



**OFFICIAL REPORT**

**OF THE**

**EXTRAORDINARY MEETING**

**OF CHIEF PLEAS**

**OF THE**

**ISLAND OF SARK**

**HANSARD**

**Assembly Room, Sark, Thursday, 25th August 2016**

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**Volume 2, No. 6**

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**Present:**

**Seigneur**

Maj. C M Beaumont Esq

**President of Chief Pleas**

Lt Col. R J Guille MBE

**Prévôt**

Mr K N Adams

**Greffier**

Mr T J Hamon

**Treasurer**

Mrs W Kiernan FCA

**Constable**

Mr P S La Trobe-Bateman

**Vingtenier**

Mr G Williams

**Conseillers:**

Sandra Williams  
Karen Adams  
Richard Dewe  
Elizabeth Dewe  
Antony Dunks  
Paul Williams  
Rosanne Byrne  
Christine Audrain  
Robert Cottle  
Diane Baker  
Edric Baker  
Paul Burgess

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

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## Extraordinary Meeting of Chief Pleas

*Chief Pleas met at 7.00 p.m.*

[THE PRESIDENT *in the Chair*]

### **PRAYER**

*The Greffier*

### **ROLL CALL**

*The Greffier*

**The Greffier:** There are 23 Conseillers, the Seigneur and the President of Chief Pleas present.

5 **The President:** Apologies are presented from Conseillers Blythe, Peter Byrne, Fry and Roger Norwich.

### **Statement by the Seigneur, Maj. C M Beaumont Esq**

**The President:** Seigneur, you wish to make a statement.

**The Seigneur:** Thank you, Mr President.

10 Conseillers, I wanted to inform you that I have asked Dr Richard Axton to continue in his role as Deputy Seigneur for the time being. He has very kindly consented to do so, but has asked me to review that in due course – which I will do, but I hope he will stay in that position until I am able to take up residence.

Thank you.

15

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

### **Agriculture and Environment Committee – Resignation of Conseiller Paul Williams and vote of thanks – Conseiller Nightingale, new Chairman, and Conseiller Ventress, Deputy Chairman**

**The President:** The resignation of Conseiller Paul Williams from the Agriculture and Environment Committee. Conseiller Paul Williams has served on the Committee in its various names since 1996 and has been its President/Chairman since joining the Committee when he took over from Mrs Pat Falle.

20

On your behalf I would wish to record a vote of thanks for his service to the community and Chief Pleas during those many years on the Committee. (**Several Members:** Hear, hear.)

For your information, the new Chairman of the Committee is Conseiller Nightingale and the Deputy Chairman is Conseiller Ventress.

25

**Procedural –  
Electronic devices**

**The President:** In accordance with Rules of Procedure, I would remind all present that mobile phones, cameras, recording devices and other electronic equipment are switched off now, less for those allowed to Chief Pleas Members in accordance with Rule 16.

## Business of the Day

### 1. Midsummer Meeting held on 6th July and 13th July 2016 – Matters arising

*Matters arising from the Midsummer Meeting held on the 6th July, adjourned and completed on 13th July 2016.*

30 **The President:** Agenda Item 1: Matters arising from the Midsummer Meeting. Before I ask for  
any comments on that, I would wish to make one correction to the 6th July *Hansard*, and if you  
turn to page 6, line 39, it says in that ‘the Seigneur also sat on the senior committee’. It should  
read ‘Seneschal’, not ‘Seigneur’. That is my mistake. I had that written in my statement and I  
misread it and therefore *Hansard* made it a correct record – however, that should read  
35 ‘Seneschal’.

I wish to make two corrections to the 13th July *Hansard*: page 3, under ‘Business of the Day,  
Procedural’, you will see three question marks, under Item 8. The three question marks should  
be ‘10’: Rule 10, and that is referred to later on in *Hansard* as Rule 10.

40 The second correction is on page 26, line 857, where I would like to delete ‘11pm’ and  
replace with ‘10 p.m.’ If you look further on in there, there was ... not a discussion, but there was  
a debate between Conseiller Burgess and myself. I misread the Proposition: it should have been  
10 a.m. until 10 p.m. and I actually said ‘11’. So, once again, *Hansard* has recorded it correctly.  
However, I did say that I would make sure that *Hansard* reflected the correct time.

45 On reflection, maybe I should have called for another vote on that Proposition, which would  
have then clearly been recorded in *Hansard*. However, the Ordinance in front of you tonight  
deals with that.

50 The other issue I would like to raise before I take any comments are the Rules of Procedure  
when you will recall that Conseiller Raymond informed us that his vote had been incorrectly  
recorded in that he had voted Contre and the Greffier, myself and the Treasurer had all heard  
him say ‘Pour’, and I said I could not go back. Rule 20(2) goes in to say:

If a Conseiller states that he voted in error or his vote has been counted wrongly, he may claim to have his vote  
altered if his claim is made before the result is declared, but not thereafter.

So, whilst we all accept the fact that Conseiller Raymond may well have said, ‘Contre’, he was  
recorded as saying, ‘Pour’, and I had already declared the vote so we were not able to go back.

Are there any comments, issues, that anybody wishes to raise on the Midsummer *Hansards*?  
Conseiller Edric Baker, Conseiller Cottle.

55 Conseiller Baker.

**Conseiller Edric Baker:** Yes sir, I would like to raise two points on Item 10: the Establishment  
Review. It was stated at the end of that long debate that the Committee would be returning in

60 due course. Could I ask the Committee Chairman if this is going out to public consultation before they return to Chief Pleas?

**Conseiller Maitland:** The Committee has not decided on the next course on this.

65 **The President:** Thank you.

**Conseiller Edric Baker:** Sir, my second point is Item 19, page 51. This deals with the arrangements of the Committees. Conseiller Elizabeth Norwich spoke at length on the position of the Procureur and she said – line 1909 – ‘unintended consequences’. I would like to say at this point, a large proportion of the Douzaine have been either Constable or Procureur, or in some cases both, and I cannot see any necessity to change that position; so that the Procureur, I think, should remain with the Committee of the Douzaine.

**The President:** Can you just direct us to the *Hansard*?

75 **Conseiller Edric Baker:** Yes, page 51 ... yes, it is line 1910, really.

**The President:** 1910. Okay, so you are just making a clarification – (**Conseiller Edric Baker:** Yes.) – from the Douzaine’s point of view.

80 **Conseiller Edric Baker:** That is right.

**The President:** Thank you.  
Conseiller Cottle.

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

It is just a correction, again. I do not know if it was what I said in error or whether it is a typo, but on page 34, line 1125, it starts, ‘are professional medium- to high-risk roles ...’. It then goes to say, ‘we should to try to’, and what I intended to say and hope I said was, ‘We should *not* try to fill them with volunteers’. So if that can be recorded as what I meant to say: ‘should not try to fill them with volunteers.’

**The President:** So, you may have said it; we do not know. You would have to listen to the recording to find out.

95 **Conseiller Cottle:** Without checking the recording, but –

**The President:** As I did with my mistake: I checked the recording and I did actually say something incorrectly.

Okay, thank you.

100 Anything else: matters arising? No.

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

*Questions not related to the Business of the Day.*

**The President:** We then move to Agenda Item 2: Questions not related to the Business of the Day – and there are none.

**3. The Liquor Licensing (Amendment) (Sark) Ordinance, 2016 –  
Policy and Performance Committee’s Report considered –  
Proposition carried**

*To consider a Report from the Policy and Performance Committee entitled, ‘The Liquor Licensing (Amendment) (Sark) Ordinance, 2016’ and to approve the Ordinance entitled ‘The Liquor Licensing (Amendment) (Sark) Ordinance, 2016’.*

**The President:** We move to Agenda Item 3: to consider a report from the Policy and Performance Committee entitled, ‘The Liquor Licensing (Amendment) (Sark) Ordinance, 2016 and to approve the Ordinance entitled, ‘The Liquor Licensing (Amendment) (Sark) Ordinance, 2016.

I would ask Conseiller Adams, a temporary member of the Committee, to introduce the Report, please.

**Conseiller Adams:** I would like to start by saying thank you to everybody tonight for coming for this. Thank you very much.

The Report before you sets out our intention in bringing this amendment to you this evening. It is only the first stage in the process of amending the liquor licensing laws to bring them up to date. At Midsummer Chief Pleas, the 12 Propositions in our Report were approved. These Propositions were tied closely to the results of consultation recently carried out by the Liquor Licensing PDT with stakeholders and the general public.

Tonight, we can bring you those amendments which are the most straightforward to implement, so that businesses who wish to take advantage of the changes can have the opportunity for increased trading in the latter half of the year. The Sark economy may also benefit from more visitors in the late shoulder months and perhaps you might see an increase in Impôt.

If the Proposition with this Report is approved by Chief Pleas, those holding public house licences will be able, if they chose, to serve alcohol without food on Sundays for consumption on or off the premises. This will be effective from this coming Sunday, 28th August.

The permitted commencement times across all liquor licence categories would be made consistent at 10 a.m. with effect from tomorrow.

The Proposition, if approved, will also result in the removal of the restriction which stipulates that only public houses and hotels can apply to sell off-sales.

The process of application for a liquor licence has not been amended and anyone wishing to apply to sell off-sales must follow all the normal legal requirements. In summary, those requirements are: to notify the Seigneur, Greffier and Constable, allowing sufficient time for the Greffier to display a notice in the church box for three consecutive Sundays prior to the application at court; to supply the Greffier with information about previous employment and the names of at least two referees; to apply to the Public Health Committee for a catering permit; to display a large external notice – two feet by two feet – about the application in English and in French, which is to be easily read from a public road adjacent to the premises.

Before granting any liquor licence the Seneschal must take note of a report from the Greffier and one from the Constables following their inspection of the premises, and he must also take on board any objections which are raised by members of the public.

Of course, there is much more work for our PDT to do. We intend to carry out a full review of the liquor licensing law in its entirety and bring further Propositions when we have deliberated all the complexities and sought the necessary advice.

We are happy to try and answer any questions or queries you may have about the law amendment in front of you this evening.

**The President:** Thank you.



Before I open the debate, may I have declarations of interest, please. Conseiller Sandra Williams, Conseiller Rosanne Byrne. I think that is it, isn't it? Yes, okay.

150 Conseiller Sandra Williams and Conseiller Rosanne Byrne have both declared an interest – a pecuniary interest, as we know from the last debate. They will leave the Chamber unless there is a proposal that they remain and that is supported by a majority of the House.

Is there a proposal? Conseiller Audrain proposing that they remain. Those in favour; those against. **Carried.**

155 You may remain; you may not take part in the debate or vote, but you may answer a technical question if asked.

I now open it up to the floor of the Assembly for any comments or debate on the Report and/or the Liquor Licence Ordinance in front of you. Anybody? One – who is that? Conseiller Paul Williams.

160 **Conseiller Paul Williams:** I have just been asked to bring this up by a member of the general public and it concerns the Sunday opening. Has it been considered that Sunday opening time in Guernsey is 12 noon? Is there any concern that, since the Sark opening time will be earlier, Sundays will become like Saturday, with people just coming from Guernsey to drink, especially as there are a lot of Sunday promotions on Sark Shipping with the ticket being £5 cheaper?

165

**The President:** Thank you.  
Anybody else? Conseiller Raymond.

170 **Conseiller Raymond:** Sir, there is a difference in the closing times for the public houses as against the hotels and other entities, and I just wonder whether that is deliberate and, if so, why it was arranged this way?

**The President:** Thank you.

175 There is no further debate, I will ask – (**A Member:** Yes! Sir!) Yes, one hand. Conseiller Elizabeth Dewe.

180 **Conseiller Elizabeth Dewe:** Yes, I have got a bit of a thing: why, if you were to ask for an off-licence with this new legislation, you still have to go to Public Health to ask for a catering permit. When everything is sealed in bottles and cans, why would you really need a catering permit? But the way the law is, they would have to apply for this extra permit.

**The President:** Thank you.

Anybody else? No.

185 Conseiller Adams, would you like to respond to those three questions please, and do any summing up before we go to the vote on the Proposition.

190 **Conseiller Adams:** Conseiller Williams' point about Guernsey opening times – 12 noon: the aim was, with our times, to keep the times consistent and not have different categories opening at different times. So, in that respect, we did not want to fall in with Guernsey; we wanted to apply something that was consistent on Sark.

195 Conseiller Raymond's point about different closing times: yes, we are aware that that bit is not consistent. Nobody, during the consultation, asked us to reduce the hours for hotels, guesthouses and restaurants, but they did ask us to bring in 10 o'clock across the categories, so we are doing what we have been asked to do. But, as I said, this is just a start; we have got a lot more things to consider and this will be something we will certainly look at when we review the law in its entirety.

Conseiller Dewe's point about the necessity for a catering permit: yes, that is in section 9 of the Liquor Licensing Ordinance and stipulates that any liquor licence application requires a

200 catering permit to be in place. The PDT does agree it does seem to be over the top for an off-licence application where no actual catering will be taking place. Again, this is something that we will be looking at in the near future and we will certainly discuss this within our PDT.

205 Summing up then: we want to implement the changes which have been requested by the majority of the public. We know that the whole licensing law needs a rigorous review, but rather than wait until that process is complete before bringing any proposals we wanted businesses to be able to benefit from the potential for extra trading in the latter half of the season and for visitors to have more choice about when and where they can purchase alcohol and in doing so better meet their expectations.

210 As this proposed amendment is derived from the direct results of public opinion, please may I request that we have a named vote.

**The President:** Okay, thank you.  
Greffier.

*There was a named vote.*

*Carried – Pour 18, Contre 3, No Vote 0, Unable to vote due to declaration of interest 2*

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

215 **The President:** I declare the Proposition carried with 18 votes Pour and 3 Contre – and I heard you loud and clear that time! (*Laughter*)

This Ordinance will be numbered IV of 2016.

**4. Independent Policing Panel –  
Mr Simon Adams, Mr Peter Cole, Miss Jacqueline Rogers,  
Mr John Hunt, Mrs Linda Williams and Mrs Mary Teer elected**

*To elect members of the Independent Policing Panel.*

220 **The President:** We now move to the Addendum, Item 4: to elect members of the Independent Policing Panel and I would ask the Douzaine Chairman, Conseiller Edric Baker, to nominate the members for election, please.

**Conseiller Edric Baker:** Sir, could I pass over to Conseiller Christine Audrain, please?

**The President:** Conseiller Audrain, please.

225 **Conseiller Audrain:** Thank you.

The Policing Review PDT advertised twice for members for the Independent Policing Panel to be set up to oversee the work of our Constables outside the political arena. It was envisaged that the panel would be made up of between five and seven members. The PDT is grateful to those who were prepared to put their names forward for this voluntary body.

230 Six people were selected and I am very pleased to put their names to Chief Pleas today. They are: Mr Simon Adams, Mr Peter Cole, Miss Jacqueline Rogers, Mr John Hunt, Mrs Linda Williams and Mrs Mary Teer.

**The President:** Thank you.

235 Are there any other proposers and seconders for anybody else to join the Independent Policing Panel? No.

Therefore ... Yes, Conseiller Adams.

240 **Conseiller Adams:** I just wanted to say that I should not really vote in this, so I am not going to.

**The President:** Yes, you are declaring an interest – thank you. It is not a direct pecuniary interest as he does not get paid, but I understand.

245 Therefore, I put to you that Mr Simon Adams, Mr Peter Cole, Mr John Hunt, Miss Jacqueline Rogers, Mrs Mary Teer and Mrs Linda Williams be elected to the Independent Policing Panel. Those in favour; those against. **Carried.**

I declare the persons elected to that Independent Policing Panel and thank them for volunteering to provide this service to Sark.

#### **5. Revised Tractor Licensing Code Definitions – Road Traffic Committee Information Report considered**

*To consider a Report from the Road Traffic Committee entitled, 'Revised Tractor Licensing Code Definitions'.*

250 **The President:** Agenda Item 5: to consider a Report – and it is actually an information Report because there is no Proposition to it – from the Road Traffic Committee entitled, 'Revised Tractor Licensing Code Definitions'.

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

255 **Conseiller Ventress:** It is fairly straightforward. There are just a couple of corrections to the Tractor Licensing Code definitions. You have the new ones that you have in front in you.

The first one is after 'G. General Carting'. That goes on towards the end, 'luggage, supplies, parcels' etc. Insert 'H. Harbours' which clarifies H. for Maseline Harbour and Creux Harbour.

260 Then on 'M. Mechanical Engineering. To include the transportation of engineering [goods] ..., materials and equipment for the repair to machinery. This grants access to the Harbours for repairs to Boats.' Insert a comma there and it goes on, 'cranes and quarry machinery.' – which saves having to ask the Constable for permission to do that.

The main changes – I will be very brief on this – are that, 'B. Contractors', we have amalgamated from the old ones – B(1) Plumbing; B(2) Electrical and B(3) Building – as the new

265 definition covers all these cases, but the fourth one, which was ‘mechanical engineering’: this we  
have separated out because it does not entirely get covered by B. because people are going out  
there to repair machinery and not buildings.

There are one or two other various changes which you will have seen. We have had no  
response ... Well, we have had one response with no criticisms of the changes. I recommend it  
all to us.

270

**The President:** Thank you.

Any questions on the definitions or the Report? No.

### **6. Repairs to Creux Harbour – Information Report received from Harbours and Pilotage Committee**

*To receive an Information Report from the Harbours and Pilotage Committee entitled  
‘Repairs to Creux Harbour’.*

**The President:** We will move on to Agenda Item 6: to consider an Information Report from  
the Harbours and Pilotage Committee entitled, ‘Repairs to Creux Harbour’.

275 I would ask the Committee Deputy Chairman, Conseiller Edric Baker, to introduce the Report.

**Conseiller Edric Baker:** Yes, sir.

280 The purpose of the Report is to explain to Chief Pleas the reason that the Committee has  
taken the action it has done. Under normal circumstances, any harbour repairs of any size would  
have been put out on a tender basis, but in view of what had happened, particularly with these  
two men that we had employed to do some essential repairs, when it became obvious that  
there were major repairs necessary, we had to take other steps. We are extremely grateful to  
these two young men for taking on this project.

Thank you, sir.

285

**The President:** Any questions or debate on the Report? No.

### **Ordinance laid before Chief Pleas – The Libya (Restrictive Measures) (Sark) (No. 2) Ordinance, 2016**

290 **The President:** That concludes the business of the day. There is one Ordinance laid before  
Chief Pleas and that is the Libya (Restrictive Measures) (Sark) (No. 2) Ordinance, 2016. There  
have been no motions to annul. I can inform you that the Ordinance has been sent to the  
attention of the Royal Court for them to look at. As of yet, they have not come back to me to say  
that it is vires or otherwise of Chief Pleas. I am not expecting it to be not vires of Chief Pleas.  
Therefore, the Ordinance remains extant and this Ordinance will be numbered V of 2016.

### **Procedure for election of new President – Statement by Conseiller Maitland**

295 **The President:** I have no closing remarks but Conseiller Maitland wishes to make a closing  
statement.

Conseiller Maitland.

300 **Conseiller Maitland:** The statement is concerning the election of the new President of Chief  
Pleas. As our current President has already offered his resignation to the Lieutenant Governor  
and his term of office will come to an end immediately after the conclusion of Michaelmas Chief  
Pleas, the timetable for the election of a new, interim President to fill the remaining term of  
office – that is until February 2017 – is as follows: Wednesday, 7th September, notice of the  
election is placed in the public box and on the Government website by the Greffier, stating the  
305 date of election and closure date for nominations; Tuesday, 13th September, nominations open,  
and 10 days later on Friday, 23rd September nominations close; 27th September, there is a  
publication of nominations in the public box and on the Government website.

The election of a new President will take place at the Special Chief Pleas which will be  
convened immediately after the close of the Michaelmas Chief Pleas on 5th October. The  
Seneschal will convene and preside over this meeting and the new President will be sworn in  
310 soon afterwards by the Seneschal's Court.

More detailed procedure has been e-mailed to all Conseillers and a full job description for  
this important role is available for interested parties.

Thank you, sir.

315 **The President:** Thank you.  
The meeting is closed.  
Greffier.

**PRAYER**  
*The Greffier*

*Chief Pleas closed at 7.32 p.m.*