



OFFICIAL REPORT

OF THE

RESUMED MIDSUMMER MEETING

OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 13th July 2016

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Present:

Seigneur

Maj. C M Beaumont Esq

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 P S La Trobe-Bateman

Vingtenier

Mr G Williams

His Excellency the Lieutenant Governor

Vice Admiral Sir Ian Corder KBE, CB

Conseillers:

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

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

Business transacted

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Midsummer 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 26 Conseillers, the Seigneur and the President of Chief Pleas present.

The President: I present apologies from Conseiller Roger Norwich.

Welcome to HE Lieutenant-Governor, Vice Admiral Sir Ian Corder KBE, CB and his wife Lady Corder

5 **The President:** Your Excellency, I welcome you to this adjourned meeting of Chief Pleas, resulting from the sudden death of our late Seigneur, Michael Beaumont. I should also like to extend that welcome to Lady Corder in her absence due to a previous engagement in Guernsey; however, we will have the pleasure of her company at the vin d'honneur this evening.

10 As we know, you were appointed by Her Majesty to the office of Lieutenant-Governor of the Bailiwick of Guernsey from 14th March this year. Several of us were delighted to be able to welcome you in person after your swearing-in before the Royal Court on 14th March, after which you went back to Brussels to complete your tour of duty as the UK's military representative to NATO and the European Union, returning to Guernsey when able and for Guernsey's Liberation Day on 9th May – you will know, of course, that ours is on the 10th!
15 *(Laughter)* – before taking up permanent residence on 31st May.

You have already attended meetings of the States of Deliberation since their elections on 27th April and I hope that you will find that our meetings are shorter, even though Conseillers may speak more than once on any subject.

20 Many of you will have seen Sir Ian's CV and know that he joined the Royal Navy in 1978 straight from school, eventually joining the submarine service as an operations and navigation specialist – so he is used to small spaces! *(Laughter)* Sir Ian held many important military posts during his 38 years in the Navy, with his final accolade being the award of the KBE by Her Majesty in this year's Birthday Honours.

25 Sir, we extend a warm welcome to you and look forward to having you and Lady Corder make many more visits to Sark; not just to Chief Pleas but other social events such as sheep racing etc *(Laughter)* – sheep racing is this Saturday and Sunday!

Governor.

30 **The Lieutenant-Governor:** Mr President, thank you very much for your kind words of welcome and introduction. I can absolutely assure you that, compared with sitting in the

cramped boardroom of a diesel submarine with 60 of my closest friends, (*Laughter*) whom I know in intimate detail, neither sheep racing or anything else that Sark can throw at me will wrong-foot me!

35 Members of Chief Pleas, you have a busy Agenda today so I will keep my response brief and also thank you very much for allowing me the privilege of making a response.

40 Firstly, I would like to express my heartfelt appreciation for your welcome to me here today, and indeed for your welcome last Wednesday when Kathryn and I stepped onto the Island for the first time – under rather less happy circumstances, of course, I am sad to say, and when the focus was quite rightly elsewhere, but when nonetheless you still looked after us very well indeed. Whilst the sad loss of Michael is still very much with us all, I do hope that today will be a rather less sober and more convivial occasion.

45 Secondly, as I said in my remarks at my original swearing-in as Lieutenant-Governor back in March, I most definitely recognise that my responsibilities extend over three very different island jurisdictions within the Bailiwick, each unique in its own way, each with its own identity, opportunities and challenges, and I give you my word that I fully intend to devote proper and appropriate attention to each. I certainly look forward to attending regularly at Chief Pleas, recognising the fundamental importance of these meetings, and I will greatly value listening to your debates, which I trust will be rigorous and comprehensive. They will be pivotal in developing my understanding of Sark and its workings and honing my ability to support you in your undertakings.

50 Next, I would like to pay tribute to the significant changes that you have put in place in Sark over recent years. You have moved from a historic system, that many believed had served you extremely well over the centuries, to one more closely aligned with the international norms of modern government – a system based on an elected chamber underpinned by universal suffrage. That would be a difficult undertaking for any country, but it is uniquely challenging for such a small jurisdiction subject to intense external pressures and demands, yet with only the slimmest of resources to apply to these issues. So I salute your achievement in making such a historic transition. But, like you, I know that there are going to be many more challenges ahead as Sark continues to work to secure a stable and sustainable future, and to adapt and evolve in response to a whole range of both internal and external pressures in a world where the pace of change only ever seems to accelerate and where both global and local events will have consequences for Sark which you may find difficult to influence, but which you will inevitably have to cope with. This will remain a complex and ever-changing picture, but I very much look forward to working alongside and in support of you as you endeavour to keep pace with it.

65 Finally, I feel obliged to stress my duty, obligation and intention to engage with all elements of the Sark community over the course of my tenure, as indeed I have an obligation across the whole of the Bailiwick. I clearly need to do this in order to gain a complete understanding of the Sark way of life and the challenges it faces, but I promise to do so in the spirit of absolute transparency, inclusivity and honesty, always in support of the democratic expressed wishes of the people and the Government of Sark. I hope I can count on your support, advice and, most importantly, your trust as I do.

75 President, Seigneur, Members of Chief Pleas, once again, thank you so much for your welcome today. You live on a beautiful and unique Island. Kathryn and I very much look forward to learning much more about it and, for the next five years at least, becoming very much a part of it. Thank you.

The President: Thank you, sir.

Statement by the Seigneur, Maj. C M Beaumont Esq

The President: The Seigneur wishes to make a statement.
Seigneur.

80

The Seigneur: Thank you, Mr President.

85

First, let me thank you all for your support to me, to Mother and the wider family last week in our time of grief over Father's sudden and unexpected death. In particular, I would like to publicly thank Dr John for attending and doing everything he could to preserve Father's life. He has subsequently been completely frank with me over the circumstances and I can tell you that Father died quickly, without pain and without time to realise what was happening. I would also like to thank my mother's care team who are quite outstanding in their devotion and professionalism. They are stepping up their provision, with assistance from family members, to ensure constant companionship in the absence of Father, and I am happy to report that she is well and in good spirits.

90

It was a great honour to have Your Excellency appointed by Her Majesty as her personal representative at the funeral. This was not the first visit I would have wished for you, but the occasion did provide you with an opportunity to see the Island community pulling together, as it always does in difficult times, and I hope, like me, you felt the warmth, generosity of spirit and good humour from all the people you met. For all the grief and tension of the funeral, it was a special occasion and I was deeply touched by all the personal memories I heard from Father's friends throughout the day.

95

I would like to take this opportunity to assure you of my future intentions. My wife Sarah and I had been planning to move to Sark for some time. Having discussed the matter with Father and other interested parties, we had agreed that we would arrive to take up residence at the Seigneurie towards the end of 2019. This would enable us to get to know you and the wider population of Sark, to learn more about the role of Seigneur and how it fits in with the modern democratic system you have developed, and to start finding our feet in the community. We are moving these plans up now. We will not have the luxury of a period of learning the ropes, but after 25 years in the Army we are no strangers to adjusting and adapting. We are resilient and both blessed with a strong work ethic. We are taking the positive view that this is an opportunity to start our lives here sooner rather than later.

100

105

We hope to dovetail into Sark life quickly. We are bringing Opera Sark back in September and we hope to be able to breathe life back into the Music Society. We are very keen to support the arts in all forms and equally enthusiastic about this beautiful environment. We plan to foster any Government or entrepreneurial measure to encourage young people and families. In short, we are not coming here to retire, we are coming here to work as hard as we can for the good and benefit of the Island and its community.

110

We are, I am pleased to say, excited and encouraged by the current optimism and industriousness we find on the Island. I am here to serve you as Seigneur. The Sandhurst motto of 'Serve to Lead', by which I lived my whole Army career, could not be more appropriate as I stand here taking on this position from my father with the previous 21 Seigneurs and Dames who went before him.

115

Thank you.

120

The President: Thank you, sir.

**Condolences from Lord Faulks, Minister of State for Justice
and the Lord Chancellor –
Statement by Conseiller Maitland**

The President: Statement by Conseiller Maitland, please.

Conseiller Maitland: The following letter arrived yesterday from Lord Faulks, Minister of State for Justice in London:

The Lord Chancellor and I were very sad to hear of the untimely death of the Seigneur, Michael Beaumont OBE. He played a key part in supporting Sark through its Machinery of Government changes and I know he was held in high regard by all in Chief Pleas. His presence will be sorely missed.

On behalf of Her Majesty's Government, the Lord Chancellor and I would like to offer our sincere condolences to his family, Chief Pleas and to the wider community in Sark at this sad time. My officials who had the pleasure of meeting the Seigneur on a number of occasions also send their heartfelt condolences.

Edward Faulks.

The President: Thank you.

**Channel Islands All-Party Group meeting
and effect of Brexit on Sark –
Statement by Conseiller Maitland**

The President: If you would like to get to your feet again for the next Statement.

Conseiller Maitland: I hope my voice keeps going; it is slightly problematic today.

130 The Channel Islands All-Party Parliamentary Group held its regular meeting at the House of Commons on 27th June, just three days after the Brexit vote and its surprising conclusion, and was attended by the senior administration and myself. I was due to give a presentation on Sark at this meeting, but Brexit and the detailed discussions involving particularly Jersey and Guernsey, with our vital finance interests, took precedence. However, Members of both Houses
135 had been invited to a reception that evening in the Commonwealth Room in the House of Commons, which was attended by a number of MPs and Members of the House of Lords. We had taken Sue Daly's Sark tourism film on a memory stick and it played silently on a large screen as a backdrop to the meeting, as well as the usual Sark orientated publications. We met with Lord Beith, who is a great friend of Sark and who is keen to visit the Island. We are awaiting
140 dates for the visit, which will probably take place in September.

I just wanted to say a few words on Brexit and its possible effect on Sark. At the end of May, Steve Williams from the Channel Islands Office in Brussels, jointly funded by Jersey and Guernsey, talked to members of P&P and F&R on the repercussions of a possible Brexit vote. At present the interests of the Channel Islands and the trade of goods are protected by the
145 provision of Protocol 3, which means, for instance, in the case of Sark, a fisherman can travel to France and sell their fish, crabs and lobsters. This Protocol falls away once the UK leaves the EU and will have to be replaced with a new arrangement. The trade in services will not be affected by Brexit, as Guernsey has negotiated bilateral arrangements for access to market in the EU in services, which will remain in place. These arrangements cover the whole of the Bailiwick,
150 including Sark.

Thank you.

The President: Thank you.

**The Queen's birthday –
Report of celebrations on Sark**

155 **The President:** At this stage the Constable was going to make a very short report on the celebrations for the Queen's official birthday, but he is on policing business at the moment. Therefore, I would like to thank the Constable, the Vingtenier and their committees for the superb organisation of, firstly, the beacon bonfire on the Queen's real birthday and then the Avenue street party on her official birthday. Thank you very much indeed.

**Procedural –
Electronic devices**

160 **The President:** Could I remind all present now to turn off their mobile phones, cameras, recording devices and other electronic equipment, less for those allowed to Chief Pleas Members in accordance with Rule 16.

Business of the Day

**1. Extraordinary Meeting, 17th May 2016 –
Matters arising**

Matters arising from the Extraordinary Meeting held on 17th May 2016.

The President: We now move to Agenda Item 1, Matters arising from the previous Meeting, which was that of the Extraordinary Meeting on Tuesday, 17th May 2016. Are there any matters arising from that Extraordinary Meeting? No.

165 If you just turn to page 8 of *Hansard* and go to line 110, I would just remind Conseillers that we do not use first names in the Assembly. Please try to remember to call each other 'Conseiller'.

**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 none.

**3. The Fire Service (Sark) Law, 2016 –
Emergency Services Committee Report considered –
Proposition carried**

To consider a Report from the Emergency Services Committee entitled ‘The Fire Services (Sark) Law, 2016’ and to approve the Projet de Loi entitled ‘The Fire Services (Sark) Law, 2016’.

Proposition

That Chief Pleas approves The Fire Services (Sark) Law, 2016.

170 **The President:** Therefore we move to Agenda Item 3, which is the Report from the Emergency Services Committee entitled ‘The Fire Services (Sark) Law 2016’, and then to approve the Projet de Loi entitled ‘The Fire Services (Sark) Law 2016’. I would ask the Committee Chairman, Conseiller Plummer, to introduce the Report, please.

175 **Conseiller Plummer:** Thank you very much.

The Report is self-explanatory and, as you can see, has taken a long time and a lot of work to get to this stage. I do hope that Chief Pleas will approve the Projet de Loi, The Fire Services (Sark) Law 2016.

Thank you.

180

The President: Before I open any debate on the Report or the Projet, I would just ask you to note the preamble on the first page of the Projet. Where it says:

THE CHIEF PLEAS OF SARK, in pursuance of the Resolutions of the 4th day of May 2011 and the 6th day of July 2016 ...

185 that date will be changed to today’s date, 13th July, before the Projet de Loi is sent for Royal Assent – on the basis that you are going to approve it today; if you do not, then of course the date does not matter.

That applies to the next Agenda Item, where we are going to be approving the Direct Taxes (Sark) Law, and that date will also apply.

Are there any comments on the Fire Services Report or the Law? Yes, Conseiller Adams.

190 **Conseiller Adams:** I am really pleased that this Law is now here for us to approve today. I know that many hours of work have gone into it. It is difficult for people who are not trained in the terminology of law to be able to work with a complex draft law, understand it and amend it so it is suitable for the needs of Sark. I just wanted to say well done to all involved in bringing it to us today and I hope it will be supported by all of those on Sark who will need to implement it.

195

The President: Thank you. Anybody else? No.

Then we will go to the vote on the Proposition that Chief Pleas approves the Fire Services (Sark) Law 2016. Those in favour; those against. **Carried.**

**4. The Direct Taxes (Sark) (Amendment) Law, 2016 –
Finance and Resources Committee Report considered –
Propositions carried**

To consider a Report from the Finance and Resources Committee entitled 'Projet de Loi: Amendment to the Direct Taxes (Sark) Law, 2002' and to approve the Projet de Loi entitled 'The Direct Taxes (Sark) (Amendment) Law, 2016'.

Proposition 1

That Chief Pleas agrees to the appointment of a Deputy Tax Assessor to carry out the functions outlined in this Report and for additional functions to be assigned to the Treasurer, as so outlined.

Proposition 2

That Chief Pleas approves the Projet de Loi entitled The Direct Taxes (Sark) (Amendment) Law, 2016.

200 **The President:** Agenda Item 4: To consider a Report from the Finance and Resources Committee entitled 'Projet de Loi: Amendment to the Direct Taxes (Sark) Law, 2002', appointment of a Deputy Tax Assessor; and then to approve the Projet de Loi entitled 'The Direct Taxes (Sark) (Amendment) Law, 2016'. I would ask the Committee Chairman, Conseiller Cottle, to introduce the Report, please.

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

It was agreed at the Christmas Meeting of Chief Pleas in January 2014 that the post of Deputy Tax Assessor be created so that the deputy could act as a tax assessor in the absence of the appointed Assessor. It was also agreed to request that the Law Officers of the Crown draft an amendment Projet to the Law to enable this.

210 Further consideration and discussion since then with the Law Officers highlighted that the operation of the office of Tax Assessor in isolation by the Tax Assessor could be strengthened by the involvement of a deputy, who, once appointed, would be used in considering all self-assessed tax submissions. This has been developed into proposals that are brought today for approval. In essence, these are: firstly, that the role of Deputy Tax Assessor is created on the same basis as the Tax Assessor, to perform the functions of the office with complete fairness, impartiality and independence and not as an agent or servant of Chief Pleas; next, that the Tax Assessor should consult with the Deputy on all tax decisions and that the Deputy Tax Assessor should act as Tax Assessor in the absence of the Assessor; and that during the absence of either the Assessor or the Deputy Assessor, the officeholder should consult with the Treasurer on tax decisions. These changes are contained within the Projet submitted for approval today.

215 220 Turning to the Propositions, Proposition 1 asks Chief Pleas to approve the appointment of a Deputy Tax Assessor on this basis and also to extend the function of the Treasurer, as defined.

225 Proposition 2 requests the approval of the amendment Projet to the Law to permit these changes to be made. Once the Law has been enacted, then a further report to Chief Pleas will be required to actually appoint a Deputy Tax Assessor. That will be brought in due course.

Thank you.

The President: Thank you.

Any questions or debate on the Report or the Projet?

230 Once again, I will just say that in the preamble, that date, 6th July, will change to 13th July before the Law goes for Royal Assent.

We will go to the vote on the Propositions in the Report: That Chief Pleas agrees to the appointment of a Deputy Tax Assessor to carry out the functions outlined in this Report and for

235 additional functions to be assigned to the Treasurer as so outlined. Those in favour; those against. **Carried.**

Proposition 2: That Chief Pleas approve the Projet de Loi entitled 'The Direct Taxes (Sark) (Amendment) Law, 2016'. Those in favour; those against. **Carried.**

**5. Douzaine –
Election of members of the Independent Policing Panel –
No names put forward**

To elect members of the Independent Policing Panel.

240 **The President:** We move to Agenda Item 5: Douzaine, to elect members of the Independent Policing Panel. I would ask the Douzaine Chairman, Conseiller Edric Baker, to nominate the members for election. Conseiller Baker, please.

Conseiller Baker: Yes, thank you, sir. I would like to pass over to Conseiller Audrain, who has been working with her group on this subject.

245 **The President:** Thank you.
Conseiller Audrain, please.

Conseiller Audrain: Thank you.

250 Members may recall that at the last full Chief Pleas we requested to set up an Independent Policing Panel and we outlined the procedures for that. We went through those procedures and we have had some very strong applicants, but one of our criteria was that we needed between five and seven people to come forward and to be approved. We have not achieved that number at the moment and so, although we have provisionally appointed three people, we have re-advertised hoping that more will come forward. So I do not have names to put forward today.

255 **The President:** Thank you.

**6. Road Traffic Committee –
Election of two members to the Road Traffic Appeals Tribunal Panel –
No names put forward**

To elect two new members to the Road Traffic Appeals Tribunal Panel.

260 **The President:** In that case, we then move on to Agenda Item 6: Road Traffic Committee, to elect two members to the Road Traffic Appeals Tribunal Panel. I would ask the Committee Chairman, Conseiller Ventress, to nominate the members for election. Conseiller Ventress.

Conseiller Ventress: The Road Traffic Committee would like to thank the following members of the Road Traffic Tribunal on their resignations: Mr Graham Maguire, who has left the Island; and Mr Glen Williams, on his elevation to Vingtenier.

265 Mr David Curtis, in conjunction with the Tribunal Secretary, Miss Stephanie Guille, is trying hard to fill these vacancies. The Committee wishes them all the luck.

The President: So you have no names?

Conseiller Ventress: We have no names.

**7. Policy and Performance Committee –
Mrs Pauline Mallinson elected as non-Chief Pleas member**

To elect a Non-Chief Pleas Member.

270 **The President:** We will move to Agenda Item 7: Policy and Performance Committee, to elect a non-Chief Pleas member. I would ask the Committee Chairman, Conseiller Maitland, to nominate that person for election, please.

Conseiller Maitland: Thank you, sir.

275 Conseillers will recall that Roger Olsen resigned from the Committee before the Easter Meeting. We are very grateful that Mrs Pauline Mallinson has volunteered to take on this role and would ask for Chief Pleas' approval for her appointment to the Policy and Performance Committee as a non-Chief Pleas member dealing with renewable energy matters.

280 **The President:** So we have Mrs Pauline Mallinson nominated to become a non-Chief Pleas member. Those in favour; those against. **Carried.**

I therefore declare that Mrs Pauline Mallinson is elected to be a non-Chief Pleas member of the Policy and Performance Committee. Thank you very much for coming forward. At least we had success in one of the three. *(Laughter)*

**8. 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 contents of this progress report.

285 **The President:** We now move to Agenda Item 8: To consider a Report from the Policy and Performance Committee entitled 'Securing Sark's Future – Progress Report'. I would ask Conseiller Maitland to introduce the Report. Other speakers will be Conseillers Fry on electricity and Rolfe on good governance.

Conseiller Maitland, please.

290

Conseiller Maitland: Work continues to carry on on these various matters which we have all been dealing with – some more speedily than others, I have to say.

We are meeting with the Law Officers on 29th July to see how we can get more Law Officer time, as this has been one of the problems in carrying out various ... I know it has been difficult with the Definition of a Resident PDT and, I think, others as well.

295 So we move onto Conseiller Fry, who is going to report on electricity.

The President: Conseiller Fry.

300 **Conseiller Fry:** Thank you.

You will find all in the monitoring report covers the current position of the Sustainable Electricity PDT both in the progress and the next milestone, and what we plan to do next.

However, following the latest letter from Mr David Gordon-Brown sent with all our electricity bills, we feel it is necessary to add a further comment.

305 I have received phone calls and had discussions with extremely upset members of the community. Someone tells me they will not pay 70 pence a unit for electricity. I have heard of televisions and washing machines that will have to be got rid of. Also, people are saying they will turn off their water filters, and others are saying they just cannot afford to pay that much for electricity and they really do not know what they will do.

310 This continued increase is exactly what we predicted would happen a couple of years ago. It would interest us greatly to see figures that could justify an increase of 15%, bearing in mind that the price of diesel is as low as it has been for a very long time and that the staff of Sark Electricity Ltd has reduced from nine to five, plus one director.

315 The letter from Mr Gordon-Brown contains inaccuracies, just one of which I feel I must correct. He writes of a recent disagreement between the Policy Development Team and the Law Officers over electricity regulation legislation 'forcing us to ask Chief Pleas to fund outside legal advice'. This is utter nonsense. There has been no disagreement. Our Law Officers are experts in law, not electricity. Our expert advisers are exactly that: experts in the field of electricity.

320 I would like to remind this Assembly that the aim of the Sustainable Electricity Policy Development Team remains the same as ever: to ensure that Sark has a sustainable, quality supply of electricity at a fair and reasonable price.

Thank you.

The President: Conseiller Rolfe, please.

325

Conseiller Rolfe: Just a short statement, Mr President, on the Good Governance PDT.

The Reform (Sark) (Amendment) Law, 2016 was approved at Easter Chief Pleas. I just wish to update Members of this Chamber on what has happened since this Report went to press.

330 This Law has now been put by Ministers of the Crown, acting in their capacity as Privy Counsellors, to the Privy Council. I understand that the Privy Council is actually meeting today. I apologise, incidentally, for the next milestone and date in the last paragraph, which says 'a further update will be reported to the', which sounds like a cryptic crossroad clue, but the fact is that we will come back to you and report on the decision today.

335 **The President:** Do I have any debate on the Report, or questions for the speakers? No. In that case we will move on to Agenda Item 9.

Conseiller Dunks: Excuse me, there is a Proposition.

340 **The President:** Sorry, is there a Proposition? (**A Member:** Yes.) My apologies.

The Proposition is that Chief Pleas takes note of the contents of this progress report. Those in favour; those against. **Carried.**

**Procedural –
Rule 10 suspended to take Item 14**

The President: Conseiller Audrain.

345 **Conseiller Audrain:** Thank you.

I would like to make a request on behalf of the Licensing Law PDT that Item 14 be brought forward on the Agenda for debate now.

350 **The President:** The Proposition is that Chief Pleas consider Item 14 now, a Report from the Policy and Performance Committee entitled 'Consultation on Liquor Licensing'. Those in favour of the Report being brought forward, raise your hands; those against. **Carried.**

**14. Liquor Licensing –
Policy and Performance Committee Report considered –
Propositions carried**

To consider a Report from the Policy and Performance Committee entitled 'Consultation on Liquor Licensing'.

Proposition 1

To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the SECOND SCHEDULE of Permitted Hours Part II Sundays to allow discretionary hours from 10am till 10pm for Public Houses during summer and winter.

Proposition 2

To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the SECOND SCHEDULE of Permitted Hours Part II Sundays to allow discretionary hours from 10am till 10pm for Off Licences during summer and winter.

Proposition 3

To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the SECOND SCHEDULE of Permitted Hours Part I Weekdays other than Sundays to allow discretionary hours from 10am till 11.45pm for Hotels.

Proposition 4

To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the SECOND SCHEDULE of Permitted Hours Part I Weekdays other than Sundays to allow discretionary hours from 10am till 11.45pm for Restaurants.

Proposition 5

To direct the Policy and Performance Committee to Instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the SECOND SCHEDULE of Permitted Hours Part I Weekdays other than Sundays to allow discretionary hours from 10am till 11.45pm for Guest houses.

Proposition 6

To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the SECOND SCHEDULE of Permitted Hours Part II Sundays to allow discretionary hours from 10am till 11.45pm for Hotels.

Proposition 7

To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the SECOND SCHEDULE of Permitted Hours Part II Sundays to allow discretionary hours from 10am till 11.45pm for Restaurants.

Proposition 8

To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the SECOND SCHEDULE of Permitted Hours Part II Sundays to allow discretionary hours from 10am till 11.45pm for Guest houses.

Proposition 9

To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to remove the restriction on off licences being granted only to Hotels and Public House licence holders.

Proposition 10

To direct the Policy and Performance Committee to review the law in relation to the minimum and maximum penalties given to those serving alcohol to customers who are heavily under the influence of drink or to those serving alcohol to underage customers.

Proposition 11

To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to allow the sale of alcohol without food in Restaurants.

Proposition 12

To direct the Policy and Performance Committee to review The Liquor Licensing (General Provisions) (Sark) Ordinance Law 197 in its entirety and to reflect the views most commonly expressed during recent consultation.

The President: We will now take Item 14 out of turn.

I will now ask for declarations of interest at this stage before we move into the debate. Declarations of interest are covered under Rule 14(2), (3) and (4). Is there anybody wishing to
355 declare an interest, please? Conseiller Sandra Williams, Conseiller Charles Maitland, Conseiller Rosanne Byrne and Conseiller Elizabeth Norwich. You are declaring a direct pecuniary interest?

Conseiller Charles Maitland: Not a pecuniary interest.

360 **Conseiller Rosanne Byrne:** Not a pecuniary interest.

The President: No? Not a pecuniary?

365 **Conseiller Rosanne Byrne:** I run a guesthouse that has a liquor licence.

The President: Then you have a direct pecuniary interest.
Conseiller Maitland?

370 **Conseiller Maitland:** Possibly the gardens. We are involved with principally owning a brewery, but I have no personal pecuniary interest.

The President: Conseiller Sandra Williams.

Conseiller Sandra Williams: I have a pecuniary interest.

375 **The President:** So we have one direct pecuniary interest, and that person should now leave the Assembly unless there is a request for her to remain. (**Several Members:** Two.) Two? Sorry, we have two Conseillers who wish to declare a direct pecuniary interest.

Does anybody wish to propose that they remain in the Chamber? Okay, thank you, we have got more than enough there. Those in favour of those two persons remaining; those against.

380 **Carried.**

I would remind the two people that they are not allowed to take part in the debate or vote on any vote that is taken, but you may provide technical words if they are so required. Thank you.

The other two declarations of interest may take part in the debate and in the voting.

385 Having got that out of the way, Policy and Performance Committee, Conseiller Maitland, please.

Conseiller Maitland: I would like to pass this on to Conseiller Adams, please.

390 **The President:** Conseiller Adams. (*Interjection*)

Conseiller Adams: Very kind! I have been asked to put the first part of this –

The President: Conseiller Audrain. Okay. Conseiller Audrain, you will start off.

395

Conseiller Audrain: I will start off.

The President: Thank you.

400 **Conseiller Audrain:** The Report in front of you demonstrates that there are many opinions held by the residents of Sark about liquor licensing. In putting it together, the intention has been to include all points of view which have been expressed to us throughout the process of consultation. We wanted our Report to be rigorous in its reflection of public opinion.

405 Liquor licensing, for some, is a subject which is embedded in our traditions and the way we like to do things. We like to hold on to the things which make Sark different from other places, but some also hold the view that our traditional reliance on tourism is critical to our economy and to many livelihoods. They say our visitors will arrive with expectations about what they can buy, and where and when.

410 During the public meeting in February it was apparent, from the informal show of hands we asked for each of our questions, that there was a strong appetite for change. Sometimes, however, it is only those who want to see change who will make the effort to come to public meetings. Proper consultation means asking *everyone* what they think. The results from the Islandwide survey are here for everyone to see.

415 Before we go on to the debate, we just need to explain a little about the sequence of the Propositions and how they are grouped together. Before this, I need to correct some typographical errors which have been pointed out to us in the wording of these Propositions. For every Proposition except Proposition 10, after the word 'Ordinance' in the title of the Ordinance, delete the word 'Law'. That is, for every Proposition except Proposition 10 the word 'Law' needs to be deleted. And for Proposition 12, the date should be 1979, and not 197. (*Laughter*)

420 Apologies for these errors.

I will hand over to Conseiller Adams.

The President: Conseiller Adams, please.

425 **Conseiller Adams:** Thank you. I will continue with the introduction.

I just want to explain a little about the sequence of the Propositions and how they are grouped.

Propositions 1 and 2 obviously relate to the sale of alcohol on Sundays. If we accept Proposition 1 to allow the pubs to open on Sundays, then it might also be expected that people
430 will be able to buy off-sales on a Sunday too, which is why Proposition 2 follows.

Propositions 3 through to 8 simplify the permitted hours, making them consistent across all the categories and all the days of the week. If these Propositions are carried, everybody will know that alcohol will be able to be purchased daily from 10 a.m. whether it is from a public house, hotel, restaurant or guesthouse. It is important to note here that Propositions 3 to 8, if
435 carried, refer only to the sale of alcohol with food, as stated in the Schedules in the Appendix, and they only amend the permitted start times.

Proposition 9 comes from the response to question 2 on the house-to-house survey and suggests removal of the phrase in the Law which restricts off-licences being granted only to hotels and public houses. This would enable shops or other liquor licence holders to apply for an
440 off-licence if they wish. When that application is published, the Seneschal would, in the normal way, be able to take into account any objections which are raised.

Proposition 10 reflects the strongly held view that all licensees should behave responsibly and not serve alcohol to people who have already had too much alcohol to drink. We cannot emphasise enough the strength of feeling about this – it came up in every single meeting we
445 had.

Proposition 11 comes from the response to question 3 on the survey. Most people who returned survey forms wished for alcohol to be purchased without food at cafes and restaurants. How we go about this would require more discussion within our PDT and with the Law Officers and this is why it is further down the list of Propositions. It may be that cafes and
450 restaurants would need to apply for a public house licence, or it may be better to completely rethink the categories of liquor licence. In any case, it would be helpful to know what the consensus today is for making this change as a general principle.

Proposition 12 would require considerable time to enact, but it is a task which the PDT feels is essential because we all think this law does need reviewing to make it more up to date, clearer
455 to interpret and consistent with the views which have been expressed during the consultation.

We very much look forward to hearing what you think about these Propositions. For any questions requiring specific references to sections of the law – either our current Law or comparisons to Guernsey law – I will hand you over speedily to Conseillers Burgess and
460 Moloney, who have it all at their fingertips.

The President: Any comment or debate, please? Conseiller Burgess.

Conseiller Burgess: Thank you, sir.

Can I just ask two things of the Court, please? Could we discuss any debate kept within the categories – so, like in Proposition 1 we discuss about the public houses and Proposition 2 about
465 the off-licences – so we do not dart about all over the place?

Also, could we discuss it as a Q&A? I think, again, some of the stuff we may be asked may, again, be all over the place and we would like to have one question and answer at a time, rather than have loads of questions being answered at the same time.
470

The President: Okay, we will do as you have asked.

Conseiller Burgess: Thank you.

475 **The President:** Therefore, specifically, does anybody have any questions to ask or debate on Proposition 1 and what that does to the current Ordinance? No. (*Interjection*) Yes, one.
Conseiller Elizabeth Norwich.

480 **Conseiller Elizabeth Norwich:** It was not quite as I had set out, but I will try and work with the request.

I was trying to understand what they all meant, and the bit to do with public house licence, whether it be Sunday or a weekday – does the proposed change mean that if I currently hold a public house licence and I apply for a restaurant licence instead, if it was granted I could actually extend my hours to serve people alcohol to 11.45? And if I chose serving people with or without food, I could give them alcohol, I could then pay less for my licence and even close for the winter, or only open on Sundays when I felt like it in the winter?

485 It sounds like a good deal, less to pay and less expense in terms of staff hours in winter, as we all know customers stay home after seven o'clock most days in the winter. I am just trying to see whether there is actually an unintended consequence of changing it.

490

The President: Who wishes to take that question? Conseiller Burgess.

Conseiller Burgess: Thank you.

495 Effectively, if public houses are granted their public licence to allow drinking on a Sunday, they will not need to apply for a restaurant licence because the hours we are putting in there would be the same. It may end up being the other way, actually – maybe restaurants would not bother having a restaurant licence and go for a public licence, because we are looking at opening at 10 in the morning and closing at quarter to twelve at night.

500 **The President:** In Proposition 1 –

Conseiller Elizabeth Norwich: In Proposition 1 –

505 **The President:** – a public house will open until 10 o'clock at night, whereas a restaurant –

Conseiller Burgess: That is on a Sunday, yes. Yes it is:

... Sundays to allow discretionary hours from 10am till 10pm for Public Houses ...

Conseiller Elizabeth Norwich: But the restaurants on Sundays are open until 11.45, so they are different.

510 **Conseiller Burgess:** They are, yes.

Conseiller Elizabeth Norwich: That is what I am saying: if I changed to a restaurant licence, I could carry on serving until 11.45 and pay considerably less for my licence.

515 **Conseiller Burgess:** The licences, I believe, are £500 across the board.

(Two Members: No.

Conseiller Burgess: No? Hang on, give me a second.

520

Conseiller Adams: Yes, I think that you are correct. If a public house has a restaurant licence, the permitted closing hours for a restaurant are later than a public house, but for the period after the closing of the public house and the closing of the restaurant you are operating under

525 the terms of your restaurant licence, therefore you only serve alcohol with food. (*Interjection*)
Does that answer your question?

Conseiller Elizabeth Norwich: It does not answer the question.

530 **The President:** Would you like to put the question another way again?

Conseiller Elizabeth Norwich: I am just saying that if I currently had a public house licence I would be closing at 10 o'clock. (**Conseiller Adams:** Yes.) If I did not have that licence and I just had a restaurant licence, I could continue serving until 11.45. Therefore, restaurant licences are different to public house licences, and the price of the continuation of a restaurant licence is less than doing a public house licence, so we would actually have less income.

Conseiller Burgess: Yes, you are absolutely right.

540 **Conseiller Adams:** But a restaurant licence is different from a public house licence.

The President: Conseiller Adams.

545 **Conseiller Adams:** It is completely different, isn't it? In a public house you serve the public; a restaurant licence enables you to serve alcohol with food.

Conseiller Elizabeth Norwich: But my understanding was that we were changing it so that the restaurants and hotels can serve it without food, if they so choose. (*Interjection*)

550 **Conseiller Adams:** Okay, so on a later Proposition, yes. Right. Sorry.

The President: That is Proposition 11, which is a later amendment, which would not come in immediately, but we still have to have an Ordinance prepared to put in the Propositions that would be coming in later, whereby you would be considering allowing the sale of alcohol without food in restaurants at any time.

555 Conseiller Audrain.

Conseiller Audrain: I think the answer to Conseiller Norwich's question is yes, it would be costing that person less, but that is to do with the categories of licence.

560 **The President:** Does anybody else wish to contribute to this particular debate? Conseiller Rolfe.

565 **Conseiller Rolfe:** Yes, just to make a very brief comment on this, it is surely up to the licensees what they want to apply for and not for us to predetermine what they should apply for.

And, in the generality of this, I would just like to make a general comment on all the Propositions, that there is a majority will amongst Sark for relaxing the licensing law and making us a much more attractive place to come to for visitors.

570 **The President:** I think that, then, concludes any debate on Proposition 1.

Are there any direct questions on Proposition 2? Proposition 2 would allow off-licences to operate between 10 and 10 on Sundays. Any questions or debate on Proposition 2? No.

Proposition 3. Conseiller Burgess, would you like to give some explanation of the effects of Proposition 3?

575

Conseiller Burgess: Thank you.

580 What we are asking for here is – the permitted hours are on Schedule Part I, weekdays other than Sundays – to allow hotels to open at 10 a.m., the same as public houses, because when people arrive on say the nine o'clock boat they can walk up the hill and they may wish to go to their hotel, wind down, put everything in, and while they are waiting to be checked in they cannot really have a drink because it is not allowed until 12. We are trying to bring it in to 10 o'clock, so that all licensed premises open at 10 o'clock – so, again, everyone knows exactly what time you can get a drink.

585 Thank you.

The President: However, the effect of that Proposition is to increase an earlier opening time for hotels, other than on Sundays.

Any questions? No.

590 What is the effect of Proposition 4, Conseiller Burgess?

Conseiller Burgess: The effect of Proposition 4 is exactly the same, sir: it just means that they can open at 10 o'clock rather than 12.

595 **The President:** And that applies to restaurants.

Conseiller Burgess: That applies to restaurants, yes. Thank you.

The President: And if we look at Proposition 5, that is the same for guesthouses?

600 **Conseiller Burgess:** That is exactly the same for guesthouses, sir. It is bringing everybody in line to a 10 o'clock opening.

The President: Any questions on that? No.

605 Proposition 6, Conseiller Burgess.

Conseiller Burgess: Proposition 6, again, is for permitted hours on Sundays to allow discretionary hours, because on a Sunday there are no discretionary hours for public houses whatever, sir. If this Proposition went through, then this would allow discretionary hours for pubs as well.

610 Just on that note, actually, I would like to say that in the questions we sent out, what came back is that people were concerned about having discretionary hours because, especially for us in the winter, when it is pouring with rain on a nice February evening and you want to walk down to the pub for a little drink and sit in front of a nice fire, and when you get there it is closed. So we are trying to propose that ... and this is later on, but eventually you will have to advertise your hours so that people will know when you are open and closed; otherwise it could be that everybody could close and no one would know that.

The President: Conseiller Sandra Williams, you wanted to make a technical intervention?

620 **Conseiller Sandra Williams:** Could I just comment that on Propositions 3, 4 and 5 it allows discretionary hours between 10 and 11.45. At present, public houses are only allowed to open until 11 without having to pay for an extension to 11.45, and I wonder whether that was intentional, or not.

625 **Conseiller Adams:** Sir, no, I do not think there was any intentional restriction on public house hours, but we did not want to restrict the other categories down to 10 when they can already do 11.45, because nobody asked us to do that at any stage. Nobody asked us to reduce the

permitted hours for hotels, restaurants and guest houses from 11.45 to 10, so we have not proposed that.

630

The President: So the answer to the technical question is that the public houses will still only have discretionary hours until 10 o'clock.

Conseiller Burgess: And 11 in the summer.

635

The President: And 11 in the summer.

Conseiller Burgess: Yes.

640

The President: Right, Proposition 7, Conseiller Burgess.

Conseiller Burgess: That is in line with Proposition 6 as well, and so is 8.

The President: So 6, 7 and 8 have the same effect for hotels, restaurants and guesthouses?

645

Conseiller Burgess: They do, yes. Correct.

The President: Thank you.

Any questions? No.

650

Proposition 9, Conseiller Burgess.

Conseiller Adams: Proposition 9 –

The President: This is Conseiller Adams.

655

Conseiller Adams: Proposition 9 comes from their response to question 2 on the house-to-house survey. That would enable the removal of the phrase in the Law which restricts off-licences being granted only to hotels and public houses. This would enable shops or other liquor licence holders to apply for an off-licence if they wish.

660

Conseiller Burgess: May I just add to that sir?

The President: Yes, Conseiller Burgess.

665

Conseiller Burgess: Obviously there are concerns about which shops would have an off-licence, etc. I think as far as we are doing the Law, that is not really relevant to us; that is down to the court because anybody who has got a shop could apply for an off-sales licence and it would be up to the court to decide whether they are allowed one, and obviously it gives the public the opportunity to write in or be at court at the same time to contest it. I just thought I would point that out, sir.

670

The President: And also the Chief Pleas will have the opportunity to review the amendment to the Ordinance that will be coming forward in this area, so you will need to look at the restrictions that need to be taken out at that stage.

675

Any questions on 9? Conseiller Edric Baker.

Conseiller Edric Baker: Yes, sir. I would I just like to go back to Conseiller Sandra Williams's question; I do not think it was correctly answered, unless I am completely wrong with it. She

680 spoke about the extensions to 11.45: do, in fact, the public houses get extensions to that period now, to 11.45?

The President: They can apply for extensions to the court beyond their permitted hours.

685 **Conseiller Edric Baker:** Yes, right. So, in effect, Propositions 4, 5 and 6 would give the other establishments that extension without applying to the court.

The President: Yes, they have all always had permitted hours to 11.45. It is only public houses that have been restricted to 10 in the winter and 11 in the summer, and they must apply to the court under the current Ordinance for any extensions beyond that.

690

Conseiller Edric Baker: Right, thank you.

The President: Proposition 10.

695 **Conseiller Burgess:** Yes, this one is basically to bring in stronger penalties against licensees who continue serving alcohol to under-18s. It is getting better, but just to point out in Guernsey they actually have an under-18 rule. You have to apply for a licence to actually have under-18s in your pubs. So, as it stands, if you do not have that licence, under-18s are not allowed in the pubs. Maybe that is something we could look at, but this generally is to make our penalties greater to deter people from breaking the law.

700

The President: Which no publican would do, of course!

Conseiller Burgess: Absolutely not!

705

The President: Any comment on that? Conseiller Fry.

Conseiller Fry: I just would like to say I think that is probably the most important of all the Propositions. It does not really matter what time people drink; it is how they behave when they are drunk. I think this is what it needs to be. It is a good Proposition, I think.

710

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

715 **Conseiller Edric Baker:** The idea of serving people under the influence of drink was enshrined in the 1979 Law. I was Constable at the time, so I took part in the discussions. I think it is very important that this goes through, and certainly I would agree with stronger penalties.

The President: Thank you.

Proposition 11 – who is going to take that? Conseiller Burgess.

720

Conseiller Burgess: Yes, Proposition 11 is regarding not having to have food to drink alcohol in restaurants. We cannot change that now, because that is a lot deeper; so this is just asking Policy & Performance to instruct the Law Officers to redraft the Law to allow that to happen. It has taken quite a while, but that is our next stage really, isn't it – where we are going to go next is to move onto 11, and effectively 12 will be the whole Law, which will take even longer!

725

The President: Any comments on 12? On 11, in particular? Conseiller Dunks.

730 **Conseiller Dunks:** The Proposition calls to allow the sale of alcohol without food in restaurants – is this meant to include guesthouses and hotels?

Conseiller Burgess: No, we have just put restaurants for now.

Conseiller Dunks: Can I come back with a second question?

735 **The President:** Yes, certainly.

Conseiller Dunks: If you do remove that restriction for restaurants, you then make restaurants a better proposition than public houses – they are open longer and they are a cheaper licence, and hotels are still restricted and guesthouses are still restricted.

740

Conseiller Burgess: I think I am going to get to the stage where we involve the Law Officer. I think we will probably have another public consultation where people will come back to us on this particular subject, and I think we will find that it will be across the board – but that is not for me to say.

745

The President: Conseiller Dunks again.

Conseiller Dunks: I just feel that it needs to be stressed again that if you do enact all the previous Propositions extending the hours to the other establishments, and then subsequently lift the restriction on alcohol without food, public houses will be left really taking a big step backwards.

750

A Member: Hear, hear.

755

Conseiller Burgess: Proposition 11 is not going to ... All this is asking is for P&P to actually instruct the Law Officers, which they will instruct, and then we will have to do more work, which again will probably go out to public consultation. So I think you will find a lot of concerns that you have now, and I think Conseiller Baker has as well, will be addressed by the public consultation.

760

The President: Conseiller Adams.

Conseiller Adams: Yes, just to make a comment about Proposition 11, this one is just at the moment 'What do you feel about the general principle of people being able to purchase alcohol without food in the restaurants?' It is actually going to be really complicated to bring that into the Law, because of the reasons I mentioned before.

765

It could be that restaurants and cafés will need to apply for a public house licence to enable them to do that, or it could be that we rethink all of the liquor licence categories. So getting Proposition 11 through to law will be complex and needs a lot further discussion. That is why it is further down the list of Propositions.

770

Today we are just asking you about the general principle: do you agree with the consensus of public opinion that people should be able to buy alcohol without food in restaurants and cafés?

775

The President: Any specific issues anybody wishes to raise on Proposition 11 now before the Committee go and do work? Conseiller Rolfe.

780

Conseiller Rolfe: Yes, I would just like to make the point on Proposition 11 that I eat out quite a lot, being a single man, and what astonishes me is the number of visitors to this Island who just want to pop into a restaurant for a drink in the garden maybe, but they are not allowed to unless they buy food. To my way of thinking, that is far too restrictive. If we are to attract people to this Island and give them an enjoyable experience when they are here, I think Proposition 11 is one that we should be supporting.

The President: Conseiller Dunks.

785 **Conseiller Dunks:** I agree with the principle, but I would not like to see Proposition 11 resulting in an uneven playing field.

The President: Conseiller Elizabeth Norwich.

790 **Conseiller Elizabeth Norwich:** That was what I was trying to say at the beginning but did not say very clearly, so I have got the answer to the question. *(Laughter)* Thank you.

The President: Conseiller Taylor.

795 **Conseiller Taylor:** Thank you, sir.

Yes, I agree with the slight feeling that there might be an unlevel playing field, but I think it is not right to compare restaurants with pubs. I think you have people who are a part of the pub culture but people who really would never want to set foot in a pub. And I agree with Conseiller Rolfe that if somebody comes along to a restaurant – they have had a nice walk and they would like something to drink, they pop in and sit down, start off with maybe a glass of wine or a beer, and then when they are there they might say, ‘Oh, whilst we’re here we’ll have something to eat as well.’ If you immediately say no to them, then up they get and off they go.

Thank you very much, sir.

805 **The President:** Conseiller Burgess.

Conseiller Burgess: Thank you, sir.

I presume you are talking just about Sundays, because obviously during the week pubs can sell alcohol without food.

810

The President: That was following their Proposition.

Conseiller Burgess: Okay, thank you.

815 **The President:** If there is no further debate on any of the issues that have been raised, then we will go to the Propositions.

Conseiller Peter Byrne.

820 **Conseiller Peter Byrne:** I am sorry for the late declaration, but as a joint owner of a guesthouse I would like to declare an interest and not vote on these Propositions.

The President: Fine, and you have not spoken anyway, so we will note your declaration of interest. It does say, of course, ‘as soon as reasonably possible’. I am not quite sure that the end of the debate is ... *(Laughter)*

825 Conseiller Adams, do you wish to sum up?

830 **Conseiller Adams:** We have consulted as thoroughly as we can. We have presented the results of the consultation in this Report as thoroughly as we can. We have had robust debates about the issues within our PDT during stakeholder meetings and during the public meetings and here today. Chief Please must now decide to what extent they wish to bring about what the public have told us they want.

835 As the Report states, Propositions 1 to 8, we feel, could be enacted fairly quickly through an Amendment Ordinance, which can be brought to Chief Please, that Ordinance requiring only that the Schedules – part 1 and part 2, shown in the Appendix – be altered. Section 21 of the Law allows these Schedules to be amended by Ordinance as necessary.

Proposition 9, we think, also will be fairly straightforward because it only requires a section of the Law to be removed.

The latter Propositions, 10, 11 and 12, will definitely take longer, but we hope that you will support them nonetheless.

840 As these Propositions are derived from the results of public opinion, please may I request that we have a named vote for the Propositions which relate directly to the questions which were on the survey form; therefore, could we have a named vote for Propositions 1, 9 and 11?

845 **The President:** I would remind the three Conseillers who have declared an interest that they are not to take part in any voting, be it by hand or named vote. Your name will be called on a named vote for the record – just do not reply.

850 Proposition 1 has been asked to be a named vote, and Proposition 1 reads: To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the Second Schedule of Permitted Hours Part II Sundays to allow discretionary hours from 10am till 10pm for Public Houses during summer and winter.

Greffier.

There was a named vote.

Proposition 1

Carried – Pour 22, Contre 1, No Vote 0, Unable to vote due to declaration of interest 3

POUR	CONTRE	NO VOTE	UNABLE TO VOTE DUE TO DECLARATION OF INTEREST
Conseiller Fry	Conseiller Elizabeth Dewe	None	Conseiller Sandra Williams
Conseiller Adams			Conseiller Rosanne Byrne
Conseiller Richard Dewe			Conseiller Peter Byrne
Conseiller Dunks			
Conseiller Paul Williams			
Conseiller Audrain			
Conseiller Cottle			
Conseiller Blythe			
Conseiller Diane Baker			
Conseiller Edric Baker			
Conseiller Burgess			
Conseiller Courtney			
Conseiller Golds			
Conseiller Maitland			
Conseiller Moloney			
Conseiller Elizabeth Norwich			
Conseiller Plummer			
Conseiller Raymond			
Conseiller Rolfe			
Conseiller Taylor			
Conseiller Nightingale			
Conseiller Ventress			

The President: I declare Proposition 1 **carried**, by 22 votes Pour and 1 Contre.

855 We move to Proposition 2: To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the Second Schedule of Permitted Hours Part II Sundays to allow discretionary hours from 10am till 11pm for Off Licences during summer and winter. Those in favour; those against. **Carried.**

860 Proposition 3: To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the Second Schedule of Permitted Hours Part I Weekdays other than Sundays to

allow discretionary hours from 10am till 11.45pm for Hotels. Those in favour; those against.
Carried.

865 Proposition 4: To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the Second Schedule of Permitted Hours Part I Weekdays other than Sundays to allow discretionary hours from 10am till 11.45pm for Restaurants. Those in favour; those against. **Carried.**

870 Proposition 5: To direct the Policy and Performance Committee to Instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the Second Schedule of Permitted Hours Part I Weekdays other than Sundays to allow discretionary hours from 10am till 11.45pm for Guest houses. Those in favour; those against. **Carried.**

875 Proposition 6: To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the Second Schedule of Permitted Hours Part II Sundays to allow discretionary hours from 10am till 11.45pm for Hotels. Those in favour; those against. **Carried.**

880 Proposition 7: To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the Second Schedule of Permitted Hours Part II Sundays to allow discretionary hours from 10am till 11.45pm for Restaurants. Those in favour; those against. **Carried.**

885 Proposition 8: To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to the Second Schedule of Permitted Hours Part II Sundays to allow discretionary hours from 10am till 11.45pm for Guest houses. Those in favour; those against. **Carried.**

Proposition 9 is a named vote, and that Proposition is: To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to remove the restriction on off licences being granted only to Hotels and Public House licence holders.

890 Greffier.

There was a named vote.

Proposition 9

Carried – Pour 19, Contre 4, No Vote 0, Unable to vote due to declaration of interest 3

POUR	CONTRE	NO VOTE	UNABLE TO VOTE DUE TO DECLARATION OF INTEREST
Conseiller Fry	Conseiller Paul Williams	None	Conseiller Sandra Williams
Conseiller Adams	Conseiller Blythe		Conseiller Rosanne Byrne
Conseiller Richard Dewe	Conseiller Elizabeth Norwich		Conseiller Peter Byrne
Conseiller Elizabeth Dewe	Conseiller Ventress		
Conseiller Dunks			
Conseiller Audrain			
Conseiller Cottle			
Conseiller Diane Baker			
Conseiller Edric Baker			
Conseiller Burgess			
Conseiller Courtney			
Conseiller Golds			
Conseiller Maitland			
Conseiller Moloney			
Conseiller Plummer			
Conseiller Raymond			
Conseiller Rolfe			
Conseiller Taylor			
Conseiller Nightingale			

The President: Can I just ask you to repeat your vote, Conseiller Fry?

Conseiller Fry: Pour.

895 **The President:** Pour, thank you.

I declare Proposition 9 **carried**, with 19 votes Pour and 4 Contre.

900 Proposition 10: To direct the Policy and Performance Committee to review the law in relation to the minimum and maximum penalties given to those serving alcohol to customers who are heavily under the influence of drink or to those serving alcohol to underage customers. Those in favour; those against. **Carried.**

Proposition 11, which is a named vote: To direct the Policy and Performance Committee to instruct the Law Officers of the Crown to draft an amendment to The Liquor Licensing (General Provisions) (Sark) Ordinance Law 1979 to allow the sale of alcohol without food in Restaurants.

Greffier.

There was a named vote.

Proposition 11

Carried – Pour 23, Contre 0, No Vote 0, Unable to vote due to declaration of interest 3

POUR	CONTRE	NO VOTE	UNABLE TO VOTE DUE TO DECLARATION OF INTEREST
Conseiller Fry		None	Conseiller Sandra Williams
Conseiller Adams			Conseiller Rosanne Byrne
Conseiller Richard Dewe			Conseiller Peter Byrne
Conseiller Elizabeth Dewe			
Conseiller Dunks			
Conseiller Paul Williams			
Conseiller Audrain			
Conseiller Cottle			
Conseiller Blythe			
Conseiller Diane Baker			
Conseiller Edric Baker			
Conseiller Burgess			
Conseiller Courtney			
Conseiller Golds			
Conseiller Maitland			
Conseiller Moloney			
Conseiller Elizabeth Norwich			
Conseiller Plummer			
Conseiller Raymond			
Conseiller Rolfe			
Conseiller Taylor			
Conseiller Nightingale			
Conseiller Ventress			

905 **The President:** I declare Proposition 11 **carried**, with 23 votes and none against.

Two Members: There was one against.

910 **The President:** Not according to the tellers up here. It's too late – carried unanimously. (**Several Members:** Ooh!) Once I have declared the vote, you cannot go back.

We move to Proposition 12: To direct the Policy and Performance Committee to review The Liquor Licensing (General Provisions) (Sark) Ordinance Law, 1979 in its entirety and to reflect the views most commonly expressed during recent consultation. Those in favour; those against. **Carried.**

915 Conseiller Burgess wishes to say something before we move to the next Item.

Conseiller Burgess: Sorry, sir, you just stated that obviously we cannot go back but there is a query on Proposition 2, because you read it out as 10 a.m. to 11 p.m. during summer and winter, and we have actually got it stated as 10, so does that mean we changed it to 11?

920 **The President:** Where are we?

Conseiller Burgess: Proposition 2, last line, says 10 a.m. to 10 p.m. You read out 10 a.m. to 11 p.m.

925 **The President:** Did I?

Conseiller Burgess: Yes, you did.

930 **The President:** In that case, for the avoidance of doubt, Proposition 2, the discretionary hours are from 10 a.m. to 10 p.m. for off-licences.

Conseiller Burgess: Thank you, sir.

935 **The President:** I shall make sure that is reflected in the *Hansard* record. It is now 25 past 11. I shall recess now while I reshuffle my papers. Please be back in your seats – I am feeling generous this morning – at 25 minutes to 12.

*Chief Pleas adjourned at 11.26 a.m.
and resumed its sitting at 11.36 a.m.*

**9. Slaughterhouse Waste Disposal, Incinerator –
Agriculture & Environment and Public Health Committees Joint Report considered –
Proposition carried**

To consider a Joint Report from the Agriculture & Environment Committee and Public Health Committee entitled 'Slaughterhouse Waste Disposal – Incinerator'.

Proposition

That Chief Pleas supports the Agriculture & Environment and Public Health Committees in the selection of model of incinerator chosen within the budget of up to £40,000 already set.

940 **The President:** We move on to Agenda Item 9: To consider a Joint Report from the Agriculture & Environment Committee and Public Health Committee entitled 'Slaughterhouse Waste Disposal – Incinerator'. I ask the Committee Chairman, Conseiller Paul Williams, to introduce the Report, please.

Conseiller Paul Williams: Thank you, sir.

945 Very recently, Conseiller Cottle and Cormac Scott, one of our public works operatives, travelled to the UK to visit incinerator manufacturers. I would therefore like to hand over to Conseiller Cottle to tell you all about their findings and where we are at this moment in time. Thank you.

The President: Thank you.
Conseiller Cottle.

950

Conseiller Cottle: Yes, thank you.

955 Across the Committees we have been working with the Public Health and Agriculture & Environment Committees together with the Douzaine and the Finance Committee, which is where my involvement has come from. We have all been concerned about getting the right solution for the whole of our waste disposal strategy and solutions. So we have all been working in co-operation and having meetings about not just the slaughterhouse waste but what we are going to do about the Island's waste for the future. That is the background to me being handed this by Paul.

960 I did go to the UK with Cormac Scott – or 'Scottie' as you probably most likely know him. We went at the end of June and we had a very effective two days where we visited and sought out the information that we needed.

Plenty of progress has been made on identifying an incinerator within the agreed budget of £40,000 to meet the requirements as described at the recent extraordinary meeting of Chief Pleas.

965 A list of the requirements for such an incinerator has been drawn up and four potential manufacturers were contacted for discussions and fact-finding. All are experienced UK companies designing and manufacturing to approved standards and they have all been very helpful in discussing our needs with them. It was decided that all four companies should be visited to see the quality of their equipment, meet the people – which is very important – and ask questions on all aspects of incinerators, and that was quite an education for us. It was also very useful to have Scottie along, who operates the incinerator on a daily basis, so we could get his input on that. All the manufacturers were very happy to meet us and the visits were arranged over the two days at the end of June. Scottie operates the incinerator as part of his job, and he could put his input in. We did the two days and had flying visits to all four manufacturers, and then came back. I wrote a report to the four Committees reporting what we had found and then backed it up with a meeting which we had recently, where we discussed further about those incinerators to make a shortlist.

970 Based on what we learned, the shortlist was narrowed down to fit the requirement we have for an incinerator that can burn slaughterhouse waste, other animal remains and general collected waste from the households and businesses on the Island within the agreed cost limit and the capacity requirement. I can now tell you that a manufacturer and model have been provisionally agreed. We still have some work to do on this, so we will not reveal what it is at the moment – we have not spoken to the manufacturers yet about the finalisation of this and we do need to do a little more consultation. The final choice will be subject to consultation on the specification of the incinerator that we finally pick. The consultation will be with the States of Guernsey Waste Regulation Officer, who has advised us in the past, particularly on the emissions from the Island incinerator. We need to know that we are picking an incinerator that is suitable and will give us the right burning options and will also be the clean burn that everybody wants to see on the Island. So we will consult with him and then we will do our final sums. We will need to make sure that we have costed in all the costs of buying the equipment, transporting it here and installing it, and still make sure that we are within the £40,000 that has been approved for that project. Having done that, we hope to place the order and take delivery as soon as possible, so the proposal today hopefully gives us the approval to make that final choice.

985 It is intended that this new incinerator will be used as part of a co-ordinated waste disposal strategy, including recycling. This strategy is being developed and further proposals will be reported to Chief Pleas in due course. I hope the work will continue across the Committees that are currently working on it, and if we need to establish a PDT or some kind of working group, then that may be the next step so that we have got input about waste strategy, not just from the public health/agriculture aspect, which is to do with slaughterhouse waste at the moment.

1000 That concludes where we are and I will hand over for any questions before the Proposition.

The President: Do you have any questions or debate?

Conseiller Nightingale: Can I declare an interest.

1005 **The President:** Conseiller Nightingale wishes to declare a direct pecuniary interest and will leave the Chamber unless there is a proposal that he remain. (*Interjection*) There is a proposal that he will remain. Those in favour that Conseiller Nightingale remains; those against. **Carried.**

You may take part in the debate only to provide technical information if it is required, and you are not to vote.

1010 Any questions or debate on the Report or the statement you have heard from Conseiller Cottle? Conseiller Audrain.

Conseiller Audrain: I would like to thank the people who have worked so hard in a relatively short time to come up with a solution, albeit a temporary solution until it is confirmed.

1015 I have been part of these meetings because I am a member of the Douzaine and I have observed how much work various people have put into ensuring that the correct solution is found, and I admire those people very much.

The President: Thank you.

1020 Anybody else? Conseiller Edric Baker.

Conseiller Edric Baker: Yes, sir. I would like to start by thanking Conseiller Cottle and Cormac Scott for their time away, and I would like to reveal to Chief Pleas that Conseiller Cottle will not be having his time paid – he refuses to accept anything of that sort, just the very small amount for expenses.

1025 Also of interest is paperwork on our original incinerator going back to 2006, which I found only this morning, and the Proposition was:

That Public Works and the Douzaine respectfully ask Chief Pleas Members to consider the approval of a Budget request of £55k ... for the purchase of an incinerator during the year 2006.

Well, we have still got the incinerator and it is still working and has stood the test of time, but we need to go further now.

1030 Thank you, sir.

The President: I can see nobody else indicating they wish to speak, therefore we will go to the vote on the Proposition: That Chief Pleas supports the Agriculture & Environment and Public Health Committees in the selection of model of incinerator chosen within the budget of up to £40,000 already set. Those in favour; those against. **Carried.**

1035

**10. Establishment Review –
Policy and Performance Committee Third Progress Report –
Propositions withdrawn**

To consider a Report from the Policy and Performance Committee entitled 'Establishment Review – Third Progress Report'.

Proposition 1

That Chief Pleas approves the changes to the hours (from 500 to 700 hours/year) of the Treasurer role at the current rate of pay, as set out in Appendix 1 for the financial year 2017 onwards.

Proposition 2

That Chief Pleas approves the establishment of the part time role of Operations Manager as set out in Appendix 2 for the financial year 2017 onwards.

Proposition 3

That Chief Pleas approves the establishment of an Economic Development and Promotional function as set out in Appendix 3 to be held within the establishment of the Policy and Performance Committee for the financial year 2017 onwards, and the funding for the function is made part of the current budget deliberations for 2017.

Proposition 4

That Chief Pleas approves the establishment of a Communications/Media and Public Relations function as set out in Appendix 4 to be held within the establishment of the Policy and Performance Committee for 2017 onwards, and the funding for the function is made part of the current budget deliberations for 2017.

Proposition 5

That Chief Pleas approves the establishment of the part time role of the Policy and Research Officer as set out in Appendix 5 to be held within the establishment of the Policy and Performance Committee for the financial year 2017 onwards, and the funding for the function is made part of the current budget deliberations for 2017.

The President: We move to Agenda Item 10: To Consider a Report from the Policy and Performance Committee entitled 'Establishment Review – Third Progress Report'.

1040 The Treasurer will now leave the meeting, as her appointment remunerations could be debated and voted upon. Treasurer, we will try to remember to call you back! (*Laughter*) Vingtenier, do not let me go on to the next Item without calling the Treasurer back.

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

1045 **Conseiller Maitland:** This is the third part of a review undertaken by the Senior Administrator, the first two parts having been approved at Christmas and Easter Chief Pleas this year.

1050 Conseillers will recall that the Senior Administrator was tasked with reviewing the workings of the Government on her appointment over two and a half years ago as part of her job description. This review should be read in conjunction with the information report from this Committee which deals with finalising the new Committee arrangements, Item 19 today, as both reports deal with necessary changes to the way Sark governs itself.

1055 I gather it is common practice in the public sector elsewhere to produce a blueprint to show how an organisation can improve its performance, with new roles outlined so that a full picture is then produced. Here, the Senior Administrator has looked at Sark's Government and pinpointed those areas where extra help is needed.

I want to emphasise here that voting through these proposals does not mean that we are committed to implementing them immediately. Item 15 of this Agenda from F&R deals with the expenditure requests for 2017, which show that the Government finances are under pressure and any new expenditure will have to be scrutinised and put into some order of priority.

1060 The possible expenditure on the post outlined in this Report is no different to the other expenditure requests and the fact that some or all of the Propositions are passed today does not mean that they will all be implemented immediately; we shall have to decide what are the priorities and what could and should be afforded.

I will go through the Propositions.

1065 The Treasurer: it is only right that for this post we should pay for hours worked, which are more like 14 hours per week than the 10 hours that are paid for at the moment. Please note that

the current rate of pay is used for this calculation and the increase is still a modest one for professional work of this importance.

1070 Proposition 2: this again is a part-time role which we can establish and then fund in the future, as and when it becomes a priority. It covers such matters as the proper use of the incinerator and the maintenance of all publicly owned buildings. Health and safety issues and environmental matters should be included in the role, and I strongly suspect that we could actually save money with an effective appointment.

1075 Propositions 3 and 4: these roles have been discussed at the Policy Development Group, and if made a priority would be put out to tender as a contract for services. The Economic Development position would concentrate on Sark as a place to live, work and do business, as opposed to tourism, which concentrates on selling Sark as a place to visit.

Finally, Proposition 5: this role could perhaps be filled by someone already living in Sark who has experience in this field.

1080 I reiterate it is standard practice to establish roles and then fund them as either the funds become available or, if that particular role moves up the priority list because of other circumstances, to fund it then. For instance, I would prioritise the Economic Development role at this point, as Sark needs to concentrate on initiatives that increase employment and generally help the prosperity of the Island.

We are happy to answer any questions people may have.

1085

The President: Are there any questions or debate? Conseiller Burgess, Conseiller Cottle, Conseiller Raymond, Conseiller Plummer, Conseiller Paul Williams. Right, that will do for starters. Conseiller Burgess.

1090 **Conseiller Burgess:** Thank you, sir.

1095 I just have a slight question to Conseiller Maitland on the fact that he mentions that F&R said obviously our finances are not as good as they probably could be and we are struggling to find money without putting taxes up. If we implement these five things, are we not asking the taxpayer for about another £125 a year in taxes just to cover these? I am not sure if we can afford them or not. That was the question, thank you.

1100 **Conseiller Maitland:** That is why I think they have to go into the melting pot and then see which of the priorities ... We might decide that only one can be afforded this year, or none, and perhaps next year. But without actually having the blueprint in place for how the Government could move forward with its structure I think leaves us in danger of doing nothing at all, which would be the wrong solution

Conseiller Burgess: Okay, thank you.

1105 **The President:** Conseiller Cottle.

Conseiller Cottle: Thank you, sir.

1110 I think Conseiller Maitland's explanation has helped me somewhat in understanding what the point of this instalment of the review is.

1115 What was agreed at Easter Chief Pleas was that the Senior Administrator design and cost out descriptions for the five roles identified in section 7 and report this to Chief Pleas. Well, we have got the roles described in more detail and we have got the costings, or an outline of the costings, but my concern is that the Propositions go further than that, and despite Conseiller Maitland's reassurances I think that once the Propositions say approval of this requires that the costing is then put into the current budget deliberations for 2017, it means that as Finance and Resources have no control at present – they just have to take instruction from Committees – we have no

way of saying that we cannot afford that, or how are we going to afford that. So we have gone a step beyond where we intended to be when we were at Easter.

1120 The Establishment Review has identified some gaps in skills that the Government can draw upon, and if these remain unfilled then there is a risk that it cannot function properly in a number of ways. We have identified that very properly and the Report makes it clear why we will have risk if they are not filled.

1125 So it is right that we should now look at all these skills and how they can be obtained. We have agreed that the expertise does not exist within the membership of Chief Pleas, and as they are professional medium- to high-risk roles, we should to try to fill them with volunteers who will, in the Sark way, do their best just to have a go at it or make the best job they can of it. We need professionals.

Chief Pleas agreed that the roles should be explained in more detail by job description and that the potential costs should be identified. We have now received those for consideration.

1130 I do not think that the Propositions before us today reflect what should be done next – namely, consider the implications of agreeing to fill these positions, particularly the cost implications.

1135 I think there is some ambiguity in the Propositions, which ... even if we are saying we do not fill them immediately, we are committing ourselves to fill them, and I do not think we have considered the cost implications of filling them, whether immediately or slightly further down the line, which ... We are not making any commitment to *not* bringing them today; we are just saying that we will bring them in at some point.

1140 I have looked in some detail at what it will actually cost for us. The actual combined cost implications of the five Propositions, as identified in Appendices 1 to 5, including a 40% increase for the salary of the Treasurer, adds up to approximately £50,000 per year. As Conseiller Burgess has alluded to, how would we fund that? The answer is through a substantial tax rise at the moment. Can we raise that? We have not had chance to consider that yet. Throwing them into the budget considerations is something you can suggest we do, but can we come back and say no, we cannot afford them?

1145 Regarding the Treasurer's role, this is not about the current Treasurer but there is a potential knock-on effect to awarding a 40% increase to reflect hours worked. Taking one role in isolation, as this Report does – albeit a very important, highly skilled one and done very effectively – risks claims by others that their actual hours or contribution are not reflected in their pay. They would then have to be considered and given equal consideration, and the outcome of that consideration cannot be known currently so we could be creating a situation for ourselves where things run out of control.

Sark does have to work within what it can actually afford, as it has done up until now. Making decisions without clarity about the implications is a very risky approach. More work is needed and I do not believe, in their present form, that these Propositions should be approved.

1155 I would urge that the Propositions are withdrawn and the Report is received for information only, with an agreement to consider the roles further, including looking at more cost-effective ways of filling these gaps.

Thank you.

1160 **The President:** Conseiller Raymond, please.

Conseiller Raymond: Thank you, sir.

1165 I heartily endorse what my Chairman has just said. I received this Report and I have been trying, since I received it, to get some clarification of the actual costs. I am told that, at the moment, everything is interdependent on other items and they cannot accurately be defined. So I am concerned that, if we vote these through, we are actually committing ourselves to some form of budgetary expenditure in the next year. If we are going to include them in the budgets, then we have to raise the tax to be able to pay for them, and that means, in effect, if we pass

1170 these resolutions as they are drafted we could be handing over control of the budgetary process to others – and it is our responsibility to control the finances of Sark.

I believe that this should be withdrawn or deferred. I am very happy to have discussions. I know it is a very well-meaning Report, but the financial implications worry me greatly.

Thank you.

1175 **The President:** Conseiller Plummer.

1180 **Conseiller Plummer:** Yes, I agree with what has been said. It is the worry of the cost, the finances. We are asked, as Committees, to keep our costs down and we do our *very best*. I agree, I think this ought to be withdrawn for now or rescheduled for another time. It worries me too much.

The President: Conseiller Paul Williams.

1185 **Conseiller Paul Williams:** Exactly the same, sir. I am very perturbed about the amount that this might cost the Island eventually.

1190 If I could come to Appendix 2, I find this very strange. There has been a lack of communication, as far as I am concerned. The crane driver, for instance, is answerable to the Harbours Committee. Surely he does not need somebody else to look after him? And, to be fair, he has not been consulted anyway. I am not sure whether the Harbour Masters have been consulted at all. I know that the Douzaine have not been consulted as to whether they need their public works supervisor to be looked after by somebody else, costing money. And as far as I am concerned, with some of these other things that have been put in place we are going down the route, once again ... And I am sorry to say it, but where are we going? We are going to get more and more people in who are going to be paid civil servants. How many do we want?

1195 **The President:** Anybody else? Conseiller Ventress, Conseiller Edric Baker, Conseiller Adams – and I saw another hand here, somewhere ... Conseiller Diane Baker.
Conseiller Ventress.

1200 **Conseiller Ventress:** Virtually everything I was going to say has been said, and basically I am going to vote for Proposition 1 and against all the others.

The President: Conseiller Edric Baker.

1205 **Conseiller Edric Baker:** Yes, sir, I am very concerned with this Item and the way it has been hurriedly added to the summer Agenda.

In the body of the Report we find Alderney is used as a comparison jurisdiction. The Report says:

functions are professionally managed from Guernsey States.

1210 Maybe the Guernsey Police and HSSD involvement with a certain Alderney doctor would be a good example.

Alderney is so different to Sark. We cannot and should not use it as a comparison to anything Sark – and certainly not the Alderney Civil Service, which I remember at 55 a few years ago.

1215 A lot of Sark residents have spoken to me about their concerns in regard to Chief Pleas employing more people and the inevitable increase in tax that they will be asked to pay, and also the lack of public consultation.

The roles are to be filled on a part-time basis, but immediately we see holiday pay, sick pay and bank holidays all added to a part-time role. Well, that has not happened before.

I would support a modest increase in the Treasurer's salary, but not as much as the Proposition has indicated.

1220 Thank you.

The President: Conseiller Adams.

1225 **Conseiller Adams:** I agree that the Propositions should be removed for today, but I have some general comments about the roles.

Proposition 1: I have no reservations at all in extending the hours for the Treasurer. I think we do need to retain high-calibre employees, particularly in that role.

1230 Proposition 2: the role of the Operations Manager. I agree with Conseiller Williams. I am not sure that the Harbour Master or Public Works Supervisor need to have a line manager. Is it not sufficient for them to be accountable to the Committees which employ them? However, I definitely see the need for ensuring provision of suitable machinery, protective equipment, training, adequate safety standards and a maintenance plan, and I think that regular reports on operations to the relevant Committees is a good idea. If those things are not being carried out currently, then they should be and maybe we do need this new post.

1235 I wondered if roles 3 and 4 could be combined into one post for the sake of efficiency. They seem to be both related to the promotion of Sark – on the one hand co-ordinating information about Sark to people who wish to come and live here and do business, and on the other making sure that Sark is promoted effectively and rationally to the outside world. Both roles, it seems to me, require someone with professional PR experience.

1240 Role 5, the Policy and Research Officer: my understanding was that when the Senior Administrator was appointed the job description we all approved included this function. The ability to support Conseillers with policy research was a key reason, in my mind, for the post of Senior Administrator to be created. Are we to assume that the Senior Administrator is not currently able to fulfil this role to the level necessary? I would not be surprised if this were the case – we all know how many important things she is involved with – but it would have been useful to have had this explained in the Report. I wonder if it might be better to review the role of the Senior Administrator sooner rather than later, because it could be that this role of Research Officer would be best carried out by that person, and the role of Senior Administrator is a key one within our Government framework and an indispensable one, in my opinion.

1250 I wonder if I may ask who will be carrying out this review of the Senior Administrator? Will it be carried out by external reviewers, or will it be done internally? Will it be completed before the next elections? And will Conseillers be allowed to make an input?

The President: Conseiller Diane Baker.

1255 **Conseiller Diane Baker:** We are still facing a time of change, but to ask for so much money to pay for civil servants is something I cannot support, and keeping the work level that so many Conseillers have is not sustainable.

1260 We have an election coming up in December, with many of the sitting Conseillers not standing. This is the time for all of those who want a voice to stand up and to be counted, but you have to be prepared to work. It is not enough to think you can sit on a Committee with a voice and do nothing. Unfortunately, today's meeting has shown that there are not people lining up to do the work needed to keep Sark going.

1265 Can I also add that I always considered the role of the Senior Administrator to be a temporary role – maybe two years, maybe five years – but unless more people work for the Island's benefit, I cannot see a way forward.

The President: Thank you.

Anybody else? Conseiller Paul Williams again. Anybody else before I ask for a summary?
Conseiller Hazel Fry.

1270 Conseiller Paul Williams.

Conseiller Paul Williams: Just one small point to make with regard to advertising positions that are going to be possibly paid later on. The Police Review Committee is asking for volunteers to sit on their new group. They are not going to be paid and we are still wanting more people to come forward to put their names to it. People are not going to be putting their names forward and doing the job for free when they see round the corner somebody else is getting paid for it! Where are we going next? All the Conseillers will be wanting to get paid soon!

1280 **A Member:** Yes! *(Laughter)*

The President: Conseiller Fry.

Conseiller Fry: I just really wanted to say that I think what Conseiller Maitland has made quite clear is that these Propositions are going forward for further discussion. I, personally, would be very happy for them not to go as Propositions at this stage but to be discussed.

1285 One point on Propositions 3 and 4: in my notes from what you said, Conseiller Adams, I actually have a line joining those two roles. These are just roles that have been discussed, been thought about and something that is looking into the future. I think we all recognise the change that is going on, not just on our Island but in the world, and there are times when we really do need professional people to do the jobs that, unfortunately, have grown so much in the last years.

1290 We are not putting these forward and saying we need all this money to go into next year's Budget. We need to really look ahead to have a plan for the future, because I think over the years we have seen how things have fallen between the cracks, how things have not been done that should have been done and how money has been wasted.

1295 Some of these roles, I believe, would actually save the Island money because they would be looking at the whole picture and not just the immediate 'Oh, what will we do about this, what will we do about that?' We need to have a forward-looking plan.

Thank you.

1300

The President: If nobody else wishes to speak, I will ask Conseiller Maitland to sum up, and say that there has been a request by more than one Conseiller that the Propositions be withdrawn for further consideration.

Conseiller Maitland.

1305

Conseiller Maitland: Yes. The Committee is listening and has listened to Conseillers' concerns. I am wondering whether the way forward would be to vote on Proposition 1, which I think is the more straightforward Proposition, and to defer the rest of the Paper until ... We are having an extraordinary Chief Pleas, I suspect, in August to deal with the rearrangement of the Committees structure, and we could put this on the Agenda then and have the chance to discuss it meanwhile and get more general agreement on the way forward. Is that what the House would like?

1315 **The President:** I think that is a decision for you. They are your Propositions and you need to –

Conseiller Maitland: Well, the Committee is prepared to delay Propositions 2 to 5, but I just wondered whether you would like to vote on Proposition 1.

The President: So you are proposing that Propositions 2, 3, 4 and 5 be withdrawn?

1320 **Conseiller Maitland:** Withdrawn, yes, today.

The President: Thank you, and you wish Proposition 1 to remain.
Conseiller Cottle.

1325 **Conseiller Cottle:** I think Conseiller Williams was first.

The President: Conseiller Sandra Williams, followed by Conseiller Cottle.

1330 **Conseiller Sandra Williams:** I would be happy to see them referred, but could I ask that they are not referred to August, because it is very short notice and I cannot see we will have any more information in front of us, if an extraordinary meeting is called in August, than we have got in front of us now. It is peak season for a lot of us and I would not like to see this brought back in front of us in less than five weeks.

1335 **Three Members:** Hear, hear.

The President: Conseiller Cottle.

Conseiller Cottle: Thank you.

1340 The cost implications have come at us very swiftly, having calculated the proposals for next year, which we have to work upon further before the Michaelmas Chief Pleas meeting where the Budget will actually be set.

1345 I would be very happy for Propositions 2 to 5 to be withdrawn, because we do need to consider more how urgently we need these and, *if we are going to fund them, how we are going to fund them.* It is not just a matter for Finance Committee to be instructed to find the money somehow, because it is not entirely our role to do that and it is not a straightforward matter for us to do that.

1350 On Proposition 1, if we are going to vote on that I would like to clarify what it actually means, because I do not think people here understand what that actually says. An increase from 500 to 700 hours a year is a 40% rise, which in real terms is just under £6,000 as a rise for the Treasurer. As I said, this is no reflection on the current Treasurer; it is the role that we are talking about.

1355 I would also ask people to consider the knock-on effect, as I mentioned before, that if one role is selected in isolation, albeit a very important role, there will be pressure from other people who will feel they have a similar case to make for a rise, and in voting I would ask people to take that into account.

The President: Conseiller Burgess, followed by Conseiller Audrain.

1360 **Conseiller Burgess:** I would just like to agree with my Chairman: I think this will probably lead to further things and I request that Proposition 1 is withdrawn as well.

The President: Conseiller Audrain.

1365 **Conseiller Audrain:** Yes, I would like to take on board the advice that Conseiller Cottle has given us here. It is very difficult to separate the role from the person. We all appreciate vastly the work that our Treasurer does, but I think we ought to take Conseiller Cottle's advice there.

The President: Conseiller Maitland.

1370 **Conseiller Maitland:** In that case, sir, I think we shall withdraw all the Propositions and return to them in due course.

The President: We will take this as an information report now, with Propositions 1 to 5 being withdrawn.

**11. Charges for Water Testing –
Public Health and Tourism Committees Joint Report considered –
Propositions carried**

To consider a Joint Report from the Public Health Committee and Tourism Committee entitled 'Charges for Water Testing'.

Proposition 1

That Chief Pleas approves the introduction of a separate fee for a water test of £25, for all who require either an Accommodation or a Catering Permit.

Proposition 2

That Chief Pleas approves the introduction of the separate water test fee to be implemented for all Permits valid for 2017 and onwards.

1375 **The President:** We now move to Agenda Item 11: To consider a Joint Report from the Public Health Committee and Tourism Committee entitled 'Charges for Water Testing'. I would ask the Public Health Chairman, Conseiller Paul Williams, to introduce the Report, with the Chairman of Tourism, Conseiller Sandra Williams, making introductory remarks also.
Conseiller Williams.

1380

Conseiller Paul Williams: Thank you, sir.
I think I will immediately hand it over to Conseiller Sandra Williams, if I may, sir.

The President: Conseiller Sandra Williams. *(Laughter)*

1385

Conseiller Sandra Williams: Cheers, Conseiller Williams! *(Laughter)*

I have not really got anything further to add to this. We did have a joint meeting with Public Health and Tourism and we discussed lots of issues. I, personally, think that this should be supported, because I think it is a very good way forward.

1390

Thank you very much.

The President: Any questions or debate? Conseiller Diane Baker.

1395 **Conseiller Baker:** There are no questions or anything; it is just that it makes absolute perfect sense: a water test costs £25, and therefore we should all pay for our water tests.

1400 **The President:** I see nobody else rising. Therefore we will go to the vote on the Propositions in the Report: That Chief Pleas approves the introduction of a separate fee for a water test of £25, for all who require either an Accommodation or a Catering Permit. Those in favour; those against. **Carried.**

Proposition 2: That Chief Pleas approves the introduction of the separate water test fee to be implemented for all permits valid for 2017 and onwards. Those in favour; those against. **Carried.**

**12. Isle of Sark Shipping Company Limited Review –
Shipping Committee Final Report considered –
Proposition carried**

To consider a Report from the Shipping Committee entitled ‘Isle of Sark Shipping Company Limited Review – March 2016 Final Report’.

Proposition

That Chief Pleas receives the final Isle of Sark Shipping Company Limited Review Report for use by the relevant standing Committees in continuing to develop their relationship with the Company and for guidance in forming future business plans.

1405 **The President:** We move to Agenda Item 12: To consider a Report from the Shipping Committee entitled ‘Isle of Sark Shipping Company Limited Review – March 2016 Final Report’. I would ask the Deputy Chairman, Conseiller Sandra Williams, to introduce the Report, please.

Conseiller Sandra Williams: And I would like to bounce this straight back over to Conseiller Robert Cottle, sir! Thank you.

1410 **The President:** Conseiller Cottle.

Conseiller Cottle: Thank you, Conseiller Williams – that is currently the in-vogue term.

1415 I have got some good news here. We have reached the point at the end of the Sark Shipping Review where we can wind up the first PDT, which is quite an achievement, I think, that we have reached that point and we can report where we are and the outcome of it that we can take forward. This Report that you have before you is quite a thick document. It completes the output from the 18-month review of the Shipping Company which was initiated by the Shipping Committee as it stood before the Committee changes.

1420 It was initiated with the appointment of Yan Milner as reviewer and acting manager in October, nearly two years ago now. The opportunity to undertake this Review arose due to Mrs Julie Mann wishing to step down from Executive to Non-Executive Director. That gave us the opportunity after the tremendous work that she had put in, and quietly, at her instigation and recommendation, that we carry out a comprehensive examination of the operation of the company. So with the change in Committee arrangements in Chief Pleas the responsibility for receiving the Report and engaging with Mr Milner passed to this Shipping Review PDT.

1425 Mr Milner has carried out his brief very thoroughly with reference to the schedule of activity which was presented to Chief Pleas at the Michaelmas Meeting of 2014. This also involved overseeing the company operation as acting manager and included identifying and implementing any changes that were needed immediately with the agreement of the Committees, and reporting regularly on progress and recommendations.

1430 The major output of the Review was brought to Chief Pleas at Michaelmas last year, where recommendations about the relationship between the company and the relevant Committees were debated and accepted. This set out the relative responsibilities of the company, the Shipping Committee, the Finance and Resources Committee and, where relevant, Tourism Committee, in defined areas of supervision and shared interest.

1435 At the end of the Report it identifies the two outstanding areas still to be completed, being the updating of the service level agreement and the memorandum of understanding between the company and Chief Pleas. The service level agreement is now in its final draft form awaiting Law Officer clearance and the MoU’s progress is now dependent on further Law Officer time being available, so these will be brought to Chief Pleas as soon as possible when they are completed and ready to present.

1445 The Review also sets out the options for dealing with the long-term loan to the company by Chief Pleas and recommends that it is dealt with by the Finance and Resources Committee in consultation with the Directors. That recommendation has been followed and the following Item on the Agenda deals with that.

The attached Final Review Report sums up all the activities examined and contains recommendations for the Committees and the directors to consider and to deal with, with the strengthened relationship which has now been put into practice.

1450 The presentation of this Report, as I have said, completes the work of the Isle of Sark Shipping Company Review Policy Development Team and, upon receipt of this Report today, the PDT will step down.

Mr Milner has produced a document that gives very valuable guidance and insight and we are grateful for all his work during the last 18 months.

1455 Again, any questions or comments are welcome.

The President: Any questions or debate? Conseiller Rolfe, followed by Conseiller Adams and Conseiller Elizabeth Norwich.

Let's start with Conseiller Rolfe, please.

1460 **Conseiller Rolfe:** Yes, Mr President.

This is a very comprehensive Report and I commend it to the Chamber. I think it is good and right and transparent that it has been put into the public domain.

1465 I would also like to add my thanks to those of Conseiller Cottle to Yan Milner for over 18 months of work on the Report. Over this period, as recommendations have been developed, the groundwork to implement them has also evolved; a strengthened relationship between the company and the Sark Government through its Standing Committees is in place; the management structure of the company is evolving to make the company run more efficiently; and a more thorough HSE policy and regime is being implemented – this is in response to statutory requirements in Guernsey. The configuration of the IT systems – and there are systems
1470 in the IT regime which do not even talk to each other – has been investigated with recommendations for the short term and a more integrated replacement system investigated in the medium term. Financial management including cost control systems and reporting structures have been investigated and improvements recommended. A sales and marketing plan has been produced. And, although not presented here in this Report, an internal management
1475 system has been produced and is already being worked to. This incorporates fully identified key performance indicators that are being used to monitor the implementation of the recommendations in much more detail than we see in the Report.

1480 I wish to support the recommendation in the covering Report that Chief Pleas receives the Report; and, subject to that receipt by Chief Pleas, it will become the responsibility of the Shipping, Finance and Resources and Tourism Standing Committees of Chief Pleas to continue the work of this Report. To that end, as Conseiller Cottle has said, the Review of the Isle of Sark Shipping PDT is completed and the PDT, once this goes through today, can be disbanded. I beg to support the recommendation.

1485 **The President:** Conseiller Adams.

1490 **Conseiller Adams:** Once again, this is a very comprehensive and informative Report. I do not think anyone can say nowadays that we do not receive enough information about our shipping company. It is certainly the case that the company now works closely with and reports to the relevant Committees of Chief Pleas on a regular basis within an agreed framework. This very good Report now provides a roadmap for future discussions with these Committees and will be invaluable to the new board of directors as they take the company forward.

1495 I would also like to thank Mr Milner for his immense knowledge and insight, which became available to us just at the time we needed it. This is in no way meant to denigrate the former executive directors, who also worked diligently and implemented many sensible proposals.

The President: Conseiller Elizabeth Norwich.

1500 **Conseiller Elizabeth Norwich:** This Review is long and full of details describing where Sark Shipping has been, where it is and where Mr Milner believes it needs to go. It has taken much reading, and on rereading it I found even more to read and understand.

1505 I have got two questions raised by residents, one of which I was unable to answer. For the first, I would just like confirmation, as the resident does, that Sark Shipping, whilst needing to pursue all avenues of realistic sources of revenue, has its primary role as maintaining the lifeline of Sark and that this is not proposed to be changed.

1510 Also, there is a large section on marketing and promotion: can you give me a breakdown of the figure spent by the company on marketing and promotion in the last three financial years, the best guess at this year's figure, and a budgeted figure for next year that can be broken down to a division between salaries and other costs, please?

The President: Conseiller Sandra Williams, would you like to answer those two questions first, and then I will take any other questions after that.

1515 **Conseiller Sandra Williams:** Robert Cottle would love to answer those questions, sir! *(Laughter)* Conseiller.

The President: Conseiller Cottle.

1520 **Conseiller Cottle:** I have had a little forewarning of the questions, but there are still questions that cannot really be answered on the day as they are asking for quite detailed technical information.

1525 Just briefly on marketing, Mr Milner has placed a very high importance on the marketing aspect of the company and has worked to extend the marketing and co-operate with the Tourism Committee, because we have a shared interest in attracting visitors to Sark and attracting 'backsides on seats', to put it in that terminology – paying passengers on the seats on the boats. So there is a real push to make marketing work and have the right people doing the work. I will get the answers to the question about marketing. It is another very busy weekend for Sark Shipping this weekend with the sheep racing going on, and the boats will be full on Saturday, as normal, with sheep racing, so they cannot divert their energies to answering questions immediately. I have spoken to the directors and they have undertaken to produce an answer to that, which we will provide for Conseiller Norwich to pass to her questioner.

1530 Again, the lifeline service is a complex relationship between the lifeline service and the tourist visitor service. They are very interdependent, and committing to say that the lifeline service overrides every other consideration is not correct, but we do need to give this a proper answer so that we give respect to what is being asked and understand what is being asked. And so, again, we will get an answer to Conseiller Norwich as soon as possible.

The President: Thank you.
Conseiller Adams.

1540

Conseiller Adams: It seems to me that the first question of Conseiller Norwich is answered by the target operating definition. The target operating model states:

... defines the Company Mission Statement:

'To ensure the sustainable provision of safe, reliable, friendly and efficient passenger and freight shipping services for the benefit of residents of Sark and visitors to it.'

The President: Any other questions or debate, please? No.

1545 Therefore we will go to the Proposition in the Report: That Chief Pleas receives the final Isle of Sark Shipping Company Limited Review Report for use by the relevant Standing Committees in continuing to develop their relationship with the Company and for guidance in forming future business plans. Those in favour; those against. **Carried.**

**13. Isle of Sark Shipping Company Long Term Loan Agreement –
Finance and Resources Committee Report considered –
Proposition carried**

To consider a Report from the Finance and Resources Committee entitled 'Isle of Sark Shipping Company – Long Term Loan Agreement'.

Proposition

That Chief Pleas approves that the current Long-Term interest-free Loan of £254,788 made to the Isle of Sark Shipping Company Ltd. is converted into an interest-bearing loan at the variable HMRC (UK) rate for beneficial loans, (currently 3%) and that an Agreement is drawn up for 5 years commencing 1st October 2016 after which time the Loan will become repayable.

1550 **The President:** We remain with shipping, moving to Item 13: To consider a Report from the Finance and Resources Committee entitled 'Isle of Sark Shipping Company – Long Term Loan Agreement'. Conseiller Cottle again, please.

Conseiller Cottle: Thank you, sir.

1555 With my Finance and Resources Committee hat on this time, briefly the long-term loan agreement. With the completion of repayments this month of the Lombard loans, which have been long term to finance the *Bon Marin*, the *Venture* and the *Viking* – these will now be completely paid off by the end of this month – that leaves the loan from Chief Pleas as being the only outstanding long-term liability of the Sark Shipping Company, and that is quite an achievement from where it has come from several years ago.

1560 As indicated in the Report, discussions between the company directors and the Finance and Resources Committee have led to the recommendation that the loan of £254,788 is extended for a further term of five years. The requirement to pay interest at the prevailing rate will mean that Chief Pleas will initially receive just under £8,000 per year at the current rate, which may change. The directors have agreed that this amount can be accommodated in their expenditure budget without causing difficulty. It will permit them to have certainty about this for the next
1565 five years while the longer-term strategy for the company, including fleet replacement policy, is developed and agreed.

Therefore it is requested that this Proposition is approved. Following that, an agreement will be drawn up to reflect this Proposition and will be signed between the company and the Finance and Resources Committee on behalf of Chief Pleas.

1570 Thank you.

The President: Any questions or debate, please? Conseiller Rolfe. Anybody else?
Conseiller Rolfe.

1575 **Conseiller Rolfe:** Just a couple of questions. The Report refers to the changes made to the
Financial Reporting Standards, namely FRS102, and the following paragraph states that the
directors 'wish' to comply. I would query whether they actually have an option, or whether they
feel they *must* comply?

1580 The other question that I had, really, has been partly answered. It sounds to me, if Conseiller
Cottle can confirm this, that the only money that will be coming back to Chief Pleas over the
five-year period will be the interest and not repayments on an annual basis of the substantial
loan. I would say this, though, because this has been going on for so long: I rather suspect we
will be here in five years' time extending it for a further five years.

1585 **The President:** Anybody else? Conseiller Raymond.

1590 **Conseiller Raymond:** In answer to the questions that Conseiller Rolfe has just raised, sir,
FRS102 prescribes that if a loan is interest free it has to be included in current liabilities, and it is
not a current liability because we are not asking for it back. Charging a rate of interest enables it
to be included where it always has been, as a long-term liability, and that is the point of putting
the interest charge in. We have actually said that, if they wish, we will waive the interest so that
effectively we go back to it being interest free. So it is paying lip service to a reporting standard
which has been created for international companies but has to be applied to our little shipping
company as well. What we are trying to do is maintain the status quo without damaging the
company at all.

1595 Also in discussions we did say that we would put a five-year term on the loan, but we have a
hopeful expectation that some of the money will come back during that five-year term and they
have indicated that that is their intention, but of course that will all depend upon their trading
situation, which is weather dependent in the summer.

1600 I hope that helps.

The President: Anything else? No. Then we will go to the vote on the Proposition: That Chief
Pleas approves that the current long-term interest-free loan of £254,788 made to the Isle of Sark
Shipping Company Limited is converted into an interest-bearing loan at the variable HMRC (UK)
rate for beneficial loans, currently 3%, and that an Agreement is drawn up for five years
commencing 1st October 2016, after which time the loan will become repayable. Those in
favour; those against. **Carried.**

**15. Expenditure Requests 2017 –
Finance and Resources Committee Report considered –
Proposition carried as amended**

*To consider a Report from the Finance and Resources Committee entitled 'Expenditure
Requests 2017'.*

Proposition

*That the Senior Administrator is directed to consult with all government employees, with
regard to the current annual award of an RPI pay increase and any potential alternatives to
that, to enable Finance and Resources Committee to report to Michaelmas Chief Pleas.*

1610 **The President:** We now consider Agenda Item 15: To consider a Report from the Finance and
Resources Committee entitled 'Expenditure Requests 2017'. Conseiller Cottle to introduce the
Report, please.

Conseiller Cottle: As you can see, Finance and Resources Committee has a lot on its plate at the moment, so I am here again!

1615 Expenditure requests for 2017: it has been the practice for the last two years before this year that we have requested all the Committees to bring their expenditure requests to us in May so that the Treasurer can collate them all, give us an idea of where we are and what we are likely to need to raise for next year, and give us some ahead-of-time opportunity to look at that. That explains some of the reasoning behind why we felt that the inclusion of the Establishment Review proposals after the rest of these makes our deliberations so much more difficult, which is why we expressed the views that we did today. The expenditure requests brought for
1620 consideration today are not the finalised Budget for next year, but are presented for examination and for any questions which anyone wishes to raise today or before the next Chief Pleas meeting.

In the paperwork before you, the increases for next year total up to £56,000 and they are identified there separately in the Report that you have with explanations in the appendices for
1625 each spending Committee.

The largest increase is for £20,000 requested additionally to the Procureur budget to meet rising expenses and to meet obligations.

The Douzaine has decided to bring the workforce back to the previous level with an appointment this year which will require an extra £13,500 next year.

1630 Public Works has estimated that an extra £13,000 is needed to cover increased waste disposal costs, but if this is recouped in charges for the waste collections that are done then that extra taxation to meet that will not need to be raised, so the charges are under consideration and we will report on that at a later stage.

The other smaller rises and decreases are also set out and you have got them there before
1635 you, so I will not go through them all.

All of these increases will require the raising of tax to meet the requirement, so it is important that they have all been carefully considered and justified. To put this into context, if £56,000 is the final Budget increase, then that will mean an increase of over £100 per taxpayer on average next year. That is why Finance and Resources Committee will be looking in more
1640 detail at these proposals and asking more questions before the Budget is brought to Michaelmas Chief Pleas.

We will also be asking for more information about any capital expenditure projects that are being planned for next year or further ahead, so that this can be reported in outline even if the plans are not finalised. We need to understand what is being planned, so that longer-term policy
1645 can be developed after proper discussion and debate.

The second part of the Report deals with the specific issue which has a Proposition today and involves the pay increases of employees of the Island. Currently, none of the attached requests include any increase in salaries or wages of employees. It is currently the case, either due to contract or normal practice for equality of treatment, that employees receive an annual pay
1650 increase in line with the Guernsey Retail Price Index (RPI) as published in September of each year. There has been questioning over the past several years of whether this is appropriate and what alternative could be used. It is not straightforward to introduce a change, due to some employees having contracts and others not. So before doing anything, those employees, we have decided, should be consulted on alternatives to the automatic RPI pay rise, and it is
1655 proposed that the Senior Administrator should carry out that consultation to get the views of all the employees and get a feeling for the overall view of employees before we bring any Proposition, possibly recommending a change to what we do currently, to the Michaelmas Meeting.

I have been asked to change the Proposition wording just to get the correct terminology
1660 there. If you look at the proposal at the end of the Report, currently it says the Senior Administrator has been 'requested', and the correct term is 'directed', so the Proposition should read 'That the Senior Administrator is directed to consult with' and so on.

1665 There is just one other point that I spotted in preparation. I would like to apologise for two omissions from the appendices, which were overlooked when we were compiling this. If you look in the Finance Committee requests in Appendix D, there is a reference to letters from the School and Hall trustees. They were written to explain their requests in more detail but we have failed to include them there, so I will make sure that they are included with the Budget papers at Michaelmas, and if it is possible to put them on the website to go along with the Report for today, then I will ask if that can be done. They were basically explaining their requests for next year. The school were explaining the computer request, which is down as capital expenditure every year, and explaining that they only replace computers when they need replacing rather than on a rolling basis of replacing them whether or not they have been worn out, effectively. We replace them when they are ready to be replaced, not as a matter of course, so we are not wasting money there and not seen to be.

1670 Similarly the Hall trustees told us what they have been doing this year and what they expect to do next year, which is some extra information they felt we should have; and, unfortunately, we have failed to give it to you, but we will bring it as soon as we can.

I will sit down and let you discuss and question.

1680 **The President:** Conseiller Dunks, Conseiller Edric Baker, Conseiller Rolfe. Conseiller Dunks, please.

Conseiller Dunks: For the second half of the Report and the Proposition I would like to declare a direct pecuniary interest.

1685

The President: Right, thank you. Conseiller Dunks has declared a direct pecuniary interest in the second part of the Report dealing with the Review of RPI.

Are other people putting their hands up for direct ...? Conseiller Adams.

1690 **Conseiller Adams:** Direct, because my wife is employed.

The President: Conseiller Byrne ... Is anybody else declaring an interest? Conseiller Paul Williams, Conseiller Golds, Conseiller Edric Baker. You're all employed by Chief Pleas, aren't you! *(Laughter)* Right, I think that is a fairly significant ... and Conseiller Elizabeth Dewe.

1695 May I have a proposer? Is anybody wishing to propose that those eight Conseillers remain in the Chamber? Yes. Those in favour. Thank you.

As it is a direct pecuniary interest, please do not take part in that part of any debate. I see no reason why you should not take part in the Proposition, in that it is going to consult with every employee, not just yourselves. That will be my ruling, that you *can* take part in the Proposition.

1700 Any debate? Yes. Conseiller Edric Baker followed by Conseiller ... Oh, you have just declared an interest. You can, of course, speak on the first part.

Conseiller Edric Baker: It is just information – yes, on the first part.

1705 **The President:** Yes, thank you, Conseiller Baker.

Conseiller Edric Baker: Yes, sir, there are two points that I would like to raise.

1710 On the point of the Douzaine having an extra £13,500, last year we made the decision to cut back on our workforce after the early death of Conseiller Melling, and in fact we returned to the Treasurer some £55,000 from our budget. Through the winter period we were heavily criticised for that and we have had to look at our situation a lot more thoroughly, and in fact this is why we have agreed to increase the workforce by this one person.

The other point in the Report concerns the Procureur. I wish to respectfully make this point on behalf of the Sark Procureur: that it is part of the Procureur's mandate to obtain funding

1715 from external sources, and they have in fact received generous donations from individuals and charities in the recent past to help fund cases and keep costs down. The expectation that taxpayers will continue to progressively pay more is never taken for granted; however, we feel that Sark residents would wish to continue supporting the poor and needy of this Island.

Thank you.

1720

The President: Conseiller Rolfe, please.

Conseiller Rolfe: As one of the few left who is not actually employed by Chief Pleas, I am now going to upset those who have declared an interest because I find it absurd that we have contracts which include RPI as part of the contract for wage increases every year. There is no country in the world where the direct employees of a country have guaranteed increases based on the RPI of a neighbouring country, which is basically what we do here, and it really is something that I think should be negotiated out of those contracts. Even the suggestion here is that the alternative to automatically awarding an RPI interest to all employees would be for a recommendation to be made to Chief Pleas each year with due regard to the prevailing RPI rate. We really have got to get rid of this RPI rate in those contracts – it is utterly idiotic, as far as I am concerned.

The figure of £56,000 so far put towards us, if you were to add on what has been quoted as £50,000 with the recommendations in Item 10, withdrawn today but still standing, it brings us up to over £100,000. It would only take another realisation of say £30,000 in our Budget that we would be looking for something like a 10% tax hike, and we cannot do that.

I get somewhat alarmed when I hear Conseiller Cottle saying we are only here, as a Finance and Resources Committee, to collect the money. They really need to actually get a grip on what people are spending. This is a warning shot. I am not going to go into the details, because this Report deals with what has been asked for so far, but when the Budget comes back ... This is a warning shot: please, Finance and Resources, get a grip.

The President: Anybody else? No. In that case, I will ask Conseiller Edric Baker to speak again. Conseiller Baker.

1745

Conseiller Edric Baker: Yes, sir. I take exception to Conseiller Rolfe's remarks. I think Finance has got a grip. They have certainly got a grip with our situation with the incinerator; they have played a vital role in that. That is unjustified.

A Member: Hear, hear.

The President: Conseiller Cottle, do you wish to add anything else before I go to the vote?

Conseiller Cottle: Only that I have no objections to Conseiller Rolfe's comments. It is part of the process that we are held to account and asked to do the job properly, so I am quite happy to be tasked with doing that – that is fine.

Thank you.

The President: We will therefore go to the vote: That the Senior Administrator is directed to consult with all government employees, with regard to the current annual award of an RPI pay increase and any potential alternatives to that, to enable Finance and Resources Committee to report to Michaelmas Chief Pleas. Those in favour; those against. **Carried.**

1760

**16. Property Transfer Equivalence Tax –
Finance and Resources Committee Information Report noted**

To consider an Information Report from the Finance and Resources Committee entitled 'Consultation on Proposed Amendments to the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007 – Proposed Property Transfer Equivalence Tax for properties held by non-natural persons'.

1765 **The President:** We move to Agenda Item 16: To consider an Information Report from the Finance and Resources Committee entitled 'Consultation on Proposed Amendments to the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007 – Proposed Property Transfer Equivalence Tax for properties held by non-natural persons'. Conseiller Cottle, please.

Conseiller Cottle: Thank you again.

1770 This Report sets out the reasons for continuing to develop an Equivalence Tax proposal to compensate for the potential loss of tax revenue due to properties in Sark being transferred into ownership by non-natural persons or companies.

The first consultation by the Fairer Taxation PDT asked for views on tax avoidance and the consensus was that measures should be brought to reduce the opportunities for reducing or avoiding tax liability due to weakness or loopholes in the governing laws.

1775 One such weakness was identified in the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007, where ownership of a property by a company enables the change of ownership of that property to be done by sale of shares in that company, bypassing the registration of the sale by the Greffier and the associated Property Transfer Tax that would normally be payable.

1780 At the Christmas Meeting earlier this year, Chief Pleas gave approval for the PDT to work with the Law Officers of the Crown to further develop the proposal for an Equivalence Tax, and the reasoning and details of the proposal are contained in this Report.

1785 In order to include any properties which have already been transferred into corporate ownership within the proposal, it will be necessary to introduce an Amendment Projet to the Law. Therefore, the next step required is to consult again with the public of Sark and all affected parties regarding the proposals contained in this Report. So, soon after this Chief Pleas, hopefully before the end of July, a consultation document will be published and distributed to all stakeholders to seek views on the specific proposal. Adequate time will then be allowed for responses and representations to be made. Following that consultation period, all replies will be considered in consultation with the Law Officers and reported back to Chief Pleas in due course before anything else is done.

1790 Thank you.

The President: Any questions or debate, please? No.

**17. School Inspection Report –
Education Committee Information Report noted**

To consider an Information Report from the Education Committee entitled 'School Inspection Report'.

1795 **The President:** In that case, we will move on to the next Item, Agenda Item 17: To consider an Information Report from the Education Committee entitled 'School Inspection Report'. I would ask the Committee Chairman, Conseiller Audrain, to introduce the Report, please.

Conseiller Audrain: Thank you.

1800 The Report outlines how the inspection process works, and you have the Report from the validators at your disposal. I can tell you that since the school has received the Report work has been done in developing the ideas put forward.

1805 The head teacher reported to a recent meeting of the Education Committee that work is in progress in planning for school and staff development in the light of the outcomes of the Report. The head teacher has already made a useful visit in which she worked with the two validators, as well as the primary and secondary head, on school development, planning and monitoring strategies. Other staff are also working with Guernsey schools, and two in-service days are planned for September addressing whole school development.

1810 The Committee has evaluated the effectiveness of the validation and we feel that the school received valuable information to enable the head and her staff to move forward, and that we got value for money as the school received support and advice during the long process, and that support will be available in a very practical way moving forward for some time to come.

The Committee has suggested that a review takes place in the future to establish how much progress has been made.

1815 **The President:** Thank you.

Any comments on the Report? Any questions? No.

18. Appointment of Class 1 Teacher for September 2016 – Education Committee Information Report noted

To consider an Information Report from the Education Committee entitled 'Appointment of Class 1 Teacher for September 2016'.

The President: We will move on to the next Item, another Information Report from the Education Committee entitled 'Appointment of Class 1 Teacher for September 2016'. Agenda Item 18. Conseiller Audrain again, please.

1820

Conseiller Audrain: This was to inform Chief Pleas about the outcome of the appointment. I do not think I have anything to add to the Report here.

The President: Thank you.

1825 Any questions on the Report? No.

19. Finalising New Committee Arrangements – Policy and Performance Committee Information Report noted

To consider an Information Report from the Policy and Performance Committee entitled 'Finalising New Committee Arrangements'.

The President: We will move on to Agenda Item 19: To consider an Information Report from the Policy and Performance Committee entitled 'Finalising New Committee Arrangements'. I would ask the Committee Chairman, Conseiller Maitland, to introduce the Report, please.

1830 **Conseiller Maitland:** This Report is the result of work in the Policy Development Group, where we looked at changes needed to make the committee system on Sark actually be effective.

1835 Many Conseillers – in fact, most Conseillers – were overwhelmed with work at the beginning of last year; they found themselves on five or six committees and the whole thing was soon seen to be really not workable. We have got 14 operational committees at the moment, I think it is, and the two Policy Committees. So this is the proposed way forward, where we have three main committees dealing with the economy, infrastructure and community services, and where each Conseiller has a definite role.

1840 I will not go into it further, because the Report lays it all out very thoroughly and we shall discuss it further in the Policy Development Group and bear in mind any suggestions that Conseillers may have on fine-tuning it. But in order to get it in place by the beginning of next year, after the elections we have got to move fairly speedily on it and the Committee would like to see an extraordinary meeting of Chief Pleas in August to carry it forward.

Thank you.

1845 **The President:** Any questions on the Report? Conseiller Diane Baker and Conseiller Sandra Williams.

1850 **Conseiller Diane Baker:** There is no doubt that the Committee structure needs attention and we have discussed this in the PDG meetings. However, I do not believe this is the correct way forward. I have got concerns about the chairman and deputy chair doing so much of the work on any one subject, and then going back to the full committee for a discussion – and then having to listen to other committee chairmen and deputies talking about their subject. It is going to make anyone in those committees inundated with information to work on. I believe we can reduce some committees and should, but not to this degree.

1855 **The President:** Conseiller Sandra Williams.

Conseiller Sandra Williams: Thank you. They were pretty much my views.

1860 I would like to thank Conseiller Maitland for all the work he has put into this Report, because I was one of those Conseillers who was drowning under the workload that I was finding myself with.

1865 I still believe that there is a simpler solution in which we just need to look at the two top Committees, or P&P and Finance and Resources, by moving them down to four members each, and I think the majority of the operational committees, if they cannot be merged, can go down to between three and four members.

1870 I am loath to agree to agreeing to meet again and having an extraordinary meeting again in August, as I have already stated earlier on. I may be in the minority, but I am in the middle of a busy season this year with lots of visitors coming and lots of tourists, which is what I am here to promote but I would like to suggest that we look at something a little bit closer to home in the immediate future and worry about the reconstructing if we have got enough Conseillers standing next year.

1875 **The President:** Anybody else? Conseiller Elizabeth Norwich. Conseiller Edric Baker. Conseiller Norwich, please.

Conseiller Elizabeth Norwich: I would like to speak generally, and then on one specific point.

1880 Many of you know me as a traditionalist with a big interest in history: that *should* make me resistant to change. It does not. Change, if it is for the good, is good. History should teach us what has gone before and help us to look at the future with educated and experienced eyes.

Past actions and the experiences of those who have been there before and have the t-shirt have much to teach us.

Sark voted, with the active support of our late Seigneur, to move to a democratic system. That system needs appropriate support and to work as efficiently as possible for the benefit of Sark.

1885

We all make changes in our lives – redecorating the house, moving house, revamping the garden. It takes us a long time to save up the funds, make the plans and undertake the work of change; and then we sit back and look at it and wonder why we did not do it before. We might still move the odd plant about and move the pictures on the wall; but the change does feel good, even if it was a painful experience getting there.

1890

When I came into Chief Pleas the workload of many Conseillers was massive. Some individuals cover a huge range of work taking many hours; and others work intensively at particular times. Two things we were all agreed on were that the situation of exhaustion could not continue and that it was not very efficient.

1895

This five-committee system appears to have many positives. It is a sea change, but I think it is one we have to make. We have talked round and round, and this Information Report shows what many Conseillers feel is a way in which we might move forward. I am quite sure more work needs to be done before we come to a firm conclusion as to what is the right method for our circumstances now and for the foreseeable future to come.

1900

We do need to delegate some routine administration functions to office staff. We have all benefited from the role division of the post of Committee Secretary. Brian Garrard could not split himself in three, and having three people fulfilling and progressing the role, as Brian tried to do but did not have enough time and energy, has made the office much more flexible and efficient.

1905

I think we need more of that – not necessarily more people, but what can be done by administrative staff whilst being monitored by the political committees should be done by office staff. On all committees I believe we need to look hard at what can be delegated effectively and efficiently. We want nothing to get missed and we need to ensure that this does not happen.

1910

There is, however, one part of Sark that we must be careful not to damage in this process. It is affected by the proposed committee structure changes and I wish it to be protected from unintended consequences. That is the role of the Procureur and the residents of Sark that they care for and protect on our behalf. We do not yet know for certain where this vital function of Sark will fit into this new structure. To some it is a fuddy-duddy relic and you need to have influence to get assistance. It is not. It is, proportionate to Sark, a responsible method for caring for the vulnerable. Even Guernsey is envious of its flexibility and speed of reaction. We do not yet know for certain where this vital function of community life will sit, but it still needs the same support and supervision as it has adapted to the changing world down the centuries.

1915

I am well used to hearing the general chat on Sark on those who are ill and about the care they have. Sometimes this is accurate, but sometimes, as one Sark resident put it, they are embroidered facts. Some people seem to even enjoy fabricating facts and making comments on their fellow residents which are patently not true and are offensive. I do not know which individual the Procureur supports, but if it was my mother or friend who was being helped I would not wish that information to be common gossip. I do not need to know who is on the Parish and why. One bit of history that I am glad has now stopped is the delivery of the sixpence and a week's worth of coal or wood, delivered on a Friday by the Constable. It was so very public and, for many, humiliating.

1920

I trust the Procureur and the Deputy, who have taken the solemn oath of office and report to the regular meetings of the Douzaine. The Treasurer watches with an eagle eye the money spent, to ensure that everything is accounted for. These accounts are now reviewed by our auditors – that is three levels of checking. In the UK and Guernsey no one knows who is on pension credit or supplementary benefits. The UK is a big pool. Sark is a very small pool and an individual's privacy should continue to be protected.

1925

1935 Anyone who is a true resident of Sark can at any time of life fall on hard times, be frail and sick and need a helping hand. The Procureur system is simple. It is at the very heart of the traditions in community life of Sark. It is a good tradition and one that needs to be respected for that individual's financial status to remain confidential and for the support to be there when protection care is needed.

1940 **The President:** Thank you.
Conseiller Edric Baker.

Conseiller Edric Baker: Thank you, sir.
Yet again, in this Report, the Alderney model is to be considered. And furthermore, if we do not agree, it will hamper the work of the Establishment Review. Well, I am sorry about that.
1945 Before I can support this dramatic change to Chief Pleas Committees I would need to be convinced that it was going to work.

In the Report it says, under 'PDG Deliberations':

Points were raised which have been used to develop, in this report, how the new committees could work ...

I would like to emphasise the 'could work' aspect.

I take issue with some of the points in the Report. Item 6:

Maintenance of the Cadastre is done by the Douzaine Secretary – this remains the same.

1950 That is not correct.

In the Direct Taxes Law it says:

The Douzaine shall maintain a Cadastre of all real property situated in Sark ...

The Douzaine Secretary certainly would be making a day-to-day adjustment, but the measurements of property that were submitted originally were scrutinised and many measured by the Committee Members, and any review of the Cadastre, possibly using Digimap, will be done by the Committee. The Douzaine is an integral part of the Direct Taxes Law; this does not seem to be understood by P&P.
1955

Item 15, Harbours & Pilotage: my God, what a sweeping statement:

Harbours & Pilotage currently has problems with knowing what the budget is spent on and what for – this shouldn't be the case – the Treasurer supplies monthly reports to all spending Committees.

Yes, I am Deputy Chair of Harbours & Pilotage and I read those reports and I understand exactly what the money is being spent on.

1960 What comes over to me is that the lead Committee, P&P, is saying, 'We will stay the same but you, the operational committees, transform from your 14 committees into three' – just like that. One of the reasons given is that Chief Pleas can be seen to be moving forward towards openness and transparency. My God, we have heard that before! I believe there is a huge danger in experimenting with the make-up of Committees, changing Committee mandates, Laws and customs that have been in place for many years. The Alienation Law, 1927, just to give you an example; The Procureur's Involvement with the Douzaine, 1770. We have had too much of that forced upon us in the recent past and there must be other ways of dealing with these problems.
1965

1970 **The President:** Any other speakers?
If Conseiller Maitland would like to close.

Conseiller Maitland: I would just like to say, sir, that the Report came out of the work of the Policy Development Group and reflects the discussions that took place there.

1975 I do not think no change is an option, because otherwise in January next year everyone will be complaining bitterly about the amount of work that has to be done, and how all these 14 Committees, or so, are going to be filled.

Thank you.

**20. Re-appointment of the Non-Executive Directors –
Isle of Sark Shipping Company –
Proposition carried**

To consider a Report from the Shipping Committee entitled ‘Re-appointment of the Non-Executive Directors of the Isle of Sark Shipping Company’.

Proposition

That Chief Pleas approves an extension of one month to the appointments of the four Non-Executive Directors currently in post at Isle of Sark Shipping Company, from October 1st to October 31st 2016, the extension to be granted by individual letters to each Non-Executive Director soon after Midsummer Chief Pleas.

1980 **The President:** We are not going to break for lunch. We have got one more Item, from the Addendum, Item 20: To consider a Report from the Shipping Committee entitled ‘Re-appointment of the Non-Executive Directors of the Isle of Sark Shipping Company’. I would ask the Committee Chairman, Conseiller Adams, to introduce the Report, please.

1985 **Conseiller Adams:** This one is quite straightforward. There was an oversight, which we have explained in the Report and which we are hoping to be able to rectify today by way of a temporary extension, so that future reappointment dates with the Directors of Isle of Sark Shipping can always be with effect from 1st November. This will allow a comfortable time after Michaelmas Chief Pleas to have everything in good order.

1990 **The President:** Any questions? No. Then we will go to the vote on the Proposition: That Chief Pleas approves an extension of one month to the appointments of the four Non-Executive Directors currently in post at Isle of Sark Shipping Company, from 1st October to 31st October 2016, the extension to be granted by individual letters to each Non-Executive Director soon after Midsummer Chief Pleas. Those in favour; those against. **Carried.**

**Ordinance laid before Chief Pleas –
The Sanctions Ordinances (Amendment) (Sark) Ordinance, 2016**

1995 **The President:** We have one Ordinance laid before you today, the Sanctions Ordinances (Amendment) (Sark) Ordinance 2016. 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. This Ordinance will be numbered as III of 2016.

Closing remarks by the President

2000 **The President:** I shall make a couple of closing remarks.

Conseiller Rolfe raised the issue that the Reform (Sark) (Amendment) Law, 2016 came to the Privy Council today. That is correct, it sits at Buckingham Palace at 5.30 this afternoon, but also the Children (Sark) Law, 2016 is being put to the Privy Council. So, not taking anything for granted, we would hope to have Royal Assent for those to us in the next few days.

2005 I would remind you that the next scheduled meeting is the Michaelmas Meeting on Wednesday, 5th October and the closing date for Agenda Items and Reports for that Meeting is Wednesday, 7th September at 3 p.m., with papers going out no later than Wednesday, 14th September.

2010 During the discussions today you have heard that there may well be an extraordinary meeting during August. The date being looked at, at the moment, if you would like to pencil it into your diaries, is possibly Wednesday, 17th.

I would remind you that the vin d'honneur for his Excellency and Lady Corder is at 6 p.m. in the Island Hall tonight and all residents are most welcome to attend that reception.

Greffier, the Grace, please.

PRAYER

The Greffier

Chief Pleas closed at 1.16 p.m.