

MINUTES of the EASTER MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 10th April, 2013 at 10.00am.

Present: Sieur J.M. Beaumont OBE, Seigneur; Lt. Col. R.J. Guille MBE, President; K.N. Adams, Prévôt; T.J. Hamon, Greffier; W. Kiernan FCA, Treasurer and the Vingtenier. His Excellency the Lieutenant Governor, Air Marshal Peter Walker, CB, CBE, also attended.

27 Conseillers were present (see attached list).

01 Opening Comments

- 0.1 [Lt. Governor](#) – the Seneschal welcomed the Lt. Governor to this meeting of Chief Pleas.
- 0.2 [Dennis Hurden](#) – The President announced a silence to be held for the late Mr Dennis Hurden who died last month and was the Tenant Member for La Tour from the 30th June 1977 until the new Assembly was formed in 2009. Many Conseillers attended his memorial service in Church on Easter Monday. Mr Hurden was a very active member of Chief Pleas and will principally be remembered for his service on the Education and Shipping Committees but crucially was also on the Hall (old) Management Committee at the time of planning for the new school and community centre. He oversaw the bringing into force of the Education Law and Ordinances and also helped convince Chief Pleas that Sark needed a new school and a fine testament to him that is. He also believed in the Sark Shipping Company and did much to help secure its future. Dennis Hurden was truly a benign tenant, giving of his time and expertise in a totally selfless manner both in Chief Pleas and the wider community. What he has done for the Island has been, and continues to be, hugely valued.
(The Assembly stood for a silence).
- 0.3 [Margaret Thatcher](#) – the Seigneur, on behalf of the Island, extended condolences to the family of Baroness Margaret Thatcher.
Margaret Thatcher succeeded James Callaghan and the ‘*long Winter of Discontent*’ and there can be no doubt that her strong leadership turned the country round at that time.
Loved or loathed, Margaret Thatcher left no one indifferent, finding some of her most ardent admirers among her political opponents. Her conservative agenda broke the mould of British politics, changing the status quo so profoundly that even subsequent Labour governments accepted many of her policies; it should not be forgotten that if it wasn’t for her leadership the Falkland Islands would now be in Argentinean hands.
Much has been written and the Seigneur felt sure there is more to come and even more sure that whatever anyone’s likes or dislikes, Margaret Thatcher will be forever remembered amongst the most outstanding of British Prime Ministers.
- 0.4 [Inclement Weather](#) – Conseiller Guy made a statement concerning the recent severe weather, leading to situations at the harbours which have been extreme over the last month or so. Despite this, the lifeline service has been maintained, almost without a gap, and communication has been good. This has been through enormous perseverance, flexibility and sheer hard work on the part of the Isle of Sark Shipping (IoSS) crew and other staff, harbourmasters, crane operators, carters, bus drivers and the fishermen who had to move all their pots on the Creux so that that harbour could be used last week. All this was carried out in freezing weather.
As conditions really have been exceptional she took the opportunity to record thanks to all those who have worked to keep passenger and cargo services going. She extended the same thanks to the public works team and others who endured arctic conditions over a prolonged period to keep the service going.
(The Assembly endorsed her comments with a round of applause).
- 0.5 [Vin d’honneur](#) – The President thanked Chief Pleas for the Vin d’honneur accorded him upon his retirement as Seneschal.
- 0.6 [Recording and Minute taking](#) – The President announced that this Meeting was being digitally recorded as well as minutes being recorded by the Committee Secretary. He reminded Conseillers that the issue of recording Chief Pleas’ Meetings was an item for discussion under Item 25, from the Addendum to the agenda. He asked that when standing to speak Members switch on their microphone as voices will be amplified to the public gallery.
The President stated that the official record of this meeting will be the minutes taken by the Committee Secretary.

1 Minutes of the Christmas Meeting on 16th January 2013

- 1.1 The minutes were **APPROVED**.

2 Matters Arising

- 2.1 **Firearms (Ref: 9.4; 9.10 & 9.19)** Conseiller Guy had questioned whether or not a government was a suitable signatory of a Memorandum of Understanding (MoU) with the police and was given an undertaking from the Deputy Chairman of the Firearms Committee that advice would be sought from, amongst others, the Law Officers of the Crown, before the document was signed. Since then, the Chairman of the Committee has informed me of the answer he would have given had he been in the meeting (several Conseillers were ill and absent from the meeting). For the record, she asked the Chairman of Firearms, Conseiller R. Dewe to repeat the information given to her, which she felt explained what the practice is at the moment and why it is so but does not address the issue of whether or not government should be signing MoU's with the police. Conseiller R. Dewe confirmed that in 2001, the concept of a MoU between the Committee and the Guernsey Police was accepted by the Law Officers as the Committee was the Licencing Authority for Firearms in Sark. Consequently, there was no need to revisit this again and the new MoU has since been signed.
- 2.2 **Mental Health Law (Ref: 18.9)** Conseiller Hunt had enquired and the £500 per annum quoted would cover the cost of the Tribunal no matter how many times it sat for Sark patients in any one year but this did not include court costs.
- 2.3 **Electricity (Ref: 19)** At Christmas Chief Pleas (Item 19), Conseiller Bache reported on behalf of the GP&A Committee that the Law Officers had still to complete a draft Projet de Loi on Electricity Regulation. This has now been completed and a copy was sent to Conseillers and also to the Sark Electricity Company. The company's lawyers have since submitted comments which are now being considered by the Law Officers. If a redraft eventually becomes necessary this will of course be submitted to Chief Pleas for approval. The GP&A Committee would prefer not to rely on legislation but rather seek an agreement with the company itself, to ensure that in future electricity prices would be fair; it is encouraged by the company's recent approach, which was copied to Conseillers, and hopes this will form the basis for more constructive negotiations and will now be seeking to set up initial discussions.

3 Minutes of the Extraordinary (Special) Meeting on 27th February 2013

- 3.1 Conseiller S. Williams ask for a correction in Paragraph 0.3; Mathew Rang and Ben Perrée only built the new furniture; it was to someone else's design.
- 3.2 The minutes were **APPROVED** with that one minor amendment.

4 Matters Arising

- 4.1 Ben Perrée and Mathew Rang had written thanking Chief Pleas for the opportunity given to them to build the new furniture.

5 Questions not related to the Business of the Day

- 5.1 Bache *Will the Chairman of the Finance and Commerce Committee agree that the revenue base for the Budget needs to be broadened so that there is less dependence on impôt and personal taxation? If so will he agree to set up a Working Group, drawn possibly from outside Chief Pleas, to look into ways of broadening the base and will he do this urgently so that this year's Budget can benefit from the study?*
- 5.2 Gomoll Agreed with the concept and felt that a Working Group from outside Chief Pleas might be a way of progressing.
- 5.3 Bache *Asked whether Conseiller Gomoll would set-up such a Group?*
- 5.4 Gomoll Asked whether Conseiller Bache would lead it?

6 General Purposes & Advisory Committee The Air Navigation (Bailiwick of Guernsey) Law, 2012

- 6.1 Maitland The Committee hopes that the visit of Mr. Fergus Woods, The Director of Civil Aviation and Crown Advocate Hilary Pullum has clarified thinking on this Projet de Loi and dealt with the concerns of Conseillers. The delay in passing this law has already caused considerable embarrassment to the Aviation Authorities as it is essential that the Bailiwick through this Law meets its international obligations.

- 6.2 Maitland It should be noted that the Law provides that any landings not made on a licensed airfield must have the prior permission of the DCA – which is a strengthening of the DCA’s powers and could well prove beneficial to Sark in the future.
The Committee urges Conseillers to support this Law.
- 6.3 Hunt Thanked the GP&A Committee for its organising a visit by the officials from Guernsey as, with their presentation and answering of questions, Conseillers were much better able to understand the legislation and any implications for Sark.
- 6.4 Dunks At the time the Law was first brought before Chief Pleas, it was not matters that fell within **The Air Navigation (Bailiwick of Guernsey) Law, 2012** that gave concern to the public, but instead those that related to air traffic over Sark and what control, if any, Sark had over its airspace, now and in the future.
The visit by the Director of Civil Aviation, Fergus Woods, and Advocate Hillary Pullum provided an opportunity to clarify a few points that had given rise to the public concerns, concerns that perhaps had been inflamed by comments from certain quarters.
In their discussions with Conseillers on the subject of the Air Navigation Law as well as other related matters that affected Sark, the speakers explained the situation and answered a number of important questions, in particular matters in respect of the continuance of the arrangement for restricted flying over Sark.
He felt that the concerns previously raised have now been answered, permitting Chief Pleas to move on to the matter of approving this Law.
- 6.5 **Proposition – CARRIED**
That Chief Pleas approves *The Air Navigation (Bailiwick of Guernsey) Law, 2012.*

7 Road Traffic Committee

The Motor Vehicles (Sark) Law, 2013

The Road Traffic Offences (Motor Vehicles and Bicycles)(Sark) Law, 2013

- 7.1 Hunt At the Michaelmas 2012 meeting of Chief Pleas, the Committee published for consultation its draft road traffic legislation. Although intending to report back at the Christmas meeting on the results of that consultation it has taken longer than anticipated to take on board the issues raised but finalised versions of the draft Laws are now submitted for approval. He thanked the public who had contacted him and minor changes had been made and the laws were now fit for purpose.
- 7.2 Dunks Had two points to raise but before so doing, he would like to thank the Committee for providing the public with ample opportunity to see the draft Laws in sufficient time that comments and amendments could be made before bringing the final draft to Chief Pleas.
In The Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) Law, 2013, Section 16, subsection (c), which is on page 12, there appears to be a typographical error. After the words “...or being used...” the word “**for**” appears to be missing.
Relating to the same section and subsection, could the Chairman of Road Traffic confirm whether this exemption applies ONLY to a tractor hauling the Sark Ambulance, or any tractor “being used [for] the purpose of facilitating urgent medical assistance”?
He raised this point as one interpretation of 16(c) could mean that an ambulance driver, in driving from their home to the ambulance station to collect the Sark ambulance in response to a call out during the night, may not be exempted and thus breaking the Law.
- 7.3 Hunt All drivers en route to an emergency (including the Vet) are covered by Section 16 which is broken down into categories (a-d) to cover all branches of the Emergency Services. It does cover going to collect the appliances.
- 7.4 Plummer Commented about battery assisted bicycles which she understood were capable of travelling at speeds in excess of 15mph, despite this being the stated cut off point. She could also see no reason why licences for electric bicycles should be higher than those for standard bicycles. She was concerned about the inclusion of electric bicycles in the same legislation as invalid carriages and sympathised with those who did not believe that using an electric bicycle should class them as disabled leading to the necessity of requiring them in law to undergo a medical and obtain a certificate annually to confirm their need for and ability to ride an electric bicycle.

- 7.5 Hunt At the Michaelmas 2012 meeting the idea of deregulating electric bicycles did not find favour with Conseillers and, during the public consultation, this feeling was endorsed. At a 2006 sitting of Chief Pleas the Assembly instructed the Road Traffic Committee to incorporate electric bicycles under the Invalid Carriage Law and at the time no one set any conditions other than that they were to be classed as invalid carriages. This year the Committee has operated due diligence and ensured that all users of invalid carriages have been seen by the Medical Officer and that Medical Certificates have been duly issued along with Invalid Carriage Driving Licences as laid down in the current legislation. The question should be why this has not occurred before, especially since the inclusion of electric bicycles in 2006. Dr Counsell questioned why invalid carriage drivers weren't tested and it was then the Committee realised that it was a requirement under the Law. It has included a provision within the new Law which allows the expansion of electric bicycle use in the future by Ordinance should Chief Pleas decide to change its policy. This does not affect those requiring one for a medical condition as already set in Law.
- 7.6 President If these Laws are approved today, it will require a formal report to Chief Pleas for an amending Law to change the current drafting.
- 7.7 Perrée Many people have asked her, as a Member of the Road Traffic Committee, to delay the implementation of the Laws to allow further time for discussion and consultation. There was also concern about tractor owners being allowed to take their boat trailers to the harbours at more reasonable times.
- 7.8 Hunt The rules governing the movement of boat trailers is not of this Law but governed by regulation and not all tractor owners have a purpose definition on their licence which allows them to access the harbours with boat trailers.
- 7.9 Bache There are strong arguments against electric bicycles being regulated. The issuing of medical certificates each year is not necessary. The high cost of purchase at around £1,500, is a disincentive and will stop too many being brought to the Island; they also have a cut-out system at 15mph which governs the speed at which they can travel. The States of Guernsey has deregulated and he called for Sark to do likewise.
- 7.10 Gomoll Agreed with Conseiller Bache and could not see why they should be treated differently from ordinary bicycles.
- 7.11 Hunt Since 2006, all those requiring the use of an electric bicycle have had by Law to go to the Doctor and obtain a medical certificate to confirm both the continued need and their ability to ride an electric bicycle or use an invalid carriage. It is only this year that the Committee has issued driving licences.
- 7.12 President Confirmed the 2006 introduction of the legislation.
- 7.13 Cocksedge During his time as President/Chairman of the Road Traffic Committee he used to visit the doctor annually with a list of those permitted to use electric bicycles and invalid carriages and ask for the doctor's endorsement for continued use.
- 7.14 Is it the intention that the Doctor's advice is sought when suspending a licence for drink-driving or physically unfit to drive or would it be off the Committee's own back. The reason he asked is that in the past the Doctor was reluctant to get involved so the Committee looked at simple tests such as used in the United States (walking a straight line etc.).
- 7.15 In Section 28, what sort of time limit is the Committee looking at for construction vehicles to stay on the island. He presumed that new machinery, brought to replace machinery that is permanently here, would still be allowed (e.g. Sark Electric Company and Chris Rang's trencher and forks for lifting ton bags).
- 7.16 In Section 31 dealing with the importation of other vehicles, Crown Advocates Russell and McLellan, from St. James' Chambers, have pointed out that vehicles being driven on private land and not going on public roads, by having a restriction put on them, would be in breach of the owners' human rights under ECHR legislation. What is the intention of this section?
- 7.17 Hunt Applications can be made for a permanent licence as long as it is justified but in the main it is in the islands interests to have large construction vehicles removed as soon as they are no longer required.
- 7.18 As to drinking and driving, the Law gives the Committee the ability to introduce an Ordinance to clarify how drink driving offences should be handled and it would be for the Constable to police and enforce it.
- 7.19 The import of other vehicles is only a notification and does not require permission. It is only for information and no import licence is needed. For example, to bring a tractor onto the Island for restoration on private land is not restricted.

- 7.20 Hunt Identifying public roads uses existing definitions based on whether there is public access even if the road way is on private land. This must make sense as it covers both publicly maintained roads and private ways too and covers the owner by Law. When Crown Advocate Titterington, Director of Legislative Drafting, attended the Chairmen's Meeting he confirmed that there were many such roads defined in Guernsey.
- 7.21 Gomoll Does the Committee have a definitive list?
- 7.22 Hunt Any road not marked as private would be classed as a public road and any road that is accessed by the public would be covered. I would suggest that only roads with gates marked "*Private*" would be excluded.
- 7.23 Gomoll Surely Sark doesn't want a proliferation of gates marked "*Private*" being introduced.
- 7.24 Hunt It would depend on whether there was a right of access by the general public. Does the private land owner not want their road accessed by the general public? It is the right of access by the general public that defines this.
- 7.25 Guy Spoke against the deregulation of electric bicycles originally. She has recently carried out a straw poll of ten individuals at random; they commend the Road Traffic Committee for bringing all the legislation together. There is sufficient Ordinance making powers in the Law (Section 40-42) to allow the Committee sufficient leeway to edit the legislation later if that is required. Chief Pleas should not derail this legislation now just for this one issue.
- 7.26 Audrain Electric bicycles should only be allowed to those issued with a Medical Certificate but she didn't see this had to be an annual renewal. Invalid Carriage is the wrong term in modern parlance and she asked if it was the definition required by the Law Officers.
- 7.27 Hunt This is a legal document and "*invalid*" is a catch-all phrase that is applicable in law and was taken under advice.
- 7.28 Melling Thought it a shame that the Committee saw fit to include recommendations from the Crowe Report before Chief Pleas has even made an "*in principle*" decision of implementing any part of it. He also thought it a great shame that Sark has to have such a weighty law document to administer the way it uses its roads. He assumed he had to accept that 'common sense' has gone out of the window these days.
- 7.29 He asked why so much was placed in the way of using electric bicycles normally? The doctor involved with the introduction of the first electric bicycle was quite clear "*in many cases the use of an invalid carriage encourages the less disabled to be somewhat lazy and this is not to their advantage. It would be far better to offer an assisted bike when some physical input is required, ensuring that exercise is not completely given up by sitting down and doing nothing*". It is important to remember that "*aids*" to getting about are a very important part of some people's lives; the social part of getting out and about is extremely important and sometimes essential. Why are we then making things difficult for those who need assisted mobility?
- 7.30 He proposed that -
 1. Only bona-fide residents have use of an electric bicycle.
 2. That a simple Register is kept – same as with pedal bikes and only the normal bike tax is paid.
 3. If the doctor should be involved, that a simple yes or no from him as to ability of the person to manage a bike would be sufficient.

With the high cost of electric bicycles, he found it difficult to believe that the Island would soon overflow with them anyway. He asked for a re-think here. Nowhere else in the world is an electric bike included in the definition "*invalid carriage*".
- 7.31 He asked how the speed of a tractor is going to be calculated. He had been told that on certain roads drivers must travel at 5mph. Without a law that demands the fitting of a mph speed monitor to a tractor, surely the driver has a defence in not knowing at what speed he is travelling. He had no problem with a safe considerate speed but considered enforcement would be a problem.
- 7.32 Hunt The preference for regulation or deregulation of electric bicycles has been a matter over which Chief Pleas has prevaricated since the idea was first introduced in 2006. Where was everyone during the public consultation period and why is it only now that doubts are expressed on the electric bicycles issue?
- 7.33 President If Chief Pleas decided to deregulate electric bicycles today, they would still be managed under the present Laws regardless as to whether this new legislation was introduced or not.
- 7.34 Hunt Correct. This debate has only come about because of the issuing of Medical Certificates and Driving Licences this last year.

- 7.35 Ventress When he ran Avenue Cycles he carried out a straw poll as to whether his customers favoured electric bicycles and the great majority did not want them introduced.
- 7.36 E. Baker Supported Conseiller Guy in her view that Chief Pleas should be moving these Laws forward and continue to listen through consultation to amend later if necessary.
- 7.37 S. Williams Had no problems with the new Laws but felt that electric bicycles should be taken out. There is also a need for a clearer definition of public roads as Sark does not want a proliferation of gates. The Law demands an annual Medical Certificate for Invalid Carriage/Electric Bicycle owners but what about Horse-Drawn Carriages. There is no such safeguard placed on drivers who can be carrying up to 10 passengers.
- 7.38 Hunt Horse-Drawn Carriage legislation is the next item for the Road Traffic Committee to review. In the meantime, the Constable can stop any driver who is driving without due care and attention. He asked whether Tourism Committee was happy to protect visitors walking on private land from tractors travelling outside the Law; does the Island want to protect visitors?
- 7.39 Bache The public clearly don't want these restrictions; after research it shows that nowhere else has such restrictions and the use of invalid carriages/electric bicycles is deregulated. Its implementation is expensive for those using these mobility vehicles. Chief Pleas shouldn't press ahead while questions remain and he asked the Chairman of Road Traffic to withdraw the proposition for a few months whilst some of these questions are resolved
- 7.40 S. Williams There is a better definition required for public roads.
- 7.41 President The definition of public roads is "old hat"; this is the current definition available and is the one which was agreed by the Law Officers.
- 7.42 Hunt That is correct.
- 7.43 Cocksedge Is the definition of a public road in this Law now to become the standard in all road traffic legislation? This definition is from the *Horse-Drawn Vehicles Sark Law, 1969* which has wider implications to allow certain prosecutions on private lanes etc.; what is Advocate McLellan's view? Advocate Van Leuven reckoned that, for clarity, the roads maintained by the island should all be named.
- 7.44 E. Baker On Page 42 there is a definition of public road as – "*any road, street, lane, way or place which is public or to which the public has right of access*". It is a simple definition. He gave as an example the privately owned lane to his own home which gives access to the neighbouring tenement and to the Hotel Petit Champ and is classed as a public road although it is maintained by him and not the Island.
- 7.45 President This offers an option for future discussion.
- 7.46 Gomoll The definition of public/private road is not that easy. One effect could be the use of unlicensed tractors by the owner on his land which could be compromised if permitted public access defines part of his land as a public road.
- 7.47 R. Dewe There must be clear and proportionate reasons for restricting electric bicycles. Does not class himself as an invalid but he might need an electric bicycle soon and whilst not objecting to visiting the doctor in the first instance, he took issue with being classed as incapable of using one and requiring annual certification; it was all unnecessary red tape. Why is extra tax and third party insurance required?
- 7.48 President Called on the Chairman of Road Traffic to sum up.
- 7.49 Hunt In 2006, upon the introduction of electric bicycles, there was a unanimous vote (including that of Deputy Richard Dewe) to incorporate this into the existing legislation for invalid carriages. There is a simple question to be answered here. Does Chief Pleas want to deregulate Electric Bicycles or not?
- 7.50 President Called a recess to allow the Road Traffic Committee to confer.

BREAK 11.15am - 11.25am

- 7.51 Hunt Having spoken with the Road Traffic Committee in the break, the majority feel that it has carried out the instructions of Chief Pleas and commends the proposition. He asked for a named vote; he could later approach Conseillers to identify with what they disagree in order to give the Committee an idea of what should be amended if the vote is lost.
- 7.52 **Proposition – CARRIED on a named vote - 18 Pour, 9 Contre**
That Chief Pleas approves the Projet de Loi entitled *The Motor Vehicles (Sark) Law, 2013* and the Projet de Loi entitled *The Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) Law, 2013*.

8 Medical Committee

The Mental Health (Bailiwick of Guernsey) Law, 2010

(Commencement)(Sark) Ordinance, 2013

- 8.1 D. Baker Had nothing to add; the report is in front of you and, as Chief Pleas approved the Projet de Loi, this is a commencement Ordinance for that Law.

8.2 **Proposition – CARRIED**

That Chief Pleas approve *The Mental Health (Bailiwick of Guernsey) Law 2010, (Commencement) (Sark) Ordinance, 2013.*

9 Medical Committee

The Mental Health (Miscellaneous Provisions)(Sark) Ordinance, 2013

- 9.1 D. Baker There was no reason for her to speak on what is a difficult subject for anyone who does not have a medical background in mental health issues and that includes all Members of the Sark Medical Committee which has had sound advice from the mental health team in Guernsey.
Once again this really applies when patients are dealt with in Guernsey and does not have a direct effect on Sark; however, Chief Pleas does need to keep its mental health Ordinances up to date and in line with Guernsey.

9.2 **Proposition 1 – CARRIED**

That Chief Pleas approves *The Mental Health (Miscellaneous Provisions)(Sark) Ordinance, 2013.*

10 Agriculture Committee

The Traps (Sark) Ordinance, 2013

- 10.1 P. Williams Introduced this as a fairly simple Ordinance but none the less an important one. The Committee believes it is the correct way forward in these more enlightened times, when a much more humane approach to animal welfare needs to be considered.
- 10.2 P. Williams A question has been asked regarding the wording on the first page of the Ordinance and the difference between the prohibition of use of snares and, a little further down, the prohibition of use of spring traps.
A person is guilty of an offence if:-
(a) For the purpose of killing or taking animals, the person knowingly permits the use of a snare, or spring trap, or
(b) That person uses, or knowingly permits the use of, a snare or spring trap which is of such a nature or so placed as to be likely to cause unnecessary suffering to any animal coming into contact with it.
- 10.3 P. Williams A little clarification may be necessary.
(a) is self-explanatory
(b) is to cover the situation where a trap was not used for that purpose but was of such a kind or so placed as to be calculated to cause unnecessary suffering to an animal coming into contact with it.
He apologised for the use of additional brackets on both the prohibitions on section (b); these should not be there, and will be removed on future copies.
- 10.4 P. Williams The Committee has received only one complaint about the new Ordinance. This was from a landowner who was concerned that he was being told what could be done on his own property and further watering down his rights and suggesting that some dispensations should be put in place.
The Committee thanks the person in question for his comments and considered this during its deliberations but still concluded that the welfare of animals was paramount and that this Ordinance did not compromise more humane ways of catching or killing them.
- 10.5 Gomoll Is the Committee looking towards more animal welfare? Will it include rats?
- 10.6 P. Williams The answer is yes to both questions.
- 10.7 **Proposition – CARRIED**
That Chief Pleas approves *The Traps (Sark) Ordinance, 2013.*

0² The Harbours (Sark) Regulations, 2013

- 0.7 President Laid Statutory Instrument 2013 No. 1 before Chief Pleas.

11 General Purposes & Advisory Committee

A Vision for Sark

- 11.1 Maitland He publicly thanked Colin Kniveton for his contribution to Sark during his four months in the Island. Ideally, perhaps a six month stay would have been beneficial but the Committee was determined to keep within budget. He reminded Conseillers that the Temporary Chief Secretary's appointment was approved by a two thirds majority in Chief Pleas and so it came as a shock that his arrival was greeted with a surprising degree of suspicion bordering on hostility, by some in this House.
- 11.2 He was after all here at the invitation of Chief Pleas to undertake important work on its behalf. However, Colin Kniveton dealt with the situation with positive skill and good humour and did not allow even the gloom of a particularly gloomy Sark winter to get him down. His work is already being reflected in some of the items on this Agenda. Over 220 Islanders replied to the questionnaires that provided the groundwork for *A Vision for Sark* and it will be an important point of reference for the future work of Committees.
- 11.3 Adams *A Vision for Sark* is a document which sets out suggestions for long term planning for the benefit of residents of Sark. Its validation is irrefutable, because it's come from the results of a recent island wide survey. She would now like to see further consultation with the public to prioritise the areas for development, and map out its implementation. However, implementation will be difficult until Chief Pleas has established whether or how its committees will be restructured.
- 11.4 Bache Asked whether, through the Chairman of GP&A Committee, it could be established that Chairmen of particular Committees will take ownership of the parts of the *Vision* and its accompanying papers that have a direct relevance to the work of those Committees. It is one way to start.
- 11.5 Maitland It would be a pity if this was kicked into the long grass; it is an important document for Sark.
- 11.6 Cocksedge When does the Committee mean to bring the various reports or their constituent parts, commissioned by Chief Pleas, to the House for discussion, especially the Crowe report and the Kniveton papers etc.
The cart is being put before the horse at the moment.
He hoped discussion on the various subjects with the general public is not limited to just the one meeting before Chief Pleas.
As one member of the general public said "*I and indeed many would agree this has been manifested arising out of the rush to introduce various forms of legislation without the process of inclusive consultation from the Community*".
So let's consult on the various reports as he would like to see a system put in place where each committee, if it has a policy it wishes to bring to Chief Pleas, should produce a series of papers prepared for consultation; firstly a White Paper for Consultation by the various parties followed by a further Green Paper with amendments gleaned during the consultation period. Finally, a Paper to Chief Pleas giving everybody a chance to air their views and hopefully sound policies will follow.
Consult on the Crowe/Kniveton reports as the tax payer has paid for them.
- 11.7 Hunt Asked if the GP&A Committee could answer the accusation that some of the reports were rewrites by Colin Kniveton of some of those he had previously written for his work in the Isle of Man.
- 11.8 Maitland The report in question is a technical report and not one of the key reports needed to consider the matters in hand today, one of the reasons it has not been circulated with the Chief Pleas papers. It is available on the website for background information.
- 11.9 Guy Had seen the criticism; it is not necessary to reinvent the wheel. If information already prepared is applicable or can be adapted, the time saved can be applied to other work to be covered in the limited timescale available. When she first came to Sark School she brought with her previously planned lessons for adaption to Sark.
- 11.10 Hunt The public had brought this to his attention; he could not see how the economy of the Isle of Man can be compared with that of Sark. He asked that GP&A Committee should look at the situation to avoid the papers being discredited.
- 11.11 S. Williams Accepted that *A Vision for Sark* was very good but she had had no time to digest the papers and more time was needed for consultation. Suggested a piece at a time; half of Sark is not ready for this now. It needs more consultation.
- 11.12 Maitland If more consultation was needed so be it but who arranges it all? It needs somebody at the centre to get through the mountain of work required.
That is why Item 12 is on this agenda.

12 General Purposes & Advisory Committee

Appointment of a Permanent Senior Administrator

- 12.1 Maitland At long last Sark has a modernised Assembly Room which is set up as a suitable legislature. It has taken a number of years to achieve and now Chief Pleas has to deal with the creation of an effective government, with hopefully a greater degree of urgency. At the successful public meeting the other day, he had likened Chief Pleas to a vessel which had been given a new crew with the arrival of democracy but unfortunately, nothing has been done to make sure that the ship is seaworthy; the steering remains doubtful and there is no sign of a functioning Captain. Colin Kniveton has given us charts and a blue print on how Chief Pleas can create an effective Government for Sark.
- 12.2 If you look up Sark in the 'phone book expecting to be directed to the Government, what do you find? The Seigneur, Seneschal, Greffier, Prévôt, Tax Assessor, but no mention of a government. At the bottom of the list there is a Committee Office phone number. It illustrates the work that has to be urgently undertaken. Sark does not have political leadership because none is provided for in the present set up. The Chairman of GP&A is looked upon as a political leader outside the Island and Conseiller Maitland said that he had done his best to represent the Island on all sorts of Committees, Conferences and occasions over the past four years both in the neighbouring Islands and in London.
- 12.3 In Sark, all Committee Chairmen have equal status. There is no mandate for political leadership which is a serious omission in the 2008 Reform Law and urgently needs addressing.
On page 13 of Belinda Crowe's Report, she gives a breakdown of the hours committees spent in meetings. Apart from the Douzaine, GP&A spends more than double and in some cases three times the hours of most Committees in meetings alone; that is just the start. In the last couple of years well over 40% of all reports that come to Chief Pleas have been presented by GP&A.
- 12.4 Meetings in Guernsey mean a day away; they have to be prepared and thought about in advance. It is galling to meet up with counterparts from other jurisdictions to find that their politicians are well briefed by their civil servants on the matters to be discussed. In Sark, no such help is available. Other Committees – Tourism, Education, Harbours, for example - do have the benefit of civil servant support. Some Conseillers are themselves civil servants and interestingly some are also the most vociferous voices against reform. Perhaps it's because they help direct the Committees that employ them. An arrangement that is highly suspect.
- 12.5 Without help the present situation is just not sustainable. It's not surprising that there is no rush to fill the chairmanship of the GP&A Committee when he retires at the end of this meeting. He confessed that it is not only the work that has worn him out, but the refusal of many Conseillers to listen to the arguments for reform. They have been spelt out by both Belinda Crowe and Colin Kniveton (at considerable financial cost) as well as this Committee over at least the last two to three years. But to get to this point has been an exhausting uphill struggle. He can only assume that there are too many vested interests here that are being threatened, too many Committees that are content to meander onwards. This may have been enough in the past but it is certainly not appropriate for dealing with 21st Century problems where a great deal more is expected of an administration, small though Sark may be. Conseillers are surely elected to act in the best interests of the Island, which at times means being bold and taking potentially unpopular decisions.
- 12.6 He is not saying that the appointment of a Civil Servant to take on this post would be a panacea for all Sark's problems, but it would be a starting point in the creation of an effective government. Look at *A Vision for Sark*; how is Chief Pleas to start dealing with these issues without such help? As Conseillers, we do not expect to go into the school to teach. Professional help is employed to provide an education for the Islands children and a Head Teacher is recruited from outside Sark and paid appropriately. Similarly, the Doctor is brought in to provide a medical service for which everyone pays. A trained professional civil servant would assist Conseillers in their task of providing good governance for the Island and the creation of an effective Government. In my view it is vital that such professional help comes with a civil service training and background.

- 12.7 Maitland He was sure that one of the arguments against this proposition will be the question of how will Sark afford this new post? Surely, it is time for Chief Pleas to remove the Brecqhou exemption from personal capital tax and to allow the richest in this jurisdiction to make a suitable financial contribution towards the costs of running it. It is known that there is great enthusiasm for good governance in the Brecqhou camp and it would be appropriate that the exemption is now removed together with the £5,000 cap so that the appointment of the Senior Administrator could be easily afforded. He could think of no more appropriate solution than to allow Brecqhou to finance this important initiative. The maths is quite simple: Property tax of approximately £20k multiplied by 4 = £80,000.
The Committee will be happy to answer questions.
- 12.8 S. Williams The cost of setting-up and employing somebody for this new role was her greatest concern. Everyone on this Island is currently struggling to survive with the lack of work and increasing costs. If £75 per head is added to everyone's taxes the situation will only worsen.
- 12.9 E. Dewe Together with Conseiller Sandra Williams, she had put together a list of questions that it is felt need answering. To be fair to the GP&A Committee, it was sent the questions in advance of this meeting, so that time was available for it to find out the answers and be able to provide satisfactory answers.
Most of these questions have been asked by the public.
How much will it cost to advertise and recruit someone for the post?
- 12.10 Maitland It didn't cost anything to recruit Colin Kniveton; the other Crown Dependency Islands gave assistance and, he was sure, would assist again in this case.
- 12.11 E. Dewe If the person is recruited from outside the Island, where will they live and who will pay for their accommodation?
- 12.12 Maitland Until recruitment begins it is impossible to identify the cost implications as so much will depend on where the person appointed comes from, whether he/she is single, has a family or will want to live here all the time.
When recruiting for the Temporary Chief Secretary, one candidate was a retiring civil servant from Guernsey who would have done a weekly commute.
- 12.13 E. Dewe Assuming they came here to live permanently, who would pay for removal costs?
- 12.14 Maitland A similar package would be offered as that applying to the Headteacher's post. That position is a "civil servant" employed by the Education Committee and is recruited with a package as part of the job that he/she is employed to do at Sark school.
It is the easiest way forward.
- 12.15 E. Dewe What about a pension scheme and with no National Health Service here, the post-holder will have to pay for Health Insurance.
- 12.16 Maitland Again the same formulae would apply as it does for the Headteacher. Remember, with no income tax, the pay offered has more purchasing power pro rata than in say the UK or Guernsey.
- 12.17 S. Williams In your report to Chief Pleas on 29th August 2012 (Item 4) for the appointment of the Temporary Chief Secretary, GP&A Committee asked for £35,000 to cover the salary cost plus £10,000 for expenses; this was for a six month term.
Taking into account that the Chief Secretary was only here for four months, she asked how much it has actually cost in total.
- 12.18 Maitland It came within the budget allowed and approved by Chief Pleas.
- 12.19 S. Williams There are too many unanswered questions; will Chief Pleas be voting for something today without knowing for what it is paying? She asked that the Committee stops its rush and undertakes better consultation, especially with other Conseillers.
- 12.20 Ventress Had two questions - can we afford it and politically can we afford not to do it.
Most of the general public who had spoken to him are worried that the £35k to £40k quoted would only be part of the cost and that the Island would need to provide a house, plus pension premiums, health insurance etc., which will increase the cost substantially. This without the "expenses" and how much are those likely to be.
It is feared that the total annual cost is more likely to be nearer £60k.
- 12.21 Asked why an Administrator is needed. A lot of the day to day administrative work which is currently handled directly by the Committees, such as issuing licenses, collection of records etc., can be off loaded to the Secretariat. The other main problem is public relations both within the Island and externally, both of which leave a great deal to be desired and are in fact woeful.

- 12.22 Ventress He asked if this could be sorted in a more economical way. The Committee Secretary and Assistant are both working hours well over their allotment and are therefore well under paid. He suggested that they both be employed full time at the appropriate remuneration and that the job title be changed to Executive Secretary and Assistant. Their role would be to give assistance as required to Chief Pleas' Committees, take responsibility for all public relations on and off Island. They would no longer be required to take and produce Committee Minutes which would become the responsibility of the Committees.
- 12.23 Chief Pleas needs to have more consultation with the General Public over this and really find out what they feel and want.
Two propositions are needed:-
1. That a Senior Administrator be appointed as per Crowe/Kniveton but with the full cost, both for an external and local appointee, and for bringing in an outsider; there are advantages for either.
 2. That the current posts of Committee and Assistant Secretaries be upgraded as per my suggestion and again with the full cost implications.
- The current appointees must be given the option of keeping the status quo but he did not consider this viable.
He accepted that a change is needed but how can that best be achieved.
If the proposition is rejected, he hoped that rumour that Members of the GP&A Committee will resign is not true.
- 12.24 Fry Had no wish to detract from the enormous work load that the GP&A Committee has had or to be critical of Conseiller Maitland, who she knew has worked so hard over the years as its Chairman, despite a constant barrage of verbal and written abuse from various sources. She wanted to say a very big thank you to him.
- 12.25 Was she alone in wondering why the Crowe Report has never been discussed in Chief Pleas? She mentioned this to someone yesterday and was told that, as a Conseiller, she should have brought it up. She apologised for not so doing but both Belinda Crowe and Colin Kniveton have always been very much GP&A's inception. Many people felt that Mr Kniveton had come to help ease the work load; instead it seems that we've ended up with *A Vision*, a report on a report, a divided Assembly and a great deal of paper work.
- 12.26 There is enormous anxiety on the Island, not just about the cost of a "Chief Administrator" but about what exactly the role would involve? She had read the job description several times and it seems to me rather like a total takeover of Chief Pleas. Does it really want to see Sark being run by a UK style bureaucracy? Does it want its committee structure completely overhauled? Does it want to get rid of the Douzaine? Such proposed reforms, and others, have not been approved by Chief Pleas. Does it really want to be told what it must and must not do?
- 12.27 She accepted that Chief Pleas needs help, but surely what Sark needs at the moment is more practical, secretarial type help and more pulling together? A Chief Secretary, working for Chief Pleas?
As an aside, she was interested to hear that Baroness Thatcher disliked and distrusted civil servants!
- 12.28 Adams Although here today as a Conseiller, in her paid job as Visitor Officer, she is an employee of Chief Pleas, and there is an administrative role in that job. However, she didn't feel that should preclude her from speaking on this issue, at least not at this stage. (*There was no dissent*).
She wanted to thank all those who have taken the trouble to contact Conseillers directly with their opinions and, to those people to whom she had spoken or exchanged e-mails, for supplying information or opinions as she had requested.
- 12.29 As non-paid Conseillers, the electorate get excellent value from Chief Pleas at very little cost, particularly from the Chairmen and Deputy Chairmen, who have to work extremely hard. It is obvious that some committees now face a continuous stream of issues and this prevents them to a large extent from planning for the future. The Colin Kniveton report makes a compelling argument for the administrative burden faced by those committees to be removed, and for a senior administrator to be employed. She would strongly prefer for the post to be advertised initially in Sark only. We can look further afield if we need to later.

- 12.30 Adams However, she felt there was a need to look again at the job description supplied in Appendix 1. It is overambitious and unrealistic to expect one person to be able to carry it all out effectively. It worried her that there is considerable overlap between this job description and the one already supplied to us by the President of Chief Pleas. He seems ideally placed to carry out some of the tasks set out in this job description, indeed, he is already doing some of it now.
She wanted to vote in favour of a Senior Administrator, but didn't think the job description is right, and until this is addressed she can't vote for it.
- 12.31 Guy There is no doubt that the majority of members of this government work hard and the majority of those employed by the government work hard. But we are running, a sprint most of the time, just to keep pace of where we are and in some areas we are not succeeding in doing that and are slipping backwards.
This is for a number of reasons and she was sure that Conseillers are well aware of them. We do a large amount of administrative and executive, and in some cases, day to day work. Our existing civil servants spend many hours servicing meetings but most of them have no job descriptions, and have to prioritise matters themselves because no one oversees them and they have no review system. This manner of working takes up all our energy and that of our public servants and allows us little time for medium and long term planning.
- 12.32 There are a number of key issues related to infrastructure and land tenure that are constantly being put on the back burner because a minor, but seemingly more pressing, matter comes up or there is a legal challenge to something we may have thought that we had completed.
- 12.33 Conseillers are, in general, preoccupied with their particular committee work and this leaves them little time or opportunity to scrutinise and debate the work of others. This meeting of Chief Pleas (fairly typical) has twenty five items ranging from animal traps in Sark to Air Navigation in the Bailiwick. Sometimes the agenda also includes matters related to our international obligations. She had no doubt that Conseillers read all the papers (though perhaps not all 155 sections of the Air Navigation, Bailiwick of Guernsey Law, 2012) but to really read and understand, research, perhaps make enquiries takes a great deal of time...yet this is the work that politicians should be doing to allow them to debate.
GP&A Committee has an impossible work load and a number of Chairmen, good men all, have drowned under the weight of paper, meetings and responsibility; but it is not just GP&A Committee that needs help. Those who work full time in their paid job, particularly if they also have a family, cannot engage with other jurisdictions or talk with professionals in particular fields in office hours. Yes, there is email communication but this also takes time.
Most of us are over 60 and almost none are under 50. People tend to retire in to politics....because largely it is only retirees who have the time to do the work. But is that desirable? Are we best placed to engage with younger people? More importantly, what will happen when we become less efficient as you do with advancing years, give up, or simply keel over?
- 12.34 She has mentioned before that as committees, we tend to work in isolation. Occasionally, for example, Harbours and Pilotage will work with Douzaine, or Education will have some issues which are common to those of Medical but generally we diligently follow our own paths never getting an overview or engaging in strategic planning for *the whole island* until matters are brought to Chief Pleas....and then the aspect of lack of time to work on all the agenda items mentioned earlier comes in to play.
- 12.35 Public Relations, dealing with the media and, through them, promoting the best interests of Sark within the Bailiwick and to the wider world, is, with the exception of valuable but non-political work done by the Visitor Officers, almost non-existent at the moment. The media don't know where to look or who to ask and she gets tired of referring them to the website to find the most appropriate person with whom to talk. Conseiller Maitland often gets requests, so does former Conseiller Armorgie because he used to do a report for BBC Radio Guernsey; so does she because she used to work for Tourism or it may be simply because they have my telephone number. It is far too hit and miss...mostly miss!

- 12.36 Guy Looking to matters more external, she thought that it is likely that Sark may be last in the pecking order of importance as far as the Bailiwick, the other Crown Dependencies and the MoJ are concerned generally and historically, though possibly not just at the moment. Someone should be looking after the interests of Sark and, though no doubt GP&A Committee does its best, it is just *one* of their many tasks.
- 12.37 So that is a few of the pieces of evidence she would use to suggest that 'it is bust'. How would appointing a Senior Executive *fix* any of these aspects?
She did not think that a senior executive officer would take much minor administrative work from individual members of Chief Pleas personally but she did think that the officer would be able to organise Chief Pleas' existing support team so that they would be better placed to assist Conseillers and do at least some of the time consuming stuff. A hierarchical and accountable structure is necessary.
She also thought that the officer would be able to help standardise some issues in which we try to reinvent the wheel every time we do them. She believed that standardisation of procedure would eliminate any real or, more likely, perceived favouritism in decision making.
- 12.38 She also believed that an experienced officer would be invaluable in researching and advising Conseillers. Taking a practical example: there has been concern for many years about how Sark deals with rubbish and waste. No one is more worried about this than the Public Works Committee. She would expect a senior executive officer to be able to research what happens in other small jurisdictions, talk to producers of related equipment and present the Committee with a full report outlining options and costs, stating advantages and disadvantages of each option and leaving the Committee, with its considerable experience, to make the decision and take it to Chief Pleas or, if it didn't think that any of the options were viable, to tell the executive to make further enquiries.
- 12.39 She would expect a senior executive to have an overview of what all committees are working on and be able to see how this would fit in to *A Vision for Sark* or whatever long term plan Chief Pleas chooses. She also believed that he or she would be able to notify and advise where there is common ground or possibly where there is potential conflict with another committee or group.
- 12.40 As far as the Chief Pleas agenda is concerned, she would hope that, in the case of longer or more complicated reports or pieces of legislation that an executive officer would be able to provide a synopsis or, if required, advice for those whose time, or specific expertise (for example she knew little about Air Navigation Legislation) is limited. This would not mean that documents in their entirety should not be available to Conseillers, of course.
- 12.41 It is suggested in the job description of the appointed person, should Chief Pleas decide that an appointment is required, would have a reporting framework to the Chairman of GP&A Committee. This should be part of a very clear reporting structure and chain of command that should run through the work requirements of all our public servants.
- 12.42 As to Public Relations and dealing with the media, if the *initial contact* were central, the senior executive, he/she may sometimes be best placed to speak on the given issue or at the very least he/she would be best able to direct the journalist to the best *person*, often, probably, buying a little thinking time by suggesting that he/she (the officer) contacts them. He/she could also do a media assessment on journalists and brief Conseillers who may be dealing with them.
- 12.43 A Chief Executive could also work with professional colleagues in the Bailiwick, the MoJ and other Crown Dependencies to ensure that Conseillers dealing with the wider world could be better briefed. He/she, along with a small number of Conseillers could, perhaps, have more involvement at the planning stage of Bailiwick legislation so that the interests and special requirements of Sark could be put forward at an earlier stage.
- 12.44 Finally, what of engaging with younger people? What of persuading younger people into government? It is not going to be easy and that is in common with most other places. Younger people are busy 'having a life'. However, if they can begin to see that there is professional help and that the workload, though it is still considerable, is not impossible then perhaps that little chink of light might just open and let one or two under 50's in.

- 12.45 Guy She hoped that Chief Pleas will decide to make this appointment but if not, then what? Consider having paid politicians?
That may make entering politics a viable proposition for younger people but it would negate the voluntary contribution to the running of government and other services which tends to retain a spirit of altruism.
More importantly, do the sums. Let's not compare Jersey and Guernsey, but the lowest paid Alderney politician is paid £10,050 and the highest about £37,000.
If Chief Pleas used the Kniveton model of seven committees and paid only chairmen at the lowest rate we would be talking about £70,000 per annum. If the existing structure was kept and had a graduated pay scale and paid all Conseillers then ...well, let's not go down that road.
- 12.46 Have another secretary, of similar status to the current Committee Secretary, who works purely for the GP&A Committee? She thought that Chief Pleas need a person who has a different type of role altogether, someone who has experience of training others, researching, producing reports with committees and investigating and initiating action and she did not feel that a possible appointee should work exclusively for GP&A Committee.
- 12.47 Become the 11th Parish of Guernsey? Have a similar status in the Bailiwick as Alderney? Have this appointment made for us by one or other outside influence?
Become a company island like a slightly chillier Maldives?
Carry on the way we are until we all become worn out and disillusioned and forward movement ceases. Does anyone see any other options out there? She didn't.
Really finally this time, she hoped that, should this proposition be carried, GP&A Committee will take professional advice in the appointment procedure. To neglect to do this would, she felt, be arrogant.
- 12.48 D. Baker Agreed that someone was needed; Chief Pleas has for a long time needed help with administration, however, she had no wish to vote for the proposition put forward by the GP&A Committee. It gives too much freedom to appoint from outside Sark and her wish would be to look seriously at whom here in the community could do the work. There was also a need to look to pay a sensible sum of money for this work but not necessarily the £35,000 suggested. A fair day's wage for a fair day's work with someone who knows Sark and how it works. Cathryn Hannah (MoJ) and Clive Kniveton have written many good suggestions on the way forward but she could not but help wondering if either really got a feel for this island. She agreed that some good suggestions are made but not everything they have written is best suited to Sark; Conseillers need to discuss the way forward and work together.
She would like to see the proposition changed that, whilst agreeing that Chief Pleas should authorise the GP&A Committee to take all necessary steps to recruit a Senior Administrator on a full time basis, she would add on a condition that Sark residents are given first consideration for this post. Only if there is no one suitable within this community or no applications from within the Sark community can it then widen the search for a suitable candidate.
She would like to find a Sark solution if at all possible.
- 12.49 Nightingale Chief Pleas agreed to the recruitment of Belinda Crowe and Colin Kniveton to carry out studies to produce these reports and provide advice. We need to embrace change but not because the rest of the world says we must? The Senior Administrator seems the only solution; somehow we have to afford it. Here is a chance to move forward in our own way rather than be directed from outside.
- 12.50 Hunt Applauded the GP&A Committee for its work and everything it brings to Chief Pleas but in this case there has been a lack of consultation and insufficient time for Conseillers to digest all the information made available. Agreed there is a need to move forward but there has been too short a notice of the issues to be considered.
- 12.51 Mallinson Although a Member of the GP&A Committee, she will be voting against the other members as she is not in agreement with appointing a Senior Administrator.
She gave her reasons as to why she was not in agreement.
- 12.52 Someone with all the qualifications to fit the Job Purpose, as described in Appendix 1, will not type their own letters or walk to the post office to post them. Higher Executive Officers expect to have a personal assistant to do all the menial tasks.
After reading Appendix 1, which describes the position of Senior Administrator, she looked at similar available positions with the grade of Higher Executive Officer but with far less Duties and Accountabilities.

- 12.53 Mallinson The starting salaries on offer were in the region of £70,000 rising to £110,000. As this will be a very complex and difficult position which has not existed before how can we expect to fill this position, with the best person, by offering only £35,000?
- 12.54 Also in Appendix 1 Number 1, 4th bullet -
 “*With particular reference to the actions proposed within A Vision for Sark*”
 Colin Kniveton produced this “*Vision for Sark*” based upon the survey conducted in 2012. This survey was not returned by 49% of the people living here, because, they say, the questions seemed totally irrelevant to Sark. As a consequence, she was concerned that this new Senior Administrator is being asked, in the Job Purpose, to implement something which does not reflect the views of everyone on Sark.
- 12.55 One of the Main Duties is described as “*To support Chief Pleas’ overseas visits and Dignitaries visiting Sark by assisting with the practical arrangements for politicians and/or officers.*” Sark already has the President of Chief Pleas doing this job; why do we need two people?
 This will be a very complicated and time consuming position and she was concerned that this Senior Administrator will have no time to spare to assist the committees in a practical way, which is what is needed.
- 12.56 Cook Joined the GP&A Committee just over two years ago and supports Conseiller Maitland and the concept that the government of Sark needs to rationalise the way it operates in order to provide Sark with the ability to continue to function properly. To give the Island the protection internally it needs to ensure the continuation of the way of life he believes the majority of residents want – a way of life that creates a unique island environment that is attractive to residents and tourists alike. It needs a government that is also able to show that it has the capability to govern Sark in a responsible manner that is acceptable to the world outside.
- 12.57 There followed the Crowe report, then the work of Colin Kniveton – both achieved with the majority support of Chief Pleas – which gave us guidance as to how the Government of Sark could evolve. A responsible government that is able to ensure that the wishes of the majority of the people of Sark are taken forward as policy, and that that policy could be turned into reality – *A Vision for Sark* has pointed the way. The central point that has come out of these consultations is the overriding need to make sure that the administration of the Island functions effectively and that the politicians are able to concentrate on policy.
 The addition of a central suitably experienced person to co-ordinate the administration of the Island and offer support to the Committees of Chief Pleas would seem to me to be a simple, sensible and essential requirement.
- 12.58 Audrain Conseiller Guy has said everything that she herself would want to say. As to the financial aspects of the appointment, everywhere else the person appointed would pay for their own housing.
- 12.59 S. Williams Asked for clarification of the suggestion that if we don’t carry on with this appointment, it will be forced upon Sark. Who is it who will do that? When Sark undertook to reform initially, it took seven years before a version of the Reform Law was acceptable for Chief Pleas to take it forward through the legislative process. Now in just three months Sark is being asked to make a major decision such as appointing a new civil servant.
- 12.60 Melling He was still not at all happy about this proposed appointment as he felt that the “domestic remedy” has not been fully explored. Why do we have a part-time Secretary with a part-time Assistant; he counted six or more administrative staff on part-time hours. If the work is there, they should be full time appointments. If the pressure is on GP&A then let it have its own Secretary, this one possibly part-time, just for them. What other options of a local nature have been seriously considered? He had suggested that a Secretary/Conseiller Advisor would be a good idea located in Guernsey. Was that really looked at and, if thought about, it is not such a silly idea. The other islands are looking to have officers in locations where it matters; if they think it is a good idea why don’t we? At least look into it.
- 12.61 The appointment would mean a commitment of up to £40k in the first year for wages. Everyone was told at the Public Meeting that Sark had a surplus last year which would easily cover such an expense; he thought this short sighted. The commitment is year on year and, once established, is forever. It is an expense that will have to be covered every year, come what may. It will not be long before tax increases are needed to meet the bill. What extra costs are involved in settling a person in Sark; pension requirements, insurance etc. etc. The first year’s cost will certainly be more than has been quoted.

- 12.62 Melling He questioned whether Sark had its fast-forward button stuck? Is it really not time for Sark to wake up and say '*hang on a moment – why can we not accept that perhaps we are not a full blown government but a very large step-up from a parish council.*' To keep making Sark's government up-date towards a '*Westminster*' look alike is absolute suicide. We were "Simply Sark". What an earth has happened. The way Sark is going it will be impossible to find residents who would understand how Chief Pleas works and, as a consequence, we will struggle to find new Members.
- 12.63 Turning to the Job Description, in one section reference is made to the actions proposed within *A Vision for Sark*. Has Chief Pleas agreed to adopt this and take it forward? How much of Sections 2 & 3 of the *Job Purpose* is really work the President of Chief Pleas could do - all of it, so why is it in the description? Under *Main Duties – Implementing change where appropriate*. He wanted definite assurance that this would only be change that had been properly debated by Chief Pleas and agreed. It appears that once again an attempt is being made to bring in the Crowe Report and the Temporary Chief Secretary's Reports without full and frank discussion in Chief Pleas.
- 12.64 He felt that if the proposal to go ahead with this is approved, Chief Pleas will have been side-lined and the new incumbent will be instructed to go '*full steam ahead*' paving the way for large parts of both reports to be implemented. He was fed up of hearing the Crowe Report quoted when, as yet, Chief Pleas has not yet decided if it accepts any part of it or none at all. He firmly believed this is not a way forward for this Island and will vote accordingly.
- 12.65 Bache Can we afford NOT to have him or her? Without the post it would be impossible to envisage carrying forward the Crowe/Kniveton recommendations and *A Vision for Sark*, incorporating the Island survey. Government would thus continue to creak and the message to the outside world would be a depressing one.
- 12.66 In his view, and even more important, would be the longer term effect which would leave the Island without the administrative horsepower and professionalism to carry forward planning and development. This would have disastrous effects for the next generations. He thought this would be an irresponsible approach to government and to the Island's children.
- 12.67 But we should look too at the short term as GP&A, which some call the senior committee, is about to collapse. Many here today may not realise this but the workload and its complexity means that without more effective support it will not go on as intended. For the sake of newcomers let me spell out the variety of subjects with which it has had to deal over the past year:
- relations with Guernsey and the MoJ,
 - The Reform Law, Crowe and the appointment of Kniveton,
 - the splitting of the Dual Role (including salaries and job descriptions),
 - Tidal Energy,
 - Electricity,
 - Aviation,
 - Alcohol legislation,
 - Civil Marriages legislation,
 - Border Controls,
 - Digimap,
 - the Electoral Roll,
 - a possible Census,
 - the Refurbishment of this Assembly Room,
 - the Press and other minor matters.
- So in addition to other necessary tasks, the appointee is badly needed to give high-level support to GP&A. Were this not to be forthcoming it will become obvious, in his view, that the Committee will no longer be fully fit for purpose and will need reconstruction. It has laboured hard to reach this point but if the post is not approved it should come as no surprise if some on the Committee decided not to soldier on.

- 12.68 Bache So where do we now stand? The case for a senior administrator has been fully made and is unanswerable if the Island is to make progress and not just muddle along. Even the financial angle is theoretically covered by the £35,000 surplus which resulted from the last financial year. So those who now seek to oppose the proposition need to ask themselves whether such action is fully responsible and in the interest of their children.
- 12.69 Fry “Good Government” was defined by Lord Bach in the House of Lords on 3rd May 2000 as meaning that “*in the circumstances of a grave breakdown or failure in the administration of justice or civil order, the residual prerogative power of the Crown could be used to intervene in the internal affairs of the Channel Islands*”.
Has Sark got a grave breakdown or failure in the administration of justice or civil order? No it has not.
- 12.70 Hunt If GP&A Committee is so inundated with work, why does it not prioritise what it needs to do and share its workload? He used Tidal Energy as an example; it remains a concept and is hardly a great priority.
He would be voting against the proposition; he could not understand why more of the supporting work could not be given to the President who, since the splitting of the Dual Role, had more time available and was an under used resource.
- 12.71 Audrain Although no longer on the GP&A Committee during her time last year she saw the workload and how the Committee had to prioritise to deal with issues that were reactive rather than proactive.
- 12.72 Maitland This is a home-grown initiative not being pressed on Sark from outside. The loss of Peter Cole as a Conseiller and a Member of GP&A was deeply felt as he gave a significant input to the working of the Committee.
Roger Olsen deals with Tidal Energy, as an officer would in other jurisdictions, and his input is greatly valued by the GP&A Committee and the other Islands. Nevertheless, there are times when policy decisions have to be made and Conseiller Maitland accompanied him to Jersey recently to attend a conference with the Islands where political decisions were being made.
- 12.73 Sark has reached a crossroads; if it is to progress and continue, it cannot continue to muddle on in the present fashion. Sixteen Committees mitigates against reform.
- 12.74 Melling Requested a named vote.
- 12.75 **Proposition – LOST on a named vote - 13 Pour, 14 Contre**
That Chief Pleas authorises the General Purposes and Advisory Committee to take all necessary steps to recruit a Senior Administrator on a full time basis, and agrees to the appointment of a suitable candidate once the recruitment process has been concluded.

LUNCH BREAK 1.00pm – 2.00pm

13 **Conseillers Audrain & E. Baker** **Digimap**

- 13.1 Audrain We are bringing this proposition to Chief Pleas at this time to make sure that the sum requested can be put into the budget for next year. As mentioned in the report, the full cost of Digimap, including the licence for 2013, has already been paid.
Thanks to the many Conseillers who have attended presentations about Digimap and taken an interest in how it can assist the work of committees of Chief Pleas. Some issues were brought up during these sessions as follows -
- Some Conseillers were concerned about roles and responsibilities. The Société Serquaise will undertake to provide mapping services and an agreement will be drawn up to give clarity to the process;
 - Committees will be able to approach the Société, preferably by direct email;
 - A log will be kept of work undertaken and this can be used to review Chief Pleas’ use of the facility;
 - Jane Norwich continues to work hard on the input of data, passing and cross-referencing corrections to Digimap Guernsey in order to improve the accuracy of the basemap; at the moment she is working on land use;

- 13.2 Audrain
- Work on road names and footpaths will be the next step, as it is vital to ensure that any inaccuracies on the sheet map are corrected before the next printing takes place. She has undertaken to get a group of people together to agree and provide this information. Although this has been done before, we now have an assurance from Digimap Guernsey that the information will be corrected before printing and we will have the opportunity to see the proofs;
 - After that the layer concerning boreholes, wells and other water-related aspects will be addressed;
 - Work on the Cadastre will follow, providing a digital version of this important feature of our island.
- 13.3 Subject to any requests, this is the plan at the moment but it can be adjusted which may result in a change of priorities; use of the facility will be monitored and reviewed.
- 13.4 E. Baker She stressed that this is a request for one year's funding of the licence fee only. Had little to add but could see the many advantages this system would bring. It would be invaluable if a system of taxing land was ever introduced.
- 13.5 Gomoll He was all for it but how does it work in practice? Can it be taken on a lap-top to the Committee Secretary for his input? If it can only be used externally he will vote against it as the freedom of access to the system will not be available.
- 13.6 Audrain The software is currently installed at La Société Serquaise as it is too big to transfer. The Committees will decide what is needed and take their requests to Société Serquaise.
- 13.7 Guy Did Conseiller Gomoll attend one of the demonstration sessions?
- 13.8 Gomoll No but it was debated in the GP&A Committee
- 13.9 Guy Had asked a similar question at the session she attended receiving an explanation that, while we could not have the entire system on home computers or lap tops, we could be sent an individual pdf of particular pieces we might be working on. She thanked Jane Norwich for the very helpful demonstration of this facility to Members of Chief Pleas who attended the session. She also wanted to place on record, thanks for the considerable amount of work that has already been done to update Sark aspects of the system by Jane Norwich and Richard Axton.
- 13.10 Guy This seems to be a very useful tool to have as a resource, particularly for DCC, Public Works, Public Health and Douzaine Committees and we would be getting not only the tool but an operator for our money. Like all good pieces of kit, they are only as useful as we choose to use them and she agreed with the idea of financing for 2014 and then to hold a review. This would allow Chief Pleas to see over a period of almost two years how much it was utilised. If this is as frequent as she believed likely then it will be good value and Chief Pleas may choose to continue to fund and it could become an annual budgetary request from the committees that use it most. If, on the other hand, the facility is only used once or twice then a rethink would be necessary. As this item was submitted by two members and not a particular committee it would be necessary for someone to remember to add it to budget requests for 2014.
- 13.11 Mallinson Now that a draft agreement has been circulated to Conseillers, she has decided to still ask her prepared question as there been little time for study of the agreement. Digimap could be a useful asset to more than one committee but, if Chief Pleas chooses to pay the annual licence fee renewal in January 2014, she would request that a simple yet precise agreement be drawn up between La Société Serquaise and Chief Pleas to clarify its rights of access and the availability of an operator. She believed this to be a reasonable request because, at this time, no-one is capable of operating the software directly on behalf of Chief Pleas as it is installed on La Société computer kept on Société premises.
- 13.12 Audrain Committees will have access from now until March 2014; once the review is carried out Chief Pleas would still continue to have access for the remainder of that year.
- 13.13 Maitland This is a most exciting development and will be a most valuable tool in many ways. It will be ideal if Sark sets up a Land Registry and he asked for Chief Pleas support.
- 13.14 S. Williams Had looked at it for Tourism as long ago as 2007. Could maps be printed and sold through Tourism to pay for the annual subscription?

- 13.15 Audrain Chief Pleas would not be able to sell maps drawn up in this way. A greater amount would need to be paid if maps are to be sold. However, with the work currently going on to correct the database, the basic maps would allow an accurate version of the Sark map to be available.
During the year it may be possible to negotiate transferring it to a lap-top.
- 13.16 E. Baker La Société Serquaise is set-up to be for the benefit of the people of Sark.
- 13.17 S. Williams Pointed out the promise of selling through the Visitor Centre.
- 13.18 Audrain The existing digimap for Guernsey/Alderney/Sark is already available for purchase in the Visitor Centre and eventually, the revised and corrected map will also be available for sale there.
- 13.19 **Proposition – CARRIED on a named vote - 24 Pour, 3 Contre**
That Chief Pleas supports the budget request of £2,225 for the licence for Digimap, to be paid in January 2014.

14 Public Health Committee

Electro-Magnetic Radiation – Combined Output of Masts and Antennae

- 14.1 Melling This has been discussed before and this report and proposition is the next step in being able to answer the question that was raised. He still felt duty bound to ensure, at the very least, that this is one area of cancer concern that is under control.
- 14.2 He was disappointed by the recent press article and remarks from the Environment Department in Guernsey suggesting there is no problem but it was not explained that they only test within yards of a mast or installation. This Committee's task still remains to answer "*what are the levels of combined output*".
If the proposition is accepted, it would be the Committee's intention to discuss with Red-M (the Technical Advisors being consulted) the advantages of purchasing various equipment with which the Committee might be able to self-test in the future. The Committee feel strongly that the one week monitoring would best serve this situation and recommends this to the Assembly and asks for your acceptance.
- 14.3 Mallinson Was fully in agreement with this initiative. She asked how do Red-M define a week? Is it five or seven days? Will the senior RF Engineer stay the week or will he be simply leaving the monitoring probe in place?
How are the results presented and will they be explained to us as she was sure Chief Pleas will not be able to understand them.
- 14.4 Dunks In the Guernsey Press last Friday, the Planet Peewee cartoon was particularly apt for this item. For those who have not seen it, there are two gentlemen standing at a bus stop, one is reading the Guernsey Press with the headline "*Phone Mast emissions are within limits*", whilst the other gentleman, in possession of two heads is saying "*The one at the bottom of my garden doesn't give any trouble.*"
Humour aside, the cartoon reflects the feeling among the public that something is not quite right, if not actually wrong.
- 14.5 The public are concerned when they see the proliferation of equipment, devices and gadgets, be it mobile phones, UHF and VHF, TETRA, microwave relays, GPS, television, radio and wi-fi to name just some, flooding our environment with the electromagnetic fields they generate, along with the rise in certain ailments, in such numbers, that seem contrary given the small population of Sark.
While he did not necessarily see there was a link between the perceived problem and any one of the systems named above, and fully accepted that individually each falls within some government issued guideline as to what is "safe" he remains concerned that the combined output of all these devices may be a different story.
Just because a report is published for one part of the world suggesting everything is fine there, does not mean that our own, unique circumstances will automatically be the same here. It is too easy to dismiss people's concerns as being "too hippie", scare-mongering or even Luddite but, as their government, Chief Pleas has a moral duty to investigate this matter further.
- 14.6 Bache The original tests showed the emissions to be safe – but how safe?
Where will the single test-site be and what advice will be taken as to its location?
- 14.7 Melling The Engineer is likely to make an overnight stay and then measures will be done remotely. Upstairs in the School is the location being favoured but that will only be confirmed once advice is taken; it needs somewhere central.
Help will be given with interpretation.

- 14.8 Ventress The Jersey tests in 2009 generated a 112-page report. There is another major report on radiation produced in recent days and he will research its findings.
- 14.9 Gomoll He questioned the various options considered by the Committee and how that led to the conclusion that the week-long strategy was the best.
- 14.10 Melling Using the school building was not set in stone and the Committee will be guided by the experts. The previous tests are irrelevant; they were all done close to masts and antennae and there was no measurement of the combined effect.

- 14.11 **Proposition – CARRIED**
That Chief Pleas agrees to the Public Health Committee being granted the sum of £5,000 to cover the costs incurred by them in employing the services of Red-M to conduct electro-magnetic radiation tests in the Island of Sark.

15 Harbours & Pilotage Committee

Charges for Harbour Services

- 15.1 Guy When there is no agreement between shipping operators and the Harbours and Pilotage Committee the Harbours Ordinance, 2011, as amended, gives Chief Pleas powers to determine charges by resolution.
 Approving this proposition will merely ensure that all operators who use harbour services, or who we require to use harbour services for safety or operational reasons, will pay the necessary charges.

- 15.2 **Proposition – CARRIED**
That, pursuant to section 7B of the Harbours (Sark) Ordinance, 2011 as amended, the following charges shall be payable by a commercial passenger vessel using the harbour in respect of harbour services provided by or on behalf of the Harbourmaster or the Harbours and Pilotage Committee (in circumstances where there is no agreement in place between the operators of the vessel and the Committee in relation to such charges): -

Charge for harbour services relating to a voyage within Sark waters:

Harbourmaster attending the embarkation and disembarkation of more than 12 passengers on the vessel's coming alongside Maseline or Creux Jetty.

2013 charge: one charge of £33.00 to cover both embarkation and disembarkation in a single day; to increase by Guernsey RPI each succeeding year.

16 Finance & Commerce Committee

2012 Financial Statements

- 16.1 Gomoll Drew attention to Property Transfer Tax which at £121,000 under budget was the most significant difference in expected income. The figures in the 2012 budget were the actual receipts for the previous year and there had been fewer property transactions during 2012.
- 16.2 Bache Asked why there was a cut-off of £20k, below which PTT was not paid.
- 16.3 Gomoll The first band up to £50k is free of tax to allow for local land purchases.
 He wondered if Conseiller Bache was confusing £20k with 20 years; leases of less than 20 years are not subject to PTT.
- 16.4 Bache This income is important for finance and is in the interest of the Island Budget and asked if the time had come to change the 20 year provision.
- 16.5 Gomoll What is being proposed would be a change in policy and has nothing to do, at this stage, with the Financial statements.
- 16.6 Cocksedge Asked for some explanation as to why, at Note 7 on Page 7, the share of the Channel Island Lottery profit/import duties had risen from £2,903 to £31,871.
- 16.7 Treasurer It was three years' worth of import duties because Guernsey had fallen behind with its settlements and it happened that they were three record years' receipts.

- 16.8 **Proposition – CARRIED**
That the Financial Statements of the Island for the year ended 31 December 2012 be approved.

17 Development Control Committee

The Housing (Control of Occupation)(Sark) Law, 2012

- 17.1 Dunks As indicated in the very brief report before you, the Development Control Committee has received a request from the Douzaine to amend **The Housing (Control of Occupation) (Sark) Law, 2012** to include a definition of “Ordinarily Resident”.
- 17.2 Before handing over to the Chairman of the Douzaine, Conseiller Edric Baker, to say a few words and answer any of your questions, he wished to remove an ambiguity by making a slight amendment to the Proposition.
After the number ‘...2012’ please add the words ‘... **to include a definition of Ordinarily Resident.**’
- 17.3 E. Baker This is a simple request as the Law, once approved passes to the Douzaine for implementation. The Committee has taken the Alderney definition drafted by the Law Officers and contained in its Law that Ordinarily Resident is someone who lives on the Island for at least 273 days per annum.
It should be made clear that at this stage the definition will only apply to the circumstances pertaining to this particular Law and not to other legislation.
- 17.4 Guy Supported this move; if it’s okay for Alderney, it should be okay elsewhere.
- 17.5 Bache Why not simplify it even further? Can we not just refer to a Sark Resident?
- 17.6 E. Baker No.
- 17.7 **Proposition – CARRIED as amended**
That Chief Pleas directs the Development Control Committee to request the Law Officers of the Crown to draft an amendment to The Housing (Control of Occupation)(Sark) Law, 2012, to include a definition of Ordinarily Resident.

18 Development Control Committee

To elect a new Member to the Development Control Appeals Tribunal

- 18.1 Dunks Despite having similar names, the Development Control Committee has nothing to do with the composition or the running of the Development Control Appeals Tribunal; they are two separate entities.
When there is a resignation from the Tribunal, a new member, whose name is put forward by the existing members of the Tribunal, is appointed by Resolution of Chief Pleas, as per **The Development Control (Sark)(Amendment) Ordinance, 2000**, and for which the Development Control Committee acts as a channel to bring the name of the proposed new member to the attention of Chief Pleas.
- 18.2 Upon being appointed Deputy Seneschal, Mr Ewan de Carteret, has tendered his resignation from the Tribunal and a replacement is now sought.
Having been a member of the Tribunal since January 1994, and been its Chairman since July 2009 Mr de Carteret has served on the Tribunal for over nineteen years. During that time he has sat on a number of awkward and sensitive appeals; Conseiller Dunks thanked him for his time and valued input to the Tribunal and wished him the best of luck in his new role.
The Chairman of the Tribunal (Mrs Sam Hodge) would like to propose Mr. Rowan Gill as the replacement member of the Tribunal.
- 18.3 **Proposition – CARRIED**
That Mr. R Gill be elected to the Development Control Appeals Tribunal Panel.

19 The Douzaine

To elect an Assistant Constable

- 19.1 E. Baker Despite it being written in the report he wished to verbally propose a vote of thanks to Mr. Ewan de Carteret for his services to the Sark community. Before being appointed Assistant Constable Mr. de Carteret had been Vingtenier/Constable in 2003/2004 and was complemented for his professionalism by the Guernsey Police, the Douzaine and many Sark residents. He has also been on call as Assistant Constable for three and a half years.
- 19.2 Mrs Caragh Couldridge has served as Vingtenier/Constable.
Her term as Constable was unfortunately cut short due to a serious illness to a member of her immediate family.

- 19.3 **Proposition – CARRIED**
That Mrs Caragh Couldridge be appointed as Assistant Constable in accordance with Section 53 (1) of The Reform (Sark) Law, 2008 in order that she may occasionally, when authorised by the Constable, perform the duties and exercise the powers appertaining to the office of Constable.

20 Road Traffic Committee Traffic Regulations

- 20.1 Hunt He apologised for his error in Regulation No.4; a new version has been circulated with the Addendum papers.
- 20.2 These Regulations (1-4) have been brought to Chief Pleas for information; he listed them individually explaining what each was meant to achieve, adding that the Road Traffic Committee is cracking down on the small minority of owners who continue to find loopholes and abuse the Laws. Tractors are a necessary evil but their use should be limited to what is permitted in the legislation.

21 Agriculture Committee Protection of Wildlife in Sark

- 21.1 P. Williams With the new enlarged structure of the Agriculture Committee, it is now much easier for tasks to be taken on by other Committee members, instead of leaving all the paper work and compiling of reports to the Chairman. To date this appears to be working very well; with that said, he handed over to Conseiller Ventress to introduce this report.
- 21.2 Ventress The Sark Estate Management's latest Newsletter, number 221, is entitled - **'AN ABSURD AND EXCESSIVE, IF NOT UTTERLY MAD, PROPOSITION'** and refers to this information report.
The Newsletter's comment in issue 23 of April 2010 - "*This is obviously a law that is irrelevant to Sark*" – concerned the proposition of Chief Pleas to sign up to the control of trade in endangered species law (CITES).
Taken together, one has to question why the Barclays/SEM should wish to oppose the protection of Sark's (and indirectly international) flora and fauna.
- 21.3 This report is what, in Westminster terms, would be called a Green Paper or a discussion document. The Committee looks forward to the public's comments and has already received some which he would endeavour to answer.
It is hoped that the Committee will have processed and adopted any comments where necessary to have a final version of its legislative requirements ready for the Michaelmas Chief Pleas' meeting to send to the Law Officers for drafting.
Knowing how busy the Law Officers are with Guernsey legislation no doubt it will be some time before a draft law comes back for consideration and ultimately, consideration by Chief Pleas and passed to the Privy Council for ratification!
He asked why Sark needed to do this; unfortunately in an age of great mobility and litigation we can regrettably no longer rely on common sense.
- 21.4 The section on "**Birds**" is self-explanatory. For all those who are interested there is an up to date list of birds which have been seen and or breed on Sark based on the excellent list of 1974 by Frank Rountree (resident at La Perronerie) and revised by Penny Prevel in 2006 and updated this year. Since that original list two birds appear to have become extinct on Sark - the Chough and the Short Toed Treecreeper; the list can be seen in La Société Serquaise Room.
One member of the public asked what is meant by liming. This often takes place in many European countries especially on the migratory tracks of birds, is luckily very rare, but not unknown in England. It is feared that the practice may increase with the influx of migrant workers from the south & east of the extended European Union. Liming is the application of bird lime (calcium hydroxide), a sticky substance applied to the twigs and branches of trees for the purpose of catching birds alive.
- 21.5 "**Animals**" needs no explanation but "**insects**" are a problem. He has been asked whether this means that the swatting of flies would become illegal. No it won't and they will be added as will most or all of the DEFRA list which is being analysed.
The easy way out will be just to adopt the DEFRA list in its entirety but this includes Moths and Butterflies, many of which are important pollinators and some of which are becoming endangered. Bees naturally come under good farming practice.

- 21.6 Ventress In the “**plants**” categories, it has been pointed out that Common Ragwort Cow Parsnip as listed is the wrong name and it should be Giant Hogweed. In the final document, all these animals, plants, birds, and insects will be defined by their Latin names to avoid confusion.
He has been asked whether this means the public cannot pick flowers from the hedgerows. Basically, yes it does, as depriving a plant of its flowers stops its regeneration; as an example just outside London is a Bluebell Wood which lived up to its name until the public came in droves and it is now a Bluebell-less wood.
Legislation would not stop the habit of picking a small posy of flowers to throw over the side of the boat to ensure that one re-visits this Island or for children to pick a few to give to their parents on Mothering Sunday or Father’s Day; just applying common sense. Having mentioned Bluebells, another plant which has to be considered for adding to the noxious weeds list is the Spanish Bluebell.
In Summary, this is a necessary project which will regrettably need to be enshrined in law and the Committee welcomes constructive contributions from the public.
- 21.7 Dunks Asked the Committee to keep in mind, when it came to drafting legislation, the particular restriction on the trapping and/or capture of insects.
Together with a small number of visitors to Sark, he has hobbies or interests in one or other type of insect; in his own case it is insects in general though with particular emphasis on butterflies and moths. In order to identify and photograph night-flying moths a light-trap is often used. The insects it attracts are examined the following morning and if needed photographed before being carefully released unharmed, back into their environment
While he noted there is a planned exemption while performing “*research*”, he asked that any wording of future legislation does not unintentionally prohibit the “*hobby interest*”.
- 21.8 Prevel About time too! This legislation has long been needed. New insects have been recorded on Sark in the last two years. Well done to the Agriculture Committee.
- 21.9 R. Dewe Why are there dates included for not shooting Magpies, Crows and Rooks They are the major predators of other birds.
- 21.10 Ventress Because that is the period of the main breeding season.
- 21.11 R. Dewe That is just the time to take them out when they are feeding young.
- 21.12 Ventress The Committee will take these points into consideration.

22 Emergency Services Committee

Sark Fire & Rescue Service

- 22.1 Plummer The purpose of the training delivered by SFI Ltd was to insure Sark Fire & Rescue Service is carrying out fire fighting procedures in a safe manner. SFI was surprised at the knowledge of the volunteer crew.
The exercise was carried out on 1st-3rd March.
These are some of the remarks from the report -
- The leadership team has done its best to stay abreast with developments and should be commended for their efforts;
 - There is a wide range of skills available within the team; they are all practical people because of the nature of the Island;
 - The fire kit is considered adequate and the team is always upgrading it when necessary;
 - All team members were committed to the training delivered and approached sessions with positive attitude.
- FSI instructors expressed their thanks for the hospitality shown whilst visiting Sark. The report has just arrived and will soon be available on the Government Web Site.
- 22.2 The Sark Fire & Rescue Service is now fully equipped for setting up a temporary helicopter landing pad to deal with emergency night time helicopter medical evacuation.
- 22.3 President There have been many public congratulations to the Fire and Ambulance Crews.

23 Agriculture Committee

Options to provide support to the Dairy Industry in Sark

- 23.1 **Conseiller Nightingale declared a pecuniary interest and left the Chamber during the discussion of this item. Conseiller Gomoll, as a landowner who rented out fields for grazing offered to leave during the discussions. This was not deemed to be necessary.**
- 23.2 P. Williams He will hand the introduction of this report to another Committee member. He made it very clear to everyone that, despite to the comments in the Sark Newsletter, anything discussed within the Committee and any written comments are with the approval of all the members unless stated in the said paperwork. This report has been compiled by Conseiller Cottle and he handed it over to him for introduction. He thanked both Conseillers Ventress and Cottle for the work they have done on their respective reports.
- 23.3 Cottle The Committee is bringing this information report to Chief Pleas to make the public aware of the situation regarding the lack of security of locally produced milk in Sark. Milk is one food product in which we are virtually self-sufficient at present and there are good reasons for wishing for this to be maintained.
- 23.4 A *Vision for Sark* highlights the population's desire for as much self-sufficiency as possible; production on the Island gives us security of high quality supply. Milk production is ideally suited to the climate and maintains the landscape in a managed and cared for state. The animals themselves are a very attractive addition to the rural scene. Tourists appreciate them and expect to see them.
- 23.5 The Committee feel that it should act now, to make sure it does not suddenly find Sark no longer has a dairy herd. To avoid this happening, a consultation process with interested parties should be started now. The various options in this report are to spark discussion, not a pre-emptive warning of legislation and taking over.
- 23.6 The Committee hopes for a positive response from producers, landlords and consumers with a view to negotiating a positive future for local milk production without unnecessary intervention. Input to this consultation is invited.
- 23.7 Hunt Some people do not seem to understand that cows require more than one field and complain that fields are empty. He suggested looking after the local industry by rotating the fields for grazing was a better option than having more sticks planted.
- 23.8 Guy Commended the Agriculture Committee for looking forward. Tourists like to see our cows in the fields.
- 23.9 Plummer Are Sark's animals suffering because of the shortage of grazing especially if there are drought conditions?
- 23.10 Cottle Will ask Conseiller Nightingale on his return.
- 23.11 Bache Is there any further encouragement that can be given to the industry; he suggested exporting milk products on IoSS boats returning empty to Guernsey at favourable rates.
- 23.12 Cottle These are the sort of questions the Committee wants to investigate.
- 23.13 Fry Visitors love Sark milk, cream and butter.
- 23.14 P. Williams He will approach IoSS again to see if there is any change of policy.
- 23.15 Cook IoSS is not there to give subsidies; that is the purpose of government.
- 23.16 R. Dewe Security of land is a key issue. When he was farming, it was the loss of two blocks of land which made him decide that it was no longer viable and he gave up his dairy herd. Dairying is a long-term commitment and cannot survive without security of tenure for grazing the animals.

24 Medical Committee

Health Insurance

- 24.1 D. Baker Had very little to add to this information report. The costs associated with health insurance are enormous and the Medical Committee has been working to see what can be done to keep costs down but unfortunately much of this is out of our hands. For those that consider it too expensive to subscribe, it can only be pointed out that not having health insurance can also be very expensive should you have an accident or be taken ill. Sark does not have a system in place for help with medical expenses and, when it did a survey asking how residents felt about health care, most people wanted to continue to take care of ourselves and not have a compulsory system.

- 24.2 D. Baker There will be a house to house leaflet with tomorrow's post inviting anyone and everyone to come along to the Island Hall on Tuesday 16th April (at 2pm or 6pm) for Q&A's presentation and on Wednesday 17th April if you have questions you would like to ask in private.
(AFTER NOTE: because of fog, the representatives were unable to reach Sark on the dates above and the whole process has been delayed by a week).

The Harbours (Sark) Regulations, 2013

Listed on the agenda at this point was presented earlier.

It appears between Items 10 & 11 on Page 7 of these minutes

25 Conseillers S. Williams & Hunt Recording Chief Pleas

- 25.1 S. Williams She supported the digital recording of Chief Pleas but she would also like a minuted copy too; she would prefer paper minutes to view rather than have to listen to a recording.
- 25.2 Hunt It was a close call in 2008 – 20 pour, 19 contre. He too supports a digital recording but backed up by a hard copy of the minutes.
- 25.3 Dunks This item seems to focus on the matter of whether or not the meetings of Chief Pleas should be recorded. There is however a secondary, but equally important matter, being the danger that any written record of what is discussed at such meetings could be removed.
I read from the minutes of the Extraordinary Meeting of Chief Pleas 2nd July 2008, (Para 14.56), a question by Deputy Plummer which reads "*Would there still be written minutes available?*" to which at Paragraph 14.57 the Seneschal replied "*There would be an immediate decision sheet but no paper minutes.*"
At that meeting, it was this detail that made him reconsider what had been discussed prior to the question and was the main reason why he voted against the proposition.
- 25.4 He has had need on several occasions to trawl through minutes of past Chief Pleas' meetings in search of some detail behind a decision taken by its members. The task of manually searching through twenty odd years of minutes covering hours of debate is hard enough, especially those sometimes incomplete sets before electronic copies were kept. The thought of having to do this through hours of audio recordings does not bear thinking about.
- 25.5 Chief Pleas is probably aware that the States of Guernsey meetings have been recorded for some time now; what Chief Pleas may not be aware of is that in October 2011 the States approved a proposal that it would publish written transcripts of all States' meetings, the first such published transcripts being for the meeting on 1st May 2012 along with all the meetings that have happen since.
In addition to the Hansard of each meeting, the States produces a detailed index for each item that is discussed, arranged by subject.
- 25.6 He is not against the idea, in principle, of Chief Pleas' meetings being recorded, however he would still like the option of paper copies being available.
As to whether these are minutes taken by the Committee Secretary or some other person, or a transcription system similar to that used in Guernsey, would require further investigation.
It is my intention to support whichever of these propositions does not bring about the demise of the written record of what is discussed in Chief Pleas.
Would Conseillers S. Williams and Hunt consider amending their proposition(s) to include a commitment to retain paper copies of Chief Pleas' minutes?
- 25.7 Melling Supported Conseiller Dunks; ten days after Guernsey States had met, a Hansard Script is available, processed in the Isle of Man. He was concerned at the expense. He felt that the idea of recording was acceptable as long as it was supported by a written copy.
- 25.8 Cocksedge Had no problem with an electronic system but can appreciate the need to retain a written copy.
- 25.9 Ventress Suggested adding the word "*paper*" to both propositions, ahead of the word copies.
- 25.10 Guy Supported this report because she believed that further consideration should be given to the practicalities of recording, not because it should not be recorded.
Had she been a Deputy in July 2008, she would have voted pour.

- 25.11 Guy There are issues that need consideration before Chief Pleas commences anything other than trialing the system. Amongst these are -
Who has ownership of the recordings?
Who has access to the recordings?
How will Conseillers or others be able to find a particular item on a particular meeting?
How we will deal with the '*matters arising*', which I believe to be an important factor in the continuity of Chief Pleas?
- 25.12 President Audio recording, paper log and decision sheets are being trialled to compare with handwritten notes.
- 25.13 Melling Wanted minutes taken separately to provide a paper recording, not a paper version of the verbatim recording.
- 25.14 Bache Delay until next Chief Pleas to allow investigation into what is available.
- 25.15 Audrain Who is going to transcribe it.
- 25.16 President There will be a paper copy of the decisions and a timed log of the recording.
- 25.17 Greffier The recording will be available on the Government website and he explained what Conseiller Hunt, who uploads to the website, would have to do.
- 25.18 Hunt Accepted that a decision should be delayed.
- 25.19 S. Williams Disagreed
- 25.20 Cook Asked if it will be password protected.
- 25.21 S. Williams There should be no access to the public.
- 25.22 Guy Added that there was clearly much confusion on all sides so she thought that it would be best to withdraw the propositions and revisit next meeting.
- 25.23 Hunt Here was an ideal opportunity to make verbatim information available which can be put on the website and made available to the general public. He was concerned about information leaked outside the Assembly which leads to a distorted and inaccurate view of what was said and the true facts.

BREAK 3.40pm – 3.47pm

- 25.24 Hunt Following discussion it was accepted that there should be a deferment of a decision and that it can be considered again at the Midsummer Meeting. In the meantime, both systems of digital and manual recording should continue.
- 25.25 President Confirmed those arrangements.

- 25.26 **Propositions – DEFERRED**
1 - That Chief Pleas confirms its in principle resolutions that future meetings of Chief Pleas be recorded and that copies of such recordings be made available to members of Chief Pleas and members of the public.
2 - That Chief Pleas rejects the resolution of the sitting of July 2008 that in principle future meetings of Chief Pleas be recorded and that copies of such recordings be made available to members of Chief Pleas and members of the public.

0³ Closing Remarks

- 0.8 Melling [Electromagnetic Emission Surveys 2012](#) - He will place the previous studies in the Committee Room for Conseillers and the Public to read.
- 0.9 President [Assembly Room](#) – Congratulated all those involved in the rebuilding of the Assembly Room and he particularly wished to thank Conseiller Edric Baker who had been pivotal in consulting and bringing the project together;
(There was a round of applause from those present)
 The President also asked that a vote of thanks be recorded to the new Seneschal, Mr J. La Trobe-Bateman, who worked as Project Manager and kept the project physically going and to all the others who had been involved in the work.
 He understood that some of the ladies on Sark have taken on the task of making seat cushions for the Conseillers benches which he was sure would be appreciated.
 There remains some additional furniture to come with the desks to be provided on the front row and a “bar” flap in front of the Treasurer to provide additional desk space.

0.10 President [Lord McNally](#) – Thought that all will be aware that Lord McNally, the UK Minister of State for Justice, is visiting Sark next Wednesday and Thursday (17th & 18th April) as part of a visit to the Guernsey Bailiwick. The visit programme is not yet finalised but the President, in conjunction with the MoJ and Government House, hoped to have it available by the end of this week.

Forthcoming meetings for Chief Pleas Members

MIDSUMMER MEETING – [Wednesday 3rd JULY 2013 at 10.00am](#)

Agenda closes -

[Wednesday 5th June 2013 at 3.00pm](#)

Papers distributed to Members by Wednesday 12th June 2013.

This meeting closed at 3.54pm

[Brian Garrard CMILT \(Sark Committee Secretary\) 11th – 18th April 2013](#)

[President of Chief Pleas](#)

[Greffier of Chief Pleas](#)

[Finalised on 23rd April 2013](#)

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

www.gov.sark.gg

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

MEMBERS OF CHIEF PLEAS

Easter Chief Pleas Meeting – 10th April 2013

	Attending	Item 7	Item 12	Item 13					
Seigneur – Sieur J.M. Beaumont OBE	/								
The President – Lt. Col. R. Guille MBE	/								

CONSEILLERS

2	Mr. D.T. Cocksedge	/	P	P	P					
2	Mrs. H.M. Plummer	/	C	C	P					
2	Mr. D.W. Melling	/	C	C	P					
2	Mr. C.R. Nightingale	/	P	P	P					
2	Mr. A.P.F. Bache CMG	/	C	P	P					
2	Mr. E. Baker	/	P	P	P					
2	Mr. S.B. Gomoll	/	C	P	P					
2	Mrs. D. Baker	/	P	P	P					
2	Mr. A.G. Ventress	/	P	C	P					
2	Mr. A.J. Cook	/	P	P	P					
2	Ms. M.A. Perrée	/	C	C	P					
2	Ms. J. Guy	/	P	P	P					
2	Mr J. Hunt	/	P	C	P					
4	Mrs. S. Williams	/	C	C	P					
4	Mrs. H. D. Fry	/	P	C	P					
4	Mrs. K. Adams	/	P	P	P					
4	Mr. R.J. Dewe	/	C	C	P					
4	Ms. E.M. Dewe	/	C	C	P					
4	Mr. M.J Mann	/	P	C	C					
4	Mr. A. Dunks	/	P	P	C					
4	Mr. A.C. Prevel	/	C	C	P					
4	Mr. P.J. Williams	/	P	C	P					
4	Mrs. R.E. Byrne	/	P	C	P					
4	Mrs. M. Mallinson	/	P	C	C					
4	Ms. C.D. Audrain	/	P	P	P					
4	Mr. C.N.D. Maitland	/	P	P	P					
4	Mr. R.W. Cottle	/	P	P	P					
2	Vacancy	-	-	-	-					

2 – Term of office ends in January 2015
4 – Term of office ends in January 2017

A Apologies
/ Present

C Contre
P Pour

Brian Garrard, Committee Secretary CMLT, 10th April 2013