



OFFICIAL REPORT

OF THE

EASTER MEETING

OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 15th April 2015

*All published Official Reports can be found on the
official Island of Sark Chief Pleas website www.gov.sark.gg*

Volume 1, No. 3

*Published by The Greffier of Sark, La Chasse Marette,
Sark, GY10 1SF. © Chief Pleas of Sark, 2015*

Present:

Seigneur

J M Beaumont Esq OBE

President of Chief Pleas

Lt Col. R J Guille MBE

Deputy Prévôt

Mrs J Godwin

Greffier

Mr T J Hamon

Treasurer

Mrs W Kiernan FCA

Constable

Mr G Williams

Vingtenier

Mr P S La Trobe-Bateman

His Excellency the Lieutenant Governor

Air Marshal Peter Walker, CB, CBE

Conseillers:

Sandra Williams
Hazel Fry
Karen Adams
Richard Dewe
Elizabeth Dewe
Antony Dunks
Paul Williams
Rosanne Byrne
Christine Audrain
Robert Cottle
Alan Blythe
Matthew Joyner
Diane Baker
Edric Baker

Paul Burgess
Peter Byrne
Elsie Courtney
Colin Golds
Charles Maitland
Nicholas Maloney
Elizabeth Norwich
Roger Norwich
Helen Plummer
William Raymond
Arthur Rolfe
Stephen Taylor
Christopher Nightingale
Anthony Ventress

Business transacted

| | |
|---|-----------|
| Welcome to HE Lieutenant-Governor and members of the Ministry of Justice | 5 |
| Thanks to the Seneschal for improvement of Conseillers' desks..... | 5 |
| Appointment of Receiver of Wreck – Statement by the Chairman of Harbours and Pilotage Committee..... | 5 |
| Taxation Appeals Tribunal – Miss Jo Birch, Mrs Sandie Hunt and Mr Alex Magell appointed..... | 6 |
| Chief Pleas insurance – Statement by the Chairman of Finance and Resources | 6 |
| 70th Anniversary of Liberation – Statement by the Constable | 7 |
| Hall and Community Centre Trust – Statement by the President..... | 7 |
| Procedural | 8 |
| Business of the Day | 8 |
| 1. Extraordinary Meeting, 10th February 2015 – Matters arising | 8 |
| 2. Questions not related to the Business of the Day – None..... | 8 |
| 3. 2014 Financial Statements – Finance and Resources Committee Report considered – Proposition carried..... | 9 |
| 4. Budgets for 2016 Expenditure – Finance and Resources Committee Report noted | 11 |
| 5. The Use of Electronic Equipment by Conseillers – Policy Development Group Report considered – Propositions carried | 13 |
| 6. Amending the Number of Conseillers on the Education Committee – Education Committee Report considered – Proposition Carried..... | 16 |
| 7. Securing Sark's Future – Policy and Performance Committee Progress Report considered – Proposition carried..... | 17 |
| 8. Corporate Ownership and the Direct Taxes (Sark) Law, 2002 – Fairer Taxation Policy Development Team Report considered – Amended proposition carried..... | 18 |
| 9. Progress on Sustainable Electricity – Sustainable Electricity Policy Development Team Report considered – Proposition carried..... | 20 |
| 10. Progress on the Children Law – Children Law Policy Development Team Report noted . | 22 |
| 11. Review of the Isle of Sark Shipping Policy – Policy Development Team Progress Report noted | 23 |
| 12. Sark Elections 10th December 2014 – Report of the Independent Election Observer: Howard Knight – Policy and Performance Committee Report noted..... | 24 |
| 13. Policing Review in Sark – Policing Review Policy Development Team Interim Report noted | 27 |
| <i>Chief Pleas adjourned at 11.26 a.m. and resumed its sitting at 11.38 a.m.....</i> | <i>28</i> |
| 14. Memorandum of Understanding between Lower Normandy, La Manche and Jersey, Guernsey, Alderney and Sark – Policy and Performance Committee Report noted | 28 |
| 15. Liquor Licensing – Liquor Licensing Policy Development Team Report noted | 28 |
| 16. Annual Report on Tourism – Tourism Committee Information Report noted | 29 |

EASTER MEETING OF CHIEF PLEAS, WEDNESDAY, 15th APRIL 2015

| | |
|--|----|
| 17. Committee elections..... | 29 |
| Fire Precautions Policy Development Team – Conseiller Courtney elected | 30 |
| Fairer Taxation Policy Development Team – Treasurer of Sark elected | 30 |
| Review of Isle of Sark Shipping Policy Development Team – Conseiller Rolfe elected | 31 |
| Ordinance laid before Chief Pleas..... | 31 |
| Date of next meeting | 31 |
| Timely submission of Agenda papers and reports..... | 31 |
| <i>Chief Pleas closed at 11.47 a.m.</i> | 32 |

Easter Meeting of Chief Pleas

Chief Pleas met at 10.00 a.m.

[THE PRESIDENT *in the Chair*]

PRAYER

The Greffier

ROLL CALL

The Greffier

The Greffier: There are 28 Conseillers, the Seigneur and the President of Chief Pleas present.

Welcome to HE Lieutenant-Governor and members of the Ministry of Justice

The President: I would like to welcome His Excellency the Lieutenant-Governor to this Easter Meeting.

I would also like to extend a welcome to two members of the Ministry of Justice, Chiara McCall and Ned Turner, and if any of you want to speak with them then please take the opportunity during the lunch recess.

Thanks to the Seneschal for improvement of Conseillers' desks

The President: A very short statement by me to once again thank the Seneschal for his carpentry skills: you will have noticed a larger lip on your desks to hold your piles of papers.

Appointment of Receiver of Wreck – Statement by the Chairman of Harbours and Pilotage Committee

The President: A Statement now, please, by the Chairman of Harbours and Pilotage, Conseiller Williams.

Conseiller Sandra Williams: The late John Carré held the position of Receiver of Wreck and was discussing handing over the responsibilities for the Harbour and Pilotage Committee just before he died – and if I could just take this moment to record a vote of thanks to John Carré, please.

The Wreck and Salvage Vessel and Aircraft (Bailiwick of Guernsey) Law, 1986 provides in respect of Sark that the Harbours and Pilotage Committee shall appoint the Island's Receiver of Wreck. The Committee has now appointed the duty harbourmaster as Receiver of Wreck.

20 Clearly, Mr Carré was appointed to the position as he was formerly the Harbourmaster, and this appointment sees a continuation of responsibility assigned to the most appropriate individual. The duty harbourmaster is always available by phone and is present at the harbour for much of the day.

This Statement has been sent to the Law Officers and to the Guernsey harbourmasters for information.

25 Thank you.

The President: Thank you very much indeed.

**Taxation Appeals Tribunal –
Miss Jo Birch, Mrs Sandie Hunt and Mr Alex Magell appointed**

The President: A Statement by the Chairman of Finance and Resources, Conseiller Cottle, please.

30

Conseiller Cottle: Thank you, sir.

I have actually got two short Statements to make. The first one is on the Taxation Tribunal – appointments to that Tribunal.

35 Following the resignation of William Raymond from the Taxation Appeals Tribunal upon his election to Chief Pleas, His Excellency the Lieutenant-Governor has made three appointments to the Tribunal as set out in schedule 3 of the Direct Taxes (Sark) Law, 2002.

40 Miss Jo Birch, who was Deputy President, has been appointed to the role of President of the Tribunal; Mrs Sandie Hunt, who has sat on the Tribunal for three years, is appointed to be Deputy President; and a new member has been appointed to fill the outstanding vacancy. Mr Alex Magell was proposed and agreed to join the Tribunal. He has been appointed by His Excellency and has been sworn in, bringing membership back to its full number.

I wish to thank all these members for offering their time and efforts when called upon if the occasion arises. To date, there has still not been an appeal which has caused the Tribunal to sit.

45 I thank the Lieutenant-Governor for making these appointments. His Excellency has asked that the appointments procedure for the members of the Tribunal be reviewed and it has been agreed that this should be done as part of a wider review of the current system of appointments in due course. That is the Statement on that.

**Chief Pleas insurance –
Statement by the Chairman of Finance and Resources**

Conseiller Cottle: The second Statement is on the Island's insurance.

50 The Finance and Resources Committee has taken on the responsibility for the insurance of Chief Pleas. During enquiries prior to renewal of policies earlier this month it became clear that there were several areas of potential underinsurance. These were particularly property rebuild values and some areas of liability cover. We sought renewal based on the greater cover needed and the paying quotes, which were checked, and insurance was put in place. The overall result is that insurance will be £6,000 over the budget figure of £45,000, but this is considered necessary
55 for the protection of the property and activities of the Government and is to prevent the possible lack of cover in the event of a claim.

Thank you.

The President: Thank you.

**70th Anniversary of Liberation –
Statement by the Constable**

60 **The President:** I now invite the Constable to make a Statement regarding the
70th Anniversary of Liberation. Constable.

The Constable: The Constable Committee have been working hard since last November on
the plans for this year's Liberation commemorations and celebrations. Some advertising has
65 already been sent out, but there will be more to come. This is an outline of the day.

All events will take place at Creux Harbour. The harbour transport will commence at 10 a.m.,
doing 15-minute interval runs up and down, also collecting passengers from scheduled boats.
The harbour transport will not operate between 11.15 a.m. and 1 p.m. After 1 p.m., any persons
wishing to go to the top of the Island can do so.

70 The commemorations will start with a flypast of a Dakota of the Battle of Britain Memorial
Flight at 11.15 a.m. We are told we will get three passes and an overflight over the top of the
Island.

This will be immediately followed by an all-faiths service with the Bishop of Dover giving the
address and other clergies involved. There will be a collection for the Red Cross.

75 At the conclusion of the service there will be an unveiling of the plaque to the Sarkees and
other residents deported to Germany in 1942 and 1943. The plaque is to be unveiled by
Mrs Nellie Le Feuvre, assisted by Mr Dudley Bradley, both Sarkee deportees.

The Committee have chartered the *Sark Belle* to bring over our guests, who include the
Lieutenant-Governor and Mrs Walker, the Sark deportees who live elsewhere, the Chelsea
80 Pensioners, the Ghurkhas and detachments from *HMS Daring*, *HMS Northumberland* and the
Princess of Wales Royal Regiment. There will be others on the boat, such as the Band of the
Salvation Army and a detachment of the Guernsey Re-enactment Society dressed in World
War II uniform.

85 The *Belle* will sail into Creux at 10.30 a.m. and depart from the Maseline with our guests at
3.30 p.m. A marquee will be set up for our guests; also those persons resident in Sark who were
in Sark under Occupation. There will be a public bar and food outlets where those persons not
catered for in the marquee can purchase food and drink.

Thank you.

90 **The President:** Thank you very much.

**Hall and Community Centre Trust –
Statement by the President**

The President: I would just like to make a short Statement about the Hall and Community
Centre Trust and the Trustees.

The trustees have been brought back up to strength after the death of trustee Mr Dave
Melling. The Trustees are now Mr Lewis Heald, Chairman; Mrs Jane Norwich, Secretary-
95 Treasurer; Ms Zoe Adams; and Mr Dave Cocksedge.

I would also like to ask you to note that Mr Brian Garrard has now resigned as a Trustee after
six years in that position, so I would like to record a vote of thanks to him for that.

Procedural

100 **The President:** I would remind everybody present that, in accordance with Rule of Procedure 16, mobile phones, cameras and recording devices are to be switched off now.

It is quite warm in here. If the gentlemen wish to remove their jackets, they may do so. The ladies may remove their hats, if they wish. If there is going to be a general shuffle, do it now, please; if not, stick with it. *(Laughter)*

Business of the Day

1. Extraordinary Meeting, 10th February 2015 – Matters arising

Matters arising from the Extraordinary Meeting held on 10th February 2015.

105 **The President:** We will move on to the Business of the Day.
Agenda Item 1: Matters arising from the Extraordinary Meeting of Chief Pleas held on 10th February 2015. Are there any matters arising?
Yes, Conseiller Dunks.

110 **Conseiller Dunks:** This item relates to Item 3: Amendment to the Reform (Sark) Law, 2008. This is on pages 8 and 9 of the *Hansard* with reference to lines 120 through to 130.

While the consultation with the Law Officers mentioned at the last meeting of Chief Pleas did take place, through reasons of a personal nature the questions asked could not be answered in time to submit a report for this meeting. The report will be brought to the Midsummer Meeting instead.

115 Thank you.

The President: Thank you. Anybody else?
Yes, Conseiller Edric Baker.

120 **Conseiller Edric Baker:** Yes, sir, it is basically the same Item and it affects the Douzaine directly.

We had hoped to bring an Ordinance forward at this Chief Pleas, but this has not been possible. We would like to bring it at the next Chief Pleas meeting.

125 **The President:** Thank you.
Did I see another hand go up, somewhere? No.

2. Questions not related to the Business of the Day – None

Questions not related to the Business of the Day.

The President: We move to Agenda Item 2: Questions not related to the Business of the Day. There are no questions from Members.

**3. 2014 Financial Statements –
Finance and Resources Committee Report considered –
Proposition carried**

To consider a Report from the Finance and Resources Committee entitled '2014 Financial Statements'.

Proposition:

That the Financial Statements of the Island for the year ended 31st December 2014 be adopted by Chief Pleas.

The President: We move to Agenda Item 3: To consider a Report from the Finance and Resources Committee entitled '2014 Financial Statements'.

I would ask the Committee Chairman, Conseiller Cottle, to introduce this Report, please.

Conseiller Cottle: Thank you, sir.

135 Firstly, I wish to apologise for the Financial Statements not being published on time with the Report. This was due to the final audited copy not being available on the deadline day and was not within the control of the Treasurer. They were circulated as soon as they were available and you have them with the Report today.

140 The Report presents the Financial Statements for the Island for the year ending 31st December 2014 for adoption by Chief Pleas. They have been audited and the auditor's report accompanies the statements. The Financial Statements have been signed by the Treasurer with the approval of the Finance and Resources Committee and are presented with a recommendation for adoption.

145 The Report sets out the main headlines of the figures for the year and the two accompanying appendices give a comparison against the previous year's results and also against budget. After reporting a deficit of £58,000 last year I am pleased to be able to report a return to surplus this year of £79,000. This is the eighth year in the last nine years that a surplus has been achieved and the result is that our reserves continue to look comparatively healthy, recorded as being back at just over £3 million.

150 As I state in the Report, this result should not lead to any complacency on the part of Chief Pleas, particularly the Committees responsible for budgetary expenditure. The previous year, 2013, revenue income fell £200,000 short of budget, and though this has been restored, in the main due to 15% increases to both direct tax and Impôt, revenue still fell £38,000 below budget as Impôt fell short of prediction again. This current year again significant increases to both taxes were made to cover the increases in proposed expenditure. This cannot continue year after year and particularly Impôt has reached a level where increases have started to produce diminishing returns. The Fairer Taxation Policy Development Team is currently reviewing tax-raising methods and levels and will report on this soon.

160 Expenditure rose last year by 2.5%, which is close to inflation, or RPI. Actually, the expenditure was £116,000 below the budget figure, due to various savings which are identified in the Report. I would urge spending Committees to look at their actual expenditure last year as the basis for which they make plans for next year, rather than their current budgets, knowing where the savings were made last year.

165 Chief Pleas has limited tax-raising powers, but I would suggest that it is well balanced by the amount of work that is done at no cost here, and also that it is much easier to identify waste on the small scale that we have, compared with larger jurisdictions. However, small savings add up and I hope that Conseillers continue to manage their budget responsibilities carefully. Some expenditure commitments are not controlled by us due to legal requirements, but we will continue to question these on behalf of the Island.

170 On the whole I think all Committees have reacted positively and recognised the need for
careful housekeeping after the one-off deficit and should be congratulated and encouraged to
continue in this way.

Finance and Resource Committee will continue to monitor and question all spending,
understanding that all Island functions have to be resourced but also that we need to be able to
justify that spending. We are doing more work on the budgeting process. One outcome of that is
175 the next item on the Agenda.

If you have any questions or comments I will attempt to answer them.

Thank you.

The President: And also that the Treasurer can ask any technical questions that arise on the
180 Financial Statements.

Yes, Conseiller Rolfe.

Conseiller Rolfe: Thank you, Mr President.

185 Just in case anybody in this House is missing Conseiller Bache's contributions for these
budgetary debates I would just like to make a few comments, because I very much agreed with
his own view.

On 1st December, before the election, my statement said: 'As I see it, the problem with the
functioning of' – Finance and Resources, what was then the Commerce Committee – 'is that,
whilst it raises the income required by spending Committees, it does not have effective powers
190 to exercise control over expenditure.' This is not a criticism of the members of that Committee,
who are exercising the powers vested in them. To my way of thinking, it is perhaps the mandate
itself that really needs to be looked at.

In other jurisdictions the government actually imposes a cap, or it tells the spending
ministries or committees what is expected of them. To my way of thinking, what we are doing
195 here is looking at outturn figures and looking at small savings, which demonstrate that they
understand the need to spend taxpayers' money with care. That is far too little too late, to my
way of thinking.

No doubt what I am saying is going to be deeply unpopular with almost every Member of this
House, but it is my firm belief that we really do need to start looking at overall expenditure long
200 before the budgetary process is set in place. We have to have, I believe, a much tighter fiscal
control on expenditure.

The President: Thank you. Anybody else?

Conseiller Maitland.

205

Conseiller Maitland: I have to congratulate the Committee and particularly our Treasurer for
the clarity of this Report and for the fact that not only have the books been balanced this year
but a small profit has been put into reserves. It is reassuring that we have reserves equivalent to
at least one year's expenditure and I think there are many jurisdictions who wish they were in
210 that position.

I came across a report earlier this year, a BBC report, which stated that more than £62,000
was spent by the States of Jersey last year on bottled water alone, and to put our expenditure
into context, I reckon that £62,000 would more than cover the basic cost of running Sark's
Government, as we all know how much Conseillers earn and what brilliant pension pots are
215 being accumulated on our behalf! *(Laughter)*

I think one point that Chief Pleas should consider – not in the future, and fairly shortly – is
whether the Procureur's expenditure should continue to be unaudited. One can only admire all
the work that Procureurs do, but must question whether there is any need today for this
exemption. Perhaps this is a point for F&R to consider.

220 Thank you.

The President: Anybody else rising?

Yes, Conseiller Raymond.

Conseiller Raymond: Sir, thank you.

225 We are deeply conscious of the limit of our powers to control expenditure as a Committee.
We would welcome legislation to give us greater powers, and that *might* bring savings, although
my own belief is that the budgetary process that was set in place some 10 years or more ago
actually has achieved huge savings because the Committees have ownership of their budgets
and they actually manage them with considerable care already. That said, if Policy and
230 Performance want to review the powers that we have as a matter of policy, I certainly would
have no objection.

The President: Any more debate? No.

235 Then we will go to the vote on the Proposition that the Financial Statements of the Island for
the year ended 31st December 2014 be adopted by Chief Pleas.

Those in favour; those against. **Carried.**

4. Budgets for 2016 Expenditure – Finance and Resources Committee Report noted

*To consider a Report from the Finance and Resources Committee entitled ‘Budgets for 2016
Expenditure’.*

The President: We move to Agenda Item 4: To consider an information report from the
Finance and Resources Committee entitled ‘Budgets for 2016 Expenditure’.

Conseiller Cottle, please.

240

Conseiller Cottle: Thank you again.

This Item, Budgets for 2016 Expenditure, follows on from the last Item and in some part
addresses some of the concerns that Conseiller Rolfe has just raised about our control on
spending and our view on longer-term spending.

245 We bring this proposal... the expenditure proposals are requested again from all Committees
with an expenditure responsibility in time for publishing for Midsummer Chief Pleas. The
deadline date for this is 19th May, as indicated. They should all be sent to the Treasurer for
collating and distributing so that they can be scrutinised by all Conseillers. This is the current
procedure that we undertake. All Conseillers have ownership of the expenditure budget and
250 they are all at liberty to question any aspect of it. Like last year, anyone wishing to question or
seek clarification on a particular spending proposal is then in a position to do so. Any technical
advice will be available from the Treasurer and Finance and Resources Committee will
endeavour to give guidance on tax-raising implications coming from the proposed expenditure
budget.

255 A request was made last year that a standard form be produced for submitting budget
requests and the draft example form is attached as an appendix. Any feedback on that form is
welcome, as it is a draft form which we can update if needed. It will be in electronic form, sent
by e-mail, with expandable boxes for filling in the required information. On the second side of
the form we are also taking an initial step towards longer-term planning by asking that all
260 Committees consider the next three years ahead and identify any changes to expenditure they
can foresee – either increases to revenue spending or proposed capital expenditure.

265 F&R hope that the information received will help inform and develop longer-term planning methods appropriate to Sark. This will be needed for making plans for investing in the future of the Island and the improving of services and infrastructure for the benefit of the whole community. Any information received will be very useful but at this stage will not be a commitment and should not be taken as approval while Finance and Resources research further into this subject. It is hoped that this proves helpful all round in the budget process. We ask that you get your forms in on time, as you did last year.

270 Again, all questions or comments are welcome.

The President: Thank you. Any questions or debate, please?
Conseiller Adams, followed by Conseiller Audrain. We will take it from there.

275 **Conseiller Adams:** I think it is a really good idea to introduce a consistent format for making budget predictions and the example provided seems clear in layout.

Conseiller Cottle has just told us that the expenditure planning remains the responsibility of the spending Committees, but F&R have the responsibility to question all of this and provide assistance to the Committee if needed, and that is also a good thing in my opinion. But I would also hope that in the case of exceptional revenue expenditure, and especially foreseen capital expenditure, requested in section B of the example sheet, there would always be the opportunity for this to be discussed at Policy Development Group, not just with F&R, so that we can agree on prioritisation as a whole group.

285 **The President:** Thank you.
Conseiller Audrain.

Conseiller Audrain: Yes, my comments are more or less as Conseiller Adams has stated. I really welcome this method of making sure that budget requests are consistent throughout the Committees.

290 I do think that we need to be able to discuss this – especially the long-term spending – as an entire group and I think that this plan does go some way to answer the questions that Conseiller Rolfe has brought up.

I did usually back ex-Conseiller Bache when he brought these comments up before and I think this is a step in the right direction, but I think we ought to take note of what Conseiller Raymond has said also, because I think that would be a good step too.

295 **The President:** Thank you. Anybody else?
Conseiller Cottle.

300 **Conseiller Cottle:** I would just like to thank the Members who have made comments just recently.

I think there is still a lot of work to be done on budgeting and Conseiller Rolfe's comments are obviously very fair and deserve consideration. I think we have more discussion to be had in our Policy Development Group on this and, as Conseiller Raymond indicates... work for the Policy and Performance Committee to do to come to Chief Pleas with recommendations as to how much control Finance and Resources Committee should have over the expenditure of the Island.

305 Thank you.

The President: As there are no propositions we will move on to the next Item.

**5. The Use of Electronic Equipment by Conseillers –
Policy Development Group Report considered –
Propositions carried**

To consider a Report from the Policy Development Group entitled 'The Use of Electronic Equipment by Conseillers'.

Proposition 1

That Chief Pleas allows Conseillers to use electronic equipment on which Chief Pleas' records, agendas and documents can be stored, allowing them to better fulfil their role as Conseillers during Chief Pleas' Assembly meetings.

Proposition 2

That Chief Pleas approves the amendment to the Rules of Procedure 16(2) inserting after the words 'cameras etc.' the words 'other than those devices used by Members of Chief Pleas to read stored records of Chief Pleas, agendas and other Chief Pleas related documents,'.

310 **The President:** Agenda Item 5: To consider a Report from the Policy Development Group entitled 'The Use of Electronic Equipment by Conseillers'.

I would ask the Group Chairman, Conseiller Burgess, to introduce the Report and to be followed by Conseiller Dunks before anybody else.

Conseiller Burgess, please.

315

Conseiller Burgess: Thank you.

I shall not go through all the Report, because it is only quite a short one, but I would like to add a couple of bits to it.

The first one is that, obviously, if Proposition 1 fails we will not go onto Proposition 2.

320

Second, further to the Report I would like to remind members of the public that this Report only applies to the Members to Chief Pleas, so when the request is made at the start of Chief Pleas meetings by the President of Chief Pleas that all electronic devices are to be switched off, members of the public still have to switch theirs off. That is that, thank you.

325

The President: Thank you.

Conseiller Dunks.

Conseiller Dunks: Before moving on to the debate for this Item I would like to say a few words on the background of how the Item has come to Chief Pleas.

330

The matter was initially brought to a meeting of the Policy Development Group by an individual Conseiller. The Group considered the idea and agreed it should be taken to Chief Pleas for debate. The individual Conseiller was invited to submit a report, which is now before you.

335

As there is no route within the present Chief Pleas Rules of Procedure for an individual Conseiller to bring an item to Chief Pleas, the Policy Development Group is acting as a conduit to facilitate this. In this the Policy Development Group is functioning in a similar way to when the Development Control Committee brings forth a name for a new member of the Development Control Tribunal: it has no control over what is submitted and acts only as a conduit for the matter to go to Chief Pleas.

340

While the Policy Development Group has the prior knowledge of this Item and has agreed to let it come to Chief Pleas for debate, it has not discussed the matter, nor come to any prior decisions on the Proposition. If anyone is unsatisfied with the process, I am happy to discuss the matter further, including proposed amendments to the Rules of Procedure, if required.

Thank you.

345 **The President:** Thank you. Any other comment or debate, please?
Conseiller Adams, followed by Conseiller Maitland.

Conseiller Adams: Times are changing and people are becoming less enthusiastic about printing off excessive amounts of paper for meetings. If I had an iPad I would be using it now if I were allowed to, so I will be voting for both Propositions.

I would also like it to be possible for members of the public to be using them too. That being said, I feel we should retain the stipulation that recordings of Chief Pleas, other than *Hansard*, should not be allowed.

355 **The President:** Thank you.
Conseiller Maitland.

Conseiller Maitland: Yes, I support those sentiments because I think that this is the way we are going to go. In a few years' time we will all have iPads and paper will be eliminated. I notice in the House of Commons they are all being given iPads. I am not saying that we should go down that route and bankrupt the Island, but... Also, I do think that the public should be able to bring in iPads as well, but that perhaps is for another day.

The President: Anybody else?
365 Yes, Conseiller Sandra Williams, followed by Conseiller Ventress, followed by Conseiller Cottle.

Conseiller Sandra Williams: I agree with Conseiller Adams and I agree with Conseiller Maitland: if we are going to make the change now, would it not make more sense to make the change altogether, rather than do it piecemeal? If we are going to have Conseillers allowed to use electronic devices or iPads, why not let the public do it as well? The *Hansard* is recording it all now anyway and people have been recording it for years, so why not just allow it carry on?

The President: Conseiller Ventress.

375 **Conseiller Ventress:** As a silver surfer I have only lately come to the electronic age.
I have listened to the Guernsey broadcast of their States and there has been a certain amount of disquiet, where people have been complaining that Members of the States are sitting there playing around with their electronic devices, e-mailing and possibly even playing games on them while people are speaking. I also watch parliamentary debates, and what I have noticed is that everybody who takes part in a debate there gets out their sheets of paper and they read their speeches from the proper thing: paper.

While I feel that we do need to advance in the electronic age, I am wondering if this is a stage too far.

385 Thank you.

The President: Conseiller Cottle.

Conseiller Cottle: I would just like to ask a question of Conseiller Burgess. I am a little concerned that this Report does not mention Wi-Fi connection at all and I am wondering whether there is the need for a Wi-Fi connection for the iPads to access the information that they are proposing to access; and have the implications of having Wi-Fi available in the room been considered, so that Conseillers – and, if it goes a step further, the general public – are in contact with the outside world and can e-mail backwards and forwards during the meeting? Have the consequences and implications of that been properly considered before we take that step?

395 Thank you.

The President: Thank you. Anybody else?
Conseiller Dunks.

400

Conseiller Dunks: With my Finance hat on I would like to just really squash any suggestion that we start providing iPads to Members of Chief Pleas! (*Laughter*).

The second point – it was raised by Conseiller Williams – was this idea that if the public are brought in at this stage we have to consider that there is supposed to be a restriction on Members of Chief Pleas communicating with the public during meetings of Chief Pleas. We have not really looked at that in this debate. Until that has been looked at I suggest we restrict it to just the Members of Chief Pleas being able to use electronic devices.

405

Thank you.

410

The President: I think that is borne out by the Proposition at the moment. The Propositions before you are purely dealing with the ability of Conseillers.

Somebody with a hand up? Conseiller Burgess.

415

Conseiller Burgess: I would just like to reply to Conseiller Cottle. We actually do have Wi-Fi here but it is restricted because it is the Greffier's. In fact I do not think we should have Wi-Fi, because you do not need it. You can have your stuff saved on your iPad without having Wi-Fi, so we do not actually need it.

420

The President: Thank you.
Yes, Conseiller Cottle.

Conseiller Cottle: Can I suggest then – I do not know if we need to amend the Proposition – that the Greffier's Wi-Fi is switched off during meetings; (*Laughter*) or is that not possible?

425

The President: The Rules of Procedure are quite clear that it does not apply to the recording of *Hansard*, so we do need the Wi-Fi.

430

Conseiller Cottle: So we cannot restrict use of e-mail by Conseillers if we approve the use of iPads, other than by asking them not to do it?

The President: I see what you mean: not him doing this now, but his Wi-Fi from his office.

Conseiller Cottle: Being on in the background at the moment.

435

The President: I think that is something you would need to discuss amongst yourselves and also with your IT manager as to whether or not there should be a restriction.

Conseiller Rolfe.

440

Conseiller Rolfe: I was not really intending to say anything at all, but on the question of Wi-Fi I think it is necessary because one of the most useful tools that we have is the Government website and if I was in here with my iPad, without all this telephone directory of paper, the one thing I would like to be able to do is to get online and actually trawl through previous minutes of meetings. We often refer back to minutes of meetings and it is a very useful tool to have, but you must have Wi-Fi for that.

445

The President: Thank you.
Yes, Conseiller Burgess.

Conseiller Burgess: On that, again, you do not. On my iPad I have minutes going back to 2009
450 and all our Finance minutes etc, so you do not need Wi-Fi.

Also, for Conseiller Cottle, it is passworded, the Greffier's Wi-Fi, so unless you have the password you cannot use it anyway.

The President: We have the two Propositions before you.

455 Proposition 1: That Chief Pleas allows Conseillers to use electronic equipment on which Chief Pleas records, agendas and documents can be stored, allowing them to better fulfil their role as Conseillers during Chief Pleas Assembly meetings.

Are you happy to go forward with that Proposition, Conseiller Burgess?

460 **Conseiller Burgess:** Yes, I am.

The President: Right, thank you. I will go to the vote on that Proposition.

Those in favour; those against. **Carried.**

465 Therefore, Proposition 2 comes into play: That Chief Pleas approves the amendment to the Rules of Procedure 16(2) inserting after the words, 'cameras etc' the words 'other than those devices used by Members of Chief Pleas to read stored records of Chief Pleas, agendas and other Chief Pleas related documents,'.

Those in favour; those against. **Carried.**

470 You cannot start using your iPads yet. *(Laughter)* iPads will be able to be used with effect from the next meeting of Chief Pleas.

**6. Amending the Number of Conseillers on the Education Committee –
Education Committee Report considered –
Proposition Carried**

To consider a Report from the Education Committee entitled 'Amending the Number of Conseillers on the Education Committee'.

Proposition

That Chief Pleas approves the reduction in the number of Conseillers on the Education Committee from five to four.

The President: We now move on to Agenda Item 6: To consider a Report from the Education Committee entitled 'Amending the Number of Conseillers on the Education Committee'.

I would ask the Committee Chairman, Conseiller Audrain, to introduce the Report, please.

475 **Conseiller Audrain:** Thank you.

I have to apologise because I am not feeling too good today. I am particularly tongue tied, so I am not going to say anything else, other than what is written in the Report.

The President: If you feel unwell...

480 Any comments, please? Any questions of the Chairman? No.

In that case we will go to the Proposition: That Chief Pleas approves the reduction in the number of Conseillers on the Education Committee from five to four.

Those in favour; those against. **Carried.**

485 And you will let us know which one is standing down, please. If you would inform me and the Committee Secretary of that decision.

**7. Securing Sark's Future –
Policy and Performance Committee Progress Report considered –
Proposition carried**

To consider a Report from the Policy and Performance Committee entitled 'Securing Sark's Future – Progress Report'.

Proposition

That Chief Pleas takes note of the contents of this Progress Report.

The President: We move to Agenda Item 7: To consider a Report from the Policy and Performance Committee entitled 'Securing Sark's Future – a Progress Report'.

I would ask the Committee Chairman, Conseiller Maitland, to introduce the Report, please.

490 **Conseiller Maitland:** I hope that, with the number of reports that are being brought to Chief Pleas today, our critics are beginning to realise that the Policy Development Group is just that, a forum involving all Conseillers that initiates policy, and certainly not a substitute for the work of Chief Pleas – and if there are any lawyers at the back, please take note especially.

495 Having attended both the shipping and electricity presentations for members of the public, I have been very impressed by the professional way both have been handled. It must be apparent that the Policy Development Group is just the beginning of the process and individual policy development teams then have to go to work and consult the public and interested parties, but Chief Pleas is involved at all points. Moreover, the Policy and Performance Committee meets with team leaders every six weeks to review progress, and we had one such meeting last night.

500 Apart from the appendix, which brings you up to date with the progress of the various policies that are under review, I have nothing further to add, sir.

The President: Thank you.

Do I have any questions on the Report and questions for the Chairman?

505 Conseiller Dunks.

Conseiller Dunks: I would just like to expand an update that is given with the Report regarding Development Control's involvement in the land reform, in the sense that we are in charge of the Development Control Policy Team.

510 While the Development Control Policy Team is still coming to terms with the impact of the suggested introduction of a Sark development plan, it has decided not to dwell upon the matter for too long right now. Instead, it will progress with the remaining outstanding points within the first draft of the new Law. The Group is now focused on progressing through the first draft, answering questions raised by the drafting law officer. Once the Group has completed the trawl through the first draft, with amendments going to produce a second draft, the Group will then be in a position to consider how it will go about consultation with the public and the interested parties. The Group does not yet have a date for this.

Thank you.

520 **The President:** Thank you.

Anybody else? No.

Therefore, we will go to the Proposition: that Chief Pleas takes note of the contents of this Progress Report.

Those in favour; those against. **Carried.**

525

**8. Corporate Ownership and the Direct Taxes (Sark) Law, 2002 –
Fairer Taxation Policy Development Team Report considered –
Amended proposition carried**

To consider a Report from the Fairer Taxation Policy Development Team entitled ‘Corporate Ownership and the Direct Taxes (Sark) Law, 2002’.

Proposition

That Chief Pleas approve that the Fairer Taxation Policy Development Team instruct the Law Officers of the Crown to draft a Project de Loi to update the Direct Taxes (Sark) Law, 2002 so that property under corporate ownership is taxed consistently with all other property.

The President: We move to Agenda Item 8: To consider a Report from the Fairer Taxation Policy Development Team entitled ‘Corporate Ownership and the Direct Taxes (Sark) Law, 2002’. I would ask the Team leader, Conseiller Cottle, to introduce the Report, please.

530 **Conseiller Cottle:** Thank you, sir.

This Item again follows on from the Securing Sark’s Future policy that we are pursuing at the moment. It is one of the policies that has come to the stage that is bringing a Proposition to Chief Pleas and it concerns corporate ownership and the Direct Taxes (Sark) Law, 2002.

535 The Fairer Taxation Policy Development Team bring this Proposition to Chief Pleas as a result of responses to the Fairer Taxation Consultation Document.

Appendix 1 is a summary of the responses to the consultation which was carried out at the end of the last year. One of the top priorities frequently mentioned was to identify any potential for tax avoidance and take action on any found. Initial advice was sought from the Law Officers on the matter of company ownership of property and the wording in the law referring to natural persons as owners. The advice received was that the removal of the word ‘natural’ from the law would have the effect of including legal entities as owners for the avoidance of doubt, and that this can be done by a simple Projet de Loi. We therefore seek for that Projet to be drafted, ready to bring back to Chief Pleas for approval.

540 I should mention at this point that the Proposition at the end needs to be amended slightly. We have had some slight corrections pointed out to us that need to be made. If you look at the Proposition at the end, currently it says that the ‘Policy Development Team instruct the Law Officers of St James’ Chambers’ and that should read ‘instruct the Law Officers of the Crown to draft a Projet’ and after ‘Projet’ we would like to include the words ‘de Loi’ for clarity. So the updated Proposition could be read –

550 **The President:** I will read the updated Proposition out at the end.

Conseiller Cottle: Thank you.

555 The proposed amendment, which is in the Proposition, is being brought as an outcome of the taxation consultation, but we will also request any specific feedback on the amendment by publishing a short consultation document on the Chief Pleas website with details of how to reply, so this gives a further stage of consultation in parallel with us instructing the Law Officers if the Proposition is carried. The short consultation will be published on the website next week.

560 Further work by the Policy Development Team is ongoing. The next step, in line with the responses to the consultation, is to make proposals on the property transfer tax. A further consultation on these specific proposals will follow shortly.

The other strand of work currently in progress within the PDT is concerning the relative proportions of property tax and personal capital tax within the direct taxes and how this can be incorporated into next year’s budget. More will follow on this subject.

565 The first step though is to request approval for drafting of the amendment Projet as per the Proposition – or the amended Proposition now; so after questions we would like to put that.

The President: Any questions or debate?

Conseiller Rolfe, followed by Conseiller Sandra Williams.

570

Conseiller Rolfe: Yes, just to commend to the Committee the very detailed paper by former Tax Assessor, Trevor Kendall, with the two main thrusts in it.

575 One is to overhaul the system and make it much simpler. The number of options that we have on our tax forms is... They have been there, I think, for probably 10 years, but they seem to me to be too many.

The other is to minimise the scope for avoidance, which was also enshrined in the tax forms that we have to fill in.

The President: Thank you.

580 Conseiller Sandra Williams.

Conseiller Sandra Williams: I would like to congratulate the Committee.

585 I would also like to say I am disappointed at the number of responses that were received from a very complex piece of work that was put together and sent out for the public consultation. If half of the hundred people who hassle me every December when they get their tax bills had thought to put pen to paper there might be some less disgruntled people around. I think it is a shame that people are given the opportunity... We are always being told that we do not communicate with the public, we are always being told that we do not care what the public are doing, and the one time we give them the opportunity to have their say on whether they believe the tax is fair or it is not fair, they just ignore it and throw it in the dustbin.

590

The President: Thank you.

Conseiller Cottle... Anybody else? Conseiller Cottle.

595 **Conseiller Cottle:** In response to Conseiller Williams' comment there, I would just like to say yes, we would have liked more replies to the consultation but I would like to thank the people who did reply to the consultation. Every reply we received was useful and there are some very high-quality and well thought out replies, so they are well worth having rather than a great bundle of things that may not be as useful as what we received. So thanks to all those who did take the time to reply.

600

The President: I can see no-one else rising and therefore I will read out the amended Proposition: 'That Chief Pleas approve that the Fairer Taxation Policy Development Team instruct the Law Officers of the Crown to draft a Projet de Loi to update the Direct Taxes (Sark) Law, 2002 so that property under corporate ownership is taxed consistently with all other property.'

605

Those in favour; those against. **Carried.**

**9. Progress on Sustainable Electricity –
Sustainable Electricity Policy Development Team Report considered –
Proposition carried**

To consider a Report from the Sustainable Electricity Policy Development Team entitled 'Progress on Sustainable Electricity'.

Proposition

That Chief Pleas approve that the Policy Development Team continues its work towards achieving the Securing Sark's Future Policy priority, the desired outcome: Reasonably priced sustainable supply for businesses and residents in Sark. An economically viable and reliable service for businesses and residents in Sark in the manner described as the possible solution in this report.

The President: We move to Agenda Item 9: To consider a Report from the Sustainable Electricity Policy Development Team entitled 'Progress on Sustainable Electricity'.
610 I would ask the Team leader, Conseiller Fry, to introduce the Report, please.

Conseiller Fry: Thank you, sir.

615 I am pleased to present this Proposition on behalf of the Sustainable Electricity Policy Development Team.

Most if not all of you have attended at least one of last month's presentations. Many questions were asked and much ongoing discussion has resulted, enabling us to formally present this Report to Chief Pleas and seek approval to continue with this piece of work.

620 I would like to draw attention to a few points raised in the Report. First of all, we have been greatly encouraged by the overwhelmingly positive responses the team has received from the residents of Sark. These have come through feedback forms, e-mails and conversations. I have had people stopping their bikes and jumping off and saying 'Go for it!' So, in general, we have had great encouragement.

625 We want, once again, to publicly convey our thanks to our adviser, Derek Lickorish MBE, to Guernsey Electricity Ltd and to the States of Guernsey for ongoing advice and encouragement, and also to Mr David Gordon-Brown for the *many* hours of discussion we have had with him.

630 Obviously, as the Report states, there is still much work to be done. The independent expert valuation of Sark Electricity Ltd, the finalisation of regulatory legislation and the putting together of a detailed business case which will include how the Government could encourage economic growth on the Island, all have to be completed. Of course, all these points will be reported to Chief Pleas as further progress is made and details become available.

635 As Derek Lickorish said, at the backbone of any successful economy you have a reliable affordable supply of electricity. Through a subsea cable from Guernsey this could now be a reality for Sark, with low-carbon energy from the European mainland. There are still many challenges ahead, but given the unity of purpose from the community and support from other key stakeholders it is within Sark's grasp with the added bonus of high-speed broadband connection as well.

This is what we are seeking from Chief Pleas today: support which encourages us to continue with this work, which is well underway.

640 Thank you.

The President: Thank you.

Any comment or debate, please?

645 Conseiller Maitland, followed by Conseiller Adams. I will reverse the order this time.

Conseiller Maitland: It has been a long time coming, but one can only applaud this vital initiative and the ambition of the team to bring affordable electricity to Sark. It is perhaps the one vital missing element that could energise the Island's economy to create much needed jobs and employment, though I would urge the team to ensure that the regulatory regime – which I think was sent off, or we requested the Law Officers to start two years ago when I was in Chief Pleas at the time – is in place as soon as possible, so the electricity company is under no illusions that the present situation is not going to be allowed to continue. Because once regulation is in place, and with it complete transparency as to how the company calculates the price of electricity and what should or should not be allowable in that calculation, then it would be difficult to justify an excessive valuation of the company when the time comes, and I just would like to ask Conseiller Fry whether that term law is due to come to Chief Pleas soon.

Conseiller Fry: Yes, we have been looking at regulation, as Conseiller Maitland says, for a long time. I think we all know how speedily the Law Officers work. They have directed that, regardless of what happens, Sark Electricity should be protected by regulation. We are awaiting further advice from the Law Officers and we will be returning to Chief Pleas with a draft of this legislation.

The President: Thank you.
Conseiller Adams.

Conseiller Adams: Like Conseiller Maitland I wholeheartedly support this plan as outlined by the PDT.

If installation of a cable link between Sark and Guernsey takes place, will there be new employment opportunities for local young people? Also, I wondered what will happen to those currently employed by the Sark Electricity Company?

The President: Thank you.
Anybody else? Any other questions?
Yes, Conseiller Raymond.

Conseiller Raymond: Just one very detailed question, sir. We have heard that the shareholders of the electricity company have agreed to sell, and I would just like to know whether or not financial information in the form of accounts and other detailed information has been provided to those who are looking at it on behalf of Chief Pleas.
Thank you.

The President: I will ask you to sum up in a minute, if you could answer all the questions then.
Any other questions? No.
Please sum up then and answer those questions, Conseiller Fry.

Conseiller Fry: Thank you for the questions.
First of all, to reply to Conseiller Adams, although Sark Electricity Company will in the future be managed and run by Guernsey Electricity there will still be a definite requirement for jobs on Sark. And if the company is being run as efficiently as it claims to be, there will certainly need to be the same number of Sark people with the required skills – for which we, as consumers, are extremely grateful. I think every one of us would say they are so good at coming out if we have a disaster and fixing it, day or night. Certainly, a part of what we are seeking to is to encourage our economy to grow and to flourish, and jobs for Island people, for Island young people, are a very important part of economic growth in every community. I hope that helps to answer.

700 The question of pricing that Conseiller Raymond has brought up – David Gordon-Brown, since the very beginning of our discussions over five years ago, has been exceedingly reluctant to discuss any pricing. He has more recently consistently said that a cable is the only way forward for Sark’s electricity supply and that the Government of Sark is in the very best position to achieve this. We are hoping that an amicable agreement may be reached.

705 David Gordon-Brown is in Canada at the moment with his family – I see that his son Andrew is here with us today – and the matter of pricing of the company is currently with his advocate and with our advocate and we are hoping very soon to have a positive figure to bring to you. Our advisers do not think that, as the valuation is to be done by an independent valuer agreed by both parties, the price will in any way jeopardise this process from going forward.

Thank you.

The President: Thank you.

710 We will now go to the Proposition in the Report, which is quite a long Proposition which I will read out to you: ‘That Chief Pleas approve that the Policy Development Team continues its work towards achieving the Securing Sark’s Future Policy priority, the desired outcome: Reasonably priced sustainable supply for businesses and residents in Sark. An economically viable and reliable service for businesses and residents in Sark in the manner described as the possible solution in this report.’

715 Those in favour; those against. **Carried.**

10. Progress on the Children Law – Children Law Policy Development Team Report noted

To consider a Report from the Children Law Policy Development Team entitled ‘Progress on the Children Law’.

The President: Agenda Item 10: To consider an Information Report from the Children Law Policy Development Team entitled ‘Progress on the Children Law.’

I would ask the Team leader, Conseiller Audrain, to introduce the Report, please.

720

Conseiller Audrain: Thank you.

I am very pleased to be able to bring this Report and inform Chief Pleas of our recent progress on this ongoing work, which has gone on, on the Children Law, for many years. Many members and ex-members of the Medical Committee and the Education Committee have helped to push this work forward, but it has been very slow.

725

We are now in a position where we are bringing to a conclusion part 1 of the Law and we are going into consultation, and I hope you will note that we are going to immediately start work on part 2 of the Law. So I think it is all good news.

730

The President: Thank you.

Any comment or debate, please? No.

There are no Propositions in the Report. We look forward to the next stage.

**11. Review of the Isle of Sark Shipping Policy –
Policy Development Team Progress Report noted**

To consider a Report from the Review of the Isle of Sark Shipping Policy Development Team entitled 'Progress Report'.

Proposition

That Chief Pleas notes the contents of this Report.

The President: We now move on to Agenda Item 11: To consider a Report from the Review of
735 Isle of Sark Shipping Policy Development Team entitled 'Progress Report'.

I would ask the Team leader, Conseiller Sandra Williams, to introduce the Report, please.

Conseiller Sandra Williams: Thank you very much.

740 As you can see, this is a very comprehensive Progress Report. I have nothing to add, but we
are happy to take comments or questions.

Thank you.

The President: Any comments on the progress?

Conseiller Cottle.

745

Conseiller Cottle: Thank you.

As a member of the Policy Development Team and also on behalf of the Finance and
Resources Committee I would just make some comments on the review and the document, the
Progress Report, that we have in front of us.

750 The public meeting recently presented by Sark Shipping confirmed that the company
returned a small profit last year, very close to the budget prediction of £53,000. Soon after the
end of the financial year in question, Yan Milner was appointed as interim manager to review
the structure and activities of the company, and this is the summary of his report that you have
before you.

755 This progress report, six months into the planned 18 month review, shows what has been
achieved so far and what has been identified as requiring further work. This will continue with
regular reporting to the review PDT and monitoring of the performance of the company. The
financial situation will be monitored by the Treasurer and the Finance Committee and measured
on a monthly basis against budget predictions.

760 Members of the public are already aware of the initiatives that are being tried, such as the
special offer winter fares that were recently on offer, and more will follow. An on-board
magazine is coming soon with advertising opportunities, and Mr Milner has been open to
discussions on matters such as the back rate for goods from Sark and is awaiting any specific
proposals on that.

765 The first objective of the review was to ensure that the company did not have to draw any of
the approved short-term loan before 1st January this year. This was achieved with better than
predicted cashflow and the loan commenced as planned. To date £150,000 of the loan, which
had a maximum of £200,000, has been drawn and the expectation is that no more will be
needed before the start of the holiday season. So £150,000 of the £200,000 is being used; the
770 rest has not been required. The loan will be paid off in full by 31st August this year, and with the
completion of the repayment of the first Lombard loan – due in June or July this year, depending
on interest repayments – the company will go into next winter in a stronger position. A further
short-term winter loan is anticipated for cashflow reasons, but it will be smaller than the current
one.

775 With a strong financial monitoring regime in place any straying from budgeted performance
can soon be picked up and measures taken to mitigate. The hotel closures have been taken into

account, and if any impact on revenue is detected then decisions will be made as necessary. This is possible because of the greater understanding of the company operation because of the review and the consequent ability to react.

780 As highlighted, two pieces of work that will shortly be done between the company, the review PDT and the Shipping Committee are the updating of the Memorandum of Understanding and also the procedure for maintaining the service level agreement. The next report of the Review of the Sark Shipping will be brought to the Midsummer Meeting of Chief Pleas.

785 Again, if anybody else wants to comment, then they are welcome.

The President: Thank you.

Any other comments or questions, please? No.

790 Then we will move to the Proposition in the Report: That Chief Pleas notes the contents of this Report.

Those in favour; those against. **Carried.**

**12. Sark Elections 10th December 2014 –
Report of the Independent Election Observer: Howard Knight –
Policy and Performance Committee Report noted**

To consider a Discussion Report from the Policy and Performance Committee entitled ‘Sark Elections 10th December 2014 – Report of the Independent Election Observer: Howard Knight’.

The President: Agenda Item 12: To consider a Discussion Report from the Policy and Performance Committee entitled ‘Sark Elections 10th December 2014 – Report of the Independent Election Observer: Howard Knight.’

795 I would ask the Committee Chairman, Conseiller Maitland, to introduce the Report, please.

Conseiller Maitland: Conseiller Rolfe was going to do this.

The President: Conseiller Rolfe, please.

800

Conseiller Rolfe: Thank you, Mr President.

805 We advertised quite widely, through the LinkedIn professional network, for people who might be interested in carrying out this work on the electoral process for us, and indeed many people applied. The number of applicants was shortlisted to five. We ended up with Howard Knight, who, I hope Members will agree with me, has produced an excellent report – and indeed, for those of us who met him, excellent company too.

810 The Report that is before you here should be read in conjunction with his full report. What I have tried to do here is to distil out of it Howard Knight’s suggestions about the electoral process itself and his recommendations that the people of Sark and Chief Pleas should address certain issues.

815 Howard actually went outside his remit – and I do not really have any problems with that – in his comments about the way in which Sark is governed generally. I have left some of those comments in right at the end about the Government being proactive, about communicating what is happening, becoming transparent, developing its own guidance about declaring and avoiding conflicts of interest, and engaging citizens. All of those are things that I hope we would all agree with, but the purpose of this Report today is to address ourselves to the recommendations and suggestions from Howard Knight about the electoral process itself.

820 There are a number of things in here. One of the things that I think he is talking about is the electoral registration process itself. He found that the register was not comprehensive. Not a single person from Brecqhou, for instance, was registered. Quite why that is I do not know, but I think that is something that perhaps we should encourage, as indeed one would encourage all people to register.

825 He also suggests that we initiate a citizen discussion on the duty to register. There is a recommendation that the Government of Sark should consider whether compulsory voting should be included in any consultation on election arrangements. I am quite happy for that to go out to consultation, as indeed one might link it with compulsory registration. I suspect what is behind that – and this is a personal view – is that, in the UK, elections attract so few voters that it is necessary to consider compulsory measures with regard to voting and registration; whereas here the vote that we get out, or the percentage that we get out... I would always encourage
830 people to improve on it, but it is so high that the question, to me, of compulsory voting does not arise. But that is something that I think we need to discuss amongst ourselves and that is something that I believe we should go out to the public on.

That the ballot paper should provide the opportunity to have a short candidate description... Not all candidates feel obliged to write a manifesto. That is something that I think we should
835 encourage in candidates. I think it is complacent for people in this House to come here saying, 'Well, if people don't know what I stand for, then it's not worthwhile...' Indeed, in one case recently we had a candidate who got elected here without a manifesto and within two months resigned without an explanation. That is something that I think we really should be discouraging.

840 He raises interesting questions about proxy voting for people who genuinely cannot get to the polling stations, and that is something else that I think we need to address.

He says that Sark has its own underrepresented groups, with younger candidates being noticeably absent. I think if we look around here they are noticeably absent and should be encouraged.

845 Mr President, I will not witter on, because the Report itself is very long. As I have suggested, this distillation that I have put before you should be read in conjunction with the entire report and I commend it to you with a view that Members here actually bring forward maybe additions to what has been put in Howard Knight's report, perhaps comments on it.

850 It is our intention really to go out to the public as a result of what we have discussed here and ask for the public to express their own views, and then we will take the issue forward from there.

The President: Thank you.

Any questions? Any comments on the Report?

Conseiller Edric Baker, followed by Conseiller Maitland.

855

Conseiller Edric Baker: Yes, sir. I would like to start by saying Howard Knight was an independent election observer. He had no brief with anybody particularly and he did his own thing. I do not necessarily agree with every aspect of his report, but it certainly is wide reaching.

860 I would like to start with section 24, if I may pick out sections for people to refer to – sorry, section 27, I do beg your pardon. I will not read the whole paragraph out, but 'The arrangements made for the election' is the heading and his conclusions were that they were excellent. I do not think you can improve on excellent. That seems to be sufficient.

Then skip to section 87, and this is where he has found out for himself what exactly is going on in Sark. I will have to read this out to understand it:

'I can understand why some people might seek to use their financial firepower to promote their cause economically (through their ownership and control of local enterprises),...'

Well, we have heard all about that in the budgetary arrangements, the closure of hotels etc. It also goes on to say:

‘through ... the courts and distribution of solicitors’ letters...’

which he condemns earlier on in that paragraph.

865 In section 88 he goes on to criticise the local newsletter, which he says is:

‘entirely counter-productive to promoting a sensible discussion about the economic and governance challenges.’

He then says:

‘I hope the owner/editor of the Newsletter might pause for reflection and use his undoubted talents and skills to promote real debate and discussion about policies, not personalities.’

Two Conseillers: Hear, hear.

Conseiller Edric Baker: In section 89:

‘Similarly, I was very shocked by the nature and tone of some letters sent by lawyers on behalf of particular clients.’

870 Well, we all know about that! We have been on the receiving end of these for years.

I think what Mr Knight did not grasp about Sark was the fact that we are a voluntary Government, we are not paid for our services; and had he taken that on board he might have understood one of the reasons that more people did not stand for election.

Thank you, sir.

875

The President: Thank you.

Conseiller Maitland, please.

880 **Conseiller Maitland:** Yes, I was going to make the same point as has just been made on the clause on the newsletter, because I think that the newsletter actually is one of the chief reasons why we have not got, in Chief Pleas, a complete cross-section of the community. We have got a few people sitting on the outside carping away. It was a great pity that the number of potential candidates who did take forms did not choose to stand at the time, because we now are a secure democracy, we are confident in what we are doing and we are quite capable of having a
885 complete cross-section of the Island being represented in Chief Pleas.

There are a number of points in the Report which I think we certainly should discuss further, such as proxy voting perhaps, or certainly more flexible voting, and I remember we discussed this in the old GP&A to allow residents who were going off Island to cast their votes beforehand and also a system to allow those who cannot make the polling station to be able to cast their
890 votes at home. So this is something that P&P will have to look into.

This is actually a very good report and, as he concluded, it was happenstance that we had 16 candidates for 16 places and not in any way a predetermined number which we put together.

Thank you, sir.

895 **The President:** Thank you.

Anybody else? No.

There are no Propositions in the Report. Therefore, we will move to the next Item, and after this Item we will have a short recess.

**13. Policing Review in Sark –
Policing Review Policy Development Team Interim Report noted**

To consider an Interim Report from the Policing Review Policy Development Team entitled 'Policing Review in Sark'.

900 **The President:** Agenda Item 13: To Consider an Interim Report from the Policing Review Policy Development Team entitled 'Policing Review in Sark'.

I would ask the Team leader, Conseiller Richard Dewe, to introduce the Report, please.

Conseiller Richard Dewe: Thank you, sir.

905 I think the Report says it all to where we are at the moment. I will answer any questions that may arise.

I would like to thank Conseiller Christine Audrain for standing in for me in the summer during my illness. Thank you.

Any questions?

910

The President: I am glad to see you are fully recovered.

Conseiller Richard Dewe: I am still on medication, sir! *(Laughter)*

915 **The President:** Any questions?

Yes, Conseiller Roger Norwich, followed by... who was the hand behind? Conseiller Rolfe. Conseiller Norwich, please.

920 **Conseiller Roger Norwich:** Yes, Mr President. I note and thank the contents and the work that has been done by the Development Team here.

925 With regard to one particular aspect, that is regarding the interaction with Guernsey Police, it is clear that significant consideration has been given to the likely cost of deploying a Guernsey Constable, and the conclusion of the Development Team so far has been that Sark should continue with its present arrangements and improve various aspects of the Sark Constable's role.

930 It has been requested by constituents that the question of the tenure and salary of the Constable should be looked at by the Development Team to decide whether or not the constant and rapid two-year rotation is actually necessary and appropriate and whether or not this could be improved in terms of the quality of service given by a Constable over perhaps a longer period than the one year Vingtenier and the second year as Constable; and also – particularly bearing in mind the suggestion of the very large costs that might be incurred by having a Guernsey Constable, something that is clearly not supported by the majority – whether or not the aspect of salary to support someone who might be in a rather longer-term position might be considered by Policy Development Team.

935

The President: Thank you.
Conseiller Rolfe.

940 **Conseiller Rolfe:** No comment after Conseiller Norwich surreptitiously stole both of my points. *(Laughter)*.

The President: Anybody else? No.

Would you like to make any comment back, Conseiller Dewe, before we close that Item?

945 **Conseiller Richard Dewe:** Yes, just one small point: the Constables do not receive a salary, it is more of a honorarium.

It does seem a waste, I must agree, to train people up for that two-year period and then they are out on a limb, but there can always be a place for assistant Constables from ex-Constables; and their expertise, what they have learned in the past, is very valued.

950

The President: We will be moving on to Item 14 when we come back.

It is now twenty-five past eleven. Can I have you in your seats again in 10 minutes. So back in at twenty-five to twelve, please.

*Chief Pleas adjourned at 11.26 a.m.
and resumed its sitting at 11.38 a.m.*

**14. Memorandum of Understanding between Lower Normandy, La Manche and Jersey,
Guernsey, Alderney and Sark –
Policy and Performance Committee Report noted**

To consider an Information Report from the Policy and Performance Committee entitled 'Memorandum of Understanding between Lower Normandy, La Manche and Jersey, Guernsey, Alderney and Sark'.

955 **The President:** We move on to Agenda Item 14: To consider an Information Report from the Policy and Performance Committee entitled 'Memorandum of Understanding between Lower Normandy, La Manche and Jersey, Guernsey, Alderney and Sark.'

I would ask the Committee Chairman, Conseiller Maitland, to introduce the Report, please.

960 **Conseiller Maitland:** I have nothing further to add, sir, as I have already made a verbal report, and the agreement I think is now in the public domain.

The President: Thank you.
Any comments or debate? No.
There are no Propositions in the Report.

**15. Liquor Licensing –
Liquor Licensing Policy Development Team Report noted**

To consider an Information Report from the Liquor Licensing Policy Development Team entitled 'Liquor Licensing'.

965 **The President:** We will move on to Agenda Item 15: To consider an Information Report from the Liquor Licensing Policy Development Team entitled 'Liquor Licensing'.

I would ask the Committee Chairman, Conseiller Adams, to introduce the Report, please.

970 **Conseiller Adams:** Thank you.

The Report sets out everything we can tell you at this stage. The remit of this PDT is to explore what is the appetite among the public to update our current licensing laws. In looking carefully at the core law and various amendments it does seem that there are some grey areas which might need to be looked at by our team.

The President: Thank you.

975 Any comments or debate please? No.
We look forward to the next report.

16. Annual Report on Tourism – Tourism Committee Information Report noted

The President: So we move on to Agenda Item 16: To consider an Information Report from the Tourism Committee entitled 'Annual Report on Tourism.'

980 I would ask the Committee Chairman, Conseiller Sandra Williams, to introduce the Report, please.

Conseiller Sandra Williams: Thank you very much.

985 I have not got anything much to add to the Report, apart from I have the latest update. On your first page, when you look under 'New website' you will see that the March figure is not included for this month for 2015. To the end of March it was 15,516 hits on the website, which, as you can see, is steadily growing. I would just like to make the point at the moment that the new website has been very well received, and you cannot put a price on social media – because that seems to be doing a really good job for us at the moment.

Thank you very much.

990

The President: Any questions or debate on the Report, please?
Yes, Conseiller Plummer.

Conseiller Plummer: Thank you.

995 I would just like to congratulate the Tourism Committee and the Tourism ladies. I have a small shop and the feedback I get from tourists coming is very positive. They are always launching new things for us to do, and I would just like to congratulate them all.
Thank you.

1000 **Two Conseillers:** Hear, hear.

The President: Anybody else? No.
No Propositions in that Report.

17. Committee elections

To elect Chief Pleas Members onto Committees and Policy Development Teams, as required.

1005 **The President:** Therefore, we move on to the final Item, which is Committee Elections: To elect Chief Pleas Members onto Committees and Policy Developments Teams, as required. We have, I think, three.

**Fire Precautions Policy Development Team –
Conseiller Courtney elected**

The President: Could I first of all ask Conseiller Plummer for yours, please.

1010 **Conseiller Plummer:** Thank you, yes.
May I propose that Conseiller Elsie Courtney comes to the team on the Fire Committee,
please.

The President: What is the name of the team, please?

1015 **Conseiller Plummer:** The team is the Fire... *(Laughter)* I would have to check it. I have got it
written down in my book. How dreadful!

The President: We do need the name, because we have to elect that person to the team.

1020 **Conseiller Plummer:** It is the Fire Team Committee.

A Conseiller: Fire Safety PDT.

1025 **Conseiller Plummer:** Thank you. Fire Safety PDT.

The President: The Fire Safety PDT.

Conseiller Plummer: Yes, thank you.

1030 **The President:** So the proposal is that Conseiller Courtney be elected to the Fire Safety Policy
Development Team.

Are there any other nominations from the floor? No.

Those in favour of electing Conseiller Courtney to that team; those against. **Carried.**

**Fairer Taxation Policy Development Team –
Treasurer of Sark elected**

1035 **The President:** We now have one for the Fairer Taxation. Is that Conseiller Cottle?

A Conseiller: Yes.

The President: Conseiller Cottle, please.

1040 **Conseiller Cottle:** Thank you.
I would just like to propose the Treasurer, Wendy Kiernan, to be added to the Fairer
Taxation Policy Development Team as an ex-officio member.

1045 **The President:** Fine, okay.

Conseiller Cottle: Thank you.

1050 **The President:** Those in favour that the Treasurer be elected onto that Policy Development
Team, as ex-officio; those against. **Carried.**

**Review of Isle of Sark Shipping Policy Development Team –
Conseiller Rolfe elected**

The President: And finally the one that I know about: Shipping Policy Development Team. Who is dealing with that, please?
Conseiller Sandra Williams.

1055 **Conseiller Sandra Williams:** The Committee would like to propose that Conseiller Arthur Rolfe join the happy band of workers on the Sark Shipping Policy Development Team, please.

The President: Thank you.
Do I have any other nominations from the floor? No.

1060 Therefore, we go to the vote to elect Conseiller Rolfe onto the Shipping Policy Development Team. Those in favour; those against. **Carried.**

Ordinance laid before Chief Pleas

The President: We now move to the laid before legislation.

1065 There is one Ordinance laid before you: The Côte d'Ivoire (Restrictive Measures) (Sark) Ordinance, 2015. This Ordinance will be numbered VIII of 2015. This Ordinance has been considered by the Royal Court and is vires of Chief Pleas. There have been no motions to annul. Therefore, the Ordinance remains extant.

Date of next meeting

1070 **The President:** Closing remarks: I would remind you about the next scheduled meeting, which is the Midsummer meeting on Wednesday, 8th July. The closing date for Agenda items and reports for that meeting is Wednesday, 10th June at 3 p.m., with papers going out no later than Wednesday, 17th June.

Timely submission of Agenda papers and reports

The President: I would just like to make comment on the closing date for Agenda items and reports.

1075 The last few meetings have been extremely difficult for the Committee Secretary, the Assistant Committee Secretary and myself in getting the reports in in a timely manner, and there has been a significant amount of stress involved in getting the Agenda and the papers ready to go out in time. Sometimes it is beyond our control, a lot of the time it is not; and with such a small staff, when we are put under that stress there is the likelihood of errors. You will have noticed, not in this particular meeting but certainly in the last two there have had to be corrections made because reports have not literally been seen until they were being run off to be sent out to you.
1080

EASTER MEETING OF CHIEF PLEAS, WEDNESDAY, 15th APRIL 2015

So if I could ask all the Committees and Conseillers who are responsible for getting their reports in to *please* attempt to meet the closing deadline and have the report there by that closing deadline.

1085 I can see the Committee Secretary nodding madly in the background! (*Laughter*)
Greffier, the meeting is closed. Grace, please.

PRAYER
The Greffier

Chief Pleas closed at 11.47 a.m.