

MINUTES of the MIDSUMMER MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on **2nd July, 2014** at 10.00am

Present: Sieur J.M. Beaumont OBE, Seigneur; Lt. Col. R.J. Guille MBE, President; J. Godwin, Deputy Prévôt; T.J. Hamon, Greffier; W. Kiernan FCA, Treasurer; G. Williams, Vingtenier.

His Excellency the Lieutenant Governor, Air Marshal Peter Walker, CB, CBE, also attended.

22 Conseillers were present (see attached list).

01 Opening Statements

0.1 [Apologies](#) - the President had received apologies from Conseillers Adams, Blythe, R. Dewe, Joyner and Perrée.

0.2 [Welcome](#) - The President welcomed the Lt. Governor to this meeting of Chief Pleas.

0.3 [Ministerial Visit](#) - Conseiller Bache recorded that Lord Faulks, as the Minister of State in the Ministry of Justice with responsibility for the Crown Dependencies, made a visit to the Bailiwick of Guernsey from 19th to 21st June. Lord Faulks spent a day on Sark on 20th June, accompanied by Sir Christopher Geidt, the Queen's Private Secretary, and H.E. the Lt. Governor, Air Marshall Peter Walker.

As part of this, his first official visit to the Island, Lord Faulks met the Seigneur and had discussions with members of Chief Pleas. He attended a Vin d'Honneur to meet members of the community and also had a meeting with representatives of the business community.

0.4 [Tourism Law](#) - Conseiller Melling made a statement -

"Following the recent issuing of an accommodation permit for self-catering purposes for a local-market dwelling in which no qualified resident is or would be residing, the Tourism Committee is proposing to recommend a change in the law to ensure this cannot occur again in the future.

0.5 *In relation to the specific matter, the Committee, having consulted the Law Officers, confirms that there is nothing in the Tourism Law which permits the Committee to take into account the status of a dwelling under the Housing Law when considering an application for an accommodation permit. Further there is no requirement for those providing self-catering accommodation to have a water-test and this too cannot be taken into account when considering an application for a permit. The Tourism Committee is anxious that these anomalies are rectified at the earliest opportunity and considers that the Tourism Law should be suitably amended.*

0.6 *The Committee appreciates it has to consult with Chief Pleas before requesting the drafting of legislation but, although regrettable, it felt action had to be instigated if an amending Projet is to be prepared in time for its approval at Michaelmas Chief Pleas.*

It is hoped that the due process for an amending Projet will be completed in time for implementation before the issuing of accommodation permits for 2015 begins".

0.7 [Art for the love of Sark](#) - Conseiller Rosanne Byrne made the following statement –

"In May 2011 (Ref: 24.15 on 04/05/11), Chief Pleas agreed to a grant of £5,000 to assist with the costs of the 'Art for the love of Sark' project. Twenty of the world's best wildlife and landscape artists, members of the International non-profit organisation The Artists for Nature Foundation (ANF) visited Sark to work on paintings, drawings, prints and sculptures that depicted the island and its great natural beauty.

0.8 *By 2012 over 200 pieces of work from the artists' two visits had been produced and these were reviewed with a view to making a special project book as a lasting record of life on Sark. Duncan Spence very kindly sponsored the production of the book and accompanying DVD and Chris Andrews of Gateway Publishing helped with the design and publication. In the summer of 2012 the book was launched here in Sark, and conservationist David Bellamy OBE who had provided a foreword for the book came here to help celebrate its launch with an exhibition of the work from the publication.*

Three more exhibitions followed, one in Holland in honour of ANF's 20th anniversary, another at the Candie Art Gallery in Guernsey and in Jersey at their Arts Centre. Ysbrand Brouwers, the founder and director of ANF, is currently looking at venues to hold another Sark exhibition in the UK later this year.

0.9 *The benefits of this project for Sark have been enormous. The residents of the island, and especially the school children, were able to meet and work with world renowned artists and have the experience to access their art and ideas which would otherwise be impossible on our remote island. The promotion and interest created about Sark has been huge and the project has helped to further the recognition locally and farther afield of our special and unique natural history. The project has also resulted, through the sale of the artwork, in a total of £19,000 being available to use on Sark to further the aims of promoting the understanding and knowledge of natural history of the Island.*

We are currently looking for suitable sites where a wildlife conservation area can be created and managed, hopefully in conjunction with and studied by the school children, and where a bird hide and wildlife pond could be made".

- 0.10 [Conseiller Rosanne Byrne statement continued –](#)
"I would like to take this opportunity to thank Chief Pleas and the residents of Sark for helping to get this all off the ground and for their ongoing support in so many ways since it all began five years ago. The success of the project in achieving its aims and beyond, means that I would like to repay the £5,000 to Chief Pleas with the greatest of thanks".
- 0.11 [UNESCO World Heritage site](#) – Conseiller Hazel Fry made the following statement -
"Over the past few weeks Conseiller Byrne and I have had interesting conversations with some interesting people. It has been suggested that the Island of Sark should apply to become a UNESCO World Heritage site. Sir Barry Cunliffe, who has many influential contacts, feels that, on its archaeological merits alone, we would be in an extremely strong position. Consider our other assets: we've just heard about the positive impact of the Artists for Nature project; we have breath-taking scenery; rocks, cliffs and a dramatic coastline that has stood, unchanged, for centuries, glorious wild flowers and spectacular underwater life. We are indeed privileged to live in such a unique and special place.
In 2007 the Gouliot caves and headland were recognized as a Ramsar site. In 2011 Sark became the world's first Dark Sky Island. Wouldn't it be wonderful if, in years to come, Sark was declared a World Heritage Site?
Such an honour would be a huge boost to our Tourist industry and would protect our Island for future generations. In order to even consider progressing this further we need to know that, not only Chief Pleas, but the whole Island would be enthusiastically behind the application. This is just a tentative, preliminary airing of the idea, so I would ask you all to think about it, talk about it and please give us feedback".
- 0.13 The President made edits to the agenda (marked** below) which contains a variance of report titles on certain items and also confirming that Item 10 (Shipping Committee) was a verbal report.
- 0.14 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. He pointed out to those Members that they are still required to declare interests during the meeting, if applicable, in accordance with Rule 13.

1 Minutes of the Easter Meeting held on 30th April 2014

- 1.1 [Use of Pava Spray: \(Paragraph 18.27 \[penultimate line\]\)](#) – Conseiller R. Byrne asked for a one word change to read "...could not vote **for** this item..."
- 1.2 With that minor correction made the minutes were **APPROVED**.

2 Matters Arising

- 2.1 [Budgets for 2015 expenditure: \(Ref: 6.5\)](#) – Conseiller Guy had asked if Finance & Commerce Committee (F&CC) could give consideration to the effect of Retail Price Index (RPI) related pay increases on the budget for 2015.
 She had received a very full response from F&CC and was informed that total RPI increases, assuming an RPI of 3%, would amount to £16k. In addition, together with Conseiller Bache who had also expressed concerns about this, she was invited, at the suggestion of F&CC, to meet with the Treasurer and the Senior Administrator. This meeting revealed that the issue was complicated with some employees having an RPI increase in their contract, others not having this and some having no contract at all, as well as some payments being prescribed by law. As a result of this meeting, both Conseillers felt that altering RPI increases for 2015 would be both difficult and unfair. It could also be costly in terms of officer's time. However, it was concluded that it would be possible to look at contracts and agreements in time for the 2016 budget and this timescale, would hopefully allow for pay increases to be considered along with fairer taxation. The F&CC has been asked to give further close examination to this situation as a priority for its 2015 work to enable possible alternatives to be in place for 2016. Notes taken at this meeting have been shared with F&CC.

3 Questions not related to the Business of the Day

- 3.1 There were no questions submitted.

4 General Purposes & Advisory Committee (GP&A) Merchant Shipping

- 4.1 Cook This is an amendment to a Bailiwick-wide Law dating back to 2002, a very substantial piece of legislation, that gives us considerable comfort and protection. The world of International Merchant Shipping is extremely complex. It is an area that we would suggest Sark is best served through Bailiwick-wide legislation.
- 4.2 **Proposition – CARRIED**
That Chief Pleas approves The Merchant Shipping (Bailiwick of Guernsey)(Amendment) Law, 2014

5 Road Traffic Committee (RTC)

Road Traffic – Secondary Legislation and Commencement of Primary Legislation

- 5.1 Ventress The Committee had expected to have the enabling legislation empowering the *Motor Vehicles (Sark) Law, 2013* ready for this session of Chief Pleas but, due to unforeseen delays, it was decided that it would be too rushed and gives Conseillers a final chance to fine tune the detail if required.
It will come before Michaelmas Chief Pleas for approval.
- 5.2 E. Dewe Had received a number of representations about bicycles on forbidden roads. It is an offence to ride or attempt to ride bicycles on La Coupée or Harbour Hill.
Does this also mean battery-powered ‘cycles?’
- 5.3 Ventress Yes.
- 5.4 E. Dewe One of the biggest problems she could foresee is that with battery-powered ‘cycles being much heavier, banning them across La Coupée is going to forbid people using them reaching Little Sark or, if somebody living in Little Sark wants a battery-powered ‘cycle, they will not be able to cross La Coupée; these heavier ‘cycles are not easy to push across the Causeway.
- 5.5 Ventress Noted what she was saying but this would require a significant alteration to the Law.
- 5.6 Cocksedge Has received a couple of questions about parking regulations. He presumed that a tractor driver would be able to ask the Constable if there was building work or emergency work to be done at properties in these locations; also deliveries of oil and similar.
- 5.7 Ventress Yes the Constable could give permission and always has been able to do so. These rules were brought in because of the conflict with carriages driving away from La Collinette and tractors coming in the opposite direction, especially if something is parked. It is a complex situation but always kept under review.
- 5.8 Cocksedge Made a suggestion that on the importation of vehicles that seven days’ notice is rather short, especially if the Committee turns somebody down and the case goes to Tribunal; the applicant would have ordered the tractor well in advance.
He proposed that the lead time should be more like a month to give time for liaison with the supplier if there is a problem.
- 5.9 Ventress Noted what was being said; the Committee has always been flexible in the way that it operates and always takes everything that comes before it as required.
- 5.10 Cocksedge Regarding construction vehicles, on the renewing of the licence, we now need tele-handlers, diggers, trenching machines here permanently on the Island. It seems to be worded that if it was a construction vehicles there was an expectation that it would only be here for a certain time. Hopes this will be taken into account.
- 5.11 Ventress Yes.
- 5.12 Audrain In reference to parking – Conseiller Cocksedge mentioned people delivering oil for instance. That would not be considered as parking so would not need permission.
That is very different from someone leaving their vehicle in one of those restricted areas while they went off to do something else.
- 5.13 Guy Having had a ride on an electric bicycle recently (on private property), she supported Conseiller Dewe’s comment that if electric bikes could not be used across La Coupée any people needing electric bikes and living in Little Sark and needing to get up to the village might become isolated; these ‘bikes are heavy.
As to Conseiller Ventress’ point about “*this would require major changes in the Law*”, that is what we are here to do today – to look at this legislation.
- 5.14 If this is fine-tuning she proposed that in the make-up of the Tribunal the seven Members should surely be ordinarily resident in Sark. If not we could have someone on the Panel who has nothing to do with Sark.
- 5.15 Ventress Yes; the Committee will certainly look at it.
- 5.16 **Proposition – CARRIED**
That Chief Pleas notes the contents of this Report.

6 Cross Committee Report

Securing Sark’s Future – **Progress Report

- 6.1 Cook The monitoring report before you details the progress made to date with this policy and the planned progress for the future – a document that makes it easier for us as politicians to plan the delivery of the policies it contains and easier for the public to know what is being achieved and what to expect.

- 6.2 Cook This is a joint policy in which we are all involved in one way or another, particularly through the Workshops that introduced it, and we continue to work hard in its delivery.
If anyone has any queries then he or another member of the GP&A Committee will do what we can to clarify them.
- 6.3 Dunks Gave an update on the progress of the production of the Land Use Map; work on the 'boundaries layer' for Sark is well underway. From this layer the Development Control Committee will produce the Land Use Map. It is hoped the Committee will be able to start work on the Land Use Map sometime in August.
This may make achieving the September deadline for the first public meeting a little tight, but not impossible.

- 6.4 **Proposition – CARRIED**
Chief Pleas takes note of the contents of this progress report

7 Finance & Commerce Committee (F&CC)

**Revised Committee Mandate

- 7.1 Cottle First, a correction, in paragraph 2 of the Report, third line, where it says Item 7 it should say Item 8, referring to the next report on spending proposals.
The Committee is bringing this revised Mandate, as had been suggested at Easter Chief Pleas, to reflect two areas of responsibility identified and being currently undertaken by F&CC.
- 7.2 The first additional responsibility is highlighted at (b) in the Mandate and refers to Committee Expenditure Requests. The Committee is now in a position to present a collated draft expenditure budget at Midsummer Chief Pleas and allow time for all Conseillers to examine and question these requests. If more information is required, F&CC can request it and provide guidance on the financial implications.
As stated at Easter, this Committee believes, under the current structure of Chief Pleas, that budget decisions should be the responsibility of Chief Pleas as a whole, so the updated Mandate reflects this opportunity.
- 7.3 Second, the need to make sure that the revenue raising ability of Chief Pleas, in order to fulfil its obligations, is appropriate, fair and sufficient; this has been identified as a key element in *Securing Sark's Future*. This is being undertaken and is reflected in point (e) as highlighted in the Mandate.
- 7.4 This is an interim Mandate updating our current position and further work will be done to identify essential areas that need addressing and the resources that would be required to carry out any duties imposed.
He repeated what had been said at Easter; that the role of F&CC cannot be taken in isolation. The ability to budget will be reliant on other policies being implemented as identified in the 2014 policy document - *Securing Sark's Future*. As the Government moves to a more strategic method of budgeting with longer term aims set out over three years or more, forecasting should become more comprehensive and meaningful, but this requires a shift from what has been practice until now.
- 7.5 This all requires significant work with professional input and assistance so isn't for today. Further update to the Laws and Ordinances listed for which F&CC has responsibility will also happen once the current review of these is complete. He therefore presented this report, requesting that this revised Mandate is approved.
- 7.6 Bache It is encouraging that this year F&CC has started to revise its mandate but one must ask whether its proposal goes far enough.
What is meant by "to scrutinise expenditure requests and provide information to Chief Pleas on the financial implications involved"? Does this mean scrutinizing, prioritising and making recommendations to Chief Pleas about the expenditure requests? If so then Chief Pleas would simply have to decide whether it approved the F&CC recommendations. This would be entirely appropriate and a much stronger system than now.
He suspected that the proposal does not go this far; if not then it would seem that it will be left to Chief Pleas to assess the expenditure bids and prioritise them.
But Chief Pleas is not equipped to look into the relevant matters in detail or to make a sound initial judgement on priorities without further consideration. Surely it should be left to the responsible Committee, and therefore F&CC, to do this. He asked the F&CC Chairman to consider this and either suggest rewording the proposition or bring forward an amendment to Michaelmas Chief Pleas?

- 7.7 Bache Second, and of equal importance, is the failure of the amendments to include any mention of forward planning. Behind the policy to secure Sark's future is the need to look ahead and make provision for the future. Good financial planning for more than just one year must be at the heart of this and he suggested that this must be in F&CC's mandate. Again he asked the Chairman to accept this and hoped he will agree to bring this further amendment forward at Michaelmas so that F&CC will start 2015 with both a fully readjusted budget system and a clear responsibility for financial planning.
- 7.8 Finally he may wish to consider whether the mandate should broadly include important matters like investment management which are set out in detail in the Treasurer's Job Description (see Item 9).
If not, which Committee should be responsible for these areas?
- 7.9 Audrain Supported Conseillers Bache's three good points and she too called on the Committee to look at those in details and consider making some amendments.
- 7.10 Cottle As to the extent of scrutiny which F&CC should apply to the requests of Committees, he had already stated in his verbal introduction the position of F&CC; it does not think it is down to F&CC, as currently set-up under Chief Pleas, to take on the sole responsibility of that role. The Committee believes that it needs to collect the information it has obtained and, if necessary, clarify it before presenting the whole picture to Chief Pleas. If Chief Pleas wants the Committee to take a different approach, it would be happy to consider it but no such guidance to operate in any other way has so far been given.
- 7.11 It is certainly looking to the future and, as he had already said, this is an interim mandate just to include the two extra things it is doing at the moment. Longer term planning for the future should be a function for Chief Pleas as a whole with F&CC doing its part in that as part of *Securing Sark's Future* and the Committee will take it on when it has the ability to do it. Once Chief Pleas determines its policy, F&CC will play its part in helping to ensure those policy aims are achieved.
- 7.12 Finally, the reference to investment management is currently in the control of the Treasurer on behalf of Chief Pleas. If that needs to be in the F&CC mandate and that is the correct way to work, it will certainly be looked at and given consideration.
- 7.13 Bache The first point made by the F&CC Chairman leaves a serious lacuna (gap) in the working of the Committee and Chief Pleas. There is no way Chief Pleas can do that sort of detailed work and we really need to have a grip on it if we are to keep hold of the finances and the budget properly for the future.
- 7.14 Second, as far as planning is concerned, he wouldn't be suggesting that F&CC should be doing forward looking planning as a whole but it should be taking responsibility for the financial side. That means taking the information from various Committees as to what its financial outlay is likely to be or what they are going to request not just over the next year but over the next two, three, five or even ten years. On the basis of that it will be possible to build into the wider planning that has to go on for the Island but it is an F&CC area and not for anyone else.
- 7.15 **Proposition – CARRIED**
That Chief Pleas approves the amended Finance and Commerce Committee's Mandate.

8 Finance & Commerce Committee

****Expenditure Requests 2015**

- 8.1 Cottle Thanked all Committees for getting their requests submitted in time to produce this report which greatly assists the budgeting procedure this year.
This is effectively a draft expenditure budget to give a total indication of proposed spending for information and scrutiny by all Conseillers. The summary compares each committees' requirement for 2015 with this current year and is followed by more detailed individual submissions. If more information is required please ask now or follow up through F&CC and clarification will be obtained.
- 8.2 The requested increases in total amount to around £39k, just less than a 3% rise; the larger increases are identified as well as some savings.
- 8.3 It was decided to include an allowance for pay increases for all Island Employees as per the current pay policy which uses the prevailing Guernsey RPI figure, predicted to be 3%. As indicated this accounts for £16k of the total increase.
Discussion was held about whether this is appropriate currently and it was decided that advice was needed.

- 8.4 Cottle Several members of the Committee declared a direct or indirect interest. **Conseiller Cottle declared an indirect interest through his wife's employment; consequently, he was only contributing technical comment here rather than giving an opinion.** So it was proposed to request two Conseillers, who had expressed concern about this subject, to look at and make recommendations in this regard. Conseillers Bache and Guy agreed to this and met, with technical advice supplied by the Treasurer and Senior Administrator **(both of whom also declared an interest and only gave technical advice to the Conseillers).** They discussed and reported back to F&CC, as Conseiller Guy has mentioned earlier, concluding that trying to change RPI arrangements for 2015 was potentially complicated and difficult due to varying terms of employment, but a review should be started immediately. The object of this would be to standardise the terms of employment for all employees regarding annual pay review policy, ready to implement in January 2016. The recommendations from Conseillers Bache and Guy are sensible and helpful and the Committee thanks them for their help. It is intended to start this process shortly and report back in due course.
- 8.5 Finally, it is recognise that some requests for Capital Expenditure projects have had to be included for completeness before reports justifying the expenditure have been presented to Chief Pleas. There is time to work on these before Michaelmas and he called on the Committees to prepare reports when budget approval is sought from Chief Pleas. Further questions or comments regarding these issues were invited either at this meeting or afterwards by communicating with the Committee.
- 8.6 Plummer Can we have a breakdown of the amount requested under Legal Services and why is there an 8% rise? Also regarding Legal Aid, she is concerned about the amount; is there anyone on Sark who is asked or decides who receives Legal Aid?
- 8.7 Cottle Legal Services increase from £60k last year to £65k for 2015; the majority of that is the amount required by Chambers in Guernsey, where we receive our legal drafting and advice and which has been reviewing its costs during the year and this is the initial estimate. In the past it has been based on 1% of their expenditure in Guernsey; that has been removed for this year and replaced by a set fee but GP&A Committee has been querying that and this is the figure given for the budget process. The aim is to have a correct figure available for Michaelmas. Legal Aid is a difficult and controversial subject and the figure quoted doesn't reflect actual spending but is an expectation of spending again based on 1% of the Guernsey budget. GP&A continues to speak with Guernsey on the expectation and entitlement of Sark people to Legal Aid. It should be related to being a Sark resident for which we do not have a final definition yet; some of it is out of our hands.
- 8.8 Bache Thought that most people would find it worrying to see the payments by the Procureur have had to increase by 11%; we fully understand why but it remains a worrying financial figure. He was concerned what the future should be and how it should be looked at; he had reviewed the figures for the last few years. In 2011 the budget for the Procureur was £75k; so between 2011 and 2015 the budget has doubled. How are we to look at the next 4 or 5 years and what will happen then? We all have great respect for what the Procureurs do and believe they are working in the right area and in the right way but it is like an open wound with finance flowing freely from it. For the future we may need to take a really hard look at this and he suggested a closer look at the objectives, its management and its finances. Just how we do this he wasn't sure – perhaps with a Committee (and not necessarily a Chief Pleas Committee) – which would take an objective and considered view on the future of the Procureur's work. It's a very emotional subject and he thought that something needs to done and done quickly.
- 8.9 He referred to capital expenditure; there are some big items in the expenditure requests and he wondered how they were going to be treated and not all brought into this one year. No account has been taken of how much warning F&CC has had of these large items of expenditure. What it does throw up is that we need financial planning for the years ahead so that these big items can be brought in but in a rational way.

- 8.10 Guy Thanked F&CC for their work and felt that this was a better way of working; it enables committees to think very carefully about what they had to do and it has given all of us an overall picture of committee thinking.
She asked if, in the future, F&CC might ask committees for predicted income as well as expenditure as it does come into the equation.
She also asked if a clear distinction could be made in paperwork between the Island Trustees, requesting expenditure for the Medical Centre and the School Houses, and the contribution to maintenance by the Trustees of Sark School and Community Centre; this distinction between the Trustees needs to be clear.
- 8.11 She showed reluctance in asking questions of the Douzaine because they may be putting a separate report in at Michaelmas but wanted to know some answers about the plans for the incinerator which is a very large piece of capital expenditure. October was quite late on to be changing the budget for 2015.
Has the Douzaine explored various options and taken advice from refuse disposal engineers or professionals other than those trying to selling an incinerator to us.
She wondered whether any new incinerator would conform to existing standards for emissions and whether the new incinerator will cut down or eliminate the need for burning in an open pit.
- 8.12 P. Williams Public Works has not explored options by consulting refuse disposal engineers/professionals because it is obvious that there is a need to improve our refuse disposal system.
If it is the wish of Chief Pleas for us to get some professional advice and engage someone to look at our refuse system then we will; if the advice comes free then fine but Public Works is not prepared to waste money when the advice given will be more or less what we already know now.
Public Works continues to speak with colleagues in Guernsey at the recycling plant who are very knowledgeable about waste matters and keep us abreast of that side of refuse disposal.
- 8.13 When Public Works first looked at buying the existing incinerator it spoke with many suppliers in the U.K. and elsewhere, even one in South Africa.
The Company eventually chosen has turned out to be an extremely good choice - *Today'sure*, a British company. It has continued to help Public Works in any way it can with problems that may occur. The Company is always just a 'phone call away and it has sorted out problems via a call and never sent a bill.
- 8.14 There is a tremendous working relationship with the engineer who undertakes Sark's annual inspection/maintenance programme. He is the person who fitted the existing incinerator. He has travelled the world fitting/maintaining incinerators for the company and knows this side of the business inside out.
The company itself has a very impressive customer base including hospitals, clinics, veterinary and research establishments, laboratories and pharmaceutical companies, government departments, armed forces (these are mobile units), World Health authorities, N.A.T.O., oil exploration companies, air and seaports and so on.
- 8.15 The emission standards are as follows:
 - World Bank Emissions Standards
 - U.K. Clean Air Act
 - British Standard BS3316
- 8.16 These are some of the countries and organisations the company supplies with incinerators -
M.O.D., Tanzania, Kenya, Kurdistan, Papua New Guinea, Saudi Arabia, U.S.A., Poland, the Egyptian Government, Iraq, Algeria, Maldives, Libya, Afghanistan..... he could go on and on but it is not necessary. Conseillers can see this is a very savvy company which knows exactly what it is doing.
With these credentials Public Works does not believe it is necessary to consider any other companies, as the relationship with this company is as good as can be expected.
Regarding open burning, Public Works believes that with an additional incinerator it will enable greater efficiency in the present operation. The open burning will not be eliminated entirely at the moment due to the size of some items - pallets, builders waste etc. This will be for ongoing discussions in the near future.
It must be made clear that this will not replace the existing incinerator but will be in addition to, so that both incinerators can work in tandem.

- 8.17 P. Williams Details of the current Model TS150 are available and can be put on the Government website if this would be helpful.
Public Works will be producing a report as soon as possible.
- 8.18 Audrain Made a point about Legal Aid having looked at the information shown on the Guernsey website where it clearly says that if you apply for Legal Aid there may be circumstances where you would be expected to pay back the money you have claimed; maybe in cases where a settlement is made, amounts can be recouped.
She welcomed the way these expenditure requests have been put forward and it helps to share the Committee's thinking and the amounts the Committees have been requesting; it helps to have an overall picture.
She realised this is the first time this has been done but she asked that, if this is to be perpetuated, Committees might produce their information in a similar format so it is quite clear that, if a Committee is asking for a certain amount of money, what exactly that money will be spent on.
- 8.19 Cottle Accepted that was a useful comment and would be given consideration in future.
GP&A met with the Legal Aid team in Guernsey and they made us aware of all the requirements and repayments whenever possible. They apply the same rules for Sark as is done in Guernsey; there is a set procedure. Assessing somebody on Sark is slightly more difficult and the Committee is working on that, including whether they qualify as a Sark resident.
The Procureur is the responsibility of the Douzaine at the moment and he refrained from making comment other than to say it is essential that planning and structure is something Chief Pleas will need to discuss for the longer term.
Conseiller Guy's reference to the Medical Centre and the School houses are things for which more information will be requested for Michaelmas to clarify and justify the present amounts shown.
The incinerator comes into longer term planning and he was aware that Public Works had been looking at the issue for some time; he thought that once Committees adopt the habit of considering options earlier they will plan for the longer term to spread the capital commitments.

9 Finance & Commerce Committee

Treasurer and Deputy Treasurer Job Descriptions

- 9.1 Cottle Following the approval of terms of reference for the Treasurer at Easter Chief Pleas, these have been developed into Job Descriptions for the Treasurer and the currently vacant Deputy Treasurer's position.
The Treasurer's Job Description reflects the current duties and responsibilities under Sark Law, together with the role in supporting both F&CC particularly and Chief Pleas more widely in all financial affairs.
The job description goes beyond current Chief Pleas' practice in the provision of information and analysis to assist longer term strategic planning. This will help when Chief Pleas does undertake to produce policy for strategic planning.
Reference is made to observing *good practice* which relates to the Post Holder keeping up to date with current professional standards and practice through professional development.
For the purpose of good governance the reporting line for the Treasurer and Deputy is to the Senior Administrator rather than the Committee, ensuring impartiality.
The job descriptions clearly define the role - and the deputy's role in the absence of the Treasurer - '*ensuring the proper administration of Chief Pleas' financial affairs*'.
F&CC requests that you approve the two propositions for clarity and to permit the recruitment of a Deputy Treasurer.
- 9.2 **Proposition 1 - CARRIED**
That Chief Pleas approves the job descriptions of both the Treasurer and Deputy Treasurer.
- 9.3 **Proposition 2 - CARRIED**
That Chief Pleas approves that the Senior Administrator recruits and recommends to Finance and Commerce Committee for Chief Pleas approval the appointment on merit of a Deputy Treasurer to work with the Treasurer as per the attached job descriptions.

10 Shipping Committee

**Verbal Report

- 10.1 Cook Reported that the short term loan made to the Isle of Sark Shipping Company (IoSS) has been repaid in full, on time, and with the agreed amount of interest; a similar facility will be required this next winter as expected and will be the subject of a full report to Michaelmas Chief Pleas as to how this will work going forwards. F&CC continues to receive and monitor information supplied by the Company through the Island Treasurer.
- 10.2 Not yet resolved is the skip issue with Public Works but the Committee is keen that the value of the concession should remain transparent and expect that this will happen initially though IoSS' accounts as the year end is the 30th September. He apologised to Public Works for not pursuing this more constructively as yet.
- 10.3 IoSS passenger numbers to the end of June are up by almost a thousand; freight for the same period is down by 333 tonnes; it looks as if the worst case scenario of 3,000 tonnes for the year is about all that will be achieved; analysis continues. Manche îles has introduced a newer boat for its France>Jersey>Sark route with a capacity of 250 which shows an on-going commitment to this Island.

11 Medical Committee Regulation of Health Professionals

- 11.1 D. Baker Has e-mailed all Conseillers correspondence from Advocate Dawes concerning this Ordinance as requested by him in his letter dated 17th June 2014. The Medical Committee did say in the 2011 debate in Chief Pleas concerning the regulation of health professionals that "*The island of Brecqhou would for obvious reasons be exempt from this law*". There is no wish to interfere in the day to day running of whatever medical services are available in Brecqhou; however, when the Committee spoke with the Law Officers drafting this Ordinance it was told that the Guernsey Regulation of Health Professionals makes the following statement -

"Medical Practitioners to be licensed and registered"

- which is the wording used in the Sark draft legislation.

The Committee does not consider this to be interfering with the running of medical facilities on the island of Brecqhou but, having a safeguard for the residents now and in the future, for anyone who resides within the Bailiwick of Guernsey including Sark and Brecqhou; it would seem wrong not to ensure all medical practitioners were expected to have the same level of registration and satisfy the conditions laid down throughout the Bailiwick.

It is the Committee's intention to have a period of consultation with residents of Sark and the owners of Brecqhou but would like Chief Pleas' approval for the Committee to include this clause for any medical practitioner who may practice within the Island of Sark, which includes Brecqhou, thus keeping the legislation in line throughout the Bailiwick of Guernsey before the Committee goes out to consultation.

- 11.2 **Proposition – CARRIED**
That Chief Pleas accepts that, for the drafting of this Law, the whole of Sark, including Brecqhou, should be included in the one part which refers to the registration of Medical Practitioners.

12 Medical Committee Tobacco Products

- 12.1 D. Baker At the Easter meeting of Chief Pleas 2011 (04/05/11 Min. Ref: 10.64) the Medical Committee received approval for the following proposition –

That Chief Pleas directs the Medical Committee to request the Law Officers to draft an Ordinance to licence the retail sale of tobacco and tobacco products and ban the sale of tobacco and tobacco products to minors under 16 years old.

- 12.2 After consulting with the Law Officers the Medical Committee has decided to take a two-stage approach to regulation. It would like to request the Law Officers to draft an Ordinance to license the sale of tobacco and tobacco products as prescribed by Section 12 of the Reform (Sark) Law, 2008 leaving the more complex matters for a Projet in due course. It is hoped to have a Projet in future which will encompass the Ordinance needed now and possibly extend it to cover areas which the limited provisions of the Reform Law does not allow the Committee to do adequately at the present time.
- 12.3 It has considered and discussed the Guernsey legislation with the Law Officers which seems to bring into account matters such as the need for a named responsible person when a corporate body is involved so someone is held responsible, the display of tobacco products, and the involvement of children in the Tobacco Law and the definition of tobacco products and licenses. The advice given is to move forward with the two propositions in this current report.
- 12.4 Guy Admired the Medical Committee on its previous legislation banning smoking in public places and admired it for continuing in this way and she would vote in favour.
- 12.5 S. Williams **Declared a pecuniary interest in that she sold tobacco but she does pay a licence to sell tobacco in her public house.**
When the Medical Committee look to bringing in this legislation would there be merit in people having to pay for a licence in order to sell tobacco as public houses have to do now. She was aware of certain shops in The Avenue but she was unsure as to whether they needed a licence. This could make a small contribution to income for the Island.
- 12.6 D. Baker When we come to licencing, whatever charges are needed will be applied by the court at the time of granting the licence.

12.7 **Proposition 1 – CARRIED**
That Chief Pleas directs the Medical Committee to request the Law Officers of the Crown to draft an Ordinance to licence the sale of tobacco and tobacco products in the short term as described in the Reform (Sark) Law, 2008.

12.8 **Proposition 2 – CARRIED**
That Chief Pleas directs the Medical Committee to request the Law Officers of the Crown to draft a Projet de Loi to extend the provisions of the initial Ordinance to cover the wider implications of the sale of tobacco and tobacco products and include any matters deemed to be necessary and expedient.

13 Development Control Committee **Amending the Development Control Law**

- 13.1 Dunks Had nothing to add to the report which is self-explanatory.
- 13.2 Guy This would be normal procedure in other jurisdictions so inspections would be carried out by officers rather than politicians so it seems there is a need to have it here.
If the Committee standardises and makes obligatory the application form it brought to Chief Pleas as an option, the Committee's job would be made very much easier.
- 13.3 Dunks Essentially the Committee requests that the Law be amended such that it can assign an inspector to go into a development and ensure that what has been applied for has been built.

13.4 **Proposition – CARRIED**
That Chief Pleas directs the Development Control Committee to request the Law Officers of the Crown to draft an amending Projet de Loi to The Development Control (Sark) Law, 1991 to permit an authorised person to enter and inspect development which has been approved by the Committee.

Next scheduled meeting of Chief Pleas Members

MICHAELMAS MEETING – Wednesday 1st October 2014 at 10.00am

Agenda closes - Wednesday 3rd September 2014 at 3.00pm

Papers distributed to Members not later than Wednesday 10th September 2014.

This meeting closed at 11.17am

Brian Garrard CMLT (Sark Committee Secretary) 3rd, 7th & 8th July 2014

President of Chief Pleas

Finalised on 11th July 2014

The Greffier

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

www.gov.sark.gg

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

MEMBERS OF CHIEF PLEAS

Midsummer Chief Pleas Meeting – 2nd July 2014

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

Brian Garrard, Committee Secretary CMLT, 2nd July 2014