

# **MINUTES of an EXTRAORDINARY MEETING of CHIEF PLEAS**

Held in The Assembly Room, Sark on **29<sup>th</sup> August 2012** at 7.00pm.

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

**27 Conseillers** were present at the roll call (see attached list and named voting record). Apologies were received from Conseiller Bache and from W. Kiernan FCA, Treasurer;

## **0 Opening Comments**

- 0.1 **Matters Arising** – Following their last meeting the Chairmen of Committees requested the Seneschal to make “*Matters Arising*” an item in its own right and he has agreed to this request. You will notice that Matters Arising is at Agenda Item 2; this will be carried forward to all future Agenda for Chief Pleas Meetings.
- 0.2 **Sir Charles Frossard** – The Seneschal informed Chief Pleas that he had attended the funeral of the late Sir Charles Frossard, a former Bailiff of Guernsey, on Friday 27<sup>th</sup> July, at which service he represented the Seigneur and Mrs Diana Beaumont, the Seneschal’s Court and Chief Pleas.
- 0.3 **Seneschal’s Office and Assembly Room** – The Seneschal’s office to the south of this building and the store to the north have been demolished; the Seneschal’s office is now in what was the Committee Room. Under current plans this will be the last Chief Pleas Meeting held in this building until the refurbishment of the Assembly Room is completed. The final event in the Assembly Room is that of a civil wedding on Friday 7<sup>th</sup> September and after that ceremony is over it is expected that refurbishment will start.
- 0.4 **Use of The Island Hall** – Chief Pleas’ Meeting, Seneschal’s Court sitting and Committee meetings will take place in the Hall until such time as the Assembly Room can be reoccupied. Committee meetings to be held in the Hall must be booked through the Committee Secretary who will liaise directly with the Hall Management for allocation of meeting rooms; please give the Committee Secretary as much notice as possible as to your meeting requirements.
- 0.5 **HRH Prince Charles and The Duchess of Cornwall** – the Seigneur thanked the Constable and her Committee for the arrangements made during the Royal Visit to Sark on 20<sup>th</sup> July and to everyone else who had contributed to making the visit such a success. The Royal couple were clearly at ease and enjoyed their all too brief stay on Sark.
- 0.6 **Sark School and Community Centre Trust** – the Seigneur thanked the Trust for accommodating and contributing towards the commemorative stone now placed on the outside wall of the Island Hall.
- 0.7 **Carl Hester** – the Seigneur also remarked on the warm welcome given to Carl and his companions, Charlotte Dujardin and Richard Davison who, as part of Team GB, visited the Island for a few days in the middle of August. It gave Islanders the opportunity to meet these Olympians and share their great success; what had been intended as a low key visit became a great celebration and he thanked all those who had organised the vin d’honneur and other events and to the team in their willingness to share their experiences and show their winning medals.

## **1 Minutes of the Midsummer Meeting on 4<sup>th</sup> July 2012**

- 1.1 **Lone Piper (Ref: 0.3)** – The Seneschal apologised that he had given the death of Nanette Hamon as 1942 when it should have been 1944.
- 1.2 **Road Traffic Committee (Ref: 0.8)** – Conseiller E. Dewe said she joined the Road Traffic Committee as a Deputy on the 17<sup>th</sup> January 2008, a year earlier than stated in the minutes.
- 1.3 The minutes were **APPROVED** with these two changes made.

## **2 Matters Arising**

**(Ref: 1.4)** Conseiller Hunt reported that the meeting with Advocate Jon McLellan and Ms Catherine Veron, the Emergency Planning Officer, had taken place and that a report of the outcome will be submitted to Michaelmas Chief Pleas.

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

None

### 4 General Purposes & Advisory Committee

#### Appointment of Temporary Chief Secretary

- 4.1 Maitland This is without doubt one of the more important votes that Chief Pleas has taken. At the Christmas meeting (Ref: 12.18) Chief Pleas approved the appointment of Mrs Belinda Crowe to look at our administration and whether it was up to scratch to meet the challenges of the 21<sup>st</sup> century. Conseiller Maitland emphasised that this appointment was entirely the initiative of the GP&A Committee, was not forced on us by the Ministry of Justice (MoJ) or anyone else for that matter and certainly had nothing to do with either Lord McNally or Brecqhou.
- 4.2 The reforms needed to give Sark a flexible, responsive administration are outlined in Belinda Crowe's Report but they are for this Assembly to implement as it sees fit. It is an important point that we, Chief Pleas, will be in control of the process, which will be a step by step approach. To quote that Chinese proverb – the journey of 1000 miles begins with the first step. Hopefully this journey will be comparatively short but that first step has still got to be taken.
- 4.3 People have asked: why the urgency? He explained that he came from a business background and running one's own business is a lot easier than being a Sark politician. Once problems are identified why delay implementing the solution? Why wait until the system breaks down irretrievably before fixing it?
- 4.4 He reminded the Assembly that when the crane failed a couple of years ago, Chief Pleas immediately took action, found the necessary funds, and a new crane was soon in place to deal with the emergency; so we are capable of speedy action when necessary. Sark's administration is at crisis point and we have to deal with finding a solution with that same urgency.
- 4.5 There is a whole raft of issues that GP&A should be dealing with but we never quite get around to it. He suspected that it is the same with other Committees. He was reminded of that film *Ground Hog Day* with the same issues coming round relentlessly every few years. We spend our time fire fighting instead of planning for the future. Because the system is ineffective, it places enormous stress on Conseillers who are trying to make it work. In a small community it is vital that unpaid Conseillers are not overloaded and have the necessary support to make important decisions for the common good. We have got to be able to look ahead and respond with urgency to the problems facing the island. We need an administration that is fit for the future and in order to make progress have to take this first step.
- 4.6 A Chief Secretary will not be there to dictate but to use the experience of working in a larger jurisdiction to advise and carry out tasks on our behalf. We desperately need this help and expertise.
- 4.7 P. Williams He asked Conseillers to back this appointment and begin the process of reform. It is not a question of personalities or self-interest, but what is right for the future of Sark Had listened to all the arguments very carefully and had weighed up all the pros and cons of employing a civil servant, albeit on an interim basis; he had still come down on the side of extreme caution. He had been voted onto Chief Pleas to represent the people of this Island and to listen to their comments. Their opinion is important and it would be very patronizing not to take into consideration what they have to say on any given matter. The thing he kept hearing time and time again is *why the rush?* The people appear not to have been consulted at all and have had little time to digest the implications of this kind of move. Apart from the one public meeting, which was very intimidating because of the TV camera and boom microphone in evidence, some people found it very off-putting and not conducive to easy debate. He concluded that this particular meeting should be regarded as null and void and of no benefit to the debate. The public have had no input whatsoever on such an important issue.
- 4.8 The question must be posed therefore – is there a hidden agenda here and who is driving the steamroller? GP&A Members have had discussions with senior civil servants from the other Crown Dependencies (CDs) – Jersey, Guernsey and the Isle of Man – but we don't know the full outcome of those discussions. Surely it would have been right and proper to inform Chief Pleas what exactly went on so we could make decisions based on fact not hearsay.

- 4.9 P. Williams continued  
It is stated in the report that the administrations of Jersey, Guernsey and IoM have circulated a job description seeking suitable candidates. Is it within the mandate of GP&A to do this without the go ahead from Chief Pleas? Why is it that a tiny island with a tiny population should be pushed so hard to do this quickly instead of consulting more widely with the people and Chief Pleas' Members who might come up with at least a temporary solution to the problem we seem to have. The timing of this is wrong; it is close to this year's elections. Why not wait until the New Year (2013) when a little of the dust has settled and things may be clearer? He didn't think that Chief Pleas would implode immediately.
- 4.10  
He didn't consider himself to be a dinosaur within Chief Pleas and will except change as readily as the next person provided it is in the interest of Sark and its people. If it is the case that GP&A is overworked, why not increase the size of the Committee – more Members less work – delegate a bit more. It works with the Douzaine with various Sub-Committees taking up some of the workload. Why not have a dedicated part-time Secretary for GP&A? It has been mentioned that we should increase the Island Secretaries anyway because the existing workload for the ones we have is very heavy. Why has there not been a pool of Conseillers gathered together to act as a think tank specifically tasked to look at immediate and long-term problems? This could be made up of non-Chairmen and give Conseillers who have no specific role a chance to get their teeth into something that may have a positive result.
- 4.11  
Where is the money coming from? What are the financial implications? Where is the person appointed going to live? Have we got to pay into a pension fund? Once this person is installed how long will it be before it becomes a full-time position? How much will that cost? Will the Chief Secretary eventually want a secretary of their own? We are told this maybe a way to save money in the future – what is this statement based on? We are one of the few democracies that operate in the black but for how much longer will this last one wonders? Don't forget that civil servants breed like rabbits creating more and more jobs for themselves. Maybe this is the perceived answer for any unemployment on Sark – office-job anyone?
- 4.12  
He requested that GP&A consider withdrawing this proposition until the New Year; then the people and the rest of Chief Pleas will have had time to digest and understand the implications of such a move more fully.
- 4.13 E. Dewe  
Listed some questions she had been asked by the public over the last few weeks -
1. What are the true costs going to be?
  2. Where are they going to live?
  3. What will the next step be after the six months are up?
  4. Are GP&A going to bring back to Chief Pleas a report on its findings?
  5. Why haven't we had more consultation? Is there going to be more consultation with the public?
  6. The specification is for 4 months or longer, the proposition is for 6 months. We are a bit confused, how long is it really going to be?
  7. If we decide to have a Chief Secretary, is this going to snowball, are we going to end up having even more Civil Servants? (This is a very big concern).
  8. Why has the job been advertised before Chief Pleas has given its consent?
  9. Why are we rushing into this?
- 4.14 Maitland  
Had already dealt with the urgency. The difficulty is that committees are so busy dealing with day to day matters there is no time to consider new initiatives and forward planning. Ideas come forward and are overlooked until they come around again several years later. Personally, he was going away shortly for a hip-operation and will be out of circulation for a while and was anxious that arrangements were put in place to make progress during his absence. This is a one-off appointment to get the ball rolling. It needs someone who has knowledge or experience of the key problems affecting this Island – finance, taxation, conservation, healthcare and a raft of other issues with which we are currently dealing. Sark is a small jurisdiction and, by default, the appointment will be kept under control and closely observed by Chief Pleas. Having had the constitutional elements of Chief Pleas reformed into a democracy we now need to consider how that is best served and to reform that into a modern administration fit for purpose. He personally could not take too much more of his dual role as political member and administrating civil servant.

- 4.15 Armorgie There is clearly a split between those of us who think that some elements of the Crowe report should / could be accepted and those who obviously don't. He confirmed that among those of the electorate to whom he had spoken, the same split also exists. In retrospect should we have asked a former UK civil servant to produce the report? Possibly not; perhaps we should have realised that Belinda Crowe would make the recommendations that she has based on what she knows from her years of civil service experience in the U.K. One of the great delights about living in Sark for 33 years has been the lack of formal bureaucracy and civil servants. He contrasted this with the UK where he lived for 23 years and where the civil service appeared to breed more civil servants, more bureaucracy and more costs across all levels. This is a concern and a danger that we must all be aware of - bureaucracy breeds bureaucracy.
- 4.16 We all know that Sark has changed, for better or for worse. Our own unique style of democracy is now well & truly with us and we must plan for the future. He used to naively believe that the old 40:12 Chief Pleas' ratio wasn't broke and that it didn't need major surgery. In retrospect, he was wrong and thank goodness we did change because imagine where we would all be now..... just four short years on.
- 4.17 Taking the appointment of a Chief Secretary in isolation the primary concern appears to be about (a) the cost, (b) the cost and (c) the cost. There is also an inbred fear of appearing to "*parachute in an expert*" from outside to tell us how Sark should be run. This is combined with the obvious reactions of "*how dare they*" and also "*what do they know*". A lack of local knowledge and understanding about how Sark 'works' is also a concern from some people. Housing is a further concern for others. Unfortunately he didn't think we have the necessary expertise already on Sark. Therefore we must look initially outside the Island for that necessary expertise.
- 4.18 Our administration is undoubtedly creaking under considerable strain as the GP&A Committee has identified. The time has come to have a more joined up approach to our administration and our machinery of government. We know that there are those who would like to tie our administration in knots and delight in 'dividing, conquering & ruling'. We must not allow this to happen. He believed that we have the opportunity to stop 'fire fighting' and start grown-up strategic planning for the future good governance of Sark. We desperately need a business plan for the future. Conseiller Taylor's proposed SWOT analysis and other similar business analytical devices, have significant merit here.
- 4.19 The natural reaction is to resist change; this is understandable but it can often be irrational. He thought it is about accepting and managing change on our terms and he said this with considerable personal experience of having to accept and manage some major changes in his own personal / business life on various occasions. We certainly shouldn't accept change simply for the sake of change but he didn't think we should fear the opportunity to manage change on our terms. He also thought that Chief Pleas needed to show leadership.
- 4.20 Ignorance is a strong word but he did not believe that many people understand precisely how much pressure Sark's administration, and the government of Sark is currently under. Who is going to stand again in the forthcoming December elections? Who wants to chair the GP&A Committee? He believed that the system is potentially in danger of imploding.
- 4.21 Arrogance is also a strong word but it is for those of us who do understand the challenges to lead and manage the necessary changes that will improve our administration and allow us to plan for the future good governance of Sark. We desperately need to communicate this to the electorate and we don't do this very well, if at all, at present. He knows that many of us try to do our bit but didn't think we have been terribly successful and once again we end up essentially 'fire fighting'.
- 4.22 He feared that if we do not manage change on our terms, change may be forced upon us from outside, probably from Westminster. However that certainly doesn't mean that we should accept the UK civil service model as the wholesale panacea for all Sark's requirements and challenges. This would be wholly inappropriate for us.
- 4.23 Having considered all the possibilities, he believed that **'to do nothing is no longer an option'**. We need to undertake the administration of Sark in a more grown-up way. We must plan for the future. The first step is to appoint a competent Chief Secretary. It is a fact that this will come at a cost but this cost can also be offset against future potential savings and the opportunity to raise 'new' revenues **for** Sark, and not necessarily **from** Sark taxpayers. Therefore he intended to vote in favour of the GP&A Committee's proposal.

- 4.24 Plummer She too had received many questions from the public, mostly concerned with costs. The concerns listed by Conseiller Dewe reflected the questions she had been asked and she was concerned at the impact of additional costs on young families.
- 4.25 Fry Had talked to a lot of people and as has been said repeatedly, the main concern is money. People on the Island are struggling and there is a fear at the growing cost. But there is another serious concern – that is the perceived secrecy and lack of transparency of Chief Pleas. The employment of a Chief Secretary doesn't just affect GP&A Committee or Chief Pleas but the whole of Sark. It is a huge step. Is the GP&A Committee going to involve us all in regular progress reports? Are we going to be included in the on-going discussions and decision making?  
Where is this person going to live?
- 4.26 Maitland One of the first tasks for the person appointed will be to look at the consultation process with the Island's residents to find out what the people want. An effective administration would keep people informed and how they are best informed. We do not know what housing requirements will be needed. If the person recruited comes from Guernsey their housing need might well be different from someone who comes from further afield. If the appointee has a family their needs will not be the same as someone who is single. The Committee is carrying out some initial investigations but cannot commit until the requirements are known. There may well be some winter lets available as a starting point.
- 4.27 Ventress He came to Sark in October 1969 when Chief Pleas only met three times a year and Sark was governed by consensus and basic common sense with little outside interference. This is no longer the case. The lawyers have taken over and they play havoc with any discrepancy they find. International politics from Westminster, the E.U., etc. are playing an increasingly interfering and complex role in local politics.
- 4.28 Do we need a Chief Secretary, albeit a temporary one? He had been teetering on the brink of decision since it was proposed and had many questions although most have now been answered.  
Should we reject today's proposal what are the alternatives?
1. To have a Guernsey Civil servant seconded to Sark for 2 or 3 days a week.
  2. Somebody local.
  3. Carry on as we are - some would say muddle on
  4. Most controversial but suggested by a number of locals, that we seriously consider joining Guernsey with the same constitutional relationship as Alderney – gasps of horror all round! Chief Pleas would then become virtually a Parish Council and would have far less legislation with which to be concerned. There would be benefits, especially with the cost to the elderly of health care and pension provisions. It would mean the introduction of income tax and social security payments. The Island would have to contribute £2 to £3 million pounds upfront payment to Guernsey - at the moment this is a No No.
- 4.29 What are the views of the electorate? The public meeting which we had, seemed to be almost totally in support yet, on leaving, a few of those who had attended voiced their opposition. When asked why they did not speak out gave various reasons –
- *“didn't like to speak in public”,*
  - *“didn't want people to know their views”,*
  - *“couldn't find the words”,*
  - *“it doesn't matter what I say, it is cut and dried”.*
- Since then several Islanders had spoken to him on this subject and the proportion for is roughly a third for, two thirds against. Of course one has to take into account that generally those who agree with the proposals tend to assume that we know their views; those against are the most vocal.
- 4.30 Do we, the Conseillers, need a Temporary Chief Secretary or not?  
With legislation we need someone with experience who can draft proposals for the Law Officers to write the legislation and then to check the legislation when it comes back to Chief Pleas so that it does what is required. We must remember that a recent law drafted by the Law Officers was later declared 'Ultra Vires'! The Chief Secretary will need to check / chivvy the progress of legislation through its various processes.
- 4.31 Another important function will be to aid us in streamlining the Committees.  
The Crowe recommendations, is a guide but it appears top heavy and impractical. Hopefully, the day to day routine and management will be taken care of so that committees can do what politicians are supposed to do - determine policy and anticipate future requirements so that we are not, as we are now, being overtaken by events. He will help and advise us on publicity and dealings with the press.

- 4.32 Ventress continued: What are the contrary factors? The one that shouts most is cost. He will naturally be the prime target for the Sark Newsletter's vitriol but also it will mean that the whole of the Sark Estate Management outfit, and any other body, will have one major target to lobby and pressurize to promote their interests.  
He has now come off the fence and will be voting pour.
- 4.33 S. Williams Thanked the GP&A Committee for struggling on with its burden of work. Her main concern was about the cost; how is it to be paid for – from capital, tax, unforeseen expenses? She asked for common sense to prevail and admitted to having a personal interest when she asked that impôt and personal taxes are not hiked up. With her Tourism hat on, she was anxious to keep the differential in impôt levels between Sark and Guernsey maintained, as it encouraged local visitors. She suggested that a special sub-committee be formed to deal with the issues and to monitor progress. Why doesn't the GP&A Committee have a dedicated Secretary? She could see that, with a growing paid civil service, in the future Conseillers would be less inclined to give their services for free; pay Conseillers and that would be the ruin of the Island and its whole concept of voluntary service. This is the biggest decision that Chief Pleas has been asked to make since the Reform Law was implemented.
- 4.34 Bateson Personally, he accepted the need for change but all the people who had spoken to him want to know what is going on. They voted him into place as a Conseiller to represent their views and they have indicated they don't want the new position. He felt the whole proposal had not been sold properly with a lack of consultation.
- 4.35 E. Baker Gave an example of the variety of issues dealt with by the GP&A Committee at a typical meeting (3<sup>rd</sup> November 2011) –
- Renewable Energy;
  - Data Protection;
  - Privy Council;
  - Conseillers' Training Days;
  - Domain Names;
  - Proxy Voting;
  - The Patent Service Fees Proposals;
  - Unesco/World Heritage Protection for Sark;
  - Sanctions on Afghanistan, Libya & Syria;
  - Armed Forces Act;
  - Aviation and the Helicopter pad;
  - Guernsey Border Agency;
  - Postage Stamps;
  - Willing;
  - Land Reform;
  - Civil Weddings;
  - Liquor Licencing;
  - Sark Electricity;
  - Civil Service issues;
  - Image Rights legislation;
  - Forfeiture of Money etc in Civil Proceedings;
  - Low Value Consignment Relief;
  - Protection of Freedoms Bill;
  - Nairobi International Convention on the Removal of Wrecks;
  - Criminal Justice (Minimum Terms for Sentences of Life Imprisonment) Law 2011;
  - Daylight Saving Private Members Bill;
  - Wireless Telegraphy and Telecommunications Legislation.
- It is unsurprising that the Committee sometimes doesn't complete its agenda inside the three hours to which it tries to limit its meetings.
- 4.36 Melling He had had serious concerns about the implications of implementing its contents ever since the Crowe report was first published. Whilst there are many aspects to the report, tonight we deal only with the position of Chief Secretary. Having listened to our residents and, along with his own concerns, he found that he had to vote contre to the proposition and he explained the reasons for so doing.

- 4.37 Melling continued: He did not consider enough debate has taken place particularly giving our residents the chance to put their views forward. The one public meeting at the hall was not enough; many of those who would have liked to have spoken found that they could not summon the nerve to do so because of the presence of cameras and a boom microphone. More consultation is needed before a decision can be made; he knows that there is still bitterness about the changes that have already been made in the format of our government and a wish that we consider this proposition a lot more.
- 4.38 He has spoken with members of the GP&A Committee and listened to members of this Assembly who are all for going ahead by passing this proposition tonight. It is clear to him that those who are strongly in favour of this proposal also believe in the rest of the report and he feared that acceptance of this part of the report will be seen by some as a green light for the rest.
- 4.39 He asked that Chief Pleas slows down and gives more time for proper discussion. He has been told the Island can afford this proposal by taking the finance from reserves and, in the immediate future, by increasing tax - impôt being the first section to be increased. We are told that the season is not good, that trade in the hotel and catering industry is down and yet we want to hit prices that will affect us and in turn affect our visitors. This has serious impact on personal spending and living expenses; we are not all earning such sums that we have surplus to pay increased taxes, this is fact not fiction! What will be the true costs of this experiment, as it is being called? Relocation costs (we have recently seen the costs involved with the change of Doctor), continuation of pension plans, accommodation, office and office set up and will the appointed person in future require secretarial help; he had been told "not so" to the last point but remained unconvinced.
- In the event that the return on the proposed tax increases falls short where will this Assembly look to make cuts to continue to pay for the new civil service? Which department will be targeted - education, public works, tourism - we are struggling now to keep within budgets so cut backs would have an effect on the way we run our Island. Everyone on Sark will have to pay more so they must have the right to understand why this situation will be dealt with in this manner. That needs time to discuss the full implications of accepting the proposal and is another good reason for more consultation.
- 4.40 Have we looked into what we have got already? Why have we got only a part time secretary with a part time assistant? Why are we not in a position to receive more help from Guernsey? An idea was put forward for a secretary just for GP&A has this just been dismissed or perhaps this warrants further investigation.
- An idea was put forward to install a secretary, or perhaps better termed "Sark Clerk" in Guernsey. Such a person could work alongside the administration of the States; has this just been dismissed should it be considered, should it be debated, and if the answer is "yes" or "maybe" then, like all ideas, time should be given for discussion before accepting this proposal.
- The Alderney system - has it been seriously looked at? If not why not? Should it be looked at and, if the answer is yes, we should not accept the proposal at this time. What alternatives have been looked at to achieve the release of pressure on the system; it appeared to him and a goodly number of others that this part of the Crowe report has been accepted without question as the only possible way forward. We owe it to everybody to look more carefully at what we are trying to achieve.
- 4.41 Are we as certain that those in unpaid positions that until this time have accepted no remuneration, will not demand financial reward in years to come. If a civil servant is being paid a good wage surely a Chief Pleas member of the future may feel he should be entitled too; some members already lose a day's pay when attending meetings, so this could well trigger demands in future, something to consider as one of the implications of carrying today's proposition.
- 4.42 Where will this appointment sit with the other changes that are in the pipeline? Does this Assembly really feel that a future President of Chief Pleas can work alongside a person who only too soon will become a powerful influence or should the President have no work to do other than just turn up and chair a meeting.
- Food for thought and a major change in the function of Chief Pleas. A change that at the very least needs to be understood by those who put us in this position tonight. What opportunities will be lost tonight if this proposition is accepted? Once again we will be seen to go our own way without listening to those who have lived here for many years.

- 4.43 Melling continued: He wanted his concerns placed on record about the amount of work that has been done already to put in place a Chief Secretary and implement part of the Crowe report. This Assembly has not agreed to any part of the Crowe report and therefore it was not for any committee to push forward in the manner that has happened on this occasion. Whilst he respected the will of the GP&A Committee to push for a solution, he would be grateful that in future this type of action is at least endorsed by Chief Pleas. Perhaps if this part of the report, or indeed the rest of it when the time comes, had been discussed in a Chief Pleas meeting then Conseillers might have better understood the thinking behind this way forward and given them the ability to better explain to those who voted for us. The residents want to know more; give it to them.
- 4.44 The Assembly will appreciate that he was not going to dismiss this way forward as a possible solution but he is simply saying let's talk some more, why the haste, this appointment and its long term effect on this Island needs to be thrashed out so that we all understand. Until that happens he could not support the proposition at this time. **He called for a NAMED VOTE.**
- 4.45 Cocksedge Asked rhetorically why we needed a Chief Secretary? He envisaged an independent person who can stand back and take a look at how we run the Island to see what improvements to the system of administration can be made. By marshalling our limited resources to their most productive use we would aim at creating maximum value for the tax payer; planning ahead by prioritizing the jobs needing to be done. The pressure would be eased on the Conseillers allowing them to look to the future instead of continually playing catch up on legislation. Decisions made in Chief Pleas would be highlighted and not left to languish in the in tray. There would be no overlapping of committees on certain topics, instead a better and stronger solution to the problems ahead. The safeguards of consultation with all parties at every step of the way would make sure changes are needed and in the best interest of Sark. It might be found that certain parts of the Crowe report are not suitable for Sark but by consultation the residents will have their say and their views taken into account. He agreed that initially it will cost money but in the long term it could save us money. It would amount to a 6% increase across the whole of Sark's revenue for 2012. At the end of the temporary period through consultation the public and other parties can determine if the post is right and useful to Sark. This appointment would be a starting point. We tend to be too inward looking and unaware of the bigger picture.
- 4.46 D. Baker Had three specific points to make –
1. We do need to consider opinions from the public but at the end of the day it is the Conseillers and more so the Chairmen who do the work. Too few people are carrying the heavy load.
  2. People want further information. This secondment will require £30,000 for 6 months' salary, the cost of accommodation and what about holiday pay, travel expenses.
  3. Is there likely to be any removal expenses or could we find furnished accommodation for 6 months? Are all Committees in need of support? She believed some do, some don't. People need to be re-assured. This meeting should not be prejudging any other parts of the Crowe report as they will be dealt with at another time and with further public consultation.
  4. If we look at the role of the Secretary, it has changed and grown over the years, out of need. We now need help and advice to continue to work as we want, not as others want us to work. Who will pay – what about who will continue to do the work at the end of the six months?
- This is an investment in our future.
- 4.47 Guy Much as we might like to be living in a Sark as it was twenty or thirty years ago, that is no longer an option. We are part of the wider world and Sark, like the rest of it, is changing and will change whether we like it or not. She would vote in favour of this proposition for a number of reasons -
1. We, the people and government of Sark, must be in a position to take charge of that change to retain this beautiful and special place, for ourselves and the next generation but also for our visitors, our main source of income, who come because we are so special and so different. To do that we must be able to function just as other democracies function....and it is hard, because, unlike any other democracy in the western world, we run the island on an amateur basis. Well intentioned and hard-working amateurs, she was proud to say, but amateurs nonetheless.



- 4.47 Guy  
cont: continued: We need professional help to assist us with the executive and the day to day, the work that would, in other jurisdictions be done by a civil servant, so that we, the politicians voted in by about 80% of the population can work on vital forward planning to work towards the Sark of five, ten or twenty years ahead.
- 4.48 : 2. It is vital that younger people, particularly those in their thirties and forties, start taking an active role in politics. We need younger people to step forward for election as Conseillers as theirs will be the Sark of twenty years' time. One way of encouraging younger people to become involved would be to be able to illustrate that the work load (and I don't want to whinge but it is a heavy one) may be decreasing a little and more professional assistance is available.
- 4.49 3. I sincerely believe that, should we **not** employ some professional help and should no younger people step forward for election then there is a real danger that Sark's government will simply be overrun by too much work and external pressures and, purely and simply the unrelenting factors of old age hitting a large number of the present Conseillers. And then what, I ask myself?
- 4.50 Five residents have spoken to me about this item on the agenda, two were against, and really the only reason that they were against was cost and three were in favour, believing that this appointment is necessary for us to move forward towards a Sark for the future.
- 4.51 Dunks He has had all the representations about cost, accommodation and so on. However, he was elected to make decisions on behalf of the people who elected him and having heard the explanations and reasoning he will be voting for the proposition.
- 4.52 Hunt Has tried to find out what people feel about the proposal and he admitted to sitting on the fence right up until tonight. He agreed that there had been insufficient debate and explanation and he felt railroaded into making a decision but on balance he felt he needed to support the proposition.
- 4.53 Audrain The present system is taking its toll on many Conseillers. Much continues to be achieved but it is reactive rather than proactive work. Planning is the most important component of any organisation and it is sadly lacking in Chief Pleas and its Committees. She will support the proposition.
- 4.54 Cook Surely everyone here wants the same thing; to be part of a Government which ensures that the Island remains the place where we all want to live. A place made so special by its natural environment, rugged beauty, community spirit and a unique rhythm of life evolved over many years.  
A place run by the residents, for the residents; self-sufficient, and independent.  
The pressures of the modern world, be they political, commercial or legal, are impossible to ignore. To ensure that the Island maintains its independence, and is Governed by the residents, for the residents then we, as their elected representatives have a duty to govern effectively.  
To do so I believe that we should be looking to achieve three things -  
1. To connect effectively with all residents so that  
2. we evolve policies that reflect their wishes, and then  
3. have the ability to make sure those policies become reality (and those policies might well be to ensure that the Island remains very much as it is now).  
He felt that, whilst we all work very hard, we do not at the moment deliver effectively enough any of these three things and unless we do something different, will not do so in the future. If we do nothing, things will continue to happen to the Island that are not necessarily what the majority want, and over which the people of the Island have no control.  
The simple employment of someone suitably qualified and experienced should give us the ability to function as a government in a manner that will identify and safeguard a future for this Island that is, and is seen to be desired by the vast majority of Island residents - not a future dictated by London, Guernsey or any commercial or other outside interest.
- 4.55 Taylor Researching the opportunity and managing the change were the key elements offered by the Crowe Report and a Chief Secretary could deliver this during the period of office proposed.
- 4.56 E. Baker Wanted to make it clear that the recent meeting in Guernsey to progress the idea of a Chief Secretary was not inaugurated by the GP&A Committee but was set-up through a group under the auspices of the Lt. Governor, and included representatives from the other Crown Dependencies and the MoJ under the banner of the "Friends of Sark" (see Midsummer Chief Pleas Ref: 0.12-13).

- 4.57 Gomoll With his Finance hat on, he likened the appointment of a Chief Secretary as comparable to employing a Consultant to undertake and assist in a specific project. He too was concerned about the implication of rising taxes. If it is a one-off and short-term appointment it could be part covered from unforeseen expenses. If it was an on-going financial commitment it needs to be considered for long term funding and taxes would need to be raised to cover the additional expenditure..  
He reminded the Assembly that he needed guidance before the Finance & Commerce meet next Monday to finalise the Michaelmas budget report required for submission on Wednesday 5<sup>th</sup> September.
- 4.58 Maitland Confirmed that this was a one-off appointment and he asked the Conseillers to look beyond the question of finance which appeared to be the greatest concern of all those who had spoken. Sark is at a crossroads and, having had democracy thrust upon us, it was now time to consider how we administer that new democracy.
- 4.59 Without the experience and involvement of the Tenants, the elected Conseillers must shoulder the whole stressful system as best they may.  
For the good of Sark, its politicians need to lead and there is the exciting prospect of getting to grips with the items which have been festering or on the back-burner for many years.
- 4.60 **Proposition – CARRIED on a named vote - 18 Pour, 9 Contre**  
**That Chief Pleas authorises the General Purposes and Advisory Committee to take all necessary steps to recruit a Temporary Chief Secretary for a term of six months and agrees to the appointment of a suitable candidate once the recruitment process has been concluded.**

## 5 Harbours & Pilotage Committee Amending The Harbours (Sark) Ordinance, 2011

(and to APPROVE the Ordinance entitled "The Harbours (Sark) (Amendment) Ordinance, 2012)

- 5.1 Guy The 2011 Harbours Ordinance and its predecessor, the 1987 Ordinance both give control of the harbours to the Harbours Committee and more recently the Harbours and Pilotage Committee as it is now known.  
Unfortunately, when put to the test, this control has nothing much in the way of teeth and, as outlined to the Christmas meeting it was felt necessary to draft an amending Ordinance to ensure that requests of the Committee and, more particularly the Harbourmaster were carried out.
- 5.2 Sections 1A, 1B, 7, 7A, 10A, 11A and 11B all ensure that the Harbourmaster and/or the Committee do have the control that they felt they had from 1987.  
Section 7B relates to making charges for Harbour Services and for Crane Services. Here, in consultation with the Law Officers of the Crown, we have made provision for charges to be set by resolution of Chief Pleas or for the Committee to continue to agree charges with operators.  
Here we came up against one difficulty: we were advised that charging for the crane to be used anywhere other than at the harbours might be considered ultra vires to harbour legislation. A new projet was an option but this seemed to be excessive as the crane is not used on top of the island very frequently. We have therefore agreed with the Douzaine and Public Works that when used on top of the island the crane will work under the auspices of Public Works and we thank those committees for their co-operation.
- 5.3 Section 1, parts (3), (4) and (5) are the reason that the amending Ordinance is brought to this meeting and not the Michaelmas one, as was originally intended. As outlined in the report, trips from the Maseline to the Gardens of Brecqhou now regularly carry more than twelve passengers and, as members may be aware, all commercial vessels carrying more than 12 passengers have harbour staff present to ensure safety, not only when passengers embark and disembark but also on the jetty itself. This is the case in all Bailiwick and other harbours and, we are advised by Captain Peter Gill, Guernsey Harbourmaster, has been so since the 1894 Merchant Shipping Act came in to force.
- 5.4 On April 27<sup>th</sup> 2012 the Marine Operation Manager, Brecqhou Development Ltd sent an email to the Sark Harbourmaster informing him of a proposed schedule of sailings to the Gardens of Brecqhou.

- 5.5 Guy  
Continued: On the 6th May, Sark Harbourmaster, with the knowledge of the Committee, sent a routine email to the Marine Operation Manager, Brecqhou Development Ltd requesting that when numbers on the garden trips exceed 12, then the Harbourmaster is notified to ensure that a Harbourmaster is present. (As it happens, the return trip usually occurs during the Harbourmaster's very brief lunch hour). He informed the Manager that a small harbour charge, in line with that made to other operators would be made. The email response from the Marine Operation Manager was that the Harbourmaster would receive a response in due course.
- 5.6 On the 15<sup>th</sup> May the Harbourmaster received a letter from Mr Delaney of Sark Estate Management (SEM) asking a number of questions. The letter was passed on to the Committee who responded to all the questions and requested that the Brecqhou Skippers complied with the Harbourmaster's request.
- 5.7 Receiving no response and as passenger numbers were still not forthcoming, the Committee wrote to Mr Delaney on 25<sup>th</sup> June urging positive action and pointing out that it would be necessary to amend legislation as a matter of urgency if the Harbourmaster did not receive passenger numbers when they exceeded 12.
- 5.8 On the 2<sup>nd</sup> July the Committee Chairman received the bizarre correspondence published in The Sark Newsletter, one day before receipt by the Committee, saying that there would be no further communication on the matter, and implying that there would be no communication with any other committees, until all recommendations made in the Crowe report were fully implemented.
- 5.9 Being patient souls, the Harbours and Pilotage Committee wrote one more letter to Mr Delaney on 16<sup>th</sup> July informing him that it felt that it had no option but to promote legislation to ensure passenger safety but also saying that the Committee remained open to alternative suggestions from SEM to achieving that aim....and answer came there none.
- 5.10 Since May the Harbourmasters, on the instruction of the Committee, have done their best to be present each time passengers on trips to Brecqhou exceed 12 but they get their information on numbers simply through observation and they do not get information, when timings of sailings change, as they sometimes do or when there are extra sailings, as there sometimes are. This is not good enough.
- 5.11 What we have here is an issue of common sense, of requesting one operator to behave in the same manner as all other operators but above all, it is one of safety; not, obviously, the safety standards of the vessels or those mariners who operate them, both of which are of a very high standard, but the safety on and around **our** harbours. If there were to be an accident, and remember that this could be on the jetty as much as at embarkation and disembarkation, one of the first questions asked would be "*Where was the Harbourmaster*"?  
To avoid us having to give the answer – "*He wasn't there because he didn't know the boat was coming in or that there were more than twelve passengers on it*" - it is hoped that the Assembly will understand why this amendment includes one aspect that we did not request when asking for approval to request drafting at the Christmas meeting, and approve the amending Ordinance.
- 5.12 Gomoll Is it a private or public trip; is it not restricted to guests at Sark Island Hotels being taken to Brecqhou and back.  
If it is open to the public it is a different matter.
- 5.13 Guy It is now advertised for anyone to travel on the trips.
- 5.14 D. Baker Everyone has to work to the rules – including Sark Estate Management.
- 5.15 **Proposition – CARRIED**  
**The Chief Pleas approves the Harbours (Sark) (Amendment) Ordinance 2012**

## 6 Tourism Committee

### Accommodation Permits Legislation

To approve the Tourism (Sark)(Amendment) Law, 2012 (Commencement) Ordinance, 2012) and to lay before Chief Pleas the Sark Statutory Instrument 2012 No. 1 entitled The Tourism (Sark) (Accommodation Permits) Regulations, 2012.

- 6.1 S. Williams Apologised for getting muddled over the procedures required for her Regulations and Ordinances when writing this report but it is necessary to change the wording of the proposition and add an additional sentence to the report. This has been done and an edited version has been circulated to all Conseillers ahead of tonight's meeting to avoid confusion.
- 6.2 The changes are as follows –
- The original proposition now ends after the words -“(commencement) Ordinance, 2012”.
  - A final additional sentence to the report to read –  
“The Regulations are “Laid Before” you; you will note they were made by the Committee on the 7<sup>th</sup> August and come into operation from tonight, the 29<sup>th</sup> August 2012”.
- 6.3 **Proposition – CARRIED**  
That Chief Pleas approves the Tourism (Sark)(Amendment) Law, 2012 (Commencement) Ordinance, 2012.

## 7 General Purposes & Advisory Committee

### The Republic of Guinea-Bissau (Restrictive Measures) (Sark) Ordinance, 2012 – Laid before Chief Pleas

- 7.1 No motions to annul this Ordinance have been received by the President and it remains approved under the fast-track provisions necessary in the public interest.

### Forthcoming meetings for Chief Pleas Members

**MICHAELMAS MEETING – Wednesday 3<sup>rd</sup> OCTOBER 2012 at 10.00am**

Agenda closes -

Papers distributed to Members not later than Wednesday 5<sup>th</sup> September 2012 at 3.00pm

Papers distributed to Members not later than Wednesday 12<sup>th</sup> September 2012.

**This meeting closed at 8.30pm**

Brian Garrard MILT (Sark Committee Secretary) 30<sup>th</sup>-31<sup>st</sup> August 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 4<sup>th</sup> September 2012**

## MEMBERS OF CHIEF PLEAS

Extraordinary Chief Pleas Meeting – 29<sup>th</sup> August 2012

|                                    | Attending | Item 4 |  |  |  |  |  |  |  |  |
|------------------------------------|-----------|--------|--|--|--|--|--|--|--|--|
| Seigneur – Sieur J.M. Beaumont     | /         |        |  |  |  |  |  |  |  |  |
| The Seneschal – Lt. Col. R. Guille | /         |        |  |  |  |  |  |  |  |  |

### CONSEILLERS

|   |                      |   |   |  |  |  |  |  |  |  |
|---|----------------------|---|---|--|--|--|--|--|--|--|
| 2 | Mrs. H.C. Magell     | / | P |  |  |  |  |  |  |  |
| 2 | Mr. A. Dunks         | / | P |  |  |  |  |  |  |  |
| 2 | Mr. A.C. Prevel      | / | C |  |  |  |  |  |  |  |
| 2 | Mrs. S. Williams     | / | C |  |  |  |  |  |  |  |
| 2 | Ms. E.M. Dewe        | / | C |  |  |  |  |  |  |  |
| 2 | Mr. P.J. Williams    | / | C |  |  |  |  |  |  |  |
| 2 | Mr. R.J. Dewe        | / | P |  |  |  |  |  |  |  |
| 2 | Mr. P.M. Armorgie    | / | P |  |  |  |  |  |  |  |
| 2 | Mr. C.N.D. Maitland  | / | P |  |  |  |  |  |  |  |
| 2 | Mrs. C.D. Audrain    | / | P |  |  |  |  |  |  |  |
| 4 | Mr. D.T. Cocksedge   | / | P |  |  |  |  |  |  |  |
| 4 | Mrs. H.M. Plummer    | / | C |  |  |  |  |  |  |  |
| 4 | Mr. D.W. Melling     | / | C |  |  |  |  |  |  |  |
| 4 | Mr. C.R. Nightingale | / | C |  |  |  |  |  |  |  |
| 4 | Mr. A.P.F. Bache     | A | - |  |  |  |  |  |  |  |
| 4 | Mr. E. Baker         | / | P |  |  |  |  |  |  |  |
| 4 | Mr. C.H. Bateson     | / | C |  |  |  |  |  |  |  |
| 4 | Mr. S.B. Gomoll      | / | P |  |  |  |  |  |  |  |
| 4 | Mrs. D. Baker        | / | P |  |  |  |  |  |  |  |
| 4 | Mr. A.G. Ventress    | / | P |  |  |  |  |  |  |  |
| 4 | Mr. A.J. Cook        | / | P |  |  |  |  |  |  |  |
| 4 | Ms. M.A. Perrée      | / | P |  |  |  |  |  |  |  |
| 4 | Ms. J.M. Guy         | / | P |  |  |  |  |  |  |  |
| 4 | Mr. J.E. Hunt        | / | P |  |  |  |  |  |  |  |
| 2 | Mrs. H.D Fry         | / | P |  |  |  |  |  |  |  |
| 2 | Mr. S.T. Taylor      | / | P |  |  |  |  |  |  |  |
| 2 | Mrs. R.E. Byrne      | / | P |  |  |  |  |  |  |  |
| 2 | Mr. S.F. Higgins     | / | C |  |  |  |  |  |  |  |

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

**A**  
/ **Apologies Present**

**C – Contre**  
**P – Pour**

Brian Garrard, Committee Secretary, 30<sup>th</sup> August 2012