

MINUTES of the CHRISTMAS MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 22nd January, 2014 at 10.00am

Present: Sieur J.M. Beaumont OBE, Seigneur; Lt. Col. R.J. Guille MBE, President; A.W.J. Adams, Deputy Prévôt; T.J. Hamon, Greffier; W. Kiernan FCA, Treasurer; L. Belfield, Constable and G. Williams, Vingtenier.

27 Conseillers were present (see attached list).

01 Opening Statements

- 0.1 The Lt. Governor was unable to attend due to a visit by the Turkish Ambassador; on behalf of Chief Pleas the President wished His Excellency & Mrs Walker a happy and successful 2014.
- 0.2 The President welcomed the schoolchildren of Class 2 who were attending the opening period of the meeting as part of their studies into the way Sark works and seeing our democracy in action.
- 0.3 The President welcomed the new Conseillers Alan Blythe, Matt Joyner, Peter Byrne and Paul Burgess to this their first Meeting and hoped they were successful in being nominated to the Committees they hoped for later in the meeting.
- 0.4 The Seigneur made the following statement –

"On behalf of the Island I wish to express our most sincere condolences to Mrs. Philippa Arditti for the tragic loss of her husband Paul.

I first heard of Paul when, some years back, I received a telephone call from the then Bailiff of Guernsey who had been approached by Paul who had expressed a wish to do whatever he could to help Sark in combating the bullying of our Island. I of course made it clear I would be delighted to see him and am very glad that I did so, for amongst other matters on which he offered free legal advice, he is undoubtedly best known here, for his support over the Spencer Review on Shipping and even more so for playing the pivotal role in saving the Hall and the Hall Trustees from bankruptcy for which we all owe a debt of gratitude.

Paul was a great friend and supporter of Sark. In addition he and his wife became personal friends to many of us. Always friendly, always cheerful, with a great sense of humour he will be long remembered and greatly missed by all who knew him".

The Assembly stood for a minutes' silence in remembrance of the life of Paul Arditti.

- 0.5 The President announced the resignation of former Conseiller Michael Mann who was elected in the General Election in December 2012 and took his seat in Chief Pleas at the Christmas meeting last year. Michael was a busy Conseiller and, at his resignation he was sitting on five Committees – DCC, Douzaine, Emergency Services, Harbours & Pilotage and Policing Review as well as being on a sub-Committee of the Douzaine; his reason for leaving was due to a change in his personal circumstances and he would no longer have time to dedicate to his work on Chief Pleas. The President thanked him and wished him well on behalf of Chief Pleas.
- 0.6 Conseiller Cottle reminded the Assembly that at Michaelmas a proposition was carried that Hansard Transcripts will be used as the official published written record of Chief Pleas as soon as the appropriate arrangements are made. He reported that the Finance & Commerce Committee (F&CC) has investigated further and now understands how the service would be used. From Guernsey's experience, it is as follows:

The Audio Recording together with the Meeting Papers and Voting Records are sent to the Isle of Man (where the service is provided). A Draft transcription is made from the Audio and sent back marked with any words and names (of Speakers etc.) not identified. These omissions are filled in locally (Committee Secretary) and the document is finalised within 48 hours and ready for publishing as a paper copy and as a searchable PDF for the website.

Comments from Guernsey are that the service is excellent and accurate; whilst turn-round used to be two weeks it has recently been longer. Costs are as has been indicated before, currently £128.00 per audio hour, so approximately £500 per meeting on average and £2,000 per year plus any extra meetings.

Comments during F&CC meetings note that no provision has been budgeted for this expense this year and that cost savings have not yet been identified in freeing up the Committee Secretary's time; the Committee intends to consult further and come back with a proposal at Easter Chief Pleas as to when use of this service will commence.

- 0.7 Conseiller Richard Dewe reported on the meetings held by the Policing Review Committee and, following discussions in Sark with Chief Inspector Nigel Taylor and Inspector Terence Coule (Community Policing) from Guernsey Police, the decision has been made to carry out a consultation survey with the public on Sark's future policing; the Committee is currently preparing a questionnaire to be delivered to every household. Although the forms will be numbered, anonymity will be secure and they cannot be traced back so all responses will be confidential. Guernsey Police have said they will co-operate at whatever level Sark requires.
- 0.8 Conseiller Cottle gave an update following the request by Conseiller Bache at Michaelmas Chief Pleas, that the Chairman of Finance and Commerce Committee (F&CC) might consider reviewing the Committee's mandate to broaden its scope, to have more control and be able to budget more effectively in future; he asked whether this could be done by this Chief Pleas. Conseiller Elizabeth Dewe, then Chairman, made an undertaking that F&CC would review its mandate.
The Committee has started with a view to having better systems in place in time for next year's budget process. It takes on board Conseiller Bache's assertion that Sark should have the best possible processes for budgeting, forecasting and monitoring its finances. Determining what the best system would be for Sark requires careful consideration; what is appropriate elsewhere may not work when scaled down to Sark's relatively small economy, it may be too costly, complex or unwieldy. F&CC has received a model mandate based on Channel Island practice, which is a good basis but this requires much more work in conjunction with considering what can work with the relatively limited resources available.
F&CCs first priority is to request Committees to submit budget expenditure proposals for next year (2015) in time for Midsummer Chief Pleas 2014, so that more time is available for discussion and prioritisation. Other work identified will be seen later in Item 26 (Securing Sark's Future) including methods of revenue generation and economic policy development.
A revised mandate will be developed out of this and F&CC will bring it here when ready.
- 0.9 Conseiller Ventress thanked Conseiller Audrain for stepping into the breach to fill one of the vacancies just until Christmas Chief Pleas and even more so for subsequently valiantly volunteering to continue in this role; her work with the Road Traffic Committee (RTC) is proving invaluable. He also thanked Conseiller Elizabeth Dewe who filled the second vacant post but now has to step down as indicated when elected due to pressure of both Chief Pleas and for personal reasons on becoming a Grandmother; he offered congratulations on that! Conseiller Dewe has brought a great deal of insight into the horse and carriage elements of the RTC remit. RTC had expected to bring to this meeting the following Statutory Instruments:-
- The Motor Vehicles (Sark) Regulations, 2014
 - The Road Traffic Offences (Motor Vehicles and Bicycles)(Sark) Regulations, 2014
 - The Road Traffic (Constitution of Tribunal)(Sark) Ordinance, 2014
- Unfortunately this has not happened as quickly as this Committee would have wished due to its membership upheavals; it was decided to postpone the final draft until a new member is in place to ensure that the legislation is right and achieves what is required.
Once the Road Traffic legislation is complete the, RTC will be starting on the hard work of reviewing, rationalising and updating the Horse and Carriage Legislation. The groundwork has been started by the Constables and Conseiller Elizabeth Dewe, both of whom have, in conjunction with the States Veterinary, David Chamberlain, drawn up guidelines for horse welfare and usage which they discussed with carriage owners in Sark on 11th December.
- 0.10 The President read out a letter from the Right Honourable Lord McNally –
- Dear Colleagues,
I am writing to let you know that today I am standing down as a Minister of State at the Ministry of Justice.
It has been a pleasure to work with the Crown Dependencies and I have greatly enjoyed my visits to Sark.
I am hopeful that you will continue with your important work of strengthening the Island for the future and delivering good governance for the people of Sark.
I wish you all the very best for the future.
Yours sincerely
Tom McNally*
- 0.11 The President reported that Miss Jenny Baker and her team of stitchers hope that the embroidered cushions being made for the Conseillers' benches in the Assembly Room would be completed by Easter Chief Pleas at the end of April; there will be a ceremonial sitting down at the Easter meeting.

- 0.12 The President offered condolences to Conseillers Diane and Edric Baker and to Conseiller Melling on the recent loss of close family members.
- 0.13 The President **NAMED** Conseillers Melling, Gomoll and Prevel as the only Conseillers not to sign a declaration of interest form, a procedure agreed at Michaelmas Chief Pleas.
- 0.14 The President pointed out two typographical errors on the agenda.
- Item 26 was not an information report from the General Purposes & Advisory Committee (GP&A) but a Cross-Committee report with proposition presented by GP&A;
 - Item 28 should be entitled “Sea Fisheries Annual Report”.

1 Minutes of the Michaelmas Meeting on 2nd October 2013

- 1.1 Conseiller Guy pointed out two typographical errors in the Michaelmas Minutes –
- Paragraph 11.8 [4th line] should read “...**probably**...” not “...**probable**...”.
 - Paragraph 17.5 [10th line] should read “...**of declaring**...” not “...**in declaring**...”.
- 1.2 With these corrections made, the minutes were **APPROVED**.

2 Matters Arising from the Michaelmas Meeting

- 2.1 E. Baker **Ref 4.4:** remained concerned about the potential cost of producing minutes using Hansard type recordings; in the report *Securing Sark's Future* it is stated one of the issues is cutting the cost of Government activities where possible. He felt it wrong that we were being lead into spending £2k per annum on this project.
- 2.2 Guy **Ref 17.24:** It is very disappointing that three Conseillers have chosen to defy this proposition which was carried at Michaelmas Chief Pleas. She hoped that before Easter Chief Pleas they will have had opportunity to remind themselves of the *Seven Principles of Public Life* and revise their stance by submitting a form before the next meeting. Alternatively, they might consider bringing a report to the next meeting explaining their attitude and offering us the chance to debate any alternatives to the status quo that they may be able to suggest.
- 2.3 Guy **Ref 19.2:** Asked if there was any progress on the development of the site of the old Island Hall.
- 2.4 Melling **Ref 19.2:** On the agenda today should be a written report on this subject, and he apologised that this had not happened.
- The minutes record that Chief Pleas agreed to demolish the south wing and that such work could be undertaken by the Public Works department. The minutes also state that Public Works had a view to present plans and costs to this meeting; he was disappointed that it has not been possible to fulfil that intention. This is entirely due to delays in being able to seek professional advice in regard to the asbestos removal. Having made the arrangements, the Public Works staff attended a course in Sark on Monday last week run by Normandie Health and Safety from Guernsey; this was an asbestos awareness course. Whilst here the same firm carried out a further survey of the site and again, at our request, they will be forwarding a method of removal plan in due course.
- Until Monday we understood that the whole building would have to be encased in plastic, which would of course require scaffolding. Costs had been obtained and, being in the region of £15k-£17k, it seemed that the project would grind to a halt once again as the limited funds would not cover such a cost. As a result of further discussions with the professionals from Guernsey yesterday, the advice has now changed and encasement will not be required. This decision is based on the waste products being very low in asbestos content but air monitoring should be in place during the operation and this will be an additional cost not foreseen.
- He trusted that those members, and indeed the public, who have shown an interest are assured that we, as Public Works, took on board your concerns and have put, and will continue to put, best practise in place.
- It is likely that some funds may be needed but as this is a matter arising from the minutes, he will have to come back to the Assembly at Easter, when a clear report can be put to Chief Pleas. In the meantime, he was able to report that a substantial amount of removal has already taken place with salvaged goods being kept. When other commitments permit, Public Works will continue with this project unless it becomes clear that to do so will overstretch the small budget within which we are working.

- 2.5 Guy [Ref 19.8](#): Thanked Conseiller Melling for that very clear explanation of how things were going; although she had apologised to Conseiller Melling at that meeting for not mentioning her concerns to him earlier about asbestos handling. However, this was because the name on the bottom of the report was that of Conseiller Edric Baker and she did speak to him but he was busy at the time. Perhaps a little learning from this for us all might be that if someone other than the person who brings the report is likely to be the main spokesman then perhaps this fact could be included in the report somewhere.
- 2.6 Melling [Ref 19.8](#): a useful comment; the original report was drafted as being from the Old Island Hall Sub-Committee of the Douzaine but we were told that it had to come from the parent Committee hence the credited name being the Douzaine Chairman.

3 Minutes of the Extraordinary Meeting on 5th December 2013

- 3.1 The minutes were **APPROVED**.

4 Matters Arising

- 4.1 There were no matters arising.

5 Questions not related to the Business of the Day

- 5.1 None.

6 General Purposes & Advisory Committee

Sexual Offences Legislation

- 6.1 Cook Introduced this criminal law which is wholly appropriate and upon which Sark is being given the opportunity to comment. As can be seen from the accompanying report, the GP&A Committee can appoint a relevant person as defined in the Law. Conseiller Audrain has accepted this appointment as appropriate and her work on the drafting of the Children's Law and as Chairman of the Education Committee makes her the ideal candidate.

- 6.2 **Proposition – CARRIED**
That Chief Pleas notes this legislation and approves The Criminal Justice (Sex Offenders & Miscellaneous Provisions)(Bailiwick of Guernsey) Law, 2013.

7 Development Control Committee

Control of Occupation

- 7.1 Dunks The report simply lays-out the main points of this Ordinance which allows the Housing (Control of Occupation) (Sark) Law, 2011, passed by Chief Pleas in 2011, and, having been given Royal Assent, it is now ready to be enabled. He had received a number of questions on the street and he has answered those as they have arisen.
- 7.2 Gomoll In the absence of any formulated policy can we take the Guernsey Policies in that relation as guidance until any other policy is developed?
 Your report says - *This should lead the way to developing some sort of policy as to the way in which the discretion of the Douzaine might be exercised.*
 He thought Chief Pleas should be given some guidance as to what these might be either because you have discussed it already but not yet written it down or, in the absence of any policy, we could look to the Guernsey Policies in case one has to make an application under the Law.
- 7.3 Dunks Agreed it might be appropriate.
- 7.4 Guy This is a necessary Ordinance of the Housing (Control of Occupation)(Sark) Law 2011.
 I have queried with the Chairman of DCC if 'spouse' is defined in the Housing Control of Occupation Law Sark 2011 and he confirms that it is not. The dictionary definition of 'spouse' is 'person's partner in marriage'.
 Is it the intention that this will be the interpretation used in section 2 (a)?
 If so, is this Ordinance ruling out survivors of qualified residents who are in a civil partnership or who have been in a long term unmarried partnership possibly with children? The Chairman suggests that it is not because, in the Prescribed Persons Ordinance, a qualified resident is expanded to include 'a member of the household of a person who is entitled to occupy that dwelling' and member of household is carefully defined.

- 7.5 The Chairman further informs me that The Prescribed Persons Ordinance adds further protection for a person following the death of a person with whom they live by adding at section 2(f) '*The Douzaine has determined that.. for the purposes of preventing an injustice or unfairness.. he should be entitled to occupy a specified restricted dwelling.*'
She asked the Chairmen of both DCC and the Douzaine to confirm that Chief Pleas will not be approving anything here that might prejudice against people who happen not to be married.
- 7.6 Dunks There is no intention to make a Law that would prejudice anyone.
- 7.7 E. Baker Entirely agreed with that; that is why Section 2(f) has been included. There has been considerable debate between the Crown Officers and the Ministry of Justice on this issue and the Douzaine will adhere to it as strongly as possible.
- 7.8 Gomoll Supported Conseiller Guy's comments. Judgements of the Supreme Court and the Court of Human Rights on this issue confirm what Conseiller Guy has said. Care needs to be taken in the wording used and with the application of the Convention of Human Rights which is applicable in this Island.
- 7.9 E. Baker Requested that Conseiller Gomoll might email the judgements to him.

- 7.10 **Proposition – **CARRIED****
That Chief Pleas approves The Housing (Control of Occupation) (Commencement and Prescribed Persons) (Sark) Ordinance, 2014

(Ref. Code: I/2014)

The schoolchildren left at this point (10.40am)

- 7.11 President Explained that following discussions with the Crown Officers and the Senior Administrator, as from this meeting, all Sark approved Ordinances will be sequentially numbered and available on file for inspection in the Greffe office.

8 General Purposes & Advisory Committee

The Marriage Special Licences Ordinance

- 8.1 E. Baker This is a very simple report, as is the Ordinance that is attached to the report. He believed this is a great opportunity for Sark, and he was glad to see the Tourism Committee has started to advertise in its new brochure the fact that Sark is an excellent wedding venue.
- 8.2 S. Williams Congratulated the GP&A Committee on its initiative in bringing this forward; now that the advertising has appeared she had received a call in the last 24 hours from a resident of Guernsey who wants to be Sark's Wedding Fairy and work with the Tourism Committee or anyone else on the Island, organising as many weddings as possible in the next few years.

- 8.3 **Proposition – **CARRIED****
That Chief Pleas approve The Marriages (Special Licences)(Sark) Ordinance, 2014

(Ref. Code: II/2014)

9 Development Control Committee

Control of Signs

- 9.1 Dunks Apologised that there are suggestions in both the reports supporting Item 9 and Item 16 that this Ordinance is to apply not only to signs newly exhibited after the Ordinance comes into force, but also to existing signs.
He had responded in like kind to questions put by the local Chamber of Commerce and to many others on the subject of sign control and, in answering one of these questions, he not only ended up giving out the wrong information but left the same erroneous thought in his own mind; when he came to write the reports it led to the misleading statement '*that some people may find themselves facing a large number of applications for signs over the coming weeks*' turning up in the report to Item 16
He confirmed that the Ordinance applies only to signs erected on or after the commencement date of 3rd March 2014.
- 9.2 Burgess **Declared an interest.**
He had an existing sign on display for *Adventure Sark*.

- 9.3 President Considered that it was not a direct interest but he asked the Assembly if there was any objection to Conseiller Burgess remaining. Following a show of hands, he permitted Conseiller Burgess to remain providing he didn't vote or contribute to the debate other than on any factual matter.
- 9.4 Guy Was glad that some people had spoken to Conseiller Dunks as she thought they had all spoken to her; what she was saying reflects the comments received as well as her own opinion; many are questions she was sure could be answered easily. It is a shame that the Development Control Committee (DCC) have been unable to discuss face to face the issue of signage with owners of those which may be deemed to be unsightly. However, the Chairman of the Committee had assured her that letters sent out by the committee have been friendly and all attempts at finding a solution without legislation have failed.
- 9.5 She could see why it is desirable that signs should come under the umbrella of Sark's planning authority and certainly, in her opinion, there are examples of signage that do detract from the natural beauty of the island; she suspected that we may find devils in the details. For example, her own house has a sign on it which says '*Beau Rivage*' so no application is necessary. If she decided, having successfully applied for all the necessary permits, to run it as a guest house and the tasteful sign is altered to '*Beau Rivage, Guest House*', it is presumably commercial and therefore she must apply to DCC for permission.
- 9.6 The Organisers of the Sark Folk Festival put a large number of signs about the island during the weekend of the festival and those signs are one of the factors that keep the event running smoothly. Sark Folk Festival is a commercial enterprise, not a charity; will they be requested to make an application and send it with a prescribed fee for each sign or will they be allowed a blanket, short term application? Surely we want to encourage this well run event to continue bringing considerable revenue into the island by every means possible.
- 9.7 What is a moveable structure? Is this the traditional meaning of a building which, at the end of a lease, has to be moved? Surely it doesn't apply to bicycles. If she sticks a notice advertising *Fred's Greasy Spoon Café* on the back mudguard of her bike and cycles around the island, does she have to apply to DCC or is she getting silly here?
More clarification needed please.
- 9.8 Joyner Supported Conseiller Guy; with the moveable structure, if he put an advertising panel on his bicycle trailer and parked it in an area of natural beauty would he need planning permission?
- 9.9 Gomoll Would it be possible to exempt specific kinds of signs from the Ordinance? For example there could be a restriction on size or colour or the materials from which it is made so that there was no conflict with what the Committee wishes to achieve.
- 9.10 Burgess He had received representations from the owner of a cycle hire business who asks if the labels on their hired bicycles are included as advertising signs.
- 9.11 Dunks A group of signs from an individual applicant will count as one application. Movable relates to the building to which the advertisement is attached; bicycles do not come into it. If you put a sign on your bicycle or trailer and travel around the Island it is not covered by this legislation; if however you use a bicycle as an advertising hoarding and park it for weeks in the same location then it would require permission. The exemption of different types of signs would need to be considered carefully as it could potentially weaken the strength of the legislation.
- 9.12 The Ordinance will be reviewed after it is implemented to check that any flaws in the legislation are resolved.
The Committee recently considered an application for illuminated advertising from a commercial company which was turned down primarily because of the effect it would have on the Island's dark sky credentials; the applicant understood even though the Committee had no backing for its decision in Law.
A future applicant may not be so accommodating without protection by Law.
- 9.13 **Proposition – CARRIED**
That Chief Pleas approves The Development Control (Signs) (Sark) Ordinance, 2014
(Ref. Code: III /2014)
- 9.14 Dunks Confirmed that the Ordinance would be effective from 3rd March and would apply to applications made from the March deadline.

10 Public Health Committee Health Claims & Food Supplements Ordinances

- 10.1 Melling At the Michaelmas meeting of Chief Pleas (2nd October 2013 Ref: 12.2) a proposition was carried for the Public Health Committee to request the Law Officers to draft the legislation brought before you today.
- 10.2 It has been drawn to my attention that reference to this legislation is included in the recent report from the House of Commons Justice Committee - Crown Dependencies: developments since 2010.
In the section on Parliamentary Questions (Page 20 Para. 11), the recommendation of 2010 calls for better definition between the Crown Dependencies' domestic matters and issues which fall within the constitutional responsibilities of the Justice Secretary. The Ministry of Justice accepted this distinction and agreed to restrict its responses.
There follows (on Page 21 Para. 11) an example, quoting this particular legislation before Chief Pleas today, following a question in the House of Commons by Jim Dobbin MP enquiring as to the Governments policy on the Crown Dependencies implementing EU legislation that applies to the rest of the UK.
In his reply, the Lord Chancellor, Mr Kenneth Clarke, refers to Lord McNally and his officials as being "*in regular contact with Jersey and Guernsey authorities on a range of matters, including the implementation of EU legislation in general and this directive and legislation in particular. Both Crown Dependencies have confirmed they are taking steps to implement these specific measures at the earliest opportunity*".
The Guernsey version of the legislation has been approved by its Legislation Select Committee and will be considered by the States in February.
Alderney has already approved this legislation.
- 10.3 Guy We are clearly going to have to accept this legislation otherwise it leaves a loophole which is open to abuse. She was concerned about a phrase which occurs in each of these Ordinances. In the first Ordinance it is in Section 4 -
'The Committee is responsible for administering and enforcing the law.'
This phrase occurs again at Section 11 in the second Ordinance.'
She wondered how the Public Health Committee (PHC) will manage administering and enforcing the legislation and if it is likely to involve outside professional expertise and therefore have a slight cost implication.
- 10.4 Melling PHC already works closely with the Environment Department in the States of Guernsey on all public health related issues and this has been standard procedure for many years. He would suggest that there is not the appropriate expertise in Sark; the offer of help has been given for this support as part of the Guernsey monitoring of its own legislation and this has been accepted.
- 10.5 Gomoll Won't this lead to Sark having to accept even more EU legislation and becoming part of the EU Market? There needs to be a definitive separation of powers and doesn't lead to any ambiguity in the future. As Conseiller Guy has mentioned, the Committee is responsible for administering and enforcing this legislation; he thought Sark had been harshly criticised for its style of Government with a Committee both administering and enforcing its own legislation and that a separation of powers is why a Senior Administrator has been appointed.
- 10.6 Dunks There are dates missing on Page 2 of both Ordinances.
- 10.7 President Confirmed the date as 2nd October 2013 and this has now been inserted in both Ordinances by the Law Officers and sent to him since these papers were circulated. He invited Conseiller Melling to respond to Conseiller Gomoll's question.
- 10.7 Melling Didn't feel able to respond as he did not have the knowledge of the relationship with those administering EU legislation. He has been advised that, if PHC identifies any problems on Sark, it will arrange for Guernsey experts to investigate.
- 10.8 Cook Would it not be reasonable, to meet Conseiller Gomoll's concerns with which he agreed, to suggest that there is nothing to stop the Committee adopting procedures in future when these have been developed.
- 10.9 President Having asked if the Guernsey Ordinance was to hand, he suggested that it would no doubt give procedural methods for a Guernsey Department to act. The Sark Ordinance was basically a mirror image of the same legislation only scaled down to be more appropriate for Sark. That can be checked and amendments to the Sark legislation could come forward at a later date.
- 10.10 Gomoll Can Sark amend the Ordinance to change administrative arrangements without the need to involve the Guernsey legislation?

- 10.11 President As these are Sark Ordinances they stand alone and the administrative arrangements can be changed independently.
- 10.12 **Proposition 1 – CARRIED**
That Chief Pleas approves “The European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Sark) Ordinance, 2014”.
(Ref. Code: IV /2014)
- 10.13 **Proposition 2 – CARRIED**
That Chief Pleas approves “The European Communities (Implementation of Food Supplements Directive) (Sark) Ordinance, 2014”.
(Ref. Code: V /2014)

11 Committee Elections

- 11.1 In alphabetical order, the President invited each Committee with vacancies, to nominate replacements members. If no names were presented he called for nominations from the floor, an option that was also offered on every vacancy available.
- 11.2 **Agriculture – 1 vacancy**
Nomination from the Committee – Richard Dewe
Conseiller Richard Dewe was duly elected.
- 11.3 **Development Control – 1 vacancy**
Self-nomination from the floor – Matthew Joyner
Conseiller Joyner was duly elected.
- 11.4 **Douzaine – 2 vacancies**
Nominations from the Committee – Alan Blythe and Peter Byrne
Conseillers Blythe & Peter Byrne were duly elected.
- 11.5 **Education – 1 vacancy**
Self-nomination from the floor – Matthew Joyner
Conseiller Joyner was duly elected.
- 11.6 **Emergency Services – 2 vacancies**
Nominations from the Committee – Paul Burgess and Peter Byrne
Conseillers Burgess & Peter Byrne were duly elected.
- 11.7 **Harbours & Pilotage – 1 vacancy**
Nomination from the Committee – Paul Burgess
Conseiller Burgess was duly elected.
- 11.8 **Medical – 1 vacancy**
Nomination from the Committee – Matthew Joyner
Conseiller Joyner was duly elected.
- 11.9 **Policing Review – 1 vacancy**
Nomination from the floor – **Christine Audrain
Conseiller Audrain was duly elected.
** nomination from Conseiller E. Baker
- 11.10 **Road Traffic – 1 vacancy**
Nomination from the Committee – Alan Blythe
Conseiller Blythe was duly elected.
- 11.11 **Sea Fisheries – 1 vacancy**
Nomination from the Committee – Paul Burgess
Conseiller Burgess was duly elected.
- 11.12 The President announced that there would be a Court at the commencement of the Lunch recess to administer Oaths of Office to the two Douzeniers, Deputy Tax Assessor and Assistant Constable.

12 Finance & Commerce Committee

Appointment of Deputy Tax Assessor

- 12.1 Cottle Discussion about replacing the role of Assistant Tax Assessor with that of Deputy Tax Assessor has been going on for some time; the Committee now intends to do this as described in this report. The purpose of this is to allow the Deputy Assessor to carry out the full role in the absence of the Tax Assessor during periods of absence such as for holidays or for a period of illness. Currently the Assistant can assist with aspects of the role but not assume full responsibility during absence. By Chief Pleas making a Deputy available to the Assessor, this allows under the current law for the Assessor to delegate any or all of his functions to the Deputy when necessary. Under this arrangement, which is proposed as an interim measure, the Deputy is provided by Chief Pleas to be the Deputy to the Assessor. The first two propositions cover this interim appointment, creating the new role and engaging Mr Trevor Kendall to fill it for the remainder of this year. The current role of Assistant Tax Assessor is and has been an unpaid one. Proposition 2 states that Chief Pleas agrees to finance the costs of Mr Kendall, which he has agreed will be **NIL** for the current year.
- 12.2 Proposition 3 requires an amendment to the Law and requests this to be drawn up by the Law Officers. Upon approval this will allow the appointment of a Deputy Assessor by Chief Pleas as a separate office so that Chief Pleas may direct him to act as Tax Assessor at such times as necessary. The Committee requests the Assembly to approve these three propositions so that this two stage appointment of a Deputy Tax Assessor can be implemented.
- 12.3 Bache Asked for clarification of the appointment and dismissal arrangements for any individual in the position of Deputy Tax Assessor.
- 12.4 Cottle The appointment is made by Chief Pleas but dismissal is by the Lt. Governor.
- 12.5 President Assisted the Assembly by confirming that is how it applies to the Assistant Tax Assessor in the current legislation. The dismissal of the Deputy Tax Assessor will be changed when the new legislation is drafted and it will be incorporated into the Law.
- 12.6 Bache Questioned whether it was still appropriate for the Lt. Governor to be in this position and whether Chief Pleas should be a position to take on that responsibility of dismissal in the future.
- 12.7 President If the Committee wish to take that on board, they would need to review the Law that defines the appointment and dismissal of the Tax Assessor. The present arrangement will remain under the current legislation.
- 12.8 S. Williams Acknowledged the fact that Mr Trevor Kendal was waiving any fee and commended him for so doing. She asked that a vote of thanks be recorded.
- 12.9 **Proposition 1 – CARRIED**
That Chief Pleas approves the appointment of a Deputy Sark Tax Assessor, to replace the current role of Assistant Assessor, for the purpose of carrying out the functions of the office of Tax Assessor by that Deputy as authorised by the Sark Tax Assessor.
- 12.10 **Proposition 2 – CARRIED**
That Chief Pleas notes the intention of the Sark Tax Assessor to arrange for the functions of his office to be performed by a Deputy Sark Tax Assessor. It agrees to finance the cost of engaging Mr Trevor Kendall as Deputy Sark Tax Assessor in accordance with section 11(4) of the Law, as an interim measure for the duration of his current term, replacing his role as Assistant Tax Assessor.
- 12.11 **Proposition 3 - CARRIED**
That Chief Pleas requests the Law Officers of the Crown to prepare an amendment to the Law to provide for a separate office of Deputy Sark Tax Assessor, for presentation for approval by Chief Pleas.

13 Douzaine

Appointment of Assistant Constable

- 13.1 E. Baker Once again this demonstrates the true community spirit which exists on the Island with Mr Adrian Guille, having just retired as Constable at the Michaelmas meeting, now volunteering to stand for this hugely important role as an Assistant Constable.

13.2 **Proposition – CARRIED**

That Mr Adrian Guille be appointed as Assistant Constable in accordance with Section 53 (1) of The Reform (Sark) Law, 2008 in order that he may occasionally, when authorised by the Constable, perform the duties and exercise the powers appertaining to the office of Constable.

14 Education Committee

Parent Representative

- 14.1 Audrain All parents were circulated in order to seek volunteers for this position. Four names were put forward and parents were again circulated for a ballot to take place on the four nominations; a 76% turn-out was recorded.
Mrs Gemma Knight topped the poll and the Committee therefore proposes that she become the parent representative and serve as an ex-officio Member of the Education Committee.
- 14.2 Burgess **Declared an interest.**
As Mrs Knight was his daughter he would not be voting on this proposition.

14.3 **Proposition – CARRIED**

That Chief Pleas endorse the appointment of Mrs Gemma Knight as a non-Chief Pleas' Member to serve as the Parent Representative on the Education Committee.

15 General Purposes & Advisory Committee

The Crown Succession Act 2013

- 15.1 Bache Drew attention to the sentence in the report which says –
“The Guernsey Policy Council has concluded that because Her Majesty is the Sovereign in right of the Channel Islands there would be some benefit in expressly stating that under Guernsey’s domestic law the rules of Royal succession that apply are those that apply under the law of the UK”.
This has been generally accepted for the Channel Islands and other Islands are following down that line and GP&A Committee is suggesting that it stays in line with those views.
- 15.2 **Proposition - CARRIED**
That Chief Pleas request the Law Officers of the Crown to prepare legislation expressly providing for the rules governing succession to the Crown in respect of Sark to be determined in accordance with the Law of the United Kingdom relating to the succession to the Crown.

Short recess from 11.25am - 11.35am

16 Development Control Committee

Planning Application Fees

- 16.1 Dunks Following the decision at Item 9 to control the provision of signs; the Committee proposes to introduce a charge for processing such applications. It is the only change in the schedule and he drew attention to the amendment under Category Two with the introduction of “Commercial or Industrial signs” at a fee of £5.00. This figure is arbitrary and the Committee would appreciate any input, advice or guidance from Chief Pleas.
The Committee would like feedback please on the level of fees generally; all fees are made to offset the cost of processing and not specifically to raise income.
- 16.2 The application form on the reverse of the fee schedule is not mandatory but provided to assist and remind the applicant of what is required and to ensure that the Committee receives the information it requires to properly consider the application. The Committee thanks the Committee Secretary for designing the form.

- 16.3 Adams Previously supported the proposition in Item 9 because she agrees that it is a good idea that people should apply for permission to display signs and posters, otherwise we could end up with lovely parts of our island being spoiled, which is a danger especially if the signs are not taken down after the event.
She did think that when it comes to charging people for putting them up, there is a need to distinguish between paper **posters** which are temporary, and usually produced by very small businesses and put up with blu-tac, and **signs** which can be permanent fixtures, screwed to walls and made of more robust materials. She felt the latter should incur a charge but not the former. Item 26 gives the impression that we *want* businesses to flourish. So it seems ironic that we are here attempting to thwart enterprise and make it more difficult for those trying hard to make a living by charging them to display their posters. There is already a list of non-chargeable applications in the summary notes. Could small temporary paper posters be added to this list? I'd also just like add that anyone can advertise their tourism related business or event free of charge at the Tourism Office.
- 16.4 Cocksedge Has had asked previously if preliminary applications could remain as an option for large scale building plans without fees being charged; it would allow consultation at an early stage of development and, through a Project Manager meeting on site with either or both Development Control and Public Health Committees, a better indication might be achieved as to what would be acceptable or not before a full application is submitted. This would avoid paper trails between the applicants and the Committees and cut down on administration time.
- 16.5 Guy She could not agree with Conseiller Adams that there should be no fee for sign applications; Conseiller Dunks made it clear that this fee reflects the cost in administration and is not just a revenue raising exercise. The cost of processing an application for a notice stuck up with blu-tac would be the same as providing a beautifully painted wooden sign.
- 16.6 The Application for Development form should, in my opinion, be made mandatory. It would assist the applicants, it would assist the DCC, it would assist Appeals Tribunal and certainly would assist constables in the event any alleged infringement having to be investigated.
I would like to see the form trialled over a relatively short period of time then, if necessary amended in the light of lessons learned during the trial period, brought back to Chief Pleas with a proposition for it to become a mandatory requirement.
- 16.7 E. Baker Wanted to make Chief Pleas aware that most of this work, particularly this form, is down to the Chairman of this Committee who has worked for a long period of time on this and he thought those efforts should be acknowledged.
- 16.8 Dunks In relation to event signs, he asked how temporary is temporary? Whether the application is paper/cardboard, wood or metal, and for however long it is to be displayed, each application takes the same time to process; if it proves unworkable, the Committee can return to Chief Pleas with revisions.
Conseiller Cocksedge's remarks refer to the consideration of preliminary applications; this was originally listed but never got beyond the discussion stage. In the light of the comments made that category will be reviewed.
He again confirmed that a group of signs will be treated and charged as one application.
- 16.9 **Proposition - CARRIED**
That Chief Pleas approves the schedule of Application Fees as accompanies this report.

17 Joint Report from the Finance & Commerce and the General Purposes & Advisory Committees

Renewal of the Service Level Agreement – St. James' Chambers

- 17.1 Cottle This Joint Report is brought to seek approval of this one year Agreement for this current year, to replace the (just expired) three year Agreement for Legal Services provided by St. James' Chambers to the Chief Pleas of Sark.
As the report says, there are no changes proposed to the level of Service; it is for one year while a review takes place, in time to present a modified Agreement for 2015, appropriate for on-going needs.

- 17.2 Cottle The cost for 2014 has been confirmed at £53,774 which is a slight reduction on last year due to a cost saving exercise at St. James' Chambers, and this amount was allowed for in the 2014 budget (£60,000 for legal and professional expenses).
The Committee requests that you approve this one year renewal so that Legal Services can continue to be provided for Chief Pleas.
Once approved, we can confirm this to the Chambers and the Draft Document will be replaced by a Final Version, to be signed off, completing the Agreement.
- 17.3 Cook Believed the services received are excellent and good value for money.

- 17.4 **Proposition - CARRIED**
That Chief Pleas approve the proposed Service Level Agreement with St James' Chambers for 2014 and the associated cost and that Conseiller Cottle be authorised to sign it on behalf of Chief Pleas.

18 Medical Committee

Medical Research on Human Subjects – Declaration of Helsinki

- 18.1 D. Baker This report is at the very first stage of consideration given by Guernsey's Health & Social Services (HSSD) for making recommendations to the States of Guernsey to adopt the Declaration of Helsinki. If and when this progresses the Committee will keep you updated; it hasn't yet met with HSSD to discuss this further.

- 18.2 **Proposition - CARRIED**
That Chief Pleas support the Medical Committee in continuing its consultation process with HSSD with a view to ultimately returning to a future meeting of Chief Pleas should any legislation or directive be issued.

19 General Purposes & Advisory Committee

The Role of the President of Chief Pleas

- 19.1 Fry The Senior Administrator has investigated the situation elsewhere, in Guernsey, Alderney and most of the UK as to the fees applied and returning officers do not receive payment for their work; it is done on a voluntary basis. Island Trustees are similarly not paid for their work either.
It is important to remember that this is not about any individual but about the role of the President of Chief Pleas and subsequent Presidents.
- 19.2 Guy It looked to her from the report that the President has agreed with this and it is yet another example of the community spirit as highlighted by Conseiller Edric Baker earlier - somebody doing something for nothing and saving the Island money.

- 19.3 **Proposition - CARRIED**
That Chief Pleas agrees that no additional fee is paid to the President for the services provided as an Island Trustee and as Returning Officer.

20 Shipping Committee

Shipping Matters – Verbal Report

- 20.1 Cook Started his report with a thank you; the weather around Christmas was atrocious many parts of the UK and the Channel islands experienced extreme gale force winds at time coupled with high spring tides made even higher by the low pressure. Large areas of the UK were brought to a standstill, parts of Guernsey experienced difficulties, shipping services were disrupted everywhere - pictures on the television showed communities cut off and being supplied by emergency services. It would have been perfectly reasonable to expect a little island some nine miles by sea from its nearest supplies to experience major problems. Did we have major problems – no – Sark received all its supplies, all its mail and despite some inconvenience everyone came or went as they needed.
This didn't happen by luck, it happened because of the dedication given to the company by the people who work there – they put in a huge effort to ensure our service. It also happened because the boats are now in first class condition giving the crews the confidence they need. The picture on the front page of the Guernsey press on Christmas Eve of the *Sark Venture* returning home after its final run before Christmas summed up what Sark Shipping means to this Island.
Everyone at IoSS deserves a very big thank you from us here on Sark.

- 20.2 Cook Sark should be very proud of its little fleet of ships and how they symbolise independence and self-reliance. We have to work to maintain that independence and self-reliance, it's not always easy and the path is not always smooth. As you all know 2013 did not go according to budgeted predictions; freight volumes dropped from 5,000 tonnes to 3,685 tonnes an unprecedented low level much to the detriment of the company's winter cash flow position and for the requirement of the next item on the agenda.
- 20.3 However passenger numbers, taken from 1st January 2013 to 31st December 2013, showed an increase of 1,168 over the previous year; altogether, 48,489 passengers were carried of which 2,190 were cruise liner excursions. The tendering contract for cruise liners in Guernsey continues this year and there is a very realistic expectation that the coastal cruises, started last year, will grow in popularity.
- 20.4 Despite the problems of last year the company only made a small loss, in round figures, of £38k and, with the reasonable assumptions that passenger numbers hold fairly steady and that with a budgeted freight volume of even less than last year, the company is predicting a small profit in 2014. Of course, higher ticket prices would give more certainty to those figures but would not be welcomed!
- 20.5 The recent announcement that the Aval du Creux Hotel and Hotel Petit Champ will not open this year is not expected to have too much effect on the predictions as the predicted freight volume has already been reduced. Current passenger and freight volumes are in line with predictions.
- 20.6 It must be remembered that this performance is being achieved whilst also paying off historic debt some of which was to pay for maintenance; since October 2008 this has been paid for out of current income and has been considerable. Over the next 2½ years the requirement to find £158K a year for these debts will disappear. This has been and remains a huge burden for a small company to carry but points the way to a much more certain future especially given the current standard of the vessels. To quote the Directors – *“The annual dry docks for the four vessels have been completed and no unforeseen problems have arisen. This is a pleasing result which reflects the high costs incurred for vessel maintenance during the previous four years”*.
- 20.7 To expand a little on this – every year the boats have to pass a thorough out of the water examination by the licensing authorities to be able to continue to operate. All four boats have passed this with no issues found; this is a reflection of the very high maintenance standards now set by the company and means that, barring accident or emergency, only routine maintenance should now be required. Every five years an even more detailed inspection is carried out – it is very pleasing to note that the *Bon Marin* and the *Sark Venture* passed this last year.
- 20.8 The boats are in tip top condition, crewed by dedicated, suitably trained and qualified crews. The office has systems suitable for operating in the modern world – online booking, up to date and easy to use website. The company is very well presented, its staff smart efficient and helpful. In short a company that presents an image of which the Island can be both proud and appreciative.

21 Joint Report from the Shipping and the Finance & Commerce Committees Isle of Sark Shipping Company

- 21.1 Cook Began his presentation with an apology; as a Committee it is fully appreciate that Chief Pleas has been placed in a position of being asked to agree something to which it should have been able to give greater consideration. He hoped that by the end of the presentation you will realise that the Committee is fully aware that placing you in this position, should not be repeated and that, particularly with the work of the Treasurer and the Finance and Commerce Committee (F&CC), measures are now in place to ensure that it is not repeated. The Committee and he as Chairman should have performed better and should Chief Pleas feel that some reconstitution of the Committee would be beneficial, then any review would be welcomed.

- 21.2 Cook loSS is an integral part of Sark - it connects us with the world, it brings all the supplies that enable the island to exist - it is our lifeline. For visitors the Sark experience starts when they board one of its boats in Guernsey and ends when they disembark back in Guernsey. Sark owns this company. Over the years, considerable determination, effort and vigilance has been needed to ensure that Sark continues to own this company. Owning a company that exists to provide an all year service will always require determination, effort and vigilance by all those involved. It is surely unthinkable for the island not to own the company on which it relies for its continued existence.
- 21.3 The work involved in actually running the company - providing the service we all enjoy – is far from simple; it involves meeting service level expectations at minimum cost whilst ensuring that the vessels are properly maintained, suitably crewed and presented. This is obviously simplistic – behind the scenes there are all the regulatory requirements, boats must be equipped and maintained to the required licencing standards; these standards are high and maintaining them requires constant attention. The crews too must be qualified to the required standards, not just the Skippers. There are insurance requirements, harbour authority requirements and then of course behind the scenes is the office requirement to organise and account for the sea going operations.
- 21.4 All very obvious you might be thinking but it goes some way to explaining that running a year round shipping service nowadays with all the regulations that involves is a complex business that requires an investment in people as well as vessels. loSS has very competent and dedicated personnel who work extremely hard in providing our service. They deserve our support as well as our appreciation. However whilst we believe they deserve this support it is fully appreciated that the company has to operate efficiently and in line with its agreement with Chief Pleas. This we believe it does which is why in asking for some short term financial help it has provided detailed reasoning, soundly based forecasting and repayment planning which, along with the vessel maintenance program and the now established IT systems both of which have brought greater efficiencies, it can give Chief Pleas the confidence that the company is now in a position, not only to continue to provide a service, but also to plan with much more certainty for the future. The company will liaise closely with the Island Treasurer and, as appropriate, the F&CC with respect to the achievement and monitoring of the budgeted expectations.
- 21.5 He asked that if anyone has misgivings regarding the proposals they make them known so that those misgivings can be part of any debate before voting. He emphasised that this request is for a very short term loan with a carefully costed repayment program. There is no overall cost to the island or effect on the islands budget. It does not cost the island or the tax payer a single penny. For the financial details and any further comment from F&CC he passed over to Conseiller Cottle.
- 21.6 Cottle loSS requested a short term loan of £200,000 at a joint meeting with Shipping Committee and F&CC on 25th November 2013 to meet the cash flow needs of the Company through the winter period of 2013/14.
An interim payment of £50,000 has been made on 2nd January as per the MoU and a further payment for up to £150,000 is requested today.
The result of this loan not being approved would be that the Company would not be in a position to operate.
- 21.7 **loSS' current liabilities (as at 31st December 2013) are:**
- **£254,788** - a long term loan from Chief Pleas, interest free, with no date fixed for repayment.
 - **£136,962** - first loan (2005) from Lombard Finance for *Bon Marin* and *Sark Venture* (of which £84,268 was paid off in last year).
 - **£167,759** - second Lombard loan (2006) for *Sark Viking* (of which £100,000 guaranteed by Chief Pleas); (£65,222 paid off last year).
 - **£129,137** - Bank Overdraft at 31st December 2013 (of which £150,000 is guaranteed by Chief Pleas).
 - **£50,000** - Loan from Chief Pleas made 2nd January 2014
- £738,646 - Total current loSS' Liabilities**
Chief Pleas currently guarantees £386,962 of this to external lenders.

- 21.8 Cottle IoSS requests today a facility for a further £150,000, with £80,000 released immediately and followed by £45,000 in instalments (£125,000 total) plus a reserve facility of £25,000 - only if necessary.
The max liability of IoSS, if this entire request is used, will be £888,646
- 21.9 **Repaying the short term loan**
When they requested this loan, the Directors of IoSS gave the Treasurer their projected cash-flow for this financial year (to September 2014). This has been made available to both F&CC and Shipping Committee to inform their consideration of the Loan request.
The Directors have also confirmed that they have submitted their Audited Accounts for 2012/13 to the Treasurer and that the company has confirmed its loss at £38.5k.

The projected Cash Flow received by the Treasurer shows that the loan will stabilise the cash position of the Company through January, February, March and April this year - and in May the outgoings include the repayment to Chief Pleas of £120,000 without increasing the bank overdraft.

Similarly in June the outgoings include a repayment to Chief Pleas of £55,000 and also a reduction in overdraft of £94,000 followed by clearing of the overdraft in July. The Company will then start rebuilding its cash balance projected at £216,000 at the end of September.

Moving into the winter months next year the Directors anticipate requesting the same facility of a cash flow loan of up to £200,000, to be reviewed later this year.

For this winter it is essential for this short term loan to be approved today for the continued operation of IoSS.
- 21.10 We now have in place a good monitoring system with the Company providing monthly management accounts to the Sark Treasurer, which allows early comparison of actual results with projected figures and will allow any concerns about performance to be flagged up sooner and questioned appropriately.
The Treasurer will report monthly to F&CC any differences from projections that could indicate that a problem is developing. This would alert the Committee to meet with the Directors to see if this is a concern and what action is appropriate.
It is not intended to interfere with the running of the Company, but to maintain a relationship where the financial activity of IoSS is monitored; this scrutiny is for the reassurance of Chief Pleas.
- 21.11 **Looking to the future**, there will be reduced costs as the two Ten Year Loans are paid off. Last year IoSS paid off £149,000 of these loans and these will be fully repaid in two and a half years. Maintenance costs are showing a benefit from the work done to vessels during the upgrading programme, with the dry dock examinations recently carried out, revealing no problems.
- 21.12 Additionally, the Directors have brought to our attention that the instruction made by Chief Pleas to IoSS to give an 80% concession for all waste shipped from Sark by Public Works has reduced their income by £73,000 in total over the last three years. IoSS has asked us to consider proposing the removal of this concession, so that the greater part of the true cost of waste disposal for the Island is not borne by the Company. This probably couldn't be done in the current budget year, but we will raise the matter with Public Works in time for next year's budget requests.
- 21.13 Putting these matters in place give us a better view of the Company's ability to operate efficiently and cost-effectively for the future.
We therefore request that you approve the two propositions to allow the continued running of our Lifeline Shipping Service.
- 21.14 Audrain Thanked Conseillers Cook and Cottle for this detailed explanation in addition to the comprehensive report and she has also spoken directly with Conseiller Cook. Initially she was very uncomfortable about ratifying a decision that was already made and she had no choice in the matter. She appreciated the procedures that have been put in to ensure this doesn't happen again and is grateful for that.
People have approached her suggesting some staff savings could be made in the company; from Conseiller Cook's explanation of what happens, why they need all the staff and the training given, she is now satisfied this has been looked at too.

- 21.15 Cocksedge Despite hearing the positive situation about boat maintenance, it still begs the question as to what plans there are to replace the ageing fleet of vessels. Public are also asking about potential savings of company staff, particularly the number employed in the offices. Questions are raised about the number of journeys to/from the Island, especially in the winter when the numbers travelling are so low. When does it not become viable to provide a freight service and could it be put out to tender leaving the company to concentrate on the passenger service alone.
- 21.16 Bache Strongly supported the lifeline service which IoSS offer and the service which they provide, outstandingly over the winter months this year. However, there is a serious accounting issue based on the company's cash flow problems. Chief Pleas has to make a careful judgement on the information provided. It might focus minds to consider how Conseillers would react if they had been asked individually to underwrite their share of the figure, say £7,000; personally he would want more detail. He was concerned that although the cash flow difficulties must have been apparent to the company in September the matter was not brought to Chief Pleas at the Michaelmas meeting. An emergency situation had then been reached by January. Now at the last minute Chief Pleas is being asked to provide a loan of £200,000. He would want to have more details about how this was to be spent in the next months. He also considered the plan for repayment by July to be possibly optimistic. Could the meeting be given more information on which to base a judgement?
- 21.17 Burgess There is concern as to what contingencies are in place to ensure the Island sees its money is paid back?
- 21.18 Perrée Many people have contacted her with concerns over Sark Shipping. With 28 staff comprising both crews and office personnel, surely there are savings to be made? If IoSS does cease trading how will the Sark link be maintained? She complimented the crews for their service in all weathers. For those working and producing things on the Island there is currently no concession given to ship those products off from Sark. Given the amount of representation she has received, she will have to vote against these propositions.
- 21.19 Nightingale This lifeline service is strangling us; too many boats, too many crews for the service provided and the business available. With state of the art systems installed it should be much easier to assess what is not needed. True there has been no basic increase in freight charges other than boxes and for those it has gone up by 40%. This will hit businesses on the Island. He rephrased the old Sark saying that – if you don't like it there are always two or three boats every morning.
- 21.20 E. Baker IoSS is the envy of many other jurisdictions who require ferry services. Colin Kniveton, former Interim Chief Secretary, had told him of the solid performance of the ferry service to/from the Isle of Man when it was owned by the Island; now it is commercially run its operation is at the whim of the provider. We must protect our shipping company; it's worth it.
- 21.21 Cook Stressed that the Assembly should not muddle profitability and cash-flow. He quoted last year's loss and this year's anticipated profit and thought the company was running on an even keel of profitability. He confirmed that the number of boats and how much it costs to run each boat was being reviewed constantly by the Directors. Boats were currently in good condition; the time to review and make plans for replacement in the future was not appropriate now and is best left until the current loans have been paid off and further investment can be considered. If we "shut down" Sark for the winter it will be difficult to regenerate for the shoulder months and the summer season. The figures are now being seen monthly by the Treasurer and he was content with the revised monitoring of company performance. He again apologised for the lack of formal warning earlier; what is now put in place should ensure that situation would not occur again. The temporary loans would have no effect on the Island or the taxpayer as the loans will be repaid within the same year. Any deviation from the plans in future will be quickly identified. As to concessions, identifying who and what is the difficulty; IoSS are willing to look at the options if they are suggested.
- 21.22 Cottle Had spoken with the Directors and been assured that staff levels are running at the minimum levels for an appropriate winter operation. If Conseiller Bache wishes to see more detail of the cash-flow account he would be willing to share it with him. He repeated the dates for cash flow loans and the pay-back periods.

- 21.23 S. Williams Asked if the figures could go out with the Chief Pleas' minutes.
- 21.24 Cook The detailed figures couldn't be released without the authority of IoSS; he was willing to share them with Conseillers if details were needed.
If Chief Pleas voted against paying out the loans, IoSS would have to seek funding on the open market using commercial loans and that ultimately will cost the Island taxpayers thousands of pounds and jeopardise the continued operation of the service during the rest of the winter.
He called for a named vote for both propositions.
- 21.25 **Proposition 1 – CARRIED on a named vote - 26 Pour, 1 No Vote**
That Chief Pleas ratify the approval given by the Finance and Commerce Committee on 25th November 2013 to the request by The Directors of the Isle of Sark Shipping Company for an initial loan of £50,000 which was made on 2nd January 2014.
- 21.26 **Proposition 2 – CARRIED on a named vote - 23 Pour, 1 Contre, 3 No Vote**
That Chief Pleas approve the further request by the Directors for an additional loan of up to £150,000. This loan is to be made available from 22nd January 2014 by instalments as requested and both loans to be repaid in full by the end of June 2014 together with the interest due.

22 Road Traffic Committee

Road Traffic Regulation No. 4.

- 22.1 Ventress Introduced the item by reading the accompanying report verbatim.
- 22.2 Prevel Asked if Item 7 of the Regulations [selling seats] meant that a carriage-driver has to deny someone who wants to book a seat at 9.00am to travel at 2.00pm?
- 22.3 Ventress Yes; because of the problems at La Collinette for people who have a carriage already booked on their behalf by a tour company being told by drivers of the booked carriage that they are unable to carry them at this time and that all carriage seats are fully booked and offering to take them later; the opportunity to carry the passenger is not offered to other owners who might have space available.
- 22.4 Gomoll Are we creating an offence by interfering with the commercial enterprise of the individual booking seats on horses & carriages?
- 22.5 Ventress In a way, yes; the Committee is trying to ensure that **all** carriage-drivers have an equal opportunity to the trade that is there. Unfortunately some people have been abusing this.
- 22.6 President Drew attention to the second paragraph of the report in which it states that the redrafted Regulation 4 has been circulated to all the carriage-owners; he asked for confirmation that the owners were in agreement with Item 7.
- 22.7 Gomoll Happy for this to go ahead if all owners are in agreement voluntarily but he was not happy if an offence is to be created as it is not a proportionate measure to achieve what the Island wants to achieve.
- 22.8 Adams Asked for clarification; does anything in this regulation prevent the pre-booking of a carriage at the Tourism Office, a regular occurrence in the summer?
- 22.9 Ventress Would say no; this would be pre-booking in advance and not at La Collinette, just as tour operators would be pre-booking their seats.
- 22.10 Prevel Agreed with Conseiller Gomoll.
- 22.11 E. Dewe Clarified item 7 further; there is nothing to stop anybody pre-booking by telephone or at the Tourism Centre prior to the morning of travel, if the owners/drivers hand out cards with contact details. What the Committee is trying to resolve are the continued complaints of tourists being harassed and being told they cannot get carriages in the afternoon unless they book now and being sold vouchers there and then. If they turn up two minutes late in the afternoon they have been told they cannot have their money back; or when the visitors discover there are smaller vehicles or other carriages going at alternative times they have again been denied a refund of the tickets they have already been sold. We are trying to avoid the serious arguments that are currently going on at La Collinette. The Tourism Committee can vouch for this problem.

- 22.11 E. Dewe
Cont. We discussed this at full-length with all the carriage-owners in the middle of last summer; we took on board all their comments and sent it out again so they have been given every opportunity to contribute to this proposal; all have been consulted save one who was currently off-Island in December but he has been consulted by email and sent all the papers to him as well as his brother. He was given the opportunity to send his brother (who drives for him) but he did not comment or reply. All the remainder were in agreement with this Regulation 4. Work is still going on driving regulations and a possible horse registry.
- 22.12 Gomoll The aim can be achieved by refunding unused vouchers; one cannot create a criminal offence by refusing owners the right to sell tickets. If someone took a carriage to a restaurant and asked to be picked up in two hours, are we saying he is creating a criminal offence? It is not a criminal offence for anyone else employed by the owner to sell the tickets rather than the carriage-driver. He asked that whenever we pass a Law in Sark please do try to consider the aim of the legislation and say how we hope to achieve it.
- 22.13 Audrain Chief Pleas needs to clarify the problems which have led to this attempt to regulate. Visitors are being told that all seats are booked at the time of their morning arrival and they might have to wait until the afternoon, even though there are seats available on other owner's carriages.
- 22.14 S. Williams Nobody else is saying it so she was prepared to say it as it is; she reported on these issues to Michaelmas Chief Pleas about the number of complaints Tourism had received over horse and carriage trips from at La Collinette and driver behaviour; she thought that item 7 is aimed at those who are handing the reins to someone else, saying "*I'll be back in ten minutes*" and then going down to the bus terminus and selling tickets to arriving visitors as the toastrack is unloading. That is how it is but very tactfully the Road Traffic Committee hasn't spelt it out. Item 7 says what it does on the packet but as others have pointed out this might be too severe. The main problem is that visitors are being pressurised immediately they alight from the Harbour Hill Transport; they are being harassed before they have the chance to reach the top of the hill and see what alternatives exist. They are being sold tickets as they try to come up the hill and being told that if they don't buy their tickets now for the afternoon they won't get a carriage-ride. Many who complained during 2013 were very disgruntled that they had been sold tickets and, when returning in the afternoon, the carriage had gone without them. As Chairman of Tourism, she fully supported this report, the legislation and its aims. If Item 7 is upsetting those unaware of the problems perhaps it can be re-worded.
- 22.15 Guy Appreciated the work that the Road Traffic Committee has done on this and understood why it has prepared these regulations. She had experienced the Collinette Wars, both as a Visitor Officer and as a Constable and, no doubt many other Constables can similarly confirm. She welcomed Conseiller Williams honesty in supporting the legislation but she was also aware that we have a lawyer in the House and he warns against introducing legislation that will not stand up to scrutiny. In her own experience on Harbours when introducing regulations recently, the Law Officers were consulted and we found that it's not as straight forward to bring in regulations as it may seem. She asked if the Committee had passed its proposal through the Law Officers for an opinion.
- 22.16 Ventress The Road Traffic Committee is meeting with an Advocate early in February and will be bringing this forward for consideration.
- 22.17 President You also say in your report this has since been reviewed by one of the Law Officers and the copy is attached to this report for information and it has since gone to them for comment.
- 22.18 Ventress It has and we are meeting with the Law Officer in early February and we might find we have to make some alterations to the regulations in the light of today's discussion.
- 22.19 Guy Can we have clarification that the Law Officers are aware and have accepted that this is coming forward to Chief Pleas to be voted on today?
- 22.20 Ventress As Regulations they are only being brought to Chief Pleas for information and no vote is required.
- 22.21 Guy Apologised; she accepted that these were regulations and did not require a vote only consultation.

- 22.22 P. Williams Even if you ban the carriage-drivers from selling tickets at the Harbour Hill Transport upon its arrival, there is nothing to stop others selling on behalf of an owner.
- 22.23 Ventress Asked if there were regulations against importuning and selling on the street.
- 22.24 President Yes.
- 22.25 Ventress In which case that problem is covered already.
- 22.26 S. Williams If there are other more appropriate Laws they should be enforced; people are yet again taking action, abusing the Law as they do many other things on this Island.
- 22.27 Gomoll If such Laws exist it is better to enforce against fraudulent selling rather than introducing criminal offences against commercial activity.

23 General Purposes & Advisory Committee

Regulation of Alcoholic Production Ordinances - WITHDRAWN

- 23.1 E. Baker The Committee withdraws this item following detailed advice from the Law Officers.

24 Emergency Services Committee

Exercise “Razorbill”

- 24.1 Plummer Exercise Razorbill was an excellent opportunity to bring together colleagues from Guernsey and Sark, so that should a major emergency develop we have a control structure in place. It is always an on-going programme, but these exercises have been very beneficial in dealing with some of the dreadful call outs with which our services have been involved in the past.
She thanked John Hunt and Michael Mann for their work during their time on this Committee. They both worked hard and were extremely knowledgeable in so many matters, they will be missed.
She looked forward to welcoming the two new Committee Members
- 24.2 Cocksedge Attended the event and he commended the personnel involved and seeing their professionalism at work; it was well worthwhile exercise and pleased it is ongoing.

Lunch break from 1.00pm – 2.15pm

25 Development Control Committee

Annual Report on Development Control

- 25.1 Dunks This year the report covers the work of the Committee, how it carries out those tasks and what it plans to do in the future year and hopes to assess later in the year how far it has progressed with these pieces of work.
The report has attached to it a list of all the application received this past year; he drew attention to the category Minor alterations and against meeting 454 (La Maison Lafayette), the fifth column should read - retrospectively accepted.

26 Cross Committee Report

Securing Sark’s future

- 26.1 Cook This is a cross committee report and is the result of all Conseillers working together. It has been agreed that GP&A will be the lead committee for the purposes of this policy; however, anyone here wishing to add to these comments would be very welcome to do so.
Since the elections in 2008 Chief Pleas' democracy and governance on Sark has continued to evolve. We have seen the splitting of the dual role, something with which Guernsey and Jersey are still grappling. Outside advice has been sought too resulting in the Crowe Report, followed by the Kniveton Papers.
We have been actively supported by the Ministry of Justice (MoJ) and the other Crown Dependencies for which we are grateful – even if at times we appeared not to take on-board all the advice – there is a 'Sark way' - but also an understanding that we must demonstrate that we are able to meet our obligations as an independent jurisdiction to ourselves and the wider world.
At the end of last year we secured the employment of Kath Jones in a senior administrative role.
Having Kath in this role means that we now have a central administrative function that can coordinate the policies outlined in this report across the variety of committees.

- 26.2 Cook This is a report that is intended to guide the efforts of Chief Pleas in providing a sustainable future for the island. The evidence we have gathered resulting in the *Vision for Sark* document and the conclusions of last year's economic development workshops have helped drive/shape and justify the policies and priorities in this report.
- 26.3 Additionally, having this central administrative role will enable a coordinated approach to be taken to the way the policies are taken forward, how they are communicated and, where appropriate, how the public is consulted in a proper and timely manner. In short, we will have the individual committees working together to achieve a common goal.
- 26.4 It is not the intention of this report to go into detailed proposals for each of the work strands described – this will emerge as the result of work within committees, further debate in Conseillers Workshops, in Chief Pleas, and with the public. Suffice to say that the agenda is driven by the desire to sustain the economy of Sark whilst maintaining the environment that the evidence we have obtained shows us is desired; the Sark we love, where we want to live and has a sustainable future for the next generation. We believe that these priorities have the potential to deliver this policy.
- 26.5 Summarising the strands of work -
- Fully functioning reliable **high speed broadband connectivity** is a fundamental requirement of a community operating in the modern world; we must make sure we are not left behind.
 - **Energy**, particularly electricity is also an essential commodity. The island will not prosper, capitalise on opportunities for economic growth or be able to offer any security for the future unless it can demonstrate a sustainable, realistic supply at a price that does not make the prospect of investment in the Island unviable.
 - Several of **Sark's Laws**, including the Reform Law refer to a person who is 'ordinarily resident' however there is no actual definition. This can causes difficulties at times with regard to the determination of certain obligations and for the application of fair practice within the community.
 - **Divisibility of land** and lack of the ability to charge property. Is it right that a government of today prohibits the owner of property from selling any part of it? Is it right for that government to prevent any property from being used as surety for borrowing? Any government proposing such a situation today would have to show overwhelming evidence of public interest to justify such a position. We would suggest that these laws are probably detrimental to the economic and social development of the island.
 - Empty property, fairness in taxation, revenue generation, cost cutting are in many ways interconnected and go hand in hand with **budgetary control**. It is often heard said that our Taxation system does not spread the burden of taxation as fairly as it should. It is also often heard that 'something should be done about all the empty properties'. The Island must also ensure that it has sufficient income to balance its books albeit with the proviso that it must also scrutinise its spending, properly control its budget, cut unnecessary costs and tackle any inefficiencies.
- 26.6 This report highlights these issues. A review of the way revenue is raised, particularly the direct tax system that has served the island well in recent years would set out to gain the evidence that would be used to underpin any proposed changes. Changes with the aim of ensuring greater fairness and, if found appropriate, to encourage the occupation of empty property.
Children's law is part of this report to ensure that it receives the priority it deserves. We believe that coordinated action as described in this report along with further work on the governance issues as highlighted under the heading – further work for 2014 – lay the foundations for an economically viable and independent island community that lives in the environment of its choosing and can continue to do so for the longer/foreseeable future.
- 26.7 Adams Was pleased that the workshops for Conseillers are taking place and that she now has the opportunity to discuss the way forward with input from all Conseillers in a constructive manner. She hoped that they become a regular occurrence. She supported this report, which is an obvious thing to say really because I was part of the discussion which brought it about.

26.8 Adams She did however think one element is missing and that is ongoing **consultation**. It is vital that we should, at regular intervals, invite the public to comment on each area of development. In particular, we should think of ways to engage the younger members of our community who tend not to reply to surveys or attend open meetings.

26.9 **Proposition - CARRIED**
That Chief Pleas adopts the policy 'Securing Sark's Future' and approves the strategy to deliver it.

27 Conseillers Audrain and E. Baker

Digi-map for Chief Pleas

- 27.1 Audrain There has been lots of work going-on during 2013. Several committees have used the map and the information so far produced and development is on-going. We feel we getting value for money. Should anyone wish to use the facility please do so through La Société Serquaise.
- 27.2 E. Baker He had received instruction from Mrs Jane Norwich and has seen what can be done and the potential uses that can be made of the maps. He too hoped Conseillers would make use of this facility.
- 27.3 Guy Glad to see that it was being used by Conseillers and confirms the worthwhile investment made by Chief Pleas. She asked about the provenance of road names.
- 27.4 Audrain There has been considerable research on road names as it was a concern of many when they first saw the paper copy of the map. Many have been corrected and new names have been added to the list and the information has been passed to Digi-map for the next print run.
- 27.5 P. Williams Is also finding the information the map contains so far very useful. Bore holes, wells and sewage points are already included and it is now intended to add oil-tanks too.

28 Sea Fisheries Committee

Sea Fisheries Annual Report

- 28.1 Cocksedge Conseiller Ventress who has resigned from the Committee, was thanked for his past contribution to the work with Sea Fisheries.
Pointed out that the 2013 statistics are not yet complete as the full year was not available when the report was drafted; he will notify Conseillers at a later date.
He also hoped to add other information about angling clubs and other water activities including Conseiller Burgess' coastal-orienteeing can be added into the mix.
- 28.2 Bache These are worrying statistics; he understood they weren't the full year results but catches of Sole were down by 85%, both Crab & Lobster by 60%, Bass by 80%. These seem to be disturbing figures.
- 28.3 Cocksedge Explained the situation regarding Bass catches of which were down all over the region which could be down to migratory patterns. Scallop divers have confirmed that stock is high. There will be more by the end of the lobster season. All in all it has been a par with last year. The weather problems at the outset of the year meant the season was over two weeks later starting.

29 Conseillers E. Baker and R. Dewe

Legal Action by the Barclay Brothers and their Legal Representatives – 1996 to 2013

- 29.1 E. Baker In presenting this report it was his intention to provide Chief Pleas with accurate information. We need to go back a few years to the so-called dispute with Brecqhou; the heading to a paper that was produced some years ago which was influenced by the Barclay Lawyer in Guernsey, -
"If the relationship between Sark and Brecqhou continues as it is" – then the word disadvantages - "the dispute with Brecqhou acts as a restraint upon Chief Pleas – arguably Sark would have had a differently composed future Assembly if agreement had been reached with Brecqhou prior to the Brecqhou petition of 2005; for as long as the dispute lasts, Sark will be scrutinised very closely by Brecqhou."
"Linked to the above is the likelihood of further litigation either at Privy Council level, in Europe or in the Royal Court."

- 29.2 E. Baker Later in this paper we read *“It is an uncomfortable reality that Brecqhou has much greater resources than Sark when it comes to litigation, at a time when the Law Officers seem likely to begin charging Sark for their services”*.
In the Supreme Court Judgement given on the 1st December 2009 there was a very interesting passage. In 2007 the Barclay Brothers themselves made a representation supporting an option for constitutional change which would have continued the reservation of half of the seats for sixteen Tenants elected by sixteen Tenants. In more recent times the Justice Select Committee report said *“As a matter of general principle, we note that, in a very small jurisdiction, there must always be the possibility that individuals wielding very significant economic, legal and political power may skew the operation of a democratic government there”*.
- 29.3 R. Dewe Put his name to the report as he felt that a public record of the facts was needed.
- 29.4 Guy When she initially read this item she wondered why it was brought to the attention of the Assembly. However, on reflection, she thanked the two proposers for presenting us with this list. We knew it all, although possibly not the matters of which Conseiller Baker has just made us aware, but when presented in this manner it illustrates a comprehensive catalogue of wasted time and money.
Have the Barclay Brothers benefitted from this in any way. It would appear not. Has Sark or any of its residents benefited in anyway? Categorically not.
The Barclay Brothers currently point out, correctly, that they have no outstanding law suits against our government. Wouldn't it be nice to minimise further grey hairs on the heads of all concerned and cease adding to the coffers of the pensions pots of numerous lawyers by suggesting, with the best of possible intentions, that an end is put to these vexatious and pointless legal actions for good.

30 Tourism Committee

Tourism matters – Verbal Report

- 30.1 S. Williams The new 2014/2015 Guide is now printed and available at Jersey Tourism, Guernsey Tourism and available in an e-mail PDF format, new for this year to save on excessive postal costs, although people can still request a posted version.
- 30.2 New this Christmas, 4,000 customers on our database received a Christmas and New Year Greetings e-mail and a link to the PDF as well as an invitation to sign up to the *Sue Daly Newsletter*.
- 30.3 The Maseline webcam is being uploaded to our website very soon.
- 30.4 Ms Lydia Bourne has joined our team at the Tourism Office; we were able to offer a new Visitor Officer job to fill in for holidays and busy days in the office due to cost reductions on the agency who deal with our website hosting. Most of the work that was being done by them is now being done by the team in the office.
The Tourism Office has also had a makeover, re-organizing the layout and with some additional new display boards.
The staff at the office is in the process of co-ordinating with several people on Sark to plan events for all the weekends in May and June in order to attract Guernsey people to re-connect with Sark and visit us again. There will hopefully be considerable amounts of promotion in the media for these events.
- 30.5 All the old blue signs are being replaced with new ones using our new logo and e-mail address and we are looking at placing some all-weather information boards at our most popular bays and harbours.
- 30.6 Ten moorings are being sponsored this year to encourage more private boats and more sponsorship is being explored at the moment with insurance companies etc. in Guernsey and Jersey.
- 30.7 Island Parish is generating a lot of interest again this year, at the perfect time of the year when people are looking at booking their holidays. On Friday last weekend, there were 85 enquiries in our office and the website statistics showed that there were 3,749 hits, of which 77% were new visits, between 7pm and 11pm during and after the first episode of Island Parish.
On average during the weekends we only receive up to 350 hits on the website.
- 30.8 The letters are out with an invitation to advertise in the new map. 140,000 are being ordered again this year with a distribution of 70,000 in Jersey with the Manche île website address informing people in Jersey there is a direct link from Jersey to Sark for 4/5 days a week. If businesses do not advertise in the map or the guide and do not wish to pay for a listing on the website they will not have a presence on the website. This is standard practice and has worked very well for many years.

- 30.9 Plummer The new guide is lovely. It is a positive message; too often the Island is being put down and it is the sort of uplifting message we want to hear. She congratulated the Tourism Committee and wished all of them well for the 2014 season.

31 Finance & Commerce Committee Modifications to Tax Payments (2014 only)

- 31.1 Cottle Finance and Commerce Committee met on 6th January to discuss an email asking if it was possible to allow individuals with financial difficulties to put off starting their tax payments until April, when seasonal work becomes more available.
- 31.2 Under the existing Tax Law this is not possible, as the first payment, if paying by instalments must be made by 28th January, by when their Tax Assessment must also have been submitted to the Assessor.
- 31.3 We had circulated the email to all Conseillers shortly before, inviting opinions - and had received a number of replies, mainly expressing some sympathy for people in this situation and being in favour of F&CC investigating what could be done. Two replies also expressed doubt whether we could propose a change at short notice under the Law. Our meeting also felt there was enough reason to try to help if possible.
- 31.4 We established some principles during discussion:
That everyone due to pay Tax must submit their Declaration to the Tax Assessor on time so their correct tax can be agreed.
All Taxpayers will be required to pay their full tax contribution for the year. We cannot offer a discount or subsidy.
We developed a proposal where an applicant to use this system must be able to demonstrate hardship and reach agreement with the Treasurer for the payments they would make. They will sign a copy of this agreement and it will be the individual's responsibility to meet all agreed payments.
The proposed repayment schedule is only for the 9 Instalment option. The schedule will be drawn up for each Individual, by the Treasurer, to pay the Tax agreed by the Assessor.
Instead of 9 equal instalments, for the first 3 months the payment will be £20. For the next 4 months, April to July, the payment will increase above the normal level to pay off the previous underpayment. The last 2 months will be at the normal 9 instalment rate so that at the end of September, they have paid all their Tax due.
- 31.5 Two Examples:
1. For a person paying Minimum Tax of £288. Normally 9 instalments of £32
Replaced by 3 payments of £20, 4 payments of £41 and 2 payments of £32
2. For a person paying Minimum Tax of £288 and possessing a 40 Quarter Property - 40x £8.45 quarter rate, which is £338.
A Total of £626. Normally 9 instalments of £69.56
Replaced by 3 payments of £20, 4 payments of £106.72 and 2 payments of £69.56
- In this second example the middle 4 payments are increased by £37 per month to catch up the earlier underpayment. It is up to the individual to decide if this schedule is better for them than equal payments before signing the agreement.
- 31.6 We consulted with the Law Officers for advice on whether it is allowable to vary the normal equal payment method. The advice given was that Tax Payers are legally required to submit a correct Declaration on time for tax due to be assessed.
It is then the responsibility of the Treasurer to collect the tax due. If Chief Pleas requested the Treasurer and Assessor to adopt proposals in particular cases, such as here for cases claiming severe hardship, then they can implement this variation, noting that under present law, that assessment and collection duties lie with the respective Office Holders.
- 31.7 He had spoken to the current Assistant Assessor for his recent experience as Tax Assessor. He commented that it is not new to receive claims of hardship and has always found it best to talk with the person making such a claim, but always pointed out their liability to pay their tax due. This normally resolved the situation. He felt that this new proposal would create more work for the Treasurer and complicate setting up a payment instruction with a Bank.

- 31.7 Cont. Cottle We do not know how many persons will apply to pay by this method; we were offered no indication from S.A.F.E when asked. If it is a small number as thought, then it should not create too great an administrative burden. It is not being offered as entitlement but will be subject to assessment of each claim.
- 31.8 Chief Pleas may have misgivings about this proposition, about its principle or workability. It is brought to address what we believe are genuine individual cases of hardship; it may not make a large difference or be ideal as a scheme, but it is something that can be offered at short notice for this year only. He invited debate before putting the proposition.
- 31.9 Adams Was sympathetic to individual cases of hardship but remained concerned about the potential extra burden of administration which may result if this proposal is carried. She could understand why our budget requirements dictate that all tax revenue need to be paid by the end of September. She also felt that the current system, giving the option to pay in 9 equal instalments allows sufficient flexibility for those who need it. She urged anybody in difficulty with tax just to go and talk to the Treasurer, who is approachable, and will help anyone as much as she can.
- 31.10 Guy When first made aware of this proposal she initially felt that it was not a good idea as, allowing some tax payers to pay only £20 for the first three months, it might put them in a situation where they would be less likely to be able to pay larger instalments in the following months. However, we are all adults and she felt that her attitude perhaps tended towards Nanny State and of course the words Sark and Nanny State should not be put in the same sentence. We are not and we don't want to be!
- 31.11 On reflection, and having spoken with the Treasurer, she now believed that this could be a reasonable way of assisting those who may have difficulties paying personal and property tax through the winter without any undue risk to the coffers of the Island. It should also lessen the potential for legal action (time consuming and expensive for the defaulters).
- 31.12 Everyone will put in a return. People who feel that they are unable to pay the required amounts will need to make an arrangement with the Treasurer for instalments to be modified, these to be set out in writing. In fact, she had been told by the Treasurer that similar arrangements have been made informally before. Defaulting on any payments will result in an obligation to pay the full amount.
- 31.13 She is informed by the Treasurer that the Island can afford to accept tax in the proposed manner so there is no risk. In common with other jurisdictions, we should recognise and respond to a need and vote in favour. She noted that this is proposed for one year only. This gives us a good opportunity to trial the arrangement and could be part of any wider review of taxation that takes place in the future; she hope this would be the near future.
- 31.14 **Proposition - CARRIED**
That Chief Pleas approves the modifications to tax payments listed above for 2014 only.

32 Joint Report from Harbours & Pilotage, Firearms and Road Traffic Committees Removal of Constables as ex-officio Members of Committees

- 32.1 Guy Some while ago the Constable requested that Constables be removed as ex-officio members of the Harbours and Pilotage Committee. The Committee is in complete agreement with this and would urge you to support the two propositions which are necessary for this to take place.
- 32.2 Ventress The Constables have shown their preference not to sit on the Road Traffic Committee in order to separate the making of legislation from the enforcement process.
- 32.3 R. Dewe Appreciated having Jan Guy sitting on the Committee when she was the Constable she was of great assistance in the administration and accepted that it was no longer necessary for the Constable to be present. He did give warning that he would be returning to Chief Pleas at some future date to propose increasing the Firearms Committee from three Members to five.
- 32.4 Joyner Did not completely agree with this move. He believed they shouldn't be on Harbours & Pilotage and the work of Firearms can be accomplished by email exchange. The presence on Road Traffic Committee, for the sake of a couple of hours a month is well worthwhile. The Constable can often bring the voice of reason to discussions on proposals which are not always viable.

- 32.5 Guy Was 100% in disagreement. The Constables should be well away from the law-makers.
- 32.6 Ventress Felt it should be flexible and that on occasions the Constables could be invited if they are able to contribute to the discussions in hand.

32.7 **Proposition - CARRIED**

That Chief Pleas approve the removal of the Constables from all Committees with the exception of the Emergency Services Committee, the Sark Influenza (Human) Pandemic Committee and the Policing Review Committee.

32.8 **Proposition - CARRIED**

That Chief Pleas direct that the relevant Committee Mandates be amended to comply with this proposition.

**0² General Purposes & Advisory Committee
Ordinances made by the Committee and Laid Before Chief Pleas**

- 0.12 The Al-Qaida (Restrictive Measures)(Sark) Ordinance, 2013 (Ref. Code: VI /2014)
The Fishing (Sark)(Amendment) Ordinance, 2013 (Ref. Code: VII /2014)
- 0.13 No motions to annul these Ordinances had been received by the President.

Next scheduled meeting of Chief Pleas Members

EASTER MEETING – Wednesday 30th APRIL 2014 at 10.00am

Agenda closes - Wednesday 2nd April 2014 at 3.00pm

Papers distributed to Members not later than Wednesday 9th April 2014.

This meeting closed at 3.02pm

Brian Garrard CMILT (Sark Committee Secretary) 18th February 2014

President of Chief Pleas

Greffier

Finalised on 19th February 2014

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

Christmas Chief Pleas Meeting – 22nd January 2014

	Attending	Item 21 (1)	Item 21 (2)						
Seigneur – Sieur J.M. Beaumont OBE	/								
The President – Lt. Col. R. Guille MBE	/								

CONSEILLERS

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

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

A Apologies Present

C Contre
P Pour
NV No Vote

Brian Garrard, Committee Secretary CMILT, 22nd January 2014