

# MINUTES of the EASTER MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 30<sup>th</sup> April, 2014 at 10.00am

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

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

## 01 Opening Statements

- 0.1 The President had received apologies from Conseillers Michelle Perrée and Peter Byrne.
- 0.2 The President welcomed the Lt. Governor to this Easter meeting of Chief Pleas.
- 0.3 The President announced a silence to be held for the late Mr. Simon Higgins who died in late February. Simon was elected to be a Conseiller at a By-Election held in September 2011 and, whilst initially he was a Conseiller without portfolio, he soon picked up membership of the Agriculture and Road Traffic Committees where he provided useful support to his Chairmen, both of whom appreciated his research and attention to detail. He failed to gain re-election in December 2012 but, determined to become a Conseiller once more, he stood for election in the By-Election last December (2013) and was placed a credible 5<sup>th</sup>, just missing out by a few votes on gaining a seat. He maintained that he would try again at the General Election in December of this year but fate intervened and tragically he was diagnosed with cancer in late January and died exactly one month after entering hospital. *(The Assembly stood for a minutes silence)*
- 0.4 The Seigneur announced that Mr. Alfred Adams is to retire as Deputy Prévôt shortly after the close of this meeting. The Seigneur had received a request from the Prévôt, Mr. Kevin Adams, that Mrs. Joanne Godwin be appointed to serve as Deputy Prévôt and has agreed that she is an excellent candidate and has approved her appointment. Mrs. Godwin will be sworn in at 2.00pm this afternoon. The Seigneur took the opportunity to express Chief Pleas thanks to Mr. Adams for this long service for Sark over many years. He added that his current role of being the sole appointee of the Greffier, the Prévôt and their Deputies is under review, with his approval, by GP&A (the General Purposes and Advisory Committee). The amendment will require a Projet de Loi which takes a considerable time to draft and get Royal Assent so he has gone ahead with this appointment, as laid down in the Reform Law, as Mr. Adams wishes to retire now.
- 0.5 The Seigneur thanked on behalf of all members of Chief Pleas, of the Court and the people of Sark, Mrs. Suzette Adams, Miss Jenny Baker and all those who have helped in the design and worked on all the seat cushions. They are a credit to themselves and a credit to the Island and the cushions will no doubt be greatly admired and appreciated by all who use this Court Room. Each cushion holds its own secret; stowed within each one is a sealed time capsule, holding information of the '*here and now*' that will only be seen, in years to come, when it becomes necessary to repair and open the cover. A brilliant idea though he had no idea who thought it up. He also thanked all those who donated funds towards the materials for the seat cushions as they were also an essential part of the project. It is the intention that the names of all involved - workers and funders - be recorded and attached to the minutes of this meeting. *(see Page 28)*
- 0.6 Conseiller Cottle had received a letter from Mr. Trevor Kendall, tendering his resignation from the position of Deputy Tax Assessor as of 31<sup>st</sup> March this year. Mr. Kendall has served in this role for three months, providing his experience to assist the newly appointed Tax Assessor during the busiest period at the start of this year. Previously he had served as Sark Tax Assessor for ten years until the end of his term of Office in December last. Indeed he had been appointed as Sark's first Tax Assessor when the current Tax system came into being in 2004. He was selected to fill the position, having campaigned to replace the previous outdated system and he took up the challenge of making something new work. This appears never to be easy in Sark, but he successfully achieved this and held the Office with impartiality and independence. This has been of great service to Sark, ensuring that everyone was treated fairly in their assessment while raising the tax necessary for the continued running of the Island. Conseiller Cottle thanked him on behalf of Chief Pleas for his considerable contribution whilst in Office and wished him well in his retirement. *(round of applause)*

- 0.7 Conseiller Edric Baker spoke of a true man of Sark, a man that has served his community faithfully and well for little or no reward for eight consecutive years, always on call and willing. He was referring to Conseiller Paul Williams who just a few weeks ago resigned as Assistant Constable. He was appointed in October 2008 but before that Conseiller Williams served as a Constable in 1991/92 and again in 1995 finishing the term of office of Mr. Roger Knight who had resigned. He hoped that all agreed to a vote of thanks, to show Chief Pleas' appreciation for all those years of unstinting service. *(round of applause)*
- 0.8 The President made a statement about the resignation of Mr Peter Cole, who was elected to GP&A in January 2013, as a non-Chief Pleas Member to be the researcher for the Committee on top-level Domain Names. Previously, he had been a Deputy of the People and had been involved with the top-level domain research during his time in office. Last year he produced a report for the Committee and tendered his resignation, as work complete. However, the Committee asked for him to stay a while longer to see how matters progressed but he has now decided the time is right for him to step down and his resignation has been received formally by the President.  
On behalf of Chief Pleas, the President thanked Mr. Cole for his service. *(round of applause)*
- 0.9 Conseiller Edric Baker reminded the Assembly that at the last Chief Pleas (22/01/14 Ref: 23.01), the GP&A Committee was obliged to withdraw the proposed Ordinance for the Regulation of Alcoholic Production, after receiving advice from the Law Officers of the Crown.  
The Committee had previously arranged a long period of consultation to enable anyone to communicate their ideas or concerns to the Committee and it received eight responses which were very useful. There was no response from any Barclay owned company, however, there were letters sent to H.M. Procureur at St. James' Chambers, complaining about the proposed Ordinances that activate the Projet de Loi quote "...inevitably it was going to single out one business for a business tax..." and "...again if this form of taxation which seems to be threatened is drafted, it is inevitable that it will be challenged at all levels because it would be wrong in principle and law".  
From the Law whatever tax/impôt is approved by Chief Pleas it is not a business tax, there are people producing alcohol in Sark at the moment who will have to be licenced under this Law.  
The Committee will be asking the Law Officers of the Crown to draft the necessary Ordinances to commence the Projet de Loi. The next stage is for the Ordinances to return to Chief Pleas to be discussed and hopefully approved, as soon as possible.
- 0.10 The Constable reported the progress of her Committee in preparing for the 100<sup>th</sup> anniversary of the start of World War 1 on 4<sup>th</sup> August 1914; a programme of commemorative activities on that day is still at the planning stage but it is intended that there will be a service in St. Peter's Church at 11.00am with three standard bearers attending. You may well have noticed that the area around the War Memorial is currently being paved with granite setts and a plaque will be unveiled after the service to mark the anniversary; this will be followed by a vin d'honneur in the Island Hall at Middy. It is hoped to have an exhibition in the Board Room at the Island Hall for a week displaying memorabilia, particularly relating to Sark people who fought in the War.  
Mr. Alfie Adams has provide a number of items from his famous shed and others have lent pieces which together will create an interesting display. It is also hoped to give a copy of the *Men of Sark* book to each household on Sark which has direct descendants of someone who fought in that War.  
With their relatives' permission, it is planned to attach an enamel poppy to the gravestones of those who fought and are buried on Sark and, together with a red sash, this will mark them out. For those not buried here, wooden crosses will be made and planted around the war memorial with their names inscribed and marked in a similar way.  
The President invited anyone present who might have memorabilia they would be willing to lend for the exhibition to approach the Constable after the meeting.
- 0.11 The President in accordance with Rules of Procedure 13a named Conseillers Gomoll, Melling and Prevel who have not completed a *Declaration of Interests* form as is required by that Rule.

## **1 Minutes of the Christmas Meeting on 22<sup>nd</sup> January 2014**

- 1.1 There were no corrections required and the minutes were **APPROVED**.

## **2 Matters Arising**

- 2.1 Ventress [\(Ref: 0.9\)](#) - the Road Traffic Committee (RTC) has not been able to finalise the secondary legislation needed to introduce the substantive new Road Traffic Laws approved by the Privy Council in Autumn 2013. It continues to work with the Law Officers to complete this drafting and bring it to the Mid-Summer Chief Pleas.

- 2.2 Guy [\(Ref: 2.2\)](#) – was disappointed that the three Conseillers who had not signed the *Declaration of Interests* form had not brought a report to this meeting explaining why they had not complied with the decision of Chief Pleas. She hoped that the three Conseillers were reviewing this situation and would be bringing a report of explanation to Michaelmas Chief Pleas.
- 2.3 President Michaelmas or Midsummer?
- 2.4 Guy Indeed it should be Midsummer Chief Pleas.
- 2.5 Ventress [\(Ref: 22.11-22.18\)](#) - there was a long debate at Christmas 2014 on the Seasonal Traffic Regulation Number 4 specifically over Clause 7. Following consultation with the Law Officers the Committee excluded that clause in its final version. This revised version has since been posted on the Government website. The Committee subsequently circulated the amended Regulation 4 to all owners of horses & carriages and tractors asking that they pass this on to their drivers. It later came to the attention of the Constable that some of the drivers were unaware of the details of Regulation 4. The Constable therefore gave all the employed drivers a copy of this Regulation. To improve this in the future the RTC and Constables will give a copy of this regulation when drivers, both carriage and tractor, take out or renew their licences.
- 2.6 [\(Ref: 22.14\)](#) - due to the problems at La Collinette, highlighted over several seasons, the Committee has had a number of useful meetings with carriage-owners and drivers which it hopes will improve the co-operation between the owners and lessen the aggravation this season.  
**It must be made clear that Conseiller Michelle Perrée, having declared a pecuniary interest, did not take part in these discussions as a member of the Committee, nor in any subsequent decisions.**
- 2.7 Audrain [\(Ref: 27\)](#) - gave an update on the progress made with digi-map reporting that much of the correcting work has been done by the Société Serquaise and a new 2014 version produced. This has proved a most useful tool and helped many Committees with recording information. A separate Sark sheet is available and includes the corrections together with earlier requests for footpaths to be marked and correct road names applied. This now allows the individual to give a full address when, for example ordering items from the internet, and this information will be passed to the Guernsey Post Office for its use.
- 2.8 E. Baker [\(Ref: 29\)](#) – putting together the information for this report took a considerable amount of reading time; it had to be accurate and true, the sources were detailed court judgements, and obtained directly from the offices of the Ministry of Justice (MoJ). The Barclay-backed newsletter published after Chief Pleas described the report as bogus – *Dictionary definition: sham, fictitious, spurious*. As he wrote in the report, the Barclay brothers instigated a judicial review, after Royal Sanction had been given to The Reform (Sark)(Amendment)(No.2) Law, 2010; the case was all about the Seneschal's position. The Barclays received a partial judgement, which has been appealed by London; the Supreme Court hearing will be on the 30<sup>th</sup> June 2014. Conseiller Baker's latest information is that the Barclays have withdrawn entirely from the proceedings. He believed that most of this vexatious litigation is a personal attack against the Seigneur and the former Seneschal and should be recognised as such.

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

- 3.1 S. Williams Asked the following question -  
*Later on this agenda a process for making bids for expenditure in the 2015 budget is to be discussed. These requests are to be considered and prioritised at Midsummer Chief Pleas. Without wishing to encourage new spending, I am concerned that Chief Pleas continues to fund a monthly visit by a Health Visitor to support young mothers and babies yet no attention is paid to the apparent problems of other vulnerable groups. Can I ask the Chairmen of The Douzaine and of the Medical Committee whether there are any plans to seek funding for similar proactive involvement by introducing care for older residents? Some without families around them may well feel isolated and might appreciate the opportunity to talk to someone about their problems. The numbers are growing and there needs to be better awareness and more help for those who may not be managing in the present economic situation or who need support and advice on how to cope as they grow older.*

- 3.2 E. Baker In his opinion, what Conseiller Williams perceives is wrong when she says that attention is not paid to vulnerable people. He could say with certainty that every day caring people are doing their best for those in need of care; there is no great fanfare, they just do what needs to be done, mostly unpaid. There are no plans at the moment to expand on what we have in place.
- 3.3 D. Baker The Medical Committee has no plans to seek funding for this nor is it mandated to do so. The Committee is however concerned that Conseiller Williams feels there is no attention paid to vulnerable groups and feel it is worth mentioning just how much good work is done to help the older generation and those that may be vulnerable, by people on the island who take an interest in the care of others. Sark does take care of many who need help but it is done quietly and privately; after all who wants their circumstances advertised when in difficulties. Having spoken with the Doctor, she could assure Chief Pleas that a lot of quiet support goes on; our system may not be perfect but it does work. Many people who have worked hard all their lives may find it difficult to ask for help or simply admit to being lonely; we help those we can but maybe there is a need for people with time to offer their support by way of a cup of coffee and an hour to chat to those who may appreciate it. She didn't think an hour every month or so with a health visitor is the answer here. If you feel someone is in need of help, speak to them first but remember we are not in a social State; we don't have a right or the means to offer any sort of social help but we do have a discreet discretionary way of dealing with matters without wide publicity.

#### **4 Public Health Committee (PHC) Catering Law Amendment**

- 4.1 Melling This is what appears to be a minor amendment to the Sark Catering Law but in fact extends the range of food businesses to include all outlets dealing with food or drink for sale to the public. The Committee has, for many years, attempted to bring that Law up to date but appears to get caught in the ever expanding European requirements. Guernsey is rewriting all of its similar Laws in line with the European lead but this is a long way off completion.
- 4.2 In the meantime, on advice from the Law Officers, the Committee recommends acceptance of this proposal to bring all Sark food premises into the requirements of the Law. What will this mean to those who do not require a permit at present? The Committee is employing the services of the Guernsey Environment Department to conduct inspections on all present catering permit holders' premises in June of this year; this will follow the normal pattern established over many years. The results, which include recommendations, are given to the holders. Whilst on Sark, the inspectors remit has been extended to visit all premises that will require a licence in future. This initial inspection is provided by Chief Pleas and will focus on what needs to be done in order to reach a standard acceptable for permit issue.
- 4.3 The Committee has considered the timescales and feel it is fair to suggest that the first permit should operate from 1<sup>st</sup> January, 2015. This will allow ample time for any recommendations to be carried out, repairs, alterations, improvements, etc., and sufficient time for applications to be made.
- 4.4 The knock-on effect of applying the same rules (such as the requirements for toilets) to eat in or eat off, will be taken into account during the application process; for instance, shops selling food for consumption off the premises would not require customer toilets.
- 4.5 Cottage industries and the effect on the home bakers, jam makers etc. have also been taken into account. It is not intended at this time to extend the Law to cover these premises but we will make it clear that retailers have to be responsible to ensure food and drink purchased for retail have come from clean and wholesome premises. It has to be borne in mind that, in the event of an illness leading down the legal road, it will be the retailer who faces a charge, so they must make certain for themselves as to the source and conformity where local produce is concerned.

- 4.6 Melling Imported food will already have been subjected to rigorous checks by health inspections in the area in which it is produced. It has been a problem in the past that food preparation has been done for retail without even a legal requirement to have a water test or provide a wash hand basin for the handler; this is an example of what will change. At this time we will only be seeking to involve ourselves in the food preparation and storage areas, not such things as sell by or use by dates or the actual ambient selling area, although we will consider the temperature management of refrigeration in all areas. We will soon be able to provide a check list of basic requirements; this will also be of great use to any new premises applying for a permit within the whole range and would be similar to that produced by Tourism to aid the applicant for accommodation permits.  
We have already been granted permission by Chief Pleas to increase the effectiveness of present legislation and this is a step in the right direction. The Public Health Committee recommend the acceptance of the proposition.
- 4.7 Cocksedge Most fishermen cook lobster and crab; are there any implications for selling directly to customers? They are not selling through a retail outlet.
- 4.8 Melling At this time he would have thought that would be classified as a cottage industry.
- 4.9 Guy As the preamble says, this action is needed and overdue.  
The amendment does not list any exemptions; at the moment sandwiches are made in home kitchens for many charity events and there are other examples of food being made or prepared in home kitchens. What will be the stance of the Committee, or more to the point the position of the Law, on examples like this?
- 4.10 Melling He believed that this too would come under the heading of a cottage industry. It really depends where the product is going to be sold; if it is for a one-off charity event the Law already allows for exemptions and that type of arrangement can continue. At this stage he had no better answer than that.
- 4.11 Guy She gave an example; she makes sandwiches for the tea tent at the Sheep Racing Event. Will she now be subject to legislation?
- 4.12 Melling Took the view that on such one-off events nothing will change.
- 4.13 Guy Given that it appears that drafting the new Law seems to be very slow and is related to effects on Guernsey of European Law, she wondered if the committee will consider altering anything else that is very pressing by amendment. The list at the end of the report identifies a couple of things that are as important as the one being brought in this amendment.
- 4.14 Melling At a recent meeting the Committee yet again questioned how it was going to take this forward and the general feeling was that it did not wish to follow the line that Guernsey was taking by introducing parallels to the European style legislation. We need to tailor our Catering Law to Sark and we will be approaching the Law Officers again to do just that and not wait to follow the Guernsey experience of the European legislation on the subject.
- 4.15 Guy Does the PHC have a time scale for when Chief Pleas is likely to see the proposed new Law as a Projet de Loi?
- 4.16 Melling If she had asked him that question 7 or 8 years ago when we were first looking at a rewrite he would have confidently said that it could be achieved by next year. Given the experience so far he was not prepared to make any commitment as to when it might be achieved.
- 4.17 Cottle Thought the amendment was a good step forward; Conseiller Guy has covered all the points he had intended to raise.
- 4.18 **Proposition – CARRIED**  
**That Chief Pleas approves the Projet de Loi entitled The Catering (Sark) (Amendment) Law, 2014.**

## **5 Finance & Commerce Committee (F&CC)**

### **2013 Financial Statements**

- 5.1 Cottle This report presents the financial statements for the Island for the year ending 31<sup>st</sup> December 2013 for adoption by Chief Pleas. They have been audited and the auditor's report is attached. The Accounts have been signed by the Treasurer with the approval of Finance & Commerce Committee and are presented for adoption.

- 5.2 Cottle The accompanying report indicates that the Revenue Account has produced a deficit for the year of £59k with a resulting decrease in the Island Reserves of the same amount. The make-up of this deficit is explained in the summary of income and expenditure.  
The main factors involved are impôt income being £115k under budget due to reduced sales and Property Transfer Tax (PTT) being very low with few property transactions during the year.  
The total income of £200k below budget is mitigated by expenditure savings as indicated totalling £128k mainly due to savings in various areas and reduced activity in some departments requiring less spending. The various Committees with these responsibilities are to be commended for their moderation.  
Notable overspends were made in –
- carrying out essential repairs to La Coupée of £22k (though this had been initially estimated at £50k),
  - employing the Temporary Chief Secretary cost £19k which was approved as coming from Reserves rather than being budgeted,
  - assistance provided by the Procurer required an extra £10k above budget.
- 5.3 Clearly increasing impôt rates did not achieve the desired increase in revenue; actual impôt received was £9k less than the previous year, due to lower consumption and this will be noted for future planning.  
The Committee needs to address its budgeting process and allow extra time to plan for the following year and this will be started as set out in the next item - Budgets for 2015 Expenditure.  
The attached Statements correctly reflect the position for 2013 and the Committee requests that Chief Pleas adopt them.
- 5.4 Bache These figures and particularly a deficit must concern us all and surely lessons must be learned?  
It is easy to be wise after the event but was any action taken to trim and reduce expenditure once the drop in income had become apparent? And earlier, as far as Chief Pleas was concerned, were enough questions asked when the Budget was proposed? A glance at the minutes of that meeting suggest not.  
So Chief Pleas must bear a share of the responsibility but has it got the tools to do this? In the future should it be for Chief Pleas to take on full responsibility for scrutiny of the Budget or should its responsibility lie in a final scrutiny after F&CC have done the groundwork? He favoured the latter.
- 5.5 Certainly the spending Committees are to be commended for their diligence in controlling their expenditure but against this has to be set the fact that the Budget system as a whole, so firmly expenditure led, is seriously flawed.  
The revenue side has weaknesses; if income falls in-year below expectations, F&CC must be able to adjust expenditure. F&CC are taking steps to adjust the whole system but will they go far enough? Next year will again be a hard one, as is 2014. Will the Committee be able to assure us that expenditure will be trimmed and prioritised where necessary? This cannot just be left to Chief Pleas. It is essential that we now develop a robust Budget system.
- 5.6 Budgets have to take account of the future and not just the past. Over the last few years it has been suggested that Chief Pleas cannot reasonably be expected to scrutinise budgets effectively if Conseillers do not know on what basis a budget has been constructed and what potential economic factors, like inflation and population changes have been influential. In other words there is a need for budgets to be introduced with reference to the key forward looking factors so that Chief Pleas can take full account of them. Only then will their scrutiny be effective.
- 5.7 Finally, Chief Pleas must not underestimate the vital and responsible role that F&CC should be playing at the centre of the government's finances. But is its mandate sufficient? Last Michaelmas he had expressed doubts and the Chairman agreed to look into it. In January 2014, he was again given a holding reply but now when Committees are revising their mandates nothing has been suggested by F&CC, a full six months after the question was first raised and when we are in a period when F&CC needs to be fully equipped to deal not only with the Budget but with other matters. He hoped Chief Pleas can be given a convincing explanation of the Committee's position.

- 5.8 Bache 2013 was a wake-up call; not everyone may feel confident enough to comment on it but he hoped all will agree that Chief Pleas now needs to tighten up the Budget system and take an effective and realistic role.  
He had three immediate questions for the Chairman of F&CC;
1. Will the Committee introduce this year's Budget with a statement about the economic and other factors likely to have an influence on the Budget?
  2. Will the Committee with its overall view of the Budget seek, as necessary, to prioritise expenditure and broaden the revenue base?
  3. Does the Committee accept that it is essential, and in the Island's interest, that it should revise its mandate urgently?
- 5.9 Cook It is often suggested that the Isle of Sark Shipping Company (IoSS) is subsidised by Chief Pleas. He can find no evidence of that in the accounts. Could Conseiller Cottle confirm whether any tax-payers' money has been spent directly on the Shipping Company?
- 5.10 Cottle There is no reference to IoSS receiving any money from the Island because it hasn't; that is the situation there. There is no subsidy. They are currently having a short term loan but that is entirely within this year and there was nothing last year.
- 5.11 Conseiller Bache obviously feels very strongly about the way that F&CC operates as he has continually returned to the subject over the last three years.  
He obviously feels that there should be a bullet-proof system in place that could not end up with a deficit outcome at the end of a financial year. This is a very tall order and after the last eight years of surplus when an increase in reserves of £1,277,000 was built up, last year returned a deficit for the first time in many years and reduced this reserve by £58,588.
- 5.12 Conseiller Bache makes some very valid points and asks some difficult questions and rightly so. If a deficit was repeated and became a trend then this would quickly put us in difficulty, so real action has to be taken now across all spending committees which need to look and see if there is any fat to be trimmed off expenditure. F&CC needs to examine its revenue raising to get that right through Chief Pleas' plans for fairer taxation. These are the things already identified as most urgent and on which F&CC is concentrating.
- 5.13 It was agreed to request that Spending Committees submit proposed expenditure bids for consideration before Midsummer Chief Pleas. It was intended that this happened last year but it didn't due to time pressures, but F&CC is doing this now for the 2015 budget and hoping to make it work and this is covered in the next agenda item.  
There will be only a short time between this and the next Chief Pleas due to a late Easter, but we need all Committees to get their spending plans in for meaningful scrutiny by F&CC before presentation to Midsummer Chief Pleas overall. That will give Conseillers the best opportunity to query anything that might be considered unessential and prioritise competing bids if necessary.
- 5.14 The other side of the budgeting balance sheet, revenue raising, is also identified as needing attention.  
The shortfall particularly in impôt last year and in PTT over several years, highlights that income streams can't just be assumed to continue year after year and have to be assessed regularly and informed adjustments made. The Committee has therefore started examining other ways to raise taxes and other revenues to meet the Island's spending needs and plan to report on this later in the year.
- 5.15 Responding to the questions asked by Conseiller Bache -  
Firstly, Conseiller Cottle saw no reason why F&CC shouldn't be able to give some guidance with this year's budget about future prospects in areas where it may be able to judge with some certainty.  
He knew little about how to make an economic forecast but F&CC does have support that can help. However, it will be a forecast and these are never 100% accurate and, if done as a one-off, become immediately outdated.  
What is important is that, whatever forecasting is done, it should work with the monthly monitoring we already do to keep a check on committees' spending plans.

- 5.16 Cottle F&CC should be able to foresee the effects of large building projects, advance notice of hotels not opening, or even the '*Island Parish Effect*' increasing tourist numbers this year (hopefully). The end of the last large building boom created a marked shift in the economy, once this ended there was a marked reduction in impôt received, as temporary workers left and hourly rates normalised. That probably could have been flagged up but this is an on-going learning process.
- 5.17 The role of F&CC in budgeting cannot be taken in isolation. The ability to budget will be reliant on other policies being implemented as identified in the 2014 policy - *Securing Sark's Future*. Land Reform in particular and permitting the voluntary divisibility of property could have a large impact on economic activity and revenue raising. One purpose of these proposed changes is to stimulate economic activity. As we move to a more strategic method of budgeting with longer term aims set out over three years or more, our forecasting should become more comprehensive and meaningful, but this requires a shift from what has been practice until now.
- 5.18 In Conseiller Bache's second question he asks if F&CC will prioritise expenditure. It should be straightforward to categorise spending as *essential*, *desirable* and even *non-essential*. However, Chief Pleas and the Island generally are pretty frugal and don't waste money. Indeed in answer to his earlier question, about cutting back, when the income shortfall was identified, this was greatly offset by a general underspending by Committees, which totalled £129,000. This underspend would have been greater by a further £42,000 but for the urgent repairs to La Coupée and the taking of the costs of the Temporary Chief Secretary from reserves. F&CC will prioritise and consult with spending committees; the extent to which F&CC advises on spending has still to be determined and needs debate before this is decided. Conseiller Cottle suggested that this could be done in a Conseillers' Workshop before bringing it back to Chief Pleas soon for approval. It is F&CC's belief that budget decisions should be the responsibility of Chief Pleas as a whole and not just that of F&CC. Broadening the revenue base will form part of the Tax Raising Review.
- 5.19 Question three concerned the Mandate of F&CC. He thought the Mandate could be quickly revised to include these two responsibilities:
1. scrutinising expenditure requests and dealing with them in whatever way Chief Pleas considers appropriate;
  2. regularly undertaking the review of revenue raising and advising on the need for update or modification.
- These revisions could come back to Chief Pleas for Midsummer Chief Pleas to approve then further work could be done to identify other responsibilities.
- 5.20 It should not be the role of F&CC to penny-pinch and make the functioning of other committees or the activities they oversee either difficult or impossible. There is a balance to be struck. He didn't think Conseillers overspend; the infrastructure certainly isn't over-maintained and he saw no signs of any over-manning. Paying visitors expect certain standards and taking short cuts could be disastrous – Chief Pleas needs to be mindful of risks and the reputation of the Island. When there is a need to update things or comply with the requirements of the modern world, there will be a need to plan ahead and have the ability to raise the funds necessary. He identified Conseiller Bache as the one voice that has consistently raised these matters and it's correct that he should question current practice. However, it was to be hoped that he will acknowledge that F&CC is starting to make progress and that Conseiller Bache will support the Committee as it moves forward.
- 5.21 Bache Was very encouraged by what he heard and that progress was being made but he would like to stress one point. We may be frugal, we may be spending as little as we can but the fact remains that we cannot remain in deficit. So where deficits are in sight, action has to be taken to reduce the deficit and that is where F&CC which is on top of the figures have to take the initial action. Whether that is with Chief Pleas or not is another matter but it needs to be taken at that point.



- 5.22 Melling      Consoillers may recall the recent workshop where he had stressed that, in his opinion, Sark has created a Government it cannot afford. It continues to progress with increasing Government costs and it really is time to look seriously at the type of model of Government that can be afforded. It is unacceptable to continue in the current manner; the yearly commitment financially to run this Island is far too high for the number of people who live here. He really urged the Committees involved to start talks with whoever can help with a view to getting away from the 'Westminster' type Government and into a system that can run this Island affordably. Chief Pleas can create a new system; it is independent and it can do as it wishes providing it has support from those outside the Island who 'help and assist us' at present.  
Impôt surprised him; he asked for an information sheet to be produced on how this is collected and who and by what process imported alcohol is monitored – including a breakdown of costs incurred to collect this tax on Sark's behalf. It is a point that comes into his mind frequently as he is in the business of collecting the empty vessels!
- 5.23 Guy            Would like to thank Conseiller Cottle for his very clear response to Conseiller Bache's questions and she is confident that F&CC are in greater control now than the Committee has been for many years. She must ask a question which she probably shouldn't but will do anyway. Conseiller Bache clearly feels very strongly about these issues and he is not overburdened with Committee works so it may well be that someone on F&CC has more Committees than they would like and be prepared to stand down to allow Conseiller Bache to put some skin on the model he is suggesting.
- 5.24 President    Reminded Conseiller Guy that when Conseiller Bache stood for election to F&CC he was not elected onto it so the fault lies with the membership of this Assembly.
- 5.25 Guy            Which is why she is suggesting a review of that situation now.
- 5.26 Cottle            Nothing to add but he thanked all the Consoillers who had contributed. In response to Conseiller Melling's question about impôt collection, he couldn't answer now but would investigate and return with an answer as to how this was currently being done.
- 5.27 **Proposition – CARRIED**  
**That the Financial Statements of the Island for the year ended 31<sup>st</sup> December 2013 be adopted.**

## **6 Finance & Commerce Committee**

### **Budgets for 2015 Expenditure**

- 6.1 Cottle            The idea that spending requests from Committees should be submitted earlier in the year was voiced as far back as Chief Pleas' Michaelmas meeting of 2011. It was agreed that this process be introduced last year but didn't happen due to timing constraints.  
It cannot be put off any longer, so F&CC requests that all committees with a spending responsibility submit their expenditure requests with a short explanatory report by the deadline date in the report (Midday on 19<sup>th</sup> May 2014). It is realised that this gives little time but hopefully giving thought to this will have started already. Currently, F&CC is only mandated to receive these requests to produce the overall expenditure figure. Receiving them earlier allows us to present them to Chief Pleas at Midsummer for consideration by all Consoillers.
- 6.2                F&CC would like guidance from all Consoillers as to how the process of scrutiny of expenditure requests should work. Last time this was brought to Chief Pleas there was no conclusive outcome. He suggested that a Consoillers' Workshop would be a good forum to come to a conclusion on this and the outcome could be brought back here as part of updating this Committee's Mandate.  
Therefore to improve its ability to effectively budget, F&CC request that reports are submitted to the Treasurer by the due date and he would welcome any comments.
- 6.3 Audrain        Thanked Conseiller Bache for all that he said on the last item and she urged that all the points that he made should be considered. She welcomed this item and hoped that F&CC would look at all the requests and the overall commitment; this must be the way forward. Interesting that Conseiller Cottle asked how the scrutiny would work and she supported the idea of a meeting where all Consoillers took responsibility for looking at the overall scrutiny of the whole budget.

- 6.4 Bache He supported Conseiller Audrain's comments and the idea that a special meeting to scrutinise the overall budget commitment would be a good idea. F&CC has been elected by Chief Pleas to look after the Government's finances, including the annual Budget. He welcomed the greater attention that it is being given to the Budget but suggested that it is still in danger of leaving too much to Chief Pleas. It is too simplistic to propose that the two parts of the Budget can be treated almost separately. Expenditure cannot simply be left as King. None of us do this with our budgets at home! The overall level of expenditure should instead be influenced by what F&CC judge might be a reasonable, attainable increase on the revenue side and Chief Pleas will need to be guided by this. In short, if the system is to work, Chief Pleas must expect more guidance and information in order to carry out an effective scrutiny and F&CC should be asked in the first instance to assess the overall expenditure proposed against possible revenue and, if necessary, either trim and prioritise it or make recommendations to Chief Pleas before doing so. This should not just be left to Chief Pleas. Unless we can develop a more watertight system along these lines there is a danger that Chief Pleas will again this year be working almost in the dark. As it is, several members are unwilling to comment on financial matters for lack of experience. This makes it even more important that the method of drawing up the Budget should be more clearly known and understood so that there can be a wider involvement in the scrutiny process and this is where a Workshop might prove vital. The 2013 shortfall, which followed a less than rigorous scrutiny of the budget, points up Chief Pleas' important responsibility and the need for a robust system.
- 6.5 Guy As the report says, this is in keeping with objectives of *Securing Sark's Future* and will give not only F&CC but Chief Pleas better ability to work through what most recognise are likely to be difficult years in financial times. She asked if, when F&CC receive requests for expenditure it could give some consideration to the overall effect on the budget of a retail price increase (RPI) on the pay for all who are employed by the island. This may be minor, and not significant enough to make any changes, but it would be useful to know to make decisions about whether this should remain policy or should be reviewed in the current economic climate.
- 6.6 Gomoll We have had this debate in the past; if Chief Pleas wants F&CC to have a stronger mandate and to scrutinise and possibly trim and prioritise requests for expenditure, this will lead to a system where only F&CC can submit propositions for expenditure to Chief Pleas. It would be difficult if a Committee or two Conseillers (not happy with the outcome of the scrutiny by F&CC) were allowed to bring an alternative proposition which could be submitted and approved by Chief Pleas as a whole. This is the current situation and, any scrutiny F&CC may have, can be circumvented. That is where we ultimately need to go to in the Conseillers' Workshop to see whether the majority of Chief Pleas wants to go in that direction or not. In the same way that we are moving towards scrutinising new legislation not only for the intended outcome but also for unintended consequences, a cover sheet should be produced for all new legislation to say whether this is revenue neutral or not. Guernsey and other jurisdictions do this and we certainly have some legislation which certainly has an impact on the revenue and expenditure for the Island. He thought this was an area where other Committees could help F&CC with its task.
- 6.7 Cottle Some difficult and complicated things raised there and now is not the time to attempt to answer them and they are probably best discussed in a workshop. Though the RPI point that was brought up is valid, most Island employees receive these increases every year as custom and practice but few have them in their contracts so it is an area that can be identified for savings in the future and F&CC could report back on that. He appreciated that there was a very short time between Easter and Midsummer Chief Pleas but F&CC do ask that Committees submit their spending requirement in by the set date of 19<sup>th</sup> May. If anyone needs help in getting the figures together, the Treasurer will be available to give whatever help she can.

## 7 Finance & Commerce Committee

### Terms of Reference for the Treasurer

- 7.1 Cottle This report is brought to describe the role of the Treasurer in administering Chief Pleas' financial affairs. There is nothing new in the responsibilities listed but this document formally addresses the lack of any description of the job that the Treasurer performs.
- The drawing up of Terms of Reference for the Treasurer is part of the process of improving the way F&CC fulfils its role.
- From the terms of reference a job description will be produced for the Treasurer and the Deputy Treasurer for current and future reference. These will be brought back here for approval and will be used amongst other things for helping recruit a new Deputy Treasurer when appropriate.
- The Committee requests that Chief Pleas approve the two propositions after any comments or questions.

- 7.2 **Proposition 1 – CARRIED**  
**Chief Pleas approves the terms of reference for the Sark Treasurer.**

- 7.3 **Proposition 2 – CARRIED**  
**Chief Pleas agrees to receive further reports detailing the job descriptions for the roles of Treasurer and Deputy Treasurer.**

## 8 Cross Committee Report

### Progress Report on Securing Sark's Future Policy

- 8.1 Cook This report charts the progress made by us all so far on this policy. Much is self-explanatory and gives us all some tough deadlines. It is worth noting that over the next month we are planning to give the public the opportunity to understand and comment on our proposals for the definition of a Sark Resident, the Divisibility and Charging of Property and fairer taxation.
- Reading through the report you will see that the recurring theme is to create an environment within which the economy of the island can be sustained and the governance and reputation of the island enhanced.
- You will also note that we are continuing in our efforts to understand how electricity can be supplied over the longer term and what the implications for this are for longer term planning. Also the appreciation of the importance of the requirement to ensure the availability of suitable broadband connectivity into the future.
- 8.2 Guy Asked, so that it is recorded, whether the Law Officers of the Crown have agreed that a definition of 273 days is legal, workable and likely to withstand challenge.
- 8.3 Audrain Wanted to flag up the last section which mentions the Children Law. It is vital that we get this work completed as soon as possible. We have now looked at a new two phased approach and we are currently working on phase one but it is not going as fast as she would like. We do need the support of the Law Officers if we are to get this vital work done. There have been some big problems in Court cases to do with children because we do not have this Law.
- 8.4 Cook The Law Officers have been consulted and they have certainly agreed that we can use that definition but we will be giving the public the opportunity to comment before it is brought back and included into Law.
- 8.5 E. Baker Added that this definition first appeared in an Alderney Law on housing control in 2002. We adopted it in our Law – the Control of Occupation Law – and the Crown Officers were quite happy to draft that. There is always a possibility of challenge and, being Sark, we know where any challenges will come from; we just hope it won't be challenged – it certainly didn't happen in Alderney so we have a chance.
- 8.6 **Proposition – CARRIED**  
**Chief Pleas takes note of the contents of this progress report**

## 9 Douzaine

### Revised Mandate

9.1 E. Baker The hedge-cutting Ordinance has changes within the Law and it is more appropriate now for the Constables to enforce any infringements. Also included is the Control of Occupation in the Housing Law and the various amendments with which the Douzaine is now dealing, including the register of restricted dwellings.

9.2 **Proposition – CARRIED**  
**That Chief Pleas approve the Douzaine Mandate revised March 2014 a copy of which is attached to this Report.**

## 10 Development Control Committee

### Revised Mandate

10.1 Dunks Apologised for the haphazard nature of this mandate; he had intended to get checks done before the distribution of the papers but he has since found out that a number of these Laws are no longer in existence.

He listed further legislation for removal -

1. The Housing (Extensions)(Sark) Law, 2000;
2. The Housing (Disapplication from Brecqhou)(Sark) Law, 2001;
3. The Natural Amenities and Land Control (Implementation) Ordinance, 1962;
4. The Natural Amenities and Land Control (Commencement) Ordinance, 1964;
5. The Building Control (Temporary Provisions)(Sark) Law, 1974 (Continuation) Ordinance, 1975;
6. The Housing (Temporary Provisions)(Prescribed Person) Ordinance, 1989;
7. The Housing (Temporary Provisions)(Prescribed Person) Ordinance, 1990.

10.2 He asked that The Development Control (Sark)(Amendment) Ordinance, 2000 should also have the years 2009 & 2011 added and went onto explain why.

10.3 Bache In seeking to *Secure Sark's Future*, we are increasingly moving towards planning for the future and he wondered whether this mandate has enough in it to consider future developments and whether it should have something in it to cover that and to show the Committee is looking ahead.

10.4 Dunks The new Development Control Law moves more in the direction of planning and includes a Sark Development Plan which is where Chief Pleas will set out its policy for the next 5-10 years.

10.5 President As a matter of interest he has been through all the Laws and Ordinances and will be in touch with all Committees shortly to advise of the legislation for which they take responsibility.

10.6 **Proposition – CARRIED**  
**That Chief Pleas approve the Development Control Mandate revised March 2014 a copy of which is attached to this Report.**

## 11 Firearms Committee

### Revised Mandate

11.1 R. Dewe **\*\***Apologised as he had inadvertently reversed the propositions as laid out in the report; if the mandate is not approved it would not be possible to elect two new Members. This was noted and the Propositions juxtaposed as requested.

11.2 **\*\*Proposition 1 – CARRIED**  
**That Chief Pleas approve the amended Firearms Committee's Mandate.**

11.3 **\*\*Proposition 2 – CARRIED**  
**That Chief Pleas elect two new sitting members to the Firearms Committee.**

11.4 R. Dewe Nominated Conseillers Paul Williams and Edric Baker.

11.5 President Invited nominations from the floor; none were forthcoming and the two nominees were elected to serve on the Firearms Committee.

## 12 Emergency Services Committee

### Revised Mandate

- 12.1 Plummer Requested that the Senior Harbourmaster join the team supporting the Emergency Services Committee.
- 12.2 **Proposition – CARRIED**  
**That Chief Pleas approve the amended Emergency Services Committee’s Mandate.**

## 13 Agriculture Committee

### Veterinary Officer for Sark

- 13.1 P. Williams This report is the culmination of discussions over the past eighteen months with Mr. David Chamberlain, the Guernsey States Veterinary Officer, and the Commerce and Employment Department in Guernsey.  
There are a number of mutual advantages if the Sark Veterinary Officer and the States Veterinary Officer is the same person.
- Advice provided to the Sark Agriculture Committee will be independent of commercial interests;
  - It would facilitate the maintenance of an equivalent animal health status within the Bailiwick and therefore free movement of animals and animal products within the Bailiwick.
  - In the future, it would facilitate the creation of an equivalent animal health status within the Channel Islands, which would enable free movement of animals with the Channel Islands.
- 13.2 There is one up-date on the Draft Agreement at Clause 7.  
Mr. Chamberlain will be covered for any accident he may receive whilst under the employ of Chief Pleas within the block cover policy.  
However, the Insurers have advised us that any professional obligations will need to be covered by Mr. Chamberlain’s own insurance. This has been relayed to Guernsey’s Commerce and Employment Department.  
Other than normal veterinary charges (which we would have to pay anyway), this appointment will not cost Chief Pleas or the Island any additional expense.  
He urged the Assembly to accept this proposition.
- 13.3 Bache How often is he likely to come across during the course of the year?
- 13.4 P. Williams Difficult to answer as we never know when he might be called.
- 13.5 President How many times did he come last year?
- 13.6 P. Williams I have no idea.
- 13.7 President Could you find out for Conseiller Bache and let him know.
- 13.8 P. Williams He undertook to do so.
- 13.9 Audrain Will Agriculture be putting an amount into its budget for these expenses?
- 13.10 P. Williams If there are any, the existing budget will cover any expenses.
- 13.11 Ventress David Chamberlain came once this year for horse welfare relating to carriages.  
(\* \*\* see a qualifying statement at Paragraph 14.3)
- 13.12 **Proposition – CARRIED**  
**That Chief Pleas approve both the appointment of the Veterinary Officer for Sark and the agreement.**
- 13.13 President Asked the Chairman to inform Chief Pleas when the Agreement is formally signed.

## 14 Agriculture Committee

### Change of Committee Name

- 14.1 P. Williams It is obvious that there will be many agricultural and environmental issues to tackle in the future, and it is a little unclear as to whether our mandate covers all such eventualities. The Agriculture Committee has great difficulty in formulating any kind of forward planning for the future whilst there is a degree of flux within Chief Pleas. It can make suggestions or come up with ideas but until such issues as, land reform for instance, are resolved, it will be unable to apply itself easily to the future.  
In saying that the Committee will do its utmost to fulfil the existing mandate and move forward within the constraints imposed upon it by outside forces.

- 14.2 Cocksedge Would like to have seen a mention of working with the Sea Fisheries Committee which at present monitors the marine environment and manages the sustainability of the seas in Sark's jurisdiction. It already collects data from various bodies on the state of the seabed along with the numbers of fish stock etc.  
It also monitors the progress of Marine Parks in France and elsewhere along with tracking the progress of renewable energy projects that may or could affect Sark's marine environment in its territorial waters.  
Through the membership of the Bailiwick's Fisheries Management Commission we are aware of conservation methods put in place in other parts of the area.
- 14.3 Ventress \*\*\* Apologised about his intervention regarding the vet in the last item; the visit was at the request of the Road Traffic Committee not Agriculture.
- 14.4 P. Williams With reference to Conseiller Cocksedge's comments, we have discussed in the workshops liaison between Committees and we have done so in the past and it would be very beneficial to go forward together.
- 14.5 Gomoll With regard to the environment, is there a clear defining line of responsibility between the Agriculture Committee and Development Control and with respect of the Island Plan is that in the Development Control's remit or will the Agriculture and Environment Committee also be involved?
- 14.6 P. Williams I can't answer that at this stage.
- 14.7 Gomoll So we are to assume it is still firmly with Development Control.
- 14.8 Dunks Commented that Development Control's involvement will be through the new Law which is currently being drafted. At present DCC only considers the environment in relation to the impact that new applications for development might have on the immediate environment.

- 14.9 **Proposition – CARRIED**  
**That Chief Pleas approve the change of name of the Agriculture Committee to the Agriculture and Environment Committee.**

## **15 Finance & Commerce Committee**

### **Commencement of Hansard Transcripts**

- 15.1 Cottle The Committee is bringing this back now to seek approval from Chief Pleas to start using Hansard from the first full meeting of 2015 and to agree that the funding requirement is included in next year's budget.  
The President had asked him to point out that there will be an earlier meeting of Chief Pleas in 2015, when newly elected Conseillers will be elected to Committees. This will be a short meeting not requiring a full transcription record and can be recorded by means of a Resolution Sheet showing to which Committees Conseillers are elected. That is F&CC's preference with Christmas Chief Pleas on 21st January 2015 being the first to use Hansard Transcription.
- 15.2 He had also been asked to point out that the reference to the Committee Secretary being involved in filling in gaps where names and words are unrecognised should refer to the Greffier, who will prepare the audio recording for use by Hansard and deal with the finalising of the written version ready for publishing.  
The cost of this service is significant and some misgivings were expressed about this and what benefit will be gained from freeing up the Committee Secretary's time. There won't be a direct cost saving made by reducing the Secretary's paid hours as he already works for more hours than he is contractually paid, but the time saved will be available for carrying out additional useful work, identified by the Senior Administrator, assisting Committees in research etc.
- 15.3 The main benefit of the Hansard record will be that it is a true verbatim version of proceedings, compatible with good governance requirements.  
F&CC request that you support the propositions, so that the work of getting the system ready in time for use next January can be carried out.
- 15.4 Audrain Repeated what she has said previously that, although appreciating the argument for good governance, this is money that we do not need to spend. We have a very good record of Chief Pleas and now an audio record; in a previous item Conseiller Cottle mentioned we are frugal and we will be looking to ways of cutting our expenditure and she saw no reason for this unnecessary expenditure.
- 15.5 Plummer Supported Conseiller Audrain, cost cutting measures are important and she felt that we could save on this one.

- 15.6 Cook It is difficult to expect the Committee Secretary to produce minutes when we all know that a recorded verbatim version is available behind the scenes. If we are to have a recorded version we need to have a verbatim written version too.
- 15.7 E. Baker At the last Chief Pleas he expressed doubts about the amount of money to be spent. This time he will be voting for it but if he decides to stand in December and is elected he will be keeping a careful eye on the level of cost this requires going forward; if that rises substantially he will be coming to Chief Pleas requesting that it be rescinded.
- 15.8 **Proposition 1 - CARRIED**  
**That Chief Pleas approves the inclusion of the amount of £2,500 in the budget for 2015 to cover this cost, subject to final confirmation of charges at Midsummer Chief Pleas.**
- 15.9 **Proposition 2 - CARRIED**  
**That Hansard Transcripts become the Official Record of Chief Pleas from Christmas Chief Pleas on 21<sup>st</sup> January 2015.**

## 16 Shipping Committee

### **Changes to the Isle of Sark Shipping Company (IoSS) winter schedule 2014/2015**

- 16.1 Cook Delayed the start of his introduction believing that some Conseillers would be declaring a conflict of interest.
- 16.2 President Asked the Assembly whether any conflicts of interest were to be declared. Conseillers Paul Williams, Helen Plummer and Sandra Williams indicated their interest and were named by the President and he asked that they leave the Assembly unless someone requested that they remain.
- 16.3 Melling Put forward a request that the three named Conseillers should remain as they could be vital to the debate.
- 16.4 President There is a proposal by Conseiller Melling that the three Members remain for the debate; if they remain for the debate, they are not allowed to take part in the debate or vote.
- 16.5 Guy Insisted very strongly that they should not remain as these three Conseillers have signed a letter to the Shipping Committee explaining that for their business interests they favour one particular option. However, she was reluctant in having to ask that they should go.
- 16.6 President Acknowledged Conseiller Guy's comments but as someone has asked that they remain he needed to ascertain whether that request could be withdrawn. He asked Conseiller Melling if he would withdraw the request
- 16.7 Melling Asked whether, if those named left their paperwork with himself, could he read it out on their behalf.
- 16.8 President Did not think that would be an appropriate course of action.
- 16.9 Melling Would not withdraw as he too felt very strongly about it.
- 16.10 Gomoll He thought that it was feasible for factual information to be contributed by Members who are conflicted. He wondered whether the amount of cargo they were shipping would be an advantage for the other Members to know or not; accepting they should not express an opinion or favour one of the two options, he thought they could contribute to the debate by simply providing information.
- 16.11 Cook Believed that the information was already in the papers. We're not trying to be difficult here but other people with business interests do not have the opportunity to sit here and take part in the debate; it would be difficult to justify why some people can be involved whilst others are not.
- 16.12 President Went to the vote on the proposition that the three named Conseillers remain; he repeated the conditions appertaining to them should the proposition be carried. The vote was lost and he asked the three Conseillers to leave during this item.
- 16.13 **Conseillers Plummer, P. Williams & S. Williams left the Assembly Room.**
- 16.14 Cook Hoped that the House appreciated that the foregoing was purely procedural and to make life fair for everybody involved.  
 The Directors of IoSS are tasked by Chief Pleas to provide a shipping service for the benefit of the residents of Sark and visitors to Sark that is both sustainable and cost effective. This is no easy task as it is never possible to run a service that is perfect for everyone.

- 16.15 Cook The Directors have recommended, as they explained in detail at their recent open meeting, a sailing schedule for next Winter (including the shoulder months) that they feel best suits the needs of the majority whilst keeping costs to a minimum; it is, perhaps not coincidentally, a service that has previously (by which he meant before 2007) been the norm.
- 16.16 It is appreciated that this service does not suit everyone, particularly with regard to perishable items so it is interesting to look at the evidence as supplied by the Directors at their meeting that examined the volumes of perishable goods shipped on a Thursday or Friday during comparable months in 2012 and 2013. Whilst this does not take into account the number of businesses involved the fact is that between  $\frac{2}{3}$  and  $\frac{3}{4}$  of all the perishable goods available to the people of Sark were shipped on a Thursday (in preference to a Friday). Indeed approximately twice as much general cargo is also carried on a Thursday as compared to a Friday. Again, not taking into account the number of businesses involved it is the Committee's understanding that there is a desire for approximately  $\frac{3}{4}$  of the perishable goods that are expected to be shipped to Sark next Winter (not including Tuesday shipments) to be shipped on a Thursday.
- 16.17 The balance of sailings provided by Option 1 for both passengers and cargo give more flexibility and has the benefit that, should bad weather make a Thursday cargo impossible, then it can be rescheduled for Friday at no extra cost (transferring to a Saturday cargo has overtime implications). He emphasised that if we had a cargo service on a Friday, there would not be an afternoon boat which would be extremely detrimental for the passengers and for the benefits of Sark. The Shipping Committee recommends that the most beneficial and most cost effective service with the flexibility to accommodate bad weather is Option 1.
- 16.18 Audrain Why would there be no Friday afternoon boat if the cargo boat was on a Friday?
- 16.19 Cook There could be but it would have extra cost implications. The Thursday cargo runs with capacity for 12 passengers in and out. If you want a Friday afternoon boat to allow people to continue to go to Guernsey for the day and return or for visitors to come to stay for the weekend, then we would need two boats on Friday. That would then necessitate running another boat alongside the cargo boat; on Thursday another in and out trip would be required or the acceptance that there would be no boat on that day. On a Friday morning operating both a cargo boat and a passenger boat in order to bring day trippers would mean that the cargo boat would not be able to discharge until after 11.00am; depending on how long the carters take to collect and deliver, the shops would not receive fresh produce before 12.30 or 1.00pm. If the cargo boat left Guernsey earlier at say 8.00am, it would incur overtime cost throughout the winter. The option being recommended by the Directors has the greatest benefits for everyone in terms of cargo, passengers and cost.
- 16.20 Burgess Wasn't happy at all about the perishables; we have them delivered on Tuesdays and Thursdays but between Thursday and Tuesday we have no perishables coming in and fresh food doesn't last that long. We are being pressurised to go for Option 1 by saying we would lose the Friday afternoon boat. He felt this proposition should be withdrawn as he was sure that better alternative options can be achieved as a third option. He will not vote for either of the options.
- 16.21 Cocksedge Would like to know the breakdown of the £40k savings which will be made.
- 16.22 Cook It was a management process and it was flagged up at their open meeting a few weeks ago when they explained it all. To answer Conseiller Burgess, the papers have been out for three weeks and nobody has come forward with an option 3. Difficult to see what that would be and the Directors need to have a decision by the end of June so that timetabling and costs for next year can be completed. The timetables need to go out to Cruise Liners and Tour Operators and they would have difficulty in quoting prices if the timetable is not settled. About perishables; nothing is perfect and what is on offer here is coming from the people we have appointed to run the Company as the most cost efficient and beneficial option for everybody on Sark; however, it will clearly not suit everybody. To quote from one of the letters requesting a Friday sailing, it says at the bottom – *"unless there is a logical and commercial reason for the choice of Thursday, I would ask you to change your plan and move the cargo day to Friday"*. I think it has been demonstrated that there is a very logical and commercial reason.



- 16.23 R. Byrne Asked why Conseiller Burgess has left this so late before bringing it up. She received an email from him this morning and it seems so late in the day to begin considering alternatives.
- 16.24 President Reminded the Assembly that there were already two propositions to be considered and, unless a new or amended proposition was brought by the Shipping Committee, considering a third option was not possible today.
- 16.25 Adams As a resident of Sark there is a no major disadvantage for her in not having a good selection of fresh food available every day of the week. She has come to accept that this is part and parcel of living here. However, for the businesses on Sark, especially those catering for visitors, she can see that the situation is different. Chefs would reasonably expect to be able to offer freshly prepared food to their customers every day. It's not a single decision and neither option is perfect. There are several other issues which need to be taken into account, and they are set out clearly in the report. For her there are less disadvantages on Option 1 and as a consequence she will be supporting Proposition1.
- 16.26 E. Dewe She had spoken to a number of people about the propositions. One of the biggest factors affecting Friday is that if you bring perishables on a passenger boat one is charged a higher rate. If loSS would charge the normal cargo rate for bringing essential perishables on the passenger boat on a Friday, this would probably solve part of the problem.
- 16.27 Cook Two questions to answer before summing-up; the one about hotels and chefs – it's should be remembered that during this time, few hotels are active but one of the active hotels has emailed to say they would be happy to accept a Thursday cargo. The cost of putting perishables on the passenger boat, and this already happens with bread, is that the boat can only bring so much cargo before it becomes a cargo boat and cannot bring sufficient numbers of passengers (more than 12). If we start bringing lots of perishables on the passenger boat on a Friday then somebody will have to load it by hand and somebody else will have to unload it by hand; that too will incur costs. The expectation then is for other people to do things at no cost and that cannot be an option at this stage.  
It is impossible to achieve a perfect solution which is why the Directors have asked for the Committee to put these alternatives to Chief Pleas in a very specific way and explain what is, in their opinion, the best option giving the greatest benefits for everybody; not just the businesses, not just the visitors, not just the residents but to seek a balance across the whole spectrum to give the best service that they can offer at the best rate. That is what they are tasked to do by us and the Committee believe that the most sensible option is Option 1 and would recommend that is adopted.
- 16.28 **Proposition 1 - CARRIED**  
**That Option 1 as described in Appendix 1 is the preferred option for timetabling winter and shoulder month sailings by loSS.**
- 16.29 **Proposition 2 – WITHDRAWN** as Option 1 was approved in Proposition 1.  
That Option 2 as described in Appendix 1 is the preferred option for timetabling winter and shoulder month sailings by loSS.
- 16.30 **Conseillers Plummer, P. Williams & S. Williams returned to the Assembly Room.**  
**There was a RECESS between 12.05 and 12.15pm**

## 17 Finance & Commerce and Shipping Committees

### Public Works Concession

- 17.1 Cook Hiding the true cost of disposing of rubbish on Sark within the IoSS accounts does not seem to the Committees to be a proper and correct manner to enable the Island to properly understand, and so make informed decisions with regard to either IoSS or the problems and true costs of waste disposal.  
Chief Pleas, as the beneficial owners of IoSS, expect the Directors to accurately account for the operations of the Company which expects to be held to account for that accuracy. The 80% concession on the cost of rubbish disposal has to be factored into the costing and so potentially makes other cargo (including food) more expensive, bearing in mind that no individual can benefit directly from any charges made by the company, run for the benefit of the residents of and visitors to Sark.  
It is the Committees contention that matters relating to waste disposal should be considered separately, with a full cost policy worked out with the residents of the Island to obtain the fairest and most cost effective solution for the benefit of the Island. It might be that we already have that solution in place; he was aware that everyone involved works extremely hard to provide the service. However, there is a belief that it is neither right nor helpful for future planning and open accountable government for this concession to continue beyond the end of this year and not into 2015.
- 17.2 Cottle It is probably doubtful that the concession when made in 2009 should have been open-ended; some review mechanism should have been included. The amount of freight being carried at that time masked the effect on IoSS accounts but the true cost of disposing of building waste wasn't placed on the creators of the waste. Now freight levels have dropped back it's not appropriate that the burden is placed on IoSS to carry this cost while trying to minimise other costs.  
This is an appropriate time to review the situation and, while the inhabitants are benefitting from another year with the concession, the Committees believe that the true situation should be reflected next year.
- 17.3 Melling He assumed that as the local employee of Public Works he was allowed to speak.
- 17.4 President Asked if he was declaring an interest.
- 17.5 Melling No. He is on record as having refused to do so.
- 17.6 President Confirmed that he could speak.
- 17.7 Melling He stressed from the outset that he was not pleased with the manner in which the two Committees have dealt with this matter. Public Works was told at the Christmas Chief Pleas meeting and he quoted from the minutes –  
*"The Directors have brought to our attention that the instruction made by Chief Pleas to IoSS to give an 80% concession has reduced income to the company of £73,000 over the last three years"*.  
It then goes on to suggest removal of the concession and it was said –  
*"we will raise the matter with Public Works in time for next year's Budget"*.  
No contact was made with Public Works; Conseiller Cook did approach him but this was after this item was on today's agenda. It may have been possible to sit around the table with all concerned and find a solution that could be accepted by all parties that provided an agreement before today.
- 17.8 Chief Pleas will be aware that removal of the concession will increase costs to all Public Works customers, i.e. all the residents of this Island. It will mean an increase to the quarterly rate and an increase on the cost of disposing of individual items. Anything shipped by skip will incur higher costs.  
Chief Pleas was satisfied in 2009 that an 80% concession was correct; today you are being asked to "chuck-out" the decision made then.  
Public Works has worked the concession agreement with care. It never pushes for shipment of skips, considering that it can wait to allow other cargo to be transferred. However, if there is no concession it will require equal shipment space.  
During the last year, Public Works has agreed to accept "burnables" from the Company, for which no charge is made and which saves the Company considerable expenditure at Guernsey landfill, the reason such co-operation happens.

- 17.9 Melling In 2009 negotiations went to the wire and some Members may recall that because of this fact, the propositions were changed on the day the issue was considered. Public Works has not had that opportunity this time; could consideration to reduce the concession have been discussed as an option? Was there no room for negotiation?  
He said in 2009, and wished to repeat it now –  
*“I have strong feelings about IoSS and its relationship with its shareholders and consider concessions should be given to Public Works. Residents should benefit given the substantial loans granted to the company by Chief Pleas”.*  
This is still fact now, five years on; there was compensation then on the negotiated settlement, something that won't happen today because no opportunity has been given to negotiate.  
The cargo boat is returning to Guernsey; what are the costs of running empty or with some cargo? Is it not possible to look at a Sark to Guernsey rate instead of what the concession states - 80% of published cargo tariff rates?
- 17.10 We are faced in the future of landfill not being acceptable in Guernsey. When Public Works starts to look at the alternatives it may find that packaging in Sark will increase the capacity needed to be shipped in a manner than can only be out-shipped onwards from Guernsey – so more IoSS cost.  
In 2009 it was reported that a small levy was applied of £5 on skips of paper and tins; all other skips were carried free of charge. Public Works paid craneage by way of account from IoSS. Where are we now? Public Works has paid £18,340 from October 2010 to October 2013. A big increase that is far more than the £5 rate would have achieved. This increase has been built into the Public Works cost with not too much effect on customers. This will not be the case this time.  
For example, the newspaper skip, a vital service as some 16 tons a year is now collected and shipped, is offered as a free service. This proposition, if accepted, will introduce an unrecoverable loss for that service.  
He will vote against the proposition and he asked Members to order these two committees to discuss with IoSS and the Public Works department a better deal for Sark. Reject the Proposition and await an alternative deal that might be brokered.  
The time is now for you to consider those who voted you into office; do you support them; can you help them?
- 17.11 D. Baker If required to vote for this proposition, she may well agree to it as she felt we should be able to have our accounts in order. What rubbish is sent on the boat should be paid for by those who are disposing of it just as our Shipping Company needs to show what business it carries and who pays for it. IoSS is our Company but it is also our Public Works Department and she felt that they should be able to work together.  
Would there be any merit in splitting the difference for the next two years and see how that works, giving everyone a chance to get used to covering the extra costs in the disposal of rubbish that will follow if this goes ahead. She suggested splitting the 80% with the Inhabitants of Sark paying pay 60% for all the rubbish taken to Guernsey and IoSS continuing to subsidise 40%; she suggested this be reviewed again in two years' time to see if it has worked or not. She apologised for bringing this so late appreciating she should have approached the Shipping Committee first.
- 17.12 Bache Thought everyone can see that this is a commercial issue. Actually the concession that has been running has been part of that deficit with IoSS which the Company brought to us earlier. As a commercial company they need to look at that deficit and get rid of the things which are causing it; so it is a perfectly reasonable proposition that they should be looking at this point. If we felt that people needed it or that households were really going to suffer it would be possible for Chief Pleas to offer some form of subsidy or subvention so that the price would not have to rise.  
It is wrong to put all the blame onto IoSS. He asked that the Proposition should have added “...from the 1<sup>st</sup> January 2015”.
- 17.13 Fry Had the same thoughts as Conseiller Diane Baker; she had considered 50%.  
The whole issue of rubbish is so difficult; we all know our rubbish is increasing but it always seems to be an unfair tax as some households have very little whereas others have a great deal. There is no choice if the increase is levied on every single household. The whole subject of rubbish collections needs to be reviewed and she would be in favour of delaying this decision for more consultation to take place.

- 17.14 Plummer She endorsed the need for more consultation and agreed that the Proposition should be removed this time until the relevant Committees and Public Works have discussed it and can come back at a further date.
- 17.15 Gomoll Conseiller Melling has asked as to the marginal rate to loSS of taking the rubbish back to Guernsey. He assumes there has been no discussion between the Shipping Committee and Public Works as to the real costs. He advocated that the charge made by loSS should be above the marginal rate, that is above the real costs but lower than the published rate.  
We cannot vary this every two or three years; we would soon be criticised if we started changing it in a year when loSS is in profit and would pay tax in Guernsey. loSS is a monopoly but if there were more providers, he was sure that one of the competitors would offer a discount for such work.
- 17.16 P. Williams Public Works would be more than happy to sit down and possibly renegotiate terms with loSS especially if we had the opportunity. He asked the two Committee to take a deferral on this Proposition.
- 17.17 Audrain Agreed entirely; there should be an opportunity given for more negotiation to take place over this and find alternative settlement.
- 17.18 Guy There is an important issue here and it is to do with something much bigger; it is to do with *Securing Sark's Future*. She felt it to be very important that Chief Pleas should know how much it actually costs to dispose of the Island's waste; there should be no hidden bits or privileges because it is something of which it should be very aware of the real cost. In the future it is possible that completely different alternatives could become available; it might be shipping waste to Jersey for example or generating energy from waste. We don't know but if we are not coping with the actual cost now we are not in a very good place to make those decisions.
- 17.19 Cook It is an important and fundamental point that true cost should be in the places where they ought to be, properly accounted for and properly visible and available for everybody to understand. It would appear today that we haven't explained the position and received a full understanding of what we are trying to achieve.  
If both Committees are happy to defer it we can easily do so and ensure there is a proper understanding in order to move forward.  
We will come back with it if we do defer it.
- 17.20 Cottle Agreed to defer on behalf of F&CC to allow discussions with Public Works before coming back with a solution.
- 17.21 Cook The proposition is withdrawn but on the understanding it will be brought back to the Midsummer meeting once discussions have taken place.
- 17.22 P. Williams Also on the understanding that meetings will take place before that time please.
- 17.23 **Proposition - WITHDRAWN**  
That Chief Pleas agrees that the current concession given to Public Works by loSS for transporting waste from Sark to Guernsey be removed.

## 18 The Douzaine Use of Pava Spray

- 18.1 Melling This request has come from the Constables on the advice of the Guernsey Police. As the Constables cannot bring matters directly to Chief Pleas, the Douzaine is acting as a conduit on their behalf.  
He had received many comments on this subject and the overall picture emerging is that we should support our Constables, albeit that this extra deterrent is a sad and, in some peoples' view, an unwelcome addition. Most agree that the Constables should have a right to protect themselves and that Chief Pleas has a duty to ensure protection for those who put themselves forward for such office.  
Recent correspondence asked why the request has been made. The answer is that the request came directly from our own Constables who had been given professional advice following recent training.  
The Public questioned why this request was coming now when a review, with results yet to be published, has just been completed. He saw nothing to warrant delaying the request and it also occurred to him that should a uniformed officer be the chosen way forward, such an officer would carry PAVA as normal practise.

- 18.2 Melling This in fact raises the question of the use of professional officers whilst on duty in Sark. If we say 'no' to our Constables will this mean you are saying 'no' to Guernsey Police on duty here. This will be removing part of their normal everyday kit. He felt this would not be acceptable.
- 18.3 At this point it is worth noting that this product could have been given licence for use under Sark's Firearms Law, following an application to the Firearms Committee. If indeed this had happened then most residents would have been unaware that it was available for our Constables to use. Indeed how many are aware that they are permitted to use a baton as a restraint or for their own protection. He did not know if the use of the baton (formerly called a truncheon) was ever endorsed by Chief Pleas. He felt that more damage can be done to a person with a baton than with PAVA. The main, and only, reason this is on the agenda (and therefore in the public arena) is that Guernsey Police required the permission of the authority of Sark to allow its use and, more to the point, to actually be able to import the product into Sark. Training will be given and formed part of a recent course undertaken by the Vingtenier. Conseiller Melling has been assured that a rigorous paper-trail will follow any deployment of the product. If required this paperwork could be overseen by the Guernsey Force and would be as complex and rigorous as that required from an officer using a firearm.
- 18.4 Should Chief Pleas see fit to accept the proposal then application will be made to the Sark Firearms Committee which, once received, can require evidence of training and any other details it requires such as details of secure storage. He appreciated this has to be very much an individual vote but do hope Conseillers will all consider the safety of our Constables and ask themselves whether PAVA spray is likely to cause more or less damage to a person than the baton. He asked for the President's permission to invite Conseiller Richard Dewe, Chairman of the Firearms Committee, to explain the position of his Committee, how the Law is worded to allow the granting of an application and any other views he and his Committee may have on this subject.
- 18.5 President Before he did that, he wished to point out for clarity that the Guernsey Police, when operating in Sark, have the full range of equipment issued to them in Guernsey. They can't use the armoured Land Rover but all of their personal equipment, firearms and everything they use, when on operations in Sark whether at our request or when approved by the Lieutenant Governor, they are able to carry and use. There is no restriction on the Guernsey Police when they come to this Island.
- 18.6 R. Dewe Believed there to be a duty of care towards the Sark Constables and they need to be given the tools to protect themselves if they are confronted with a very aggressive person and their safety is threatened. Of course they will need training in its use and that is available as part of their training. Drunken behaviour is likely to be a prime cause with which the Constables have to deal and, all too often, a drunk will not listen to reason and becomes violent. Currently the use of the baton, is the only way to check this threat but it is not without risk of lasting harm, whereas the effect of PAVA Spray usually wears off after about 30 minutes, which gives the Constables ample time to take the offender into custody to sober up. One of our fellow Conseillers, when he was Constable undergoing his training, volunteered to be the victim of PAVA Spray and he survived the ordeal with no lasting consequence.
- 18.7 Speaking now as Chairman of the Firearms Committee, "The Firearms (Sark) Law, 2001" does give the power under –

**Weapons subject to general prohibition**

**Section 5 (1) (f)** - any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing;

**Section 5 (2)** - the weapons and ammunition specified in subsection (1) are referred in this Law as "prohibited weapons" and "prohibited ammunition" respectively.

However under

**Section 5 (3)** - an authority given to a person by the Firearms Committee under this section shall be in writing signed by the President (sic) of the Firearms Committee and be subject to any conditions specified therein.

- 18.8 R. Dewe So the Firearms Committee is the licensing authority for the Constables to have a PAVA Spray in their possession and is able to attach what conditions on its uses as it deems necessary. However, it was considered that Chief Pleas should have the final say.
- 18.9 Plummer He undertook to give the Constables his full support by voting for the Proposition. She asked for the opinions of 12 ex-Constables, (none of them Conseillers) who have served over the years, about introducing PAVA spray. Nine of the twelve felt it was an extra tool to be used only in extreme circumstances but they would have been happy to have been issued with one during their service. That time was from the 1970s to the present. One said they would not have been happy to use it themselves but would have accepted its use by someone who was accompanying them providing training is given just as it is with the baton. They felt that the baton could cause more damage than the spray. It was felt that the spray could be useful for dealing with powerful aggravating men when they are intoxicated with drink or drugs because it would give the Constable more chance. Two other former Constables thought it was a step too far for Sark and that calming down the situation was better by talking to the irate persons, and that works. They felt that the baton was hardly ever used. Personally, she felt that we put our care into the hands of these Constables and they go out having to deal with all sorts of situations. Some years ago stab-vests were an issue if you remember; we have them available but they are only ever used occasionally. She called for Chief Pleas to support this and support our Constables.
- 18.10 Gomoll Perhaps Conseiller Plummer or an ex-Constable could say whether PAVA Spray could have been used in certain circumstances in situations to which the Constables were exposed. Can they say whether they would have used it on some occasions they experienced during their service.
- 18.11 Plummer Two of them said yes they would when attempting to detain some large people. If it hadn't been for others walking around The Avenue at the time there would have been difficulties and yes it would have been used.
- 18.12 Gomoll Going on from that, it was mentioned that most of these incidents would have involved drunken visitors or residents and he wondered whether the person would appreciate that they were facing a Constable if uniform is not being worn. If they were facing a baton it would be pretty clear and he wondered whether even in a drunken state the individual would understand.
- 18.13 P. Williams As of quite recently, the Constables wear apparel so that people know who they are and he can speak from experience that it is not a problem.
- 18.14 Guy Believed that the Sark Constables deserve all the support we can give them as their job ranges from difficult to virtually impossible. However, she had reservations on the issuing of this spray. Her first question was to ask why this was being brought to Chief Pleas by the Douzaine at all. She couldn't remember any other time when operational matters of the Constables have come to Chief Pleas. We are currently undergoing a total review of policing in Sark. Surely it is not so urgent that it couldn't become part of that. Indeed the fact that Guernsey professionals can come over and can use any aspect of their kit means that there isn't a hurry on this one.
- 18.15 The introduction to this item is a rather selective cut and paste from Wikipedia; a little further down that article it says -  
*"However, there have been occasions when PAVA and CS spray have failed to work - especially when the subject is under the influence of alcohol or drugs"....and as Conseiller Dewe has outlined, the most likely time that the Sark Constables would need to use this is when...?*  
 Another difficulty with being a Constable in Sark is that particular issues turn up only once or twice in one's term of office so any training received tends to get rusty because one is not using it frequently nor is retraining provided on a regular basis. Repetition of use of handcuffs, batons and spray is normal for professionals but perhaps much less so here.
- 18.16 The present Constable had put it to her that the use of spray would be less likely to do permanent harm than the use of a baton; this is a good point. It is also the case that it is possible that Sark's Constables, as 'amateurs', might recoil from using a baton hard on a subject's legs and may find it easier to use the spray and thus be more effective in any given situation.

- 18.17 Guy However, you have all heard from a former Constable who outlines her worries and reservations about PAVA being introduced here. We have heard from Conseiller Plummer evidence from former Constables. So we have to make a decision about this based on information available on PAVA and CS sprays, the best, in her opinion, being the Guidance on the Use of Incapacitant Spray by ACPO (Association of Police Officers of England, Wales and Northern Island). It is only about 20 pages and very readable. To sum up, she was not sure that Chief Pleas should be making this decision at all and also she had doubts whether many of us have enough understanding of the subject to make an informed judgement. She urged the proposer to defer this item until it can be discussed in the context of the policing review and as an overall strategy for the operations of our Constables. Members can gather a little more information than is given to us in the background to the report if the decision is to be made by Chief Pleas. She would really like this Proposition deferred.
- 18.18 Cocksedge Also concerned; whilst appreciating that the Constables are vulnerable, it has been pointed out that it doesn't always work on people who are under the influence of alcohol or drugs. Once you have sprayed a big drunken rugby player in the face with the spray, if it doesn't work he will be even worse. You cannot use it within one metre of a person's eyes as the pressure could give irreversible damage to the eyes but it has to be used within two metres. It can also cause problems for people with breathing difficulties and if they go down, bringing medical assistance in quickly is required. If you are in a confrontational situation it could be difficult to do that. If someone were to pass away as a result, civil action could be brought. It could also cause hysteria among other groups of people nearby and could cause them to act more violently as well.
- 18.19 Blythe Speaking from experience as a recent Constable, he said that he could recall three occasions when it was necessary to calm someone down; the baton was not used but had a spray been available it would have been used.
- 18.20 Fry She thought the necessity for sprays was a sad indictment on social issues today but she supported the points made by Conseillers Guy and Cocksedge.
- 18.21 Audrain Similarly, she agreed with much of what has been said and she really did want to support our Constables but having listened to many different views she concluded that she cannot support use of this substance when you see damage that it causes. She was sent a link to a film which showed officers being trained to use this substance and a volunteer being used. It cannot be compared with the alternative of the baton – they are two completely separate things.
- 18.22 Prevel Conseillers Guy and Cocksedge have asked that this proposition is withdrawn for more consultation. He asked for further answers to be provided. There is no cost given in the proposition. Also do the Guernsey Police have the use of tazers.
- 18.23 President The Guernsey Police do have tazers.
- 18.24 R. Dewe The cost is about £10 per unit and it has a shelf-life of about three years and therefore not over-expensive. As Chairman of the Policing Review Committee he was approached by the Vingtenier but didn't feel at the time that it was part of the Committee's remit and couldn't make a decision on it. As traditionally the Constables have always been represented through the Douzaine, he suggested that was the route to take in order to consult with Chief Pleas. Having reached home he consulted the Firearms Law and better appreciated that it could authorise use of the sprays in certain circumstances.
- 18.25 Cook This is one of those difficult head and hearts things; on the one hand we want to support the Constables and give them everything they might need. However, the Government has an obligation to good governance and this issue has been brought to Chief Pleas and therefore we equally have an obligation to ensure that the decision is made correctly. Have we consulted with the doctor and emergency services to produce proper risk assessments to understand how any side-effects might be dealt with and by any special circumstances that might exist on Sark.

- 18.26 Cook He was concerned that Chief Pleas would be making a decision without all the technical information before it and not going through the due process of consultation before the people of Sark discover they have PAVA before them which could be used on the Island. If we are not careful we could finish up with a situation that has reputational and liability issues as well.  
Regrettably, he too thought that the proposition should be withdrawn and a decision made at a later date.
- 18.27 R. Byrne Having done some research on this subject she felt she still did not know enough about the connotations of its use and felt she had to agree with others who are asking for more time to look at alternatives if there are any. She supported the work of the Constables but felt she could not vote on this item as she did not know enough about it.
- 18.28 Joyner As a former Constable he can recall one occasion when he would have used a spray; the person he was dealing with was very drunk so it might not have worked and he would have been left with an even angrier man who would have been more of a problem; as an amateur policeman he would have been in a position of trying to stop this guy from hurting himself and possibly others, including the Constable.  
He could have finished up in Court with lawyers trying to charge him with the misuse of an incapacitant. With training he thought it was right but what is the proper amount of training; will it be once a year or have retaining every 3-6 months.
- 18.29 E. Baker Supported the proposition as he believed the PAVA spray would never be used other than as a deterrent to prevent the Constable getting injured. He didn't think they would be spraying away willy-nilly at every drunk that came along. It is used as a defensive tool just as it is on the mainland.
- 18.30 P. Williams He wanted to comment on Conseiller Guy's point that if used on somebody who is drunk it doesn't work at all; he heard from a Guernsey Policeman a while ago that, before they were equipped with the spray and all they had were their batons to defend themselves, he and a colleague were attacked by a great big rugby player and, despite hitting him across the legs, there was no effect whatsoever and he took both the policemen out.
- 18.31 Had thought long and hard and has yo-yoed with his decision quite a bit over the last few weeks. Obviously, at the end of this meeting he will no longer be personally involved (as an Assistant Constable). However, he will still attempt to support the Constables Office in any way.  
There had been over the years of his service a few times when the possible use of such a deterrent may have been useful. He gave just one example –  
  
*“Some of the Specials and myself were called to an incident a few years ago where it took four of us to physically restrain this person. They would not listen to reason and would have not have hesitated to harm any of us in any way they could.  
They actually managed to bite me on my shoulder and draw blood through three layers of clothing including a coat. I have never seen before, or since, so much hate in anyone's eyes and the experience was quite chilling.  
If we would have had this type of deterrent it would have been used making our whole process very much simpler.*
- 18.32 He will vote for the Constables Office personnel to be able to use PAVA sprays with the correct training; he believed we should support the Constables as much as possible. Never forget, potentially every time these guys pick up the 'phone to be called to an incident they could be putting their life on the line.  
That's a very sobering thought.
- 18.33 Melling In his opening remarks he said this has to be very much an individual vote and he still believes this to be right. Is PAVA likely to cause more or less damage than a baton – do you consider you should support your Constables' request.  
Guernsey Officers will be on Sark on occasions during 2014 and, if an incident occurs, they have the ability and right to use PAVA spray.  
All we are asking is that the spray should also be available to Constables and Assistant Constables who have been trained in its use.
- 18.34 Guy Many of us would like to approve it but we do not have enough information. Because the Guernsey Police can use it – trained professional officers who use it regularly – there is no hurry on this and she wanted to ask the proposer again if he would consider deferring, even to the Midsummer meeting.



- 18.33 President Had already asked that question and there was no response to it and therefore the proposition is at it stands. You either vote for it or against it.
- 18.34 Melling Reminded the House that these papers had been out for three weeks so there has been ample time for consideration. Conseiller Guy has already referred to this document (*holding up a copy of the Guidance on the Use of Incapacitant Spray*); she has had time to look at this, so have the rest of the Conseillers and the public who take any interest in the agenda. There have been three weeks and he would therefore like the Proposition to be voted on.
- 18.35 R. Dewe Did not believe that the Guernsey Police would advise the use by trained “amateurs” if they thought there was any risk. This has come from their advice.
- 18.36 P. Williams Called for a named vote.
- 18.37 **Proposition – CARRIED on a named vote - 15 Pour, 10 Contre**  
**That Chief Pleas approves the use in Sark of PAVA sprays, in the appropriate circumstances, by the Sark Constables and Assistant Constables following adequate training of the personnel involved by the Guernsey Police.**

## 19 Emergency Services Committee

### Awards to Sark Fire & Rescue Services Personnel

- 19.1 Plummer It was with great pride and pleasure that Members of the Emergency Services Committee were present to witness Fire Fighters Nick Dewe, Robert Knight and Crew Commander Rowan Gill receive their awards for the successful rescue of a man stuck on the cliffs at La Pointe de la Jôue, Grande Grève on 17<sup>th</sup> September 2013. The rescue was conducted in the dark in dreadful weather and tidal conditions. We can only begin to imagine how dangerous that rescue was. Sark is fortunate to have such brave men as these and their colleagues who put themselves in danger for the sake of saving others. Sark Fire and Rescue Service - we thank you all.
- 19.2 Cocksedge Just to make it clear – there are women as well on the Fire Brigade.

## 20 Tourism Committee

### Island Parish

- 20.1 S. Williams Had nothing to add to the written report which includes a letter of thanks from Sark School and a recent Tourism Press Release.

## 21 Tourism Committee

### Update

- 21.1 S. Williams In March 2014 there were 314 brochure requests by comparison to March 2013 when 161 were requested, this has increased because we now send the news from Sark out giving availability for the reader to click on a button and very simply request our brochure; our Facebook page has 1400 friends who visit on a regular basis.
- 21.2 S. Williams Events for May and June are well underway with lots organised for the weekends and Sark Shipping are going to run some special offers to coincide with these events. On the back of that, on Tuesday, 6<sup>th</sup> May (at 10.10am) she will be going with Senior Visitor Officer, Karen Adams, and representatives from IoSS, to visit Radio Guernsey for an interview as to how tourism on Sark is getting on, giving yet another opportunity to promote Sark and for IoSS to advertise some special offers. We will again be visiting Guernsey on 21<sup>st</sup> & 22<sup>nd</sup> May to attend the travel workshops where we already have a number of appointments set up.
- 21.3 On a previous visit to Guernsey we managed to arrange a meeting to negotiate the display of a fantastic 5 feet by 4 feet poster in the Condor Ferry Terminal; this has now being printed and will be ready to go up in May and promises to be very eye catching. We are taking it to Guernsey and must acknowledge the help received from Guernsey Harbourmaster, Chad Murray on this matter.
- 21.4 The Guernsey Bus contract has been set up for another year. We feel this is money well spent as tourists enjoy travelling around Guernsey by bus from bay to bay or pub to pub are reminded of the opportunity to consider a visit to Sark as posters are displayed inside every bus.

- 21.5 The Tourism Office remains very busy, the refurbishments are now finished and it all looks very welcoming. Do take an opportunity to pop in and see our Visitor Officers, the amazing new artwork advertising everything that happens here on Sark, including superb pictures by Sue Daly promoting Dark Skies. We also have posters using the front of the Island Parish Disc as an advertisement to remind people of the link to Sark. We have a great advertisement organised for our radio campaign which starts on 5<sup>th</sup> May in Guernsey for 8 weeks and in Jersey for 4 weeks in June.
- 21.6 The Tourism Committee and the Tourist Office have been working closely with the new Director of Guernsey Tourism, Mr. Mike Hopkins, and together we are looking at promoting the sister isles of the Bailiwick. This is very high on our agenda as it will increase the exposure Sark will have and encourage visitors to Island hop.
- 21.7 The Annual Tourism Forum has been organised for the evening of 14<sup>th</sup> May and will allow us to update those involved in Sark Tourism.

## **0<sup>2</sup> General Purposes & Advisory Committee** **Ordinances made by the Committee and Laid Before Chief Pleas**

- 0.12 President No motions to annul these Ordinances had been received.
- 0.13 The Ukraine (Restrictive Measures)(Sark) Ordinance, 2014 (Ref. Code: VIII /2014)  
The Territorial Integrity etc. of Ukraine (Restrictive Measures)(Sark) Ordinance, 2014 (Ref. Code: IX /2014)  
The Central African Republic (Restrictive Measures)(Sark) Ordinance, 2014 (Ref. Code: X/2014)  
The Syria (Restrictive Measures)(Sark)(Amendment) Ordinance, 2014 (Ref. Code: XI/2014)  
The North Korea (Restrictive Measures)(Sark)(Amendment) Ordinance, 2014 (Ref. Code: XII/2014)
- 0.14 President Announced the date of the next General Election as 10<sup>th</sup> December 2014 and will be confirmed in the Ordinance to be presented to the Michaelmas meeting.

### **Next scheduled meeting of Chief Pleas Members**

**MIDSUMMER MEETING – Wednesday 2<sup>nd</sup> JULY 2014 at 10.00am**

Agenda closes - Wednesday 4<sup>th</sup> June 2014 at 3.00pm

Papers distributed to Members not later than Wednesday 11<sup>th</sup> June 2014.

**This meeting closed at 1.17pm**

**Brian Garrard CMLT (Committee Secretary) 22<sup>nd</sup> May 2014**

**President of Chief Pleas**

**Greffier**

**Finalised on 23<sup>rd</sup> May 2014**

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

**[www.gov.sark.gg](http://www.gov.sark.gg)**

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

# MEMBERS OF CHIEF PLEAS

Easter Chief Pleas Meeting – 30<sup>th</sup> April 2014

	Attending	Item 18								
Seigneur – Sieur J.M. Beaumont OBE	/									
The President – Lt. Col. R.J. Guille MBE	/									
<b>CONSEILLERS</b>										
2	Mr. D.T. Cocksedge	/	C							
2	Mrs. H.M. Plummer	/	P							
2	Mr. D.W. Melling	/	P							
2	Mr. C.R. Nightingale	/	C							
2	Mr. A.P.F. Bache CMG	/	P							
2	Mr. E. Baker	/	P							
2	Mr. S.B. Gomoll	/	P							
2	Mrs. D. Baker	/	P							
2	Mr. A.G. Ventress	/	P							
2	Mr. A.J. Cook	/	C							
2	Ms. M.A. Perrée	A	-							
2	Ms. J. Guy	/	C							
4	Mrs. S. Williams	/	P							
4	Mrs. H. D. Fry	/	C							
4	Mrs. K. Adams	/	P							
4	Mr. R.J. Dewe	/	P							
4	Ms. E.M. Dewe	/	P							
4	Mr. A. Dunks	/	P			Pour - 15				
4	Mr. A.C. Prevel	/	C			Contre - 10				
4	Mr. P.J. Williams	/	P							
4	Mrs. R.E. Byrne	/	C							
4	Ms. C.D. Audrain	/	C							
4	Mr. R.W. Cottle	/	C							
4	Mr. A. Blythe	/	P							
4	Mr. M. Joyner	/	P							
2	Mr. P. Byrne	A	-							
2	Mr. P. Burgess	/	C							
4	Vacancy	-	-	-						
<b>2 – Term of office ends in January 2015</b>		<b>A</b>	<b>Apologies Present</b>				<b>C</b>	<b>Contre</b>		
<b>4 – Term of office ends in January 2017</b>		<b>/</b>					<b>P</b>	<b>Pour</b>		
							<b>NV</b>	<b>No Vote</b>		

Brian Garrard, Committee Secretary CMILT, 1<sup>st</sup> May 2014

## **APPENDIX to the Opening Statement**

(Paragraph reference 0.5)

### **Stitchers:-**

Linda **Adams**  
Suzette **Adams**  
Jenny **Baker**  
Pam **Cocksedge**  
Bertha **Cole**

Kathleen **Dewe**  
Betty **Guille**  
Debbie **Guille**  
Pauline **Harrison**  
Wendy **Kiernan**

Sarah & Jeremy **La Trobe-Bateman**  
Molly **McKinley**  
Jane **Norwich**  
Jan **Woolford**

### **Donations from:-**

Karen **Adams**  
Kevin **Adams**  
Linda & Alfie **Adams**  
Richard **Axton**  
Sian & Andrew **Bache**  
Diana & Edric **Baker**  
Diana & Michael **Beaumont**  
Caroline **Bell**  
Rosie **Byrne**  
Bertha & Peter **Cole**  
Andrew **Cook**  
Sarah & Rob **Cottle**  
Pat & Peter **Cunneen**  
Jose & Chris **Day**  
Lynn & Ivor **Drawmer**  
Belinda & Antony **Dunks**  
Stefan **Gomoll**  
Mr. & Mrs. **Gooding** (regular visitors to Sark)  
Debbie & Peter **Guille**  
Sue & George **Guille**

Wendy & Reg **Guille**  
Jan **Guy**  
Jane **Henry**  
Wendy **Kiernan**  
Sarah & Jeremy **La Trobe-Bateman**  
Caroline **Langford**  
Sheila & Graham **Maguire**  
Wendy & Charles **Maitland**  
Irena **Montan** & Roger **Olsen**  
Jane & Roger **Norwich**  
Winnie & Bob **Parsons**  
Sharyn & David **Owen**  
the **Perrée** family (Little Sark)  
Annabel & William **Raymond**  
Robbie **Robb**  
Caroline & Chris **Robins**  
Susan & David **Synnott**  
Janet (Puffin) & Robert **Taylor**  
Sally **Ward-Jones**  
Jan & Robert **Woolford**

as provided by the Seigneur 30<sup>th</sup> April 2014