

# MINUTES of the MIDSUMMER MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 8<sup>th</sup> July 2009 at 10.00 am.

**Present:** Sieur J.M. Beaumont OBE, Seigneur; Lt.Col. R.J. Guille MBE, Seneschal; A.W.J. Adams, Prévôt; T.J. Hamon, Greffier; Mrs. W. Kiernan, Treasurer; and the Constables.

**28 Conseillers** were present at the roll call (see attached list).

## Opening Remarks

- A** Seigneur Thanked the Constables, the Special Constables and all who made the visit of the Earl and Countess of Wessex on the previous day, such a success. They were a most pleasant couple and all who met them enjoyed their company.
- B** Seneschal Offered congratulations to the Bailiff of Guernsey on his recent honour of a knighthood in the Queen's Birthday Honours List thanking him for all his support and advice to Chief Pleas over many years. The Seneschal had been able to congratulate him in person when the Commonwealth Parliamentary Association visited last month. Chief Pleas endorsed the Seneschal's congratulations.
- C** Seneschal Extended his congratulations to Mr. John Gallienne who was awarded the MBE in the same honours list. The Sark Branch of the Royal British Legion and the People of Sark presented Mr. Gallienne with an illuminated Scroll at a Vin D'Honneur in the Island Hall on the 10<sup>th</sup> May this year, for his efforts in bringing the Chelsea Pensioners to Sark for the past 35 years. The House echoed the Seneschal's congratulations.
- D** Seneschal Further congratulations were offered to the Island Games medal winners and team. The team of Richard Dewe, Nick Dewe and Stefan Roberts came away with team silver for Nick and Stefan and individual silver for Stefan Roberts which is once again a tremendous achievement from the smallest team in the Island Games.
- E** R. Dewe Together with his wife, he felt very honoured to witness his son Nicholas and Stefan Roberts standing on the podium in Åland receiving their silver medals for the Automatic Ball Trap Clay Target Team event and seeing the Sark Flag raised on the silver flagpole, not once, but again when Stefan received another silver medal in the individual event, with Nick just missing out on a bronze medal. They were very proud to be representing Sark, one of 25 islands, all much larger than Sark. The Bailiff of Guernsey came to the ranges to congratulate them both on their success and wish them well. Richard also reported that the Island Games Association Clay Target Technical Committee held, on 27<sup>th</sup> June, a minutes silence in the memory of Sieur John Jackson, the late Tenant of La Rade. Richard thanked the House for the support that it gives to those that represent Sark at the NatWest Island Games. The next Games to be held on the Isle of Wight in 2011.
- F** Seneschal Informed the Assembly that Mr. Howard Roberts QC has been appointed HM Procureur (HM Receiver General) and currently also remains as HM Comptroller (HM Solicitor General) and on behalf of this House has wished him well in his new appointment.
- G** Seneschal Informed the House that the Barclay and Slivnik Appeal Hearing in the Appellate Court of the House of Lords, from the decision of the Appeal Court, is set for the 15<sup>th</sup> & 16<sup>th</sup> July 2009. The Seigneur and Seneschal remain Interested Parties in proceedings.
- H** Seneschal Informed the House that he had received from Conseiller Richard Dewe, a letter of resignation as a member of GP&A Committee and also as its Chairman. It was confirmed that the Chairman was now Conseiller Maitland and Conseiller Cole his Deputy.
- J** Seneschal It has been suggested that, as the mailing of Chief Pleas' papers and Minutes is quite costly in terms of postage, the option for Conseillers and Officers to collect their papers from the Committee Office should be considered. He would return to this issue later.

## 1 Minutes of the Easter Meeting on 22<sup>nd</sup> April 2009

- 1.1 Prevel [Correction Item 13.3](#) – Quickcrete does not have to wait for low tide as it will set underwater  
[Correction Item 13.4](#) – Tendering was for **all** work at Havre Gosselin.
- 1.2 Bateson [Correction Item 9.22](#) – replace *criminal* with the word *civil*.
- 1.3 Cocksedge [Correction Item 21.10](#) – remove the words *Dared to suggest* and change to read *Suggested*
- 1.4 The minutes as amended were **APPROVED** by the House with no matters arising.

## 2 Questions not related to the Business of the Day

None

### 3 General Purposes & Advisory Committee

#### Report with proposition circulated at the meeting

#### The Statements Obtained Under Compulsion (Restrictions of Use)(Bailiwick of Guernsey) Law, 2009.

- 3.1 Maitland The purpose of this Projet is to rectify a situation involving the Guernsey Financial Services Commission (GFSC) and its ability to enforce regulations. The advice from the Law Officer is summarised as follows –  
*This law amends all the various provisions which provide for the circumstances in which statements under compulsion may be used, ranging from the non-European Convention on Human Rights (ECHR) compliant (which permitted the statements to be used in all circumstances) to overly restrictive (which did not permit the statements to be used in civil proceedings).*  
Of the thirty laws covered by this Projet, fourteen are Bailiwick laws covering such issues as banking, insider dealing, fraud investigation and insurance. The only Sark measure affected is the trans-frontier Shipment of Waste (Sark) Ordinance, 2001. The International Monetary Fund (IMF) is due to visit Guernsey in early 2010 and the Guernsey authorities, having already successfully put this measure through the States last month, are waiting on Sark before sending this Projet on to The Privy Council. Time is of the essence at this point so it is a majority view of the GP&A Committee that this Projet should go forward and be brought to the House; I leave it open to the dissenting voices on the Committee to put their argument to the House.
- 3.2 Henry Backed the majority decision of the Committee in supporting this proposition but hoped that he might be allowed a small personal protest. The Committee minutes read that GP&A was, and still is, very uneasy with some of the implications for Sark in this Projet. However, it has been told that if we fail to tick the box right now, the IMF assessment of Guernsey will implode with all that might entail.  
Once again Sark is assumed to do what it is told for Guernsey's benefit and not specifically for any benefit of its own. On the other hand, the Guernsey Policy Council cannot fit in even a 2 hour visit for Sark until sometime in September, despite requests being made over several months.  
It would be some recompense if the Policy Council were to consider encouraging Sark's commercial aspirations in gratitude but he feared that we remain strictly a theme park for lobster lunches on Sundays.
- 3.3 Gomoll Similarly intended to back the majority view of the Committee but would like to have had additional advice from Guernsey. The Projet blurs the line between civil and criminal law as a consequence of which procedures in the Sark Court could be affected; can hearsay evidence be used? Despite a letter seeking clarification being sent to the Policy Council three weeks ago, only yesterday evening was any response received.  
The minutes of the GP&A Committee say that no proposition would be put forward today and that the legislation would lay on the table until Michaelmas Chief Pleas but he would support the majority decision of the Committee to go forward with a proposition.
- 3.4 **Proposition – CARRIED**  
That Chief Pleas approve the Projet de Loi entitled "The Statements Obtained Under Compulsion (Restrictions of Use) (Bailiwick of Guernsey) Law, 2009"

### 4 Shipping Committee

#### Information Report

##### Unlicensed Vessels

- 4.1 Cole Following the direction given by Chief Pleas to the Shipping and Harbours & Pilotage Committees at the Easter meeting, the agreed steps were taken to end the use of unlicensed vessels carrying cargo between Guernsey and Sark.
- 4.2 Cole **Isle of Sark Shipping Directors**  
Mr. Robert Taylour has resigned as a Director of IoSS and the Committee registered its sincere thanks to him for the very great service he has given to Sark; he had worked for many days, for weeks on end, for no reward and his input was gratefully acknowledged. The House endorsed that vote of thanks.
- 4.3 Cole **IoSS Accounts for 2008 and Shareholders Meeting**  
No firm date has yet been fixed but verbal notice was given that an IoSS shareholders meeting was being organised and that subject to the availability of the company's auditors, Monday 27<sup>th</sup> July at 7.00pm is the likely date.  
Written notices will be sent out shortly.

- 4.4 P. Williams Asked if anything had been done about the other Guernsey Director who has not been involved in the operation of the Company for a number of years.
- 4.5 Cole There has been an exchange of letters but no result as yet.

## **5 The Douzaine**

### **Report with Proposition**

#### **Management, Repair and Maintenance of Island Properties**

- 5.1 E. Baker Had nothing to add to the report but has a list of the properties involved should anyone want a copy after the meeting.

#### **Proposition – CARRIED**

That Chief Pleas resolves to authorise the Trustees to delegate to the Douzaine their powers of management, repair and maintenance of the properties previously managed by the Douzaine.

## **6 Shipping Committee**

### **Information Report**

#### **IoSS Winter Timetable for 2009/2010 & IoSS Fares and Timetable for 2010**

- 6.1 Cole The report clearly outlines the proposals for timetable and fares covering this coming winter and the summer season next year. The on-line booking system for IoSS is now up and working on the company's website ([www.sarkshippingcompany.com](http://www.sarkshippingcompany.com)). The Committee is waiting for a link to be set-up on the Sark Tourism website directing those who wish to book or obtain shipping information to the new IoSS website.
- 6.2 Prevel Had consideration been given to an earlier request to reduce fares for Senior Citizens?
- 6.3 Cole It had been raised in Committee with the Directors but there are just too many of us and the numbers would have a high impact on the fares income at this stage.
- 6.4 S. Williams As a member of the Shipping Committee, she had received many comments about the start of Sunday services so early in the season (28<sup>th</sup> March) and continuing for so long until late October.
- 6.5 Cole This view has been expressed and discussed with the Directors who are trying to get the maximum use out of the boats. Based on this and previous years, there is enough demand to justify the number of Sunday services proposed in 2010.
- 6.6 Ventress Welcomed the introduction of an early morning boat on Mondays during the summer. This will encourage visitors to stay over the weekend. He asked whether consideration could be given to continuing the early Monday boat from Sark during the winter as well to support out of season weekends on the Island.
- 6.7 Cole The timetable is designed to meet demand and it shouldn't be forgotten that operators with 12 and under licences are available for journeys outside the main boat sailings.
- 6.8 R. Dewe Returned to the Sunday service, suggesting that if the demand is there, IoSS should cater for it.
- 6.9 Armorgie Supported the Committee on the level of Sunday service and on the Monday morning early return from Sark. He declared a pecuniary interest but similarly considered that if there was sufficient demand, it should be serviced.
- 6.10 **Chief Pleas accepted the recommendations of the Committee and the IoSS Directors.**

## **7 The Douzaine**

### **Report with Proposition**

#### **Appointment of Assistant Constable**

- 7.1 E. Baker Introduced the report which he felt was self-explanatory.

7.2 **Proposition – CARRIED**

That Mr Ewan de Carteret be appointed as Assistant Constable in order that he may occasionally perform the duties and exercise the powers appertaining to the office of Vingtenier as described in Section 52 (2) of The Reform (Sark) Law, 2008.

## 8 Harbours & Pilotage Committee

### Report with propositions

#### Crane

- 8.1 Guy The current crane was new in 1992, has 8,650 hours on the clock and is facing an increased workload, 450 hours per annum in its first few years and currently 650pa. It is old and nearly obsolete in terms of spares and is due for replacement if a reliable service is to be assured. There is presently a problem with the ram requiring the crane to be operated in a slightly different way and with lighter lifts. The situation cannot continue indefinitely but the regular engineer, Mr. Phil Rock, advises that it is still safe to operate and IoSS confirm that service is not being interrupted.
- 8.2 The existing Groves crane was extensively refurbished about five years ago and its service record is known. Although valued at roundly £20k since that refurbishment, realistically it would only sell, if at all, for about £10-15k in the present climate. The Committee suggests it should be retained as it would make an excellent back-up, allowing a crane to be used on top of the Island without disruption at the Harbours. The Finance and Commerce Committee (F&CC) has been consulted throughout and finance could be made available from reserves for both the replacement crane and repair of the existing Groves.
- 8.3 Atkinson Confirmed this to be the case and the exchange was well documented.
- 8.4 Guy Mr. Jeremy La Trobe-Bateman, the crane operator, in company with Mr. Phil Rock, went to three locations in the UK and Ireland to view twelve different cranes already researched on paper. A written and verbal report was given to the Committee.
- 8.5 Mr. Mann, the Senior Harbourmaster, who is the second crane operator, has met with Froome Crane Hire in Guernsey which uses Rivertek Crane Suppliers (Ireland) and is well satisfied with Kato Cranes. A Kato engineer visits Guernsey twice a year and the commonality of spare parts may be an advantage. Mr. Mann also discussed the capabilities of the preferred crane compared with the existing Groves crane. The Committee wishes to record its thanks to Messrs La Trobe-Bateman, Mann and Rock for the huge amount of work they put in on its behalf.
- 8.6 F&CC confirms that money is available from reserves, where it is currently earning little interest and would be a better option than taking a loan.
- 8.7 Atkinson Confirmed this to be the case.
- 8.8 Guy Understood that Mr. Kevin Delaney of Sark Estate Management has circulated an exchange of letters between himself and the Committee offering the services of the *Brecqhou Warrior* and its on-board crane. As there is currently no disruption to the service, the Committee has declined but thanked Mr. Delaney for his offer with the proviso that in the event of a real crisis, it would come back to him.
- 8.9 IoSS Directors have suggested an increased lifting capacity of any future crane to at least 10 tonnes (per load), well within the capabilities of a 25 tonne crane.
- 8.10 Cole Supported the recommendation by IoSS.
- 8.11 Guy There is no better time to buy a crane, with several appropriate new and second hand models on the market for immediate delivery. Three years ago there was a two year waiting period and no good second hand option. Interest on capital reserves is not good so it is the best time to buy assets.
- 8.12 After lengthy discussions with the crane operators, the Committee recommend a new Kato Citycrane at a price of €233,000 (approx. £204,946) because –
- It is new, with a warranty and ready for immediate delivery;
  - Is good value for a 25 tonne machine compared to other alternatives considered;
  - Improved lifting capacity of 11 tonnes compared to 7.5 tonnes of the Groves;
  - Compact boom and small rear overhang, much easier for road use;
  - Quieter, improving operating conditions at the Harbour;
  - Typical high Japanese specification (twin winches, safety load indicators, air con);
  - Buying Kato brings Sark in line with Guernsey crane operators;
- Most importantly of all –
- The crane fits through the tunnels and in the crane shed.
- 8.13 E. Baker Asked if the increased lifting capacity would mean an increase in the container sizes used by IoSS.
- 8.14 Cole Promised to find out the answer from IoSS.
- 8.15 Guy The problems with the present crane could have been so much worse if the crane had failed completely during July/ August when incoming cargo is at its peak.

- 8.16 Guy The Committee considers that now is the time to purchase a crane whilst retaining the Groves as back-up and brings the following amended propositions.
- 8.17 **Proposition 1 - CARRIED as amended at the meeting**  
That Chief Pleas authorises the Harbours and Pilotage Committee to purchase and transport to Sark, a new Kato MR250 Citycrane at a price of £204,946.
- 8.18 **Proposition 2 – CARRIED as amended at the meeting**  
That Chief Pleas authorises expenditure, estimated to be in the region of £6,000, for repair to and transport of the existing (Groves) Island Crane, or parts from it, from capital expenditure.
- 8.19 Henry Do we know what proportion of the £6k is the cost for transporting the Groves? It would be churlish to turn down Mr. Delaney’s offer of free transport for the defective parts.
- 8.20 Guy The honest answer is that until we have taken the crane apart we don’t know the size of the parts needing to be returned and/or replaced.
- 8.21 S. Williams Warned that Sark never receives nothing for nothing in return.
- 8.22 Guy The third proposition may make the situation clearer; having discussed transport costs with them, this concession would be viewed favourably by the IoSS Directors.

**Proposition 3 – CARRIED as introduced at the meeting**

That Chief Pleas instructs IoSS to allow an 80% concession for transport of the new crane from Guernsey to Sark.

## 9 The Douzaine

### Report with Proposition

#### Digital Switchover – Memorandum of Understanding (MoU)

- 9.1 E. Baker This MoU offers data protection to those whose names might be listed as eligible for special assistance towards the cost of the switchover and is defined in the report. Representatives of the BBC recently came to Sark to explain the switchover but in their two hour stay only two residents came in for information.
- 9.2 Hunt Was concerned that under the present analogue system few people on Sark can receive the signal; it might be even less under the new digital arrangement unless an aerial is provided. Hopefully there would be more information over the coming year.
- 9.3 Seneschal Confirmed that it wasn’t the MoU that was Conseiller Hunt’s concern and asked whether the Douzaine still wanted the MoU to go ahead.
- 9.4 E. Baker Agreed that to be the case.

**Proposition – CARRIED**

That Chief Pleas resolves to authorise the Douzaine to counter-sign a Memorandum of Understanding concerning the security of data provided to the BBC or its agents in respect of the Digital Switchover Help Scheme.

## 10 Medical Committee

### Report with revised Propositions

#### Smoking Ban in Island Properties

#### Election of a new Member to the Committee

- 10.1 D. Baker The Committee was approached by our Doctor to consider a no smoking ban on Sark for medical reasons. All are aware of the risks involved for both smokers and passive smokers but smoking causes almost 90% of deaths from lung cancer, around 80% of deaths from bronchitis and emphysema and around 17% of deaths from heart disease.
- 10.2 Since July 2007, smoking has been prohibited in public places in the UK but this is not a case for us just following suit, this is about the health of Sark residents. It is your choice to smoke but the person standing next to you should also have a choice and maybe they have, simply by not visiting a bar that allows smoking, which does happen. When the UK first brought in a ban on smoking 51% of residents were in favour of the ban; two years later that had risen to 81% in favour. Although many public bars first reported a drop in business, it appears that business picked up again when people became used to smoking outside.

- 10.3 D. Baker As far as Sark is concerned, many hotels and restaurants already have a no smoking policy in their dining rooms most of us who enjoy a cigarette and choose to eat there would happily go outside to smoke. These hotels do not seem to suffer from lack of customers because customers cannot smoke in the dining room; indeed smoking in the dining room is more likely to have a detrimental effect as many people do not want to eat in a smoky atmosphere.
- 10.4 Speaking in recent days to the managers of two public bars on Sark, one of whom serves food as a large part of his business, both took up the policy of no smoking in May and are extremely happy with how things have gone – their customers have not forsaken them and their businesses have not suffered. One said that it was the best thing he had done and that from a person who enjoys smoking.
- 10.5 What the Medical Committee would like to do is to wait until the end of 2010 and see how this voluntary no smoking policy has worked; do we need to have legislation, do we really want legislation for something we can deal with on a voluntary basis? Many of our visitors come from places where they already accept smoking is anti-social and don't expect to either smoke inside or have to sit in a smoky atmosphere.
- 10.6 Sark has government offices owned by Chief Pleas and the Medical Committee would like the support of Conseillers to lead the way with a no smoking policy in the working environment. In the original Proposition 1, no buildings were listed but it might have caused some difficulties wondering who this might affect so a new proposition has been circulated this morning. The list shown can be amended with additions if required at any time. The school houses are not included and it has been suggested the removal of the living accommodation at the Old Island Hall.
- 10.7 Seneschal Would you accept the Old Island Hall (less living accommodation)?
- 10.8 D. Baker Content to accept that immediate modification.
- 10.9 S. Williams Declared an interest as a smoker. Her regret was that the ban was immediate. Someone who has always smoked in their office can smoke today but not from tomorrow and she would have liked to see a lead-in period.  
Of more concern was that there is no legislation as to who can buy or sell tobacco products; she uses her common sense when selling but there is no law restricting the sale of cigarettes to children.
- 10.10 Seneschal Confirmed this to be the case although the opportunity to introduce licenses for the sale of tobacco products is contained in The Reform (Sark) Law, 2008 at Clause 12.
- 10.11 Audrain Congratulated the Medical Committee for its commonsense approach. Banning smoking with legislation was a sledgehammer to crack a nut. Two buildings missed from the list were the School and Play Group.
- 10.12 D. Baker Did not want to tread on toes here as those buildings were in the care of the Sark School and Community Centre Trustees.
- 10.13 Melling As Chairman of the Trustees he had conferred and including the School and Play Group on the list would not be a problem.
- 10.14 Cole Identified his working space at the Committee Offices, the Water Room, which was not specifically listed and he suggested that the whole building should be designated. He questioned whether the Crane Shed and the Harbour Café shouldn't be included too.
- 10.15 D. Baker Said that in common with most establishments, a letter had been sent from the Medical Committee to the proprietor of the Harbour Café outlining the idea of a voluntary ban.
- 10.16 Seneschal Suggested that the list would become a working list, maintained and published and updated when necessary.
- 10.17 D. Baker Asked whether the Harbour Café was to be included.
- 10.18 S. Williams An immediate ban on Ms McCusker's business could have a serious impact.
- 10.19 D. Baker Consultation started in March and some businesses have not responded.
- 10.20 Seneschal Although the Harbour Cafe is Island Property, the lease governs the operation of her business. It is understood she has a lease for seven years and something that could affect her business should not be imposed without discussion. He encouraged the Committee to speak with her and to consider her views.
- 10.21 P. Williams Had no wish to nit-pick but what about the Island owned toilets? If they were included it might be difficult to police it. As the operator of the cleaning contract, clearing up cigarette ash was the least of his problems. It was decided to exclude toilets from the list.
- 10.22 R. Dewe Both the 1951 and the 2008 Reform Law gives Chief Pleas the opportunity to issue licences to sell tobacco products but he questioned whether there was a need.
- 10.23 S. Williams The problem is not businesses selling but a law stopping young people buying that was needed.
- 10.24 R. Dewe To introduce that, one would need to licence those selling first – the two are interlinked.

- 10.25 Melling Declared a past interest. This Island has been miles ahead of other areas in the control of smoking and he suggested that legislation was not needed. The co-operation of commercial establishments is already in place; indeed a Chef/Proprietor in 1984 said to smoke in his restaurant was an insult to his food, so those that did, stopped. He remembers being one of those who enjoyed a cigarette between courses whilst at the table. Such behaviour has stopped but it did not need a government to tell people to do so.
- 10.26 When asked by a local radio interviewer recently for an opinion on a smoking ban, he replied that a ban was not needed, only a declaration on the door of the premises stating the policy of the business – area A is smoking, area B is no smoking, smoking is allowed or smoking is not allowed throughout the premises. The customer then has the choice. Why should we follow the trend of the nanny-state; most people can see for themselves the problems associated with partaking of the weed.
- 10.27 Cole This is Island Property being listed and we are talking about offices and places of work not private homes or commercial premises.

10.28 **Proposition 1 – CARRIED as amended at the meeting**

That Chief Pleas approve the no smoking policy in the following government owned buildings/offices

**The Assembly Room** which includes The Court Room & The Seneschal's Office

**The Fire Station and Committee Offices** (whole building)

**The Visitors' Centre** to include La Societe Sercquaise

**The Medical Centre**

**The Old Island Hall** (except the living accommodation)

**The Harbourmasters' Office**

**School**

**Play Group**

- 10.29 D. Baker The Committee is sorry to lose Conseiller Cole as his experience has been much appreciated. However, his extensive commitment on other Committees is understood. The Committee would like to nominate Conseiller John Hunt.
- 10.30 Seneschal Called for any other nominations but there were none.

**Proposition 2 – CARRIED**

That Conseiller John Hunt is elected to serve on the Sark Medical Committee.

## **11 The Douzaine Report with Proposition Constables' Indemnity**

- 11.1 E. Baker Asked that the proposition be extended to dispel any doubt about who was being included in the definition of Constable.

11.2 **Proposition – CARRIED as amended at the meeting**

That Chief Pleas resolve that the Constables for the time being shall be fully indemnified by the Chief Pleas in respect of any personal liabilities they may incur during the course of their duties as Constables. **For the avoidance of doubt, Constables to include, all the Assistant Constables and Special Constables.**

No indemnity shall cover the Constables in the event of actual fraud or recklessness.

## **12 Harbours & Pilotage Committee Report with Proposition introduced at the meeting Committee Mandate**

- 12.1 Guy Asked that within the Constitution, Harbourmaster should be plural as there were two. In the Mandate she requested that in (d) the words *the enactment of* should be replaced with *all aspects of*. With those amendments, Conseiller Guy introduced a supporting proposition.

12.2 **Proposition – CARRIED as introduced at the meeting**

That Chief Pleas approve the amendments proposed to the Harbours & Pilotage Committee Mandate and direct that they be incorporated into the said mandate with immediate effect.

## 13 The Douzaine Report with Proposition Revised Mandate

- 13.1 E. Baker The revision to the mandate follows the introduction of The Reform (Sark) Law, 2008.
- 13.2 Guy Will the earlier approval of Item 5 (Maintenance of Island Property) not require another clause in the Douzaine's Mandate?
- 13.3 Gomoll The responsibility was delegated not transferred by the Trustees.
- 13.4 E. Baker Conferred but felt the implications were more than could be quickly resolved now.
- 13.5 Seneschal Suggested that perhaps it should be brought back to the next Chief Pleas when the Douzaine had the opportunity to discuss the implications and whether something needed to be added.
- 13.6 **Proposition – CARRIED**  
That Chief Pleas approves the Douzaine Mandate as revised in July 2009.

## 14 Development Control Committee Development Control Appeals Tribunal

- 14.1 Dunks Acknowledged the work of the retiring Chairman of the Development Control Appeals Tribunal, Mr. Peter Tonks, and his dedicated commitment over many years.
- 14.2 Seneschal Supported those words, recognising that Mr. Tonks had carried out his duties with diligence and had over the years introduced and improved the procedures of the Tribunal so that its judgements were greatly respected.
- 14.3 Dunks On behalf of the Development Control Appeals Tribunal Conseiller Dunks relayed the request that the new Chairman will be Mr. Ewan de Carteret, the Deputy Chairman, Mr. Simon Elmont and that a new member, Mrs. Samantha Hodge, will join the list of Tribunal Members.
- 14.4 **Chief Pleas resolved to appoint Mrs. Samantha Hodge as a new Member and designated Mr. Ewan de Carteret as Chairman and Mr. Simon Elmont as Deputy Chairman of the Development Control Appeals Tribunal.**

## 15 General Purposes & Advisory Committee Verbal Report with Proposition introduced at the meeting Dual Role of the Seneschal Committee Membership

- 15.1 Maitland Explained that the issue of redefining the Seneschal's responsibilities is not just one of simply splitting the roles. The Committee has received a ten page report defining the Seneschal and Deputy Seneschal's current duties and this needs careful study. The present arrangement works well and the only pressure to change comes from outside the Island. There are wider implications to consider; it concerned him that the position of Chairman on any Committee and particularly GP&A Committee puts an overload on individuals and one only has to look at the turnover of GP&A Chairman over the last few years to realise the position at present is not sustainable. How many have resigned early or have been forbidden to stand for election by long suffering wives and partners?  
There is currently no central office or administration supporting the government. If Sark dealt with today more efficiently, then it can look more positively as to how it plans for the future. It is his intention to enlarge on his ideas for remedying this situation in due course when dealing with the dual role of the Seneschal. At this stage the Committee wishes to assure the Assembly that the matter is being progressed to review the issues, consider the implications and establish how or whether the solutions demanded are practicable.
- 15.2 The Committee retains five full Members, the minimum defined in its Mandate and no further Members will be nominated at present. The Committee would however wish to nominate a second non-Chief Pleas' Member onto the GP&A Committee to work solely on the Renewable Energy Project.
- 15.3 **Proposition - CARRIED**  
That Mr. Roger Olsen be co-opted onto the GP&A Committee as a non-Chief Pleas Member, without voting rights, to deal solely with Renewable Energy issues.

## 16 General Purposes & Advisory Committee

### Report with proposition

#### The Hathaway Settlement

- 16.1 Maitland The Seigneur has offered to answer any questions.  
No questions were raised so the proposition went straight to the vote.

16.2 **Proposition - CARRIED**

That the Trustees of the Dame Sibyl Hathaway Settlement have absolute discretion to sell by auction on behalf of Chief Pleas those items within the Settlement that they consider have no relevance to Sark.

## 17 General Purposes & Advisory Committee

### Report with proposition

#### Wire Transfers – Memorandum of Understanding (MoU)

- 17.1 Maitland This MoU is a clearing up of loose ends; Sark has no banks of its own, the two here are branches of Guernsey but this MoU covers any future developments. Richard McMahon, Legal Advisor to the Policy Council, suggests that with Chief Pleas' approval of the MoU it can be accepted through an exchange of letters.

17.2 **Proposition - CARRIED**

To authorise the Chairman of the GP&A Committee or his Deputy to sign, on behalf of Chief Pleas, a Memorandum of Understanding with the Government of the United Kingdom, relating to Wire Transfers.

## 18 General Purposes & Advisory Committee

### Report with proposition

#### Investment Promotion and Protection Agreements

- 18.1 Maitland These agreements can encourage and protect investment overseas. With the UK lifting its moratorium, in place since January 2000, on the countries included in the list shown in the report, Sark is asked to renew its support.

18.2 **Proposition – CARRIED**

That Chief Pleas request that Sark be included in the extension of existing IPPAs and that the GP&A Committee should be authorised, on behalf of Chief Pleas, to sign Memoranda of Understanding following the wording of the attached draft.

## 19 Conseiller Melling

### Verbal Report

#### Sark School and Community Centre

- 19.1 Melling At the Easter meeting, Chief Pleas was informed of the damage to the ground floor of the Community Centre and School Building due to flooding from a broken water inlet pipe. Now is not the time or place to give great detail on the various reports that have been done or, at this stage, to discuss the problems negotiating with the Insurance Company. At the last meeting the situation was reported as it was known then. The Hall Trustees became increasingly concerned and frustrated about the route the remedy to the problem was taking and ordered (and here he stressed ordered) a second opinion. That provided a less intrusive remedy, supported by greater investigation on site, and the Trustees have made the decision to go with this option. The repair can now be managed by only closing the main hall and working on the other areas whilst keeping them operational. It is estimated that the main hall may remain out of use for up to six months.
- 19.2 In order to maintain the function of the main hall, alternative accommodation was needed. The Insurance we had in place did not cover this and he promised to return to that issue. Help was needed and it came from Dr. Roger Norwich who has donated to the Trust the marquee that is now in front of the Hall so an alternative venue can now be offered to meet most of the bookings that would have been in the main hall. The Trust offers its grateful thanks to him (this was echoed by the House).
- 19.3 The last year has been without doubt a serious and trying time for the Trust. Indeed it has take since January until now to agree a repair schedule with the insurers.

- 19.4 Melling He wished it to be put on record that thanks are due to the Trustees for the many hours they have put in, a good deal of that time having to argue points and yet have the well-being of the Hall as their main concern. He also thanked the teaching staff at Sark School and in turn the Education Committee for their understanding and co-operation with the Trustees, in particular regard to the possible closure of the school in the new Autumn Term. He was now able to report that the work required in the school can be done in the holidays and, if any overrun should occur, it will not affect the use of the building when the new term starts. Everyone is able to work with the new remedy that has now been accepted.
- 19.5 He wished to use this opportunity to inform Chief Pleas that, as a result of the procedures the Trustees have gone through, it has become obvious that the Island's Insurance Policies need to be altered. Whilst he was very annoyed that neither the broker nor the policy provider saw fit to advise that the cover did not include alternative accommodation in the event of disruption, the Trustees have managed to arrange alternatives themselves. He would be recommending to the Douzaine that additional cover is purchased to mitigate such an incident in future. An example would be the provision of alternative accommodation should say an Island property burn down.
- 19.6 He concluded by repeating his thanks to all those who continue to support the Trustees during the rough ride they are having at present. Because the Trustees have been firm in their dealings it is accepted that expenses have been incurred that the insurance will not cover. The Trustees will have to cover these outgoings and please note that fund raising will start in earnest as soon as the Court Case against the Trustees is finally settled and we can go forward without that threat hanging over us. The Trust has suffered the loss of incoming funds as the insecurity the case has created has made donors very nervous about committing to further developments and improvements at the Community Centre.
- 19.8 Henry The Trustees have acted in a masterly fashion and this should be supported by the House (a remark to which verbal support was given).

## 20 Conseillers Guy & Melling

### Report with proposition

#### Dress Code for Members and Officers of Chief Pleas

- 20.1 Guy When bringing this report to Chief Pleas, it was in her mind about appropriate clothing and sexual equality; she firmly believed that men and women should enjoy the same rights and privileges and no one group should be compelled to do something that the other is not. She knew that other Members of this House felt the same. The proposition makes it clear that formal dress for Members is important as a mark of respect for the court and must be retained and those that choose to wear a hat should continue to do so.
- 20.2 It has since been brought to Conseiller Guy's attention that some members of the community see this proposition as undermining long held traditions, or, it is understood, taking away another little bit of Sark. She firmly defended the right of the people of Sark to make their feelings known to those in government. Governing should involve listening as well as speaking.
- 20.3 Melling Has been asked by many why he had seconded the proposition. He has wondered what constitutes a hat as he sat in Chief Pleas. Everyone sniggered when a lady from London put feathers up the nose of the then Deputy sitting next to her. Was that a hat he had asked but he has been educated on the subject and believes that it was not a hat but a fascinator. In the beginning, he was under the impression that the requirement was for a lady to cover her head; today this is no longer the case as fashions have been accepted which do not cover the head.
- 20.4 He also seconded the proposition on the grounds of discrimination – why make this rule against the ladies and is it acceptable to do so in this modern world. Whilst pondering this, he took his 250<sup>th</sup> look at the Reform Law and failed to find reference to clothing. Since the publication of this report he has been approached by many who simply say – why get rid of another piece of Sark's traditions. It made him think that Sark has lost a lot of its old ways; he then sat down in favour of Conseiller Guy.
- 20.5 Guy Having weighed up these two conflicting views, she has decided that those wishing to uphold tradition have the more important case and consequently the proposition is withdrawn and she accepted that she would have to live with her hat.

- 20.6 **Proposition 1 - WITHDRAWN**  
That Chief Pleas agree that the wearing of hats or other headwear is no longer a requirement for any Conseillers or officials attending Chief Pleas meeting.

**Proposition 2 – WITHDRAWN**  
That this should come in to effect from the Michaelmas meeting 2009.

## **21 Tourism Committee**

### **Information Report**

#### **Visitor Numbers; Advertising; Safety; Accommodation Criteria; The Visitors' Centre**

- 21.1 S. Williams Introduced the report and added that the May 2009 visitor numbers were slightly down but in June, figures were much the same as last year.
- 21.2 The news column contained in the Tourism Website has been written by Miss Jennifer Cochrane for nine years, not five as shown in the report; a sincere thanks to her for her contributions over such a long period.  
Following an advertisement and interview, a successful candidate has been appointed and Ms. Sue Daly will be writing the news column in future with her interview submission being the first to be posted on the 10<sup>th</sup> July.

**There were no questions and the report was noted.**

## **22 Conseillers Hunt & Plummer**

### **Report with propositions**

#### **2010 Liberation Day 65<sup>th</sup> Anniversary Celebration**

- 22.1 Hunt Reminded everyone that next year was the 65<sup>th</sup> Anniversary of the Liberation of Sark from occupying forces and to mark the occasion a number of measures are proposed as defined in the report.
- 22.2 Plummer Supported the report and stressed the importance that the past is not forgotten and that by giving a day's holiday, the children can be given a better chance to understand what took place.
- 22.3 S. Williams Asked if there would be day trippers on that day. When that was confirmed she commented that everyone will have to work anyway.
- 22.4 Seneschal The School will be able to close.

**Proposition 1 - CARRIED**  
That Chief Pleas declares Monday the 10<sup>th</sup> May 2010 to be a Public Holiday.

**Proposition 2 - CARRIED**  
That Chief Pleas instructs the Constable to form a Liberation Day Events Committee.

**Proposition 3- CARRIED**  
That the Finance & Commerce Committee budgets approximately £5,000 to cover the cost of the celebration.

## **Closing Remarks**

- K** Seneschal Asked if by a show of hands, the House would indicate whether it would be prepared to sign up to collecting Chief Pleas papers from the offices if notified that they were ready for collection. (A majority so indicated). A form was provided for Members to sign for personal preference of collection or mailing. (Only four required mailing).
- L** Gomoll Asked if the minutes could not be e-mailed to all Conseillers now that the new addresses were available to all Conseillers.
- M** Seneschal It is a great deal of paper for all Conseillers to print out but it might be a way forward for the future. Posting papers can be as much as £100 but generally the cost averages about £40. Having committed to a preference on the form, Conseillers are at liberty to change at a later date if they so wish.

## **Forthcoming meetings for Chief Pleas Members**

**MICHAELMAS MEETING – Wednesday 30<sup>th</sup> SEPTEMBER 2009 at 10.00am**

Agenda closes -

**Wednesday 2<sup>nd</sup> September 2009 at 3.00pm**

Papers distributed to Members by **Wednesday 9<sup>th</sup> September 2009.**

This meeting closed at 12.17pm.

Brian Garrard (Sark Committee Secretary) 9<sup>th</sup> -10<sup>th</sup> July 2009

**Seneschal**

**Greffier**

## Chief Pleas Midsummer Meeting – 8<sup>th</sup> July 2009

	Attending	No named votes required							
The Seigneur – J. M. Beaumont	/								
The Seneschal – Lt. Col. R. Guille	/								
<b>CONSEILLERS</b>									
Mr. D.T. Cocksedge	/								
Mr. R.J. de Carteret	/								
Mrs. H.M. Plummer	/								
Mr. D.W. Melling	/								
Mrs. H.C. Magell	/								
Mr. C.H. Bateson	/								
Mr. A. Dunks	/								
Dr. S.L. Henry	/								
Mr. D. Pollard	/								
Mr. A.C. Prevel	/								
Mrs. S. Williams	/								
Ms. E.M. Dewe	/								
Mr. E. Baker	/								
Mr. P.J. Williams	/								
Mrs. D. Baker	/								
Mr. R.J. Dewe	/								
Mr. P.M. Armorgie	/								
Mr. A.J. Cook	/								
Mr. C.N.D. Maitland	/								
Ms. M.A. Perrée	/								
Mr. C.R. Nightingale	/								
Ms. J.M. Guy	/								
Mr. J.E. Hunt	/								
Mrs. A. Atkinson	/								
Mr. A.G. Ventress	/								
Mr. S.B. Gomoll	/								
Ms. C.D. Audrain	/								
Mr. P.J. Cole	/								

Brian Garrard, Committee Secretary  
8<sup>th</sup> July 2009