

# MINUTES of the MIDSUMMER MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 3<sup>rd</sup> July, 2013 at 10.00am.

**Present:** Sieur J.M. Beaumont OBE, Seigneur; Lt. Col. R.J. Guille MBE, President; A.W.J. Adams, Deputy Prévôt; T.J. Hamon, Greffier; W. Kiernan FCA, Treasurer and the Vingtenier.

**25 Conseillers** were present (see attached list).

Apologies were received from Conseiller Cottle who was presently in the UK.

## 01 Opening Statements

- 0.1 President Requested that a silence be held in memory of Miss Jenny Allen who recently died in Guernsey. Miss Allen was a Member of Chief Pleas from taking her seat at Michaelmas 1984 until Michaelmas 1993 and selling her tenement "La Friponnerie" in November 1993 to Mr Colin Teers; she was an active Member of Chief Pleas having served on Tourism and the Natural Amenities Committee which became the Development Control Committee in 1992.
- 0.2 President Following the withdrawal of Conseiller Nightingale into the rain outside at the Easter Meeting, his having declared an interest in the matter under discussion, the President confirmed that in future the corridor behind the bench will be used for any Conseiller that makes a Declaration of Interest and leaves the chamber. (Item 11 refers.)
- 0.3 Byrne Read the following statement –  
*"In May 2011, Chief Pleas was asked if a grant of £5,000 could be made available to help with the costs associated with the 'Art for the Love of Sark' project. This grant was agreed by Chief Pleas and the money was added to the £10,000 previously raised through public donations. During May and September 2011, twenty artists from the non-profit organisation 'Artists for Nature Foundation' came from around the world to depict Sark's unique way of life and unspoilt nature, while highlighting its vulnerability.*
- 0.4 *As with the fourteen previous ANF projects around the world, the aim was to use the creative output from these talented and influential artists to showcase the best of what Sark has to offer through organised workshops with the artists, exhibitions, a project book and film. The artist's subjects included all aspects of life on Sark from the marine and coastal habitats to the historically traditional, pastoral landscapes, rich in biodiversity.*
- 0.5 *The support shown by the people and businesses in Sark and beyond was wonderful and at the first exhibition at Stocks Hotel many pieces were sold. The work was published in a beautiful book by Gateway Publishing during the Summer of 2012 which included a foreword by Professor David Bellamy, followed by a major exhibition between September and January at The Guernsey Museum and Art Gallery. Through the project Sark has received much publicity from BBC Wildlife magazine and their online Gallery and from local newspapers, television and radio. The artists involved in "Art for the Love of Sark" were greatly impressed by their experiences on Sark and word continues to spread about Sark through their own websites and talks.*
- 0.6 *Over 70 pieces of artwork from the Sark project have sold so far raising a total of over £70,000. A quarter of this money has come back into the ANF Sark project to cover on-going costs and for the project's future use in furthering its aims in environmental education, particularly with the school children.*
- 0.7 *From August 27<sup>th</sup> until September 14<sup>th</sup> this year, the Jersey Arts Centre will be the venue for another 'Art for the Love of Sark' exhibition. It is expected that through this Sark will gain even more positive publicity, benefiting our tourist economy.*
- 0.8 *I want to take this opportunity to thank the people of Sark and elsewhere for their valuable and much appreciated support, enabling a unique record of our island for future generations. It is my hope that Sark continues to value its great natural beauty and that Sark's wildlife is given the protection it deserves".*

- 0.9 E. Baker Took the opportunity to publicly thank Conseiller Gomoll for his many years' service as a member of the General Purposes & Advisory Committee (GP&A); he was a member of the Committee for many years before the fully democratic election of 2008 and, when he was successfully elected (on two occasions), he was also re-elected to the Committee and had served up to this year. Unfortunately, his very busy career, which includes a lot of travelling, has reduced his time available for the Committee's business.
- 0.10 Bache Reported that the Director of Civil Aviation (DCA) recently received a request from Brecqhou Development for permission to land a helicopter on the Sark cotil on 10<sup>th</sup> July to facilitate multiple business meetings and site visits. The DCA, as he is legally obliged to do under the Aviation (Bailiwick of Guernsey) Law 2008, approached the GP&A Committee for the Government's response. The Committee's response recommended that no permission of the type sought should be granted on the basis that there was nothing in the application that reasonably justified the making of an exception to the general prohibition created by the Air Navigation (Restriction of Flying)(Guernsey)Regulation 1985 which covers the Sark Restricted Airspace . This effectively rules out any private or commercial landings unless they fall within certain exceptions which include reasons of aviation safety, medical emergencies and matters of public interest, including royal visits.
- 0.11 By responding in this way the GP&A Committee continues and will continue to adhere to the Government's consistent policy not to grant permission for ANY private or commercial landings on Sark by aircraft, including helicopters, unless they are clearly covered by the exceptions already outlined. The Committee has subsequently learned that the DCA has declined the request for permission to land.
- 0.12 Cook Informed the Assembly that the possibility of a Judicial Review of the Alderney & Sark (Licensing of Vessels)(Amendment)(Sark) Law, 2010 has now been withdrawn.
- 0.13 E. Baker In September 2011, at a meeting of the GP&A Committee and Guernsey's External Relations Group (ERG), the subject of the future of policing of Sark was discussed. It was suggested that a review panel should be created to give the issue proper consideration. Since that time the Guernsey Police and Border Agency have merged into one unit let by Chief Officer Patrick Rice, previously head of Guernsey Police.
- 0.14 Chief Officer Rice visited Sark with a small team on 24<sup>th</sup> June for discussion with a representative group of Sark Conseillers to progress the initiative of the earlier meeting with Guernsey ERG. The meeting also gave the opportunity to clarify Committee's understanding of Border Agency controls and their implications for Sark. The meeting was most constructive, and we thank Patrick Rice and his colleagues for coming to Sark.
- 0.15 It is the intention that Sark now sets up a body to engage with Guernsey in the proposed review at the earliest opportunity. It is suggested that this body should be an ad-hoc Committee of Chief Pleas to ensure its credibility. A proposition for the make-up of this Committee will be brought to the next meeting of Chief Pleas. As the Guernsey Police and Border Agency are now one body, any proposals forthcoming for Border Agency controls here on Sark that show genuine potential economic benefits for Sark could be included in the review.
- 0.16 Melling Gave an update, on behalf of Public Health, on the radiation tests the Committee were requested to conduct. Unfortunately, the final draft of the emissions survey did not arrive in time for inclusion on today's agenda but he was pleased to report that the tests on the installations and masts are now complete. Fourteen tests were conducted at various locations as well as one eight day test being installed on a single site. An extra test was conducted on the Tetra system at the Committee Offices, at the Committee's request.

- 0.17 Melling He was pleased to report that all the levels recorded were "**low**".  
The report concludes that "...*the main findings from this survey are that overall levels in all measured locations are well below the guidelines set by the International Committee on Non-Ionising Radiation Protection*".
- 0.18 The full report will be an agenda item at the Michaelmas meeting and he requested now that when Chief Pleas' papers are circulated and Conseillers have had time to read the report that, should any technical questions be raised, you give the Committee notice before the meeting so that it can obtain professional guidance in order to give you an informed answer.  
He would remind Conseillers of this request when the papers go out.
- 0.19 President As you will know no Sark sportsmen or women are taking part in this year's Island Games in Bermuda because archery is not featuring and shooting is being very restricted in scope. The archers have just taken part in an Archery competition put on by Guernsey and ten of the sixteen member islands took part. Sark was represented by three archers, Kevin Adams, Jane Norwich and Monika Komla.  
During the competition both Kevin Adams and Jane Norwich scored personal bests while Monika Komla, after only three years of archery for Sark, took two bronze medals and two silver medals a huge personal achievement after the awful winter weather conditions had restricted outdoor training.
- 0.20 Sark's archers will be represented in the Euro-nations competition in Wales in two weeks' time and the team look forward to the next Island Games in Jersey in 2015.  
The Assembly joined with the President in wishing the archers continuing success in future competitions.
- 0.21 President Reminded the Meeting that proceedings will be recorded as a continuing trial but that the official record will be the Minutes produced by the Committee Secretary.  
This issue will be debated at Item 10.

## **1 Minutes of the Extraordinary Meeting on 16<sup>th</sup> May 2013**

- 1.1 There were no factual corrections to the minutes which were **APPROVED**.

## **2 Matters Arising**

- 2.1 Cook Conseiller Cook confirmed that recruitment was underway for the position of Senior Administrator and the position was advertised both in Sark, the other Crown Dependencies and in the UK. To date over 40 application packs have been sent out and some completed forms returned.

## **3 Questions not related to the Business of the Day**

None

## **4 General Purposes & Advisory Committee Civil Weddings**

- 4.1 President The legislation for this item was not available in time to send out and, with regret, it has been necessary to withdraw it from this agenda.  
A report will be submitted to the Michaelmas meeting of Chief Pleas.

## **5 General Purposes & Advisory Committee The Chairmanship of Committee**

- 5.1 Cook What this report sets out to explain is the belief of the GP&A Committee that Conseillers, as the elected representatives of the inhabitants of Sark, collectively need to work out what type of structure needs to evolve to best deliver the policies for which they were elected.  
As Conseillers, we have commissioned advice through the report of Belinda Crowe, further advanced by Colin Kniveton. We have a *Vision for Sark* that sets out many of the priorities of the inhabitants of the Island as the result of an Island-wide survey.  
As Conseillers, we are in the process of reorganising our administration with the recruitment of a suitably qualified senior administrator.

- 5.2 Cook As Conseillers, we now have the opportunity, and perhaps the responsibility, to examine the way we function as politicians. The GP&A Committee does not believe it is possible or desirable to return to the way it functioned before Easter 2013. The Committee believes that it must work towards creating a new structure that takes into account the requirement for proper coordination and prioritisation of policy. This may require some changes of committees and mandates in order to create some attributable form of leadership. A leadership system that represents us all and coordinates our policies. A leadership system that is worked out by, voted for by, and then, most importantly, supported by us all. Chief Pleas has a great opportunity to function more efficiently, deliver policy in a timely manner and gain respect and perhaps even a little envy from the wider world, whilst ensuring Sark remains the place we all love.
- 5.3 Adams Understood the reasons for this proposal and the reluctance of GP&A to elect a full chairman at this time. However, if we wait until a new Senior Administrator is appointed, then allow time for that person to settle into the post, then more time for them to help us tackle the issue of Committee re-organisation (if that is what is required) we may be a long way off a resolution. She felt there was a need to look at sorting out a better interim solution very soon, one which will provide more than a "...*chairman for statutory obligations*".
- 5.4 As an interim measure, could the GP&A Committee be enlarged? Could it be split into two, maybe a 'General Purposes' and an 'Advisory' Committee' with two fully functioning chairmen?
- 5.5 Melling Asked if the Reform (Sark) Law, 2008, allowed the Assembly to grant the proposition?
- 5.6 Cook The Reform Law only allows for the creation of the Douzaine. All other committees are created by the Rules of Procedure approved by resolution of Chief Pleas. It is not in the Reform Law at all.
- 5.7 President The Constitution and Operation of Chief Pleas' committees are specified by Rules of Procedure and he quoted Section 5 from that document – *Each Chief Pleas' Committee shall elect a Chairman and a Deputy Chairman from amongst those persons on that Committee who are members of Chief Pleas. The President of Chief Pleas must be informed within seven working days of the appointment/s or any changes thereto.* The actual operation of Committees is governed by that document of which everyone has a copy.
- 5.8 Hunt Considered this to be a Catch 22 situation; yet again we hear reference to the Crowe Report and the Kniveton Papers but neither have been discussed or debated by Chief Pleas. Whilst he understood the Committee's reluctance to select a Chairman, as a certain stigma has been attached to the position by a small minority of people on this Island, this position is no different to any other Chairman acting as a spokesperson for their Committee. There is no responsibility to be Chief Minister or Senior Politician; the Chairman of GP&A is no different to the Chairman of any other Committee. We should get on with the debate of the Crowe Report and the Kniveton Papers if we are to continually refer back to them. He described as a farce the present situation, with nobody taking overall responsibility of GP&A or giving other Conseillers the opportunity to discuss the Crowe and Kniveton Reports.
- 5.9 Dewe Using the *Laid Before* Ordinances as an example, there are legislative responsibilities specifically required of the Chairman of the GP&A Committee.
- 5.10 President The Law doesn't specify it has to be the Chairman; it just refers to the approval of the GP&A Committee on behalf of Chief Pleas.
- 5.11 Cocksedge Referred to the last paragraph of the report in which "...*the Committee propose to nominate a 'Chairman for statutory obligations' and will ensure a single point of contact for all committee business*". Who might that be?
- 5.12 President If the proposition is approved, it allows suspension of the requirement for the GP&A Committee to nominate a Chairman or Deputy Chairman, but does not go as far as to specify a Chairman for statutory obligations as is mentioned in the report.
- 5.13 Hunt What happens if the proposition is lost?
- 5.14 Bache We are getting lost here. There is a real problem with a lack of administrative support; decisions in the past have been made in haste and we are trying to avoid the same thing happening again. If the Committee is accused of being more inefficient or not doing what is expected of it then it should be examined very carefully. He had not heard any such complaint and the proposition that is being proposed is an interim situation and should be followed through to reach an efficient solution.

- 5.15 Cook The proposition needs to be passed before GP&A can nominate those responsible. This is a difficult concept; the GP&A Committee is so many things to so many people. It is too much for one person to undertake and lead as Chairman and the Committee Mandate doesn't assist. It is vital not to return to the previous situation. We need to take the opportunity to move forward on how to work in the future in a way with which everyone is more comfortable and create a more efficient political system. If the vote is lost the Committee will have to reconsider its position.
- 5.16 **Proposition – CARRIED**  
**That Chief Pleas approve the suspension of the requirement for the GP&A Committee to nominate a Chairman or Deputy Chairman until a reorganised system of government is in place.**
- 5.17 President Asked that he be informed as to who is taking responsibility for the positions named in the report (“... a Chairman for statutory obligations and ... a single point of contact for all committee business”) be notified to him within the next seven days.

## 6 Finance & Commerce Committee

### La Ville Roussel Fund

- 6.1 E. Dewe The Committee has been asked to bring this report to Chief Pleas at the request of the Trustees of La Ville Roussel Trust. It comes with a proposition but if there are any questions they should be directed through the Seigneur as Chairman of the Trustees.
- 6.2 P. Williams Whilst agreeing fully with the sentiments in the report, he felt the criteria laid down to acquire a loan are too strict. His reasons for speaking were taken from his own experience regarding La Ville Roussel Loan Scheme. Many years ago, he applied for a loan to build on Clos Princess; initially, he was turned down because the same criteria had been put in place, i.e. Sark born, one Sark parent etc. His position regarding this was different but not necessarily unique. He was not born here and did not have any local parents but was brought to Sark when he was nine months old. He went to school and started his working life here. He could have moved away with his family but his roots are here. He had an identity. He was, to all intents and purposes, “A Sarkee”. Where else could he go?
- 6.3 He respectfully asked the Trustees to reconsider their criteria for a loan and also made the point that he felt £15k, as a single loan, is far too low for anyone that only has limited funds anyway. This amount might just cover the payment for a plot of land if they were lucky.
- 6.4 Guy Was not sure that this report should have come to Chief Pleas at all, given that the Trustees have absolute discretion on how funds shall be distributed but given that it has, she accepted that Chief Pleas should talk about it. This will be of assistance to young people who will contribute to the future of the Island and is within the spirit of the intentions of the Trust. The fact that the Bank of England base rate seems steady at an all-time low at the moment is a further advantage to possible applicants though not to realistically retaining the capital value of the fund in the longer term. The Trustees here will effectively find themselves in the difficult position of deciding to whom the loans will be made available and on what criteria. This will be difficult.
- 6.5 Here we see yet another example of the need to have residency defined. The Easter meeting of Chief Pleas in 1971 approved a proposition from the Advisory Committee saying that the loans from this Trust shall be available to young Sark **men** so clearly that definition needs revision and an attempt has been made to do that here. However, it is, she believed, important to be as fair as possible and while agreeing that loans should be available to those young people who show long term commitment to the island she was not so sure about the ‘one Sark born parent’ criterion.
- 6.6 For example, a young couple, with one Sark born parent, may live away from the Island for many years and then return and immediately be eligible for a loan even if their long term plans are flexible. As Conseiller Paul Williams has said, equally, a couple may come to Sark, place their children in Sark school, live here, show long term commitment and regard Sark as their home. The children of that couple, despite having lived in Sark for most of their lives, would not be eligible...and she could think of examples of both cases. Might it be fairer to say that a young person might apply (and it might be sensible to define a maximum age) and would qualify for local market status if he/she has lived continually in the island for x number of years?

- 6.7 Guy The fourth paragraph places the onus on the applicant to show that they have the need for assistance. Will this be done on an ad hoc basis or should there be defined criteria? Will, for example, the fact that the applicant has children be taken into account? Will applicants be required to disclose their financial situation? Loans issued would be unsecured. Has any thought been given as to what would happen in the event of change of circumstance causing the recipient of the loan to default?
- 6.8 Using these funds now for the purpose for which they intended is a good idea but perhaps there are a few devils in the details that should be resolved first if they have not already been considered by either the Trustees or the Finance & Commerce Committee.
- 6.9 Plummer This scheme is a good concept but things have changed since she built her house. £15k is generous but it will not go very far given today's prices. It could also increase the strain of financial burden and the ability to pay back should be taken into account before loans are provided.
- 6.10 E. Dewe Whether to grant a loan to an individual is for the Trustees to decide and this is covered by Proposition 1. She called upon the Trustees to comment.
- 6.11 Cook Asked for a change in the propositions to read that Chief Pleas **recommends** the Trustees rather than **approving** the granting of loans and the level of charges. It was clearly not a remit for Chief Pleas to administer this Fund.
- 6.12 Seigneur £90k is the total fund available. When the Clos Princess development was built, a separate Committee was set-up to consider applications and make recommendations to the Trustees. He was concerned that, by making the arrangements more complicated, it would lead to greater bureaucracy. It had been hoped that, if these simple options proposed were not acceptable, Chief Pleas might bring forward some ideas for the Trustees to consider. Clearly, the Trustees will have to go back and review the proposal being presented.
- 6.11 President Asked the Seigneur if he was content with the suggested amendments to the propositions.
- 6.12 Seigneur Accepted the changes.
- 6.13 **Proposition 1 – CARRIED as amended**  
**That Chief Pleas recommend the granting by The Trustees of La Ville Roussel of unsecured loans of up to £15,000 per Sark born applicant (as defined above) such funds to be used towards the purchase of a home.**
- 6.14 **Proposition 2 – CARRIED as amended**  
**That Chief Pleas recommend that interest charged on the loans should be at the rate of 1% above the Bank of England base rate for the time being in force.**

## **7 General Purposes & Advisory Committee**

### **Aviation Consultation Procedures**

- 7.1 Bache Since the Law came into force, the GP&A Committee has remained worried about the word consultation and there was a need for clarification. As a result, members of the Committee have met with Fergus Woods, Director of Civil Aviation (DCA), to settle the problem. A new Law was brought into being early in 2013.  
 The Committee pressed for confirmation about the procedure and whether it would be made aware and consulted before any consultation was completed. Any final decision must always be with the DCA but the process has been agreed by the DCA and the assurances requested are now embodied in the document.
- 7.2 E. Baker Remind the Assembly that the DCA and Advocate Hilary Pullum, from St. James' Chambers, attended meetings both with the Committee and the public to discuss issues and answer questions. Assurances were given at those meetings and the consultation procedures were confirmed. Final approval is made by the DCA.
- 7.3 Hunt Welcomed the clarification of the procedures. He drew attention to Section 3 of the Procedure and the point of contact identified as the Chairman of the GP&A Committee. How does that work?
- 7.4 Cook Will be dealt with by the Committee Chairman nominated for statutory responsibilities.
- 7.5 **Proposition – CARRIED**  
**That the General Purposes & Advisory Committee be authorized to sign the documents Policy-01 and Procedure-01 on behalf of Chief Pleas.**

## 8 Medical Committee Health Visitor

- 8.1 D. Baker The Committee asked the people involved with the health visitor - the Doctor and the Headteacher - for their input which has been included in the report. Conseiller Baker had heard from a number of Mums how much these visits are appreciated; new Mums in particular but Mums, Dads and Grandparents generally have been happy to have someone with whom to share their concerns.  
Then there is the report from the Health Visitor herself; Mrs Pittman is keen to do a first aid course for children and Mums have asked if the Committee would support this as there are some families who would really appreciate this sort of help.
- 8.2 The cost for a year of continuing the Health Visitor Service will work out at just under £3,000 - £238 x 12 months (£2856). Everything the Committee has heard about this Health Visitor has been positive so we ask you to support the proposition.
- 8.3 Audrain Supported the proposition; Mrs Debbie Pittman, who is Head of the Service in Guernsey, is doing excellent work and cares about the people in Sark.
- 8.4 Cocksedge He had spoken with a number of young Mums and they have told him of their appreciation in having someone to talk to; it is not always easy to speak with male doctors and here is a person who is well able to discuss their problems with them.
- 8.5 **Proposition – CARRIED**  
**That Chief Pleas makes permanent the financial support for monthly visits to Sark by a Guernsey Health Visitor until such time as the Committee recommends otherwise.**

## 9 Finance & Commerce Committee The Hathaway Settlement

- 9.1 **Conseillers Prevel and Byrne declared an interest as members of the Société Serquaise and left the room.**
- 9.2 Gomoll Questioned the need for them to leave as they had no personal pecuniary interest.
- 9.3 E. Baker Wanted to make it clear that he was no longer a Member of the Société Serquaise Executive Council before he was vilified in print.
- 9.4 E. Dewe In introducing the report she reminded the Assembly that the Finance & Commerce Committee was just a conduit for the Trustees to bring requests to Chief Pleas. She supported the thrust of the report in seeking to save old buildings rather than destroying them in order to replace them with new development.
- 9.5 Cook Ask if, yet again, Chief Pleas could **approve** or merely **recommend** payment by the Trustees.
- 9.6 President As the original commitment of the bulk of the sale proceeds was approved by Chief Pleas, he saw no reason to change the wording this time for the outstanding balance.
- 9.7 **Proposition – CARRIED**  
**That Chief Pleas approve the payment of a grant of £1,500, from the funds realised by the Trustees of the Dame Sibyl Hathaway Trust, to La Société Sercquaise to be utilised on the project to rebuild the Manoir Cider Barn.**

## 10 Conseillers S. Williams and Hunt Recording of Chief Pleas

- 10.1 Hunt Now that the Assembly has had the opportunity to test the online service he hoped that Conseillers have come to realise how important such a service will be.  
By adopting this service Chief Pleas will ensure that the residents of Sark will have the capability to listen for themselves exactly what was discussed and how it was discussed, instead of relying on maligned representations through various written media and other publications.  
There is a tractor trailer currently travelling around Sark with the slogan "*Public ignorance is Government bliss*". He disagreed with those sentiments; for Sark, ignorance is dangerous and for such a small island there should be no excuse for ignorance. If individuals wish to believe the propaganda being continually spouted without checking the facts for themselves there is little that can be done to persuade them otherwise.
- 10.2 He believed that this is a positive step towards open government and allowing those residents who are unable to attend Chief Pleas' meetings the opportunity to hear for themselves what was said and how it was said.

- 10.3 Hunt He also believed that it is important for meetings of Chief Pleas to be written down to enable Conseillers and others to easily refer back to past meetings. To do this with an audio record would be far more time consuming than if it were in written form, this conclusion has already been reached by other jurisdictions, including Guernsey and Alderney. To this end there is also a need for a Hansard transcript.
- 10.4 He recommended that the existing recordings should be uploaded onto the website should Proposition 1 be accepted.
- 10.5 **Conseiller Hunt then declared a pecuniary interest as he is the website administrator and he must ask Chief Pleas to decide whether he should be allowed to vote on Proposition 1 or whether he should now leave the meeting for the remainder of the debate and voting of this item.**
- 10.6 S. Williams As joint co-author of the report, she asked that Conseiller Hunt be allowed to stay as he, better than anyone in Chief Pleas, could advise on the technicalities involved.
- 10.7 President Asked for direction from Chief Pleas and it was **AGREED** that Conseiller Hunt should stay but take no part in the debate or vote other than to give technical advice if required.
- 10.8 S. Williams Had nothing to add at this stage other than to point out that the original request was to continue having minutes taken by the Committee Secretary but have the recording available too. She prefers to have a paper in her hand.
- 10.9 Adams Chief Pleas' meetings are already open to the public but there may be members of the public who would like to hear only what was said about a particular issue or are prevented from attending meetings due to work commitments. There may be members of the public sitting here today who actually might prefer not to sit through the whole of the meeting, but feel uncomfortable about leaving once they have heard the bit in which they are interested. The role of a Conseiller is to a large extent a public one, therefore she supported this proposal.
- 10.10 On the subject of minutes, she found the written Chief Pleas minutes invaluable. They are done to a very high standard. They provide a useful summary of debate on each of the issues and it is helpful in preparation for later Chief Pleas or Committee meetings to be able to go back to the gist of what was said. As a Conseiller, she did not want a verbatim report; the summary for her is the useful bit, so please can we keep the excellent written minutes that we receive now?
- 10.11 D. Baker Agreed with Conseiller Adams and asked if the proposition could go a little further to include continuation of written minutes.
- 10.12 Dunks Had downloaded and listened to the audio recordings of the Easter meeting of Chief Pleas and found it easy to use the recording time log and so go to a specific point in the meeting and listen to what was said there. However, at some 254 Gigabytes for the entire recording, it is a hassle to download without the aid of broadband; in fact it alone exceeds his monthly download limit.
- 10.13 He anticipated that the difficulty will be seeking out some nugget from the recording as to who was speaking and when. The time taken to listen to an entire item to find what is sought, is considerably longer than skimming through the written word. He had no problem with Chief Pleas meetings being recorded, or such recordings being made available to the public, but would like to see a text version of what is said still being available.
- 10.14 Plummer She too supported keeping the written word in some form.
- 10.15 Guy Also felt there was merit in editing the proposition to cover all options being available – written minutes, recordings and a verbatim text version.
- 10.16 Audrain Was going to suggest the same and supported Conseiller Guy's comments.
- 10.17 Bache Asked how Matters Arising would be dealt with in future; this is an important aspect for Conseillers to report back on actions that have taken place from previous meetings. How is that to be done without a paper copy for reference?
- 10.18 President Reminded Chief Pleas that the propositions were sequential and it might be worth discussing options or rewording before voting. As presented, if Proposition 1 is carried, Proposition 2 falls and Proposition 3 is considered; if that is carried a transcript will be available. He called a recess so that those who had points to make could discuss options with Conseillers Hunt and Williams and perhaps edit the wording of Proposition 1.
- 10.19 Melling Asked for clarification that, if Propositions 2 & 3 are withdrawn and Proposition 1 is approved does that mean the status quo will exist with minutes written by the Committee Secretary would continue? He asked for that option to be considered.



- 10.20 Ventress Suggested inserting the words “*and a written transcript*” after “*such recordings*” in Proposition 1. Many members of the public do not have computer access.
- 10.21 Hunt Confirmed that Disks of the proceedings would be available from the Greffier.

### BREAK 11.05am - 11.20am

- 10.22 S. Williams After discussion, the changes proposed were acceptable to Conseiller Hunt and herself and Proposition 1 would be amended accordingly.

- 10.23 **Proposition 1 – CARRIED as amended**  
**That Chief Pleas confirms its wish that future meetings of Chief Pleas be recorded and that copies of such recordings be made available, along with the continuation of the current written minutes, whilst exploring the cost of Hansard if approved under Proposition 3, to members of Chief Pleas and members of the public.**

- 10.24 **Proposition 2 – WITHDRAWN following the acceptance of Proposition 1**

- 10.25 **Proposition 3 – CARRIED**  
**That Chief Pleas instructs the Finance & Commerce Committee to report back to Chief Pleas with the costing of setting up a Hansard Transcript Service.**

## 11 **Conseillers Guy & Dunks** **Declaring an interest**

- 11.1 Guy Apologised for her typing error in the second paragraph of *Other Considerations* where the word after opportunity should be “**for**” and not “**of**”.
- 11.2 An incident relating to declaring an interest at Easter Chief Pleas (10<sup>th</sup> April'13 Ref: 23.1) prompted her to look at the Chief Pleas’ Rules of Procedure on this issue which are, perhaps, a little ‘sparse’ for a democracy in the 21<sup>st</sup> century. Conseiller Dunks agreed to work with her on this report, which is the result of some research, and asks questions rather than gives answers. We really would like to hear Conseillers’ thoughts, either now or in the next couple of weeks; it is our firm intention to bring a further report with proposals to the Michaelmas Meeting in the light of what you have to say, or, if you have nothing to say, in the light of what we believe to be best.
- 11.3 We feel certain that Conseillers are, in general, mindful of the need to declare an interest and recuse themselves both in Chief Pleas and Committee meetings. No criticism is implied by anything that is written here. However, looking at other jurisdictions, it is the case that interests are formally declared on taking up office and these are made public to all.  
 At the moment, as far as Sark is concerned, nothing is formalised about declaring interests in committee meetings but many decisions, for example those related to planning, tendering, job applications and support for those in need are made in committee. This is an issue that we believe should be addressed and could, perhaps, be done quite simply.
- 11.4 Ms Cathryn Hannah, Head of Crown Dependencies Team, Ministry of Justice (MoJ) recently informed Conseillers of various ways that conflicts of interests can be mitigated against but it should be noted that these can be used, not must be used. A register of politicians’ interests is maintained in most jurisdictions. Declarations are made on a form and the Guernsey one is here as an example. Others are pretty similar. If you look on the various government websites it is easy to find these declarations; she had selected the one which happens to be first on the list of the Guernsey ones and she used the example of Hunter Adams as an illustration.  
 The form is not complicated but obviously information needs to be kept up to date. The list of the type of interests that are declared (on the second page of the report) is not definitive but illustrates the range of things that politicians are asked to declare. A possible Sark list may differ slightly but there are certain basic themes which we would probably want to embrace.
- 11.5 It has been suggested that The President of Chief Pleas and the Seigneur should be required to register their interests. Research has shown that The Speaker of the House of Commons and the President of the States of Alderney are required to submit their interests, however both of these positions are held by people who first had to be elected to the House they serve in the same way as other politicians in those jurisdictions.

- 11.5 Cont'd Guy The Bailiff of Jersey does not have to register his interests formally in order to preside over a States meeting though declines to preside if something that is due to or may come before him when sitting in court. This, of course, could no longer happen here. The Bailiff of Guernsey does not make a formal declaration though would declare in the course of the debate should he consider that a direct conflict exists (an example that we have been given was discussion of States' employees pensions.) It is also the case that neither The President of Chief Pleas nor The Seigneur either vote in Chief Pleas or are members of any committees of Chief Pleas. Your thoughts on this would be welcomed.
- 11.6 The final section of the report contains questions that occurred to us as we worked through this: As you know, there is an option for Conseillers to request that, though someone has declared an interest, they stay. Perhaps when an interest is declared The President should ask if there are any calls for the declarer to remain, before they scuttle off. If they are requested to stay, they may not vote but can they speak? Presumably they are asked to stay because they have some expertise in which case it would be silly for them to be gagged. Should someone query if they believe another Conseiller does have an interest but has not declared it? (Easy if there is a register, but tricky without one. The query would be based on personal knowledge or hearsay) If we decide to have a register, should there be sanctions for false or incomplete declarations? What kind of sanctions? The final point, a place for withdrawal, has, as you will gather from The President's announcement, already been resolved. This is purely a practical consideration and will enable us to keep dry or free from sunstroke. As I said, this report asks questions rather than provides answers. It is designed to promote debate so your ideas, please.
- 11.7 Dunks When called upon to add to the introduction of the joint report said he was just taking notes at this stage.
- 11.8 Bache Considered this to be a welcome move. It should occur in every jurisdiction. It gives confidence to the public and, in Committee, with member colleagues. What matters is not necessarily the vote but the influence that someone could have on others if they did not know of personal interests. Accepted the need for sanctions as appropriate if declaration were not correctly made.
- 11.9 Hunt In the new Chief Pleas there is a lot more respect to declare interest than was the case in the old regime. He welcomed the move as a further indication to be seen to be doing the right thing.
- 11.10 Ventress Overdue!
- 11.11 Cook Asked what process would take this forward and how was it being planned.
- 11.12 Guy Will try to establish a consensus from the comments made today or received later and arrive at a general view of the way forward.
- 11.13 Dunks It was intended to amend the present Rules of Procedures for Chief Pleas and committee procedures and to set it down in writing.
- 11.14 President Pointed out that it should be the GP&A Committee that takes recommendations forward to a future meeting and suggested that Conseillers Guy and Dunks meet and consult with that Committee before bringing another report at Michaelmas.
- 11.15 Melling Taking as an example today's joint report by Conseillers Williams and Hunt, if both had declared an interest, we could have been left with nobody in the Assembly to put the case or answer questions.
- 11.16 Dunks This should not be the end of the debate; the writers will develop a plan over the coming weeks.
- 11.17 Guy Questioned the involvement of GP&A Committee, asking if it was customary for it to be involved when discussing Rules of Procedure.
- 11.18 President It was the GP&A Committee that introduced the original Rules of Procedure and he checked the mandate and he quoted -
- a) To advise Chief Pleas on matters relating to:
    - i. the allocation of duties to Committees;
    - ii. the Island's constitutional position, international relations and matters relating to the other Islands of the Bailiwick.
  - b) To develop, present to Chief Pleas for approval and implement policies on the above matters.
- 11.19 Guy Asked Conseillers to communicate their views.

## 12 Finance & Commerce Committee

### Rules of Procedure

- 12.1 Dunks Before coming to the point of this item he first needed to provide a little background. Neither **The Reform (Sark) Law, 2008** nor the *Chief Pleas' Rules of Procedure* are particularly clear as to who may, or may not, speak at Chief Pleas.  
**Reform Law**  
**Section 35. (3)** says "... *that the Seigneur shall have the right to speak at any meeting of Chief Pleas, but not vote*".  
**Section 35. (4)** says "...*that the President and Deputy President shall not have the right to speak or vote, however any Conseiller who presides over a meeting of Chief Pleas shall retain their right to speak and vote*". (This being the only reference found within the Law as to the right of a Conseiller to speak and vote at Chief Pleas).
- 12.2 Dunks **Rules of Procedure**  
**Section 5 (2)** says "...*that a Member who is absent when his name is called shall not be entitled to speak or vote until his presence has been recorded*".  
**Section 11. (3)** says "...*that the debate shall be opened by a member of the Committee or Members who brought the item and they are entitled to a reply*".  
**Section 11. (4)** extends this to cover replies by a Chairman to an amendment to a item  
**Section 11. (7)** says "... *that a Member may speak more than once on the same motion*".
- 12.3 The only other direct reference to a Member speaking at Chief Pleas is covered under **Section 15.** - Interruptions, Correction and Explanation.  
*(Member' is not defined in the Rules of Procedure, but is in the Reform Law at Section 21. (1) where it consists of the Seigneur, President and 28 Conseillers).*
- 12.4 On a number of occasions an answer to a question directed to the Finance and Commerce Committee has fallen outside its knowledge and required it to redirect the question to the Treasurer. It has been customary practice for the Committee to ask the Seneschal(sic), as ex-officio President of Chief Pleas, to allow the Treasurer to speak in Chief Pleas.  
The Committee is seeking from Chief Pleas its opinion as to whether the current situation is adequate, or if the matter of calling on the Treasurer, or any other officer, to speak in Chief Pleas, not to provide opinion or debate, but to give technical support or explanation to an item being presented by a Conseiller, needs to be covered in the Rules of Procedure.  
This matter is separate from that of people who have been invited to speak at a meeting of Chief Pleas, before moving on to Item 1. of the agenda.  
Should Chief Pleas indicate a change is preferred the Committee will return at a future meeting with a report and proposition(s).  
Having first consulted with the GP&A Committee.
- 12.5 President
- 12.6 Cook Was worried about Members as referred to in the Rules of Procedure; there are both elected and non-elected Members present but the non-elected Members cannot debate. Non-Members speaking in a debate could potentially be dangerous and it does need looking into.
- 12.7 Hunt Agreed that there should be greater clarity.
- 12.9 President Custom is that a Committee Chairman can call on the Treasurer and/or the Greffier to clarify information. Those are the only two officers, during his time, who have ever spoken to clarify technical issues using that customary practise. You are being asked if you wish to continue with customary practise or to codify in the Rules of Procedure.
- 12.10 Guy Chairman should clarify in advance the questions that might be asked; the Treasurer is a remarkable teacher.
- 12.11 President The questions asked may not have been anticipated.

## 13 Agriculture Committee

### Sark's Dark Skies

- 13.1 P. Williams Introduced his report which updated Chief Pleas on what has occurred since Sark was granted its award as a Dark Skies Community and reminded everybody what was expected of the Island in continuing to meet expectations of its status.  
He felt that Committees were always fire fighting and here was an opportunity for the Island to blow its own trumpet. This initiative links up with the statement made by Conseiller Byrne at the outset of this meeting and he wished to similarly join with her sentiments in "...*thanking the people of Sark and elsewhere for their valuable and much appreciated support... and the hope that Sark continues to value its great natural beauty...*".

## 14 Medical Committee

### Medical Insurance

- 14.1 D. Baker The change of Medical Insurer from *Aetna* to *AXA PPP* went relatively smoothly with the majority of clients choosing to stay with the Sark scheme. The Medical Committee do understand that for some families the rise in premiums is simply too high and we did lose a number of clients from the island scheme as a result but we also gained a few.
- 14.2 D. Baker The Medical Committee can only advise residents as to which Insurer it feels is suitable by working with its Brokers, *Q&A People Matter*. The company worked very hard to find a suitable Insurer when *Aetna* decided to let the Sark plan go; Q&As advice and patience with the Committee is appreciated. The Brokers also do a fair amount of work throughout the year to help any resident who may have had some difficulties to sort out; it's not always easy when someone in your family is ill and you are struggling to make a claim.
- 14.3 Having a Broker who knows the Island, the Doctor, the Medical Committee and many of the residents and is prepared to listen to what is needed, is greatly appreciated by this Committee.
- 14.4 The Committee has been made aware of two residents who left the Sark scheme for an alternative company and have since found, to their dismay, that they weren't fully covered in the same way as the Sark scheme covers residents of Sark. Unfortunately, this was discovered when claiming for a medical condition which now means they have to re-join the Sark plan with exclusions or stay where they are, knowing the limitations of their new insurer.
- 14.5 *AXA PPP* has been available with an island scheme in Guernsey for some years so are aware of the problems of island medical care and have adapted the Guernsey scheme to fit Sark residents. As has been said before, Sark cannot have a national insurance type of cover such as the NHS in the UK or HSSD in Guernsey; it couldn't afford to pay for that level of cover but it has, what the Medical Committee feels, is the best available package in the circumstances.

## 15 Tourism Committee

### Tourism Forum and other matters

- 15.1 S. Williams The recently held annual Tourism Forum was a success; at least the Committee felt it was and hope that those attending found it useful too. A presentation was given by Visitor Officer, Karen Adams, and the packs of statistics and information given out at the Forum were appreciated and some copies are still available should any Conseiller wish to collect one from the front bench after the meeting. Isle of Sark Shipping Company (IoSS) and Manche îles, the two ferry providers, were also present on the top table and provided comment and answered questions.
- 15.2 When IoSS and Manche îles passenger numbers are combined, the total visitor numbers have remained fairly static over the last six years in the range 46,000 to 50,000 per annum. Conseiller Williams had just received figures for May & June 2013 which can be compared with similar figures for 2012 -

#### Passenger Numbers

[figures read out in the meeting were inadvertently misread; those below have been corrected]

IoSS May 2012	IoSS May 2013	Variation	Manche îles May 2012	Manche îles May 2013	Variation	Combined Variation
5972	6025	+53	661	1089	+428	<b>+481</b>

IoSS June 2012	IoSS June 2013	Variation	Manche îles June 2012	Manche îles June 2013	Variation	Combined Variation
7564	6616	-948	1090	1285	+195	<b>-753</b>

The severe weather over both weekends of the 15<sup>th</sup> and 22<sup>nd</sup> June, resulted in over 1000 people deciding not to come to Sark or having their boats cancelled.

The morning passenger numbers for the last three years are as follows:-

2010 - 31,086

2011 - 32,836

2012 - 31,770

Conseiller Williams thought it safe to assume that the bulk of these are day trippers.

- 15.3 S. Williams The Sark Visitor Centre is an extremely busy office. 2012 saw an increase in brochure requests, but this is not surprising, given the high profile TV coverage Sark has received with Island Parish and the fall-out from the Olympics. Carl Hester's achievement in winning a gold medal has made him a great Ambassador for Sark.
- 15.4 The Tourism Committee has increased its promotion of Sark in 2012 and 2013 through advertising locally and nationally and also through joint marketing initiatives. Substantially more brochures and maps have been published for 2013. The maps are now distributed to all accommodation and visitor attractions in Jersey, as well as Guernsey. Sark Tourism also continues to support the visits of many journalists and tour operators, some coming to us directly, and some coming via *Visit Guernsey*, with whom the Committee works closely; this is a very important marketing tool, and provides an enormous and varied exposure in UK and Europe (and even Japan!).
- 15.5 The Tourism Committee's former website (info@sark) had continued to function, despite many calls for the provider to withdraw. It has now ceased to operate after a long battle to remove it. All Sark Tourism information is now available on –  
[www.sark.co.uk](http://www.sark.co.uk)
- 15.6 Following filming in the Island another programme is to be broadcast on the ITV Channel on 10<sup>th</sup> July at 2.30pm; called Hungry Sailors it is presented by Dick Strawbridge.
- 15.7 For the last few weeks the relatives of Mrs Dora Jufer, who died in last year's carriage accident, have been in e-mail correspondence with the Tourism Office. They asked if it would be possible for some flowers to be laid at the site of the carriage accident on the first anniversary. They specified the flowers they wanted and also asked for the Methodist Minister, Karen le Mouton to read a particular prayer. Visitor Officer Karen Adams and Conseiller Williams joined the Minister at 5.00pm yesterday afternoon to carry out the wishes of Mrs Jufer's family who were most grateful. The Tourism Committee felt that, on this very sad occasion, it was important to do exactly as the family had requested.

## **02 General Purposes & Advisory Committee**

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

The Egypt (Freezing of Funds)(Sark)(Amendment) Ordinance, 2013

The Tunisia (Freezing of Funds)(Sark)(Amendment) Ordinance, 2013

The Iran (Restrictive Measures)(Sark)(Amendment) Ordinance, 2013

The North Korea (Restrictive Measures)(Sark)(Amendment) Ordinance, 2013

No motions to annul these Ordinances had been received by the President.

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

**MICHAELMAS MEETING – Wednesday 2<sup>nd</sup> OCTOBER 2013 at 10.00am**

Agenda closes -

**Wednesday 4<sup>th</sup> September 2013 at 3.00pm**

Papers distributed to Members before Wednesday 11<sup>th</sup> September 2013.

**This meeting closed at 11.50pm**

**Brian Garrard CMILT (Sark Committee Secretary) 9<sup>th</sup> July 2013**

**President of Chief Pleas**

**The Greffier**

**Finalised on 10<sup>th</sup> July 2013**

**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

Midsummer Chief Pleas Meeting – 3<sup>rd</sup> July 2013

	Attending								
Seigneur – Sieur J.M. Beaumont OBE	/								
The President – Lt. Col. R. Guille MBE	/								

## CONSEILLERS

2	Mr. D.T. Cocksedge	/							
2	Mrs. H.M. Plummer	/							
2	Mr. D.W. Melling	/							
2	Mr. C.R. Nightingale	/							
2	Mr. A.P.F. Bache CMG	/							
2	Mr. E. Baker	/							
2	Mr. S.B. Gomoll	/							
2	Mrs. D. Baker	/							
2	Mr. A.G. Ventress	/							
2	Mr. A.J. Cook	/							
2	Ms. M.A. Perrée	/							
2	Ms. J. Guy	/							
2	Mr J. Hunt	/							
4	Mrs. S. Williams	/							
4	Mrs. H. D. Fry	/							
4	Mrs. K. Adams	/							
4	Mr. R.J. Dewe	/							
4	Ms. E.M. Dewe	/							
4	Mr. M.J Mann	/							
4	Mr. A. Dunks	/							
4	Mr. A.C. Prevel	/							
4	Mr. P.J. Williams	/							
4	Mrs. R.E. Byrne	/							
4	Mrs. M. Mallinson	/							
4	Ms. C.D. Audrain	/							
4	Mr. R.W. Cottle	A							
4	Vacancy	-							
2	Vacancy	-							

2 – Term of office ends in January 2015	A	Apologies	C	Contre
4 – Term of office ends in January 2017	/	Present	P	Pour

Brian Garrard, Committee Secretary CMLT, 3<sup>rd</sup> July 2013