

MINUTES of the MICHAELMAS MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 2nd October, 2013 at 10.00am

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

24 Conseillers were present (see attached list).

01 Opening Statements

- 0.1 [The Lt. Governor](#) - the President welcomed the Lt. Governor to this meeting of Chief Pleas.
- 0.2 [Obituaries](#) - a silence was held in memory of Mr Michael Terry and for Mr John York both of whom died recently; Mike Terry was a previous Treasurer of Sark for some thirteen years and during those years, 1978 to 1991, his Treasurers salary was donated to the Professor Saint Fund as, due to his main employment as a bank manager, he was unable to be remunerated for other work. As far as I am aware he was the first stand-alone Treasurer who was not also the Greffier.
Mr John York was a previous Deputy during the years 1970 to 1981 inclusive. He was a Member of a number of Committees, such as Education, Natural Amenities (now DCC), Sanitation (now Public Health), Cemeteries (now part of the Douzaine's remit), Publicity (probably now Tourism) and GP&A; he also sat on two special purpose committees that dealt with Divorce and Harbour Hill Transport.
- 0.3 [Prince George of Cambridge](#) - the Seigneur pointed out that this was the first opportunity for Chief Pleas to offer congratulations to Prince William and the Duchess of Cambridge on the birth of their son, Prince George, and the Seigneur looked forward to welcoming them to Sark on some future occasion.
- 0.4 [Farewells](#) - the President gave valedictories for Mr John Hunt and Mrs Margaret Mallinson both of whom had recently resigned as Conseillers of Chief Pleas.
John Hunt was elected as a Conseiller in the December 2008 General Election and drew a two-year term; he stood for election again in December 2010 and was re-elected for a four-year term. During his time as a Conseiller he served on Emergency Services as Deputy Chairman, the Millennium Committee also as Deputy Chairman, until the Committee was disbanded in 2011, and as a Member of the Road Traffic Committee, being elected to those committees in January 2009. He became Deputy Chairman of the Road Traffic Committee in January 2011 and Chairman in January 2012. He also served on the Medical Committee, joining the Committee in July 2009 and becoming Deputy Chairman in December of that year, after the death of Dr Stephen Henry. When he took over as Chairman of Road Traffic in 2012 he galvanised the work of the previous Chairmen in carrying out the long outstanding resolution of Chief Pleas to consolidate and update the traffic laws into new Laws, this he did bringing to Chief Pleas at Easter this year The Motor Vehicles (Sark) Law, 2013 and The Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) Law, 2013. As a Conseiller he was hard-working and diligent and he was much appreciated by the Chairmen of those committees who had him as a Member, until his resignation on the 11th August.
Margaret Mallinson stood for election in December 2012 and polled well; she then fought off competition in January this year to be elected to the GP&A Committee and was also elected to the Road Traffic Committee however, she found the task of Conseiller to be too onerous and felt it to be affecting her wellbeing and after much agonising she tendered her resignation on the 20th September. On behalf of Chief Pleas, the President thanked both of them for their service as Conseillers.
- 0.5 [Road Traffic Committee](#) - Conseiller Ventress made a statement on behalf of the Road Traffic Committee firstly expressing its appreciation of John Hunt who has unselfishly given a vast amount of time and expertise to the extremely difficult and onerous task of drafting and bringing the consolidated Tractor Laws to Chief Pleas. It is with great regret that former Conseiller Hunt chose to resign after the decision by the first of the recent Road Traffic Appeals Tribunals which found that the Committee had been unreasonable in its dealing with the appellant. Secondly, to express the Committee's thanks to Margaret Mallinson who, at very short notice and having only been on Road Traffic for just a matter of months, was elected Chairman and immediately faced another Tribunal. Despite her best efforts, that Tribunal also found that the Committee had been unreasonable with the appellant. It was the criticism she received in trying to find a way forward after these reverses that led to her resignation; that too is a matter of deep regret.

- 0.5 cont. - The work of the Committee has to continue and therefore under later item 28 it will be asking for up to two Chief Pleas' Members to join the Committee for a short interim period.
- 0.6 **Medical Committee** - Conseiller Diane Baker agreed that the resignation of John Hunt is a great loss; as Deputy Chairman of the Medical Committee he gave so much of his time over what has been a very busy few years. The Committee had the change in insurance broker when Rob Adams helped us to source a new insurer. John along with Dr Counsell and herself attended meetings in London with Axa and Aetna at their offices; this proved to be quite an education for all three of them but helped both sides to understand what was needed. John did so much work which she could not have managed on her own. When the Committee had to recruit a new doctor in 2012, John's computer skills were used to design the advert and again, when the out of date application forms and contracts needed updating, he was there to oblige at no cost to the Island whatsoever. Whatever John's personal opinions he managed to contribute food for thought and was prepared to listen when another Member had a differing opinion. Someone who gives their time and thought to working for Chief Pleas in the way he has needs to be commended especially when he has since met with so much animosity in standing up for what he believed.
- 0.7 **Emergency Services** - Conseiller Plummer made a statement on behalf of the Emergency Services Committee, thanking John Hunt for all his hard work as Deputy Chairman of the Committee and not forgetting especially his taking over the Chair during her long absence from Chief Pleas in 2012. His hard work and unfailing support, always ready to discuss issues at a moment's notice was a great help. Thank you, John.
- 0.8 **Deputy Treasurer** - Conseiller Cottle said the General Purposes & Advisory Committee (GP&A) regrets to report that Mrs Winnie Parsons resigned from the position of Deputy Treasurer at the end of August 2013 on the grounds that, particularly during the summer season, the hours required to fulfil the position are not compatible with the time she needs to spend in her own business. The Committee and the Treasurer would like to record thanks to Mrs Parsons for her hard work and for the support she gave the Treasurer during the period of her appointment. No decision has yet been made about re-advertising the position.
- 0.9 **Senior Administrator** - following the authorisation by Chief Pleas at the Extraordinary Meeting of May 16th 2013, the GP&A Committee began the recruitment procedure to appoint a full-time Senior Administrator. Conseiller Cottle said discussions took place about how best to approach this and it was decided to advertise in Sark, Guernsey and Jersey newspapers and government vacancy notices, a UK national newspaper recruitment website and via the UK Civil Service vacancies notices. An application pack was produced including the Job Description, Information about Sark and an Application Form. An advertisement was produced and with help from Guernsey this was placed in these publications and places at the end of June. A great deal of interest was shown and, with assistance from the Committee Secretary, over 80 packs were sent out. When applications closed on July 15th, 47 applications had been received, from Sark, Guernsey, Jersey and the UK. All Applications were read with care by all members of the GP&A Committee; generally applications were of a good standard and it was able to short list six excellent applications. References were taken up on these six applicants and after further consideration four candidates were selected and invited for Interview. Candidates and partners were invited to come at the weekend prior to interview to get a chance to see Sark and informally meet people. The Interviews were held on Monday 9th September by an Interview Panel of Conseillers assisted by an independent observer from Guernsey. All four Candidates were of a very high quality, demonstrating a clear understanding of the role they were applying to fill and the ability and experience to carry out the duties. Choosing the best candidate for Sark was a difficult task and took much discussion. A further meeting was held with all members of the GP&A Committee at which the panel made its recommendation. Following that meeting, the position was formally offered to Ms Kathryn Jones, who has accepted the offer and will shortly sign a contract to take up the position of Senior Administrator. She will be attending the Economic Development Workshops next week and will return again shortly after to start her new Job. Conseiller Cottle confirmed that Kath will be employed in a full time position within the terms agreed in May and at the salary agreed at that time.
- 0.10 **Justice Committee** - the House of Commons Justice Select Committee, led by Sir Alan Beith, visited Sark on 4th September. Conseiller Bache explained that this was part of a visit to the Bailiwick for the Committee to follow up the recommendations made by the Committee in 2010 when it examined the relationship of the Ministry of Justice with the Crown Dependencies. There was no intention to scrutinise the actions or policies of Sark.

continues/-

- 0.10 -/cont. During their short visit to Sark the Committee met with the GP&A Committee, Conseillers, the President of Chief Pleas, the Seneschal and the Deputy Seneschal. The Committee can be expected in due course to announce any recommendations which it may make.
- 0.11 [The French Ambassador](#) - with his wife and four members of his Embassy paid a very short visit to Sark during the afternoon of 21st September which included a tour of La Seigneurie Gardens in company with the Seigneur. During the visit, Conseiller Bache accompanied the Ambassador and, during lunch, had an opportunity to discuss Sark's position in the Bailiwick and to tell him of our interest and involvement in the Channel Island Marine Renewable Energy Group as it seeks co-operation with the Basse-Normandie Region and the Department of La Manche. The Ambassador and his group then made a short tour of the Island before returning to Guernsey.
- 0.12 [The Lord Chancellor](#) - the Secretary of State for Justice, the Rt. Hon. Chris Grayling, MP, visited Guernsey on 22nd-23rd September as part of his visit to the Channel Islands. The responsibilities of this position include having oversight of all Ministry of Justice (MoJ) business which includes relationships between the UK and the Crown Dependencies.
Conseillers Cook and Bache, as political representatives of Sark, were invited to meet the Secretary of State in Guernsey on 23rd September and, during the meeting, were able to discuss Sark's relationship with the MoJ; more generally the Conseillers sought to inform him about the Government's policies and the importance of maintaining the Island as the special place it still is.
- 0.13 [World War I](#) - Conseiller Cottle identified forthcoming significant events, reminding the Assembly that In 2014 the Centenary of the start of World War 1 will be commemorated in the UK and across the Commonwealth countries. August 4th is the date when Britain entered the War after Germany invaded Belgium. To coincide with events to take place elsewhere, it is proposed that Sark marks this significant occasion with a day of commemoration, the focal point of which will be a Church Service of Remembrance.
This service would be particularly to remember the involvement of the people of Sark and the names of all the Men of Sark who served in the Armed Services and Merchant Navy will be read out. Those who gave their lives in the conflict will be named and honoured.
A small committee will be formed which may also propose a project to coincide with this day to provide a lasting memory of the Centenary.
One idea has been suggested, but we would welcome others and if funding is required, this would come from the contingency of £3,000 requested in the 2014 Budget. Any proposal requiring funding will be brought back to Chief Pleas for approval.
- 0.14 [70th Anniversary of the Liberation](#) - in 2015 there are two more Anniversaries of major significance for Sark, which it is planned to celebrate and this is advance notice of planning for these. The first is the 70th Anniversary of the Liberation of the Island from Occupation at the end of World War 2 which falls on Sunday May 10th.
- 0.15 [Royal Charter](#) - on 6th August the 450th Anniversary of the signing of the Royal Charter and the settlement of Sark by Seigneur Helier de Carteret will take place.
It is hoped to coordinate a number of events and projects to mark this historic date.
Again a Committee or Working Party will start gathering ideas and report back as appropriate.
- 0.16 [La Coupee](#) – Conseiller Prevel gave an update on the work to be carried out on La Coupée.
GeoMarine is to carry out the drilling and underpinning and, to keep costs down, they are only sending two men over and using local labour to assist.
The start date for this work is the 4th November, weather permitting. La Coupée will have to be closed for one week during daylight hours to tractors. Should an emergency occur, there will be two tractors in place to clear machinery. Notices will go up this week and carters will be informed and letters will be sent to those living on Little Sark.
As soon as GeoMarine has finished, the second part of the work, to repair posts, will take place, carried out by the Island Building Company and will not require La Coupée to be closed.

1 Minutes of the Midsummer Meeting on 3rd July 2013

- 1.1 The meeting ended at 11.50am (not pm!).
There were no other factual corrections to the minutes which were **APPROVED**.

2 Matters Arising

- 2.1 There were no matters arising.

3 Questions not related to the Business of the Day

- 3.1 E. Baker **Addressed to the Public Health and Agricultural Committees**
For several years now, many residents and visitors to the Island have expressed serious concerns in regard to the amount of substances that are sprayed on grapevines around the Island.
Some residents are concerned about the appalling odour that is detected when walking on the main roads after spraying has taken place and also the constant noise from those hideous spraying machines.
Question: Have the committees addressed these concerns in any way.
- 3.2 Melling
Confirmed that the concerns are being addressed.
The Public Health Committee has joined forces with the Agriculture Committee on this matter and has held a number of joint meetings over the past few weeks to try to ascertain the types of sprays being used and the effect they have on those persons in the immediate vicinity. This includes those who have raised concern that they are on catchment water and claim that these products have been seen to drift onto their roofs. It also includes concerns from those on the public roads who say the machine has passed by them at hedge width, not the recommended distance from such spraying. One such incident was a party of French people who had just purchased ice cream and were walking along the road; he only hoped that they were all okay after being subjected to the possible dangers of spray drift.
- 3.3
Also included in the discussions is the long term effect to the environment, in particular Sark's underground water supply. The Committees have attempted to seek the cooperation of Sark Estate Management (SEM) but they will not help by providing the information that has been requested, in fact hostile would be a good word to describe their reaction to our correspondence.
- 3.4
Collating information from other sources has started and Guernsey is being asked to provide the information required, for example -
- the law and regulations that apply to importing such substances into Guernsey and thus onward to Sark;
 - what substances are being sent to Sark;
 - the system Guernsey uses for the issue of a licence to a person allowed to spray. Only a licenced handler can supervise or apply these substances to crops and it is our intention to be aware of all licence's issued for use on Sark.
- At this time it is understood that Guernsey will involve Sark in this procedure.
- 3.5
Earlier this year, after public concern, an island wide set of regular water tests commenced with a particular intention of monitoring copper level in water supplies. The base levels have been established and it is now possible to keep a watchful eye on any increase in future years.
- 3.6
Conseiller Melling hoped this answers the question to the satisfaction of Conseiller Baker albeit that this reply is only a snapshot as of now and without recourse to a crystal ball. There could be problems with the mixing of different chemicals to better suit the particular needs of a grower and, by learning from other jurisdictions, careful monitoring will reveal what can be done about this practise which is causing concern. He asked that Conseiller Paul Williams be given the opportunity to add any further comment on behalf of the Agriculture Committee.
- 3.7 P. Williams
The Agriculture Committee have also been active in trying to answer some of the questions asked and he was very surprised that SEM has been unwilling to answer some very basic questions on what it is using to spray the vineyards.
The Committees appreciate that the chemicals used are legal when applied properly and do not have a particular issue with anyone protecting their crops in this manner. It is very frustrating, however, not to be able to answer locals or visitors alike when asked what is being used. Hence the communications with SEM.
- 3.8
One of the big issues here is with the time of day spraying has been taking place, as referred to by Conseiller Melling. It is obvious that if spraying is done in the middle of the day the spray will rise and float, whereas if it had been done in the evening the spray in the main will fall and therefore do its job more thoroughly. It is sad that had either Committee commented about this to SEM, it would undoubtedly have been told to mind its own business and put its own house in order first, which of course is always the way to make friends and influence people.

- 3.9 P. Williams He had spoken in the last couple of days with the authorities in Guernsey who provided the following information. Although it regulates the importation of chemicals into Guernsey, they do not know, or need to know, who in the Bailiwick is using what. The only persons able to answer this are the merchants selling the products or the end users. This is why SEM was asked in the first place.
A full list of licensed sprayers on Sark will be supplied by Guernsey and this will be updated periodically as and when necessary. Those licensed farmers/growers of whom the Committee are already aware have been contacted by letter and have, up to date, been more than helpful with our requests.
- 3.10 The Agriculture Committee has also been carrying out copper tests; this is not aimed at getting one over on anybody in particular. It is also Island-wide but instead of water, these tests are with herbage (grass). Samples have been sent to the relevant laboratory in Guernsey for analysis and we have had the following results:- *Copper values of 15 parts per million are classed as toxic to sheep. Our results are from 1.45ppm to 14.03ppm. And to prove that we are not being biased with our test results, the lowest reading we have so far is one from a field that borders a vineyard.*
The Committee will continue to monitor all situations and is confident that, one way or the other, it will be able to answer all the questions asked of it.
Conseillers are constantly being accused of being uncooperative within Chief Pleas. He thought this works both ways and he was fed up with arguing with this particular elephant in the room when we could be focussing on other things.

4 Conseillers S. Williams & Cook Recording of Chief Pleas

- 4.1 President Asked that Members of Chief Pleas amend their agenda for this item which is submitted by Conseillers Sandra Williams and Cook and not the GP&A Committee as shown on the agenda circulated. This was noted before the agenda was distributed further and amended accordingly.
- 4.2 S. Williams She thought that when considering this issue at Midsummer Chief Pleas everyone failed to realise that before making a recording available to the public there needed to be an understanding and a measure of control on how such a recording could be used; there were many people who came forward with their concerns and these are outlined in the accompanying report and the second proposition deals with these concerns.
- 4.3 Cook Had nothing further to add until after debate.
- 4.4 Adams Supported the rescinding of the proposition on this issue, approved at Midsummer Chief Pleas, as it had implications not appreciated at the time.
She asked what cost would be involved if a Hansard transcription was produced and, if such a transcription was published, does that mean that Conseillers would no longer have the minutes produced by the Committee Secretary available to use.
- 4.5 Cook The Finance & Commerce Committee is currently investigating; if a Hansard version was in place, it would mean the Committee Secretary would no longer produce written minutes.
- 4.6 Audrain Thanked the two Conseillers bringing the report as it cleared up her concerns following the Midsummer Chief Pleas meeting. She was concerned about the potential cost involved and she commended the version of the minutes produced by the Committee Secretary as being good as a series of reference documents as and when needed. She thought the Hansard option could be too expensive.
- 4.7 Plummer Agreed with Conseiller Audrain's views as we are trying to save money.
- 4.8 Guy Disagreed; a Hansard version was vital for the public and was an important step forward. It was unlikely to cost a huge amount of money.
- 4.9 Cook Both Conseillers thought it was vital to have a Hansard version but, until Hansard became available, the recording alone should not be in the public domain. There was a need to be as open and answerable an Assembly as possible.

4.10 **Proposition 1 - CARRIED**
That Chief Pleas rescind proposition 1 passed at the summer meeting of Chief Pleas '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.

4.11 **Proposition 2 - CARRIED**
That all meetings of Chief Pleas will be recorded. The recordings to be kept as a government record and will be used to produce a Hansard transcription of each meeting as soon as arrangements to produce such a transcription have been made and that the Hansard transcription will be the official, publicly available record of that meeting. Also that the official minutes of any meetings that occur before a Hansard transcription can be made available will be produced by the Committee Secretary as has been customary.

5 The Douzaine To elect a Constable

- 5.1 Constable Mr. A. Guille The President invited the Constable to introduce his report which had been circulated with the Chief Pleas' papers. As Vingtenier, he had listened last year as Mrs Jo Godwin had delivered her speech upon handing over to him and she recited a long list of people she needed to thank. He too must mention a number of individuals and agencies picking out our own Special Constables who turn out whenever required and are immediately a back-up to the Constables. He singled out the Guernsey Police for particular and sincere thanks for without their help this job would be impossible and he was indebted to them for all their assistance. He thanked the Security Staff on the Isle of Sark Shipping (IoSS) ferries for being on board the last boat from Sark at weekends to control behaviour. He acknowledged working with the security team at Sark Estate Management and for its support especially on Saturday nights; there have been such a variety of calls and he singled out and thanked Richard Knight who has given so much help with a fork lift on a number of occasions and has been exceptional in his support. He was also impressed by the Sark Fire and Ambulance Service whose dedication and professionalism was outstanding. The paperwork in the office was kept under control thanks to the continuity provided by Fiona Hamon – his girl Friday – to whom he gave a huge vote of thanks. Added to that Brian, Caroline and Wendy in their offices who always had a smile and greeting and gave help and encouragement when needed. He spent much of the day in the office last Saturday only to find Brian Garrard already there working and dishing out cups of coffee when needed. Thanks must also go to Lucy Belfield, his Vingtenier, who was something of a wild card and who came into the role with little knowledge of what to expect and has been a great partner to work with during their year together. He had to confess to the amount of time he has spent with Lucy this year in licensed premises!
- 5.2 There was a need to change the role of the Sark Constable to one of being proactive rather than reactive. He has adopted a much more high-visibility operation and they do now go out on patrol so that people know who the Constable, Vingtenier and the special Constables are; he thanked the whole community for its wide support. Being Constable was not an enjoyable job but it was very interesting!
- 5.3 E. Baker Once again this year the Constable has completed his term of office with professionalism and tolerance; some of the incidences he was called to attend were particularly onerous. It can be seen from the Constable's report the amount of work expected of the office holder. During a recent meeting with the Head of the Guernsey Police, Mr. Patrick Rice was very complimentary on the way the Sark Constables conducted themselves.
- 5.4 The Constables have been struggling in very cramped conditions for several years in their little office. Following a meeting with the Douzaine, at which they made a strong case to have a larger office and a separate interview room, with the help of Conseiller Melling, the Constables have now been relocated to the old Committee Room and the previous Constables Office is now their Interview Room.

- 5.5 He finished by asking for a vote of thanks to show our appreciation to the retiring Constable, Mr Adrian Guille [a round of applause met this request].
- 5.6 He proposed Ms. Lucy Belfield as the new Constable. **CARRIED**

6 The Douzaine To elect a Vingtenier

- 6.1 E. Baker The Douzaine nominated Mr Terry Crowther to the position of Vingtenier. **CARRIED**
- 6.2 President Congratulated Mr Crowther and thanked him for volunteering and he was sure he will find the role instructive and demanding and looked forward to hearing his report in two years' time. He reminded the Assembly that the Constables would be sworn in after the conclusion of this meeting.

7 General Purposes & Advisory Committee The Marriage (Special Licences)(Sark) Law, 2013

- 7.1 E. Baker The request for this new Law was made a year ago and it is now drafted. Members of Chief Pleas had been sent a copy translating the French wording of the Projet de Loi and he thanked Conseiller Audrain who had undertaken that work. The original 1919 Law is in French which is why it had to be written in the same way.
- 7.2 Plummer There is reference in the report to the reduction in periods of notice and she asked by how much.
- 7.3 E. Baker Such details will be brought to Chief Pleas once the legislation is in place and can be introduced by Ordinance and in consultation with the Greffier.
- 7.4 Guy Weddings in Sark are already popular and a good source of income for accommodation providers, restaurants and carriage businesses. There is also a spin off for others as weddings often bring guests who use shops and hire bikes. Once the Projet has been approved and the Ordinance is in place she would like to see Tourism working with the various businesses to really embrace this by targeted advertising and an elaborate section on the Tourism website giving potential Sark "marriers" all the information they need to make their big day a Sark day.
- 7.5 S. Williams Tourism is already working on this initiative and she has discussed with Conseiller Baker the timescale for this piece of legislation. Given the previous experience of delay when trying to take legislation through the Privy Council, it would be wrong to start advertising the potential opportunities until the option can be delivered. Tourism will review the situation later in October but, as the new Tourism two-year brochure is expected to be at the printers in November, references to Sark being a wedding destination will be included.
- 7.6 E. Baker Felt that Tourism should embrace this now; there is nothing to stop people getting married in Sark at this stage and special licences can be issued.

- 7.7 **Proposition – CARRIED**
That Chief Pleas approve the Projet De Loi entitled The Marriage (Special Licences)(Sark) Law, 2013.

8 Development Control Committee The Housing (Control of Occupation)(Sark)(Amendment) Law, 2013

- 8.1 Dunks Whilst this report is coming from the Development Control Committee as it is drafting the main Law, this amending legislation is at the request of the Douzaine.
- 8.2 E. Baker We have been working on this for some time and hope that this definition will clarify the Law when it comes in. The main Law to which this will apply will be brought to Christmas Chief Pleas.
- 8.3 Cocksedge Had received representation from Madam Kay Char and he started reading her letter verbatim; it challenged the definition and suggesting implications beyond the limitations of this Law.
- 8.4 E. Baker Interrupted the reading of this letter on a point of order as it was introducing suggestions which were not true. This definition only applies to this Law.
- 8.5 President Allowed the letter to be read but stressed that this definition only related to this Law and goes no further.

- 8.6 Cocksedge Completed the reading of the letter before asking how this Law affects someone who has to work off-Island, in Guernsey, in England or abroad. He gave examples such as industrial divers on rigs or nurses. We could see more and more of this - how would it affect their rights.
- 8.7 E. Baker For those who already have local market qualification (15 years) it would make no difference at all. Miss Char had made no approach to him directly and shown no attempt to find out or understand the legislation as proposed. He repeated that this definition only related to this one piece of legislation.
- 8.8 Cook Found it worrying that Chief Pleas could allow the verbatim reading of a letter from someone outside Chief Pleas who is not elected and does not represent the people of Sark. Conseillers are there to listen and bring the views of the public to Chief Pleas. It could open the way for more such letters being sent for reading out.
- 8.9 Gomoll Drew attention to Section 10(b)(i) of the Law seeking clarification of this definition and wishing it to be applied in the widest possible way including those on training and apprenticeships in Guernsey. He also suggested that a parent of a minor child who has to stay away with the child should also not cease to be resident on Sark. He put forward some possible wording changes that would cover these points.
- 8.10 President Amendments cannot be made from the floor other than by the Committee bringing the report. If you had given notice of this the Committee could have gone to the Law Officers to have amendments made before bringing it forward today.
- 8.11 Dunks This matter was first put forward in April 2013 but he has had no contact during that time with Miss Char. He had no problems with the definition only with the lack of guidelines as to what documentation is required to prove the residential period.
- 8.12 Guy Thought Chief Pleas was in danger of losing the plot here and she explained that this legislation was only trying to define what constitutes a qualifying year when accumulating the necessary period for obtaining local market status. Nobody will be kicked off the Island if they do not spend long enough here in any one year.
- 8.13 E. Baker Thanked Conseiller Guy for being so positive. This definition is simply to do with this Law; there are those who would have the whole Island declared open-market but the whole purpose of this Law is to protect the status of local people living on the Island.
- 8.14 **Proposition – CARRIED**
That Chief Pleas approves the Projet entitled The Housing (Control of Occupation)(Sark) (Amendment) Law, 2013.

9 Finance & Commerce Committee

The Employment Agencies (Enabling Provisions)(Bailiwick of Guernsey) Law, 2012 (Commencement)(Sark) Ordinance, 2013

- 9.1 Cottle This is a self-explanatory Ordinance; the enabling Law has no substantive effect and just makes it possible for Sark Ordinances to be considered and approved by Chief Pleas. Having passed this Law in January it is sensible to introduce this legislation as it is already in place elsewhere in the Bailiwick.
- 9.2 **Proposition – CARRIED**
That Chief Pleas approves the Employment Agencies (Enabling Provisions) (Bailiwick of Guernsey) Law, 2012 (Commencement) (Sark) Ordinance, 2013.

10 General Purposes & Advisory Committee

The Election of Conseillers December 2013

- 10.1 Cook There is a need to approve the proposition if a by-election is to take place on 4th December 2013. He drew attention to Section 1(1)(b) which has been left open to act as a catch-all for any further resignations and, as a consequence, the vacancy created by the resignation of Margaret Mallinson will be included in the vacancies to be filled.
- 10.2 Melling Wished to air two thoughts at this time. When Chief Pleas was reduced to 26 members the question was asked - *do you require a by-election*. The Reform Law gives us the option to go to election or not. When reaching 25 the Law says we must go to election. He believed that in the circumstances prevailing in Sark at the present time, Chief Pleas should have applied more urgency to this matter with an election being called at the earliest possible date.

- 10.3 Melling He turned to resignations and wished to express his dismay at the practise of resignation “*with immediate effect*” which seems to be the order of the day now. Surely a person elected by the residents of this island should give reasonable notice to quit. Perhaps it could be considered that any resignation should be dated to the eve of the next scheduled meeting. To be able to walk at a minutes notice does not make for good feeling from the electorate or the Committees that are left in limbo.
- 10.4 President There is nothing in the Law to stop an individual resigning immediately. Former Conseiller Maitland gave notice to quit after the next meeting of Chief Pleas. It would be difficult to define in Law a set of rules which would apply to every eventuality.
- 10.5 Guy Could see the sense in what Conseiller Melling says but it shouldn’t be on the eve of a Chief Pleas meeting. When she resigned as a Deputy some years ago she gave notice because she had a duty to complete unfinished business with the Committees on which she served.
- 10.6 Melling He was looking at the perception of others; he remembered sitting in Chief Pleas and being asked whether the resignation of a Member was accepted. Now the individual is wiped off the website and within minutes it is as if they never existed. He didn’t think that was quite right.
- 10.7 **Proposition – CARRIED**
That Chief Pleas approves “The Reform (By-Election)(Sark) Ordinance, 2013”.

11 Finance & Commerce Committee

2014 Budget & Taxation

- 11.1 E. Dewe This Committee (F&CC) is very aware of the economics of Sark at the present moment and has tried to keep expenditure as low as possible for 2014. It has asked all spending committees and the Trustees of Island Properties to review their requests which they duly did. This Committee has no power to refuse requests; it is mandated to raise the necessary taxation accordingly and balance the books. The Treasurer is very strict on monitoring Island expenditure and sends out monthly reports to all spending committees and to F&CC so each is fully aware of how much it has spent and what remains in the budget. Unfortunately, if Chief Pleas does not keep up with maintenance of the Island property it will be to the future detriment of those assets.
- 11.2 Bache Sark is a small island with a small population but it deserves the very best financial system and budget that Chief Pleas can devise. We should all be working for this as we look at the detail of this draft budget and we should be considering, at the same time, whether our financial controls could be improved. He looked to the latter point first because it will also affect the future.
- 11.3 Who is currently in control of the Island’s finances? Some might say F&CC but, though he knew that they will have worked very hard on this budget, he doubted if even they would assert that they have full control and they might argue that they are limited by their mandate. Certainly it is very clear from the Report before us that their control is not complete. For instance, we have not been given the total wages and salaries bill but we have been told that salaries and wages account for more than half this year’s additional expenditure. This is a major commitment yet, as the report shows, the Committee is not in a position now to control it. He would never have been in favour of a wage freeze but for the future he would like to be sure that the Government has ultimate control of this part of its expenditure and was sure that the electors would too.
- 11.4 There is also a wider question of expenditure in general. At present, the Budget is expenditure led, that is to say spending committees are asked for their bids which are then totalled. F&CC has then to work out what taxes etc. have to be raised to pay for any increase in overall expenditure. But none of us run our household budgets like this; we do not go out and spend and then sit down and consider how we are to pay. Rather we know, or can estimate, what our income is, or might be, and then we make sure that expenditure is within this figure. So why does Sark continue to allow expenditure to give the lead?

- 11.5 Bache There is a secondary point; does the present system allow anyone to sit down and look at expenditure across the board? The Committees do their best to prioritise expenditure within their own bids but is anyone then considering whether all the pieces of expenditure have to be considered *essential* for the coming year or whether some might be spread over more than one year, or even discarded because of other more pressing requirements? Prioritisation is essential whenever there are a number of alternatives. We need this overview and prioritisation if we are to develop a more rigorous budget which in turn is vital if we are to get through some difficult years without overtaxing individuals.
- 11.6 These issues are very relevant when considering whether the present budget is acceptable but they are too fundamental to be corrected today. Is there a possibility however that F&CC might bring to Christmas Chief Pleas a revised mandate which would broaden the scope of the way they can work and would thus ensure that they have the ability to take full control of the Island's assets and finances and so construct future budgets in the most effective way?
He was confident that this would have the support of other Conseillers and certainly of the electorate. He asked the Chairman if she will agree to pursue this with the Committee.
- 11.7 E. Dewe Made an undertaking to review the F&CC mandate.
- 11.8 Cocksedge Had a number of questions:-
Each year we keep increasing the tax across the board in good years and bad. In bad years it takes its toll on the working population. Most private sector workers have probably not had a pay rise for a number of years due to the present market forces unlike the Island workforce! With population ageing and younger families moving away, the strain on the working population will increase.
- 11.9 People ask why the Personal Allowances for those with means is not higher.
He had always said that the way the budget is set is inflationary. The various factions put in what they would like for their allocation and the tax is set.
Why can the pool of money not go up by a percentage each year? Each spending committee then has to cut its suit to fit. Chief Pleas would have to prioritise what projects would go ahead for that year.
Could the Island not make a saving by centralised purchasing, cleaning materials, stationery, etc?
In expenditure, on "Public Works" what is meant by unrecoverable charges?
- 11.10 S. Williams F&CC has done its best to reduce the expenditure and is well aware of the struggle likely to be felt by many residents in a difficult year. Everybody keeps telling her that the rises are 15% but can we get away from that barrier and make it 65p instead.
Taxes are going from £4.81 per week to £5.54 per week which makes an additional £0.65p per person per week. It perhaps doesn't sound so bad put like that.
If we want to continue to support our school, give a free education to our kids and maintain our present level of teachers and classroom assistants as well as supporting our old people and all the other services supplied we have to pay for it.
She agreed that the top scale of tax should be higher but, so few people pay it anyway, it is the income from the forfait that needs to be maintained.
Does Chief Pleas want F&CC to review its mandate so it is in a position to dictate to each committee its level of spending? Some Committees will be very unhappy and the public will be more aware of the impact this change could have on them.
- 11.11 Guy The increases based on the September Retail Price Index (RPI) in Guernsey each year was started because the Island workers were on such low pay and it was hard to attract people to work for the Island; she was not sure that this was the case any longer. This year, Island employees will get a 2.8% increase whereas elsewhere workers are lucky if they get 1% or less.
She understood F&CC is intending to go a long way towards reviewing that policy in 2014 and also asking for spending requests to be submitted earlier, to seek an improved timeline and discuss priorities so that choices in expenditure can go back to the committees in June.
Harbours & Pilotage Committee (H&PC) shaved £5k off its repairs budget for 2014 yet we hear today of £3k being set aside to commemorate those who died in World War I; that is 3/5ths of the saving made by H&PC.

- 11.12 Cottle Understood the significance of that comment but the figure is a recognised contingency and any commitment to spending will be brought back to Chief Pleas for its approval. It is in the budget as a safeguard because the amount reserved for unforeseen expenditure is cut in 2014 by £30k and committees have been requested to identify potential expenditure in the main budget whenever possible.
- 11.13 Guy Can H&PC have its money back if you don't spend it?
- 11.14 Bache Thanked Conseiller Dewe for promising to look at the mandate. He felt that there must be a rigorous review of budget requirements next year when planning commitments for 2015. He asked that a draft mandate should come back to the Christmas meeting so that F&CC could start its 2015 planning now.
- 11.15 Audrain Supported the points made by Conseiller Bache.
- 11.16 P. Williams Answered the earlier question about unrecoverable charges; emptying Island waste bins, servicing the sheep racing weekend were two examples. He confirmed that there was already a central store which supplied materials including those to the School, various offices and public toilets.
- 11.17 Gomoll Asked if it was worth seeking a show of hands to indicate whether a new mandate should be adopted to give F&CC greater control in the overall management of the budget. There are some budget items over which there was no control at present and he identified the payments to the Procureur as one such; an estimated 23% increase is shown for 2014 but only the Procureur knows how this money is spent.
- 11.18 E. Dewe Was content to see a show of hands.
- 11.19 President Willing to accept an informal show of hands if a proposal was put forward.
- 11.20 R. Dewe Was concerned that the increase in salaries and wages was a high proportion of the increased budget level for 2014. He was aware that some Island employees had a cost of living index written into their contracts. It would be unfair to recognise those individuals but not pay an increase to other employees.
- 11.21 Guy Has assurance from the Chairman of the Douzaine that payments by the Procureur are carefully monitored but she understood that on a future Douzaine agenda an item dealing with the policy of payments by the Procureur will be discussed. That could be made available to the F&CC whilst still maintaining confidentiality.
- 11.22 President Chairman of F&CC has agreed your request but what will the show of hands be trying to indicate?
- 11.23 Gomoll That all expenditure requests to Chief Pleas have to come and go from F&CC.
- 11.24 President Asked for an informal show of hands; *[this indicated that half the Assembly supported that concept].*
- 11.25 Gomoll Secondly that F&CC should get full visibility of all budget items.
- 11.26 President Asked for a second informal show of hands; *[a quarter of the Assembly supported that option].*
- 11.27 Cook Once again we are in danger of making policy on the hoof rather than sitting down and having strategy and a proper steer as to which direction we are going.
- 11.28 R. Dewe The expenditure of the Procureur is formulae-led but is difficult to predict. If underestimated, coming back for more funding may not be an option; circumstances can change for the individual or for the Island as a whole. Chief Pleas should be aware of this problem.
- 11.29 Bache Broadening the revenue base; once again the budget shortfall has been met simply by raising personal taxation and impôt. Can revenue not be raised in other ways? He was aware that the Chamber of Commerce has written to the Committee with suggestions about revenue but perhaps their letter may have arrived too late for it to be pursued? However, it was suggested back in April that other ways of raising revenue should be researched so that these might be used in place of or in addition to impôt and personal taxation and so reduce the burden on individuals. Has any research been done?
- 11.30 What view has the Committee taken about 2014? Does it expect inflation in Sark to rise and if so how rapidly? Guernsey, I am told, is expecting an increase. Will unemployment continue to rise? If this is the expectation then is the allocation for the Procureur seen by F&CC as sufficient? And the price of oil? Also are there any medium term projects or large expenditures that we should have in our minds?
- 11.31 For the future may he suggest that a scene-setter, or a view of the economy, which would cover such areas would certainly help us to understand the road ahead better at the start of the next Budget debate?
- 11.32 E. Dewe Warned that if any of the propositions were lost, F&CC would have to call for an Extraordinary Meeting of Chief Pleas to review its options.

- 11.33 President Asked if the Committee wished the Propositions 1-7 to be voted on as a whole or individually.
The Committee requested that a separate vote should be applied to each one.
- 11.34 **Proposition 1 – CARRIED**
That the rate of Property Tax be increased to £8.45 per quarter for the year 2014.
- 11.35 **Proposition 2 – CARRIED**
That the minimum rate of Personal Capital Tax be raised to £288.00 for the year 2014.
- 11.36 **Proposition 3 – CARRIED**
That the upper level of maximum tax permitted by Section 8(2)(a)(ii) of The Direct Taxes (Sark) Law, 2002 be increased from £5,000.00 to £10,000.00.
- 11.37 **Proposition 4 – CARRIED**
That the maximum rate of Personal Capital Tax be raised to £5,760 for the year 2014.
- 11.38 **Proposition 5 – CARRIED**
That the net asset fraction for the calculation of Personal Capital Tax be increased to 0.54% for the year 2014.
- 11.39 **Proposition 6 – CARRIED**
That the forfait factor for the calculation of Personal Capital Tax remains at 4 for the year 2014.
- 11.40 **Proposition 7 – CARRIED**
That the Impôt Rates be increased as listed in Appendix 8 for the year 2014.
- 11.41 **Proposition 8 – CARRIED**
That Chief Pleas approves the Ordinance entitled The Direct Taxes for 2014 (Sark) Ordinance, 2013.
- 11.42 **Proposition 9 – CARRIED**
That the budget of income and expenditure for the year 2014 be accepted.

12 Public Health Committee

The Regulation of Nutritional Health Claims & Food Supplements

- 12.1 Melling The Committee has consulted, as is clear from the report, and concluded that this is a necessary way forward. As suggested, the relevant sections will be taken from the Guernsey Ordinances to ensure Sark has sufficient legislative control and its own infrastructure to be able to administer it. As stated in the report any Ordinance will come back to Chief Pleas for its consideration and approval.
He had an update as of this morning - *“the Ordinances are going to the Departmental Board in Guernsey on 16th October, from there to the Legislation Committee and onto to the agenda for the States meeting, possibly in November”*.
- 12.2 **Proposition – CARRIED**
To request the Law Officers of the Crown to draft Ordinances appropriate to Sark, to incorporate the necessary protection required in line with Guernsey and to take account of the applicable EU Directives and Regulations. Once completed, the Committee will return the Ordinances to a future meeting of Chief Pleas for discussion and approval.

13 General Purposes & Advisory Committee

The Regulation of Production of Alcoholic Products

- 13.1 E. Baker This whole subject of regulation has been discussed for over nine years and finally Chief Pleas delivered two resolutions, one on the 6th August 2010 and the other on 3rd October 2012; the Law was petitioned in London, as has become common with most of our Laws, with the effect it was further delayed.

- 13.2 E. Baker The Projet de Loi is in six parts. One of the most important sections is Part 1, Section 4. Determination of applications-
 (1) the Committee must, in determining an application for a licence, have regard to –
 (a) the need to protect human health,
 (b) the cumulative effects of the production or manufacturing process to which the application relates having particular regard to -
 (i) the effects on human health,
 (ii) the effects on the environment,
 The Projet de Loi includes the power for Chief Pleas to make Ordinances that will bring into force different parts of the Law; as examples – power to exempt, power concerning investigation, power to charge impôt, power to create offences involving impôt and, of course, the Commencement Ordinance.
- 13.3 S. Williams Declared an interest as a licensee but supported the legislation; she had received comments from another licensee who bottles and brews his own alcohol on the Island who says about time too; he also supports charging impôt. This will create another income stream for the Island.
- 13.4 Guy There are two aspects here: firstly it is a potential new income stream, which is desirable and secondly, she presumed it will give the public the same kind of protection from unsafe or unpleasant beverages as they would expect to find anywhere else.
- 13.5 She questioned whether a commencement date of 1st May 2014, though desirable, was too ambitious. If the two propositions are carried today GP&A has first to set up a public consultation, and this will have to be Island-wide to deal with residents feelings about any exemptions that they would like to see in place as well as getting the opinions of professional producers; these have to be returned. GP&A then has to collate and analyse this information to put forward thoughts for a draft Ordinance. The Ordinance has to be drafted (and the likelihood of getting it right first time is not high!) and a full report plus the commencement Ordinance has to be with the President by 13th December. From tomorrow until the 13th December there are just 10 weeks and one day; but if the Committee believes it is achievable, she assumed with help from the new Senior Administrator, she felt the Committee should go for it.
- 13.6 Ventress Would the Public Health Committee (PHC) be involved in the cleanliness of the production process?
- 13.7 E. Baker Confirmed that PHC would be involved.

13.8 **Proposition 1 – CARRIED**
That the GP&A Committee undertakes a period of public consultation to end on the 22nd November 2013 to discuss its legislative intentions, the programme for implementation, its proposed exemptions and the level of impôt to be charged for producing alcoholic products.

13.9 **Proposition 2 – CARRIED**
To request the Law Officers of the Crown to draft an Ordinance to enable the Law to be introduced on 1st May 2014.

14 Public Health Committee Transfrontier Shipment of Waste

- 14.1 Melling Everything is in the report but the basic change is that Sark's designated administrator for this Law, and the licences issued under it changes; currently with the Guernsey Health and Social Services Department (HSSD) (this was agreed in 2000/01) the work will change to the Environment Department. PHC will take the opportunity of change to insist on more Sark involvement in the issue of any licence. Licences have been sought by others not linked to our departments and until now we have not been involved in the process. The Law has not allowed for shipment from Guernsey to Jersey and clearly with the possibility of waste going to the Jersey incinerator this has to be changed.
- 14.2 Gomoll Asked whether the Basel Convention was applicable to Sark.

14.3 Melling Confirmed that it was and had been brought to Chief Pleas. PHC was now dealing directly with Ms Val Cameron, Director of Environmental Health and Pollution Regulation on the States of Guernsey, who had been to visit and advise the PHC.

14.4 **Proposition – **CARRIED****
To request the Law Officers of the Crown to update the Transfrontier Shipment of Waste (Sark) Ordinance 2001 to comply with legislative changes being made in the Bailiwick and to incorporate the applicable EU regulations.

15 The Douzaine

The Creation of a Policing Review Team for Sark

15.1 R. Dewe The role of the Sark Constables has changed over the years, apart from their policing duties; traditionally they collected La Taxe and supervised and paid the road repair men during the winter period. La Taxe has been replaced by The Direct Taxes (Sark) Law, 2002 and is administered by the Tax Assessor and road repairs now come under Public Works with the workmen being paid directly by the Island Treasurer.

15.2 Needless to say, their policing role has moved into the 21st Century and, as modern policing methods have been introduced in the other islands of the Bailiwick, the Sark Constables have been required to undergo training and become familiar with “The Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003”.

15.3 All this has made the position of the Sark Constable more complex. The Terms of Reference, outlined in Proposition 1, are purely a draft as suggested by the Chief Officer of the Guernsey Police and Border Agency, Patrick Rice, and will have to be negotiated as being acceptable to both parties, before any serious talks may begin.

15.4 As retiring Constable, Adrian Guille, has been at the sharp end of policing Sark during the past two years and has done so much of the groundwork; it was proposed that he be appointed to the Committee as a non-Chief Pleas Member in addition to those named in Proposition 2. He is aware that his name will be proposed and has agreed to serve on the Committee if elected. Patrick Rice was very content with the way the Sark Constable, Adrian Guille, has carried out his duties during his period of office.

15.5 Guy She was pleased to see this initiative as she thought it was necessary and desirable. She was disappointed that there was no woman in the group proposed. She was aware that Patrick Rice was concerned about incidents of family violence in Guernsey and she thought dealing with this in Sark might be too heavy for Douzaine Members to embrace.

15.6 S. Williams Seconded the points made by Conseiller Guy.

15.7 President Suggested that nomination and election of a female Conseiller could be made at Christmas Chief Pleas.

15.8 E. Baker Perhaps it had been overlooked that the present Constable is a female.

15.9 Audrain Made the same comment about the lack of women on the Committee. There are those who have been involved in policing Sark in recent years who might be recruited. She asked how representatives were selected to attend the meeting with Patrick Rice when he came to Sark.

15.10 E. Baker Admitted that there was some miscommunication between himself and the Committee Secretary as to those attending.

15.11 **Proposition 1 - **CARRIED****
That Chief Pleas appoint a Special (*ad-hoc*) Policing Committee, with the Draft Terms of Reference as outlined by the Chief Officer of the Guernsey Police and Border Agency, Patrick Rice and the requirements of “The Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003”.

15.12 **Proposition 2 – **CARRIED as amended****
That the following Conseillers be appointed to the Policing Review Committee: Andrew Cook, David Melling, Michael Mann, Paul Williams, Richard Dewe and the Constables and that Mr A.L. Guille be elected as a non-Chief Pleas Members.

16 General Purposes & Advisory Committee Rules of Procedure

16.1 Cook Had nothing further to add to the report and the propositions were self-explanatory.

16.2 **Proposition 1 - CARRIED**

That Chief Pleas accepts that it was never intended that ex-officio Members of Chief Pleas' Committees should have voting rights and agrees the insertion of the word "not" into the definition.

16.3 **Proposition 2 – CARRIED**

That Chief Pleas accepts both sets of Rules of Procedure as amended to recognise the revised roles of the Seneschal and President.

17 Conseillers Guy & Dunks Declaring an Interest

17.1 Guy Introduced some small alterations to propositions 2, 3, and 4. The second sentence in the case of each of these propositions should read -
'These will be updated by the Greffier requesting updates/changes annually during January.'
'From Members' needs to be deleted because in the case of propositions 3 and 4 being carried the update will not be required from *all* members and it seems sensible to standardise the wording in all three propositions related to this.

17.2 This report and these propositions are brought because of a perception by at least two Conseillers that the present Rule 13 lacks teeth. Declarations are not checkable in any way by the public, fellow Conseillers or by the President of Chief Pleas and depend on Conseillers remembering to declare and being entirely scrupulous in doing so.

17.3 There are three parts to the report -
The first involves tidying up the present rule of procedure to require the President to ask if there are any requests for a declarer to stay in the chamber. It also defines what a declarer may or may not do when he or she remains in the chamber. Proposition 1 covers these aspects.
The second part is related to who should complete a declaration form. Responses from you varied on this. Some felt that The Seigneur (and his deputy) and The President should, as well as Conseillers. Others felt that The Seigneur should be excluded from this requirement. Some thought that the requirement should only be made of Conseillers.

We have attempted to cater for this by putting forward Propositions 2, 3 and 4. If you feel that The Seigneur and his deputy, the President and Conseillers should all complete a declaration form then you should vote for Proposition 2 and we would urge you to bear in mind that it is the office that is at issue here so you should put personal affections and respects you may hold for the present holders aside. Your only considerations should relate to how much or little influence you feel that The Seigneur and The President have on the decisions of the house and whether you feel the holders of those offices are more like The Speaker of the House of Commons and The President of the States of Alderney, who do submit a declaration form, or the Bailiffs of Jersey and Guernsey, perhaps even Her Majesty's Lt Governors, who do not.

In the event of Proposition 2 falling, then Proposition 3 requires The President and Conseillers to complete the form and, if that is what you believe to be in the best interests of accountability then you should support that proposition.

We should perhaps add that no one responding to us suggested that the Seigneur but not The President should submit the form.

Should Proposition 3 fail, then Proposition 4 requires only Conseillers to complete the declaration form.

17.4 Some Conseillers feel that this is a requirement that was not in place when they were elected. To cater for this, the proposers are willing to alter the proposed starting date to January 2015, after the next election, but would prefer to make the starting date January 2014.

There are some who believe that we should not make a formal declaration of interests at all. We hope that they will be giving their reasons in the course of the debate because we feel that the public should know why they are taking this stance.

- 17.5 Guy Proposition 5 relates to the suggested form. In it we have attempted to keep things as simple as possible without excluding important issues that are in place on other declaration forms in other jurisdictions. Once again we would remind Conseillers that in no cases are the value or amount of any remuneration to be declared. As far as property and land is concerned, we decided to include only property and land in Sark as property and land in other locations would seem to be unlikely to come up for debate in Chief Pleas for the foreseeable future. We have excluded Family Trusts from section three, though they do appear in forms for the other islands. This is done because, in our very small community, we felt that there is a potential risk in declaring the business of another family member, who is not a member of Chief Pleas, by default. Professional trustees are excluded from this section as we would expect this, their employment or part of their employment, to appear in section 1. It was difficult to make any sensible suggestions about gifts. We doubt any of the present members have received or been offered any gifts at all. However, with a little stretch of the imagination, it is possible to see that this could occur in the future. For example, a hotel group considering moving in to the Channel Islands, might offer The Chairman of Tourism, a two week exploratory trip to one of their resorts in the Bahamas. Most sections related to gifts to members in the other islands use the criterion of gifts exceeding 1% of a States Member's salary. This, of course, would be 1% of nothing in our case so we have assumed an average Sark salary of 15 thousand and taken 1% of this.
- 17.6 You will note that it is not suggested at this point that the completed forms are put on the website but that they are held by the Greffier in hard copy form, with a further copy held for reference in Chief Pleas by the President. This is a traditional Sark way of doing things and is because one Conseiller felt that there was a risk of identity theft and others felt it was a step too far. However, if in debate it is clear that the majority would prefer the information to be posted on the website then the proposers would be prepared to amend Proposition 2, 3, or 4 and the form accordingly.
- 17.7 The final proposition, Proposition 6, simply refers to action that should be taken in the event of the propositions before you being carried and those then required to do so failing to submit a form or making a false declaration. We are sorry if some Conseillers feel that the propositions or the content of the form are less strong than they would have wished. Please accept our hope that what we have brought will encompass the majority of the house. Finally if any wag wishes to state that we should all declare an interest in debating declaring an interest then could I assure you that this of a general, non-immediate and non-pecuniary nature so absolutely fine under the present rule 13!
- 17.8 Dunks As co-author, he felt there was little he could add after that introduction.
- 17.9 Ventress Thought a breakdown of the results of the questionnaire would have been nice.
- 17.10 Melling Congratulations to the two proposers who clearly have done a lot of work. He expressed his regret but was not happy about the purpose of this report and it is not because he had anything to hide; he wished he had! This proposition will, if accepted, be another hurdle for someone who wishes to stand for voluntary service as a Conseiller. If this was a work contract or a paid position then perhaps he could understand it a little better. He feared that the Chief Pleas we are creating may end in very few coming forward to stand in future years and, if we do not achieve the required numbers to run with, he feared for Sark's future. In all the time he had been in Chief Pleas he couldn't recall the honesty of any Member being questioned but under such new rules he could see all sorts of problems. The report talks of punishment - being named or even suspended from service; it is only the electorate who have such rights at the ballot box. Is it right that Members of the House could prevent a member from doing the duty he or she swore to do? Can we just not stay with the present system? Conseillers have today decided on taxation; this affects every one of us so this must mean we have an interest. The Proposers say that the start date, January 2014, could be moved to January 2015, to make it fairer on those already elected who would have been unaware of the rule to declare, but we will still have members running on for two more years later than that - is this fair?

continued/-

- 17.10 Melling He wouldn't be supporting this report as he felt we are building barriers that are unnecessary; the system we have works and is good enough for Chief Pleas. -/cont. This isn't a mini-Westminster so why are trying to create just that?
- 17.11 Adams Whether paid or not we are all making decisions on things to which we have a pecuniary interest.
- 17.12 Bache Was concerned about the logic that voluntarism is vulnerable here; if people are content with their own position they will not be worried about filling in the form; if they are, they are not the sort of people who should be sitting in Chief Pleas anyway.
- 17.13 Gomoll Looked for middle ground here, suggesting that a Conseillers should submit a written declaration to the President three days before the sitting. This would avoid preventing volunteers from coming forward.
- 17.14 R. Dewe Most of Chief Pleas' work is done in Committee and these rules would perhaps be more applicable as declarations before items being considered in Committee.
- 17.15 Guy A questionnaire could be made available applying specifically to Committees. She agreed with Conseiller Adams that just because we are not paid we should still take responsibility for our actions. She made further mention of the 2015 option.
- 17.16 She was disappointed that Conseiller Gomoll had not progressed his idea earlier because he did raise it in his questionnaire response. She then repeated the proposition options again.
- 17.17 Gomoll His system would be mandatory not voluntary; declarations should be agenda driven. He gave a scenario about shareholdings outside Sark.
- 17.18 Guy Responded about shares; such a scenario could come to Chief Pleas for consideration which is why it has been left in the declaration.
- 17.19 President If Propositions 2, 3 & 4 all fail, there is an opportunity for Conseiller Gomoll to return with an alternative at a later date.

17.20 **Proposition 1 - CARRIED**

The wording of rule 13 of the rules of procedure should be altered to:

13(1). Subject to paragraph (2), where any Member of Chief Pleas has a direct pecuniary interest, being an interest which is immediate and personal and not merely of a general or remote character, in the subject submitted to the Assembly he shall, as soon as practical, declare his interest and withdraw from the Chamber during the consideration of and voting on the issue.

13(2). When a Member declares an interest in accordance with paragraph (1), The President shall ask if there are any requests for that Member to remain in the Chamber and, if any other Member then requests for that Member to remain and the request is supported by a simple majority of Chief Pleas, the Member may remain in the Chamber during the consideration of and voting on the issue in question.

13(3). A Member who remains in the Chamber in accordance with paragraph (2) may not take part in general debate of or vote on the issue in question however, if so requested by any other Member, he may contribute factual or technical information for the purpose of any general debate of the issue in question.

- 17.21 Guy Called for a named vote on the following three propositions.

- 17.22 **That one of the following three propositions should become a new rule of procedure to be called Rule of Procedure 13(a) -**

Proposition 2 – as amended, LOST on a named vote - 9 Pour, 15 Contre

Every Member of Chief Pleas shall submit a declaration of interests form (Appendix 2) to The Greffier on or before 10th January 2014 and any person being elected as, or otherwise becoming, a Member after that date shall submit a declaration of interests form to the Greffier within two months of becoming a Member. These will be updated by The Greffier requesting updates/changes ~~from Members~~ annually during January. Forms can be examined at The Greffe Office during normal office hours but will not be placed on the government website. A further copy of the declarations shall be held by The President of Chief Pleas.

- 17.23 **Proposition 3 – as amended, LOST on a named vote - 10 Pour, 14 Contre**
 Conseillers and The President of Chief Pleas shall submit a declaration of interests form (**Appendix 2**) to The Greffier on or before 10th January 2014 and any person being elected as a Conseiller or becoming President of Chief Pleas after that date shall submit a declaration of interests form to the Greffier within two months of becoming a Member. These will be updated by The Greffier requesting updates/changes from Members annually during January. Forms can be examined at The Greffe Office during normal office hours but will not be placed on the government website. A further copy of the declarations shall be held by The President of Chief Pleas.
- 17.24 **Proposition 4 – as amended, CARRIED on a named vote - 14 Pour, 10 Contre**
 Conseillers shall submit a declaration of interests form (**Appendix 2**) to The Greffier on or before 10th January 2014 and any person being elected as Conseiller after that date shall submit a declaration of interests form to the Greffier within two months of becoming a Member. These will be updated by The Greffier requesting updates/changes from Members annually during January. Forms can be examined at The Greffe Office during normal office hours but will not be placed on the government website. A further copy of the declarations shall be held by The President of Chief Pleas.
- 17.25 **Proposition 5 – CARRIED**
 In the event of any of Propositions 2 to 4 being carried the declarations of interests form shall be the one appended to this report.
- 17.26 **Proposition 6 – CARRIED as amended**
 Any Member of Chief Pleas/Conseiller failing to submit a declarations of interests form or making false or incomplete declarations or failing to declare an interest in meetings of Chief Pleas shall be named.

18 General Purposes & Advisory Committee

The Crowe Report

- 18.1 Bache This is an information report and seeks to formally establish that the Crowe Report is a working document of Chief Pleas. It has been used already to assist in establishing the need for a Senior Administrator and it is hoped to continue to dip into its options and advice in moving forward with the process of developing a working Government for Sark.
- 18.2 President A copy will be attached to the report in the archive as a record of this meeting.
- 18.3 Adams Workshops for Conseillers is sensible; to have the opportunity to discuss this report and those papers produced by Colin Kniveton is essential and we should not be hurried into making decisions; let's take the reports and discuss, discuss, discuss.
- 18.4 E. Baker Well done to Conseiller Adams. Nothing in this review should be considered as criticism of individuals or the jobs they do. The breadth of work undertaken with open-mindedness, honesty and objectivity by the Conseillers shows how hard working and diligent they are in working for the good of Sark.

LUNCH BREAK BETWEEN 1.00pm and 2.00pm

19 The Douzaine / Old Island Hall Sub-Committee

Re-development of the Old Hall Site – Proposed Phase 1

- 19.1 Melling Had no doubts that this is a good start to getting on with the job; we have messed around for too long and need to move forward now. We are not here today to discuss the plans for the future site but to agree the clearance of the south wing (the section which is in fact in the worse condition). The report attempts to explain to you the urgency of being able to provide better space for our existing services.
- 19.2 The use of Public Works to carry-out the demolition has raised some comment; he felt that to be absolute nonsense as Public Works has transport and disposal systems used in normal business every day, so why not use them for this now?
 The intention is to use labour from the approved list that has been compiled by the Douzaine of those who have written seeking work from the island this winter. Demolishing a building of this sort surely needs buckets of common sense and not professional workmen. With this method we should be able to keep costs down as we have a very limited budget.

continued/-

- 19.2 Melling It is stated clearly that any new build will go to tender and he firmly believes that the Public Works department will not be putting in a tender for that part of the project. Should you accept the proposition then he would ask that all concerns, ideas, thoughts etc. are made known immediately so that we can progress the planning, applications and construction side of a new build and argue out the financial issues.
- /cont.
- 19.3 Adams She was really excited by this item for the services it promises and the opportunity to employ some Sark residents.
- 19.4 Guy Felt that it is good that we should get started and use a local work force. In Sark we have no building regulations and no health and safety in the work place legislation. Though no great lover of red tape, on occasions like this, she wished that we did. She has just read all seventy two pages of the Guernsey Commerce and Employment document entitled Control of Asbestos Approved Code of Practice, 2013. It makes frightening reading. It would appear that, once it is cut, sawn, drilled or broken, there is no good asbestos. All three types are identified by the World Health Organisation as Class One Carcinogenic. Fibres penetrating the body, cause diseases of the pleura, lung cancer, mesothelioma and asbestosis. All can kill and some remain latent for as much as 40 years. The younger the person exposed the greater the risk of developing some of these diseases at a given older age. The document also describes how asbestos demolition can and should be done as safely as possible. In Guernsey this has to be done by competent, experienced removal contractors. There is a training scheme. If Sark has no qualified individual it is not too late to train one and, given the number of asbestos buildings that remain on the island, this expertise could prove to be an asset.
- 19.5 She sought reassurance from the Douzaine that adequate care will be taken with demolishing this structure which she believed is, in part, asbestos. She would like assurance from the Douzaine that advice has been sought on the safety issues for those who will work on the site and for those living in the surrounding area. She would like assurance from the Douzaine that at least one person will be experienced and trained in working with asbestos. She had no desire to cause undue delay to this project and the ideas all seem sound but she believed that, though we have no legislation, we do have a duty of care to those we employ and those who live on the island.
- 19.6 S. Williams Supported Conseiller Adams comments.
- 19.7 Melling Confirmed that a system of disposal is already in place. Plastic sealed skips are required by IoSS and land-fill in Guernsey. A sample of this material from the Old Hall was sent to Guernsey eight years ago and was confirmed as being low grade asbestos. Public Works will be sealing the area around the site during demolition and all those involved will wear the necessary protective clothing. Public Works already has experience of shipping asbestos and plasterboard.
- 19.8 Guy Apologised for not approaching Conseiller Melling earlier.
- 19.9 **Proposition 1 – CARRIED**
That Chief Pleas endorses the plans of the Old Hall Sub-Committee of the Douzaine to demolish the South Wing of the Old Island Hall and that the work be carried out by the Public Works Department.
- 19.10 **Proposition 2 – CARRIED**
That Chief Pleas gives approval to the Old Hall Sub-Committee of the Douzaine to seek tenders for the construction of a purpose built unit on the vacated site with a view to presenting plans and costs to the January 2014 meeting of Chief Pleas.
- 19.11 Melling That notice be given that any building company on the approved list was invited to approach Public Works for the work involved.

20 Sea Fisheries Committee

Assistant Constable, Sea Fisheries

- 20.1 Cocksedge Took this opportunity to thank Andrew Leaman for his time spent as Assistant Constable Sea Fisheries. He has provided the Committee with some good scientific data on the state of the sea-bed and knowledge of scallop and mussel cultivation. Conseiller Cocksedge thanked all the diving community who pass on this type of information; apart from sending his Deputy Chairman down with a garden hose we would never know.

- 20.2 Cocksedge Mr Leaman's record keeping and rapport with fishermen and Guernsey Sea Fisheries officers has been second to none. Thanks were also given to him for his work in maintaining the Sea Fisheries boat.
- 20.3 The Committee had a very difficult job picking from the list of applicants, all of whom had something to offer to the post. He thanked them all for showing an interest. Before a decision was made the Committee felt it was an opportunity and beneficial to have two Assistant Constable Sea Fisheries Officers to help each other and as cover when one is not available. Both will be trained by Guernsey Sea Fisheries Officers and our outgoing Assistant Constable. Neither Conseillers Prevel nor Cocksedge took part in the voting process as both had family connections to the applicants. The chosen candidates are Robert Knight and Rodney Lalor.
- 20.4 **Proposition – CARRIED as amended**
That Chief Pleas endorses the appointment of Mr Robert Knight and Mr Rod Lalor as Assistant Constables, Sea Fisheries for a six month probationary period.
- 20.5 President Stated that the two Assistant Constables, Sea Fisheries, would be sworn in at the same Court as the Constable and Vingtenier soon after the conclusion of this meeting.

21 Shipping Committee

Revision of the Memorandum of Understanding between the Isle of Sark Shipping Company and Chief Pleas.

- 21.1 Cook The Committee has endeavoured over the last few years to clarify how the shipping company operates and how it is accountable. We have removed as far as possible any opportunity for inconsistent political interference so giving the Directors the confidence to plan for the future. The MoU agreed with the Directors sets out the purposes and objectives of the company and includes agreement on how the company reports to the public. Clause 7 of the MoU ensures that financial accountability is possible; the Committee believes that it is appropriate that the office of the Island Treasurer is the right place for this to take place. Information is currently shared with the Treasurer and it is suggested that a maturing of this relationship would be correct and beneficial. Hopefully this helps explain why we are suggesting the change to clause 5
- 21.2 Bache Accepted the view that no political interference should be applied on a day to day basis but Chief Pleas does stand behind IoSS. Presumably the Treasurer would monitor and give due warning, rather like a lightning conductor.
- 21.3 Cook Drew attention to Item 7 of the MoU –
At any time that the Company owes a debt or liability to Chief Pleas, the Company will promptly provide to Chief Pleas such financial information including (without limiting the general nature of this requirement) copies of its business plan and cash-flow forecast, as is requested by Chief Pleas in relation to the Company's activities in order to assess its financial position.
- 21.4 **Proposition – CARRIED**
That Chief Pleas approves the suggested amendment to clause 5 of the Memorandum of Understanding between the Isle of Sark Shipping Company and Chief Pleas and authorises the Chairman of the Shipping Committee to sign the revised document.

22 Sea Fisheries Committee

Storage of Shellfish.

- 22.1 Cocksedge Before considering the proposition he wished to correct a mistake and an omission. The Fishing (Sark) Ordinance should read 1996 not 1966 and Lobsters should be included in the list of crustaceans. He had nothing to add to the report apart from the wish of the Committee to issue permits to the fishermen using the facility so that control can be kept on who is storing gear.
- 22.2 R. Dewe Now that Sark has a 12-mile limit, are there those still fishing outside that new limit.
- 22.3 Cocksedge Confirmed there were and Dartmouth was named as a regular fishing location.
- 22.4 Gomoll Asked why it was necessary to sell off-Island.

- 22.5 Cocksedge This is to protect Sark's inshore waters during the closed season. Fishermen had been storing fish off Herm but weather conditions and theft have meant significant losses of the fish stored.
- 22.6 Guy Informed the House that this has already been to Harbours and Pilotage Committee to consider from the practical point of view of the day to day running of the harbours; it had concluded that there is no reason why this should not happen as long as certain provisos are maintained -
- That any keep-pots must not impede safe passage of vessels into Creux Harbour and must be clearly marked;
 - That all winter keep-pots are removed from the moorings area by 19th March at the latest.
 - That, as stated in the proposition, any keep-pots placed in Les Laches must have their position and placement approved by The Harbourmaster.
- She felt that, provided it can be policed and permits are issued to the fishermen concerned as the Chairman of Sea Fisheries assured her they will be, every encouragement should be given to Sark fishermen to continue their work throughout the winter as safely as possible and this proposition will still allow for conservation in our three mile limit so should not be to the detriment of those fishermen who choose to work the March to October season only.
- 22.7 Gomoll Why can't the fish be sold on Sark?
- 22.8 Cocksedge Under the present law it is illegal to have in ones possession during the close season any lobster, crab; spider, crab, crawfish and lady crabs unless they are preserved [i.e. frozen, pickled, smoked etc.].

- 22.9 **Proposition – CARRIED as amended**
That Chief Pleas direct the Sea Fisheries Committee to request the Law Officers to produce an Amendment Ordinance to the Fishing (Sark) Ordinance, 1996 under section 4 of the Ordinance adding a new sub-section(3) - Exemption to section (1).
Storage of brown crab, crawfish, lobster and spider crab that have been caught by Sark Fishermen outside the territorial waters of Sark during the close season can be stored in a designated keep in the area known as Les Laches approved by Sark Sea Fisheries Committee and the Harbourmaster.

23 Education Committee

Annual Report on Sark School

- 23.1 Audrain Introduced the report which she described as comprehensive and confirmed that the Committee was content with the way the school was developing. She highlighted the Forest School and Watch Group Projects and stressed that environmental issues were very important for children to understand. They benefit from a lot of help from the community which is much appreciated and she thanked all those who had helped in setting-up the schemes on the ground.
- 23.2 Bache Referred to the figures of those in attendance at the school and asked how this differed from previous years and was there a trend in numbers.
- 23.3 Audrain Every Education Committee meeting has a regular update and the Committee monitors the numbers in school carefully.
- 23.4 Adams As a parent, she is impressed and amazed at what is available to the children.

24 Public Health Committee

Electro-Magnetic Radiation Combined Output of Masts and Antennae

- 24.1 Melling At the beginning of the last Chief Pleas' meeting, and again in this report, he had asked for any technical question to be given in advance so that he had time to get a professional answer. He was grateful that no such questions have been forwarded. It would be wise to keep a watchful eye on various events and to this end the Committee will be keeping in contact with Guernsey so that Sark receives information about changes when it becomes available.
- 24.2 He has mentioned in the report taking on consideration of a study of the incinerator emissions and, as stated, the Committee is moving forward with co-operation from the Environment Department, Guernsey and the suppliers of the equipment.
- 24.3 Dunks Asked if the information supplied was confidential.
- 24.4 Melling Having been published with the Chief Pleas' papers it is now a public document.

25 Tourism Committee Annual Report on Tourism

- 25.1 S. Williams **Visitor Numbers** – At the time of compiling this report, figures were only available to the end of August. You will see that apart from June, all months April to August 2013 inclusive showed an increase in passenger numbers.
Overall passenger numbers for a whole year up to the end of September are expected to be up by £2-3k on last year, which she felt to be a good result.
- 25.2 **Visitor Centre** – During September this year 1,752 people visited the Sark Visitor Centre, bringing the total this year up to 12,418. The newly refurbished toilets, for which funding was made available last year have been an asset and well used by visitors.
- 25.3 **Complaints** – Unfortunately, there has been a slow climb this year in the number of complaints ranging from high charges, unfriendly café owners and some people here just being plain hostile, rude and showing unwelcoming behaviour which is very sad; this included reported incidents on Harbour Hill Transport and this has been referred to the Road Traffic Committee for action.
The atmosphere between the carriage drivers at La Collinette has also given rise to many complaints. Complaints have been made by visitors (and one tour operator) who have felt intimidated saying that the hostility between the drivers is very noticeable. Carriage drivers themselves have also complained about the undercutting of prices and the general bad temper between owners. If the problem needs legislation to resolve it that can be done.
The sight of Constables in high visibility vests trying to keep order is not conducive to a good day out for the Island's visitors.
- 25.4 **2014 – 2015 brochure** - feedback from advertisers on the idea of giving the next Guide a two year print run has been mostly positive. So far, 35 advertisers have booked adverts. Unfortunately, Sark Island Hotels e-mailed the Tourism Office yesterday morning with the new that – *“Having carefully considered our position, we have concluded that our advertising spend must be target specific in order to maximise the return on our marketing investment. With this in mind we have decided against advertising in the Sark Guide 2014-2015 on this occasion”*. Conseiller Williams was somewhat confused by this decision as she had heard how important it is for tourism that Sark has a Customs Post to enhance its tourism industry yet the Sark Tourism brochure, our most vital tool for advertising the Island with a distribution of 30–35,000 per year has been rejected with Sark Island Hotels declining to take advertising space.
It will leave the Tourism Budget short by about £7-8k this year but we are changing the layout of the brochure and it will still go out regardless.
- 25.5 E. Baker This was a good report; he was staggered by the visitor numbers because we had been told that these were plummeting.
Were our informants wrong with their figures?
- 25.6 Guy Is advertising in the brochure and map a condition of advertising on the website.
- 25.7 S. Williams Confirmed that was the case.

26 Shipping Committee Verbal Report

- 26.1 Cook In Item 21 it was suggested that the Committee would endeavour to use the opportunity provided by meetings of Chief Pleas to present updated information of interest to Chief Pleas; we are taking that opportunity now and by making this a verbal report are able to update you with the most recent information available.
- 26.2 At the last public meeting held by the Directors of IoSS the plans and budgets that the company was working to for this financial year were discussed. This financial year ended on Monday – just two days ago – however the Directors have given us what information they can to pass on.
- 26.3 **Passenger numbers** for the financial year overall have been almost identical to 2012 at 48,420, though slightly more of these passengers were carried through the summer months.

- 26.4 Cook **Freight volumes** however have fallen dramatically.
 The Directors budgeted for 5,000 tonnes of freight being carried from Guernsey to Sark during the financial year 2012/2013. IOSS has actually carried 3,826 tonnes
 The budget of 5000 tonnes was based on 2007/2008 tonnage of 5,856 (before the building boom which peaked at 10226 tonnes) and then considering 2011/2012 tonnage of 5,206. The worst case scenario of 5,206 tonnes was taken and reduced to 5,000 tons which would equate to approximately £560,000 income.
 The actual freight carried during 2012/2013 was 1,174 tonnes less than the budgeted tonnage (that is just 3826 tonnes) which equates to a loss of income from freight of approximately £131,000.
- 26.5 This reduced amount will obviously have an effect on the company and the Shipping Committee will coordinate any discussion thought beneficial between the Company and the Treasurer and, where appropriate, the F&CC.
 It should be remembered though that the Directors had budgeted for a profit this year so any shortfall in budgeted income will initially reduce or remove that profit before any loss is contemplated – It is, however, much too early to expect any definitive comment.
- 26.6 The Company has the difficult task of providing a lifeline passenger and freight service at a minimum realistic cost for the benefit of residents, whilst also being expected to provide capacity to cope with a fluctuating demand. One way to balance out these fluctuations is to obtain other sources of income from any capacity not required for the main purpose.
 Additional income of £163,000 was hoped for in the financial year 2012/2013.
 To the end of August 2013 IoSS has succeeded in achieving approximately £123,000 additional income, It is not possible to give an accurate figure as IoSS does not yet have September 2013 figures,
 This additional income has been achieved by the Company finding new income streams including tendering for cruise liners and the Guernsey coastal cruises. These cruises are proving popular and are expected to become more profitable next year as they become better established and publicised.
 The company continues to explore any opportunity that will enable it to meet its key objective and purpose in providing the Island with a lifeline shipping service.
 The Shipping Committee would like to take this opportunity to thank all those working at IoSS for going the extra mile in providing us with such an efficient, friendly and professional service – it is much appreciated!

27 Finance & Commerce Committee

Appointment of Tax Assessor

- 27.1 E. Dewe Took this opportunity to say thank you to Mr. Trevor Kendall for all the work has done as Tax Assessor since 2004 and ask Chief Pleas for a vote of thanks and wish him all the best for the future *[supported by a round of applause]*.
- 27.2 **Proposition 1 – CARRIED**
That Chief Pleas appoints Mr Simon de Carteret as Sark Tax Assessor to take office on 1st January 2014 and to serve for a period not exceeding five years.
- 27.3 **Proposition 2 – CARRIED**
That Chief Pleas appoints Mr Trevor Kendall as Sark Assistant Tax Assessor to take office on 1st January 2014 and to serve for a period not exceeding one year.

28 Road Traffic Committee

Verbal Report

- 28.1 Ventress Started by thanking the President for allowing the Road Traffic Committee to bring this verbal report with Propositions as a late item. Following the resignations of former Conseillers John Hunt & Margaret Mallinson over decisions of the Road Traffic Appeals Tribunal, the Committee finds itself with some practical issues which need to be resolved if it is both to continue and make progress. With only three members remaining it can still make majority decisions but all three members need to be present to be quorate. If one of us falls ill, or unhappily dies, the Road Traffic Committee ceases to exist for all practical purposes.

- 28.2 Ventress With a by-election in early December the ability to recruit new members to the Committee is possible but it will be the Christmas Chief Pleas on January 22nd before they can be formally assigned and take their places but meaningfully it will be early February before they can really start work with the Committee.
The Committee seeks voluntary recruitment from among the existing Members of Chief Pleas as a short term measure to tide us over and ensure that the Committee can continue to function until new Conseillers can join Road Traffic at Christmas Chief Pleas.
He must acknowledge the support of the Committee Officers in fulfilling the administrative burden of the Committee during this very trying period especially at this time of year when new licenses have to be issued and vehicle and carriage testing has to be arranged.
Naturally it would be unfair to expect short service Members to also take on development of new legislation. There are two projects - The Motor Vehicles (Sark) Law, 2013 and the Road Traffic Offences (Motor Vehicles & Bicycles) (Sark) Law, 2013 which were approved by last Easter's Chief Pleas will be before the Privy Council on the 9th October and will then hopefully be approved and returned soon after to us for implementation.
The Committee, before the regretted resignations, had given initial consideration, with the Law Officers to the secondary legislation needed to bring these Laws into effect although some preliminary work exists.
He requested the President to allow a proposition from the Committee and to seek volunteers from the floor.

- 28.3 **Proposition – **CARRIED****
That Conseillers E. Dewe and Audrain be elected to the Road Traffic Committee

0² General Purposes & Advisory Committee
Ordinances made by the Committee and Laid Before Chief Pleas

- 0.17 The Myanmar/Burma (Restrictive Measures)(Sark) Ordinance, 2013
The Libya (Restrictive Measures)(Sark)(Amendment) Ordinance, 2013
- 0.18 No motions to annul these Ordinances had been received by the President.

Closing Remarks

- 0.19 The President gave details of the arrangements for the by-election taking place on 4th December, as shown and agreed in Item 10 above, giving the key dates for advertising, nominations, closing of the electoral register and for any re-run in the event of a tie.
Full details of the main features are attached to these minutes.

Next scheduled meeting of Chief Pleas Members

CHRISTMAS MEETING – Wednesday 22nd JANUARY 2014 at 10.00am
Agenda closes - **Friday 13th December 2013 at 3.00pm**
Papers distributed to Members before Friday 20th December 2013.

This meeting closed at 2.55pm

Brian Garrard CMILT (Sark Committee Secretary) 4th–15th October 2013

President of Chief Pleas

Greffier

Finalised on 16th October 2013

The reports, to which these decisions refer, are shown in full on the website
www.gov.sark.gg
and are also available from the Committee Office for a small charge per sheet.

MEMBERS OF CHIEF PLEAS

Michaelmas Chief Pleas Meeting – 2nd October 2013

	Attending	Item 17 Proposition 2	Item 17 Proposition 3	Item 17 Proposition 4					
Seigneur – Sieur J.M. Beaumont OBE	/								
The President – Lt. Col. R. Guille MBE	/								

CONSEILLERS

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

2 – Term of office ends in January 2015
4 – Term of office ends in January 2017

A Apologies Present
/

C Contre
P Pour

Brian Garrard, Committee Secretary CMILT, 2nd October 2013

TIMETABLE FOR BY-ELECTION OF CONSEILLERS – 4th DECEMBER 2013

- 06 Nov 13 Electoral Register closes and will not reopen until after the election processes are completed.
- 07 Nov 13 Notice in Gazette Officielle and Island Boxes of forthcoming election and giving closing date & time by when nominations are to be received etc.
- Nomination forms will be available for collection from the President of Chief Pleas' or Greffe offices. When completed the forms are to be delivered by one of the persons named on the form to the President or Greffier (Returning Officer and Deputy Returning Officer respectively), after nominations open.
- 11 Nov 13 Nominations open.
- A daily list of nominations received will be posted in the Seneschal's Court Notice Box; nominations will be listed in the order received.
- 15 Nov 13 Nominations will close at 12 noon. Thereafter the Returning Officer will post Notices asking for volunteers from Island Residents to run the Polling Station and to conduct the Count after the poll closes; applications for these functions to close at 3pm on Wed 27 Nov. However, it is hoped that those who have helped at previous elections will consider assisting at the polls again.
- 15 Nov 13 Notice in Island Boxes of Nominations with Proposers and Seconders.
- 21 Nov 13 Notice in Gazette Officielle of Nominations with Proposers and Seconders.
- 02 Dec 13 A briefing will be held for the polling station and count volunteers. [Time to be confirmed later]
- 04 Dec 13 By-Election Day: 10.00 am until 6.00 pm – Polling Station in Toplis Room, Count in Main Hall.
- Election results will be announced at the completion of the Count and a Notice of the Results will be posted on the Polling Station door as soon as possible thereafter. (Should a recount be necessary provisional results only will be announced; when the recount is completed the final count results will be announced.) A ballot will be held, shortly after the final announcement, to determine the term of office of the successful candidates.
- 05 Dec 13 Notice in Island Boxes of Result.
- 06 Dec 13 Notice in Gazette Officielle of Result.

In the event of a 'tie' between two (or more) candidates, when the addition of one more vote would have caused a person to be elected, a second election has to be held, for those tied candidates only. (New Voting Papers have to be produced for the tied candidates & Notices of the second election are required to be published in the Gazette Officielle & Island Notice Boxes.)

- 18 Dec 13 By-Election re-run, only for candidates tied at 04 Dec. (No other nominations allowed.) It is hoped that the same set of volunteers would assist the Returning Officer at this second election as they did on the 04th December. The Ballot for terms of office would be held after this count and result announced.
- 19 Dec 13 Notice in Island Boxes of Result.
- 20 Dec 13 Notice in Gazette Officielle of Result.
A Court will be held at 2.00 pm to administer the Oath of Allegiance and Oath of Office to the Conseillers designate.

NOTE: I would inform prospective candidates for the Election of Conseillers that any mail shots to households must be sent through the Post Office before the end of November. My advice to prospective candidates is that they should work on getting their manifestos out, that they wish to produce, as soon as they have made a decision to stand and have applied to do so. This is post office policy for the busy mail month of December and the Christmas rush.

Lt Col RJ Guille MBE
President of Chief Pleas and Returning Officer

19th September 2013