



**OFFICIAL REPORT**

**OF THE**

**EXTRAORDINARY MEETING**

**OF CHIEF PLEAS**

**OF THE**

**ISLAND OF SARK**

**HANSARD**

**Assembly Room, Sark, Wednesday, 17th May 2017**

*All published Official Reports can be found on the  
official Island of Sark Chief Pleas website [www.gov.sark.gg](http://www.gov.sark.gg)*

**Volume 3, No. 6**

**Present:**

**Seigneur**

Maj. C M Beaumont Esq.

**Speaker of Chief Pleas**

A J Rolfe Esq.

**Prévôt**

Mr K N Adams

**Greffier**

Mr T J Hamon

**Treasurer**

Mrs W Kiernan FCA

**Vingtenier**

Mr P Burgess

**His Excellency the Lieutenant Governor**

Vice Admiral Sir Ian Corder KBE, CB

**Conseillers:**

Diane Baker

Edric Baker

Peter Byrne

Colin Golds

Nicolas Moloney

Elizabeth Norwich

Helen Plummer

William Raymond

Stephen Taylor

Alan Blythe

Robert Cottle

Antony Dunks

Hazel Fry

Reginald Guille MBE

Peter La Trobe-Bateman

Christopher Nightingale

Cormac Scott

Anthony Ventress

Paul Williams

Sandra Williams

Pauline Mallinson

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## Extraordinary Meeting of Chief Pleas

*Chief Pleas met at 7.00 p.m.*

[THE SPEAKER *in the Chair*]

### **PRAYER**

*The Greffier*

### **ROLL CALL**

*The Greffier*

**The Greffier:** There are 21 Conseillers, the Seigneur and the Speaker of Chief Pleas present.

### **Welcome to Lieutenant Governor**

5       **The Speaker:** May I welcome the Lieutenant Governor to our meeting again, it is nice to see you, sir.

### **Apologies**

**The Speaker:** I have received apologies from Conseillers Charles Maitland, Roger Norwich and Sebastian Moerman.

### **Letter from the Minister of State for Justice, Sir Oliver Heald QC MP – Statement by Conseiller Hazel Fry**

10       **The Speaker:** Statement by Conseiller Hazel Fry regarding a letter from the Minister of State for Justice.

**Conseiller Fry:** Thank you, sir.

15       Conseiller Maitland asked that I read out this letter. Many of you will have seen it, it was addressed to all Conseillers, I am hoping that Sir Oliver Heald will not object to his words being read with an Irish accent, (*Laughter*) but having talked to him I do not think he will:

Dear Chief Pleas,

I am writing to thank you for your warm welcome and hospitality on my first official visit to the Island earlier this month. It was a pleasure to meet everyone, and I valued the opportunity to understand more about the concerns of Chief Pleas and other Islanders.

It was very encouraging to hear about a number of positive developments on the Island in recent months, including the increase in tourist numbers, new and diversifying businesses including the opening of a local

brewery. I think it is important to remember those achievements, and not dwell excessively on the ongoing difficulties.

That said, I do not underestimate the impact of these difficulties, and I applaud you all for continuing to work through these to make Sark a better place for the whole community. As you continue to work in these challenging circumstances, I encourage you to seek support from others, including the Lieutenant Governor and Guernsey Government where they might be able to help — for example, Guernsey may be able to share some learning from their work on land reform.

I turn now to the important issue of the future size and shape of Chief Pleas. You are entering a very important period during which discussions about the future of the Chief Pleas will take place. I ask that you approach these discussions with open minds, and engage in genuine consultation with all sections of the community. This is an opportunity to make positive changes that create a Chief Pleas that is sustainable for the future, and you should be mindful of this as you move forward with these discussions. You may, for example, wish to consider a smaller Chief Pleas, with more support from professionals to take the pressure off the Conseillers in your young democracy.

The United Kingdom respects Sark's position as a self-governing jurisdiction and will not seek to interfere unnecessarily but we do need to satisfy ourselves of good government on the Island. The Lieutenant Governor is your first port of call and has responsibility for this, I would urge you to seek his insights to inform your thinking.

I would be grateful if you would pass on my thanks to your Senior Administrator, your officials and the other Islanders whose contributions made my visit both informative and memorable, and I would appreciate being kept informed of your progress.

That is signed Sir Oliver Heald QC MP.

Thank you.

20

**The Speaker:** Thank you.

#### **Procedural – Electronic devices**

**The Speaker:** Now, in accordance with the Rules of Procedure I would remind all present that mobile phones, cameras, recording devices and other electronic equipment is switched off now, less for those allowed to Chief Pleas Members in accordance with Rule 16.

## **Business of the Day**

### **1. Future Shape of Chief Pleas – Policy & Performance Committee Report considered – Proposition carried as amended**

*To Consider a Report with Proposition from the Policy & Performance Committee entitled 'Future Shape of Chief Pleas'.*

#### *Original Proposition*

*That Chief Pleas requests the Law Officers of the Crown to draft the necessary legislation to amend the Reform (Sark) Law, 2008 to enable Chief Pleas to stipulate the number of Conseillers to constitute Chief Pleas, instruction on that number will be made in time for the necessary legislation to be in place for the December 2018 elections.*

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**The President:** We will move to Agenda Item 1 to consider a Report with Proposition from the Policy & Performance Committee entitled, 'Future Shape of Chief Pleas'.

On the advice of the Law Officers I have received a request from Conseiller Jane Norwich for a change in the Proposition. You should have copies of the revised Proposition in front of you. May I, first of all, ask Conseiller Jane Norwich to read the revised Proposition?

30

**Conseiller Elizabeth Norwich:** Thank you, Mr Speaker.  
The new Proposition reads as follows:

*That Chief Pleas directs the Policy and Performance Committee and the Good Governance Policy Development Team to review the current composition of the Chief Pleas, and to revert to Chief Pleas with any proposals it thinks appropriate for change, including proposals for any legislative amendments that may be necessary.*

**The Speaker:** Thank you.

I have indicated to Conseiller Jane Norwich that I am prepared to accept this late change, and I am sure you will too, okay.

35

Conseiller Jane Norwich, would you like to introduce the Report, please.

**Conseiller Elizabeth Norwich:** Thank you, Mr Speaker, again.

The Report before you was written prior to Easter Chief Pleas and the work behind it has moved on from that point, including the Law Officer advice received this morning with the fresh Proposition.

40

Many questions have been asked and points raised by residents and Conseillers since the Report was listed on the Agenda. Those questions include: what is the reason for the change? Why are we changing again? Sark does not need to change; we are fine as we are. We might be, but this debate is about the foreseeable future not just for now.

45

For other reasons, I have been looking back through old Chief Pleas' minutes and I think we can learn a little from the past. In March 1921, in the turmoil after the First World War, returning troops and the beginnings of universal suffrage in the UK, it is recorded in the Chief Pleas minutes that:

Chief Pleas of the Island of Sark, realising that the time has come for a change, petition His Majesty the King ...

50

etc. for the new Law. It went on to say that various posts should be appointed and at salaries commensurate with the roles. With that petition, Sark was starting the change from feudal to a semi-democratic method of government. Six elected Deputies were planned for, along with the Tenants, amongst a wholesale shift in the responsibilities within the day-to-day mechanics of government.

55

So we are not the first to be examining how we govern, by whom, and also looking to the future in an uncertain world. In 1953 more change came with 12 Deputies and, of course, yet again in 2008, the biggest change of all. The genie of a Sark Government of 2008 cannot be put back into the bottle. We are firmly facing forwards and need to continue to make the right changes for Sark.

60

For those of us who had the pleasure of being at the celebration for the life of Chris Day, a true friend of Sark, we heard the words of Pope Jean Paul II. I believe that Chris would think it right to repeat them now, as they are very relevant to Sark in its current position:

Remember the past with gratitude, live the present with enthusiasm, and look to the future with confidence.

So why are we all here this evening? We are here to debate the Report and I hope to vote for the Proposition.

65

It is clear in this very young democracy, which is only nine years old, that we have fewer and fewer qualified residents who wish and are able to stand and serve in Chief Pleas. So what are we doing about it? We need to know why, rather than guess, so we are undertaking, as is

70 expected of a responsible government, public consultation on why people might or might not  
choose to stand for election. This consultation closes on 22nd May, so for those who have not  
done so, please fill in the form.

75 The single most common question I have been asked in the last three weeks is how many  
Conseillers? I do not, and the PDT does not know either, what the answer is. We must wait for  
the results of the consultation. We need to know what appetite there is to stand. It is not up to  
me or the PDT to say what we must have. We can only report the facts and offer the different  
possible options that will come from the work we are undertaking. It will be for our fellow  
Conseillers to debate those options and for Chief Pleas to vote on the numbers of Conseillers to  
be required under the Reform (Sark) Law.

80 We need too to look at the transition process; that is how we achieve the change. Do we  
start afresh as we did in 2008, table tennis balls and all? Do we do decide on a total number and  
then work out how the remaining cohort will fit? That is if the remaining cohort is larger than  
the new half. That will take proper consideration.

85 In legislative terms a *Projet* amending the Reform (Sark) Law 2008 is likely to be required,  
meaning that the Law Officers must be instructed in good time. We are also, with the help of all  
the Committees of Chief Pleas, looking at the tasks undertaken by Government, the skills and  
abilities required currently, and how long it takes. We do not yet know the results of that piece  
of work. We will need to look too at the restrictions on who can and cannot stand, the conflicts  
of roles, in particular those on tribunals, to see if those reasons and numbers are still relevant  
today.

90 There will be several interrelated reports on the results and analysis of the effects of  
choosing particular paths at Midsummer Chief Pleas. Sark needs demonstrably sustainable  
government. Sark needs to confirm what tasks it undertakes and who might be available to do  
them in the future. We have to look at the most efficient way of undertaking those tasks, whilst  
still holding and respecting what Sark is all about – an island where people take part.

95 We have to invest in Sark's future, doing the very necessary tasks of Government following  
the tenants of good governance. No matter who is in Government in Sark in the future, Sark will  
carry on. The work of Government will carry on. How that work is carried out is up to Sark and  
the debate over the next few weeks.

**The Speaker:** Thank you, Conseiller Norwich.

100 May I ask for any questions and contributions from the floor of the House?  
Conseiller Sandra Williams.

**Conseiller Sandra Williams:** Thank you.

105 I would just like to bring people's attention to the Proposition change. The first Proposition  
was:

That Chief Pleas requests the Law Officers of the Crown to draft the necessary legislation to amend the Reform  
(Sark) Law, 2008 to enable Chief Pleas to stipulate the number of Conseillers to constitute Chief Pleas, instruction  
on that number would be made in time for the necessary legislation to be in place for the December 2018  
elections.

Our new Proposition does not seem to be directing anybody to do anything that has not  
already been done before. It says:

That Chief Pleas directs the Policy & Performance Committee and the Good Governance Policy Development  
Team to review the current composition of the Chief Pleas, and to revert to Chief Pleas with any proposals it  
thinks appropriate for change, including proposals for any legislative amendments that may be necessary.

110 I just would like to ask for clarification as to why one minute we were being called here on an  
urgent Meeting because it needed to be done today and all of a sudden, in the last half an hour,  
the Proposition has changed completely.

**The Speaker:** I also have Conseillers Reg Guille and Rob Cottle wishing to speak, but perhaps  
115 it might be appropriate if you could answer that specific question of why we are here.

**Conseiller Elizabeth Norwich:** I will try.

We had hoped to do this at Easter but because of the delays with the ... well, not a delay –  
the conflict of dates with reports coming to Easter Chief Pleas, this could not become before  
120 Chief Pleas until either now or at Midsummer.

The advice from the Law Officers, when we drafted the original Proposition, they were happy  
with it. They have come back today and said that this is what they would prefer us to do and I  
would respectfully listen to what the Law Officers have to say. They can start the work but they  
would like it in this wording today.

125

**The Speaker:** Thank you.  
Conseiller Reg Guille.

**Conseiller Guille MBE:** I will stay on the Proposition first if I may and then I will go back.

130 When the Proposition was given to me my immediate issue, that my eyes came to, was the  
mention of the Good Governance Policy Development Team.

The Good Governance Policy Development Team has no statutory authority in Chief Pleas  
and the only people that the Chief Pleas can direct are Committees of Chief Pleas and therefore  
it should be that Chief Pleas directs the Policy & Performance Committee.

135 Obviously the Policy Development Team will continue with their work behind the scenes, but  
they come to Chief Pleas through the Policy and Performance Committee, they do not come in  
their own right and therefore I feel that the words:

...and the Good Governance Policy Development Team

should be removed from the Proposition. I would ask that to be considered before we come  
to the vote at the end.

140

**The Speaker:** I think that, of course, Conseiller Reg Guille. It is, nevertheless, understood that  
that is the case, what you have just described, that the PDT will have to come through P&P.

**Conseiller Guille MBE:** I agree. Policy development teams have no statutory responsibility –

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**The Speaker:** That is right.

**Conseiller Guille MBE:** – in Chief Pleas. They are not elected by Chief Pleas; the people are  
not made up by Chief Pleas. Therefore the policy development teams work behind Chief Pleas  
and Chief Pleas cannot direct a policy development team to do anything. They can direct a  
committee to do work. That is my concern with it, and I think that was something which  
150 Conseiller Sandra Williams alluded to in her remarks.

I just wish to go back to the Report and in the fourth paragraph it says:

... and what abilities and skills we had available to change from Feudal to Democratic.

From semi-feudal, of course, because we were not totally feudal.

155

I would just say that changing the composition of Chief Pleas meant that we had the same  
skills and abilities available to us. We cannot suddenly import people from outside the Island to

160 sit in Chief Pleas with different skill sets. We are a jurisdiction in our own right, and only those people in the jurisdiction who are qualified to sit in Chief Pleas can do so. We might have less residents on the Island now, after the years of attrition against us, but we need to utilise the skills and abilities of those persons who stand for election. None of us here are career politicians, and I am sure that Sark is governed better for that.

I am pleased that in the seventh paragraph it says:

It is for Sark to decide...

And I hope that is not influenced too much by the sting in the tail:

...provided it follows and meets acceptable standards of Good Governance.

Does that mean that what Chief Pleas decides to do can be overturned and by who?

165 The final two paragraphs of the Report then talk about the number of Conseillers and the consultation, therefore this is not the time to try and put numbers into the equation. That, quite rightly, must await the outcome of the consultation. That consultation may, of course, not give us the answers, or answers that the PDT are trying to tease out of us, the residents. We have a short time to wait to see how the data from the consultation is collated and presented to us through P&P by the PDT.

170 However, I will just say, as I remarked at a recent meeting, the easy option is to reduce the number of Conseillers so low as to make sure of getting a contested election, so that the only option then available to Chief Pleas will be to employ and pay persons to carry out the work currently done by the Conseillers on the operation of committees, who in the main do not get paid for doing that work.

175 I ask that the wording of the Proposition be looked at again, possibly with a removal of that and if those words about the PDT are removed then I will be prepared to support the Proposition.

Thank you.

180

**The Speaker:** Conseiller Robert Cottle.

**Conseiller Cottle:** Thank you, sir.

185 I agree with Conseiller Guille that the Proposition wording could be changed slightly and remove the reference to the Good Governance PDT and would have no effect on the Proposition from a practical point of view, but would be correct from the point of view that he has said, so I would support that. I do not know if Conseiller Norwich can comment on that at the end.

190 Having received the new Proposition we have not get any developed proposals being put before Chief Pleas tonight and the new Proposition reflects that. What we have got is recognition that without contested elections, and without all vacancies being filled, there is a need to address why that is and to consider what options are available to make Chief Pleas sustainable for the future.

195 It may seem like we have been through a lot of change already and we could ask why we are being asked to consider that again, but in reality if we acknowledge that too few people are willing or able to stand and contribute to the current composition of Chief Pleas then we have to do something about that. That means considering our options, which will only become clear after the replies to the current consultation have been analysed and further discussions and work have taken place.

200 What is being sought tonight is agreement that the Good Governance PDT should continue with this work to bring proposals for debate at the following meetings of Chief Pleas. I think that we need to agree to that and I would support the Proposition.

Thank you.

**The Speaker:** Anybody else?

205 Conseiller Hazel Fry, is there somebody at the back there who wanted to...?  
Conseiller Hazel Fry.

**Conseiller Fry:** Well, I would also, obviously – as I am on the Good Governance Policy Development Team – support this. And I really have no objection if the offending words are removed, because I have listened to what Conseiller Guille has said, and it really does not make a lot of difference.

I sometimes think that when we get into Law Officer territory things seems to become exceedingly complicated. What we are asking for this evening is just to give the Law Officers permission to work with us. We are not giving any numbers, or not giving any details, we are at the very beginning of this process which is for all Conseillers to discuss and discuss and discuss.

All we are asking in this Proposition is that the Law Officers are given the permission of Chief Pleas to work with us and to be prepared to begin work on a draft change.

**The Speaker:** Sorry to interrupt, Conseiller Fry.

220 But are you now – you are presumably going back to the old Proposition rather than the revised one, because the revised one makes no ... I mean, the reference to the Law Officers is removed altogether from the revised Proposition.

**Conseiller Fry:** I think that we have had this advice from our Law Officers and it is just a step moving forwards. We want to keep this thing moving forward not to stop it and including proposals of any legislative amendments that may be necessary that will involve the Law Officers.

Thank you.

230 **The Speaker:** Conseiller Sandra Williams.

**Conseiller Sandra Williams:** Sorry, I am even more confused now than I was before!

My question originally was why, in the second Proposition, are we alluding to be instructing or requesting the Law Officers of the Crown to draft the necessary legislation to amend the Reform Law? In the second Proposition we have had today, I am sorry, it does not instruct anybody to do anything that we have not already done.

The reason for having the meeting today, I was told, was because we need to move things forward in order that when we come back to the December elections we will be ready to put in numbers as and when the decisions are made in the July meeting, otherwise the next thing that will happen is that in December 2018, which is not that far away now, we are still not going to have the Reform (Sark) Law changed in order for the July meeting of Chief Pleas to pick how many Conseillers we are going to have. This does not take us any further ahead than where we already are today, and that is what concerns me.

245 **The Speaker:** Just for clarification; you referred to the second Proposition, the old Proposition is an alternative. What I will do, in fact, is I will put the revised Proposition, with or without the amendment that is being suggested by Conseiller Guille, to the meeting, if that is passed then the original Proposition falls.

250 **Conseiller Sandra Williams:** Yes, that is my concern.

It removes a request to the Law Officers. If the second Proposition is read and accepted the first Proposition falls, so there will be no request to the Law Officers to draft a change to the Reform (Sark) Law 2008 to enable us, in July when we meet, to change any of the numbers around. Is that not true?

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**The Speaker:** I think it is a question of taking this step by step. What this revised Proposition is doing is asking the Policy & Performance Committee to actually do the work. That will then come to Midsummer Chief Pleas; at that point whatever is decided there will then go to the Law Officers.

260

**Conseiller Sandra Williams:** Yes, that is my point.

Will it be in time for us to change the Reform Law ready for the elections in 2018?

265

**The Speaker:** Well, the way this is going, we may actually overlap with Midsummer Chief Pleas! *(Laughter)*

**Conseiller Sandra Williams:** Well, it does not do to make decisions in haste, sir.

270

**The Speaker:** Conseiller Reg Guille.

275

**Conseiller Guille MBE:** There is an amended Proposition in front of us and the Rules of Procedure are quite clear. Any Committee bringing a report to Chief Pleas may make amendments to the Proposition even from the floor. They are not bound to circulate it beforehand, they could have just stood up and said we are now changing that Proposition; they did not have to give us pre-notice. Pre-notice actually allowed us to have a look at what was being said, and several of us do not like what was being said. I would just go back to the original Proposition where it starts off:

That Chief Pleas request the Law Officers of the Crown ...

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The general convention in Chief Pleas has been that Chief Pleas directs a committee to request the Law Officers of the Crown, because that is the way that the message gets to the Law Officers. It is a committee who deals with the Law Officers, not Chief Pleas as a body, so it would normally be expected to read that, 'Chief Pleas directs the Policy & Performance Committee to request the Law Officers of the Crown to do x,' there we are.

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**The Speaker:** Before I ask Conseiller Jane Norwich to sum up and say whether or not she accepts the amended wording to the revised Proposition, is there anybody else? I do not wish to curtail any discussion on this; it is a very important subject.

Okay, Conseiller Jane Norwich.

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**Conseiller Elizabeth Norwich:** I am quite happy to change today's Proposition and remove 'and the Good Governance Policy Development Team', but leave the rest of the Proposition exactly as it is. Would you like me to read it without or are you happy?

295

**The Speaker:** No, if Policy & Performance are happy with that change, and we have heard from three of them who are happy. There is a fourth in the room who has not spoken but presumably – would you just like to confirm, Conseiller Steve Taylor, whether you are happy with that change?

**Conseiller Taylor:** Yes, I would be happy with the change, sir.

300

**The Speaker:** Thank you. Conseiller Jane Norwich.

**Conseiller Elizabeth Norwich:** Sir, I was quite convinced this morning, until about half past nine, that I was going to be presenting the Report with the Proposition that you have all had on your Agenda.

305 The Director of Legal Drafting has been in touch today and has said he feels that this  
Proposition is far better, at this stage, so that at Midsummer the transition process, which is  
where the numbers come in that everybody is quite rightly concerned about, will be brought  
forwards for debate. And he has assured us that he feels everything can be in place for  
310 Michaelmas to take the necessary *Projet* and ordinance or just an ordinance, depending on their  
work, will be ready and that that gives us satisfactory time before the elections of 2018 to go  
through the normal process.

**The Speaker:** Okay, thank you.

315 **Conseiller Elizabeth Norwich:** So I hope that answers the questions, but I would like to say  
that the future shape of Chief Pleas is a large topic, with many parts to it.

It is not just the number of Conseillers; it is the whole interrelated mechanism of  
government, it is finding out what Sark residents see as their part in the future of Sark, it is  
finding out the tasks and skills needed and time required to make Government work. It is looking  
320 at the options for how this can happen for the foreseeable future. It is looking at the risks of  
taking a particular course of action. It is looking at the risks of not undertaking a course of action  
and it is looking at the possible unintended consequences of a course of action. Much will rely  
on the debate at Midsummer Chief Pleas, along with advice from the Law Officers.

This evening we are asking Chief Pleas to support the Proposition. This Proposition enables  
325 the Committee to work with the Law Officers to start the drafting process and move the debate  
on to the next stage for Midsummer. And, just to confirm, I think the Proposition is that Chief  
Pleas directs the Policy & Performance Committee to review the current composition of the  
Chief Pleas and to revert to Chief Pleas with any proposals it thinks appropriate for change,  
including proposals for any legislative amendments that may be necessary.

330 **The Speaker:** Okay, thank you.

I am going to have to re-read that again, because that is the bit I do usually! (*Laughter*)

I am going to put the revised Proposition that Chief Pleas directs the Policy & Performance  
Committee to review the current composition of the Chief Pleas and to revert to Chief Pleas with  
335 any proposals it thinks appropriate for change, including proposals for any legislative  
amendments that may be necessary. Those in favour; those against. That is **carried** by a  
substantial majority.

The next meeting is an Extraordinary Special Chief Pleas at 7.00 p.m. on Wednesday,  
31st May to elect a Deputy Speaker and I will now close the meeting at 7.38 p.m.

**PRAYER**  
*The Greffier*

*Chief Pleas closed at 7.38 p.m.*