the temporary Chief Secretary not be taken from reserves as an exceptional cost to improve government?
- 11.3 Gomoll We can debate everything we know but the economy is based on the building trade and Tourism and information is not easily accessible making it difficult to forecast. At the Conseillers' Workshop it was recognised that the need for better information and improved monitoring of what is happening on Sark is indeed a priority. Could the Development Control Committee provide any input with its knowledge of potential major developments? He understood the interest and the sense of frustration felt by Conseillers.
Letters requesting capital expenditure are included within the report but F&CC would need a much stronger mandate if it was to scrutinise and prioritise the bids submitted. It would also need to start the bidding process much earlier and, after Chief Pleas had seen the initial bids, meet with submitting Committees to better understanding the logic and thinking behind the bidding process.
- 11.4 Bateson Is it true the impôt increase by 27% is to pay for the Temporary Chief Secretary?
- 11.5 Gomoll No specific ring fencing; the shortfall in PTT leaves a larger than expected gap in income and there is no guarantee that in 2013 it will even reach the 2012 level of £44k.
Impôt has been selected as a means of raising that shortfall because 50% of the income from impôt comes from visitors. The impôt levels are still far below the level applied in Guernsey but visitors are no longer coming to Sark to purchase cheap alcohol and tobacco products as they once did; there are restrictions imposed on the quantity that can be purchased anyway.
- 11.6 Cook Dispelled the view about rising freight costs; Isle of Sark Shipping Company freight charges have not increased for a number of years now despite fuel rises.
- 11.7 Magell Corrected the statement that the Education Committee was bidding for £12k as it was seeking only £6k of investment to replace four life-expired computers and replace two white boards, installed when the school opened in its present building and which are becoming increasingly prone to breaking down. The white board replacement is intended as the start of an annual rolling programme; it is hoped to sell the computers replaced for a small return which will go into school funds.
- 11.8 Byrne Asked why in Proposition 3 the maximum rate of Personal Tax could not be raised to a more realistic level.
- 11.9 Gomoll The maximum tax is calculated as 20 times the minimum tax which at £250, equates to £5k. Few people actually pay the maximum tax, in fact less than 5, most electing to pay the forfait.
- 11.10 Bateson Sark is an increasingly expensive place to live and these rises are chipping away at its attractiveness. It appears that we are raising finance for a Chief Secretary on a long term basis; we haven't agreed to a long term basis.
- 11.11 Gomoll Suggested he look at the shortfall on income; the increases raised from higher impôt levels does not even cover the loss of PTT.
- 11.12 E. Baker Did not accept the statement under Central Administration & Stipends on the first page which states that *The budget has increased by 44% mainly to cover for the costs of a temporary Chief Secretary.*
- 11.13 Gomoll But it is a fact; if it were to be a more permanent role, it would mean £100 per taxpayer per annum would need to be raised. The cost of the temporary Chief Secretary is being spread over two years and the cost per capita is reduced.
- 11.14 S. Williams As a Member of F&CC and privy to the debate, she was content to see this level of rise in impôt as it spreads the load and reduces the impact on Sark residents.
She would like to see additional ways of raising income.
- 11.15 Bateson He had been led to believe that the cost of the Chief Secretary would come from reserves. Were we misled at the Extraordinary meeting of Chief Pleas (29th August) and can we have more clarity from GP&A and F&CC Members please?
- 11.16 Gomoll The costs are being split over two years - £22½k would come from 2012 unforeseen expenses; the other £22½k would come from the 2013 budget but not from unforeseen because we already know about it.
- 11.17 Seneschal The proposition approved at the Extraordinary meeting did not include any indication as to where money would come from for this expenditure. If Conseillers don't think a proposition goes far enough you should ask the Committee to change it at the time and ahead of the decision being made.
- 11.18 E. Baker Asked if the Public Works Sub-Committee of the Douzaine could break to confer?

Mid-session Break from 11.30 – 11.45am

- 11.19 E. Baker The Public Works Sub-Committee has discussed its bid and feels unable to make any change to the sum requested.
- 11.20 Plummer Asked that instead of a rise in impôt, money is raised from elsewhere in the budget. By raising the impôt we are killing the goose that lays the golden egg.
- 11.21 R. Dewe Recalled a Chief Pleas resolution to always keep impôt at 75% of the level charged in Guernsey. Sark has been falling behind on this differential and the present rise will still not increase it as high as 75% of the Guernsey level.
- 11.22 Gomoll If more comes from direct taxation, more will need to be paid by each resident. There is the necessity to consider what action to take if we go beyond the Chief Secretary being just temporary and what impact that would have on the budget calculations.
- 11.23 Taylor Asked how it was intended to pay for the Chief Secretary in future years if the temporary position was dropped and the post became permanent. There is £60k for unforeseen expenses in 2013. Could we not pay for a budget deficit out of reserves for just one year?
- 11.24 Guy Sark cannot plan for a budget deficit it is not allowed; financing would have to come from reserves.
- 11.25 Nightingale It has been a poor season and the prices of goods and services will rise to put it right; it is a downward spiral. We need to find alternative ways of raising money.
- 11.26 Prevel Asked if all avenues had been explored before paying out £18k for a new tractor. What about storage and maintenance; if tractors are not kept under cover they will quickly deteriorate. These details should be looked at before £18k is paid for a new tractor.
- 11.27 **Proposition 1 – CARRIED**
That the rate of Property Tax be increased to £7.35 per quarter for the year 2013.
- 11.28 **Proposition 2 – CARRIED as amended**
That the minimum rate of Personal Capital Tax be raised to £250 **for the year 2013.**
- 11.29 **Proposition 3 – CARRIED**
That the maximum rate of Personal Capital Tax be raised to £5,000 for the year 2013.
- 11.30 **Proposition 4 – CARRIED**
That the net asset fraction for the calculation of Personal Capital Tax be increased to 0.4725% for the year 2013.
- 11.31 **Proposition 5 – CARRIED**
That the forfait factor for the calculation of Personal Capital Tax remains at 4 for the year 2013.
- 11.32 After an initial show of hands for Proposition 6, the President considered the vote was too close to call and initiated a named vote. Conseiller Guy drew attention to the need for some Conseillers to withdraw from the room as they had an interest in the outcome.
Conseillers Armorgie, Magell, Plummer & S. Williams declared an interest and withdrew from the room, returning after the decision had been made.
- 11.33 **Proposition 6 – LOST on a named vote - 10 Pour, 13 Contre**
That the Impôt Rates be increased as listed in Appendix 7 for the year 2013.
- 11.34 R. Dewe Asked whether this nullified Chief Pleas' decision from a few years ago on the 75% differential with Guernsey level of impôt. How was the shortfall to be covered?
- 11.35 Gomoll He confirmed that the Committee could not agree to a budget deficit. He asked if the Assembly would accept a 20% increase in impôt rather than none at all. There was clearly a need to bring back a different budget either later today or at another Extraordinary Chief Pleas.
- 11.36 Seneschal Confirmed that the Assembly could not vote on Propositions 7 & 8 with Proposition 6 being lost. He considered it to be too quick to return with a revised budget today and favoured an Extraordinary Meeting at a later date. He also felt that the previously approved Propositions 1-5 may be unsafe and should be reviewed in the light of Proposition 6 being lost.
- 11.37 Gomoll Understood the approach; he suggested that Appendix 7 (showing proposed impôt rates from January 2013) could be adjusted to give indications of the change if 20% was adopted as an alternative and lower increase.
- 11.38 Seneschal Felt sure the 75% differential was rescinded.

- 11.39 Gomoll Asked if F&CC could meet and return with a revised strategy at the end of the meeting after other business had been concluded.
- 11.40 Guy Did not appreciate the off-the-cuff tinkering and felt it was far better to come back to an Extraordinary Meeting at a later date.
An informal show of hands was in favour of that option.
- 11.41 Hunt Asked whether it was an option for a new proposition to be submitted by F&CC to raise the impôt by only 20%.
- 11.42 Gomoll Sought guidance with a reminder that 50% of the impôt paid came from visitors and reduced the necessity to increase direct taxation on residents.
- 11.43 Seneschal Suggested calling an Informal Meeting of just Chief Pleas' Members to resolve the impasse as presently existed.
- 11.44 Guy Just to deal with impôt?
- 11.45 Gomoll Agreed.
- 11.46 Melling Shouldn't Propositions 1-5 also be withdrawn because of the implications that, in losing the increase in impôt, direct taxation may need to rise as an alternative?
- 11.47 Gomoll It may be necessary to come back with new propositions but at least F&CC now had some indication and certainty of what the Members wanted.
- 11.48 Cook Asked why, having had this debate, we cannot vote again.
- 11.49 Seneschal That is not an option unless you withdraw Propositions 6 & 7.
- 11.50 Gomoll Asked for a 5 minute recess to allow F&CC to discuss its way forward.
- 11.51 Seneschal Gave a 10 minutes break for F&CC to leave the Chamber.
- 11.52 Prevel As Proposition 6 is lost we cannot have another vote.
- 11.53 Guy Remarked that there had been more positive debate after the vote than before.
- 11.54 Fry Asked why there had been such a difference in PTT levels during 2012 compared with the expectation shown in the budget.
- 11.55 Seneschal There have been so few declared property sales coming through the Court.
Break for Finance & Commerce Committee to confer from 12.20 – 12.30pm
- 11.56 Gomoll The Committee has had a brief discussion but the alternatives are as previously debated. A 20% increase in impôt would realise £364k instead of £386k.
The unforeseen expenses would need to be reduced from £60k to £38k and should not exceed an average of £3k per month.
He suggested a new Proposition 6A which only increased impôt by 20%.
- 11.57 Audrain Asked if F&CC had not considered taking the cost of the Temporary Chief Secretary from reserves.
- 11.58 Gomoll No it hadn't but it could do so if Chief Pleas suggested this as a way forward.
- 11.59 Seneschal Suggested continuing the Budget debate after lunch at the conclusion of the remaining agenda with properly written alternative propositions if that was deemed to be the way forward.
- 11.60 R. Dewe Was against robbing reserves for what was day to day expenditure.
- 11.61 Bache The appointment of the Temporary Chief Secretary would be looking for assets of governance, a good reason for supporting the concept of funding from reserves.

Debate suspended until the end of other business

12 Education Committee

Removal Expenses for New Teacher

- 12.1 Magell Ms Alison Mills will be moving to Sark at the end of this school term.
She has contacted three removal companies and managed to obtain competitive quotes from two; it is likely that the removal will cost in the region of £5,500. The Committee would like to still ask to be able to spend up to £7,000 from unforeseen expenditure to cover for any as yet unforeseen expenses associated with this.
The Education Committee looks forward to welcoming Ms Mills to Sark.
- 12.2 **Proposition – CARRIED**
That Chief Pleas approves the spending of up to £7,000 from unforeseen expenditure to cover the relocation costs for the new teacher.

13 General Purposes & Advisory Committee

Appointment of Deputy Treasurer

- 13.1 Gomoll Introduced this item expressing the concern felt by both the Committee and the Treasurer that no Deputy exists for this post unlike the other Island officials.
- 13.2 Guy Presumed the post would be advertised and suitable applicants interviewed.

- 13.3 Gomoll Confirmed this would be the case.
- 13.4 Guy Asked if it will be someone just to take over during the Treasurer's absence or with the intention of taking her place eventually.
- 13.5 Gomoll Ideally it would be someone who could take over both during any absence or upon the Treasurer's retirement.
- 13.6 Cocksedge We have too many Civil Servants; why not wait until the Temporary Chief Secretary is here and can attend the interview.
- 13.7 S. Williams Thought the Treasurer already had a Deputy in the office.
- 13.8 Seneschal Only to sign cheques or carry out basic tasks when the Treasurer is away.

13.2 **Proposition – **CARRIED as amended****

That Chief Pleas authorises the General Purposes and Advisory Committee to advertise for a person to act as Deputy Treasurer, to ~~appoint~~ **select** a suitable person **for appointment by Chief Pleas**, and to arrange for remuneration equalling 10% of the Treasurer's salary to be paid to the successful applicant.

14 Shipping Committee

Memorandum of Understanding between Chief Pleas and the Isle of Sark

Shipping Company

Conseiller Hunt declared an interest and withdrew from the room, returning after the decision had been made.

- 14.1 Cook Hoped that this report has provided all the explanation and information required. He asked to clarify the first bullet point that refers to funding. The point the Committee wishes to make here is that there is no expectation that the Company will request any new money in the foreseeable future – existing arrangements have not changed. In line with the Shipping Committee mandate, he confirmed the agreement to the MoU by F&CC.
- 14.2 He asked that the following minor changes be made to the Memorandum of Understanding (MoU) –
- **Ref: 48.4(f)** - [number relates to the relevant Articles of Incorporation quoted in the MoU] remove the word **freight** [the first word on the second line] adding a comma after the word passengers;
 - **MoU Ref: 4** – a copy of the timetable, current at the time of signing, will be attached as a reference point for the agreement;
 - **MoU Ref: 10** – all references to **Executive Directors** and **Non-Executive Directors** should have capital letters;
 - **MoU Ref: 10** – remove all apostrophes in the word Directors as its reference could be to both singular and plural, dependant on how many Directors were appointed.
- 14.3 Gomoll Confirmed that F&CC has been consulted and accepts the MoU as presented. F&CC is the Committee that will act on matters relating to Chief Pleas' shareholding in the Company; these arrangements are specified in the F&CC mandate.

Proposition – **CARRIED**

That Chief Pleas accepts and endorses this Report and authorises the Chairman of the Shipping Committee to sign and date the Memorandum of Understanding (as amended) between Chief Pleas and the Isle of Sark Shipping Company.

15 General Purposes & Advisory Committee

Civil Weddings in Sark

- 15.1 Bache Introduced this item noting that the existing legislation, the Marriage Law, 1919, covered many things. It was time for Sark to adopt a more flexible approach which would have advantages for Sark and for the individual wishing to be married here in a civil ceremony.
- 15.2 Cocksedge Supported the proposal; it had been a long time coming and he hoped it would bring more and more weddings to the Island and the business that went with them.

Proposition – **CARRIED**

That the Committee requests the Law Officers of the Crown to draft a Projet de Loi for the purpose of amending the 1919 Marriage Law as it relates to Sark.

16 Emergency Services Committee

Emergency Services Exercise with Helicopter from RNAS Culdrose

- 16.1 Hunt The Chief Fire Officer is still in talks with Royal Naval Air Station (RNAS) Culdrose, but, due to operational requirements, a window of opportunity to set up a suitable exercise may take longer than originally thought. Upon reflection the Chief Fire Officer requests, if possible, for Chief Pleas to give a blanket permission for any Emergency Services' helicopter to enter Sark's restricted airspace, should the opportunity present itself, to conduct exercises with Sark's Emergency Services.
- 16.2 All service helicopters conduct training exercises and have used the Channel Islands in the past, so giving this permission would enable the possibility for these exercises to be conducted with Sark's own Emergency Services; especially exercises such as cliff rescue with winch equipped helicopters.
- 16.3 He assured the Assembly that if and when such exercise take place, Islanders will be made aware of when and where, as well as the time of day so that they can remove animals that might be alarmed and be aware of what was happening. With this in mind, the Committee wish to amend its proposition to read -
That Chief Pleas, in principal, grant permission to allow Sark's Emergency Services to liaise with Emergency Helicopter operators and arrange exercises involving the use of Emergency Service helicopters within Sark's restricted air space should the opportunity occur.
- 16.4 Ventress Would Culdrose be able to do night landings?
- 16.5 Hunt The Committee would consider any options they are able to offer.

16.1 **Proposition – CARRIED as completely revised**

That Chief Pleas grant permission in principle to allow Sark's Emergency Services to liaise with Emergency Helicopter operators and arrange exercises involving the use of Emergency Service helicopters within Sark's restricted air space should the opportunity occur.

17 Emergency Services Committee

Update Regarding Suggested Amendments to the Civil Contingencies (Bailiwick of Guernsey) Law, 2012

- 17.1 Hunt The Committee hopes that the explanation given by Advocate Jon McLellan has clarified the reason why certain Sark Bodies have not been specifically included in the Civil Contingencies (Bailiwick of Guernsey) Law 2012. Both Advocate McLellan and the Emergency Planning Officer, Catherine Veron, are very much aware of the residents of Sark's ability to pull together when needed, and this is something they were keen to emphasise during their visit; at the same time we should rest assured that we have the backup of personnel such as Catherine should the need ever arise.
- 17.2 Guy Was happy with this response having raised the issue previously.

Lunch Break at 12.58pm and the Assembly reconvened at 2.00pm

- 17.3 Seneschal It had been brought to his attention during the lunch recess that some of those present in the public seats had been making use of electronic devices during the morning session. He read out Section 16(2) of the Chief Pleas Rules of Procedure – *Electronic devices (Mobile telephones, recorders, cameras etc.) are not to be activated during a Meeting of Chief Pleas unless such devices are for the express purpose of official recordings by Chief Pleas. This rule does not apply to members of the Sark Emergency Services or Constables but their electronic devices must be set to silent, if that facility exists. The Constable is to ensure that members of the public do not use such devices as aforementioned in the Assembly Room or its equivalent if a Meeting is held elsewhere.*

18 Tourism Committee

Annual Report to Chief Pleas

- 18.1 S. Williams Admitted to the increase in budget commitment for 2013 by £4,398 (6.3%) to cover the increasing cost of postage, additional support for visiting journalists and increased advertising.

- 18.2 S. Williams continued Having refurbished the toilets at the Visitor Centre to give a much upgraded facility they were opened 24 hours per day once completed. Sadly in the first three weeks of their opening there was vandalism and damage to fittings. As a consequence the toilets are presently being closed at 4.00pm when Visitor Officers finish their day. Even flowers and plants were stolen from the planters outside the building; work to install a person-activated security light is underway and hopefully 24 hour opening can be reinstated.
- 18.3 Journalists and TV companies provide invaluable promotion for the Island and need to be assisted and encouraged. The season has been good so far; taking figures to the end of September, 46,400 travelled to Sark, slightly down on 2011.
- 18.4 Prevel Asked whether the numbers quoted were for the boats or the number of visitors.
- 18.5 S. Williams Visitor numbers; that is all we have available.
- 18.6 Guy Acknowledged the invalid-carriage scheme now organised for visitors; it was good and appeared to be working well. She asked whether a sliding scale could not be introduced for those who were hiring a vehicle for a period; £20 per day is fine for the first couple of days but could thought be given to reducing the daily rate equivalent for longer periods
- 18.7 S. Williams Some flexibility has been shown by discounting for really long periods. One individual who borrowed a machine for 5 weeks was given a discount. The rate is £20 per day but the Committee is willing to apply common sense and be flexible. It should be remembered that initially the setting-up of the scheme means that funds have been paid up front on items such as insurance which needs to be recouped.
- 18.8 Melling It is costing £650 per annum for insurance. He thanked Conseiller Hunt for brokering the original deal with St. John Ambulance and to the Sark Yacht Club for its donations. Two cars are now available for the winter period and Sharryn Owen who has returned to the UK for a further operation, has left her own vehicle in Tourism's care for it to be used until she returns.
- 18.9 Cocksedge As Commodore of the Yacht Club which donated two new vehicles, he was hopeful that a third may be funded if requested.

19 Medical Committee

The Future of Island Medical Insurance Provision

- 19.1 D. Baker Very early in 2011 the Medical Committee started to look carefully at how Sark residents manage their medical insurance cover. This has become to be a very expensive part of living on Sark but is very necessary. The Committee has tried to make sure everyone is aware that if one is ill or has an accident and needs medical care it has to be paid for by the individual. In looking at insurers one of the points raised was the cost of medical care; it is expensive to be ill, more expensive than private care in England. Some people are finding the cost of insurance too much, especially as they get older, but there are also younger people who don't see a need to insure or feel they cannot afford to do so.
- 19.2 Doctor Peter Counsell encouraged us to look at the situation as a whole and those of you who will have attended the presentation given by the Medical Committee will have seen many interesting facts. It looked at what it saw as options with which to go forward - options A to E, and you will be familiar with these and hopefully took part in the Committee questionnaire that followed. The Committee had hoped to be able to take two options out of the equation and move on to discuss the three left a little further and consult with people once again. Options A and C topped the table each with 42 votes, placing them as people's top choice with Option E (establishing Sark's own healthcare scheme coming next).
- 19.3 Option A is certainly the easiest way to continue, where everyone looks after themselves, but what happens when you get older and cannot afford to continue with what becomes an enormous amount of money needed to pay your premiums.
- 19.4 Option C - the Guernsey Health Scheme - is a completely unknown option; the Committee doesn't even know if Guernsey would consider taking us on and the cost is estimated to be around £2 million for this past year. She added a little more to the Committee's calculations as one person sought to correct the presentation by saying that, if Sark were to pay 1% of Guernsey's cost that was not £2 million. However, it is not just Health & Social Services Department's costs (HSSD) but also the Medical Specialist Group and other contributors to the overall package such as Sarnia Imaging. The Committee thought this was as near as we could estimate.

- 19.5 D. Baker continued
 Conseiller Baker thought Sark's own Healthcare Scheme (Option E) sounded really the best option, until one realises it must work on the same rules as any insurance in order to survive; if you factor in all the Medical conditions that our Insurer excludes, Sark would very soon find its costs higher than the premiums received and no Insurer will or can run at a loss; one only has to look at the National Health Service or Guernsey's HSSD to realise Sark couldn't do this.
- 19.6
 The Committee plans to put out an information sheet showing how Aetna clients can keep a check on their claims online; it is easy and even she has managed to do it. There is a need to show those who are not insured just how important this is; Sark has made some large claims this past year ranging from £12,000, through £34,000 to £138,000.
 Residents have to get used to paying for health insurance one way or another.
 How the Medical Committee goes forward with this issue has not yet been decided.

20 Education Committee Annual Report on Sark School

- 20.1 Magell
 This report tells Chief Pleas what has taken place in school during the school year 2011/2012 and it was appreciated that some Conseillers visited the school on the open afternoon to see for themselves how it functions.

21 Road Traffic Committee Road Traffic Legislation

- 21.1 Hunt
 The Committee can now confirm that, following what must be a record-breaking drafting period, consultation drafts of the new proposed Motor Vehicles (Sark) Law, 2012 and the Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) Law, 2012 are now ready to be made available to the residents of Sark, so that they may have the chance to comment or question these Laws prior to our presenting them to the Christmas sitting of Chief Pleas.
- 21.2
 It came to the Committee's attention that the legislation for bicycles is not under any one particular Committee save that of the Finance & Commerce Committee for licencing purposes. The only legislation for bicycles is a resolution of Chief Pleas on the 30th September 1925, written in French, which states that a bicycle must be fitted with a bell and a light under penalty of a fine. It therefore makes sense that this legislation should be updated and be brought under the auspices of the Road Traffic Committee and further legislation incorporated into the Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) Law, 2012.
- 21.3
 Subject to the Committee's proposition being accepted, copies of the new draft legislation can be made available by the Committee Office and will be posted under "Laws & Ordinances" for download on the Chief Pleas website www.gov.sark.gg from tomorrow.
 In order for the Committee to make any significant changes, if needed, it must have any feedback returned by 3rd November. Anyone wishing to provide feedback can do so anonymously if they prefer, but we do ask that the contributor indicate whether they are contacting us as a Tractor Owner, Tractor Driver, Pedestrian, etc. Feedback can be sent to us either by writing to the Committee via the Committee Office or by emailing the Committee at road.traffic@gov.sark.gg.
 To ensure full transparency, the Committee will publish a summary of any feedback received, unless individuals have specifically requested that their feedback is kept confidential, and will present it with the Laws at the Christmas sitting of Chief Pleas.
- 21.4
 One item for debate **now** is the use of four-wheeled pedal vehicles; last year a resident brought over a couple of four-seat pedal vehicles and some resident's children have go-carts such as the John Deere ones which allow the two occupants to sit side by side. What is the Assemblies view on these? Should they be allowed on public roads; should they be licenced? Should they be included in legislation?
- 21.5 Cocksedge
 As the President and later Chairman of the Road Traffic Committee he had personally spent many years trying to reach a conclusion by having the legislation consolidated and updated. He congratulated Conseiller Hunt for achieving that end. As to electric bicycles he hoped that this greater freedom was restricted to bicycles that were only powered when the pedals were in use and not ones with a press button accelerator working independently of the pedals.

- 21.6 Hunt A definition has been prepared as part of the new Law which reads –
"electric bicycle" means a bicycle or tricycle that has operative pedals for propulsion by pedalling, and a battery-powered electric motor that can run only when the cycle is being pedalled.
- 21.4 R. Dewe Shouldn't the descriptive title be 'cycles rather than bicycles as it can include tricycles and even it would seem possibly four wheeled pedal vehicles?
- 21.5 Hunt Electric bicycles are already separated in the Financial Provisions legislation
- 21.6 Guy Supported the greater use of electric bicycles. The definition was good but if these were able to travel at speeds of up to 30mph there could be a lot of associated issues as these would be at odds with Sark's 10mph limits. She could see the necessity for complicated and lengthy legislation looming. How are they to be regulated? Pedalling keeps people fit and bicycles are a social leveller.
 Road Traffic Committee considers that the introduction of a freer regime for electric bicycles may be a way to reduce reliance on tractors. It would be more effective to enforce the tractor laws more rigorously. She intended to keep an open mind on this issue and respond through the consultation process.
- 21.7 Hunt The Committee is looking to using this option as a means of limiting new licences in future or assessing whether an electric bicycle with trailer might be more effective than a tractor.
- 21.8 Prevel Supported the comments of Conseiller Guy.
- 21.9 Cocksedge There are bicycles which are the equivalent to a Porsche in the motor car world.
- 21.10 Hunt Would ensure that such bicycles are restricted to pedal power only.
- 21.11 Ventress Having run a bicycle hire shop for many years, he could guarantee that every bicycle on Sark could exceed Sark's 10mph speed limit.
- 21.12 Hunt In the offences Law there will be fines for the misuse of bicycles.

Proposition – CARRIED

That the Committee publish for consultation draft road traffic legislation that includes provisions of the type described in this Report, and reports back to the Christmas meeting of Chief Pleas on the results of that consultation and, if it thinks appropriate, finalised versions of the draft Laws for approval.

11 Chief Pleas then returned to the debate on 2013 Budget and Taxes.

contd. With the consent of the Finance & Commerce Committee, Conseillers Audrain and Bache
 11.62 introduced a new proposition (identified as Proposition 5A by the President); Conseiller Gomoll confirmed that if this revised proposition was approved, the level of impôt increase would be reduced to 20% and the allocation for unforeseen expenditure would remain the same.

11.63 **New Proposition 5A – CARRIED**

That the cost of the Temporary Chief Secretary's salary be drawn from reserves.

11.64 A new proposition 6A was then put forward to replace the previously lost proposition 6. It was called as a named vote.

Conseillers Armorgie, Magell, Plummer & S. Williams declared an interest and withdrew from the room, returning after the decision had been made.

11.65 **New Proposition 6A – CARRIED on a named vote - 22 Pour, 1 Contre**

That the increase of impôt for 2013 will be 20% and the figures in Appendix 7 of the report adjusted accordingly.

11.66 E. Dewe Reminded the Assembly that whether 20% or 27% was applied it only referred to the increase in impôt and not an increase in the purchase price; for example a can of lager would rise by 4.15p if 27% was applied and by 3.6p if 20% was used. Effectively a rise of 4p on whichever percentage was accepted.

11.14 Chief Pleas then returned to the remaining propositions.

11.15 **Proposition 7 – CARRIED**

That Chief Pleas approves the Ordinance entitled The Direct Taxes for 2013 (Sark) Ordinance, 2012.

11.16 **Proposition 8 – CARRIED**

That the budget of income and expenditure for the year 2013 be accepted.

0² Closing Comments

- 0.5 [Extraordinary Meeting of Chief Pleas](#) – it was anticipated that an extraordinary meeting will be necessary in early November to discuss issues surrounding the dual role of the Seneschal.
AFTER NOTE - Since the Michaelmas Chief Pleas Meeting a date of 14th November at 7.00pm has been agreed for this Extraordinary Meeting to be held in the Island Hall.

Forthcoming meetings for Chief Pleas Members

CHRISTMAS MEETING – [Wednesday 16th JANUARY 2013 at 10.00am](#)
Agenda closes - [Monday 10th December 2012 at 3.00pm](#)
Papers distributed to Members before Friday 21st December 2012.

This meeting closed at 2.45pm

Minutes prepared by Brian Garrard MILT (Sark Committee Secretary) 4th -15th October 2012

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

www.gov.sark.gg

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

Seneschal and President of Chief Pleas

Greffier

Signed on 16th October 2012

MEMBERS OF CHIEF PLEAS

Michaelmas Chief Pleas Meeting – 3rd October 2012

	Attending	Item 11 (6)	Item 11 (6A)						
Seigneur – Sieur J.M. Beaumont OBE	/								
The Seneschal – Lt. Col. R. Guille MBE	/								

CONSEILLERS

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

2 – Term of office ends in January 2013	A	Apologies	C	Contre
4 – Term of office ends in January 2015	/	Present	P	Pour
			DI	Declared
				Interest

Brian Garrard, Committee Secretary MILT, 3rd October 2012