



OFFICIAL REPORT

OF THE

MIDSUMMER MEETING

OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 4th July 2018

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

Volume 4, No. 3

Present:

Seigneur

Maj. C M Beaumont Esq.

Speaker of Chief Pleas

A J Rolfe Esq.

Deputy Prévôt

Mrs J Godwin

Greffier

Mr T J Hamon

Deputy Treasurer

Mrs L Higgins

Vingtenier

Mr M Fawson

Conseillers:

Diane Baker
Edric Baker
Elizabeth Norwich
Dr Roger Norwich
Helen Plummer
William Raymond
Stephen Taylor
Alan Blythe

Antony Dunks
Reginald Guille MBE
Peter La Trobe-Bateman
Sebastien Moerman
Anthony Ventress
Sandra Williams
Pauline Mallinson

Business transacted

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Midsummer Meeting of Chief Pleas

Chief Pleas met at 10.00 a.m.

[THE SPEAKER *in the Chair*]

PRAYER

The Greffier

ROLL CALL

The Greffier

The Greffier: There are 15 Conseillers, the Seigneur and the Speaker of Chief Pleas present.

The Speaker: Thank you.

Filming of Chief Pleas

5 **The Speaker:** With us, as you can see, are film crew from a London-based team from NHK Japan, who are producing a promotional film of various aspects of various aspects of Sark life, and I have given them permission to film up to the point when recording devices have to be switched off. They have expressed an interest in filming some casual interviews with a few of the Members after the meeting.

Welcome to the Lieutenant Governor

10 **The Speaker:** May I welcome the Lieutenant Governor attending our meeting of Chief Pleas.

Welcome to Dominic Lake, Deputy Director, Human Rights & Intergovernmental Relations, Ministry of Justice

The Speaker: Elaine Cobb of the Ministry of Defence wished to attend Chief Pleas today, but –
(**Several Members:** Justice.) Oh sorry, what did I say? (**Several Members:** Defence.) (*Laughter*)
That was probably more Freudian than many of you understand, actually!

15 Elaine Cobb of the Ministry of Justice wished to attend Chief Pleas today but has been diverted onto jury service. May I welcome Dominic Lake the MoJ's Deputy Director of Human Rights and Intergovernmental Relations, who is in the Public Gallery.

Apologies for absence

The Speaker: I have received apologies from Conseillers Nick Moloney, Paul Williams who is on Blooms duties and Christopher Nightingale who phone me this morning to say he is not feeling well enough to sit through a meeting.

The Constable has already tendered his apologies, as he is in Guernsey with the school.

Welcome to Vingtenier, Mike Fawson

The Speaker: May I welcome the Vingtenier, Mike Fawson, who is up here with us, I think for the first time.

Resignation of Conseillers Peter Byrne and Cormac Scott

The Speaker: Since our last meeting, two Members of Chief Pleas, Peter Byrne and Cormac Scott, have tendered their resignations from Chief Pleas.

Peter Byrne tendered his resignation from Chief Pleas for personal reasons, at the conclusion of Easter Chief Pleas on 11th April. Peter Byrne was first elected to Chief Pleas in December 2013 and served variously on the Douzaine, the Finance & Resources and Development Control Committees. He also sat on the Emergency Services, later to be retitled Medical & Emergency Services Committee, and served on the Fire Precautions Policy Development Team.

Cormac Scott, known to us all as Scottie, resigned on 20th June. Scottie was elected in December 2017 and in addition to some engaging contributions to our deliberations in the House, he served on the Education, Harbours & Shipping and the Agriculture, Environment, Sea Fisheries & Pilotage Committees.

On behalf of Chief Pleas, I would like to thank Peter Byrne and Cormac Scott for their services to Chief Pleas.

**Service of thanksgiving for former Lieutenant Governor,
Air Chief Marshal Sir Peter Le Cheminant**

The Speaker: A service of thanksgiving for our former Lieutenant Governor, Air Chief Marshal Sir Peter Le Cheminant was held at the Town Church in Guernsey on Monday, 4th June. Sark was represented by the Seigneur, Seneschal and myself as Speaker.

**Royal Visit on 18th July –
Statement by the Seigneur**

The Speaker: I now call on the Seigneur to make a Statement on the impending Royal Visit.

The Seigneur: Thank you very much.

We have a visit from Her Royal Highness the Princess Royal. She will visit the Bailiwick on Wednesday, 18th July. The Princess Royal is Master of Trinity House, which was founded in 1514

by Royal Charter, and now maintains over 60 lighthouses around England, Wales, the Channel Islands and Gibraltar.

50 The visit will commence at Torteval Church where Her Royal Highness will see recent restoration work and commemorate its bicentenary. Her Royal Highness will then visit Point Robert Lighthouse, before travelling to Les Casquets to visit the team of engineers working on the station

55 Her Royal Highness will arrive on Sark by Trinity House helicopter at the Millennium Field, where I will welcome her. We will travel to the Lighthouse by carriage via the Church in the Avenue. Upon arrival at Point Robert, Her Royal Highness will be met by Island and Trinity House officials.

Trinity House will then escort Her Royal Highness to Point Robert Lighthouse for a tour of the refurbished facilities and recent works.

60 When the lighthouse visit is concluded, Her Royal Highness will return to the top of the lighthouse steps. I will then escort Her Royal Highness to meet Members of Sark Watch, Sark Community Blooms and the Sark Knitters for the Tumaini Appeal. There will then be an opportunity for Her Royal Highness to meet members of the community and visitors. Tea and cake will be available in a marquee in the field at the top of the lighthouse steps.

At the end of the visit, I will escort Her Royal Highness back to the Millennium Field by carriage. Thank you.

65

The Speaker: Thank you.

**Future finance for the Procureur –
Statement by Conseiller Elizabeth Norwich**

The Speaker: A statement by Conseiller Jane Norwich regarding the future finance for the Procureur.

70 **Conseiller Elizabeth Norwich:** I was going to bring this up under Matters Arising, but I will do that now.

Just to say that F&R would like to confirm that it is commencing work on the consultation process with the residents of Sark with the support of the Douzaine, and in particular the Procureur, so that work is moving forwards.

75

The Speaker: Thank you.

**Economic drivers –
Statement by Conseiller Elizabeth Norwich**

The Speaker: A second statement by Conseiller Jane Norwich regarding economic drivers.

Conseiller Elizabeth Norwich: Thank you.

80 When Committees are undertaking research and early stage work, the community of Sark does not always get to hear what is being done on their behalf. In response to recent public comments and questions from the community, F&R would like to confirm that members of that Committee have met at various times with several different stakeholders at their request in recent months to discuss economic drivers to support Sark's future economy.

85 This is in addition to the work already undertaken by Policy & Performance who hold the mandate for economic policy and the business forum.

F&R is always ready to listen to suggestions and requests and to consider a particular topic, even if it is something that Chief Pleas has considered in the past and then has not actively pursued it at the time.

90 F&R looks at the figures. It is what we do. But it looks too at the financial risks and benefits to the economy of Sark and to Chief Pleas. As it should, it looks too at Sark's wider responsibilities and the effect of the outside world on Sark.

One significant topic that we have been asked to consider and has been widely reported in the press is the Customs post. What this really means is the Approved Port Status – a status that allows passengers and goods vessels to travel from other jurisdictions outside the Common Travel Area (CTA) and enter the Bailiwick via Sark. There are those who say we should consider this topic. There are those who say, 'Stay quiet and it will go away.' There are those who say 'Never!' or that it is toxic and a huge danger to the Bailiwick in terms of illicit travellers and goods to the Bailiwick. But F&R has a responsibility to look at all financial matters and this is what it has done.

100 For clarity, Approved Port Status is an international matter – an international standard, not something for Sark alone or just the Bailiwick. It is a designation approved under the International Ship and Port Facility Security (ISPS) Code. It is part of the Safety of Life at Sea (SOLAS) Convention on security arrangements for ships, ports and government agencies. To obtain that status, Sark Government has to apply, following standard application forms, to be assessed, to undertake a physical inspection, to put in place the necessary systems, buildings and staff in conjunction with the Bailiwick Border Agency, and pay for it up front. That is before we could be given permission to operate.

105 How the approved port might be run on a day-to-day basis, if we had one, is a matter for the Border Agency of the Bailiwick in conjunction with Chief Pleas, but we must always meet our international obligations, and that includes having the physical facilities, whether they are used or not.

The assessment also includes risk assessments, and most of those interested in risk know that Risk = Threat x Vulnerability x Consequence.

115 How will this be paid for? Who would use it? What are the benefits to Sark? How much will it cost residents of Sark? Just some of the questions that F&R must and has considered.

But to answer some of those questions, F&R need significant commercial information, to take legal advice and to have consulted with the interested stake holders that would include the residents of Sark and the States of Guernsey, not just the Border Agency.

120 We would also need to consult the UK Government and its Border Agency and, as it is most likely that the link would be with France, the EU. The last two might be difficult, given the Brexit negotiations. We do not know how borders will operate in future, and we may not know much before March 2019.

125 We need, too, to consult with existing ferry companies as it is their vessels that will be affected with in-depth searches, if they return to an approved port after visiting an unapproved port. Those security searches are paid for by the ferry companies, and that gets added to ticket prices.

We have asked for commercial information from various sources, and bearing in mind, we do not tax businesses on Sark, some of that is not readily available. We need to know what businesses might benefit; where do these travellers come from; their demographics; what is their likely spend and with what businesses; what is the conversion rate; will they be stayers or day-trippers? If 130 5,000 extra arrivals in a year pay landing tax, that is all that Chief Pleas would receive in extra tax, and therefore income – unless they stay, and those benefiting businesses employ more people who stay on-Island all year and then actually pay tax. By current definition, temporary workers do not pay tax. Otherwise the beneficiaries of increased visitors are directly to individual businesses concerned and not to the Government of Sark.

135 The costs of installing and maintaining an approved port to the international standard – and those involved in the under-12 negotiations at the moment with SOLAS know what I am talking

about – will still be there and these costs are likely to be considerably more than just the uplift in landing tax. That shortfall would have to be paid for by the taxpayers of Sark who may or may not benefit from the visitors directly.

140 The commercial information we have so far includes ferries, their passengers and the weather. This data clearly shows that the commercial figures of an approved port for Sark just do not add up. There is considerable financial risk to Sark and a significant process to go through to meet those international standards. If we were to do it and fail, and make a mess, then there is the probability of reputational damage to Sark, the Bailiwick as a whole, the Channel Islands and the
145 UK.

So looking again at those figures, as F&R does, is there another way of increasing visitors with less cost and less regulation? F&R thinks there are, and those visitors live in Guernsey and Jersey.

Attracting more visitors from Guernsey and Jersey might just be an easier way to boost the economy of Sark. This is something we know that IOSS and Tourism are already looking at.

150 F&R is happy to look at matters further but it needs considerable commercial data before it would look further at this potential economic driver.

Thank you.

The Speaker: Thank you.

**La Coupée toilets –
Statement by Conseiller Edric Baker**

155 **The Speaker:** A statement by Conseiller Edric Baker regarding La Coupée toilets.

Conseiller Edric Baker: Yes sir, thank you.

The statement I am about to make, as you say, concerns La Coupée toilets, but first of all I would like to thank my Committee members who were so supportive of this project, particularly
160 the former Conseiller Liz Dewe.

The Douzaine submitted a Report to Easter Chief Pleas on 6th April 2016. Chief Pleas approved in principle the Proposition to construct the public toilets at La Coupée. In the Report, Mr Couldridge, who had offered the land for the project was also willing to supply water at a nominal annual amount.

165 I believe it is safe to say that Chief Pleas, in approving this Proposition in 2016, would know that the toilets would require water, paper, paper towels, all manner of cleaning material and someone to clean them. I refer to the Douzaine Mandate, section 8, maintenance and cleaning of public toilets.

170 There were several reasons this project has taken so long. When the first proposed site went to DCC, there was a public outcry, which centred on the danger to horses and carriages in that area. The Douzaine presented an alternative site further back from the road and the turning area, which was accepted.

The second Aliénation document was signed by HM Procureur in February 2017. The conveyance was also signed by the Island Trustees in 2017. I would like to read from that
175 document, because it is quite a useful historic document for the Chief Pleas:

By the laws and customs of Sark, the tenements of Sark are impartable and are indivisible. By the Order in Council entitled "Aliénation de Terres dans l'Île de Sercq" registered on the records of Sark on 20th July 1927, land forming part of any tenement may be alienated for the benefit of the community, provided that that alienation has been:

- (1) approved by the Seigneur and Douzaine of Sark;
- (2) certified by Her Majesty's Procureur as required for the purpose for the benefit of the community; and
- (3) approved by Chief Pleas.

One or two of the covenants in the conveyance document, which can be seen in the Greffe, were that it would be used for public conveniences in the position shown on the plan, 'to be looked after and maintained in a good condition the public conveniences referred to in this clause.'

180 There was also the right of access to the site for building material and this had to be done as quickly as possible, in a good and workmanlike manner and causing the least possible inconvenience to the vendor.

Returning to the statement, donated money was already in place, and there was a donation from the Dame Sibyl Hathaway Settlement – Item 17, Easter Chief Pleas, 2017.

185 After consulting with the builders, within the Douzaine, we felt sure we would have sufficient money. We were wrong. The only estimate received was £38,190; £8,190 more than the amount we had earmarked for the project.

190 Had the project gone ahead when we first wanted, we had sufficient funds. F&R Committee could not support our request for extra money, and holding back the project for another year was not an option. The only alternative was, and is, to use money from the 2018 Douzaine budget.

It will be hard and difficult, some purchases will have to wait, and some work will have to be left until next year. But at the end of the day, visitors and residents have an essential facility for only £8,190 of taxpayers' money.

Thank you, sir.

195

The Speaker: Thank you.

Procedural – Electronic devices

The Speaker: Now, in accordance with the Rules of Procedure, I would remind all present that mobile phones, cameras, recording devices and other electronic equipment is switched off now, less for those allowed for Chief Pleas Members in accordance with Rule 18.

Business of the Day

1. Easter Meeting, 11th April 2018 – Matters arising

Matters arising from the Easter Meeting of Chief Pleas held on Wednesday, 11th April 2018.

200 **The Speaker:** We go to Agenda Item 1, Matters arising from the Easter Meeting of Chief Pleas held on Wednesday, 11th April 2018. Are there any matters arising?
Conseiller Reg Guille.

205 **Conseiller Guille MBE:** Matters are: the Education Report at Item 14 on page 14. This part of *Hansard* is littered with the use of Christian and forenames, and it does make it difficult to determine who is being spoken about. Can I ask that Conseillers use surnames or titles, rather than Christian names during debate.

**Removal of jackets and hats for remainder of sitting –
Proposition carried**

210 **Conseiller Guille MBE:** While I am on my feet, sir, could I ask that gentlemen are allowed to take their jackets off and ladies their hats? It is quite warm in here, and I think we would be more comfortable.

The Speaker: I could have done with a bit of notice of that, actually.

215 **Conseiller Guille MBE:** We did not know it was going to be warm, sir, sorry!

The Speaker: Well, we have done it before. I am inclined to stay with tradition myself. I do not know if that is the feeling of the Chamber?

220 **Conseiller Guille MBE:** I think it is up to the Chamber to decide whether they want to remove jackets –

The Speaker: I think it is up to me to decide whether they should ...
Is there any support for what Conseiller Reg Guille has just suggested? Those against? That is
225 **Carried.**
Are there any other matters arising?

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

Questions not related to the Business of the Day.

The Speaker: We go to Agenda Item 2, Questions not related to the Business of the Day. There are none.

**3. Retrait Lignager –
Policy & Performance Committee Report considered –
Proposition carried as amended**

To consider a Report with Proposition from the Policy & Performance Committee entitled 'Retrait Lignager' and approve a Projet de Loi entitled 'The Retrait Lignager (Abolition) (Sark) Law, 2018'.

Proposition:

That Chief Pleas approves 'The Retrait Lignager (Abolition) (Sark) Law 2018'.

230 **The Speaker:** Agenda Item 3, to consider a Report with Proposition from the Policy & Performance Committee entitled 'Retrait Lignager' and approve a Projet de Loi entitled 'The Retrait Lignager (Abolition) (Sark) Law, 2018'.
Conseiller William Raymond to introduce the Report.

Conseiller Raymond: Thank you, sir.

235 This is the first of the land reform legislation to come through. It is fairly simple, but it is important that it comes first, because Retrait, if applied, might give a relative of a person dividing a property the ability to frustrate a sale, so it needs to come first and that is why we are bringing it forward now. It is a simple Projet. It reflects the legislation and wording used in both Guernsey and Alderney and the Committee recommends its adoption.

240 The Proposition is actually, I regret, incorrectly worded. It should read:

That Chief Pleas approve a Projet de Loi entitled 'The Retrait Lignager (Abolition) (Sark) Law 2018'.

So may I recommend that that amended Proposition is put forward, please.

The Speaker: Okay. Those wishing to speak or question?

245 Right I have got Conseiller Diane Baker and Conseiller Helen Plummer. Is there anybody else?
Conseiller Diane Baker.

Conseiller Diane Baker: Whilst I am sad to see another custom go, the world has changed, people have changed, and I am happy now to support this abolition of the Retrait law.

250 **The Speaker:** Conseiller Helen Plummer.

Conseiller Helen Plummer: Thank you.

Conseiller Diane Baker has said the words that are going around: very sad, but we have to move on.

255

The Speaker: Okay. Is there anybody else?

In that case, I will put it to the vote. Those in favour; those against? That is **Carried**.

4. Protecting the Interests of the Bailiwick of Guernsey as the UK leaves the EU – Policy & Performance Committee Report considered – Propositions carried

To consider a Report with two Propositions from the Policy & Performance Committee entitled 'Protecting the Interests of the Bailiwick of Guernsey as the UK leaves the EU' and to approve the Projets de Loi entitled 'The European Union (Brexit) (Bailiwick of Guernsey) Law, 2018' and 'The International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018'.

Proposition 1

That Chief Pleas approves the Projet de Loi entitled 'The European Union (Brexit) (Bailiwick of Guernsey) Law, 2018'.

Proposition 2

That Chief Pleas approves the Projet de Loi entitled 'The International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018'.

260 **The Speaker:** We go to Agenda Item 4, to consider a Report with two Propositions from the Policy & Performance Committee entitled 'Protecting the Interests of the Bailiwick of Guernsey as the UK leaves the EU' and to approve the Projets de Loi entitled 'The European Union (Brexit) (Bailiwick of Guernsey) Law, 2018' and 'The International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018'.

Conseiller Reg Guille to introduce the Report.

265 **Conseiller Guille MBE:** Thank you, sir.

I can confirm that the States of Guernsey at their meeting on 6th June approved the two Projets de Loi attached to this Report unamended and with no debate.

I recommend that we do the same and would ask that you approve the two Propositions.

I am happy to answer any questions that the Assembly may have.

270

The Speaker: Thank you.

Are there any questions from the floor or comments?

In that case we will go to Proposition 1: That Chief Pleas approves the Projet de Loi entitled 'The European Union (Brexit) (Bailiwick of Guernsey) Law, 2018'. Those in favour; those against?

275 That is **Carried**.

Proposition 2: That Chief Pleas approves the Projet de Loi entitled 'The International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018'. Those in favour; those against? That is **Carried**.

**5. Future Shape of Chief Pleas –
Transfer of Functions and Consequential Amendments to the Reform Law –
Policy & Performance Committee Report considered –
Propositions carried**

To consider a Report with three Propositions from the Policy & Performance Committee entitled 'Future Shape of Chief Pleas – Transfer of Functions and Consequential Amendments to the Reform Law' and to approve the Ordinances entitled 'The Reform (Sark) Law, 2008 (Amendment) Ordinance, 2018' and 'Sark Machinery of Government (Transfer of Functions) Ordinance, 2018'.

Proposition 1:

That Chief Pleas approves that the Tax Assessor be added to the list in Section 45 (3) of the Reform Law of persons not allowed to sit on Chief Pleas Committees.

Proposition 2:

That Chief Pleas approves the Ordinance entitled 'The Reform (Sark) Law, 2008 (Amendment) Ordinance, 2018'.

Proposition 3:

That Chief Pleas approves the Ordinance entitled 'Sark Machinery of Government (Transfer of Functions) Ordinance, 2018'.

280 **The Speaker:** We go to Agenda Item 5, to consider a Report with three Propositions from the Policy & Performance Committee entitled 'Future Shape of Chief Pleas – Transfer of Functions and Consequential Amendments to the Reform Law' and to approve the Ordinances entitled 'The Reform (Sark) Law, 2008 (Amendment) Ordinance, 2018' and 'Sark Machinery of Government (Transfer of Functions) Ordinance, 2018'. Conseiller Reg Guille.

Conseiller Guille MBE: Thank you, sir.

285 I have nothing to add to the Report. I recommend that we approve the three Propositions.
I would just point out one thing and that is Proposition 1, the removal of the Tax Assessor from sitting on any political committees: that has already been approved in the constitution and operation of Chief Pleas Committees and the Rules of Procedure, and this is a tidying-up area so that the Law reflects the decision that we took back at Christmas.

290 Thank you, sir.

The Speaker: Are there any questions or comments from the floor?
Conseiller Edric Baker.

295 **Conseiller Edric Baker:** Yes, sir. I would like to express my thanks to Advocate Vicky Ogier for her prompt work on this. She really has been excellent, but she always has been. I just express that in Chief Pleas again.

The Speaker: Yes, I am sure Chief Pleas will join you in that. Is there anyone else?

300 In that case, we will go to the Propositions. Proposition 1: That Chief Pleas approves that the Tax Assessor be added to the list in Section 45 (3) of the Reform Law of persons not allowed to sit on Chief Pleas Committees. Those in favour; are there any against? That is **Carried**.

We go to Proposition 2: That Chief Pleas approves the Ordinance entitled 'The Reform (Sark) Law, 2008 (Amendment) Ordinance, 2018'. Those in favour; are there any against? That is **Carried**.
305 This Ordinance will be numbered VII of 2018.

Proposition 3: That Chief Pleas approves the Ordinance entitled 'Sark Machinery of Government (Transfer of Functions) Ordinance, 2018'. Those in favour; are there any against? That is **Carried**. This Ordinance will be numbered VIII of 2018.

**6. Education and Safeguarding Update –
Education Committee Report considered –
Propositions carried**

To consider a Report with four Propositions from the Education Committee entitled 'Education and Safeguarding Update' and to approve the Ordinance entitled 'The Education (Sark) (Amendment) Ordinance, 2018'.

Proposition 1:

That Chief Pleas approves 'The Education (Sark) (Amendment) Ordinance, 2018'.

Proposition 2:

That Chief Pleas notes the draft Safeguarding Policy as set out in Appendix 1.

Proposition 3:

That Chief Pleas notes the Education Committee's decision to consult with stakeholders and interested parties with regard to the draft Education Policy as set out in Appendix 2 and the proposed plans for Secondary Education for Sark children.

Proposition 4:

That Chief Pleas approves that the Children's Panel should be disbanded now that the Multi-Agency Safeguarding Hub has been established and the Island Safeguarding Officer appointed.

310 **The Speaker:** Agenda Item 6, to consider a Report with four Propositions from the Education Committee entitled 'Education and Safeguarding Update' and to approve the Ordinance entitled 'The Education (Sark) (Amendment) Ordinance, 2018'.
Conseiller Pauline Mallinson to introduce the Report.

315 **Conseiller Mallinson:** Most of what I want to report is already in the papers and I am happy to try to address any questions that Conseillers may have.

There are, however, three things that I do just want to mention.

320 Firstly, due to a misunderstanding on whether or not the Children's Panel had been formally disbanded by the Propositions at Easter Chief Pleas, my fourth Proposition was added to the Report after the papers had actually been put together. That means that I did not have the opportunity in my written Report to thank the members of the Children's Panel for all the hard work that they have done on behalf of the children of Sark over the nine years that they have been in place. I would like to do that now, and thank them for the foundations that they have put in place, which can now be built on by the Multi-Agency Safeguarding Hub and the Island's Safeguarding Officer.

325 Secondly, I was hoping to be able to give you a verbal update on the discussion with Guernsey on secondary education. As you may be aware, however, there have recently been a number of changes in the team responsible for education in Guernsey. A new Director of Education took up post a few weeks ago and it has not been possible yet to have a meeting with him, although I am pleased to say we do now have one scheduled for next Monday.

330 Finally, a member of the public has suggested to Conseillers that we should be withdrawing the Ordinance in Proposition 1 until the arrangements for secondary education and particularly the financing of it are fully agreed. This Ordinance fulfils the Proposition agreed at Easter, that we should ask the Law Officers to draft an Ordinance to raise the school leaving age to 16 and also allow three-year-olds to attend Sark School if their parents or carers wish.

335 I believe there are two different questions here. How and where we provide secondary education, and what share of the cost should be borne by the Government or the parents have still to be decided and will be the subject of the public consultation we are proposing, followed by further discussion in Chief Pleas. Those discussions, though, do not take away from the fact that in Sark we are lagging woefully behind the rest of the Western world in the age to which we educate our children. In England and Wales, the leaving age for compulsory education was raised to 15 to 16 over 45 years ago, and I believe the time is long overdue for us to change our Law. I therefore do not wish to withdraw the Proposition to approve the Ordinance, and urge Conseillers to support it.

Thank you.

345

The Speaker: Thank you. Are there any questions or comments from the floor? We have got Conseiller Diane Baker and Conseiller Reg Guille. Anybody else?

Conseiller Diane Baker.

350 **Conseiller Diane Baker:** The draft Education Policy, Appendix 2 – this is for public consultation, says Proposition 3. Unfortunately, what I have learnt is that so many people do not read the paperwork. They would rather listen to what their neighbour or friend has to say. I have asked various people this past week if they read any of the Chief Pleas papers, and all have said no. But there is so much interest in this subject, I hope everyone will make an effort to read the Report again, along with this Education Policy, so that we have a wide range of views.

355

I would like to make two observations which I hope Conseillers will think about. One is on page 1 of Appendix 2, seven lines from the bottom:

If a child requires support outside these limits it will need to be discussed on a case by case basis with the Education Committee and the Procureur, (Douzaine), and any support will be provided at the discretion of those Committees.

I do not think this is a good way to start. If the Education Committee has a child requiring support which cannot be provided within their budget, then they need to discuss this with the Finance Committee. Putting the Douzaine in between these two Committees is not in my opinion a good thing to happen.

Item 12 of the current Education Mandate does say to liaise with the Finance & Resources Committee over funding for any work undertaken by Health & Social Care in Guernsey.

At the bottom of page 2, it says and I quote:

If parents and carers choose not to send their child away to school they will be responsible for home educating their child and any arrangements and costs will be the responsibility of the parents and carers.

I cannot accept at this moment that this is a good way forward. Someone will have to come up with a very good argument for me to agree to this. The Education Committee must please make sure this is mentioned when any consultation takes place.

Proposition 4: I will support Proposition 4, it is too late to do anything else, but in the Review of Provision of Education on Sark, page 32(2), one small paragraph states that the Panel needs to be re-constituted. The dictionary says:

To reconstitute – build up again from parts, reconstruct.

That I could accept, it made perfect sense.

The Education Committee asked the Children’s Panel to give over any relevant files to the Island’s Safeguarder, which was not a problem, but the Panel was still in place, and no one had been in touch with the Children’s Panel to let them know what was happening in Chief Pleas.

On the Education Mandate at the last Chief Pleas, Education had, number 11:

To work with the Safeguarding Officer, the Sark Children’s Panel and other agencies to ensure the protection and safeguarding of all children in our community and to liaise with the Finance and Resources Committee over funding for any work undertaken by Health & Social Care in Guernsey.

The Panel remains in place until today, when I assume Chief Pleas will approve their dismissal. It was for the Education Committee to inform the Children’s Panel of any decisions we made and make today.

You may remember, we approved a new Education Mandate, which does not mention the Panel. As a matter of interest while doing my homework, I see the Mandate for Education on the Government website is still the old one.

I am not criticising any Chief Pleas Committee past or present, or any Conseiller past or present. But I am angry at the way we have treated those who volunteered to help by joining a panel set up by Chief Pleas – and yet we still hope in the future others will stand up and join tribunals.

The Children’s Panel was constituted by a decision of Chief Pleas in 2009, with four members. This was followed up in 2015 when two members were replaced and new members were added; and again in 2017, when one more member was added

The Sark Children’s Panel was financed to begin with through the Douzaine and the Procureur. This was because we had no other way of dealing with this. It was a learning curve. However, we moved on from that and Chief Pleas approved finance for any service that was needed through the Finance Committee at Michaelmas 2015.

The Children’s Panel did work in a similar way as the Multi-Agency Safeguarding Hub (MASH) will work, such as any complaint about a member of either party will be handled by other members. Both are capable of doing the job that needs doing.

The Children’s Panel was made up of some professional people: the doctor; the head teacher; a teacher working in Guernsey now, but who was in Sark at the start of this and was still a member of the Children’s Law PDT; a nurse; and the Constables. Okay, the Constables are not professional people, but they are at the heart of many complaints. We also had a past Constable, who again was not a professional in education or health but knew the situation of Sark, how matters worked

400 while he served his term of office. Last but certainly not least, a past head teacher who had 32 years in education and child protection.

It was a Sark solution to a Sark problem, set up by professional people on Sark. When a family in difficulty came to light through Dr Peter Counsell, he was up to date with these problems, as was the head teacher.

405 MASH has the Procureurs as part of their team, so they can deal with finance. I do not think this is the right way to go. The Children's Panel had, through Chief Pleas, financial help for those who needed it. It was set up, as I have already said, in 2015.

The disbanding of the Children's Panel has been done through ignorance and a lack of consultation. Can I remind you that 'Safeguarding' is 'Child Protection', in a similar way to
410 'Committee Support Officer' was the 'Committee Secretary'. It is a change of name, but the work done is the same and just as important.

The Review of Education Report says, and I quote:

There is no clear record-keeping system for registering concerns, allegations and reports, and no central system for cross-referencing between agencies, e.g. police, medical, education. There is no Chair, with any member taking the lead when bringing a case to the panel.

I can assure you, there were records kept, safe and secure, of any matters referred to the Panel, and the Panel allowed any person within the Panel to bring forward a case if it came to their
415 attention. Any individual was able to approach any Panel member.

On the second page of the Education and Safeguarding Report, second paragraph, it says:

an information poster has been created to be placed in key locations around the Island.

Fine, I will not criticise that, but it is not a new idea. Paperwork was sent house to house explaining what the Panel was for and how it worked. Some of you can be excused for not living on Sark when this went out, but it was on the Government website until earlier this year when it
420 was removed.

Another point I would like to raise: I asked, as Chairman of the Medical Committee, when we were still in the Children's Panel, for a member of that Panel to keep in touch with matters in Guernsey. To this end, Christine Audrain attended meetings of the Guernsey Safeguarders' Committee once every two months. This often meant two nights in Guernsey, as the meetings
425 were on a Thursday morning at 9.30. This was all done with no cost to Sark. Christine Audrain paid her own expenses, gladly.

I suspect we are now going to take this expense on, on top of the hourly rate we will pay our Safeguarder. The cost is not my problem; it is the total lack of understanding Chief Pleas had of the Panel. Now, I am not saying the Panel could not improve after this length of time. The Safeguarder could have joined the Panel, and the Panel members all asked to do the appropriate safeguarding training. The doctor and the head teacher will serve on MASH, same as they did on the Child Protection Panel. While it seems a good idea for the Safeguarder to be the first call when somebody has a concern, with the Panel, they had a choice of who to approach, who they were most comfortable approaching; or the school or doctor could raise an alarm, just as I am sure will
430 happen with MASH.

So some of you will be wondering why I am upset about this. Take a look at what is being worked on at this time within Chief Pleas: land reform; slaughterhouse; recycling; rubbish shed; Children's Law; some of you are doing an enormous amount of work. So how would you feel if, in a few years' time, someone comes along and rubbishes that work, tells you it is not fit for purpose
440 and 'we can do it better'? And you know full well that most of the information going about is not correct.

I am angry and I am very upset. I know we all want the best for the children and adults of Sark, but voting through something because someone else has come in and told us how best to do it does not make it right.

445 Two Conseillers' comments stuck in my mind from Easter. One was: 'I for one will vote every
single one of these Propositions through and I think Sark would be insane not to for its own future.'
And the second one was: 'I shall be voting for the children today.' These are from people who
care, but parts of the Report are flawed, as the demise of the Children's Panel clearly shows. The
Children's Panel was a Sark answer to a Sark problem. It was not in any way inferior to any other
450 system.

Conseiller Jane Norwich said in Chief Pleas at Easter: 'I am not asking for a system that matches
my opinions; I am asking for evidence-based recommendations for the future, and I think that is
what we have with the review and what is being put forward today.' I disagree, and if the
Children's Panel is anything to go by, I am concerned what else is lacking.

455 I would like to thank every member of the Children's Panel for being part of this work,
especially those who fought to get the Panel up and working and keep it up to date, those who
have helped families at difficult times, those who have worked for social services in Guernsey to
make matters better, and those who have spent so much of their time on this project, not
forgetting the effort and financial cost to themselves.

460 I am very, very sorry for letting the Panel down at Easter Chief Pleas. I simply did not expect
such ignorance on the work of the Panel, or to have to inform Chief Pleas of what happened over
the years. I think many of us made the mistake of assuming, 'If I know something, then you must
know it.' I have learnt another mistake. (*Applause*)

465 **The Speaker:** Thank you.
Conseiller Reg Guille.

Conseiller Guille MBE: Conseiller Mallinson raised the issue of a communication we all received
regarding the school leaving age going to 16. We at the Easter Meeting made a resolution to
470 approve raising the school leaving age from 15 to 16 and directed the preparation of legislation
to give effect to that resolution. We now have the Ordinance before us for approval, and a good
turnaround time has been achieved in getting that to us for this Meeting.

My concern is are we moving too fast on this issue, because in the final section of this Report,
it says that there is to be a public consultation on secondary education for Sark children and on
475 the Education Policy. I cannot see that this Ordinance needs to be approved now, and I would
prefer it if the Committee withdrew Proposition 1 and returned with it after the consultation has
been carried out and reported upon to Chief Pleas.

I agree with the raising of the age to 16. My concern is with the timing, and not the act of
legislating. However, were the public consultation *not* to support the increase to the school
480 leaving age, we would have to think again and possibly rescind an Ordinance which we have
approved.

Appendix 2: the draft Education Policy is to be subject to consultation and this document deals
with Education on the basis that 16 is to be the leaving age. I would ask the committee, is the
leaving age to be part of the consultation or is it set in stone by that resolution of Chief Pleas?

485 With regard to Appendix 1, I have only one small point to raise, and that is on the last page,
which lists the Director of Education as Beverley Gates. However, Ms Gates is the Interim Director
of Education – or have I missed something?

The Speaker: I will call Conseiller Pauline Mallinson to wind up. Is there anybody else who
490 wishes to speak?

I have got Conseiller Jane Norwich and Conseiller Helen Plummer.
Conseiller Jane Norwich.

Conseiller Elizabeth Norwich: I just wanted to ask: if we decide not to support the Education
Ordinance today, does that mean that the children aged three to five that are hoping to be
495 commencing school in September cannot do so? Are we stopping something happening that I
think many parents want?

The Speaker: Thank you.
Conseiller Helen Plummer.

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Conseiller Plummer: Thank you.

I would just like to support Conseiller Diane Baker's statement and to thank also the Children's Panel. It is a worry about the further education in Guernsey. Many parents over here are quite worried about sending their children away.

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The Speaker: Thank you. Is there anybody else?
Conseiller Pauline Mallinson.

Conseiller Mallinson: Thank you.

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If I can address the straightforward question first! As regards the Ordinance, the question of three-year-olds going to school in September: when I spoke to the Law Officers on the drafting of this Ordinance initially, their understanding was that the Law as it stood at present probably allowed three-year-olds to go to school, but that they felt that that should be tidied up in the Ordinance that was raising the school leaving age. I believe that I would have to go back to the

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Law Officers and ask them formally to confirm that we could educate three-year-olds from September, and if not, I think I would have to ask for an Extraordinary Meeting of Chief Pleas before the beginning of September to bring an Ordinance that only covered the three-year-olds and not raising the school leaving age to 16, if it is the will of Chief Pleas that this Ordinance is not passed. I think that is the position on the three-year-olds.

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The comment that Conseiller Guille made about the Interim Director of Education: I apologise, yes, that should have said 'Interim Director of Education'.

As regards Conseiller Baker's comments on the Children's Panel, I have already said, and I apologise again, that the handover of the reconstituting ... the disbandment of the Children's Panel between the previous members of the Education Committee and myself after Easter Chief Pleas was not as smooth as it could have been, and if in doing that we managed to upset the Children's Panel, I really am very, very sorry.

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I believe the Interim Director of Education has been in contact directly with Conseiller Baker to explain the reasons that the Review made the recommendation they did on the Children's Panel, and it was not any criticism of the actual work that the members of the Children's Panel have been doing. The Review had not issues with that. Their issues were with the structure and the mandate of the Children's Panel, and I believe that that was in three areas. It was to do with the level of formal safeguarding training that the members of the Children's Panel had, which is not in line with what modern professional standards would expect.

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Secondly, the agencies on the Island were not all represented in the way that the Multi-Agency Safeguarding Hub model would expect, and they had concerns about that.

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Thirdly, the way that the Panel was constituted as a Children's Panel, it made no provision for the safeguarding of vulnerable adults on the Island, which is included within the work that has been done on the Multi-Agency Safeguarding Hub, and that was also considered to be a significant shortfall in the provision that we had at that stage.

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So again I would like to stress that there was no criticism of the work that the individuals on the Children's Panel had been doing, and if that is the way it came across, I can only apologise.

Thank you.

The Speaker: Thank you.

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It has been suggested that ... I think there is somebody in the Public Gallery making a noise: please do not.

We can proceed in two ways. It has been asked that Proposition 1 be removed. We can either have a recess while the Education Committee decide how they wish to proceed, or we can just go to a vote.

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Conseiller Mallinson: I think we would like to go for a vote.

The Speaker: Go for a vote. Okay, then, in that case we will go to Proposition 1: that Chief Pleas approves 'The Education (Sark) (Amendment) Ordinance, 2018'. Those in favour; those against? That is **Carried**.

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Proposition 2: that Chief Pleas notes the draft Safeguarding Policy as set out in Appendix 1. Those in favour; those against? That is **Carried**.

Proposition 3: that Chief Pleas notes the Education Committee's decision to consult with stakeholders and interested parties with regard to the draft Education Policy as set out in Appendix 2 and the proposed plans for Secondary Education for Sark children. Those in favour; those against? That is **Carried**.

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Proposition 4: that Chief Pleas approves that the Children's Panel should be disbanded now that the Multi-Agency Safeguarding Hub has been established and the Island Safeguarding Officer appointed. Those in favour; those against? That is **Carried**.

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

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

Proposition:

That Chief Pleas takes note of the contents of this progress report.

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The Speaker: We go to Agenda Item 7, to consider a Report with Proposition from the Policy & Performance Committee entitled 'Securing Sark's Future – Progress Report'.

Conseiller Taylor to introduce the Report – I believe you may have an amendment to it?

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Conseiller Taylor: Sorry, there was an alteration recommended by Conseiller Guille, but when we looked at the papers again this morning, his suggestion shows that it has already been covered in the Report, and that was basically down to the fact that the Policing Review PDT has been disbanded, as its work is complete. But it was also included in the actual Appendix of the Report. So that is not so relevant any more.

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The Speaker: Yes, okay.

Conseiller Taylor: Having said that, nothing really to add to the Report in front of Members here; only to say that one new PDT that is being set up is Health & Social Care PDT, and I am looking forward to hopefully a meeting in the near future with the Health Committee in Guernsey.

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Thank you, sir.

The Speaker: Okay. Will you forward those details to me so that we can get the website amended accordingly – particularly when it is populated?

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Conseiller Taylor: I will do.

The Speaker: Yes, thank you.

I have got Conseiller Reg Guille with his hand in the air and I did have Conseiller Sebastien Moerman gesticulating! Did you want to say something, Conseiller Sebastien Moerman?

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Conseiller Moerman: Just about the numbering of the Ordinance in the last Report.

The Speaker: Yes, I will get to the end of this one, and I will go back to that, yes.
Conseiller Reg Guille.

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Conseiller Guille MBE: I would wish to give Chief Pleas an update on the final item in the table of the Children Law Part II in the spreadsheet.

Under the Progress column, the current wording is now out of date and I report the following progress:

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The Children Law PDT met with Crown Advocate Roy Lee on 20th April this year and had a very useful discussion on the way forward. During this discussion it was agreed that I would take over as team leader, from Conseiller Diane Baker, but who would remain on the team.

There was some discussion on how the Children's Panel would mesh in with the Multi-Agency Safeguarding Hub, but this seems to have been resolved in the Education Report which we have just debated.

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Crown Advocate Lee left the meeting with some actions to undertake on the PDT's behalf, and on 15th June, he replied as follows:

Attached as promised, please find a transposition table setting out the proposed transposition of child protection provisions in the Children (Guernsey and Alderney) Law, 2008 to Sark.

which he attached. He went on to say:

I believe it is possible to adapt and simplify those provisions to make them work efficiently and effectively in Sark conditions as set out in the table.

He also went on to say:

I have also consulted my Chamber colleague, Will Simmonds who has been very helpful in explaining how the provisions work in practice and suggesting improvements that Sark could usefully make, based on Guernsey's experience to the procedures currently set out in the 2008 Law.

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The PDT will now need to meet and make some policy decisions in certain areas that he listed. We are also told that he would need to be instructed on the way that legislation is to be drafted. The PDT have not yet met to consider the issues that have been raised with us. However, we will be doing so in the very near future, after which we will report back to the PDG to ask for approval of our proposals.

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Thank you, sir.

The Speaker: Thank you.

Is there anybody else? Conseiller Antony Dunks.

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Conseiller Dunks: This relates to the Development Control Law next milestone and date. The current reading says:

Replacement Team Leader will be approved by the Policy Development Group. The Group met and it decided that the Team would find a new Team Leader from within its number.

At the last meeting of the Team we never chose a leader, so it is still to be decided.

The Speaker: Okay. Anybody else?

625 In that case, we will go to the Proposition, that Chief Pleas takes note of the contents of this progress report. Those in favour; any against? That is **Carried**.

**Education (Sark) (Amendment) Ordinance, 2018
to be numbered IX of 2018**

The Speaker: Now, as I have been reminded by Conseiller Sebastien Moerman, Agenda Item 6, the Education (Sark) (Amendment) Ordinance, 2018: this Ordinance will be numbered IX of 2018.

**8. Development of Budget Policy –
Finance & Resources Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Finance & Resources Committee entitled 'Development of Budget Policy'.

Proposition:

That Chief Pleas notes the content of the attached report by Mr Darren Smith.

The Speaker: We now go to Agenda Item 8, to consider a Report with Proposition from the Finance & Resources Committee entitled 'Development of Budget Policy'.
630 Conseiller Sebastien Moerman.

Conseiller Moerman: Thank you, sir.

635 With the assistance of Mr Darren Smith, from the States of Guernsey, who is also cost neutral to the States of Guernsey, F&R has developed a road map towards a more efficient and modern budget policy. We have built from the foundation laid by my predecessor, Conseiller Robert Cottle and Conseiller William Raymond and, of course, our last Treasurer, Mrs Wendy Kiernan, all having been instrumental in initiating a sound budget and control process for the finance and resources of the Island.

640 You will have noted a more collaborative budget process this year, with several workshops being held with Committees. Despite the key focus of our work being on making savings by efficiencies within operational Committee budgets we are looking at a budget increase. This is mainly due to the inclusion of a capital programme, the impact of recent reviews – the education review, for example, and the planning for an appropriate civil service structure to support Chief Pleas. Additional controls and financial governance are being implemented. Purchasing and
645 procurement requirement will now be controlled by the Treasury. All bank accounts are now controlled and monitored by the Treasury. Individuals in breach of these policies should be held personally liable for unapproved orders.

650 Now the time has come for responsibility, transparency and accountability when dealing with public money. And when it comes to unbudgeted spending I would invite the Chairman of the Douzaine to refer to His Excellency's letter to the Speaker of Chief Pleas dated 2nd February 2018, into which he was copied.

655 Planning and budgeting for all Island employees will now be centralised and monitored by F&R. We are looking, with the Douzaine, at establishing a designated ring-fenced, Procureur Fund in order to build a reserve to support long-term strategies and to capitalise that fund with circa £200,000 from reserves.

Last but not least, we are convinced of the imperative need to invest in an expanded civil service function to support a reduced Chief Pleas with a full-time qualified accountant that will lead the Treasury function and a full-time, experienced Head of Paid Service.

Thank you.

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The Speaker: Thank you, Conseiller Moerman.

You mentioned an increase in budget, are you talking about an increased budget for 2019 or are you talking about unbudgeted expenditure in 2018?

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Conseiller Moerman: No, it is for 2019, the first one.

The Speaker: Okay, thank you.

Right, anybody else? Conseiller Diane Baker followed by Conseiller Reg Guille.

Conseiller Diane Baker.

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Conseiller Diane Baker: On the Budget Update written by Darren Smith, first page, number 3, all Committees agreed to:

Support the generation of opportunities to reduce operating expenditure (thereby reducing the net cost of the Committee functions).

In my dim little mind I am not overly sure what that means. However, I will assume we are all going to be very careful about what we spend and how we spend it. That is how most Conseillers and Committees are working, we do not set out to spend, spend, spend.

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I am concerned about the improvements in budgeting and reporting on pay, bottom of the second page:

All pay/staff costs [and related FTE's] to be consolidated and reported as part of the Policy & Finance Committee regardless of the Committee that these staff resources support.

Now if that means, on the budget, all pay and staff costs will be under one item from Finance, that is fine. But if there is a suggestion that Finance will employ staff and only Finance will employ staff, meaning that the Douzaine cannot employ its work team, Tourism cannot employ its Visitor Officers and Medical cannot employ its surgery manager and secretary, that is quite another matter.

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The Procureur Fund – we are discussing ring-fencing their budget allocation, but you are also suggesting Education applies to the Procureur if funding is needed for a child at the school. I believe this should come through the Education budget and Committee and if I can again refer you to item 11 on the new Education Mandate, it does say:

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to liaise with the Finance and Resources Committee over funding for any work undertaken by Health & Social Care in Guernsey.

I also believe that any child who comes through the Safeguarder for Health should be funded either through Education or straight through Finance, as the Children's Panel did.

Under the expanded civil service function, bottom of the third page, the Report says:

it would be worth further consideration of a lead 'works/operational' position, holding responsibility for the Island workforce ...

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We have dismissed this idea already but, of course, coming back to Chief Pleas for a second time is not a problem. But I still cannot see why you would want to employ someone to oversee this workforce. It is done by Public Works and Douzaine Committees without cost to the Island. Now, if you are not happy with that aspect of these Committees, do come along and discuss what advantages you see to justify that cost. Sadly, I see on the advertisement from Education that they are already using this system, suggested by Finance, when looking for a cleaner. They are asking

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700 for a cleaner for five hours a week, term time, plus six days, employed to clean the school building during term time with occasional holiday working, and a cleaner co-ordinator for six hours a week, employed to ensure that the school building is clean and complies with all requirements for health and safety and to manage other cleaning staff. The advert states at the beginning that you can apply for more than one role. I find it a little confusing, but let's see how it works.

Last page, financial governance:

All purchasing, and procurement requirements must involve Treasury in advance of any 'order' being placed with a supplier.

And the second bullet point:

Valid purchase orders must be placed with suppliers in order for full visibility of any commitment to be captured and forecast/reflected in the monthly financial statements.

705 For me, this is bureaucracy gone mad. The Douzaine needs to do its own housekeeping and have the budget which allows that task. For instance, if a machine used to cut hedges or paths gives up the ghost unexpectedly, and that does happen, it would need replacing immediately. There would soon be complaints if we were waiting to get permission from Finance and the Treasury while the work piled up.

710 Tourism should be allowed to carry on with its shop trading element as it stands today. I worked on Tourism and I can see the sense in that. Why do we need to work out the cost of the shop staff, cost of sales? The Visitor Officers are there working, there is no extra cost involved and I strongly suggest Tourism insists it stays as it is and we support them in order to keep the separate fund, it does not need to be a part of the budget.

715 So while we are taking note of the Appendix I suggest Finance takes note of what is said here in Chief Pleas.

Thank you.

The Speaker: Thank you.
Conseiller Reg Guille.

720 **Conseiller Guille MBE:** I thank Conseiller Diane Baker for that, because I will be covering similar areas but put in a different way.

725 Conseillers, please note that this is a 'to note' Report, which says to me it will be back next month as a set of proposals, albeit that the Report is there to note only the Budget Update paper prepared by Mr Darren Smith.

730 I would like to make some detailed comments on the Budget Update paper as follows: under the heading 'Annual Net Budget Increase' I would wish to look at the third bullet point dealing with the enhanced civil service, part of which is the full-time qualified finance professional, to be known as the Treasurer. I would wish to point out that the Reform Law does not call for a qualified financial professional, and this was a deliberate policy decision taken in the time leading up to the introduction of the 2008 Reform Law. And no policy decision to change that has occurred since then. In my opinion, there will need to be a very clear Proposition at some time soon to change that policy and if the policy is changed then the Reform Law should reflect that decision under the provisions for the Treasurer at section 50.

735 Under the heading 'Improvements in budgeting and reporting on pay' I would like to say that I have said for many years that remuneration across Government is not consistent when many hourly paid workers earn far more annually than do the salaried members of the Government. It had been my hope that the establishment review, set up in 2016, would have reported on this issue of remuneration, but we know how moribund that review has become. Too often a Committee gets its workers pay rises over and above RPI in a piecemeal manner. I hope that this

740 initiative will go some way to correcting that situation but it cannot do what should have been done in the establishment review.

Under the heading 'The Procureur Fund' I am delighted to see that we are returning to the 2002-03 system because at that time there was a ring-fence around the Procureur Fund, but it was taken away by the then Finance Committee to bolster the General Fund. I cannot recall the amount, but it was not dissimilar to what is being proposed now.

745 Under the heading 'An expanded civil service function' I consider that the first bullet point does not give us a Treasurer in a timely manner. We were told last year, in November, that the Law Officers advised that the post should not be left unfilled for anything much longer than six months. Well, here we are in the seventh month and this paragraph looks to have someone in place by 750 2019 – a full year with a vacancy in that role.

I also do not believe that the Treasurer should be the line manager for the Tax Assessor, as is proposed, and here I quote from the Direct Taxes Law schedule 2, the Assessor's Status:

The Assessor is not a servant or agent of Chief Pleas or the Committee, but is a holder of public office and is under a duty to discharge the functions of that office with complete fairness, impartiality and independence.

You will need to read that Law and schedule for yourselves, but I would urge the Committee to seek legal advice on that point. To my way of thinking, if you are line-managed you are subordinate to another person.

755 The second bullet point deals with the Head of Paid Service i.e. the Senior Administrator and is somewhat premature as Chief Pleas has not yet made that decision. Yes, there has been opposition in Chief Pleas to a fully staffed civil service and this was made very clear when Chief Pleas last year rejected a parliament of 14 Conseillers supported by a full civil service. Chief Pleas 760 opted to reduce numbers to only 18 Conseillers – and strangely enough we are down to 18 already – but maintain the present level of civil service support. That was what was decided last year. Most other democracies in the world, including our neighbouring islands, are trying to reduce their civil services when we are being pushed into expanding ours.

This Report also brings back the idea of a works/operational position, which was also rejected two years ago and which Conseiller Baker also raised issue with.

765 Finally, may I ask the Committee if they are intending to bring a draft budget forward in August to be looked at during an Extraordinary Meeting?

Thank you, sir.

770 **The Speaker:** Thank you.

Before I ask Conseiller Sebastien Moerman to respond to comments, is there anybody else who wishes to speak to this Item? I have got Conseiller Sandra Williams and Conseiller Edric Baker.

Conseiller Sandra Williams.

775 **Conseiller Sandra Williams:** Thank you.

I would just like to make an observation:

Support the generation of opportunities to reduce operating expenditure (thereby reducing the net cost of the Committee functions).

780 I worked long and hard with Darren to try and reduce the Tourism budget – well, to cope with the Tourism budget that I had been told I could have this year. It has had two knock-on effects: it has meant that my Visitor Officers have not been able to go to Guernsey for the Seafront Sundays because we have not had the money and the facilities for them to go. It also meant that we have not been able to open our office on a Sunday. I would just like to ask that in future, before they decide that we cannot have it, come to the office and find out what we actually use it for. I am hoping we are going to be given the opportunity to put our budgets together this year as we normally have and answer some of those questions.

785 The other thing I wanted to bring up was the fact that they are now looking at using our shop
account to put back into the normal money for the Island. The shop trading account is something
that is not widely known by many people, but every year we buy certain things in the office and
we sell them, and the profit we make goes into our shop account. And when things come along
790 that we have not got money for we pay for it out of the shop. Last year we spent nearly £6,000 on
extra advertising because we did not have the money left in our budget and we felt that the stuff
that was being asked of us to advertise in was very relevant so we went ahead and did that, and
it would be a shame to lose that facility.

But, as I say, I would like to know if and when we are going to be asked to submit our budgets
for next year and if more consideration could be given before they take money away please.

795 **The Speaker:** Thank you.
Conseiller Edric Baker.

Conseiller Edric Baker: Yes, sir.
800 Before I make a statement I would like to reply to Conseiller Moerman's threat, intimidation,
bullying –

A Member: Oh dear.

805 **The Speaker:** I am sorry –

Conseiller Edric Baker: I have been bullied for the last 10 years by far more important people
than him and I do not like it. *(Laughter)*

810 **The Speaker:** Conseiller Edric Baker, you know better than that.

Conseiller Edric Baker: Right. The introduction for this paper:

This document is intended to provide an update on the budget preparation process in order to inform Chief Pleas.

815 Good introduction, that sounds good, but when you open the pages you see, 'An expanded
civil service function', what has that got to do with the budget process? Finance & Resources have
taken a professional, like Darren Smith, and got him to write this Report which is, I suppose, fine
in itself, but this is not the way to expand the civil service, this is underhanded. Let's do it
straightforward to Chief Pleas, let's have a proper debate on it, not this sneaky little thing that
goes on here and at the end of it we will take note of the Proposition no doubt, somewhere.

820 The point is Conseiller Guille has said about the Tax Assessor, which is exactly what I was going
to say. I was President when the role of Tax Assessor was set up, I served as Deputy Tax Assessor
for several years. It is an independent post – you cannot start meddling with the Tax Assessor.

There are so many things in this Report that I could pick on, it is just not worth it.

Thank you.

The Speaker: Thank you.

825 Is there anybody else? Conseiller Sebastien Moerman.

Conseiller Moerman: Right, first of all, I do not think I am a bully and I do not think I am threatening people. I would just like to point out that there are rules, some of them actually in the Reform Law and Conseiller Baker is not above the law, especially when you come to unbudgeted expenditure.

830

We have a very tight budget and, I am sorry, what do you want? Do you want us to do a budget or let's not do a budget because anyway it is always ignored? Looking at the budget or the level of budget of the Douzaine this year it is already above budget. We had a very tight budget and we are trying to fund various unbudgeted this and unbudgeted that. So, I am sorry – money, finance, it is reality and we cannot carry on with more this, more that. And I am sorry, Conseiller Williams if the £20,000 of shop have to be taken away from your Committee because there are other holes to fill.

835

Now, the point on employment, no, we do not want to control all the employees of the Island, we just think that for accounting purposes if this was held in one position it would be better managed and better controlled. And, by the way, we do feel that in this day and age it is important for Island workers to have employment contracts.

840

On the civil service point we have complete disagreement, it is true, between a few Conseillers and most of Chief Pleas, but next year we have a reduced Chief Pleas and it is not going to be able to operate without a proper civil service, sorry.

845

Thank you.

The Speaker: Okay. We will go to the Proposition ... Conseiller Sandra Williams.

Conseiller Williams: Could I just come back to my question, are we going to be asked to submit our budgets, please?

850

Conseiller Moerman: There will be a workshop and, as I said, there will be a collaborative approach where your budget is being discussed and done together.

Thank you.

855

The Speaker: We will go to the Proposition that Chief Pleas notes the content of the attached report by Mr Darren Smith. Those in favour; any against? That is **Carried**.

**9. Finance & Resources Function – New Shape of Chief Pleas –
Finance & Resources Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Finance & Resources Committee entitled 'Finance & Resources Function – New Shape of Chief Pleas'.

Proposition:

That Chief Pleas takes note of this Report.

The Speaker: Agenda Item 9, to consider a Report with Proposition from the Finance & Resources Committee entitled 'Finance & Resources Function – New Shape of Chief Pleas'. I understand the Conseillers Sebastien Moerman, Jane Norwich and Roger Norwich wish to introduce the Report.

860

Can I call on Conseiller Sebastien Moerman.

Conseiller Moerman: Conseiller Elizabeth Norwich will introduce the Report, sir.
Thank you.

865

The Speaker: Okay. Conseiller Jane Norwich

Conseiller Elizabeth Norwich: Thank you.

870 I think this Report is quite long enough so I am not going to say very much, other than to say the table within it covers all of the different things that F&R is mandated to do. Hopefully the third column explain some of the reasoning why and how we try to make things work.

Some things that are in our mandate we currently either do not do or do not do enough of, and for that we apologise, but there are not enough hours in the day, or the night for that matter.

875 I would like Conseillers to look particularly at the current Committee and what it is doing, how much work and for those who will be in Chief Pleas next year, this is the amount of work that needs to be done for that function whether it is as a subcommittee of a new Committee or as a combined part of that new Committee. It is a significant amount of work, and we need Chief Pleas support to make it work.

880 **The Speaker:** Thank you.

Any comments, or anybody else wish to speak?

Conseiller Diane Baker.

885 **Conseiller Diane Baker:** The objective of the Report is to inform us all what functions are undertaken by Finance & Resources, and to that end you have expanded on the information within the Mandate, and that sounds reasonable enough.

I am not an accountant, I have no experience in book-keeping, but I am a housewife and I can budget what money I have in my purse and what I can spend in order to spend wisely. What I do not want is my mother-in-law looking over my shoulder.

890 So a couple of comments on your notes. Page 3, the first bullet point suggests two persons working together to act as a control check. Within Committees there are more than two people working together, but I suspect you are indicating more paperwork.

Capital project, page 5, bullet point 4 of the Responsibility column: a capital project of more than £1,000 will have a business case, which may themselves require considerable resources to develop these properly along with the initial costings for the project. It goes on.

895 You are surely just adding to our workload. The Douzaine has up to now been able to employ people for a job needing to be done up to the amount of £2,000; so you are effectively taking that away from us, and I do not agree with you.

900 Page 6, under Financial Gain, mentions two persons working together, but again it is a Committee decision on what gets spent, not one Member of that Committee.

There is a lot to take in with this Report, but I do hope that Chief Pleas agreeing to take note does not mean you assume we agree with everything.

One last comment on page 16, Finance & Resources Committee support, fourth line down, you write and I quote:

As this is a 'zero-hours' agreement the costs for this are controlled by the level of work involved.

905 Could you please remember this when asking other Committees for costs. We cannot always know what cost may be involved, but I do feel that many of us work to keep costs down.

910 This brings me back to the comment about my mother-in-law. Sark Conseillers in Chief Pleas do try very hard to balance the books. We have a healthy bank balance; we are not spending unnecessarily. Admittedly we are learning all of the time a better way to manage our business. But with the greatest of respect to Sir Ian Corder and the office of Lieutenant Governor, I think it

is time we dealt with all of our accounting ourselves, without someone else looking over our shoulders.

The Reform Law says we must submit our budget to the Lieutenant Governor for approval once Chief Pleas has approved it – section 59, under Annual budget; and again, section 61 says:

No expenditure shall be incurred otherwise than in accordance with the Budget, as approved pursuant to section 59, except with the consent of the Lieutenant Governor.

915 When we started work on the Reform Law so many years ago, one of the ideas we wanted to hold on to was anything in the Reform Law that did not have to be changed stayed as it was. So the reference to the Lieutenant Governor stayed in our finances.

But so much has changed. I think we finally accept that change sometimes is best, such as with the Law on Retrait being abolished today.

920 In January 2019 when the new Committees are filled, I shall write to Finance and ask that they look into the Governor's position with in Sark's Budget. We did discuss this some years ago, but with so much going on, it got lost in the pipeline. I would hope there will be support in Chief Pleas to look at this closely, with a view to having a debate in Chief Pleas.

925 **The Speaker:** Thank you. Anybody else?

I have now got Conseiller Edric Baker and ... Sorry, Conseiller Reg Guille, did I call you? I saw your hand go up.

Conseiller Guille MBE: You saw my hand go up, but you did not call me.

930

The Speaker: No, well, there is nothing nasty or bullying about that, I assure you. *(Laughter)*
Conseiller Reg Guille.

Conseiller Guille MBE: This is a very detailed Report and I very much suspect the hand of
935 Conseiller Elizabeth Norwich is to take credit for that. It was a shame when we lost her from P&P because she makes such clear and detailed observations.

If I could make a couple of comments on the Report, under the background section it talks about the decision taken last December to employ an appropriately qualified person for up to six months for an average four days per month to do that which was set out in Appendix 1 to the Report. Well, that six months is up. I make 1st January to 30th June a period of six months. So how
940 is it that F&R can ignore a Chief Pleas resolution to employ someone for six months and then extend it because the money allocated has not been spent? That is not a good example to send out to the spending Committees – 'You are to do as we tell you but we can make up our own Rules as we go along.' It was their responsibility to ensure the workstream was completed within the
945 timescale set by themselves and supported by Chief Pleas.

I would like to pick up one point under their detailed mandate on page 9, dealing with property maintenance and letting. I believe there is a misconception in the F&R Committee on the day-to-day management of most of the land and properties.

950 The Island Trustees have ... and I have suddenly realised a whole chunk of my speech has disappeared! Totally gone. So I will go back and try and remember what it was that I said.

I believe that there is a misconception in the F&R Committee with regard to that aspect. Sark Chief Pleas was given the ability in the 2008 Law to have legal personality. Prior to that Law it did not have that legal personality, and it exercised that legal personality through the Island Trustees, of the Seigneur, the Seneschal, now the Speaker, the Greffier and the Prévôt – or the Prévôt and
955 the Greffier, to give them the right order of seniority.

When the Reform Law was approved and it had been brought into use, the Trustees at the time, and I was one of them, produced a complete and detailed list of every single piece of land building, whatever, that the Trustees managed on behalf of Chief Pleas, because the intention by

960 the then GP&A Committee was that that responsibility of the Island Trustees would be taken from them and subsumed into Chief Pleas, probably to its constituent part of Committees.

I know it went as far as the Law Officers to enable them to consider drafting legislation to effect that change and remove the Island Trustees from the land management and property management aspect that they do on behalf of Chief Pleas. It did not happen. Therefore, in my opinion, the Island Trustees are still those responsible for the day-to-day management of the land and properties and in many areas the Trustees have, over the years, devolved day-to-day management functions to the Douzaine who manage it on behalf of the Trustees, such as the quarry site at the bottom of the Harbour Hill; the land at Les Laches; this Assembly Room. But the Trustees are still the ones at the top of the food chain as far as property and land on Sark is concerned. So I believe that aspect is incorrect and I would ask the Committee to discuss the issue with the Island Trustees.

970 Had the GP&A Committee gone ahead with the schedule of properties and land that the Trustees had given them, then the Trustees would only have been left to be responsible for those properties subject to a Law such as the Ville Roussel Trust Law, etc. Maybe the time is now right under the concentration of responsibility into the Policy & Finance Committee next year for this to happen.

975 Would the Committee now tell us – and I am now moving off that subject – how much they expect the proposed Treasury function on pages 14 and 15 will cost?

I also note on page 15, in the final paragraph of this section, that it repeats the line management issue of the Tax Assessor that I took up under the Darren Smith Report.

980 Their heading, ‘CSO support’: the new Policy & Resources Committee is mentioned on the last page and both the current Policy Committees agree that a CSO should be employed only to look after that Committee and undertake no other function. That is something that is going to have to happen in the very near future.

985 Finally, I would ask the operational Committees to scrutinise the very detailed mandate provided here against their approved mandates to ensure that responsibilities have not been taken away from their mandates as approved by Chief Pleas. This expanded document is not the approved mandate of the F&R Committee. The approved mandate is in the papers; this is an expanded version. And it is only to be noted in the Report’s Proposition.

Thank you, sir.

990 **The Speaker:** Thank you, Conseiller Reg Guille

Can I just say that the Trustees do regularly discuss their responsibilities and if there is a suggestion that somehow we should also open discussions from the Finance Committee, we are happy to meet them if that the case.

995 Conseiller Reg Guille.

1000 **Conseiller Guille MBE:** I was not saying you were not doing that, sir. What I was saying is that you have that responsibility and it is not a current responsibility of the F&R Committee which is listed in their detailed mandate as one of their responsibilities. You the Trustees have the legal personality for Chief Pleas’ owning of land and property, and until such time as Chief Pleas formally takes it off you, then another Committee cannot take that function away from you.

The Speaker: Thank you. I was merely pointing out, though, that we are with fully aware of those responsibilities and do fulfil them.

1005 Conseiller Edric Baker.

Conseiller Edric Baker: Well, once again, most of what I was going to say has already been said, but I can elaborate slightly, to do with the management, repairs and maintenance of Island properties.

1010 In July 2009, a Proposition went to Chief Pleas: ‘that Chief Pleas resolves to authorise the
Trustees to delegate to the Douzaine their powers of management, repair and maintenance of
property previously managed by the Douzaine.’ That went to Chief Pleas and was accepted. It just
enforced the fact that we were repairing the properties and dealing with them, and this was
accepted by Chief Pleas. So Conseiller Guille was absolutely right, that did happen and there is a
1015 list of properties that we do take care of.

It is also in our mandate, which of course is exactly the same as F&R’s Mandate Items j and k.
We have adopted exactly the same wording as the Douzaine mandate. Now, we have the
responsibility through the Island Trustees. I do not believe F&R have that responsibility but if they
keep on saying they do, then I suppose if you say it long enough it happens, but I do not think it is
1020 correct. And if you would like to check up on the Douzaine’s mandate, you will see the wording is
exactly the same, at 14 and 15.

The Report: taxpayers are mentioned throughout the Report I am very concerned for our
resident taxpayer. I find it extremely difficult trying to explain to Sark people who have lived in
Sark all their lives that now we need a lot more chiefs at huge salaries compared with Sark
standards; but what about the Indians? What about the workers that we need all the time? Oh
1025 no, we have got to cut their budgets down. Our budget was slashed by £30,000 last year. And still
we managed to save or put into reserves £87,000 – but still the operational Committees must be
made to pay for the Civil Service.

We had these discussions with Darren Smith and he got very upset about it because of course
1030 he is a highly paid civil servant.

What is to happen in the future? Where is this money coming from? How are the taxpayers
paying more? I really think the Committee have got to think long and hard about this.

Thank you.

1035 **The Speaker:** Thank you. Anybody else?
Conseiller Sebastien Moerman, do you wish to respond to any of that?.

Conseiller Moerman: Who has said that ... ?

1040 **The Speaker:** Sorry, I understand that Conseiller Pauline Mallinson had her hand up, but it was
behind somebody’s head so I could not see it! I will call you first, Conseiller Pauline Mallinson.

Conseiller Mallinson: It is just a small point, but when I read on page 19 what the Report
actually says, all these comments about ... I would hesitate to use the words, ‘land grab’ from
1045 Finance & Resources. What they have actually said in the Report is ‘maintenance of Island
property *other than* that under the control of Island Trustees’. So the wording is *not* to do with
the property that the Island Trustees control; it is any other property.

Thank you.

1050 **The Speaker:** Thank you. Conseiller Sebastien Moerman.

Conseiller Moerman: I would thank Conseiller Mallinson for clarifying the position. I was about
to do it.

1055 Who has said that the taxpayer will suffer? If you look at the budget that was presented by my
predecessor at the time, that was covering a civil service function with no increase in taxation so
you cannot say that the Sark taxpayer is going to be the victim of an increased Civil Service. This
is not the case.

Now, regarding the Island workers you mentioned, Conseiller Baker, I think the Island workers
are rather more concerned by your property expenditures around La Coupée, rather than our
1060 budgeting process. I think actually one of them has lost his own employment as a result.

Thank you.

The Speaker: Okay, we go to the Proposition, that Chief Pleas ...
Conseiller Jane Norwich.

1065

Conseiller Elizabeth Norwich: I just wanted to answer Conseiller Diane Baker's request about the two people looking at accounts. It is normal accountancy practice, particularly with the overall levels of money that is spent, that four eyes look at what is being spent and make sure that it is balanced and accurate. It does save us on the review costs that we have to do at the end of the year and it is normal, standard practice.

1070

The Speaker: Thank you.
Conseiller Reg Guille.

1075

Conseiller Guille MBE: Thank you, sir, and for the tired note in your voice!
The wording there is 'maintenance of Island property other than under control of Island Trustees'. What I was trying to get over was the fact that *all* properties, *all* land is controlled by the Trustees. There is nothing else, unless Chief Pleas takes that next step of removing the Island Trustees from certain areas.

1080

Chief Pleas has legal personality to do that. It has not done it. Therefore all property and all land remains vested in the Trustees.
Thank you.

1085

The Speaker: Right. We now go to the Proposition that Chief Pleas takes note of this Report. Those in favour; any against? That is **Carried**.

**10. Proposed Rise in Rubbish Charges –
Douzaine Report considered –
Propositions carried**

To consider a Report with three Propositions from the Douzaine entitled 'Proposed Rise in Rubbish Charges'.

Proposition 1:

That Chief Pleas approves that from 1st August 2018 the quarterly rubbish charge charged to households and businesses be raised in accordance to the figures shown in Table 1.

Proposition 2:

That Chief Pleas approves that from 1st August 2018 the amount payable for each load of sewage shall be £18.37.

Proposition 3:

That Chief Pleas approves that from 1st August 2018 the quarterly rubbish charge charged to households and businesses be raised to recover the cost of the new shed, in accordance to the figures shown in Table 2.

The Speaker: We go to Agenda Item 10, to consider a Report with three Propositions from the Douzaine entitled 'Proposed Rise in Rubbish Charges'.
Conseiller Edric Baker.

1090 **Conseiller Edric Baker:** Yes. I would like to start by clarifying a point here. We did make a mistake in the Report. It has been pointed out and this is at the bottom of page 1, when we say, 'Rather than request the money come from "unforeseen" it came instead from within the 2018 Douzaine budget.' That is incorrect. The money for this large shed should come from the reserves.

1095 **The Speaker:** Thank you.

Just to clarify that. In my capacity as Speaker, I did ask the Lieutenant Governor for his agreement to that expenditure and I think what you are confirming is that that was the correct way to do it. (**Conseiller Edric Baker:** Yes.)

Thank you.

1100

Conseiller Edric Baker: Thank you, sir.

Yes, I think this is quite a detailed report. I think we have been lax with our charges. We have been very careful not to impose too much on the public, but we have fallen short of what was required to maintain the facility at the harbour and elsewhere, and this is just an indication of how much charges should go up to cover this. I hope that it will have the support of Chief Pleas.

1105

Thank you, sir.

The Speaker: Thank you. Does anybody else wish to speak? I have got a brace of Norwiches. (*Laughter*) I have got Conseiller Jane Norwich, Conseiller Diane Baker and Conseiller Roger Norwich.

1110

Conseiller Jane Norwich.

Conseiller Elizabeth Norwich: I just wanted to thank Conseiller Bateman for all his hard work in the work behind the shed and working out how it is going to be paid for, which comes back to the increased charges. We should be covering the cost of all our rubbish and Conseiller Bateman was very proactive and business-like in getting it sorted.

1115

The Speaker: Thank you.

Conseiller Diane Baker.

1120

Conseiller Diane Baker: Some years back we looked at the charges for rubbish collection, as the Douzaine considered they were unfairly distributed. We took the income from the rubbish collection charged to each household and decided the best way forward was to charge per adult. That made one lady on her own was responsible for one person, whereas four adults living in one house paid for four people. It seems daft today to do it any other way! We were looking to cover the costs as they were then.

1125

Soon after that, people decided to put out far more rubbish than they previously had – after all, they were paying for it. A simple part was that we had not collected newspapers, but expected people to take them back to the recycling skip. After all, if you can go and get your newspaper, surely you can take them back. That is not what happened. People wanted their old newspapers collected.

1130

Time moves on and as we have said in the Report, Amazon Pantry has made a huge difference to the collection of cardboard. It sounds really petty, but it all adds up. There does not seem to be a will any more to compost your own food and garden waste, but the extra cost of these items was never added to the collection of your rubbish collection, so we really are collecting more for less.

1135

There is a will to recycle and when our shed is here and up, we hopefully will manage to do better, but there will be a further cost. Finance are saying, quite rightly, that we need to cover these costs, so we can expect the charges for dealing with the Island's rubbish to go up further in the foreseeable future.

1140

The Speaker: Thank you.
Conseiller Roger Norwich.

1145 **Conseiller Roger Norwich:** I would just like to add a comment of support regarding these Propositions but would like to comment with regard to the hotel and guesthouse and restaurant charges, which I think are really modest and could be looked at in the future as a further source to cover any shortfall.

1150 When you consider that some of the premises in Sark can be rented for up to £1,500 or £1,700 a week and some restaurant charges are absolutely eye-watering, I think the charges that are made are extremely modest and could in the future be looked at in terms of raising further revenue.

The Speaker: Thank you. Okay, anybody else?

1155 In that case, we will go to the Propositions. Proposition 1: that Chief Pleas approves that from 1st August 2018, the quarterly rubbish charge charged to the households and businesses be raised in accordance with the figures shown in Table 1. All of those in favour; are the any against? That is **Carried**.

1160 Proposition 2: that Chief Pleas approves that from 1st August 2018, the amount payable for each load of sewage shall be £18.37. All those in favour; any against? That is **Carried**.

Proposition 3: that Chief Pleas approves that from 1st August 2018, the quarterly rubbish charge charged to households and businesses be raised to cover the cost of the new shed in accordance to the figures shown in Table 2. All of those in favour; any against? That is **Carried**.

**11. Consultation Regarding the Deregulation of Electric Bicycles on Sark Roads –
Road Traffic Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Road Traffic Committee entitled ‘Consultation Regarding the Deregulation of Electric Bicycles on Sark Roads’.

Proposition:

That Chief Pleas approves that the Road Traffic Committee undertakes appropriate consultation with the residents of Sark on the subject of the possible deregulation of electric bicycles on Sark roads.

1165 **The Speaker:** We go to Agenda Item 11, to consider a Report with Proposition from the Road Traffic Committee entitled ‘Consultation Regarding the Deregulation of Electric Bicycles on Sark Roads’.

Conseiller Antony Dunks.

1170 **Conseiller Dunks:** Chief Pleas will be aware that this is a returned Item from the previous Chief Pleas, though with the reference to electric vehicles removed from the Proposition and the Report.

Just to add some background, the Motor Vehicles (Sark) Law, 2013 defines an invalid carriage as:

‘an electrically propelled vehicle (other than a powered wheelchair) the weight of which unladen and excluding the weight of the traction batteries does not exceed 254 kilograms ...’

It also includes:

(b) a bicycle or tricycle which -

- (i) has a kerbside weight not exceeding -
- (aa) in the case of a bicycle, 40 kilograms, and
- (bb) in the case of a tricycle, 60 kilograms,
- (ii) is fitted with pedals by means of which it is capable of being propelled, and
- (iii) is fitted with no motor other than an electric motor which –
- (aa) has a continuous rated output which, when installed in the vehicle with the nominal voltage supplied, does not exceed 250 watts,
- (bb) cannot propel the cycle when it is travelling at more than 15 miles per hour, and
- (cc) cannot propel the cycle when the cyclist is not pedalling; save where the cycle was licensed for use on the Island on or before 10th April 2013,

1175 when the Law came into effect.

The current situation in the Law is that electric cycles are treated as invalid carriages, which means that the person wishing to use an electric cycle defined as within the Law I have just explained still has to get a letter from the doctor saying that they are incapable and need such a vehicle, that they have appropriate insurance, that they take on a test, and that they have paid the appropriate tax.

1180

The public who have used the vehicles have come back saying that they would like to see us separate this definition of electric cycle out of an invalid carriage. That was the intention originally of the draft for the deregulation going to public consultation to see whether they were happy with this or whether they wanted to go further.

1185

The Report comes back with this Proposition to consult the public regarding the deregulation of electric cycles on Sark roads and limits it to that only.

Thank you.

The Speaker: Thank you.

1190

I have got Conseiller Roger Norwich indicating. Anybody else?
Conseiller Roger Norwich.

Conseiller Roger Norwich: Mr Speaker, thank you.

1195

I was, after the Easter Chief Pleas, characterised in a certain scurrilous publication as being a lover of diesel fumes and noisy tractors. Nothing could be further from the truth! In fact, I believe that the previous Proposition three months ago was loosely worded and I welcome this further description of the regulations by Conseiller Dunks, and I would very much like to support this.

I would also suggest that we are very careful what we do begin to allow on Sark and we certainly do not allow vehicles which are called bicycles but are in effect electrically powered motorcycles to be allowed on the Island.

1200

The Speaker: Thank you.

The Proposition actually is regarding a consultation exercise, of course.

I think Conseiller Stephen Taylor had his hand up. Is there anybody else? Conseiller Reg Guille.

1205

Conseiller Stephen Taylor.

Conseiller Taylor: Thank you, sir.

I would just like to say I was somewhat surprised at the last Chief Pleas meeting, when this previous Proposition was voted down. I thought it gave a very bad message to say that this Assembly feels it does not want to consult the public, so this time I would certainly like to say I want to support this proposal because it is about consultation that will then enable Chief Pleas and the Road Traffic Committee to come up with an informed debate for the future use of electric on Sark.

1210

Thank you.

1215

The Speaker: Conseiller Reg Guille.

1220 **Conseiller Guille MBE:** Can I ask, please, that any consultation questionnaire distribution is based upon that of the recent liquor licensing consultation, which was devised to prevent multiple entries by more than one person and was very successful in that regard. So I believe that consultation was very well put together. Distribution was superb. The putting together of the consultation went well and I hope that this one on electric bicycles follows that same model.
Thank you, sir.

1225 **The Speaker:** Thank you. Is there anybody else?
In that case, we go to the Proposition, that Chief Pleas approves that the Road Traffic Committee undertakes appropriate consultation with the residents of Sark on the subject of a possible deregulation of electric bicycles on Sark roads. Those in favour; are any against? That is **Carried**.

**12. Committee Elections –
Conseiller Nicolas Moloney elected to the Harbours & Shipping Committee and
to the Road Traffic Committee**

Committee Elections: To elect Conseillers to Committees, as required.

1230 **The Speaker:** We go to Agenda Item 12. Committee elections to elect Conseillers to Committees as required. There are currently vacancies on Committees as follows: Policy & Performance and Finance & Resources have one vacancy each. Agriculture, Environment, Sea Fisheries & Pilotage and Harbours & Shipping had one vacancy, now have two, following Conseiller Cormac Scott's resignation.

1235 It is my understanding that the Medical & Emergency Committee has one vacancy. The mandate that is on the website calls for four members, and I believe there are only three.

And then Road Traffic has two vacancies, which renders that Committee inquorate.

1240 I have had Conseiller Nick Moloney express an interest in joining the Pilotage, Harbours & Shipping Committee and the Road Traffic Committee. Are there any other nominations for any of the Committees that I have just mentioned?

In that case, I will put it to the meeting that Conseiller Nick Moloney is voted on to the Pilotage, Harbours & Shipping Committee. Those in favour; any against?

1245 And that Conseiller Nick Moloney is elected to the Road Traffic Committee. Those in favour; any against? I declare that Conseiller Nick Moloney is elected to those two Committees: Pilotage, Harbours & Shipping Committee and Road Traffic Committee.

Conseiller Dunks: Could you just repeat the name of the first Committee again, please?

1250 **The Speaker:** Pilotage & Harbours & Shipping Committee.

Conseiller Dunks: Pilotage comes under – *(Interjections)*

Conseiller Guille MBE: It will be Pilotage next year – you are a bit ahead.

The Speaker: Okay, so you are calling it Harbours & Shipping.

1255 **Conseiller Williams:** Harbours & Shipping, yes.

The Speaker: I stand corrected, okay.

Conseiller Nick Moloney is now appointed to those two Committees.

13. Committee and Panel Elections – None

Committee and Panel Elections: to elect Non-Chief Pleas Members to Committees and Panels, as required.

1260 **The Speaker:** Agenda Item 13, Committee and Panel Elections: to elect non-Chief Pleas members to Committees and Panels, as required. Are there any proposals to elect non-Chief Pleas members to Committees and Panels? Okay.

14. Memorandum of Understanding with The Isle of Sark Shipping Company Limited and appointment of new Non-Executive Directors – Finance & Resources Committee Information Report considered

To consider an Information Report from the Finance & Resources Committee entitled ‘Memorandum of Understanding (“MOU”) with The Isle of Sark Shipping Company Limited (“IOSS”) and appointment of new Non-Executive Directors’.

1265 **The Speaker:** In that case, we will go to Agenda Item 14, to consider an Information Report from the Finance & Resources Committee entitled ‘Memorandum of Understanding (“MOU”) with The Isle of Sark Shipping Company Limited (“IOSS”) and appointment of new Non-Executive Directors’.

Conseiller Sebastien Moerman.

Conseiller Moerman: Thank you, Mr Speaker.

1270 This is a long awaited topic, I am afraid, that has caused various unpleasant issues last year. I am pretty pleased to confirm that a new Memorandum of Understanding will be tabled for approval at the Michaelmas Chief Pleas. Mr Martin Thornton, a former Law Officer of the Crown has been retained to amend and reform the current Memorandum of Understanding in consultation with F&R, Harbours & Shipping and the board of IOSS.

1275 The terms of the revised MoU have been agreed by the board of IOSS and F&R, and documentation is being finalised.

Lastly, we are pleased to confirm the selection of Mr Andrew Cook as a Non-Executive Director of IOSS. This appointment shall be submitted to Chief Pleas for approval at Michaelmas Chief Pleas.

1280 Lastly also, I would like to point out there is a mistake in the first paragraph of the Report: the word ‘Deputy’ should be removed; it is the Seigneur, Prévôt and Treasurer.

Thank you.

The Speaker: Thank you.

Does anybody else wish to comment or speak? That is an information item.

**15. Update on the Role of the Treasurer –
Finance & Resources Committee Report considered and noted**

To consider an Information Report from the Finance & Resources Committee entitled 'Update on the Role of the Treasurer'.

1285 **The Speaker:** We go to Agenda Item 15, to consider an Information Report from the Finance & Resources Committee entitled 'Update on the Role of the Treasurer'.
Conseiller Sebastien Moerman.

1290 **Conseiller Moerman:** Thank you, Mr Speaker.
This Information Report is self-explanatory. I have nothing to add.
Thank you.

The Speaker: Does anybody wish to comment? Conseiller Reg Guille.

1295 **Conseiller Guille MBE:** I see in this Report that the six-month appointment of Mr Darren Smith as approved by Chief Pleas is brushed aside, with advice from the Law Officers, so that a resolution of Chief Pleas is nullified without the Committee returning to Chief Pleas for further approval.

1300 I did raise this issue at the Easter Meeting so there was an opportunity for a new Proposition to be brought to this Chief Pleas to extend the contract period. Neither this Report, the information, nor the earlier one gave Chief Pleas the opportunity to say no to an extension of time and the spending of further money by the Committee.

I certainly would not have opposed it, had it come as a Proposition.

1305 This is also tied in with Sark holding a Treasurer vacancy for much longer than six months, which gives me cause for concern. I say it again, F&R act at times as if they are an executive committee and not a policy committee. Chief Pleas is the executive.

The Speaker: Thank you.
Anybody else? That is an information item.

**16. Data Protection Legislation, Training etc. –
Policy & Performance Committee Information Report considered and noted**

To consider an Information Report from the Policy & Performance Committee entitled 'Data Protection Legislation, Training etc.'.

1310 **The Speaker:** We go to Agenda Item 16, to consider an Information Report from the Policy & Performance Committee entitled 'Data Protection Legislation, Training etc.'.
Conseiller Reg Guille.

Conseiller Guille MBE: Hopefully my last rising to my feet, Mr Speaker!

1315 **The Speaker:** I do like the 'hopefully'!

1320 **Conseiller Guille MBE:** I would like to update Chief Pleas on the next training period. It is arranged that the Senior Data Protection Officer, Mrs Claire Eley, from Guernsey will be here to give a further and final data protection presentation to those who have so far been unable to attend. This will take place at 5.30 p.m. in the Toplis room of the Hall on Tuesday, 31st July. Then there will be two further days of Data Protection Asset Register work on 1st and 2nd August for

the remaining Committees and Departments. Further details of whom is required to attend over the three days will be promulgated in due course.

I am happy to take any questions on the Information Report.

1325

Thank you, sir.

The Speaker: Are there any questions or comments from the floor? That is an Information Report.

**Ordinances laid before Chief Pleas –
The Data Protection (Law Enforcement and Related Matters)
(Bailiwick of Guernsey) Ordinance, 2018;
The Data Protection (Commencement, Amendment and Transitional)
(Bailiwick of Guernsey) Ordinance, 2018**

The Speaker: We move to the Ordinances laid before Chief Pleas.

1330

There are two Ordinances laid before Chief Pleas: The Data Protection (Law Enforcement and Related Matters) (Bailiwick of Guernsey) Ordinance, 2018; and The Data Protection (Commencement, Amendment and Transitional) (Bailiwick of Guernsey) Ordinance, 2018. I take it there is no opposition to them? These two Ordinances will be numbered by the Guernsey States.

**Statutory Instruments Laid Before Chief Pleas –
The Data Protection (International Cooperation and Assistance)
(Bailiwick of Guernsey) Regulations, 2018;
The Data Protection (General Provisions) (Bailiwick of Guernsey) Regulations, 2018**

Guernsey Statutory Instrument No. 20: The Data Protection (International Cooperation and Assistance) (Bailiwick of Guernsey) Regulations, 2018.

Guernsey Statutory Instrument No. 21: The Data Protection (General Provisions) (Bailiwick of Guernsey) Regulations, 2018.

The Speaker: Statutory Instruments Laid Before Chief Pleas – there are two: Guernsey Statutory Instrument No. 20, The Data Protection (International Cooperation and Assistance) (Bailiwick of Guernsey) Regulations, 2018; and the Guernsey Statutory Instrument No. 21, The Data Protection (General Provisions) (Bailiwick of Guernsey) Regulations, 2018. I take it there is no opposition to them?

1335

Right, we now have come to the end of our business. I will close the meeting at two minutes past midday.

1340

Greffier, the Grace, please.

PRAYER
The Greffier

Chief Pleas closed at 12.02 p.m.