

# **MINUTES of the EASTER MEETING of CHIEF PLEAS**

Held in The Assembly Room, Sark on **18<sup>th</sup> April 2012 at 10.00am.**

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

**26 Conseillers** were present at the roll call (see attached list and named voting record).

Apologies were received from Conseillers Plummer and S. Williams.

The Lt. Governor was unable to be with us today because of severe weather conditions.

\* The Treasurer left the meeting after Item 10.

## **01 Opening Comments**

- 0.1 [Mrs Wendy van Leuven](#) – the Seneschal asked for a silence to be held for the late Mrs Wendy van Leuven who was the Tenant Member for La Rondellerie during the year 2002. Mrs van Leuven died in the middle of March having been desperately ill with cancer for some considerable time; a large presence from Sark was at her funeral service at the Town Church on the 28<sup>th</sup> March. He asked that the condolences of the Assembly be conveyed to her husband Nik (who was a Tenant Member of the Old Assembly for many years) and to their children.
- 0.2 [Appointments of Bailiwick Officers](#) – the Seneschal reported that during March significant appointments were made in Guernsey as a consequence of the retirement of Sir Geoffrey Rowland as Bailiff; the Seigneur, the Seneschal and Conseiller Maitland attended the installation of Mr Richard Collas QC as Bailiff of Guernsey; this was then followed by the installation of Mr Richard McMahon QC as Deputy Bailiff and Crown Advocate Megan Pullum was installed as Her Majesty's Comptroller (Solicitor General) to replace Richard McMahon. The Seneschal considered it a privilege to attend those installations as a representative of Sark and he asked that the Assembly join him in wishing all of them well in their new roles. The new Comptroller is the first woman to hold that appointment which dates from the late 15<sup>th</sup> century.
- 0.3 [Diamond Jubilee Celebrations](#) – the Constable outlined the programme of events being organised for Monday 4<sup>th</sup> June to celebrate the Diamond Jubilee of HM Queen.

**3.30pm onwards The Avenue to be closed**

**4.30pm Street Party for all Children and families with**

**- Live Music and Street Entertainers throughout the Afternoon -**

**7.00pm- 1.00am Entertainment To be Held in Marquee behind the Carriage Park**

**- Buffet, Live Music and Disco -**

**10.21pm Lighting of Beacon (one of over 3,300 throughout Great Britain)**

The Constable hoped this will be a community event for the enjoyment of all and asked that if anyone is available to help by assisting in the setting up of the event or in any other way, that they should contact the Constables on: Office 832533 or Mobile 07781-101908 and 07781-1101910.

She also asked if anyone could assist in providing accommodation for the various Artists that are performing at the event.

- 0.4 [Conseiller Richard Dewe](#) – the Seneschal confirmed that on the 20<sup>th</sup> January 2012 Conseiller Richard Dewe sent a letter tendering his resignation as the Chairman and as a Member of the Road Traffic Committee. The Seneschal thanked Conseiller Dewe for his service on that Committee to which he was elected at the Michaelmas Meeting in 2009; he took over the role of Chairman after Conseiller Bateson did not stand for re-election to the Committee on 15<sup>th</sup> January 2011, following the December 2010 Election. The Committee has since elected Conseiller Hunt as their new Chairman and Conseiller E. Dewe as Deputy Chairman.

There remains a vacancy to be filled and this will be done under Agenda Item 16.

- 0.5 [Water Shortages](#) – Conseiller Hunt read out a statement from the Chief Fire Officer of the Sark Fire and Rescue Service -

*Due to the current drought conditions being experienced by the Island, the Sark Fire & Rescue Service are already experiencing an increase in the number of call-outs for water deliveries from those residents who rely on rain water catchment.*

*All commercial and domestic swimming pool owners are advised that in order to help preserve the Island's water resources, the decision has been made to cease deliveries of pleasure water until further notice.*

*Would all Islanders also please be extra vigilant when having bonfires and barbeques and when disposing of cigarette butts.*

- 0.6 [Voting in Chief Pleas](#) – the Seneschal realised that many Conseillers already know of the concerns raised at the last Committee Chairman’s meeting of the disquiet felt as to the many Conseillers who do not raise their hands to vote, either for or against, when a hand vote is called.

His own concern was not about the accuracy of a hand vote as he was confident that when a Proposition is declared to be “Carried” or “Lost” on a show of hands that his decision is correct; when it appears to him that a hand vote is close (and sometimes with significant no raising of hands), he always calls for a Named Vote before announcing a result. His concern and, it is shared by the public and some Conseillers, is the lack of voting by a significant number of Conseillers at certain times.

At the last Christmas Meeting there was a vote on *Item 12 (Review of Sark’s Administration)* which was counted by himself, the Greffier and Treasurer, as 16 in favour and 7 against but that meant 4 Conseillers did not cast a vote. However, as the majority were clearly in favour the hand vote was announced as ‘Carried’. When it is very clear that a Proposition is “Carried” or “Lost” by a large majority the hands are not counted. He only asks the Greffier and Treasurer to also do a hand count when the show of hands is indicating the vote to be fairly close, as in the example just given. Conseillers should always cast a vote, either for or against whenever a vote is called. The option of “no voting” should not be exercised except sparingly and only when Conseillers have made a statement as to why they will not vote on a certain Proposition.

The electorate elected its Conseillers to take decisions, not to sit on the fence as has been happening quite frequently, even when a named vote is called. As examples of this - at the last Meeting *Item 7 (Shipping)* was called as a Named Vote and 2 Members abstained; at *Item 8 (Helicopters)* one Member abstained.

None of those Members said during debate why they would abstain.

The Seneschal asked that all Conseillers should nail their colours to the mast as he was assured that, if the situation does not change for the better, an amendment to Rule of Procedure 19 will be considered. When a hand vote is called, please raise your hand and arm clearly for us all to see.

- 0.7 [New Boards in the Assembly Room](#) – the Seneschal drew attention to the new boards, two of which listed Seigneurs of the Island; the other two would ultimately list the Prévôts and Greffiers.

## 1 Minutes of the Christmas Meeting on 18<sup>th</sup> January 2012

- 1.1 The minutes were **APPROVED** with no changes.

### Matters Arising

- 1.2 E. Baker [Shipping Law \(Ref: 7.10\)](#) - The latest information he had was that the Barclay’s have not yet received permission for their Judicial Review in connection with The Reform (Sark) (Amendment) (No.2) Law, 2010 and The Alderney and Sark (Licensing of Vessels) (Amendment) (Sark) Law, 2010 about which they had previously petitioned and those petitions had been dismissed.

The request for a Judicial Review on the Shipping Law has since been withdrawn (he understood the word used was adjourned) but he wished he’d known that before reading that volume of distortion and spin that accompanied it. In the bundle, the Barclays say they are permanent residents of Brecqhou, and yet according to Monaco they have lived there for nearly 40 years and have been domiciled there for more than 20 years. Another paragraph said (and he quoted) “*The Seigneur and Seneschal are hostile to my clients as is most of Chief Pleas*”; could you all think about that.

The Tenants of Moinerie de Haut (otherwise known as Brecqhou) and the people they employ have been continually attacking the Government of Sark and anyone else that dares to speak against them or their vision for Sark since they purchased the Tenement in the nineteen nineties. These attacks are led by their propaganda pamphlet each week and what the elected Government of Sark is being subjected to is a war of attrition. He hoped everyone knows what the first casualty of war is?

- 1.3 E. Baker [Renewable Energy \(Ref: 17.5\)](#) - Conseiller Cocksedge had asked, during discussion about the Renewable Energy report, what the Committee knew about possible French plans for tidal arrays along the French coast from St. Malo to Cherbourg. The radio report he heard suggested that 1,000 units are planned.

Following investigation, Conseiller Baker was not aware of any such plans but understood that Open-Hydro devices have been deployed off Cherbourg (one only this Autumn) and one west of St. Malo. It is also understood that planning permission has been given for up to ten devices in each of these locations; however, deploying more than the present two depends on a satisfactory environmental effects study over the present year.

- 1.3 cont E. Baker In other words, they have clear permission for the first two 2011 deployments but only conditional approval for more.  
The devices are rated at 1 mega-watt each, which is perhaps where the 1,000 figure came from: one mgw is 1,000 watts. He suggested that perhaps something was mixed, or lost, in the translation.
- 1.4 Conseiller Cocksedge's other question had asked whether Guernsey is talking about a wind farm on its west coast and if this went ahead would it affect Guernsey's financial commitment to develop other areas.  
Having taken advice, Conseiller Baker couldn't answer definitively. However, the direct costs are minimal - mainly the cost of investigating - and should not have a large impact (measuring wind for a year, analysing the harvestable potential, and so forth), possibly less than the costs of investigating the tidal potential. Regulation costs will be covered by licence fee(s), just as with a tidal development. The cost of including wind with tidal add-ons just requires a little more ink to the regulations. On-going regulation comes out of the licence. The cost of developing a wind farm, as it would be with a tidal farm, will be shouldered by the developer.
- 1.5 D. Baker [The Regulation of Health Professions \(Ref: 4.7\)](#) - Conseiller Taylor had asked if Chief Pleas would be liable for any malpractice committed by those it appoints since the Medical Committee would be responsible for permitting them to work on Sark.  
The patient here on Sark pays directly to the doctor and the Medical Committee has nothing to do with the day to day running of the surgery but, in order to be sure, the Committee has consulted with the Law Officers. They could not offer an answer either; however, the Insurers for the States of Guernsey are visiting this month and this question will be raised on the Committee's behalf.
- 1.6 Bache [2012 Budget & Taxation \(Ref: 1.2\)](#) – He was not aware of a response from the Finance and Commerce Committee yet about an earlier suggestion that it might seek a mandate to examine inflation and cost of living increases on the island.  
He understood that The Sark Chamber of Commerce is still ready to work on this with the Committee. In considering future budgets, Chief Pleas should not have to rely on the Guernsey Retail Price Index which almost certainly differs from our own. If on the other hand the Committee is opposed to such a project could the Chairman explain its reasons?
- 1.7 Gomoll The Committee has met with the Chamber of Commerce which may be willing to investigate but the Committee cannot instruct it to do so. Some Members of the Committee have shown support and co-operation by indicating a willingness to assist the Chamber of Commerce with data.
- 1.8 Seneschal Suggested that more could be discussed on this issue later when considering Item 12 on this agenda.

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

- 2.1 Ventress Several members of the electorate had approached him concerning the promotion through the Tourism Website of Sark Estate Management businesses, in view of the continual harassment meted out through their Newsletter against Members of Chief Pleas. While he felt it is Tourism Committee's duty to support and promote all Sark businesses regardless, there is very strong feeling that the Tourism Committee should not be supporting Sark Estate Management in this way.  
What are the Committee's views on this matter?
- 2.2 Audrain The Tourism Committee is mandated to promote the Island of Sark and its Tourism industry. A large number of businesses contribute to the tourist economy, including hotels, guest houses, self-catering providers, campsites, bike hire, restaurants, cafes, shops, horse carriage drivers, boat and fishing trip operators, diving, caving and walking tour guides and many more.  
It is the Committee's job to promote these businesses within the context of the Visitor Centre, its publications and its website, and not favour any one request over another. The Committee controls the editing of the new website, [www.sark.co.uk](http://www.sark.co.uk) and its content and seeks to create a balance of information that would interest and encourage those considering a visit to Sark.

### 3 Emergency Services Committee

#### The Civil Contingencies (Bailiwick of Guernsey) Law, 2012

- 3.1 Hunt Due to the medical predicament in which Conseiller Plummer currently finds herself, she apologises for not attending Chief Pleas today and for not being able to attend all Emergency Services Committee meetings. She has asked him, as her Deputy Chairman, to temporarily chair all of the meetings whilst she is undergoing treatment, as well as representing the Committee's affairs today. However, she has and will sit in on meetings when she can and will be kept fully informed. Helen apologises to the Electorate for this temporary setback, and hopes she will be fully fit by the predicted date of August.
- 3.2 He hoped the Assembly would all join him in wishing her a speedy recovery.  
This Civil Contingencies Law has been created to replace the Emergency Powers (Bailiwick of Guernsey) 1965 Law.  
As can be seen under Schedule 1 Section 2, if an emergency or significant risk were to include (or potentially include) Sark then a member of the Emergency Services Committee would be nominated to become a temporary member of the Authority; Conseiller Hunt has been chosen by the Committee to be the default nominee, and, as such, having taken an oath of affirmation under Section 23 of the Law, the Nominee will have the same rights and responsibilities in relation to the Authority as permanent members. As you can see under subsection (4) this can be conducted in Sark without the need to go to Guernsey or via a live television link under subsection (5) if the Sark Court cannot sit.
- 3.3 It has been brought to the Committee's attention that certain Sark bodies that one would expect to see, do not appear under Schedule 2. Firstly an explanation of Schedule 2 which lists persons or organisations with a role to play in civil contingencies planning and emergencies, often referred to as "*Responders*".  
The Schedule is divided into three Parts -  
**Part I** – The emergency services - which could be required by the Authority to assess risk, make contingency plans, provide it or another Responder with information relevant to civil contingencies, and to co-operate with other Responders in connection with their duties under the Law.  
**Part II** – Organisations and individuals (mostly States Departments and statutory office holders) that could be required by the Authority to assess risk, make contingency plans, provide it or another Responder with information relevant to civil contingencies, to co-operate with other Responders in connection with their duties under the Law, and to take action to prevent an emergency situation from occurring.  
**Part III** – Organisations and individuals, including private companies and voluntary organisations, that could be required by the Authority to provide it or another Responder with information relevant to civil contingencies, and to co-operate with other Responders in connection with their duties under the Law.
- 3.4 The Committee could have listed Sark's organisations and businesses, and those approached were quite prepared to be listed; it was felt that knowing how the Sark Community works, it is unnecessary to impose a regularity condition on them as is required for Guernsey. The only Body that seems to have been missed that should really have been included is the Sark Ambulance Service but, it could be argued that, for the sake of this legislation, it falls under the auspices of the Sark Medical Officer who is listed. If Chief Pleas feels that it is desirable to expand Schedule 2 to incorporate Sark specific bodies then an amendment Ordinance can be requested under Section 10 of the Law.
- 3.5 Guy Was in favour of the legislation. As those holding Alderney and Guernsey Pilotage Licences are listed, she hoped that those holding Sark Pilotage Certificates would also be included in Schedule 2, Section 3, Part (iii) at some point.  
She also enquired whether businesses that might be used, but are not currently listed, would be compensated if they were called upon to assist.
- 3.6 Hunt If such a contingency took place and they were called upon to assist, attempts would be made to reimburse them.
- 3.7 Seneschal That is an option for a future Ordinance.
- 3.8 **Proposition – CARRIED**  
That Chief Pleas approves the Projet de Loi entitled *The Civil Contingencies (Bailiwick of Guernsey) Law, 2012*.

## 4 Sea Fisheries Committee

### Implementing Fishing Vessel Licensing Controls within British Fisheries Limits adjacent to the Bailiwick

- 4.1 Cocksedge The Projet de Loi has already been through the States of Guernsey and Alderney. This document is the over-arching document that enables the power to put in place a licensing framework for 3-12 mile limit; this limit is not licensed at present. Sark controls its 0-3 mile limit but as yet has not been granted the extension to its Territorial Seas. However, Sark has control of who will be licensed in the 3-12 mile limit by virtue of Conseiller Cocksedge being a Member of the Bailiwick Fisheries Management Committee. The Commission is in talks with its counterparts in Jersey and the Jersey Fishermen's Associations along with British Boats that fish in the area, to draw up a framework for those entitled to a licence; these talks are on-going. Sark Fishermen have been informed on the progress at each stage and within that process there is a new start-up scheme included. There have also been informal talks with French Fishermen in Normandy and Brittany on management of the Fisheries resources. There is a further meeting with DEFRA and other representatives on the same subject tomorrow.
- 4.2 Dunks Asked if it was correct that this Law has no affect in Sark until a Commencement Ordinance is passed by Chief Pleas.
- 4.3 Cocksedge Confirmed this to be the case.
- 4.4 E. Baker Asked when the commencement by the Guernsey States of Deliberation was expected to happen.
- 4.5 Cocksedge If Chief Pleas gives its approval today, it will be sent back to DEFRA before going on to the Privy Council; once Royal Assent is given, then Ordinances will be drafted for consideration by the participating jurisdictions.
- 4.6 Seneschal If approved today it will go direct from Sark with a Humble Petition for Royal Assent.
- 4.7 Audrain Thanked the Chairman of Sea Fisheries for such a comprehensive report which greatly assisted someone like herself who was unfamiliar with the subject to achieve a much better understanding of what was involved.
- 4.8 Gomoll Drew attention to Section 25 in which it states that this Law can come into force on different days for different provisions, different purposes and different areas of Bailiwick fishery limits.
- 4.9 **Proposition – CARRIED**  
Sark Sea Fisheries Committee therefore recommends Chief Pleas to –  
a) Approve the proposals set out in this report, and  
b) Approve the Projet de Loi entitled *The Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012*.

## 5 General Purposes & Advisory Committee

### The Wireless Telegraphy and Related Matters (Deemed Registration and Validation) (Bailiwick of Guernsey) Law, 2012

- 5.1 Maitland This legislation is the culmination of a great deal of work by the Law Officers over the last couple of years to remedy an uncertain situation relating to wireless telegraphy matters in the Bailiwick. The GP&A Committee has been consulted at various stages in the process and has also been represented on the Bailiwick Broadcasting Group at the Home Department in Guernsey which meets on an annual basis. This is a technical Law which rectifies the situation arising from the non-registration of a number of wireless telegraphy statutory instruments and several sets of television licensing regulations and now comes to Chief Pleas for its approval.
- 5.2 **Proposition – CARRIED**  
That Chief Pleas approves *The Wireless Telegraphy and Related Matters (Deemed Registration and Validation)(Bailiwick of Guernsey) Law, 2012*.

## 6 General Purposes & Advisory Committee

### The Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey)(Amendment) Law, 2012

- 6.1 Maitland This short Projet de Loi amends a 2007 Law and aims to make it more difficult for criminals to enjoy the proceeds of their crimes and as such should be supported.
- 6.2 **Proposition – CARRIED**  
That Chief Pleas approves *The Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey)(Amendment) Law, 2012*.

## 7 Road Traffic Committee

### The Road Traffic (Horse-Drawn Vehicles)(Amendment)(Sark) Ordinance, 2012

### The Road Traffic (Tractors and Invalid Carriages)(Amendment)(Sark) Ordinance, 2012

- 7.1 Hunt As will be seen when Item 16 regarding the Committee's updated Mandate is considered later in the agenda, the current Road Traffic Laws and Ordinances are a minefield to interpret. Over the last couple of years he had taken it upon himself to create consolidated copies of each Law and Ordinance so that the Committee could more clearly read and understand them.
- 7.2 When the GP&A Committee visited the Guernsey Law Officers a few weeks ago, it was suggested that official consolidated copies be issued; These were received by the Committee yesterday. The Committee would like to thank the Law Officers for such a quick turn-around. We will be asking the Greffier to check these and then post them on the Government website.
- 7.3 As mentioned at the last sitting of Chief Pleas "*Abiding by the spirit of the Law has been lost and replaced with nit-picking ways of finding ways to avoid the letter of the Law. This has required all Laws to be reviewed, clarified and made watertight.*" When required to sign off the yearly Road Traffic Summer Regulations, he decided to revise it in order to make sure that tractor and horse-drawn vehicle owners would clearly understand the restrictions being imposed upon them. It was then he discovered that the majority of the traditionally recognised restrictions had no legal standing.
- 7.4 Under the Tractors Ordinance, the Committee is allowed to:
1. specify the roads and hours in respect of which overtaking by tractors and invalid carriages is prohibited (section 6(2))
  2. vary the hours when tractor driving along certain roads is prohibited (section 7(2))
  3. specify one way roads (section 7(4))
  4. specify conditions relating to driving or parking at the harbour or harbour hill (section 7(5))
- Under the Horse-Drawn Ordinance, it merely gives directions as to the driving or parking of a horse-drawn vehicle at La Maseline Harbour.
- 7.5 It has already taken a succession of Committees over five years to try and consolidate and modernise both the Tractors (Sark) Law, 1974 and the Road Traffic (Tractors and Invalid Carriages) (Sark) Ordinance, 1967 into the Motor Vehicles (Sark) Law. Along with a separate Road Traffic Offences (Motor Vehicles) (Sark) Law, which, having just recently received the latest draft, these will hopefully come to a meeting of Chief Pleas later this year; however, it is anyone's guess as to when the Committee would be able to update the Horse-drawn Vehicles Law and Ordinance.
- 7.6 Notwithstanding the new legislation, it seems unreasonable that the Committee does not have the power to regulate tractors, invalid carriages and horse-drawn vehicles on the islands public roads as it deems necessary. The Committee is not looking to become draconian by imposing numerous regulations; all it is seeking is to sensibly control the traffic as it has always attempted to do in the past - but legally. As with any Committee, Chief Pleas can always take this Committee to task if a Regulation is deemed to be excessive or inappropriate.
- 7.7 Guy Assumed that the Law Officers of the Crown had accepted the legality of giving the power to the Committee to make regulations from time to time as prescribed in Section 17A as an additional Section.
- 7.8 Hunt Confirmed this to be the case, and this was acknowledged by Conseiller Guy.
- 7.9 **Proposition – CARRIED**  
That Chief Pleas approves *The Road Traffic (Horse-Drawn Vehicles)(Amendment)(Sark) Ordinance, 2012* and *The Road Traffic (Tractors and Invalid Carriages)(Amendment)(Sark) Ordinance, 2012*.

## 8 General Purposes & Advisory Committee

### The Reform (Sark)(Amendment)(No.2) Law, 2010 (Commencement) Ordinance, 2012

- 8.1 Maitland This Reform Law amendment deals principally with the splitting of the Dual Role of the Seneschal which is being reported at Item 11. The Committee also included other urgent changes in the Law, principally enabling a by-election and general election to be held at the same time and allowing for a rolling register of voters to be maintained by the Greffier. It is these provisions that are brought into force by this Commencement Ordinance.

- 8.2 **Proposition – CARRIED**  
That Chief Pleas approves *The Reform (Sark)(Amendment)(No.2) Law, 2010 (Commencement) Ordinance, 2012.*

## 9 General Purposes & Advisory Committee

### The Renewable Energy (Sark) Law, 2010 (Commencement) Ordinance, 2012

- 9.1 E. Baker The report was straightforward and self-explanatory.  
There was an amendment to be made to the proposition; the word “**commence**” should be substituted with the word “**approves**”.  
He emphasised that Sark was working closely with Jersey and particularly with Guernsey on this project and Mr Roger Olsen (a non-Chief Pleas Member serving on GP&A) attended all the Working Groups as Sark’s representative and reported every month to the GP&A Committee.
- 9.2 Cocksedge Now that Alderney and the majority shareholder from France have gone it alone and are to deploy (for want of a better word) an electrical socket on the seabed to connect up all the proposed installations around Alderney and the French Coast, how does this affect Sark’s situation and financial commitment to the project?
- 9.3 Who will have the final say if safety zones are set-up; will it be the Commission, the Committee or Chief Pleas. Talking with commercial Fishermen from the Channel Islands, France, England and Belgium, they all express concerns about displacement of effort by safety zones and Marine Conservation Zones.  
There was a prime example in Alderney where the Commission surveyed one sand bank and declared it of no importance; it was only a chance meeting with a trawler man, who showed them pictures that proved otherwise. What measures are in place to talk to parties that are affected?  
Conseiller Plummer has also asked that the concerns of the Fishermen be listened to at every stage.
- 9.4 E. Baker Confirmed there would be much more consultation. Alderney had gone it alone but its progress would be monitored and this will give indicators for those following.  
Safety zones will only be applied after consultation with all interested parties.
- 9.5 Seneschal Drew attention to the second paragraph of the report which makes it clear – “*Most of the provisions to be commenced are Ordinance making powers, not specific provisions or detailed procedures*”.
- 9.6 E. Baker There are three alternatives for controlling the project in Sark; it is unlikely to be a Commission or the GP&A Committee but the favoured option is a separate dedicated Committee. However, this has not yet been debated in Committee and will be brought to Chief Pleas before any decision is made.
- 9.7 **Proposition – CARRIED as amended**  
That Chief Pleas **approves** *The Renewable Energy (Sark) Law, 2010 (Commencement) Ordinance, 2012.*

## 10 Finance and Commerce Committee

### 2011 Financial Statements

- 10.1 Gomoll Drew attention to the statement in the report about Property Transfer Tax, acknowledging that despite it realising much less income than anticipated, based on last year’s figures, the total income has increased overall by some £46,000.  
He also pointed out the tangible assets listed at Pages 12 & 13 and reminded Committees of the request to provide estimates of their assets so that a more comprehensive and accurate picture could be presented.
- 10.2 Bache Asked about the significant rise in the expenditure for the Procureur and whether this was a trend.
- 10.3 Gomoll The breakdown of these figures is confidential to the Procureur and he was unsure of what information could be made available.
- 10.4 Bache A rise of 40% was considerable and Chief Pleas should be told whether this was a one-off spike or likely to be a continuing trend.
- 10.5 E. Baker As Chairman of the Douzaine, he was able to say that a policy of keeping people in their own homes has increased the cost paid for Carers. The cost of transferring residents to Guernsey as an alternative was also increasing significantly and was not favoured as it could be isolating for those involved. The high cost of Medical Insurance was another factor in the significant rise of expenditure.

- 10.6 Cocksedge Asked what measures are envisaged to address the shortfall on the Public Works Account. How is the possible shipment of waste from Guernsey to Jersey going to affect the cost in future?
- 10.7 E. Baker Couldn't answer that immediately. The increasing cost was out of the Committee's hands as much of it was incurred by the trends affecting disposal in Guernsey. At present the remedy is not clear.
- 10.8 P. Williams Confirmed that Public Works was consulting with different bodies in Guernsey in an attempt to keep costs down in Sark.
- 10.9 Guy Returning to the problems of the Procureur; it was impossible to predict how many clients the Procureur would be dealing with in any one year. Next year the numbers involved may have reduced considerably and cost consequently reduced.
- 10.10 **Proposition – CARRIED**  
That the Financial Statements of the Island for the year ended 31<sup>st</sup> December 2011 be approved.

## 11 General Purposes & Advisory Committee

### Timetable for the Splitting of the Dual Role of The Seneschal

- 11.1 Maitland He had nothing further to add to the Report but was happy to answer questions. He pointed out the Committee's aim to split the dual role by no later than the Easter meeting of Chief Pleas 2013. He was happy to answer questions.
- 11.2 There were no questions raised.
- 11.3 Seneschal Before the start of business he had made a statement regarding the inauguration of the new Bailiff and he wished to make further comment now that the Assembly has dealt with this Report on the splitting of the Seneschal's dual role. He sat in St. James during the ceremony quietly seething at the addresses that were being made extolling the virtues of the dual role of the Bailiff both as Senior Judge of the Royal Court and Presiding Officer of the States of Deliberation and in addition to his being the civic head of the Island (as our Seigneur is for Sark) and the Deputy Lieutenant Governor when His Excellency is out of the Bailiwick. He also listened as to how the Bailiff is enjoined to protect the rights, privileges, customs and traditions of the Island of Guernsey and its institutions by Letters Patent. He mentioned this because our rights, privileges, customs and institutions here in Sark have been trampled underfoot by wealthy men, who claim to be bringing democracy to Sark but who have never been on the electoral register of this jurisdiction, (not that they need to be as it is not compulsory but it shows lack of democratic credentials), since they became eligible to do so in 2008 for the 2008 General Election; aided in their assaults on our way of life by very expensive law firms both in Guernsey and England. That Guernsey Law firm is only too happy to appear in the Royal Court before the quadruple-roled Bailiff and Deputy Bailiff; we have not been properly protected by the UK government against those assaults which continue unabated, even though the UK is supposed to put our interests ahead of its own. When the McGonnell judgement was handed down by the European Court of Human Rights, we in Sark were pleaded with to make changes to the Seneschal's involvement in government in order to protect the Bailiff's dual role; we did so but have never had support in return over the protection of the Seneschal's dual role and it is now too late. Over three centuries (338 years) of continuity wiped out for what purpose other than revenge for Sark saying 'no' to their vision for Sark.

## 12 Finance and Commerce Committee

### Mandate of the Finance & Commerce Committee & Budget Procedure

- 12.1 Gomoll Suggestions were made at the last meeting that the Finance & Commerce Committee should take a more active role in scrutinising and prioritising the financial requests of spending Committees before they are taken to Chief Pleas. F&CC has met and discussed these suggestions but reached no definitive conclusion other than that the bidding process might need to be brought forward if the bids and determining the wherewithal to cover the cost are not to be settled by Chief Pleas at the same meeting, as is the case now. It has also been proposed that F&CC might meet annually with the spending committee Chairmen to consider the options and priorities involved. The Committee puts this forward for debate today to obtain guidance.

- 12.2 Guy Was delighted that F&CC should scrutinise the requests of spending committees; she thought this was already being done but her reservation was whether this one committee has a sufficiently broad knowledge of the workings of those other committees to be able to prioritise the spending requirements.
- 12.3 Before she was involved with Chief Pleas, she understood there used to be an annual pre-budget meeting of the Chairmen of all spending committees to (amongst other things) prioritise the routine spending and capital expenditure for the next year. There may be people in this Assembly who will remember and perhaps were involved. She had only had time to speak to one person, no longer involved in committee work, who attended those meetings and it is her opinion that they were useful. Others here could perhaps express an opinion now. Perhaps a way towards the “joined up spending” being suggested here and which is probably desirable, would be an annual meeting of spending committee chairmen; once having decided in their own committees their budgetary requirements to meet with the F&CC whose chairman would chair the meeting?
- 12.3 Magell The Education Committee with its large budget requirements would be happy to talk with F&CC and other committees to make its case for its levels of expenditure.
- 12.4 E. Baker Was concerned at the idea of committing to budget requests as early as the Midsummer meeting; it was difficult enough bidding at Michaelmas.
- 12.5 Bache Committees, we are told, have been diligent in containing their expenditures. This discussion is therefore not about their conduct but rather about what overall system of financial control should be adopted for the future. The short answer must surely be the best on offer.
- Considering the second suggestion, based on previous budget figures, it is clear that this is an improvement on the system currently in operation. However it is flawed in at least two important respects. By taking the previous year’s budget figure it will favour some Committees and disadvantage others. Those which for whatever reason had higher than usual expenditure will benefit while those whose expenditure was unusually low will suffer. Being more general in application it will also give F&CC no chance to spot, and if necessary eliminate, items of expenditure perhaps even on a small scale which are not really a priority. This could be particularly important in times of stringency. The first suggestion, full scrutiny, suffers from neither of these weaknesses. It may take more time but it is undoubtedly a better tried and more comprehensive system which will ensure a more reliable outcome each year on which Chief Pleas and the Island can depend. This is the system we should now introduce.
- 12.6 Seneschal Asked whether this debate had helped the Committee towards a conclusion.
- 12.7 Gomoll No it hadn’t but F&CC would like to look at a voluntary system for a year and then develop and take it further if it proved successful.
- 12.8 Audrain Chief Pleas should be working at a system where bids are scrutinised by a central body which considered all requests and sought justification if needed. There did not appear to be a system of carry-over without which the temptation is to spend up the committee’s budget before the end of the year as happens in most cases outside Sark.
- 12.9 Hunt Was impressed with the way Sark manages its finances.
- 12.10 R. Dewe Thought the day to day running of spending committees works well and each is focussed on the matters in hand. Perhaps future capital spending should be flagged up so that provision can be made earlier and in an extended plan.
- 12.11 Dunks At present requests are made and accepted at face value and tax is raised to meet the expected expenditure, requiring regular tax rises each year. Should Chief Pleas perhaps put a cap on the money available and the spending committees would then have to adjust their needs to stay within that overall limit.
- 12.12 Cocksedge Felt that the Committee should scrutinise and prioritise the requests of all spending committees before presentation to Chief Pleas. It should also look at the potential impact of long term expenditure such as rebuilding La Coupée. Conseiller Bache has already contacted spending Committees requesting some indication of spending into the future.
- 12.13 Bateson Was concerned that F&CC should be dictating to spending committees and would become too powerful.
- 12.14 Bache Committees should bring their own requests forward but it is only that – a request. There should be central control to adjust and lay down priorities. He would welcome a proposal being put forward for debate rather than debating the abstract.

- 12.15 Seneschal The F&CC mandate was determined when the General Purposes and Finance Committee was split into its constituent parts and, as it says in the report, it is required to regulate and control the financial affairs of Chief Pleas.
- 12.16 Gomoll Bringing requests and the setting of taxes to the same meeting of Chief Pleas is not sensible. F&CC could consider proposals and budget requirements ahead of the Midsummer meeting to which it would report, outlining the implications for revenue raising that the budgets would require. Chief Pleas would then support or not the bids and F&CC could then come back to Michaelmas with the adjusted budgets and how it proposed to raise the necessary income to cover the cost.
- 12.17 Seneschal Suggested a letter from F&CC to the spending committees with a report to the Midsummer meeting of Chief Pleas.
- 12.18 Gomoll The Committee was initially looking to start a voluntary system of bidding.
- 12.19 Guy Agreed that to send out a letter was good suggestion. She also thought that setting a 5% cap on annual rises might be a good idea.

### **13 General Purposes & Advisory Committee**

#### **The Regulation of Production of Alcoholic Products (Sark) Law, 2012**

- 13.1 Maitland This draft Law has its origin in the realisation in 2009 that the production of cider, brewing of beer and even the distilling of spirits in Sark had been left totally unregulated after changes to a previous Bailiwick Law. This was long before the arrival of Sark's own wine industry. As Conseillers will note, it gives Chief Pleas great flexibility to bring in different parts of the Law by Ordinance and to provide for future developments without having the complications of an amending Projet de Loi. Chief Pleas can also choose to exclude certain products as it sees fit – for instance the home brewed beer or the making of nettle wine which is not for eventual sale. It is also important that alcohol is produced safely and where necessary impôt can be charged. The Committee will be pleased to hear from interested parties. This is a draft law and changes will be made as necessary after consultation.
- 13.2 Melling As Chairman of Public Health he had some concerns as his Committee was working towards a rewrite of its Catering Law and would like to have been consulted before this draft legislation appeared. He was looking to greater inspection of premises where production takes place to ensure that the product was free of contamination and to the retail outlets to ensure appropriate controls. The PH Committee already had in place a regime of regular inspections using the officers from Guernsey which has been taking place for many years.
- 13.3 Maitland Agreed that the two Committees need to talk and supported a joint meeting as part of the consultation process.
- 13.4 Guy Supported the inclusion of Section 13 of the draft Law allowing Chief Pleas to investigate production or manufacture and especially Section 13(2)(f) which ensure that the costs, fees and expenses of any such investigation are borne by the person needing to be investigated.
- 13.5 Bateson Supported Section 13(2)(b)(ii) which ensured the investigation at the core of the production process.
- 13.6 E. Baker Felt this legislation was long overdue but it had been started many years ago by the late Stephen Henry who planted vines and cider apples and did a lot of groundwork in the drafting of a regulatory system to ensure the consumer was protected.

### **14 Road Traffic Committee**

#### **Revised Tractor Licence Conditions**

- 14.1 Hunt Since the publishing of the Agenda he had been approached by one of the fishermen with regard to Condition "O", specifically the notes where we restrict the movements of tractors either side of the scheduled passenger boats. The fisherman made the observation that this restriction would stop him and the other fishermen from being able to service the restaurants and hotels towards the lunchtime periods from where they can receive calls for rush orders. It makes a refreshing change that someone actually had the common sense to approach the Committee and ask why it was putting such restrictions in and then to explain the repercussions it would have to their legitimate business movements. He fully understood and appreciated the attempt we are making at restricting tractor movements. His explanation makes sense and we will add Condition "F" to note "2" under "O" to allow freedom of movement for all of the legitimate boat operators.

- 14.2 Hunt By way of explanation, this restriction has been put in place to stop the “taxi” services that some tractor owners think they can provide by pretending to legitimately run down to the harbour on some pretext or other, such as dropping a trailer off or taking items to the quarry, just as family and friends are either leaving or arriving on the scheduled boat service.
- 14.3 The ownership of a tractor licence is a privilege not a right and the Committee wanted the public to see that the Laws of Sark are being taken seriously and not abused. The categories are not set in stone and are open to consultation and comment before they are applied at the review of applications for 2013 licences.
- 14.4 The second part of this report is to seek Members’ opinion on drivers carrying a single passenger on tractors for other than work assistance.  
Three simple options are suggested in the report.
- 14.5 Magell Supported the second option (*allowing drivers to give lifts as long as they have sought permission from the Constable beforehand*); this would be compassionate yet stop abuse.
- 14.6 Melling Pointed out that the alternative for someone who is elderly or incapacitated was to use the ambulance so no additional journeys were actually being generated.
- 14.7 Bateson Disagreed with the previous speakers. Option 2 is asking the Constable to override the Law which cannot be right. He supported the third option (*relax the Ordinance by Regulation to allow this type of community assistance to continue*).
- 14.8 Guy Supported Conseiller Bateson otherwise it would be putting the Constable in an invidious position.
- 14.9 Prevel  
E. Baker Both supported the third option.
- 14.10 Hunt Now that the Committee has the ability to introduce regulations, the Committee will meet to discuss taking this step forward.
- 14.11 Bateson Questioned this approach and whether a new Ordinance was not a better way.
- 14.12 Hunt It could now be a regulation under the present Ordinance.
- 14.13 Bateson Asked that the Committee check with the Law Officers that this is legitimate.
- 14.14 Hunt Would certainly check that such action was not ultra vires.

## 15 Medical Committee

### Resignation of the Sark Medical Officer

- 15.1 D. Baker Felt that the community here on Sark has already said far more than the Medical Committee ever could; the disgust shown towards the Sark Newsletter by so many and the support shown towards Dr. Peter Counsell has been truly overwhelming. The editor of the Newsletter, Mr. Kevin Delaney, is obviously a well thought of and trusted employee, for had any employee ever distributed such vile propaganda against their employer’s wishes, especially employers as powerful as the Barclays, they would surely have been dismissed immediately. The fact that Mr. Delaney is still employed shows that his employers are happy with his work and all that he is doing on their behalf.
- 15.2 Dr. Counsell and his family were happy here and had no intention of moving yet; with small children it was obvious he wouldn’t stay more than another 3 or 4 years but his decision to go was completely due to the Newsletter and its criticisms of his work and in particular the evacuation of patients in any medical emergency.  
The Medical Committee wishes to thank Dr. Counsell publically for all the extra work he has done, his training with the Fire and Rescue Services and the ambulance crew, the school children and teachers. The preventative work he has done to help so many people, educating his patients how best to deal with health matters to prevent further problems, the screening program for breast cancer and with other similar programmes due to follow. He has worked over and above what was expected of him and the new health insurance was due in a large part to Peter’s concern that residents here on Sark should have an insurance that suited the needs of all our residents.  
What a loss to Sark.  
She would like to think that Sir David and Sir Frederick Barclay feel some sort of remorse for the action of their employee but she seriously doubted it.
- 15.3 She also thanked Conseiller Hunt; as a Committee we have been reasonably busy but she and John have met together to draft various documents of which there have been quite a few concerning the Medical Committee as a result of this situation; an advertisement inviting applicants, updating the application form and information papers, needed to be sent out to encourage any interest in the role of doctor; and the updating of leases and similar arrangements regarding the surgery.

- 15.3 D. Baker She goes home after such meetings and by the end of the day this committee has  
cont been given beautifully presented documents all finely edited; this is done without any charge to the island and without any expense account, just like many Conseillers do but to a greater degree. Looking at some of the other papers in our Chief Pleas meeting today Conseiller Hunt has clearly been extremely busy on so many fronts. She thanked him for his support and invaluable assistance.
- 15.4 The Committee has advertised for a new Medical Officer, a difficult position to fill thanks once again to the Newsletter. As yet the costs involved are not known but a request for up to £12,000 has been proposed but it is hoped to spend far less. The Committee has nothing to say at this moment about any replacement; it is not an easy task and the Committee would prefer to keep its work confidential until such time as the position becomes clearer. The Committee will inform all Conseillers when this task is completed as well as informing the public with notices placed in the village; hopefully this will stop too much speculation and allow applicants a little privacy during the interviewing process.
- 15.5 Prevel Asked if he could propose a vote of thanks to Dr. Peter Counsell who has done a fantastic job of providing medical cover for the people of Sark and its visitors; he and his family will be sorely missed. Conseiller Prevel couldn't believe that Sark has been put into the position of having to spend £12,000 to find a new replacement doctor when there are so many up and coming and long-term maintenance projects which will need funding. For Chief Pleas to have to spend tax payers hard-earned money on something like this, that need not have happened, is unjustifiable. He laid the blame at the front doors of the Barclay Brothers, and Messrs Delaney and Dawes. As a true Sarkee, he found this episode in Sark's history not only shocking but very disturbing. That the Barclay Brothers, supposedly honourable Knights of the Realm, and their minions are able to threaten and bully the people of Sark to achieve their own hidden agenda is inexcusable. The only analogy he could come up with is the jackboot but using £1.8 billion instead of a gun. The Men of Sark, and men and women of other countries, gave their lives so that we are able to live without fear of persecution. He and many others are sick and tired of being held to ransom by people who neither love nor want to understand Sark but who are prepared to use underhand tactics to get their own way. He suggested that now is the time to stand up for the Sark we all love before it is destroyed.  
*(The Assembly applauded this impassioned speech).*
- 15.6 Guy Questioned whether £12,000 would be enough and mentioned the experience of recruiting a Headteacher where 2 or 3 attempts were made to attract applicants. The Medical Committee should not be put in the position of having to rush an appointment.
- 15.7 D. Baker Admitted the sum suggested was very much guesswork and that some of this amount has also had to be spent already in order to place advertisements. If the Committee is unsuccessful in recruiting someone immediately, further advertising may be required and the employment of Locums to cover the position until someone has been appointed and can take up the position will further increase the amount needed. She asked if Chief Pleas could sanction additional monies if so required.
- 15.8 Seneschal Unforeseen expenditure is available for such situations and the reasons here are quite legitimate.
- 15.9 **Proposition – CARRIED**  
That Chief Pleas approves the spending of up to £12,000 from unforeseen expenditure to advertise, interview and assist with relocation costs for a new doctor to replace Doctor Peter Counsell.
- 15.10 D. Baker Informed Chief Pleas that the Medical Committee was discussing with Dr. Counsell the contents of the Surgery and whether some equipment should be owned by the Committee rather than the resident doctor. The computer was one such item; Doctor Counsell had inherited a computer and software from his predecessor, Doctor Teunisse, but has since upgraded both the computer and expanded the software. This should perhaps be purchased and owned by the Committee and the hardware replaced on the rolling programme applied to similar equipment. The Medical Committee would be bringing a report to the Midsummer meeting giving more detail on what needs to be transferred into Committee ownership.

## 16 Road Traffic Committee

### Committee Vacancy & Mandate

- 16.1 Hunt As already mentioned by the Seneschal, Conseiller Richard Dewe resigned from the Road Traffic Committee following the last meeting of Chief Pleas. Conseiller Hunt gave his personal thanks Richard for his chairmanship and time on the Committee. That resignation leaves a vacancy on the Committee which has approached Conseiller Higgins, who has agreed to be put forward as the Committee's nominee.  
To avoid having to return to the summer sitting of Chief Pleas with another revised copy of the Committee Mandate, it was requested that Chief Pleas firstly appoints a new Committee Member and then approves the amended Mandate with that Members name entered along with the Ordinances approved under Item 7.
- 16.2 Cocksedge Remarkd on the amount of legislation listed on the mandate and looked forward to seeing the new Consolidated Law that covers it all.
- 10.3 Seneschal Warned that the consolidated version was not authoritative.
- 10.4 Dunks Asked the purpose of listing all these Laws and Ordinances on the Mandate.
- 10.5 Hunt To let the public and the Committee Members know and be aware of all the legislation pertaining to Road Traffic Law.
- 10.6 Seneschal Reiterated the reply pointing out that it was a policy decision taken some time ago that mandates when updated should include details of within what legislation and International Obligations each Committee is working. As these are updated they are being included on the Government website for public awareness.

### **Proposition 1 – CARRIED**

That Chief Pleas appoint a new member to the Road Traffic Committee.  
Conseiller Higgins was duly elected there being no other nominations from the floor.

### **Proposition 2 – CARRIED as amended**

That Chief Pleas approves the Committee's revised Mandate, as amended with the new Member appointed under Proposition 1, along with the addition of the Amendment Ordinances – *The Road Traffic (Horse-Drawn Vehicles)(Amendment)(Sark) Ordinance, 2012* and *The Road Traffic (Tractors and Invalid Carriages)(Amendment)(Sark) Ordinance, 2012*.

## 17 General Purposes & Advisory Committee

### Land Reform

- 17.1 Maitland All Conseillers will have had a letter from a group of Tenants and freeholders on this subject and he thanked them for taking the trouble to write to let us all have their views on this potentially thorny subject. Conseiller Maitland urged younger Tenants or members of the old Sark families to stand for election in December and play their part in Chief Pleas and the future of the island in a more proactive way.  
He quite agreed that the feudal land holding system on Sark has been one of the factors in preserving the beauty of the Island and, in the days when Sark was an island of small farms, it prevented the land holdings being fragmented into uneconomic parcels. But whether we like or not, times change, and eventually even Sark will have to change too.
- 17.2 This report is only a very small first step in the process of reform and even this will take time. Chief Pleas needs to strengthen its planning and land use Laws and produce an Island Plan along the lines of the Jellicoe Plan. Bringing in the ability to mortgage land with a proper charges register has to be for the good of the Island.  
In the past, so many businesses were starved of working capital which left many hotels, for instance, in a parlous state. Until recently, Sark has suffered from a lack of investment.
- 17.3 As Conseillers, we have to represent all the people of Sark whether Tenants, leaseholders or renters. The Committee certainly has also heard from a number of leaseholders and here one has to sympathise with the local market leaseholder from an old Sark family who has worked against all the odds to build a house for his family and wants to be able to pass on an asset to children and grandchildren. The landlord will not extend his lease and there is nothing he can do to force the issue. Is this just?

- 17.4 Maitland Personally, as an open market leaseholder, he was happy with his lease which will last until he is 104. He had good landlords and a very flexible, modern lease. He doubted that he would have had the money to buy a freehold and live on the Island - so a cheaper leasehold property suited his family perfectly.
- 17.5 So much for the propaganda that reform was all a Maitland money making scheme. Sark will dictate how quickly it wants Land Reform to proceed. At least under these proposals Chief Pleas can take the first steps of setting up a land registry and where landowners wish to sell freeholds to sitting leaseholders or sell land to each other, or to anyone else, they may do so. Leaseholders may then start flexing their muscles and demand rights too; we shall see. Certainly, for as many people who don't want us to do anything there are just as many –and probably many more- who think we aren't doing enough. We just have to be brave enough to at least take the first step.
- 17.6 Fry Land Reform has been talked about for a long time but it was only recently she had become aware of the depth of feeling against it from many Sark-born residents, both Tenants and leaseholders. She believed that Chief Pleas should not ignore these opinions as to do so would be at its peril. There are already divisions on the Island at this time and it seems unwise to create another one. Surely now is the time for uniting and pulling together not creating a further fracture? The people of Sark have had a great many changes imposed upon them over the last few years and the whole issue of Land Reform seems to be one step too far; an end of what makes Sark unique. Sark, first and foremost belongs to the Sarkees and she admitted that most of this Assembly are incomers who have chosen to live here; we have been made welcome but, in many cases, do have somewhere to which we could return. This is not the case for families for whom Sark has been home for generations. Of course there are pros and cons and she was sure that Land Reform is inevitable. Several Tenants and Freeholders have requested a deferment of Item 17 until there has been full consultation with them. She recognized that there have been open forums for discussion, but obviously there is a need for more. She made one final point, although she was sad to make it – where are these Sarkees, who love their Island so much? Why have so few of them put their names forward for Election? They should be speaking for themselves, fighting to save their Island.
- 17.7 Ventress This is the first part of what will be a very long complex and contentious series of legislation. His initial reaction was to vote against the proposition not because of what it is setting out to do but because it is not going far enough. There are four disparate groups involved each of whom has different hopes, fears and expectations in Land Reform. Firstly, Tenants and Freeholders. Secondly, Leaseholders both short and long term. Thirdly, those in rented property and lastly but by no means least all the youngsters growing up who wish to remain on the Island and find somewhere to live. This is exacerbated by the rapid increase in the world's population and it's implication to Sark. The Tenants and Freeholders naturally are fearful of being deprived of their income from leasehold property by long term lessees being permitted to purchase the freehold. The Tenants were those most vocally opposed to any reform at the last meeting; leaseholders and those in rented accommodation were conspicuously silent. Having received a copy of the letter signed by a number of Tenants they naturally still are opposed. A number of the other people there who had short leases spoke to him after the consultation meetings expressing their hope that legislation could be bought forward quickly which would make it easier for them to own their own land. On asking why they did not voice their opinion at the meeting they felt that it would be unwise as not only was their landlord's agent present but also the landlord's advocate. Leaseholders especially on short term leases without a renewal clause are worried about what happens to them at the end of their lease as the Landlord can (and has) taken back the land including any house built thereon (unless removable). The long term leaseholders in general would welcome the option to purchase the land obviously at an agreed and fair price for both parties. There is plenty of precedent in U.K. legislation which can be helpful in the drawing up of legislation, for example that affecting the massive London estates.

- 17.8 Ventress The last two groups have only fear; is there anywhere to rent and can they afford it, how long and secure is their tenancy and what safeguards are there together with the shortage of suitable property. This is made worse by properties left empty and abandoned and those only occupied in summer. Is Legislation needed much sooner than later for the protection of people in rented property?  
Concern is expressed about the threat of over development of the Island and loss of agricultural land. This will require strong safeguards from both the Agricultural and Development Control Committees. This is a problem which concerns not just Sark but Guernsey and the UK which are struggling to find land on which to build while preserving the open spaces.
- 17.9 Guy These comments just scratch the surface of the most complex problem facing Sark. Land Reform will have a huge effect on the island both in the medium and the long term. It must not be rushed but neither must it be put on the back burner for a couple of generations.  
The letter sent by a group of landowners involves nine families in total and they mention that they are not necessarily opposed to land reform in principle. They have concerns about the number of dwellings that Sark's infrastructure can support and they believe that a land use plan should be in place. She agreed and thought that most people would support these points, believing that it is vital for both a land use plan and a strong Development Control Law, to be in place before Chief Pleas does much more on Land Reform. A Law with sections like those outlined in Item 13 of the Christmas meeting of Chief Pleas.
- 17.10 The main personal concern of the writers of this letter is that changing the terms of the 1611 Letters Patent will vary, alter or change substantially the terms of their perpetual leases with the Crown. She asked that the GP&A Committee take advice on this issue and report back to Chief Pleas before taking the first part of the proposition forward. At the same time they might request that a further legal eye be cast over other aspects of the Letters Patent 1611 because the document also says (on page 150 Fief) –  
  
*"none of the inhabitants of the said Isle of Sark do at any time hereafter receive unto his or their houses any strangers not borne in the said Isle of Sark either as their servant, undertenant or otherwise to make abode with them, but only such who shall whensoever they shall thereunto be required, as aforesaid, take 'The Oath of Alleageans"*
- 17.11 Clearly we have been ignoring that one for many years simply because it is outdated, no longer suitable and has been superseded by other international obligations. Other tenets of the 1611 Letters Patent have also fallen by the wayside. Perhaps the responsibilities mentioned in the letter from the landowners are also simply no longer appropriate for the 21<sup>st</sup> century because really their only responsibility is that of defence. Letters Patent 1611 and indivisibility itself are really all about defence and with good reason. The strategic position of the Channel Islands must have been hugely significant as, in the 16<sup>th</sup> & 17<sup>th</sup> century war between France and England (not to mention Spain just around the corner) was on and off the whole time over that period. Try googling it!  
She preceded to reel off a list of dates showing the conflicts between England, France and Spain between 1511 and 1560 - and it goes on like this for another 100 years...but it isn't like that now. We welcome the French with their Euro!
- 17.12 This group of people want further consultation with the GP&A Committee and it seems reasonable that they should have it. She added that when having a lengthy conversation with one of the people involved there were other suggestions not mentioned in the letter which could be helpful to the situation. If this is the way GP&A choose to go then it would be only fair to also have further discussion with leaseholders without landowners being there, because some leaseholders would be happier to express their opinions in private. It should be remembered that their opinions have to be considered as valued because this is a democracy.
- 17.13 The abolition of Retrait seems to be sensible if, as is the current wisdom, it is indefensible. Could GP&A confirm that it has fairly definitive advice on this? She had attended the last Retrait Court in Sark. It was not an edifying experience.

- 17.14 Guy Before much more action takes place it will be necessary for the Committee to have a very clear mandate from those who own land and those who have long leases and perhaps others too. Although the Committee has made every effort to consult residents, representation has been patchy and, predictably perhaps, some landowners feel strongly against selling leasehold land and some leaseholders desire, strongly, to own the land or property they lease. *This is not, however, always the case* and she had listened to landowners who wish to sell and leaseholders who are not in favour of splitting the large holdings of land. She had also listened to people who have strong and sincere views but chose neither to attend either the two consultation sessions carried out by the GP&A Committee nor to write a letter to that Committee for a number of reasons. To get an overall picture, and therefore a clear mandate from the people, it will be necessary to have some formal plebiscite, possibly carried out by professionals in this field. Perhaps a little more consultation of the kind outlined would enable people to respond to a plebiscite using both their heads and their hearts.
- 17.15 As far as the propositions are concerned she hoped that Chief Pleas will be voting on them individually. Proposition (b) is one of the necessary prerequisites to moving forward. It is desirable whatever decisions are made about other aspects of land reform. The writers of the letter mentioned that they feel that a land use plan needs to be in place and a registry is part of this and she saw no reason why we shouldn't vote on this now.  
Proposition (c) could also be voted on now.  
She suggested that Proposition (a) could be deferred, but not removed, for a short time to enable further advice to be taken and a little more specific consultation.
- 17.16 Dunks Asked if the proposition would be voted on as a whole or in three separate parts.
- 17.17 Maitland The removal of retraits was included following lengthy advice from Richard McMahon (when he was still HM Comptroller) and has precedent from other Laws; retraits has been removed in Guernsey.
- 17.18 D. Baker Unless some action is taken, Sark leaseholders will become the next divide on Sark. She will support all three elements of the proposition.
- 17.19 Cocksedge The letter submitted by a number of land-owners shows their grave concern that there has been limited time for discussion on this very difficult subject. It seems that we are being driven along to meet the deadline of the December election.  
As the letter points out, they are not adverse to the change but feel there should be more discussion on the points raised. The Letters Patent have been part of Sark's history for centuries so let us take a bit more time so that the next Reform lays us in good stead for the future.
- 17.20 Melling Was aware that this letter circulated to Conseillers is not a Chief Pleas' paper. It has however now been sent out to other than Conseillers and is, as such, a public document. He supported the need for more consultation.
- 17.21 Hunt Was very much a fence-sitter on this one as he was in a tied property but he could see the problems; he felt it should go back into the melting-pot and will not consequently vote for any of the options proposed.
- 17.22 Bateson Agreed that further consultation was required but not just for land-owners but with leaseholders and renters; the consultation should be with all groups. Effectively, granting a 200 year lease is already equivalent to divisibility.
- 17.23 Nightingale Took the view that this was going too far too fast. No new land is being made so existing land is all that is available and there is a shortage of that so land prices will go up and up. He agreed that anyone who builds their own house on leased land should be compensated when their lease expires.
- 17.24 Magell Asked for the option (a) to be removed from the proposition.
- 17.25 Prevel Without Land Reform surely Sark will be returning to a feudal system. People should not be fearful of speaking out in case they lose their lease the next day.
- 17.26 Guy Agreed with that view but consultation should take place in separate groups.
- 17.27 Prevel Didn't agree; there was a need for discussion across all groups.
- 17.28 Guy Many people will not speak their minds with their Tenant present.
- 17.29 Hunt All Conseillers should attend regardless of their land/property owning situation.
- 17.30 Audrain The opportunity has been given to write and responses have been circulated within the GP&A Committee from those who have replied which has been most helpful.
- 17.31 R. Dewe Reminded the Assembly that this proposition was only requesting the approval of Chief Pleas to go forward for drafting. If it is dropped now it pre-empts the outcome of the consultation.

- 17.32 Dunks Can GP&A Committee not have more consultation in the meantime?
- 17.33 Bache Agreed with Conseiller Dewe that there was plenty of time for discussion and consultation before accepting any drafted legislation.
- 17.34 Guy Pointed out that the Tenants letter actual only request deferral.
- 17.35 Maitland If the Assembly defers Option (a) in the proposition it could become forgotten. He suggested that Chief Pleas vote on each option separately.
- 17.36 Guy Asked if Option (a) could not be deferred but with a date set for its return to a meeting of Chief Pleas.
- 17.37 Maitland Following consultation with other Members of the GP&A Committee, he agreed to defer Option (a) but vote on Option (b) and (c) of the proposition.  
He promised to meet with land-owners to discuss their views.
- 17.38 Perrée **Requested a named vote.**
- 17.39 Gomoll As a Lawyer practising on Sark, he was involved with property transactions.  
He was unclear whether he should declare an interest or vote yes, no or abstain.
- 17.40 Seneschal It is an issue that affects every Member of this Assembly.
- 17.41 **Propositions**  
That Chief Pleas agrees that the Committee should request the Law Officers of the Crown to draft legislation to –
- (a) **DEFERRED**  
remove the principle of indivisibility from the Letters Patent of 1611,
- (b) **CARRIED on a named vote - 22 Pour, 4 Contre**  
provide for the setting up of a Land Registry and Charges Register, and
- (c) **CARRIED on a named vote - 15 Pour, 11 Contre**  
Provide for the abolition of the customary practice of retrait lignager.

## 18 Medical Committee

### Health Visitor

- 18.1 D. Baker The Health Visitor Mrs Debbie Pittman is becoming well known to the mothers of young children here on Sark; whereas she needed to introduce herself to mums at the start of her monthly clinic, young mums are now coming along to see her voluntarily. Mrs Pittman feels her visits are growing in popularity and that she is seen as someone quite independent who is here to help or assist a family with any problems or to just check on both a mother and baby's progress, while keeping the confidence of such a family.  
Conseiller Baker has asked Mrs Pittman for a report to the Medical Committee in June for it to pass on to Chief Pleas at the Midsummer meeting in July. The early indications are that this support is useful and becoming more welcome among young families. The Committee's proposition is for this service to be allowed to complete one full year's trial as requested when approval was given during 2011.
- 18.2 Seneschal Asked when the visits started.
- 18.3 D. Baker Although approved at Christmas Chief Pleas in January 2011, the actual visits began in October 2011 and have taken place monthly although December 2011 was missed because of bad weather.
- 18.4 **Proposition – CARRIED**  
That Chief Pleas approves the finance for a Health Visitor as approved in January 2011 to continue into 2012 in order to complete a full year's trial.

**a lunch break was taken between 1.00pm and 2.00pm**

## 19 Tourism Committee

### Redevelopment of Visitors' Centre Toilets

- 19.1 Audrain Since this was raised at the Christmas meeting of Chief Pleas there has been a change of plan following more investigation. The concept of building new facilities at the back of the Visitor Centre has raised a number of problems. The Committee is now looking to redevelop the existing toilet block by upgrading the present facilities and making better use of the available space within the building to provide additional toilets. A specification has been drawn up and is included on the reverse of the report.

- 19.2 Cocksedge Accepted the need for the improvements but was concerned that, with the specification included and a budget limit quoted in the proposition, builders tendering would quote to the limit of the funds available.
- 19.3 Guy Société Serquaise requires a storage area for chairs and she asked whether the Committee had liaised to see whether any assistance might be given.
- 19.4 Audrain Was unsure but would check with La Société.
- 19.5 Maitland Asked what timetable was contemplated for the refurbishment.
- 19.6 Audrain Cannot decide before the tendering is complete but the Committee was hopeful that something might be done before the peak visitor season begins this year.
- 19.7 D. Baker The idea of having an extension to the rear of the Visitor Centre was considered carefully but rejected in favour of the present proposal. The Committee hope to achieve completion to provide some benefit during this 2012 season.  
If the Committee had gone out to tender first before obtaining Chief Pleas approval it would have been criticised but she could see the logic applied by Conseiller Cocksedge; she expected honest quotations from the builders tendering.
- 19.8 **Proposition – CARRIED**  
That Chief Pleas approves, within a capital budget limit of £25,000, the decision to redevelop and improve the existing toilet block and access at the Visitors' Centre and directs the Tourism Committee to obtain detailed plans and costs in order that work can commence as soon as possible.

## 20 Medical Committee

### The Regulation of Health Professions (Enabling Provisions)(Sark) Law, 2012

- 20.1 D. Baker This information report has no propositions but the Medical Committee thought Chief Pleas ought to be aware of this appeal. The Regulation of Health Professions Projet de Loi must include the tenement known as La Moinerie de Haut (otherwise known as Breqhou) as it is part of Sark and only when drafting an Ordinance is consideration given to introducing exceptions to the Head Law. The Committee's report made it clear to Christmas Chief Pleas and to Advocate Dawes that when an Ordinance is drafted he is welcome to have input should his clients object to anything.  
It is not the intention of this Committee to include the Island of Brecqhou in any Ordinance which deals with a doctor practising on Sark. Advocate Dawes goes on to say the Committee is speaking on behalf of its current members and current intentions based on circumstances at the present time. She was defeated by the concept that any member of Chief Pleas speaking now could commit a future member to never changing that policy.  
A Law is a Law and all will abide by it; if in the future someone suggests changing it then it will be up to Chief Pleas as a whole to deal with it.

## 21 Emergency Services Committee

### Night-time Helicopter Medical Evacuation

- 21.1 Hunt Since the submission of this report the Committee has been contacting various Helicopter Medevac providers around the UK in an attempt to identify a suitable candidate to assist it. Just yesterday the Committee managed to make contact with an independent aviation consultant who provides consultancy services around the UK. Having given an indication of his fees for his services we would like to reduce the amount of money requested to £4,000; this should be more than enough to cover his fees, travel and accommodation costs.  
(His daily rate is £575 and he has 31 years of experience in the RAF/Royal Navy with an additional 10 years in the Civil Aviation Authority. He was aviation advisor to the Isle of Man and Guernsey during 2005).
- 21.2 Cocksedge Is this really such a major issue that it justifies the use of tax payers' money?  
Those funds could be better used to offset the price of the older population's high insurance premiums that rise so rapidly when you reach a certain age.
- 21.3 Bateson Enquired what the end game was in this exercise. Will the Island build a dedicated helicopter landing pad for such a rare occurrence as a helicopter medevac at night.

21.4 Hunt Is it the place of Chief Pleas to decide whether someone can be denied a medevac by air if that is the best option for an emergency incident? The plan is to have a mobile system set-up by the Sark Fire & Rescue Service to operate. The consultant will be brought in to consider suitability of sites and to say what equipment is needed within the specifications laid down in legislation.

21.5 **Proposition – CARRIED as amended**  
That Chief Pleas set aside **£4,000** to pay for an independent aviation consultant to visit Sark and advise us on the range of options that could be undertaken to increase the safety and success of nighttime helicopter emergency evacuation and the costs of undertaking such measures.

## 22 Medical Committee

### Practise Manager

22.1 D. Baker Asked that a small part of the report was corrected: Doctor Counsell did not introduce the position of Practise Manager, he inherited this from Doctor Teunisse, but has since increased the work and hours of this position, with the hours now from 8.30am until 1.00pm, on six days a week. The Practice Manager is fully occupied during this time. The duties are listed in the report but Conseiller Baker emphasised that all of this is done under the supervision of the doctor; at no time would the Practise Manager be able to dispense prescriptions or order medications without the doctor's sanction.

22.2 The Medical Committee currently pays Dr Counsell – a salary of £18,235 pa, and Locum fees' assistance of £12,617 pa.  
The cost of employing a Practice Manager is roundly £13,000 and is paid by Doctor Counsell; it varies slightly according to hours worked and the time off taken. This does not leave a great deal of the doctor's salary paid for by Chief Pleas but the Committee is not asking for more finance just for permission to realign the way these two positions are paid. The Medical Committee will then be able to give the Practice Manager a contract of employment. Having met with Doctor Counsell and Mrs. Fiona Hamon to discuss this issue, all are all agreed it is in the best interest of the surgery and the patients to make this change.

22.3 She has spoken with the locum doctor to see how he feels about the position of Practice Manager; he has found this to be invaluable. Sometimes in the past, the doctor has employed his wife as a secretary/receptionist, but when the doctor goes away on holiday he takes his wife along too and this has left the locum to struggle with an unfamiliar system and no assistance.

22.4 E. Dewe How is the Practise Manager to be paid if no new money is involved?

22.5 D. Baker Out of the payment currently made to the Doctor; it's just a reallocation of the funds.

22.6 E. Dewe Is this fully explained in the new advertisement or is it misleading?

22.7 D. Baker This payment has been taken into account in the advertisement.

22.8 Taylor Agreed with the concept here but from his own experience when employed as a Practise Manager, there is a need to look at the line management and to the Doctor's accountability for the actions of the Practise Manager.

22.9 Gomoll Questioned whether the decision should not be taken at the time of appointing the new Doctor rather than create a fait accompli for the Doctor to have to accept.

22.10 Hunt One of the principal reasons for doing this now is to ensure the provision of continuity for anyone who takes over from Doctor Counsell.

22.11 Guy It is recognised that the present incumbent of the position of Practise Manager is competent and good but will the Doctor be involved in any future appointment.

22.12 D. Baker Naturally, but the present post holder has worked with two doctors and has proved her ability to undertake the work involved and with different personnel.

22.13 **Proposition – CARRIED**  
That Chief Pleas approves the appointment of a Practise Manager for the Sark Medical Centre employed by the Medical Committee.

## 23 Emergency Services Committee

### The Queen's Diamond Jubilee Medal

23.1 Hunt It is with great pleasure that this Committee can announce those members of the Sark Community who have been chosen to receive the Queen's Diamond Jubilee Medal in recognition of their commitment to serving in Sark's Emergency Services.

- 23.2 Hunt **Fire and Rescue**  
 Adams, Kevin Neil  
 Adams, Simon Francis  
 Curtis, David Peter Charles  
 Dewe, Nicholas John  
 Gill, Rowan Clive  
 Hunt, John Edward  
 Knight, Robert Michael  
 Martin, James Turner  
 Southern, Bernard John  
 Williams, Paul Joseph

**Ambulance**

- Knight, Richard Leslie  
 Melling, David Woods

**Assistant Constable**

- Hamon, Fiona Merrie Bernadette

**Special Constable**

- Guille, Adrian Lionel

- 23.2 A date is yet to be fixed for the presentation of these medals and the Committee will inform Chief Pleas or produce a Public Notice, if sooner, once a date has been set.

## 24 Harbours & Pilotage Committee

### Harbours' Maintenance

- 24.1 Guy Apologised but needed to make three changes to the report –
- the Creux shelter was built in 1905 not 1903;
  - the £15,000 referred to is unforeseen expenditure and not capital;
  - that reference is also made and needs to be changed in the proposition.
- 24.2 There is no doubt that the shelter at Creux Harbour is less important now than when it was built in 1905 using funds donated by Edmund Hayle. Then, and up to 1949, when the Maseline became the main passenger and cargo harbour, it must have been a godsend to passengers waiting to travel to Guernsey on what was probably a less than reliable boat service and to fishermen before the days of tractors, VHF radios and mobile phones.  
 One consideration that the Committee did have was simply knocking it down and erecting a much simpler housing for the phone and electricity meter. However, it is an attractive granite faced building, is very much part of the old harbour and was built with funds donated to the island. It is still useful to harbour users.
- 24.3 Currently the shelter is used for housing the electricity payment box, and a telephone. It is sometimes used for storing fishing gear and canoes and a section has rails erected for the tidy and relatively safe storage of rubber dinghies which are tenders to local boats.
- 24.4 The roof, which is reinforced concrete, has needed attention for some years but other work has taken precedence until now. This year the Committee is able to allocate some of its repair and maintenance funds to the work but, as explained in the report, an engineer's survey and the three tenders received confirm that, to do the job properly, additional funds are needed.  
 Chief Pleas may decide that this work could be put off until next year. There are a number of good reasons for carrying out the work this summer; these are -
- The Committee is able to allocate some of its budget this year and there may be other demands upon its budget next year;
  - Three reputable building companies have tendered for the work and all are able to do it before boats have to go back on the hardstanding for the next winter season;
  - It is unlikely that the costs will be any less next year!
- The Committee looks for feedback now with queries of a technical nature addressed to Conseiller Prevel.
- 24.5 Cocksedge **Declared a pecuniary interest as he was employed by one of the builders tendering for the work involved. On a show of hands it was agreed that Conseiller Cocksedge could remain in the Assembly but not contribute or vote on the Item.**
- 24.6 Dunks Asked if the Island derives any income from the shelter.

- 24.7 Guy Charges are made for dinghy storage at the rate of £10 per annum. With proper metering housed within the building, savings have been made from the previous system.
- 24.8 Gomoll This bid was considered by the Finance and Commerce Committee which better needed to understand the justification for the funding request. F&CC felt there were flaws in the argument for the work to go ahead but had no wish to stand in the way of it being undertaken now.
- 24.9 Guy It is likely that next year finance will be needed for an underwater survey to inspect the state of repair of the main harbour wall. The Harbour could be regarded as a public facility and this building does have some public uses.  
The flat area of the roof could also become a location for equipment should Sark Electricity Company decide to go ahead with plans to harvest tidal energy for Island use off the coast close to this point. Bringing it ashore and finding somewhere to locate generating equipment was a problem.
- 24.10 Gomoll F&CC was happy to be convinced that £1,000 pa could be raised to offset the cost.
- 24.11 Cook Chief Pleas should not be considering just income but how the building forms part of the infrastructure of the old harbour and adds to its charm.
- 24.12 E. Baker To just remove it would give the wrong message as it was originally built by public subscription.
- 24.13 **Proposition – CARRIED as amended**  
That £15,000 is allocated from **unforeseen** expenditure for replacement of the roof on the shelter/dinghy store at Creux Harbour.

## 25 General Purposes & Advisory Committee

### Electricity Regulation

- 25.1 Maitland Sark Electricity seems to have circulated in this room today a small sheet of paper to Conseillers purporting to set out the facts. Conseiller Maitland commented that from the facts it contained it appeared that he and Mr David Gordon-Brown seem to have been at different meetings during their discussions together. The fact is that Sark Electricity has never offered the Committee the right of retraits or a “golden share”. At a meeting in January this year, at no time did the Company offer to open its books and certainly no mention was made of refunds to customers.  
As a result of this complete lack of cooperation, Conseiller Maitland went to see Mr John Curran, the Director General of Utility Regulation and asked for his help. The March meeting was arranged by the Committee in order for the Director General to meet Mr David Gordon-Brown but little progress was made. As a result of that meeting, the Committee decided to bring this proposition to Chief Pleas.
- 25.2 Conseiller Maitland emphasised that to bring in a regulatory regime to solve this problem is like using a sledge hammer to crack a nut but, when faced with complete intransigence by the Company and a refusal to cooperate either with the Committee or Mr Curran on behalf of the Committee, it had no alternative but to take this step.
- 25.3 He had been hopeful that the Company had seen sense when Mr Gordon-Brown approached him at the end of last month, to apologise and say that his advisers had thought his approach was misguided. He asked Conseiller Maitland to have a conference call with them to discuss the way forward.  
This he did on April 3<sup>rd</sup> having a long conversation with Mr Hartley Booth, a barrister and former UK MP, and Mr Charles Wood, an expert in regulation who had helped to set up the regulatory regime in Guernsey. Conseiller Maitland was given information that reinforced his view that Sark Electricity is a highly profitable Company and was told that “*David Gordon Brown accepts the need for John Curran to look at the books*”.  
He requested that statement be sent in writing by Mr Gordon-Brown which is the letter that he had expected before this meeting of Chief Pleas.  
As Conseillers will see from e-mails to them from Mr Gordon Brown, there has now been a complete U turn and we appear to be back where we started.
- 25.4 The letter that Mr Curran sent to Mr Gordon-Brown yesterday, and which has been copied to all Conseillers, sets out the need for regulation and makes the point that either electricity companies are regulated by an independent regulator which satisfies itself that charges are fair (as in Guernsey) or that electricity companies are required to be more transparent themselves about their costs and level of profit (as in Jersey).

- 25.4 Maitland cont The situation in Sark is unique whereby the Company makes no information about the drivers for the cost of electricity available to consumers and Chief Pleas has currently no ability to determine on behalf of Islanders whether tariffs are fair or not.
- 25.5 As a government, we have a duty to make sure that a monopoly provider does not misuse its powerful position. Of course, such a provider should earn a decent return on capital invested and make sufficient profits for future investment in plant and infrastructure. Nevertheless, he had good reason to believe that Sark Electricity's profits are such that it is equivalent to everyone on the electoral role in Sark sending the Company a cheque for over £1,000 as their contribution to profits – not, he emphasised, to pay electricity bills. All tax free in Sark. By contrast, Alderney Electricity with a turnover of £4 million (it is also the oil supplier on that Island) makes a profit of £150,000. But of course, all this is a matter for conjecture, until Sark Electricity adopts a more open approach and opens itself up to scrutiny.
- 25.6 The Committee still hopes that Sark Electricity will cooperate and change its attitude. There are many challenges ahead on which the Government of Sark and the Electricity Company should cooperate but make no mistake the Committee will go down the regulatory route if need be. As a gesture of good will, the Committee is willing to delay our approach to the Law Officers by six weeks, in order to give Sark Electricity further time to respond to Mr Curran's letter and agree a way forward with GP&A. The Committee will be meeting on the 29<sup>th</sup> May and will then review the progress made and will make its decision at that meeting.
- 25.7 Seneschal Commented that members of the public should not distribute papers to Conseillers in Chief Pleas immediately before the meeting. If contact needs to be made, it should be either outside the chamber or by sending e-mails at least the day before so that Members have time to read and absorb the content.
- 25.8 Ventress After due consideration he had decided to vote against this Proposition. When he came to Sark in October 1969, in addition to the Power Station there were at least two other places generating their own electricity - Stocks and Sablonnerie Hotels. When a new owner took over what is now "*The Island Stores and Bakery*" he installed a large generator to power his new electric baking ovens and equipment. All these private generators have gone. He questioned why and assumed they found it cheaper to buy from the Sark Electric Company (SEC).
- 25.9 He analysed whether SEC is providing a reasonable service and also had it improved since he first arrived. He remembered in the peak summer days when watching television at about 7pm. the picture would shrink and usually disappear as all the Hotel kitchens switched on their appliances and the guests switched on lights, showers demanding instant hot water. This was overcome by installing larger generators but there were still temporary power cuts at 10pm when switching from large to smaller generators. Also the station had for a long time been playing catch-up with the burgeoning demand for power as people used additional appliances This has been solved for the time being by the installation of even larger generators with muffling round them so that they are now almost inaudible outside the station - a great improvement on the old days when on a quiet still night one could hear the thump-thump-thump of the generators over almost the whole island.
- 25.10 All these improvements came about by a massive investment. Almost all of those unsightly overhead cables have gone underground. Not a cheap option as underground cable is about £25 a metre plus about another £25 a metre to bury it. All this has added up to a massive continuing investment and there will have to be even more with the possible introduction of an Island laundry and other on Island facilities.
- 25.11 Conseiller Ventress then turned to considering alternatives and possible link-ups with France, Jersey and/or Guernsey by cable. Such provision was very expensive to both install and maintain. He considered nuclear power but concluded it was no longer a cheap alternative or safe given the accidents that had occurred worldwide. Renewable Energy was a potential option but in what form; many were unproven and all except thermal would be supplemental to the Power Station. All will be very expensive to introduce and who will pay for it? Whoever owns this business will require an income sufficient to build substantial reserves to replace, improve and upgrade the services. The unavoidable certainty is that oil costs will continue to rise.

- 25.12 Ventress His only concern is how long the lease on the Power Station has to run and what will happen when it runs out or the business is sold?  
As to regulation; is it necessary, what will it cost the tax payer, what will it save the consumer and what effect will it have on future development?  
He felt that savings to the consumer would not justify the cost and if it is decided to regulate it would have to be not just the Electricity Power Company but also all those business which supply the basic needs of the Island - gas, diesel and coal.
- 25.13 E. Dewe Who is going to pay for regulation?
- 25.14 Maitland It will take an afternoon, once a year and cost about £2,000.
- 25.15 Guy Some things in Sark are already subject to regulation: the post office and telecoms. Others, which have a monopoly status are not but are Island owned and as such either have to publish annual accounts or are transparent through the Island own accounts. Examples here might be IoSS and Sark School.
- 25.16 Other utilities give us options: we can buy oil from two outlets. There is only one gas outlet but in the case of both oil and gas we can choose to have it or not to have it. There are other options for heating and cooking.  
There are no other options with electricity. Sark Electricity has a de facto monopoly. For life in the 21<sup>st</sup> century we must have it for our homes and for our businesses. In Sark the majority of residents also depend on it to pump water in to our houses. Only Sark Electricity offers this service and, on the practical side, gives a very good service.  
There is now a way forward. The Director of Sark Electricity Ltd has received what seems to me to be a very reasonable letter from Mr Curran, Director General of Utility Regulation. If The Director of Sark Electricity is able to respond positively to this then all will be well.
- 25.17 Nightingale The two sides must keep talking; the Committee should make more effort to talk and reach an understanding. If the doors close, Sark will be in a straitjacket.
- 25.18 Hunt Can the Committee not talk further and bring it back to the next Chief Pleas?
- 25.19 Bache Was in favour of consultation and co-operation but it takes two to tango. The Committee is offering a cooling off period for the next six weeks. The Committee is anxious to cooperate but wants an acceptance so that it can move forward.
- 25.20 Magell Stocks Hotel purchased a private generator but Sark Electricity Company would not allow it to be used (except in emergency) otherwise it will not supply the Hotel. Using one's own generator would be considerably cheaper.
- 25.21 Bateson Asked for clarification about the Committee talking to the Law Officers.
- 25.22 Maitland Confirmed that the Committee would not approach the Law Officers for six weeks if this Proposition is passed today, to give Sark Electricity Company the opportunity to provide the information requested or open its books to the Regulator.
- 25.23 Melling Asked if this was for six weeks or eight weeks as Mr Gordon-Brown states in his paper circulated this morning that he is going to be away from next week returning on 14<sup>th</sup> June.
- 25.24 Perrée Six weeks is too short; this is Sark!
- 25.25 Ventress Agreed that six weeks was not long enough.
- 25.26 Prevel Asked for clarification of the comments from Conseiller Magell.
- 25.27 Magell Confirmed that Stocks Hotel had purchased a private generator but Sark Electricity Company would not allow it to be used except in emergency otherwise it will not supply the Hotel.
- 25.28 Maitland Would not change the offer of six weeks. There is nothing to stop Mr Gordon-Brown, wherever he is, communicating by e-mail with Mr Curran or the GP&A Committee.
- 25.29 **Proposition – CARRIED**  
That Chief Pleas requests the Law Officers of the Crown to draw up the necessary legislation to provide for a suitable regulatory regime to cover the production of electricity in Sark.

## 26 Agriculture Committee Committee Mandate

- 26.1 P. Williams Had nothing to add to the report. Because of the increase in the commitments of its Mandate the Committee wanted to expand from only three Members to five. Conseillers Byrne and Higgins were nominated by the Committee.
- 26.2 Byrne As someone who has recently been the focus of Kevin Delaney's nasty campaign of bullying and character assassination, she thanked the people of Sark and the many people outside Sark who love this Island for their words of support. This made her more determined to continue her role as a Conseiller and she just hoped that the Newsletter will not stop other prospective Conseillers from standing in future elections and to speak freely for what they believe.
- 26.3 **Proposition 1 – CARRIED**  
That Chief Pleas approves the increase of the Agriculture Committee membership from three to five members.
- 26.4 **Proposition 2 – CARRIED**  
That Chief Pleas appoint two new members to the Agriculture Committee. Conseillers Byrne and Higgins were nominated and duly elected, there being no other nominations from the floor.

## 27 Conseillers Edric Baker and Paul Williams The Employment Permits (Sark) Law, 1987

- 27.1 E. Baker This 1987 Law is approved and waiting to be implemented. It will need serious reviewing by the Committee to ensure it is human rights compliant but all it needs is a commencement Ordinance to bring it into force. Alderney has a similar Law which has likewise been amended.
- 27.2 Guy As at January 2011, 502.52 million people are entitled to work in Sark. These are citizens of European Union countries. Sark residents had mentioned to her that they would like to see some form of work permits which could help with other things such as locating people for tax purposes and billing for things like rubbish and public works. It could be a step towards the issues that need to be addressed such as defining Sark residency.
- 27.3 Taylor It says in the report that it was brought to Chief Pleas four years ago but withdrawn and he asked why this had happened.
- 27.4 E. Baker Intimidation.
- 27.5 Melling Increasingly we don't know where anybody lives any more. As Conseiller Cocksedge remarked earlier, how is Public Works intending to resolve its financial shortfall; it is hard to identify accountable householders
- 27.6 Guy Alderney had managed to sort out the work permit issue and very transparent notes along with the necessary form can be found on the Alderney Government website. Alderney charges for permit applications.
- 27.7 Bateson This is important to protect the people of Sark. We no longer know how many convicted criminals are being employed or are living on the Island.
- 27.8 Perrée **Declared an interest as she employed seasonal workers.**  
How long will the process take if it is introduced?
- 27.9 E. Baker One person in Alderney's administration has responsibility for maintaining a register as part of their job. Once set-up its maintenance is straightforward and simple.
- 27.10 Guy The Alderney system takes between seven and fourteen days for the entire process to be completed.
- 27.11 Gomoll It should be remembered that one is dealing with both employed and self-employed residents and that there are few people working on Sark with written contracts.
- 27.12 **Proposition – CARRIED**  
That Chief Pleas directs the General Purposes & Advisory Committee to investigate with the Law Officers of the Crown the implementation of the 1987 Law, and bring a draft Ordinance to Chief Pleas at a future meeting.
- 27.13 E. Baker Self-employment is defined in the Interpretation at the back of the Law.

**28 General Purposes & Advisory Committee**  
**Ordinance made by the Committee and Laid Before Chief Pleas**  
**The Somalia (Restrictive Measures)(Sark) Ordinance, 2012**  
**The Burma/Myanmar (Restrictive Measures)(Sark) Ordinance, 2012**  
**The Eritrea (Restrictive Measures)(Sark) Ordinance, 2012**  
**The Republic of Guinea (Restrictive Measures)(Sark) Ordinance, 2012**  
**The Syria (Restrictive Measures)(Sark) Ordinance, 2012**

No motions to annul these Ordinances had been received by the President and they remain approved under the fast-track provisions necessary in the public interest.

**0<sup>2</sup> Closing Comments**

- 0.8 [Mrs Pam Cocksedge](#) – the Seneschal reminded the Assembly of the Investiture by the Lt. Governor of Mrs Cocksedge with the MBE in Sark at Midday on 27<sup>th</sup> April 2012.

**Forthcoming meetings for Chief Pleas Members**

**MIDSUMMER MEETING – Wednesday 4<sup>th</sup> JULY 2012 at 10.00am**

Agenda closes -

**Wednesday 6<sup>th</sup> June 2012 at 3.00pm**

Papers distributed to Members by Wednesday 13<sup>th</sup> June 2012.

**This meeting closed at 3.15pm**

Brian Garrard MILT (Sark Committee Secretary) 19<sup>th</sup> -24<sup>th</sup> April 2012  
**Revised Page 24 inserted 30<sup>th</sup> April 2012**

## MEMBERS OF CHIEF PLEAS

Easter Chief Pleas Meeting –18<sup>th</sup> April 2012

	Attending	Item 17 (b)	Item 17 (c)						
The Seigneur – J. M. Beaumont	/								
The Seneschal – Lt. Col. R. Guille	/								
<b>CONSEILLERS</b>									
2	Mrs. H.C. Magell	/	P	P					
2	Mr. A. Dunks	/	P	P					
2	Mr. A.C. Prevel	/	P	P					
2	Mrs. S. Williams	A	-	-					
2	Ms. E.M. Dewe	/	P	P					
2	Mr. P.J. Williams	/	P	P					
2	Mr. R.J. Dewe	/	P	P					
2	Mr. P.M. Armorgie	/	P	P					
2	Mr. C.N.D. Maitland	/	P	P					
2	Mrs. C.D. Audrain	/	P	P					
4	Mr. D.T. Cocksedge	/	C	C					
4	Mrs. H.M. Plummer	A	-	-					
4	Mr. D.W. Melling	/	P	C					
4	Mr. C.R. Nightingale	/	C	C					
4	Mr. A.P.F. Bache	/	P	P					
4	Mr. E. Baker	/	P	P					
4	Mr. C.H. Bateson	/	P	P					
4	Mr. S.B. Gomoll	/	P	C					
4	Mrs. D. Baker	/	P	P					
4	Mr. A.G. Ventress	/	C	C					
4	Mr. A.J. Cook	/	P	P					
4	Ms. M.A. Perrée	/	C	C					
4	Ms. J.M. Guy	/	P	P					
4	Mr. J.E. Hunt	/	P	C					
2	Mrs. H.D. Fry	/	P	C					
2	Mr. S.T. Taylor	/	P	C					
2	Mrs. R.E. Byrne	/	P	C					
2	Mr. S.F. Higgins	/	P	C					

2 – Term of office ends in  
January 2013  
4 – Term of office ends in  
January 2015

A Apologies  
/ Present  
C Contre  
P Pour  
NV No Vote

Brian Garrard, Committee Secretary, 18<sup>th</sup> April 2012

The reports, to which these decisions refer, are shown in full on the website

[www.gov.sark.gg](http://www.gov.sark.gg)

and are also available from the Committee Office for a small charge per sheet.

Seneschal and President of Chief Pleas

Greffier

Signed on 26<sup>th</sup> April 2012