



OFFICIAL REPORT

OF THE

CHRISTMAS MEETING

OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 17th January 2018

*All published Official Reports can be found on the
official Island of Sark Chief Pleas website www.gov.sark.gg*

Volume 4, No. 1

Present:

Seigneur

Maj. C M Beaumont Esq.

Speaker of Chief Pleas

A J Rolfe Esq.

Deputy Prévôt

Mrs J Godwin

Greffier

Mr T J Hamon

Deputy Treasurer

Mrs L Higgins

Constable

Mr P Burgess

Conseillers:

Diane Baker
Edric Baker
Peter Byrne
Nicolas Moloney
Elizabeth Norwich
Dr Roger Norwich
Helen Plummer
William Raymond
Stephen Taylor
Antony Dunks

Reginald Guille MBE
Peter La Trobe-Bateman
Sebastien Moerman
Christopher Nightingale
Cormac Scott
Anthony Ventress
Paul Williams
Sandra Williams
Pauline Mallinson

Business transacted

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Christmas Meeting of Chief Pleas

Chief Pleas met at 10.00 a.m.

[THE SPEAKER *in the Chair*]

PRAYER

The Greffier

ROLL CALL

The Greffier

The Greffier: There are 19 Conseillers, the Seigneur and the Speaker of Chief Pleas present.

The Speaker: It is nice to see a full House.

Apologies for absence

5 **The Speaker:** I have apologies for lateness from Conseiller Alan Blythe, who is waiting for a boat in Guernsey to get here. However, he is the one Conseiller who has failed to submit to the Greffier his updated declaration of interest form. I have written to him, reminding him that under the Rules of Chief Pleas, procedure 14(1) states:

Conseillers failing to submit a form or provide updated information when requested shall be named at each meeting and shall not speak or vote until a written declaration or any updated information is submitted.

10 The Lieutenant-Governor is unable to attend our meeting due to other commitments. Maj. Marco Ciotti, Chief of Staff and ADC to the Lieutenant-Governor had planned to attend, but I gather he is currently off work and not well. We wish him a speedy recovery.

Tribute to resigned Members of Chief Pleas

The Speaker: Since our last meeting I have received resignations from three Members of Chief Pleas, effective from 31st December and I would just like to say a few words about those Members who have now escaped.

15 Charles Maitland was first elected to Chief Pleas as a Conseiller in January 2009 and served until April 2013. He stood again and was elected in January 2015 and remained a Conseiller until his resignation on 31st December 2017. During Charles Maitland's terms in Chief Pleas he sat on the General Purposes and Advisory Committee, the Finance and Commerce and Shipping Committees, and from January 2015 he was Chairman of the Policy and Performance Committee. Charles Maitland had also served on three Policy Development Teams: Definition of a Resident, Land Reform and Sustainable Reasonably Priced Electricity including Broadband.

20 Hazel Fry is with us in the Public Gallery. Hazel served in Chief Pleas as a Conseiller from October 2011 until her resignation on 31st December 2017. During Hazel Fry's term in Chief

25 Pleas she served on the Douzaine, the Emergency Services, Tourism and General Purposes and
Advisory Committees and from January 2015 she was Chairman of the Policy and Performance
Committee. Hazel Fry had also served as a member of the three Policy Development Teams:
Definition of a Resident, Land Reform and Sustainable Reasonably Priced Electricity including
Broadband.

30 The third, Robert Cottle, served in Chief Pleas as a Conseiller from January 2013 until his
resignation on 31st December. During Rob Cottle's term in Chief Pleas he sat on the Finance and
Commerce, Shipping and General Purposes Advisory Committees, and from January 2015 he was
firstly the Chairman and latterly the Deputy Chairman of the Finance and Resources Committee.
Rob Cottle also served on three Policy Development Teams: Fairer Taxation, Review of Isle of
Sark Shipping and Sustainable Reasonably Priced Electricity including Broadband.

35 I would just like to place on the record the thanks of Chief Pleas for their service.

**Letter from the Lord Chancellor to Committee Chairmen –
Statement by Conseiller Elizabeth Norwich**

The Speaker: At this stage I would like to welcome Conseiller Jane Norwich in her new role as
Chairman of the Policy and Performance Committee – and it is you first up, actually, with a
Statement, Conseiller Jane Norwich, regarding a letter from the Lord Chancellor at Christmas
addressed to Sark Committee Chairmen.

40

Conseiller Elizabeth Norwich: Thank you.

In December I attended the reception at the Foreign and Commonwealth Office which is held
annually at the end of the meeting of the Overseas Territories Group. At that event I met and
spoke with Lord Chancellor David Lidington and his colleague Lord Keen of Elie. The Lord
Chancellor is the Minister who has responsibility for the Crown Dependencies. Both were very
45 interested and clearly knowledgeable about what Sark and Chief Pleas are working on at
present.

On 20th December a letter addressed to all Committee Chairmen was sent by the Lord
Chancellor and I just want to read that to place it on the record:

I am writing further to my letter of 12 July to Cllr Charles Maitland in which I advised that the Rt Hon Lord Keen of
Elie QC will be supporting me in my responsibility for the UK's relationship with the Crown Dependencies and for
Crown Dependencies business across Whitehall.

Given my wider parliamentary business responsibilities as Lord Chancellor and Secretary of State for Justice, I have
discussed with Lord Keen how I can ensure that the Crown Dependencies receive prompt and fitting attention and
support from UK Ministers.

I have therefore asked Lord Keen to take on the role of UK Minister with Responsibility for Crown Dependency
Business within Whitehall, and to be the first Ministerial point of contact within the UK Government for Sark.

I have a strong personal interest in the historic relationship between our governments and I am conscious of
my duties in relation to that. As Lord Chancellor, I am therefore honoured to retain special responsibility for
Crown Dependency Affairs both on the Privy Council and in Cabinet.

I appreciate that Sark faces a number of unique challenges, not least how to sustain the provision of government
services with a reduced number of Conseillers after the 2018 election.

The reduction in the number of Conseillers is an important milestone in the reform of the Government and
the election will provide a valuable opportunity to measure increased engagement and confidence in Chief
Pleas, a key indicator being a contested election. Nonetheless, Lord Keen and I will want to be assured that
this reform is properly underpinned by appropriate supporting mechanisms to enable the continued good
government of Sark, and to ensure the ability of the Government to deliver key, quality, public services (in
particular education, health and social care, and policing) and to sustain a viable economy and essential
lifeline connectivity. It would be helpful if you could keep Lord Keen updated regularly on progress on all
these matters throughout next year as you approach the December elections.

I was encouraged to note that the Chief Pleas commissioned a review of education on the Island, and that a
summary of the findings was published recently. I would also be grateful if you would provide Lord Keen

specifically with an outline of your plans to properly consider the report and to implement its recommendations or address the issues raised in the report as you determine appropriate.

The MoJ supports good Government on Sark and Lord Keen and I will continue to take a close interest. I strongly encourage Sark to make best use of support offered from Guernsey and from the UK as you face the challenges ahead.

I look forward to continuing to work with you alongside Lord Keen. His office will be in touch to arrange an introductory phone call, and I would be grateful if you would keep him informed of your various strands of work as they progress.

I am sending a copy of this letter to Lord Keen and Sir Ian Corder.

50 Since that letter was received there has been a UK government reshuffle, so whilst Lord Keen is still our direct contact as noted in the letter, David Lidington has moved up to become Minister of the Cabinet Office and Lord Chancellor of the Duchy of Lancaster. This means he has moved from the unique situation of being responsible for Sark to the challenges of being responsible for all the dealings over Carillion. I wish him luck.

55 Our new UK Minister is the new Lord Chancellor David Gauke – and for those who are not sure, that is spelt GAUKE. Thank you.

The Speaker: Thank you, Conseiller Jane Norwich. Will you be circulating that letter?

60 **Conseiller Jane Norwich:** Yes, sir.

The Speaker: Yes, particularly to the Greffier, who may wish to check the audio version of our proceedings.

**2018 Budget approval update –
Statement by Conseiller Moerman**

65 **The Speaker:** I now call Conseiller Sebastien Moerman to make a brief Statement providing a 2018 Budget approval update.

Conseiller Moerman: Thank you, sir.

70 On 13th December 2017 His Excellency the Lieutenant-Governor of Guernsey wrote to us to give what amounted to a qualified approval of the 2018 Budget, subject to receipt of the following assurances: (1) that confirmation that Sark's in-year expenditure controls and associated risk-monitoring procedures will be reviewed to ensure that they are sufficient to manage our 2018 Budget delivery to the very fine tolerance set out with our proposed reviews; (2) that cross-committee work to determine the new shape of Chief Pleas and its underlying committees and support structures is finalised and its financial impacts determined not later than Easter Chief Pleas; (3) that Sark's response to the education review proposals is agreed and any budgetary implication likewise identified by Easter Chief Pleas; and (4) that confirmation that any additional unplanned capital expenditure request will be submitted to His Excellency following approval and scrutiny by Chief Pleas of recommendations from the responsible committee which are themselves underpinned by properly substantiated investment appraisal.

80 His Excellency requested the Chairmen of F&R and P&P to provide the abovementioned assurances. I replied to this letter on 14th December 2017 after consultation with Conseiller Maitland to advise His Excellency of the difficulty in doing this as we could not speak on behalf of individual committees or subcommittees, as we are not involved in the day-to-day management of their affairs. Accordingly, the course of action chosen and approved by His Excellency was to write to the chairmen of all committees and subcommittees requiring them to provide the assurances. This was done on 18th December by Conseiller Elizabeth Norwich and
85 myself. With the help of Mr Darren Smith, who visited Sark recently and met with the chairmen

of committees, reassurances have now been received from all committees and subcommittees and therefore, as a result, Conseiller Elizabeth Norwich and I have now written to His Excellency and provided the requested assurances.

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The Budget process for future Sark budgets will have to take into consideration these requirements in order to obtain future approval from His Excellency.

Thank you.

95

The Speaker: Thank you, Conseiller Moerman.

**Procureur des Pauvres –
Financial implications and possible alternatives –
Statement by Conseiller Edric Baker**

The Speaker: A further Statement by Conseiller Sebastien Moerman in respect of the Procureur des Pauvres: 'Financial implications and possible alternatives'. Conseiller Moerman.

Conseiller Moerman: This will be presented by Conseiller Edric Baker. Thank you.

100

The Speaker: Conseiller Edric Baker.

Conseiller Edric Baker: Thank you, sir.

105

This is the 'Financial implications and possible alternatives' – that is the heading – of Procureur des Pauvres. For the year 2017 the Douzaine had budgeted expenditure for the Procureur in the amount of £170,000. The final expenditure achieved amounted to – and this is the very latest figure – £194,000 for the year; and for the year 2018 the Douzaine has only budgeted £170,000. The Committees have consulted with the Procureur, the Deputy Procureur and the Medical Officer and are of the opinion that going forward the expenditure required by the Procureur should increase significantly due to demographic reasons, and this could have very adverse consequences on the finances of Sark.

110

The Committees are of the opinion that the current system is antiquated and must be reformed so that the financial viability for Sark is correct for the foreseeable future. The Committees intend to explore the following possible ways forward before making an update report with propositions to Chief Pleas. The bullet points are: the introduction of a compulsory health insurance; the creation of a separated fund in the Douzaine's budget allocated to the Procureur with financial provisions to grow that fund; and the third is enhanced co-operation with the States of Guernsey in respect of health and nursing services.

115

Thank you, sir.

120

The Speaker: Thank you, Conseiller Edric Baker.

**Procedural –
Electronic devices**

The Speaker: At this stage, 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 18.

Business of the Day

1. Michaelmas Meeting, 4th October 2017 – Matters arising

Matters arising from the Michaelmas Meeting of Chief Pleas held on Wednesday, 4th October 2017.

125 **The Speaker:** We go to Agenda Item 1: Matters arising from the Michaelmas Meeting of Chief Pleas held on Wednesday, 4th October 2017.
Are there any matters arising? Conseiller Antony Dunks.

130 **Conseiller Dunks:** Item 20, page 60, Harbour Hill contracts. During the Item on Harbour Hill contracts, Conseiller Roger Norwich raised the matter of passengers aboard the toast rack alerting the driver once the vehicle was underway. While not dismissing the suggestion, I was unsupportive at the time. The Committee has since thought about the Conseiller's suggestion and agreed to look at the matter. It is the intention of the Committee to consult with the Harbour Hill transport operators and, dependent upon the outcome, return to a future Chief Pleas with their report.
135 Thank you.

The Speaker: Thank you. Conseiller Reg Guille.

140 **Conseiller Guille MBE:** In *Hansard*, Item 2 at page 11, I asked a question of the Development Control Committee re the unsightly rubbish heaps in many of the fields owned by SEM and others – and I note from the Tourism report at Item 16 that the unkempt fields are commented upon by our visitors. In his reply Conseiller Edric Baker said that the Committee would be following up their initial letters. I find it strange that we must write to companies in the BVI
145 when the Managing Director of SEM lives in Sark.

Can Conseiller Edric Baker give us an update, please, especially as the new tourism season is soon to be upon us with Easter at the end of March.

Thank you, sir.

150 **The Speaker:** Conseiller Edric Baker.

Conseiller Edric Baker: Yes, sir, we did in fact what I say we did. We wrote to the companies in the BVI and this time we recorded the letters, so we know they received them; we have not received any reply whatsoever.

155 We note that the fields in question have been attended to; not all of them by any means and there has been very slow progress, but we are reluctant to go any further with this at this time.

The Speaker: Thank you. Are there any other matters arising?

2. Questions not related to the Business of the Day – None

Questions not related to the Business of the Day.

160 **The Speaker:** In that case, we go to Agenda Item 2: Questions not related to the Business of the Day. There are none.

**3. Regulation of Production of Alcoholic Products
(Commencement and Exemptions) (Sark) Ordinance, 2018 –
Policy and Performance Committee Report considered –
Proposition carried**

To consider a Report from the Policy & Performance Committee entitled ‘The Regulation of Production of Alcoholic Products (Commencement and Exemptions) (Sark) Ordinance, 2018’ and to approve the Ordinance entitled ‘The Regulation of Production of Alcoholic Products (Commencement and Exemptions) (Sark) Ordinance, 2018’.

Proposition:

That Chief Pleas approves the Ordinance entitled ‘The Regulation of Production of Alcoholic Products (Commencement and Exemptions) (Sark) Ordinance, 2018’.

The Speaker: Agenda Item 3: To consider a Report from the Policy & Performance Committee entitled ‘The Regulation of Production of Alcoholic Products (Commencement and Exemptions) (Sark) Ordinance, 2018’ and to approve the Ordinance entitled ‘The Regulation of Production of Alcoholic Products (Commencement and Exemptions) (Sark) Ordinance, 2018’.

165 Conseiller Jane Norwich to introduce the Report.

Conseiller Elizabeth Norwich: Thank you.

170 Firstly, I would like to say that I think the Report speaks for itself. My apologies that this is back here again today but an anomaly was noted in the dates and, rather than put a producer in the difficult position of acting illegally through no fault of its own, the Ordinances needed to be amended. I ask for your support for this Proposition.

The Speaker: Thank you. Are there any questions or comments from the floor?

175 In that case we will move to the Proposition: That Chief Pleas approves the Ordinance entitled ‘The Regulation of Production of Alcoholic Products (Commencement and Exemptions) (Sark) Ordinance, 2018’. Those in favour; any against? That is **carried**.

**4. Education Review –
Policy and Performance Committee Report considered –
Propositions 1, 2, 4 and 6 carried; Propositions 3 and 5 carried with amendment**

To consider a Report with six Propositions from the Policy & Performance Committee entitled ‘Education Review’.

Proposition 1:

That Chief Pleas note the findings and recommendations contained in the REAch2 review report, as attached, received by Conseillers on 2nd December.

Proposition 2:

That Chief Pleas approves the changes to the mandate of the Education Committee as detailed in Appendix 1.

Proposition 3:

That Chief Pleas approve the appointment of an Implementation Manager to work on behalf of the Education Committee on a 1 day a week basis from January to April to recruit a Head of School (who is also the Class 3 teacher) along with putting in place a stronger Children’s

Safeguarding system and drafting an implementation plan based on REAch2's recommendations for approval at Easter Chief Pleas.

Proposition 4:

That Chief Pleas approves that Ms Beverley Gates be appointed as the Implementation Manager for a maximum of 12 days' work.

Proposition 5:

That Chief Pleas direct the Education Committee to instruct the Implementation Manager to recruit a class 3 Teacher/Head of School to start work at Sark School in September 2018 based on a job description reflecting the recommendation that this be a combined role as set out in the REAch2 report.

Proposition 6:

That Chief Pleas directs the Education Committee to provide a detailed report to Easter Chief Pleas on the progress of the implementation of the recommendations relating to the School from the REAch2 report.

The Speaker: We go to Agenda Item 4: To consider a Report with six Propositions from the Policy and Performance Committee entitled 'Education Review'.

Conseiller Pauline Mallinson to introduce the Report.

180

Conseiller Mallinson: Thank you.

The Propositions we are putting to you today are as a result of the education review conducted for us by Beverley Gates and Ross Hall on behalf of REAch2 in September and October last year.

185

The summary report and full report are both in the papers for this meeting and, as you will have seen, their findings and recommendations are wide ranging. Some of their findings have been controversial but we believe the important thing now is not to cast blame for the past but to focus on what we need to do to make things better for our children for the future.

190

Before I talk about today's Propositions I need to address a concern that has been raised with me. The original recommendation from the Department of Education in the UK was that we should ask REAch2 to carry out the review on our behalf. REAch2 originally said that the two reviewers visiting Sark would be Beverley Gates from REAch2 with primary and secondary experience and a reviewer from Oasis, and that Ross Hall would be supporting the review in the UK. It was on this basis that the Proposition Chief Pleas agreed on 23rd August was 'That Chief Pleas approves the appointment of the Reach2 Reviewer working with the Oasis Reviewer to carry out a review into the provision of Education for Sark ...' Subsequent to that meeting REAch2 decided that, as a significant part of the review work concerned the whole education system on Sark rather than just the School and as Ms Gates did have significant secondary education experience as well as primary, they would send Ms Gates and Ross Hall, who has worldwide experience of designing and advising on different education systems, to Sark to conduct the review and that Sir Steve Lancashire, the Chief Executive of REAch2, would support and QA as the UK-based member of the team. Since it was always the intention that our contract would be with REAch2 it was down to them to choose the reviewers and I am afraid it did not occur to me that I might need to bring this change back to Chief Pleas. I apologise for this and I hope you will agree with me that it does not mean that Chief Pleas cannot consider the report, as has been suggested by two residents.

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In the meetings and discussions the PDT have held with Conseillers many of you have made the point that there is a lot to consider in the report and that the implications of a number of the recommendations, particularly those on secondary education, will need much more detailed consideration than has been possible for this meeting. Now the review process is complete the

Education Review PDT has finished its work and the Education Committee will lead the work to assess the recommendations in detail and plan the implementation of those which we decide to accept. Some need Chief Pleas approval and have policy, legal or financial implications, whilst others only affect the School and, if the Education Committee consider it appropriate, can be implemented within the school without needing any approval from Chief Pleas. There are also recommendations for structural changes in the management of education for Sark designed to improve the governance and increase confidence in the Education Committee.

Today, therefore, in Proposition 1 we are merely asking Chief Pleas to note the findings and recommendations contained in the report. We are then suggesting that a lot of further detailed work is needed on draft education policy and the recommendations which have either legal or financial implications. This work should be carried out under the direction of the Education Committee to bring a fully costed report with propositions to Easter Chief Pleas.

There are, however, some issues that need urgent decisions, which is why we are asking Chief Pleas to approve a number of other Propositions today.

Firstly, the reviewers found significant weaknesses in our processes for safeguarding children. This is a serious and urgent issue and Proposition 2 is to make a necessary change to the mandate of the Education Committee to allow them to nominate a safeguarding officer to work with the Children's Panel and to introduce further safeguarding training and central recording of safeguarding issues.

At the same time we wish to address a major concern raised by parents in the review, which was that they felt unable to raise complaints about the school and especially the headteacher with the Education Committee, as the headteacher is an ex-officio member of that Committee. It is therefore also proposed today that the Education Committee mandate changes so that the headteacher is not an ex-officio member of the Committee but is invited to attend meetings whenever it is relevant. The revised mandate also gives the Education Committee an explicit responsibility to ensure that there is a complaints procedure for parents and that parents understand how to raise concerns or make a complaint.

As I have emailed you all to explain, there was a drafting error in point 4 of the proposed mandate in your papers which left out the phrase 'within the constraints of Island finances'. I am grateful to the resident who pointed this out and have asked the Speaker to allow me to correct this. Please could you therefore amend point 4 in the mandate to add the words 'within the constraints of Island finances' at the end of the sentence.

The review report recommends that Sark should have a part-time Director of Education who should be a senior education professional with contemporary relevant experience, who along with the proposed School Board would be responsible to the Education Committee for all education for Sark. We have no intention of prejudging the outcome of discussions over the next three months as to whether or not Sark wants a Director of Education, but we do believe that the Education Committee will need significant professional support with the vital work they have to do over the next few months. We are therefore asking Chief Pleas to approve the appointment of a temporary Implementation Manager on a one-day-a-week basis from now until April at a total maximum cost, including expenses and admin support, of £10,000. We believe this person needs to be on board urgently, both to help the Education Committee carry out the improvements to safeguarding I have already referred to and also to support them to undertake the recruitment of a new Head of School, which I will discuss further in a few minutes, and the detailed planning work needed to produce the draft education policy, costed implementation plan and report for Easter Chief Pleas. This work will be based on the recommendations in the review report and discussed with all relevant committees – for example, F&R – and outside partners such as the Guernsey government. Proposition 3 is to allow for the appointment of this temporary Implementation Manager.

Proposition 4 –

The Speaker: Conseiller Mallinson, could I just interrupt you there. I believe you have an additional amendment to Proposition 3, which you may care to read out.

265 **Conseiller Mallinson:** Yes, I do, I am sorry. Again, it was pointed out to me that the actual cost of £10,000, although it is in the Report, is not actually in the Proposition and therefore it was suggested that there should be an amendment to Proposition 3 to add the words at the end, after 'Easter Chief Pleas', 'The maximum cost of this is £10,000 (including admin support and expenses).'

270

The Speaker: Thank you.

Conseiller Mallinson: Thank you. Proposition 4 is that Chief Pleas approves that Ms Beverley Gates be appointed as the Implementation Manager. As we have already said, the work to be done is needed urgently and the understanding of education in Sark that Ms Gates built up whilst the reviewers were here, through their meetings with large numbers of residents, would provide continuity and the ability to hit the road running. Because of this and also because of the trust Ms Gates has built up with Sark parents, who are significant stakeholders in this process, we believe she is the best candidate for this short-term role. As well as being a national leader of education, a trained OFSTED inspector and a school improvement partner, Ms Gates has been identified as an outstanding headteacher and recognised for her external impact upon school improvement in a range of establishments. She left REAch2 for personal reasons at the end of 2017 and is currently working as an independent consultant.

285 We understand some Conseillers and other residents have concerns that Ms Gates would be unable to accept challenge or alternatives to REAch2's recommendations. The PDT considers that this is an underestimate of Ms Gates' professionalism and that her expertise and the passionate commitment she has shown to working on the review to enable Sark to provide the best possible education for our children, subject to our geographic and financial constraints, will significantly contribute to building for the future of our education. However, we do understand that this may not be the will of Chief Pleas, so I have asked the Speaker to consider allowing an additional Proposition to enable Policy and Performance Committee to appoint an alternative candidate without delay if Chief Pleas does not approve Ms Gates' appointment.

290 I do not know if you want to say anything ... Okay.

295 **The Speaker:** You are doing quite well: you carry on!

Conseiller Mallinson: The other urgent issue is the need to recruit a new head for the School to start work in September to replace Mrs Cottle, who resigned last October and plans to leave after the summer term.

300 The review recommends that the School should only have three teachers and that one of the class teacher roles should be combined with the Head of School role. In an ideal world we would wait to recruit until all the review recommendations have been accepted or rejected, but this would mean we would not be able to make a job offer until after the date by which existing headteachers would have to hand in their notice from their current job to be able to join Sark School in September.

305 Also, there are currently expected to be no children for the 2018-19 academic year studying for GCSEs, so at present it seems that there will only be three classes and 29 children in the School this September. As the current class 3 teacher is on a one-year contract it is proposed that the Education Committee recruit for a new Head of School who is also the class 3 teacher but make it clear to the candidates that the recommendation of a three-class model may not be accepted. This will not preclude the subsequent recruitment of a fourth teacher if Chief Pleas decide that that is still necessary. While this is not ideal, we believe it is responsible to be transparent about the current situation and ensure that candidates are aware of the possible

315 changes that Chief Pleas will be considering. The alternative approach that has been suggested
of making an interim appointment we believe would continue the current uncertainty in the
School beyond next September, particularly for class 3 children, who have already had a
temporary teacher for one year.

320 As I said earlier, some of the review recommendations have significant legal and/or financial
implications and need Chief Pleas' approval, but many are simply changes to the day-to-day
workings of the School and do not need such approval. The final Proposition is that the
Education Committee work with the headteacher and the School to start implementing some of
the improvements detailed in the review report that are already within their mandate and do
not have financial implications outside their current budget. The headteacher has already
325 initiated some changes and asked for a subcommittee of parents to work with her on these. The
Education Committee is asked in the Proposition to come back to Easter Chief Pleas with a
detailed report on the progress of this work.

In summary, we are not asking Chief Pleas today to decide on all the recommendations in the
review report and we are certainly not attempting to prejudge the outcome of the debate we
will need to have on those recommendations. What we are doing today is asking for some
330 limited decisions that need to be made urgently so we can continue what Chief Pleas started
when it commissioned this review: our efforts to make the education we provide for the young
people of Sark the very best we can possibly afford to make it.

I know I have taken a lot of your time, but I hope I have explained what we are proposing
today and will be happy to answer any questions you may have. Thank you.

335 **The Speaker:** Thank you, Conseiller Pauline Mallinson.

I am now inviting questions and comments from the floor. Would you kindly indicate? I have
Conseiller Sebastien Moerman, Conseiller Diane Baker, Conseiller Jane Norwich, Conseiller Sam
La Trobe-Bateman and Conseiller Anthony Ventress. Have I missed anybody? Oh, what a
340 surprise, (*Laughter*) Conseiller Sebastien Moerman.

Conseiller Moerman: Thank you, sir.

345 As you are aware, I spoke strongly in the past about the education review and the
extortionate cost associated with it. I was of the opinion that I could have told you, like any
other parent, what was wrong with the school or with the Education Committee; that would
have saved us some money. However – and this is rare – I have to say today that I was wrong.
The review actually has brought to light more than what we all knew or feared, so *mea culpa*.

I would like to thank Conseiller Mallinson for her precise and well-thought work on this
matter and for the Report she has presented to us today. It is very refreshing indeed, particularly
350 in comparison with other Agenda Items.

I would also like to underline that the Propositions we are voting on today have limited
financial implications and these have been considered by Conseiller Mallinson and F&R –
another refreshing practice. I personally support all the Propositions, including Proposition 4. I
appreciate that some might see a conflict in Ms Gates being appointed as the Implementation
355 Manager, but bearing in mind the time constraint and the efficiency required, I think it is the
most viable option, including financially. I also understand that Ms Gates is no longer employed
by REAch2.

Thank you.

360 **The Speaker:** Thank you. Conseiller Diane Baker.

Conseiller Diane Baker: The review of education is a very large report and not one that can
reasonably be debated in one meeting, and thankfully we are not expected to but it has made
many of us think hard.

365 There will be as many views on education as there are people on Sark. We can agree on many, but as Conseillers we need to consider the cost implications. As much as many people have said they would like it, we cannot just accept and vote through the whole Report.

Unfortunately, I have heard a lot said about past education, even to someone stating education has not improved in the past 50 years when they attended school. That simply is not true. Nor can I accept the comment that we have never really had any good teachers. That is not true. I believe we have had some good teachers, but this has been forgotten or ignored. It has also been said we should put the past behind us and start anew, but with the amount of criticism going around it is very hard for anyone who has taught on Sark or sat on the Education Committee or anyone who has worked their best for the School to simply ignore. I thought the review was on education in Sark and not meant to be, as some have called it, a witch hunt. We have had some very good people involved in education on Sark.

There are many good points in this review which we should look at with the intention of adopting; but when examined, if they do not stand up we should be able to say no thank you.

380 For years many residents have given their help freely: cookery, woodwork, hockey. It was always the same people who year after year gave their help. No one can expect that to continue without new input from new people. I hope there are still people who would like to offer their time, but that does not always mean the teacher is free to do other duties; they often must be part of that lesson, not always but often. Nor does it mean that the help will continue indefinitely.

385 The suggested timetable was interesting and should be looked at; but again, if it is not suitable once fully discussed it should not be accepted in its entirety.

The changes suggested in Education's mandate will be discussed.

It is not unreasonable to raise the school leaving age to 16. Admitting children to school at the age of three should be considered, but we must have the ability to agree or disagree and not be expected to simply vote it through.

395 The post of part-time Director of Education needs debate. It may be a very good idea while this time of change is with us, but I do not quite understand that it is essential for this person to work with other Government Committees and the Senior Administrator to ensure education is embedded in every aspect of how Sark is governed. Chief Pleas considers everything Education brings forward: does that not include all aspects of Government?

I really do not think that Proposition 4 should be there. Beverley Gates has written the largest part of this report. I do not feel it is correct she is offered this position. I would like to vote *contre* on this, but where does that leave us? There is no other candidate or the suggestion of another candidate being considered. Does that mean my no vote will hold this process up? Or could the Education Committee get on with the recruitment process? I fear that would not be acceptable. I have no criticism of the work done for recruiting staff by past Committee members, who I consider professional in their work and attitude for education; what has become clear to me is the complete lack of trust in the Education Committee, which goes back years, and I find that so very sad. So, in the interests of many parents voicing their dissatisfaction and after listening to members of the Education Review team, I have decided to vote for the Implementation Manager. I have also decided to vote for Beverly Gates to be appointed. I am voting against my better judgement because I am listening to parents and grandparents who truly believe she will bring to Sark a new life for education.

410 Proposition 6 suggests the Education Committee provides a detailed report at Easter to Chief Pleas. I know that the Committee will do its best, it always has, but its best, as with many committees, is not always thought good enough. The Education Committee has in its wording 'up to two non-voting members who shall not be sitting Members of Chief Pleas but who shall be elected by Chief Pleas, one such voting member to be the parent representative'. Well, two letters have gone out to parents in this school year but no one with a child at school has come forward to offer themselves for this position. I did ask three young mums why they would not sit on the Committee. The answer from one was that they did not agree with the makeup of the

Committee. When I asked why I was told they felt the headteacher should not be a part of the Committee. I agree, I always have, but in a democratic Government my opinion was lost a long time ago. I believe the headteacher should be invited to every meeting the Education Committee has. The headteacher is Head of School and it is correct that he or she attends, but when the business is dealt with the Committee should be able to continue without any teaching staff. There will be times when there may be a lot to discuss and times when there is nothing, but the choice is there. If parents felt this was wrong, surely the best way to change matters was from within the Committee. However, I do understand it is a difficult position to be in. The new constitution for the Education Committee changes that and we have been told there are parents willing to come forward and serve on the Education Committee. This change will not please everyone, but we are never likely to manage that and this is one part I am happy to vote yes for.

The Medical and Education Committee have worked for a very long time to bring in a Children's Law, this formed as part of its work of the Children's Panel. The Sark Children's Panel works as part of the Island Safeguarding Children's Partnership, the official body in Guernsey, with Committee members attending meetings in Guernsey and learning more on how Sark can help with safeguarding matters. Yes, I agree we can always learn more, and training started immediately with School staff when it was said we needed to do more concerning safeguarding, but our Children's Panel was a Sark solution which I believe is working. I felt the review whitewashed the Sark panel and the many years of work that went into setting the panel up, getting it right and learning what is needed for the children of Sark.

Proposition 5 says 'a class 3 Teacher/Head of School' with the suggestion of class 3 covering education up to the age of 13 when all pupils will be expected to attend off-Island schools. What about those who do not, under any circumstances, want to send their children off Island? They are expected to home educate their children. How many of us have struggled with homework, let alone lessons? A Sark House is a good idea, we should debate it when we have information to debate, but please let's not forget not everyone feels the same. At this moment I do not think it is in the best interest of all children to consider no GCSE exams on Sark. A lot of work has been done over the years to offer children this opportunity. It has improved over time. It is not perfect, but I would not want to deny that chance to a family who wanted their child to stay at home on Sark for whatever their reasons.

The Speaker: Thank you, Conseiller Diane Baker.
Conseiller Jane Norwich.

Conseiller Elizabeth Norwich: I am very glad that I proposed some time ago that we did a review and obtain advice on education on Sark for the foreseeable future. I did not seek a review of the School and its achievements, its community involvement or its history; that is a matter for the routine assessments. I asked for a plan for the future and I believe that is what we have here in the review today. I see this review as an investment in the future of Sark and in particular our children on Sark.

I do have one question: could you please clarify for me that once the review had been drafted the School and its staff were given the opportunity to read it and were able to ensure any factual inaccuracies were corrected before publication – not to change or remove any opinions, of course, but just any factual inaccuracies?

Thank you for clarifying that the Propositions in front of us relate to those matters that need addressing now, not those issues that will take more time, work and research. These I understand will be reported back at Easter for debate then. It is clear from the Report that there are many changes that are directly in the hands of the School and the Education Committee and we should support them with that; they are not matters for Chief Pleas to decide on.

Clearly there is a window of opportunity here that we should not ignore. I would really like to thank the members of the PDT for their hard work to ensure that we had a quality review that addressed all that was asked in the terms of reference. With all the stakeholders here today

470 listening to our debate it makes me doubly certain that we must get this right for the children of Sark. It is not about us; it is about the children of Sark.

The Speaker: Thank you, Conseiller Jane Norwich.
Conseiller Sam La Trobe-Bateman.

475 **Conseiller La Trobe-Bateman:** Thank you.

It has been made quite clear by the review done by REAch2 that any school that does not have guidance is going to fail. The way that Sark School has been operating may have worked 10 years ago but I am afraid it has no place in today's world. It has to be regulated. We want any child educated here to be on a par with anywhere else and to be able to seamlessly change schools, whether that is in the UK or further afield, and enter with the same level of education.
480 This cannot happen without proper regulation and drastic changes.

As myself and many others with young families, we would be looking to leave Sark for our children's education. Many families have already left for this reason. After reading this review I would be leaving sooner than planned if no changes are made. The review with its suggested changes gives us all hope for staying. Providing a quality education should be this Island's main concern which affects everyone, not just families. I fully support the review and all the Propositions proposed today. Thank you.
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The Speaker: Thank you. Conseiller Anthony Ventress.

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Conseiller Ventress: First of all, I would like to thank all those parents and other people who have contacted me by email or outside.

I agree with the idea of having the senior school outside the Island; in fact, I think it is absolutely essential for the well-being of the children. Also, of course, there are implications in this Report which show that there need to be changes in Sark School itself. Then we have to think about how we are going to go ahead.
495

The Proposition for a Sark House in Guernsey is, I feel, a very good idea. Unfortunately, we need to have it costed; we need to work out how it can be taken up. This is a part that will have to be discussed in between now and Easter and going on from then until the Whitsun period, and not just the costing of the House but also all the ancillary costs that come into it.
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As for going on towards Proposition 4, certainly up until now I have been totally against electing Beverley Gates to carry out that position. I am at the moment wondering whether I should change that because one or two people have pointed out that she might be the only person to do it.

505 The other point, the absolutely most important part, is the appointment of a new headteacher, and this has got to start as soon as this meeting is over because, as people have said, we need her or him in position by September.

The other bits are that we need to have a look beyond the possibility of a Guernsey house for Sark children. There is another very major debate going on at this moment just across the water as to whether Guernsey is going to have a three-schools system, having come down from four, or a one-school system on two sites. We do not know how Guernsey is going to continue; whether, if it comes down to two schools, there will be a place for these Sark children.
510

Another possibility that we need to look at, or the Education Committee needs to look at it, is that Alderney has to send its children over to Guernsey for their senior education. They have to stay with private families, I understand. Would it be possible for them to integrate with us on a house in Guernsey?
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The other possibility which I have had a look at is do we go a little bit further afield to the island which originally settled Sark in 1566 or thereabouts –

520 **The Speaker:** You don't remember?

Conseiller Ventress: I don't! It was a bit before my time – getting long in the tooth, I know!

525 If it was decided that the Sark House could be on Jersey, they have a larger education basis
and there could be certain advantages to us. They also have a bigger further education situation
at Highlands College, and in a way I was going to suggest for part 4 that we look to a member of
the Jersey Education Committee to help us in the recruitment of our current headteacher. This, I
530 feel, might have advantages. It would say then that we are not beholden to Guernsey for
everything. And yet if we are going to go into Guernsey we need to work with the Guernsey
Education Committee, and I was wondering whether it would be more appropriate for a
member of the Guernsey Education Committee to help the Sark Education Committee in the
appointment of the headteacher. I leave that with everybody else now.

The Speaker: Thank you. Conseiller Reg Guille.

Conseiller Guille MBE: Thank you, Mr Speaker.

535 Like many Conseillers, I have been contacted by parents and others asking that we, Chief
Pleas, approve and implement the education review provided to us by REAch2 in its entirety.
Whilst that is a nice idea, it takes no notice of the financial realities and we will have to have
detailed costs worked out for the various elements of the review.

540 Having said that, I agree with the thrust of the review and this first Report, although I had
some reservations regarding the Propositions in the Report; but having listened to the debate
and heard the amendments that are proposed to those Propositions, I have now decided which
way I shall vote.

I will also say at this stage that I was disappointed with the negative comments made on the
current school staff. I was under the impression that this review was to look at the future of
545 education for Sark children and not to conduct a public witch hunt of the current staffing. After
all, we have had two school reviews presented to Chief Pleas in recent years, one from the
Jersey education department and the other from the Guernsey department. Neither of those
reports raised major issues to the Education Committee or to Chief Pleas and were accepted.

550 The issue the School and Sark face is a falling population, both generally and in particular at
the School. We have heard that parents have left because of schooling and that some parents
will consider leaving in the future if the schooling is not sorted out. I hope that we can
implement a wide-ranging review of this report with very detailed discussions quickly with
Guernsey, because Guernsey is the linchpin in this review and if we do not have their support for
our plans then we will need to think again about secondary education provision on Sark.

555 Thank you, sir.

The Speaker: Thank you, Conseiller Reg Guille.

560 Before I call Conseiller Pauline Mallinson to wrap up this discussion, does anybody else wish
to contribute? Conseiller William Raymond.

Conseiller Raymond: Thank you, sir.

565 Just really to clarify that I would prefer that the Implementation Manager as proposed in
Proposition 5 does not recruit the teacher but selects one or more candidates for the Education
Committee to consider and make the appointment, so they actually do the recruitment and he
or she does the selection.

The Speaker: Anybody else? Conseiller Pauline Mallinson, do you wish to sum up what you
have heard so far?

570 **Conseiller Mallinson:** Only very briefly, I promise. I think the various Conseillers who have
spoken have raised lots of really valid and good points that we do need to take into account as
we move forward and debate the recommendations.

575 On the specific question that Conseiller Norwich raised about the draft report, the draft report was given to the headteacher before the report was finalised and I am not absolutely sure whether or not at that stage she shared it with the other teachers but she certainly did have a copy, as part of the process was defined as correcting factual errors in that report.

580 Both Conseiller Guille and Conseiller Ventress have talked about the situation in Guernsey and the need to discuss with Guernsey. I just wanted to say there that although we have not had any detailed negotiations with Guernsey, because that is obviously for a politician-to-politician debate in the next few months, I do understand – both from the initial discussions that were held with the Guernsey Department for Education as part of the review process and also from discussions I believe Conseiller Norwich has had at the Bailiwick Forum – that in principle Guernsey are supportive and positive about the prospect of Sark children being educated in Guernsey.

585 Conseiller Raymond's comment about the Proposition I have no problem with at all. It is quite right that it is the Education Committee that will be recruiting the new Head of School but that the Implementation Manager will be selecting for them, so I have no problem with changing the Proposition in that way if that is acceptable to the Speaker.

590 That is all I wanted to say. Thank you.

The Speaker: Thank you.

Conseiller Dunks: Just some clarification on what was said?

595 **The Speaker:** Conseiller Dunks.

Conseiller Dunks: Regarding the question from Jane Norwich, Beverley Gates brought in each of the class 1, class 2 and class 3 teachers for a one-to-one session to correct their part of the report, so they were given the chance for factual corrections.

600 And to the appointment of the staff at school, it is within our mandate we appoint, so that point is already covered whatever the Implementation Manager selects as being our choice of candidate, it is still for the Committee to appoint.

The Speaker: Thank you. We will go to the Propositions.

605 Proposition 1: That Chief Pleas note the findings and recommendations contained in the REAch2 review report, as attached, received by Conseillers on 2nd December. Those in favour; are there any against? That is **carried**.

610 Proposition 2: That Chief Pleas approves the changes to the mandate of the Education Committee as detailed in Appendix 1 – with the additional wording 'within the constraints of Island finances'. Those in favour; any against. That is **carried**.

615 Proposition 3 as amended: That Chief Pleas approve the appointment of an Implementation Manager to work on behalf of the Education Committee on a 1 day a week basis from January to April to recruit a Head of School (who is also the Class 3 teacher) along with putting in place a stronger Children's Safeguarding system and drafting an implementation plan based on REAch2's recommendations for approval at Easter Chief Pleas. The amended additional words are 'The maximum cost of this is £10,000 including admin support and expenses.' Those in favour; are there any against? That is **carried**.

620 Proposition 4: That Chief Pleas approves that Ms Beverley Gates be appointed as the Implementation Manager for a maximum of 12 days. Those in favour; are there any against? That is **carried**.

Proposition 5: That Chief Pleas direct the Education Committee to instruct the Implementation Manager to recruit a class 3 Teacher/Head ... Am I right in thinking that this needs amending? Can you suggest some words, please?

625 **Conseiller Mallinson:** Instruct the Implementation Manager to 'select' a class 3 teacher/Head of School, not 'recruit'. The change that Conseiller Raymond suggested.

The Speaker: Thank you. I think that probably covers the points that were made in debate: That Chief Pleas direct the Education Committee to instruct the Implementation Manager to
630 select a class 3 Teacher/Head of School to start work at Sark School in September 2018 based on a job description reflecting the recommendation that this be a combined role as set out in the REAch2 report. Those in favour; are there any against? That is **carried**.

Proposition 6: That Chief Pleas directs the Education Committee to provide a detailed report to Easter Chief Pleas on the progress of the implementation of the recommendations relating to
635 the School from the REAch2 report. Those in favour; are there any against? That is **carried**.

I think I am right in saying, Conseiller Pauline Mallinson, that the additional Proposition that you mentioned now falls because it was subject to Proposition 4 not failing.

**5. Securing Sark's Future –
Policy and Performance Committee Progress Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Performance Committee entitled 'Securing Sark's Future – Progress Report'.

Proposition:

That Chief Pleas takes note of the contents of this progress report.

The Speaker: We now move to Agenda Item 6: To consider a Joint Report ... (**Several
Members:** Five.) Oh, dear, that is what comes of reading an Agenda at about 10 past two in the
640 morning!

Agenda Item 5: To consider a Report with Proposition from the Policy and Performance Committee entitled 'Securing Sark's Future – Progress Report'. Conseiller Jane Norwich to introduce the Report.

645 **Conseiller Elizabeth Norwich:** As always, the Report speaks for itself and the chart is self-explanatory. I am not sure if there are any individual members of the relevant PDTs that do want to speak about it.

The Speaker: Are there any questions or comments from the floor? Conseiller Reg Guille.
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Conseiller Guille MBE: Under revenue generation I would wish to ask a question on the second priority listed, empty properties and fairer taxation: can the F&R Committee tell me why there has been no movement in taxing empty properties at a much higher rate to encourage the owners to fill the properties? In this regard I would wish to see tax action taken against empty
655 commercial properties also. In my view there is no reason why this should not have happened already. After all, the hotels and other houses have been empty for several years now and I believe this should be something sorted in time for the 2019 Budget round.

The Speaker: Thank you. Is there anybody else? No.
660 Conseiller Jane Norwich, do you wish to respond to that?

Conseiller Elizabeth Norwich: I have no answer to Conseiller Guille's request; I think that is in the hands of the Policy and Development team that is working on fairer taxation and maybe F&R.

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The Speaker: Okay, thank you. We move to the Proposition that ... Can I just ask, anybody else? I have asked if anybody else wishes ... There are two of you now: Conseiller Sebastien Moerman and Conseiller Pauline Mallinson. Okay, Conseiller Sebastien Moerman.

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Conseiller Guille MBE: Sir, before you take them, I did ask F&R for a reply on that and I wonder if they might be able to answer the questioned I asked.

The Speaker: Well, I am just calling the Chairman of that Committee.

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Conseiller Moerman: Tax, tax, tax: it is not all about tax. We actually are busy trying to sort out the economy. That is more important. Thank you.

The Speaker: Conseiller Pauline Mallinson.

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Conseiller Mallinson: I just wanted to make a couple of points about the report that we have from the Policy and Development team for land reform. Firstly, point 4, that legislation be drawn up to protect leaseholders from eviction where they have complied with all reasonable terms in their lease. I would like to ask if the PDT could consider that being a little wider and also look at the question of unreasonable terms that are included in leases, and whether it is possible to have some legislation that enables the Government to take a view on totally unreasonable terms in leases.

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The other point I wanted to make is when the PDT talks about caution in what we attempt next and advises taking small steps in the evolutionary process, I am sure they will not be surprised to hear me saying I understand that we have to approach this with caution, but please could the steps not be too small and too slow; and, more seriously, it would be good to have some idea of what timeframe we are talking about making progress on this issue in.

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The Speaker: Is there anybody else? Okay, in that case we move to the Proposition: That Chief please takes note of the –

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Conseiller Raymond: Sir, would you like me to answer that?

The Speaker: Well, I did ask if there was anybody else. Please feel free – we live in a free Chamber.

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Conseiller Raymond: On the matter of the protection, we say protection from eviction – what we actually envisage is a greater security that people can derive from their leasehold interests and we will draw on that from some of the UK legislation in both the Rent Acts and the protection from eviction legislation because they provide useful precedence.

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On the question of the next step and why we are taking small steps, one of the advantages of proposing a voluntary system is that it might not be challenged, so the effect can become immediate. We think that the need for broadening land ownership possibilities on Sark is actually immediate and should not be delayed any longer than possible. The voluntary system, if it cannot be challenged, becomes immediate. The moment you try to take too big a step, then you come into the differing rights of both the lessor and the lessee. At that point there could be legal challenges: it could be tied up in the courts here or elsewhere for decades and could be very expensive as well. We see this as opening the door. Hopefully it will work. If it does not work, and one will know within a matter of years if it does not work, then another step may be

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715 needed, but let us try this first. It is opening up a market place. If we do not open it up we do not
know whether it will work, we cannot prove that it will not work; and if it works, then the next
step may not be so necessary.

720 That is not a clear answer, but we do not have one because of the complexity of the subject.
We have centuries of arrears compared to other jurisdictions, but we are finding our way
through it, hopefully, gradually and, in the Sark way, on a consensual basis. I hope that is an
adequate answer.

The Speaker: Thank you, Conseiller William Raymond.
Is there anybody ...? Conseiller Reg Guille.

725 **Conseiller Guille MBE:** One final point on the Securing Sark's Future Progress Report and that
is to do with definition of a resident. Whilst the Report says there is progress on the definition of
a resident, can we be informed as to when we might see legislation being drafted? I hope very
much that this will be in time to take effect before the General Election this coming December.

730 **The Speaker:** Does anybody else wish to ...? Conseiller Jane Norwich.

735 **Conseiller Elizabeth Norwich:** Sitting as I do on the Definition of a Resident PDT, it is an
extremely complex issue. We are still awaiting more advice from Guernsey, but if it is of any sad
consolation the UK does not have a definition for 'resident' either, so we really are delving in
dark waters. It applies to about five different laws on Sark, so it is not a straightforward issue – I
wish it was, but I do not think we have got any chance of having something very soon.

The Speaker: Okay, thank you. Is there anybody else?

740 In that case, we will now move to the Proposition: That Chief Pleas takes note of the contents
of this Progress Report. Those in favour; any against? That is **carried**.

**6. Committee Mandates –
Finance & Resources and Policy & Performance Committees Joint Report considered –
Propositions carried**

*To consider a Joint Report with Propositions from the Finance and Resources and Policy and
Performance Committees entitled 'Committee Mandates'.*

Proposition 1:

*That the Policy and Performance Committee amends its mandate removing section 2 (To
nominate the Senior Administrator as directed by Chief Pleas and to recommend their salary
and terms of employment).*

Additional Proposition::

*That Chief Pleas approves the reduction in the membership of the Policy and Performance
Committee from five to four members and that the Committee mandate be amended to
reflect this number.*

The Speaker: We move to Agenda Item 6: To consider a Joint Report with Proposition from
the Finance and Resources and Policy and Performance Committees entitled 'Committee
Mandates'.

745 Since circulating the Agenda I have received notice of an additional Proposition from
Conseiller Reg Guille which I will also put to the meeting at the end of this Item.

Conseiller Sebastien Moerman.

Conseiller Moerman: No, sir, Conseiller Norwich to present the Report. Thank you.

The Speaker: Conseiller Jane Norwich.

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Conseiller Elizabeth Norwich: Sorry, it is me again. This Item is really about administrative housekeeping. All Committees review their mandates from time to time. Currently the split between F&R and P&P on this particular item of the line management is unclear. The Law Officers advised to do with other matters recently and pointed out that there was an anomaly and that this small alteration in the mandates tidies things up. It still, of course, leaves the proper control in the hands of Chief Pleas and not just in a committee.

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The Speaker: Thank you. Anybody else? Conseiller Edric Baker.

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Conseiller Edric Baker: Sir, I have concerns with this Report and Proposition, particularly the first paragraph:

Finance & Resources Committee, is responsible for the management and administration of the finances and resources of Chief Pleas.

Fine.

This is highlighted by Section C of their mandate (To regulate and control the financial and resource (employees, property, equipment etc.) related affairs of Chief Pleas. This means that the Finance & Resources Committee is responsible for all employment issues, including the recruitment, contracts, appraisals and disciplinary procedures etc. for all employees of Chief Pleas.

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The point I am making is that the Medical, Harbours, Education, Douzaine and Tourism Committees all employ staff. I have looked and it is all part of their mandates. Another point: in these Committees they are in a much better position to know what personnel they need, when and for how long.

And while we are on the subject of mandates, if you look at sections (j) and (k) of the Finance and Resources mandate and look at the mandate for the Douzaine at section 14:

To be responsible for advertising for tenders and placing contracts for the maintenance of Island property other than that under the control of the Island Trustees.

At section 15:

To be responsible for letting, appointing tenants, fixing rents and terms on property surplus to the requirements of the Douzaine. Income arising from and expenditure on Island Property to be recorded in the Island's Financial Statements.

770

And further, at section 19:

To be responsible for the management, repairs and maintenance of properties delegated to the Douzaine by the Island trustees.

If we could go back to the first paragraph, we read:

This point has been confirmed by the law officers.

I would like to ask if the Law Officers were aware of the entries in the other Committee mandates. Thank you.

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The Speaker: Conseiller Jane Norwich.

780 **Conseiller Elizabeth Norwich:** Yes, the Law Officers are very aware of the responsibilities under the mandates of other Committees. It is that F&R – and it is something that Chief Pleas voted on some time ago – is responsible for employment issues, as it says in that paragraph, but the day-to-day management, as always and should be, remains with the other Committees and I would assume that all Committees would liaise with F&R on the financial impact of employing anyone in the future.

785 **The Speaker:** Thank you. Does anybody else wish to ...? No. Conseiller Edric Baker.

Conseiller Edric Baker: That does not make it clear enough. It is still stated in that Report and will ever be emphasised that F&R are responsible for all employees of Chief Pleas. It does not define it enough.

790 **The Speaker:** Do you wish to answer that?

Conseiller Elizabeth Norwich: I am just trying to think of the right words.

795 **The Speaker:** I will call Reg Guille first while you think about it.

Conseiller Guille MBE: I would support Conseiller Baker on this. It looks to me like F&R are doing a bit of a power grab and removing responsibilities from other Committees that have these issues in their province. To me it could very simply be an alteration to their mandate that is before us. One of the things I find quite difficult when people put a mandate before us to look at is it does not highlight where the changes are from the previous mandate, and it should. We should know exactly what words have been changed.

800 When we go down to the items that Conseiller Baker was given in his mandate, they totally clash with that of the F&R Committee, and the same will be for Tourism, the same will be for Harbours and the same will be for Medical. Therefore, there should be some wording in there which says 'except where these issues are governed under another committee', and that way it would make it quite clear that they do not take over the roles of those other Committees because they will come back and quote this, and as Conseiller Baker has said, they will come back and quote the Report and say 'You agreed to it.' I believe it is a grab by the F&R Committee too far.

810 **The Speaker:** Thank you, Conseiller Reg Guille. I do not think any of us ever expected you to accuse anybody else of a power grab!

Conseiller Sebastien Moerman.

815 **Conseiller Moerman:** That is a very good point, sir. I was actually about to say that, contrary to others, we have no intention to become the master of the universe.

I think we have to be sensible here. That has been reviewed by the Law Officers and, to take an example, if one day we are being sued – I don't know, an employee of the Government or a resident, for example – who is going to go to court? Who is going to deal with the employment issue? Is it going to be Conseiller Guille or Conseiller Baker?

820 Thank you.

The Speaker: Conseiller Steve Taylor

825 **Conseiller Taylor:** Sir, I can understand where some of the confusion has come from this because Finance and Resources' mandate is attached. If people look at the Proposition, it is not about adding anything to the Finance and Resources' mandate, it is about removing section 2

from the Policy and Performance Committee mandate, so there is no change to the Finance and Resources mandate whatsoever if these items were already in their mandate before.

830 Thank you.

The Speaker: Conseiller Jane Norwich.

835 **Conseiller Elizabeth Norwich:** I would just like to thank Conseiller Taylor on that because he has seized my words – he has made a power grab on them!

This is not about a power grab, as it has been clearly said the F&R mandate stays exactly as it is. There is an item in the P&P mandate that the Law Officers advised is an anomaly that could pose issues in the future. The issue over a court case that Conseiller Moerman has referred to is exactly why it is there and I think if people think of recent matters they will understand what I
840 am saying – and I have to be careful with my words. The responsibilities of each operational committee and their responsibilities towards appointing and looking after staff is exactly the same; it is not changing in any way.

The Speaker: Is there anybody else?

845 In that case we will go to the Proposition: That the Policy and Performance Committee amends its mandate removing section 2 (To nominate the Senior Administrator as directed by Chief Pleas and to recommend their salary and terms of employment). Those in favour; are there any against? There are two against. That is **carried**.

850 **The Speaker:** We now go to the additional Proposition by Conseiller Reg Guille – and he circulated this, I believe: That Chief Pleas approves the reduction in the membership of the Policy and Performance Committee from five to four members and that the Committee mandate be amended to reflect this number.

Does anybody wish to speak to this? Conseiller Reg Guille.

855

Conseiller Guille MBE: I am bringing it to Chief Pleas but it is on behalf of the Policy and Performance Committee, who, when we met on Tuesday – or Monday, I think it was; when we met on Monday – agreed that due to the reduction in number of Conseillers, which are now down to 20 in Chief Pleas, we should only look to replace one of the two vacancies that we have
860 currently. If Chief Pleas accept that we go down from five to four, then we will be recruiting another Member to join us under Item 11.

Thank you, sir.

The Speaker: Anybody else?

865 In that case, we will go to the Proposition: That Chief Pleas approves the reduction in the membership of the Policy and Performance Committee from five to four members and that the Committee mandate be amended to reflect this number. Those in favour; are there any against? That is **carried**.

**7. Renewal of the Service Level Agreement – St James' Chambers –
Finance & Resources and Policy & Performance Committees Joint Report considered –
Proposition carried**

To consider a Joint Report with Proposition from the Finance and Resources and Policy and Performance Committees entitled 'Renewal of the Service Level Agreement – St James' Chambers'.

Proposition:

That Chief Pleas approves the proposed Service Level Agreement with St James' Chambers for 2018 and the associated cost and that Conseiller Moerman be authorised to sign it on behalf of Chief Pleas.

870 **The Speaker:** We go to Agenda Item 7: To consider a Joint Report with Proposition from the Finance and Resources and Policy and Performance Committees entitled 'Renewal of the Service Level Agreement – St James' Chambers'.

Conseiller Sebastien Moerman.

Conseiller Moerman: Thank you, sir.

875 This Report is self-explanatory and the agreement tabled in front of us today is the same as the one approved last year with the following amendments. The proposed fee has been increased from £60,963 to £62,182, being an increase in accordance with Guernsey RPI rate, and the work relating to Brexit will be charged separately but it is expected that there should not be any. Thank you.

880

The Speaker: Thank you. Does anybody else wish to comment?

In that case we will go to the Proposition: That Chief Pleas approves the proposed Service Level Agreement with St James' Chambers for 2018 and the associated cost and that Conseiller Moerman be authorised to sign it on behalf of Chief Pleas. Those in favour; are there any
885 against? That is **carried**.

8. Crawfish –

Agriculture, Environment, Sea Fisheries and Pilotage Committee Report considered – Proposition approved

To consider a Report with Proposition from the Agriculture, Environment, Sea Fisheries and Pilotage Committee entitled 'Crawfish'.

Proposition:

That Chief Pleas directs the Agriculture, Environment, Sea Fisheries & Pilotage Committee to instruct the Law Officers of St. James' Chambers to draft an appropriate amendment to The Fishing (Sark) Ordinance, 1996 to ban the taking of Crawfish in Sark territorial waters as detailed above.

The Speaker: We go to Agenda Item 8: To consider a Report with Proposition from the Agriculture, Environment, Sea Fisheries and Pilotage Committee entitled 'Crawfish'. Conseiller Helen Plummer.

890 **Conseiller Helen Plummer:** Thank you very much.

I would like to, first of all, thank Sue Daly for the survey that she carried out. It was very pleasing, as you have read, to notice that the crawfish are establishing themselves, and we wish to protect them. I would ask that this is accepted by Chief Pleas. It has been mentioned when we have had our meetings with the fishermen in the past and that was accepted quite well; they are
895 very good at things like this. I would ask that this be voted upon. It will be revised every three to five years. Thank you.

The Speaker: Thank you, and I take your correction in the pronunciation: it is 'crayfish', is it?

900 **Conseiller Helen Plummer:** I believe 'crawfish' is freshwater and 'crayfish' are seawater.

The Speaker: I knew you would have an answer! (*Laughter*)
Anybody else wish to comment on this? Conseiller Reg Guille.

905 **Conseiller Guille MBE:** I fully support the measure but note that it is intended to come into force for the upcoming season. That will require an extraordinary meeting of Chief Pleas to be called prior to 21st March when the season begins and we would need to have this legislation in place so that when the first pots go down on 21st March the law is in force. Fishermen who pot in our waters – and they are not just Sark fishermen, there are other fishermen who fish in our
910 waters – need to be appraised of the ban in advance of it coming into force, so I suggest that the Committee will need to request to have an extraordinary meeting in order to get the ban imposed in time for the start of the season.

The Speaker: Thank you. Conseiller Sam La Trobe-Bateman.

915

Conseiller La Trobe-Bateman: Just to speak about whether we need an extraordinary meeting. One of the new fishermen to Sark pulled 45,000 pots last year, and out of 45,000 pots in Sark waters he pulled two crawfish out, both of which were undersize, so it is not as if they are heaving them out of the sea by the thousands.

920

The Speaker: Thank you. Anybody else? Conseiller Helen Plummer.

Conseiller Helen Plummer: Also, we work very closely with Guernsey Sea Fisheries, so they will be aware of the situation.

925

The Speaker: Thank you.

We will go to the Proposition: That Chief Pleas directs the Agriculture, Environment, Sea Fisheries and Pilotage Committee to instruct the Law Officers of St James' Chambers to draft an appropriate amendment to the Fishing (Sark) Ordinance, 1996 to ban the taking of crawfish in
930 Sark territorial waters as detailed above. Those in favour; any against. That is **carried**.

9. New Shed at Harbour Quarry – Douzaine Report considered – Proposition carried

The Speaker: Agenda Item 9: To consider a Report with Proposition from the Douzaine entitled 'New Shed at Harbour Quarry'. Conseiller Edric Baker.

935 **Conseiller Edric Baker:** Thank you, sir. This is a matter for the Public Works Subcommittee and I would like to pass it on to the Members that are going to speak on it.

The Speaker: The Chairman of that I believe is Conseiller Paul Williams. (**Conseiller Williams:** Yes.) Do you wish to introduce the Report?

940 **Conseiller Williams:** No, I will pass it on to Conseiller Bateman, please.

The Speaker: Okay, Conseiller Sam La Trobe-Bateman.

945 **Conseiller La Trobe-Bateman:** The shed has been a long time coming and it was before Chief Pleas quite a while ago. The Report is very self-explanatory of why we need the shed down the harbour and our reasons for the sizing. One thing I will add to the Report ... I will read this out.

950 The Report covers all the reasons why the Douzaine believes the shed in the harbour quarry is necessary. One thing I would like to go over is how it will be financed. We do not like taking money out of reserves unless there is a scheme to replenish it. The income received annually through waste collection has been running at a loss for a few years now, about £4,000 roughly each year. This should not be the case. Waste management should cover all costs by the income received. As the new shed is to aid the Waste Management Department, the costing should also be covered by it. For these two points we will be putting up the quarterly rate per household by 12.5%. This sounds a great deal but it is only an increase of £4.65. By doing this we will be no longer running at a deficit for waste management and the money used will pay off the new shed within 10 years back to reserves.

Thank you.

960 **The Speaker:** Thank you. Can I just ask for a point of clarification, because if you are talking about taking money out of reserves that surely requires the approval of the Lieutenant-Governor.

Conseiller Sebastian Moerman.

965 **Conseiller Moerman:** Well, first of all I would like to thank Conseiller Bateman and the Douzaine and the Public Works who were actually liaising with us on that matter. We have discussed at F&R and support the proposal. And yes, indeed it would require His Excellency's approval and I have already liaised ahead with his office to explain the change in the Report.

Thank you.

970 **The Speaker:** Okay, but you do appreciate, Conseiller Moerman, that it is down to me to actually make that approach?

Conseiller Moerman: I am sorry?

975 **The Speaker:** It is down to me to make that approach.

Conseiller Moerman: Yes, but if I am being asked for clarification I do answer. Thank you.

980 **The Speaker:** Okay. Anybody else? Conseiller Paul Williams followed by Conseiller Reg Guille. I call Conseiller Paul Williams.

Conseiller Paul Williams: Thank you, sir.

985 Recycling has been mentioned in the Report and I believe it is a very important part of the overall plan. Discussions for a new shed were first spoken about within the Douzaine in 2010. The first Proposal was brought to Chief Pleas during early 2015, which unfortunately fell, with the aim of being able to use the shed space to facilitate the advancement of Sark's green credentials by first of all saving and recycling the large amounts of cardboard and plastics being burned every year. Over the past couple of years the amount of cardboard has increased significantly with the massive amounts of Amazon larder packaging arriving on Island. Obviously this is still all being burned instead of being sent to Guernsey for recycling because there is no facility to keep it stored or dry.

990 The potential for us recycling cannot be overstated. We have been keeping in constant contact with the Guernsey Recycling Group, who are still after all this time waiting in the wings to help Sark with its recycling as soon as we push the button. We cannot do without the new shed any longer. Another positive by carrying out much more recycling would mean much less

work for the incinerators, thus saving on fuel and toxic ash disposal. If anyone would like more details, I have a lot of information on file.

As with the previous report on crawfish, we are starting to wave our green flag – now is the time to wave it a bit more vigorously. Please support the proposal.

1000

The Speaker: Thank you.
Conseiller Reg Guille.

1005

Conseiller Guille MBE: Some 20 months from the last report and this is a Report that I can and will support.

1010

May I just point out an error in the cost of the price quoted in the first paragraph. It quotes £65,960 but at the meeting in 2016 that figure was revised down by Conseiller Paul Williams to be £60,700 and that was the figure which Chief Pleas voted upon and voted against in 2016. Since that time the figure has reduced by £35,440 to the new figure of £25,260 and it is two metres longer to boot, a wise move by those of you who asked for the 2016 Proposition to be deferred and which was agreed by the Douzaine at that meeting.

I will be supporting the Proposition.

1015

The Speaker: Thank you. Is there anybody else? Conseiller William Raymond.

Conseiller Raymond: I am not trying to delay this expenditure, sir; I think the shed is very much needed. Are the waste management facilities going to continue on the present site? There has been talk about moving them somewhere else.

1020

The Speaker: Who would like to ...? Conseiller Sam La Trobe-Bateman.

1025

Conseiller La Trobe-Bateman: I know there is talk of it moving. We often talk for a long time before anything is moved, so whether we will still be talking in the next 10 or 15 years about moving ... If it does move, however, the shed is a sectional-built shed, so it can be dismantled and moved, sir.

The Speaker: Thank you. Conseiller Christopher Nightingale.

1030

Conseiller Nightingale: I, for a long time, was very much in favour of moving the waste facilities to what seems to be the only other place we can move, which is Les Laches, but having thought about it I have changed my mind. It would mean, particularly if we are continuing or thinking of recycling, the recycling stuff would have to be taken from the households up to Les Laches and then taken back down to the harbour for shipment out, so that is two journeys for it, whereas if we can ... and I understand the shed is going to block a lot of the not-so-nice bits of the yard down there ... it would save a journey for all the recycled stuff. So I have changed my mind: I think we should leave it where it is. Thank you.

1035

1040

The Speaker: I would just like to thank you, Conseiller Christopher Nightingale, for bringing up an issue that is not in front of us today. *(Laughter)* I am sure your comments will be noted. Anybody else?

We will move to the Proposition: That Chief Pleas approves the erection of a shed in the Harbour Quarry area at a cost of £25,260 as detailed in the Report above. Those in favour; any against. That is **carried**.

**10. New Shape and Functioning of Chief Pleas –
Conseiller Group (New Shape and Functioning of Chief Pleas) Report considered –
Propositions carried**

To consider a Report with two Propositions from the Conseiller Group (New Shape and Functioning of Chief Pleas) entitled ‘New Shape and Functioning of Chief Pleas’.

Proposition 1:

That Chief Pleas approves the changes to the Shape and Functioning of Chief Pleas as detailed in the Table of Proposals above, to come into effect on the 11th January 2019 when an Extraordinary Meeting of Chief Pleas takes place to elect Conseillers to Committees prior to the Christmas Meeting of Chief Pleas on the 16th January 2019.

Proposition 2:

That Chief Pleas directs the Conseiller Group (New Shape and Functioning of Chief Pleas) to request the Law Officers of the Crown to draft the necessary Ordinances in time for implementation at an Extraordinary Meeting of Chief Pleas on the 11th January 2019.

The Speaker: We now go to Agenda Item 10: To consider a Report with two Propositions
1045 from the Conseiller Group (New Shape and Functioning of Chief Pleas) entitled ‘New Shape and
Functioning of Chief Pleas’.

Before I ask Conseiller Reg Guille to move this Report I would just like to make a comment of
my own on the constitutionality of this group I am not in any way commenting on the Report
itself; that is for you to decide. It has arrived in Chief Pleas from a Conseillers Group and on 11th
1050 December when I first saw this Report I wrote to Conseiller Reg Guille reminding him that Item
17 at the Easter Chief Pleas on 6th April 2016 ... an Item was passed and it is very clear that there
is no direct route from the PDG and PDTs to Chief Pleas. Those ad hoc bodies have to pass
reports through either of the Policy Committees or a relevant Standing Committee, and unless
1055 there has been a subsequent change to the Rules of Procedure that I somehow missed then I
stand corrected. There was a diagram accompanying that report illustrating that there is no
report through the PDG and PDTs directly to Chief Pleas. Conseiller Reg Guille wrote back to me
pointing out that the Group was set up by resolution of Chief Pleas at Michaelmas and Chief
Pleas can overrule its own procedures. *(Laughter)* From a constitutional point of view I am not
sure if anybody else feels as uncomfortable as I do about that. I have no doubt that the
1060 members of this Conseillers Group have acted in good faith and they have acted in the way that
one would expect of them, but I have a deep concern that a hybrid group acting against the
Rules of Procedure can challenge the working of Standing Committees and, in particular, a Policy
Committee. It is, to me, fraught with constitutional problems.

I am now going to call on Conseiller Reg Guille, who hopefully will allay my fears as just
1065 outlined. Conseiller Reg Guille.

Conseiller Guille MBE: I disagree with you entirely on that, sir. Chief Pleas is the master of its
own procedures and at the start of the Report we quote what Chief Pleas said:

That Chief Pleas requests all committees to nominate at least one of their members to work with the other
nominees to prepare a plan setting out how Chief Pleas is to operate to support the New Shape of Chief Pleas,
reporting back to Chief Pleas no later than 15th November 2017.

That was a direct order, a resolution of Chief Pleas directing the Committees to nominate one
1070 Member each and for that group of Conseillers to report back to Chief Pleas. That was a direct
order of Chief Pleas. Chief Pleas has the power to overrule, suspend its procedures, and we have
done that quite frequently in the past. We have actually had debate in here where we have

1075 suspended the rules. We eight on the Committee were all very clear that the first part of that Proposition which Chief Pleas approved back at Michaelmas was the authority for us to report back to Chief Pleas no later than 15th November. As I said in debate at the time, that 15th November date was entirely spurious and I said it should have been Christmas – and look, indeed we have got the Report here for Christmas. So the Conseiller Group, sir, are of the opinion that they have performed the function that was directed to them by the resolution of Chief Pleas.

1080 I will go on an aside from that for the moment. People have mentioned and thrown little remarks around this morning about power grabs. Well, you may have been reading the *Sark Newsletter* where it says that I am planning to take over Chief Pleas as its leading Member and all the rest of it. I do have a lot to say and I did not stand for election not to say anything. I am not doing a power grab; I am working within the confines of what Chief Pleas requires. I am a member of the Policy and Performance Committee and I abide by the Committee rules. I propose issues in Chief Pleas which are debated as part of the debate and a vote is taken. If I win, fine; if I lose, I go with the democratic decision. I am not out to make a power grab and to that end I am not the Chairman of this Conseiller Group. We do not have a Chairman, we work by consensus, and to that end the Report is to be introduced by Conseiller Edric Baker.

1090 Thank you, sir.

The Speaker: Conseiller Edric Baker.

1095 **Conseiller Edric Baker:** Well, I am rather thrown with all that. *(Laughter)*

The Speaker: Maybe that was the intention.

1100 **Conseiller Edric Baker:** Would it be in order to ask Chief Pleas if they approve of what Conseiller Guille has said?

1105 **The Speaker:** I am not going to put individual contributions to debate to the vote. We have a Proposition in front of us and I would hope that we –

1110 **Conseiller Moerman:** It is *ultra vires*.

1115 **The Speaker:** Sorry?

Conseiller Moerman: The Proposition is *ultra vires*, in my opinion.

1120 **The Speaker:** Well, yes, but I will call you to speak when I am ready to hear from you, Conseiller Sebastien Moerman.
Conseiller Edric Baker.

Conseiller Edric Baker: Thank you, sir.

1125 I think that we all realised when we volunteered to take on this task we were taking on a poison chalice. It was quite evident at the time, and more so now, that whatever we produced would not gain favour with all in Chief Pleas.

1130 The Proposition was formulated by P&P in October 2017. It had to be accepted by Chief Pleas because of the need to have the system identified by at least Midsummer 2018. After our first meeting we quickly came to the conclusion that to change the shape of Chief Pleas and provide the necessary administrative support we need to go down a more simple route.

The two factors to consider: the failure by the Policy Committees to get the support of Chief Pleas for their report, which included the salary of the Senior Administrator and the larger Civil

1125 Service; and the failure in the system we are working under at the moment with the PDGs and the PDTs, which was simply not working.

It is my belief, and this is backed up by speaking to residents from what I would call the 'silent majority', that the bureaucracy that has been created is deterring residents from standing for election. Sark is a small Island with a small population and consequently a small number of taxpayers, and they have had enough.

1130 Enough from me. Can I just put the Proposition to the Chief Pleas for debate – or the Report, I should say.

The Speaker: Okay, yes, well, I will do that when we get to it. Can I ask for any comments or questions from Members. Conseiller Sam La Trobe-Bateman, Conseiller Reg Guille and
1135 Conseillers Sebastien Moerman and Jane Norwich.

Conseiller Sam La Trobe-Bateman, please.

Conseiller La Trobe-Bateman: I can see some of the problems that people have with this Report but we have to understand that this is the very first stage of it: how to formulate the
1140 structure of each Committee first. Get that formulated, then we can work out what the Civil Service requirement is and what support is needed. We have to start from somewhere and I believe ... Maybe I am just a silly peasant, but this is actually a sensible idea and it is the first step.

1145 **The Speaker:** Conseiller Reg Guille.

Conseiller Guille MBE: There has been criticism of this Report from the F&R Committee in their email of, I think, 11th January attaching a letter dated 10th January, that letter being
1150 copied externally to the MoJ and Lieutenant-Governor. The letter was also sent to the Seigneur and Speaker, who are Members of Chief Pleas. It was also copied to the Senior Administrator, who is supposed to be outside politics. I find that distribution off Island of an internal Chief Pleas debate with a group of Conseillers who were appointed and formed by resolution of Chief Pleas to be scandalous. It is insulting to Chief Pleas, the democratic parliament for this Island.

1155 There has also been criticism from Ms Jan Guy and Mr Andrew Cook, past Members of this Assembly and whose criticism matches very closely to that of F&R. Why did those two members of the public not remain in Chief Pleas to see their preferred system of government implemented?

1160 However, I make no apologies for the Report before you today, produced by eight Conseillers in consensus from across the range of Committees as resolved by Chief Pleas at the 2017 Michaelmas Meeting. We eight Conseillers took this on when no other volunteers came forward at the PDG. At that meeting I waited to see if any other Member of P&P would put their name forward. None did, so I volunteered. We used to say in the army 'never volunteer for anything'. The only member of F&R to volunteer was Conseiller Byrne, who of course is now no longer a
1165 member of that Committee. However, we decided in committee that, due to the very tight deadlines imposed on us, we would not change him at that stage. However, after this meeting is over and the next PDG happens maybe one of the remaining F&R members might throw their hat into the ring and join us.

1170 Surely those supporters of the Good Governance PDT who brought a report to the 2017 Midsummer Chief Pleas through the P&P Committee and who lost the debate on the reduction of Conseillers to 14 and settled for 18, then brought a further report to the Extraordinary Meeting held on 23rd August asking for approval of their plans ... The Proposition was lost by 11 votes to 12 on a named vote. As an aside, I voted for that Proposition. It was lost democratically. However, since Chief Pleas did reject that way forward and since then two Conseillers who supported the PDT plan at Michaelmas have also retired, that leaves even less support in this

1175 Assembly for that proposed way forward. Surely those supporters of the rejected plan cannot have expected us to bring their rejected plan back in another form.

We sat down and looked at what we eight Conseillers of this parliament decided was the way forward for Sark, and it is an evolutionary evolution of the current system that we have. What this first Report is saying is how we, the cross-committee group of Conseillers, envisage the structure of Chief Pleas to be reformed in time for those standing for election in the General Election in December to know what structure they will be expected to operate within and for the election of Members of Chief Pleas to that new committee structure in January 2019.

Our next Report, if we survive today, will have to take into consideration, amongst other matters, what Civil Service support will be required to ensure that the reduced number of Conseillers and committees are adequately supported. It is during the development of the report to the Easter Meeting that we will need to consult with the Senior Administrator and others.

I ask you to support our Propositions. However, going beyond that, we also recognise the Speaker's concerns about how the Committee was formed and we are going to come with two other Propositions. As a Conseiller Group we are entitled to do that. We have produced a Report; we can add to our Propositions. We are going to propose that we be formulated as a Special Chief Pleas Committee and Conseiller Edric Baker will be introducing that and the other Propositions that we are putting before the House. I ask you to support our Propositions. Thank you.

1195

The Speaker: Thank you. Conseiller Sebastien Moerman.

Conseiller Moerman: First of all an aside: I do not think any Member of the Finance and Resources Committee need permission from Conseiller Guille to write letters; otherwise, where is the world going to?

1200

I would like to state that F&R wrote to the Conseiller Group on 9th January 2018 to demand – or request, should I say; I am sorry, I am still working on my English – that Item 10 be withdrawn for the following reasons.

(1) We have previously reiterated to the House the extent of our mandate, particularly Item C, and we note that there has been no consultation whatsoever with F&R in respect of the financial implications and risks of the Report.

1205

(2) In a modern jurisdiction with due process and Civil Service it is not common to go to parliament with a significant reform but then advising parliament to vote for it in part 1, the structural change, and then ask parliament to wait for part 2: 'You shall be told later the details of how it is going to be organised and funded.' This is not responsible nor credible.

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(3) There has been no consultation whatsoever with the Senior Administrator in respect of the operational implications of the Report, although the Senior Administrator is responsible for the day-to-day management of all committee support officers.

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(4) The Report has not taken into consideration Chief Pleas' principle to apply contemporary professional standards where it is prudent to do so.

(5) The Report ignores the views of 88 consultation respondents, approximately 25% of the voting population, who have expressed an interest in participating in politics with the assistance of professional support with administration work done by paid staff to be held to account and therefore allowing politicians to focus on development of policies.

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(6) The Report fails to analyse the tasks and skills required by this new shape of Chief Pleas and expects six Conseillers to be responsible for the workload of three-fourths of the Government. To be quorate this would mean four Conseillers and a majority vote would be three Conseillers. We believe this is too much power in too few hands, whoever the hands belong to – especially the one I am thinking of.

1225

(7) Conseiller Guille has stated on two occasions now that the Report had no financial implications. How could this be? Who will be doing the work then, and how are you going to pay

1230 for it: volunteers? There is a risk here for the continuity of Government, as there is no indication in the Report from any analysis already available that there would be sufficient volunteers with the right skills and sustained availability. The financial risks of the Government not being able to function on 1st January 2019 would mean a catastrophic event for Sark, not just for the Government. This is not in the public interest and wholly reckless for Sark as a self-governing jurisdiction with a degree of independence.

1235 (8) In his letter to the Chairmen of Committees of Chief Pleas dated 20th December 2017 – I am referring to the letter just read at the beginning of this meeting by Conseiller Elizabeth Norwich – the Lord Chancellor and Secretary of State for Justice stated:

Lord Keen and I will want to be assured that this reform is properly underpinned by appropriate supporting mechanisms to enable the continued good government of Sark, and to ensure the ability of the Government to deliver key, quality, public services ...

1240 The Report, we are afraid, takes Chief Pleas in the opposite direction. How could you possibly provide reassurances to the Lord Chancellor that reform is properly underpinned when there is no mention nor analysis in the Report of skills, capabilities, expertise required or any consideration in respect of the ability to deliver key quality public services to sustain a viable economy and essential lifeline activity?

(9) The Report makes no reference to making the best of support offered by the States of Guernsey.

1245 (10) The recent qualified approval of the 2018 Budget by His Excellency is a first and the Report does nothing to alleviate any concerns regarding the management of public finances to deliver quality public services.

(11) The Report offers less transparency but more power in fewer hands without any impartial advice or scrutiny from civil servants and, as a result, can only result in less participation and engagement.

1250 Subsequently, and after consultation with F&R, I telephoned our Speaker on 12th January to request him to withdraw this Item from the Agenda as it fails to address the requirements of the Proposition – Item 12 – approved at Michaelmas Chief Pleas 2017. Regretfully, Item 10 has been maintained. We wonder why.

1255 Since this letter, Conseillers will have noted an email received on 15th January from Ms Elaine Cobb from the Ministry of Justice advising me that Lord Keen would like to be provided with an update in respect of this particular matter after our meeting. The outside world is watching. Are we going to move forward in an organised and structured way, or are we going to go backwards?

Finally, the Conseiller Group replied to F&R on 15th January with a brief email advising that, I quote:

The Group will not withdraw its report for Item 10 of the Christmas meeting Chief Pleas, as this needs to be discussed and debated in the democratic chamber.

1260 I assume Chief Pleas.

The Group is not going to respond to the individual points you raised, as this is too a matter for Chief Pleas.

Well, here we are: suicide time. Who is going to do the work? How are we going to pay for it? Let's all pray. We shall be told later, when they eventually maybe come to think about that.

Thank you. I would like a named vote on that, please.

1265 **The Speaker:** Okay. I would just respond to you, Conseiller Moerman, since you named me as refusing to withdraw this from the Agenda. You heard my comments at the very beginning of this discussion. I was uncomfortable with it but I put it on the Agenda –

Conseiller Moerman: Yes, and I thank you for mentioning it.

1270 **The Speaker:** I put it on the Agenda and I certainly was not in a position to actually withdraw it, having taken that action myself.

I have Conseiller Jane Norwich – anybody else? Conseiller Jane Norwich.

Conseiller Elizabeth Norwich: Thank you.

1275 I was not at the PDG meeting when the Group was formed, so I did not take part in the discussions as to who should be part of that Group. I was a member of the Good Governance PDT and I was not sure whether, given that we had been pushed back at Michaelmas, it would be appropriate for me to join in.

1280 So, speaking as a member of the Good Governance PDT that brought the Proposition to Chief Pleas at Michaelmas, I am deeply disappointed in the standard and the content of this Report. In effect, it wipes out five years of work in one fell swoop. It totally disregards what was asked of the Group; that is to provide a report last November, and whilst I appreciate that 15th November was an early date, that verbal report has not happened despite two meetings of Chief Pleas taking place after 15th November. They were asked to provide a plan of how the work of Chief Pleas was to be carried out with this plan finalised later this year. This gives time
1285 for the reorganisation to take its first steps and for prospective Conseillers to understand how they might work, if elected in December.

This is not a plan. It is a direction that two Committees merge and work out for themselves how the work is to be done. The rest of the Committees will carry on much as they are now with
1290 one or two minor changes. Those two Policy Committees – and this is in the report that was made last year – undertake three-quarters of the workload of Chief Pleas. Do you think we are turkeys voting for Christmas today? It puts a lot of control and, I dare say it, power in very few hands. That is something our community is very concerned about. It ignores the views of residents in the public consultation. I am particularly disturbed that Conseiller Group had
1295 representatives from those two Policy Committees and have not reported back to either Committee, despite being asked about it, certainly in F&R and it has not been volunteered to P&P. No requests for information on how this new idea and this merger is not a new one – it has been done before and it failed because of the workload. I do not believe it could work for the benefit of Sark. There has been no discussion on how the workload might be carried out, no
1300 discussion on the administrative support we might need – nothing at all.

So, if that is how the Committees are to work, by not discussing a major change, what does that say about the Government of Sark? Does it actually want to reach a normal standard of governance? I know ‘governance’ is a word some people find difficult, but it is actually very straightforward common sense. Does Sark care about those standards? Sark has to reach the
1305 reasonable standards for its own sake and maintain the proper position of a jurisdiction with a degree of independence.

I cannot vote for this ill-thought-out and poorly planned Report. It has really made me consider what I am doing at all in this House. Does anything I have done in my time here in this House matter a jot?

1310 I cannot support the Propositions and I would support the request for a named vote.

The Speaker: Thank you, Conseiller Jane Norwich. A named vote has been called for and I will put a named vote to both Propositions.

The next speaker is Conseiller Steve Taylor, please.

1315

Conseiller Taylor: Thank you, sir.

I think the group of Conseillers have worked pretty hard to put this together, but I really do have two major concerns on two points.

1320 One is to do with the Policy Development Teams and the Policy Development Group. The whole purpose of the Policy Development Group is to enable individual Conseillers and co-opted non-Chief Pleas members to get together to develop policy and strategic development that will then come back through the host Committee, being Policy and Performance. I think it would be a seriously retrograde step to try disbanding the Policy Development Teams and thereby removing the Policy Development Group.

1325 Secondly, that the Chairman and Deputy Chairman of the new Policy and Finance Committee be elected by Chief Pleas rather than by the Committee itself: I think it is important that if you have a committee which people volunteer to work on they should be enabled and allowed to elect their own chairman. Would other committees like the whole of Chief Pleas to elect their chairmen on their operational committees?

1330 Thank you, sir.

The Speaker: Thank you, Conseiller Steve Taylor.

Is there anybody else? I have got Conseillers Edric Baker, William Raymond and Reg Guille. I will call Conseiller Edric Baker first.

1335

Conseiller Edric Baker: Thank you, sir.

The Speaker: Conseiller, before I actually put it ... do you want to sum the debate up?

1340 **Conseiller Edric Baker:** No, I would like to respond to some of the –

The Speaker: Okay.

1345 **Conseiller Edric Baker:** I would also like to bring in the further Propositions as well, so would you like me to do them at this stage or much later on in the debate?

The Speaker: I think probably it might be an idea if we voted on the first two Propositions that are actually on the order paper before considering further Propositions. I think that would be a good way of proceeding.

1350

Conseiller Guille MBE: I would disagree with that and say that Chief Pleas would need to know what our further Propositions are prior to voting on the first two.

1355 **The Speaker:** For the record, that is an intervention by Conseiller Reg Guille. I do remind Members here that I have to make comments like that because we have an audio recording. Conseiller Edric Baker.

Conseiller Edric Baker: Yes, sir. I probably should have introduced these two Items as the very beginning and I am probably at fault here.

1360 Really, to give our ad hoc group of Conseillers due status we recommend to Chief Pleas that we are re-formed as a Special Chief Pleas Committee in accordance with Rule 2 of the Constitution and Operation of Chief Pleas Committees and provide this Proposition for consideration. The Proposition is:

That the Chief Pleas Group (New Shape and Functioning of Chief Pleas) be re-formed as a Special Chief Pleas Committee (New Shape and Functioning of Chief Pleas) in accordance with Rule 2 of the Constitution and Operation of Chief Pleas Committees.

The further Proposition:

That Chief Pleas directs the Policy and Performance Committee to request the Law Officers of the Crown to draft an ordinance to reduce the number of Chief Pleas Members to be 20 Conseillers in accordance with section 21(5) of the Reform Law 2008 as amended.

1365 Those are the two extra Propositions.

The Speaker: Yes, what I am suggesting to you, Conseiller Edric Baker, is that we actually vote on the Propositions on the order paper first. I am not comfortable with taking complicated Propositions like that from the floor of the House. I am not sure if you have circulated them to anybody or whatever. So can we get on with what is actually on the order paper now, please?

Conseiller Edric Baker: Yes, sir. If I can respond to some of the comments by Conseiller Moerman, this is in the letter of 9th January. I will try and do it in reverse order.

He refers to letters from Lord Keen and the Minister of Justice. Actually, the Minister of Justice needs to look at the European Court of Human Rights legislation, Article 3, Protocol 1. We are the legislature of Sark and we have been voted in. The MoJ is not governing Sark.

Another point was raised about the 88 consultation respondents to the survey. You keep on referring to the 88 people: 27 people voted for an executive Government – not 88, 27 people – and are these 27 going to change the shape of Chief Pleas completely?

Of course the contemporary professional standards – yet again it comes up. My God, we are going to rue the day that that ever got through Chief Pleas!

There are so many different points that could be raised. Our Group has studied it. We are absolutely unanimous in what we propose and it is in the Propositions. The second part is coming later on. I asked at a meeting last evening for Education ... they had two parts to their report. We have accepted one part today. The next part of that report will come at Easter. It is exactly the same thing.

The Speaker: Thank you, Conseiller Edric Baker.
Conseiller William Raymond.

Conseiller William Raymond: Thank you, sir.

I have a real concern here because the House is clearly divided. Other proposals have been put forward, they have not found favour and they were voted down. Now we have these proposals and there is opposition to those. They are facing the same thing in Guernsey at the moment about the opposing views of the future of the schooling. The suggestion that was made from one of the public meetings was that the two sides actually get together and have a discussion to see whether or not they cannot provide a joint solution. Is there not something that could be done here so that the two opposing views sit down and actually try to thrash out something which can then be costed and brought back to a later Chief Pleas?

These divisions do us no good at all, especially when they have now been advertised more widely and we are under scrutiny from outside.

Thank you.

The Speaker: Thank you. Conseiller Reg Guille.

Conseiller Guille MBE: The answer was for the Policy Development Team through the P&P at Michaelmas not to throw the toys out of the pram. They had lost a democratic vote in a Chief Pleas and they said they were not going to work on the Good Governance issue any more. Fine. They could well have said, 'Let us have a discussion outside Chief Pleas in the PDT and thrash a way forward, take that report and look at it.' They did not. They asked Chief Pleas to direct that they do no further work on the report. Chief Pleas agreed with that, therefore the future shape

and functioning of Chief Pleas is no longer a responsibility of the Good Governance PDT because Chief Pleas accepted their report to have them removed.

1415 We have done what we believe Chief Pleas asked us to do. We are not asking for a revolution. We are not setting up a one-party state here. This is very much Chief Pleas slimmed down to what we have today. It is not revolutionary.

1420 'Too much power in too few hands' has been quoted against us for this new Policy and Finance Committee. Well, Guernsey have a Policy and Finance Committee where policy and finance are within the orbit of that one group and they work with other committees in Chief Pleas. Alderney has a main committee which combines both policy and finance, and they have only got 10 Members. And here we are being told that, with 18 Members, six Members in a newly re-formed Policy and Finance Committee is too much power in too few hands. Rubbish! Total rubbish.

1425 I have an email going back a little while now to this time last year when I had an email from a Conseiller saying, 'Roll on getting GP&A back and curtailing the power of the civil servants.' I will not say who sent it but he is not a million miles away.

1430 We have done what we believe we needed to do. The rest of the Committee can speak for themselves and I would like to hear the other Group Members stand up and support it. We are not withdrawing it. We are going to go to the vote and if the vote goes against us, so be it; we do not have a problem with that, it is a democratic process, the same as I did not have a problem when I lost the vote back in Midsummer when I voted for the Good Governance PDT report.

It is down to Chief Pleas to decide that way forward. Thank you.

1435 **The Speaker:** Thank you. Is there anybody else? Conseiller Cormac Scott.

1440 **Conseiller Scott:** When we first set out on this, when this was given to us we were asked to try and get something in line for the next election. I might be wrong, but I was led to believe that we would come back with further reports. F&R have been banging on about costing stuff, but this was only the preliminary stage of this, as far as I was concerned. This was about reducing the number of Conseillers down. There will be other discussions and other matters being brought in front of Chief Pleas that will be serious discussions.

1445 But when we come back to the reason behind it, which has caused a bit of contention during the Policy and Finance, those two Committees are the two sort of main Committees in Chief Pleas and we work closely together, but if you read the proposals, the idea is that Chief Pleas votes the chairperson of that, and in that way ... because that person is a representative of the Island public and they do the public speaking outside of the Island. In that way, Chief Pleas has then got control and the power is not exclusively in the hands of the F&R and P&P because the chairperson of that is now responsible, but we are responsible for their conduct, so they have to conduct themselves accordingly.

1450 So I would agree with Conseiller Baker and Conseiller Guille. We thought we were doing the right thing. I think F&R are demanding that they want the finished Report, but as far as I was concerned I was led to believe that this is an ongoing stage and at a future Chief Pleas we will come in with a finalised report and hopefully address all of these issues.

1455 I would just say to the House that I think you should vote for these two Propositions; otherwise, we are just going to go back to stage one and the restructure of Chief Pleas is never going to happen, because nobody will get this right. But if you allow us an evolutionary time and we will ask for assistance of the relevant people when we get there, we will address the costings. At the minute there are no costings for this. If we are doing the right thing, let us continue. If not, let's just pull it now, go back to the drawing board and in 10 years' time we will still be battling this argument about forever.

1460 I would recommend the House actually does back these two Propositions.

The Speaker: Thank you, Conseiller Scott.

1465 I have Conseiller Sam La Trobe-Bateman and Conseiller Jane Norwich. Conseiller Sam La Trobe-Bateman.

Conseiller La Trobe-Bateman: We are not the UK, we are not Guernsey, we are not Jersey. We are Sark; we are a very small Government. This is a small Island solution to, I believe, our problems, and is the way forward.

1470

The Speaker: Thank you. Conseiller Jane Norwich.

Conseiller Elizabeth Norwich: On the costings, the Lieutenant-Governor has already been told there are no increased costs to Sark by changing anything for the future shape of Chief Pleas, so that bit has been dealt with, in my understanding.

1475

When we asked for the Group to work together, and I am very supportive of that ... I accept that what happened at Michaelmas was that what we were looking at should stop. I do not have a problem with that, but what I do have a huge problem with is that nowhere in this Report does it really understand the level of work that is done by the two Policy Committees. Whether you join that together and then within it they work half and half or two thirds/one third, how is that work to be done?

1480

There has been a comment about Alderney, that they manage with 10. They have considerable support to actually get the work done, they are not working alone and they also have regular meetings with the public to explain things. Currently the public are not convinced that Chief Pleas is going in the right direction.

1485

The Speaker: Thank you. Conseiller Sebastien Moerman.

Conseiller Moerman: Three points. The first point is to reply to Conseiller Edric Baker when he compared this Item with the Education Item. It is not the same. The Education Item, yes, there are two phases, but phase 1 we know what it is going to be, we know how much it is going to cost, we have done the maths, and then we will consider phase 2, whether we do it or not – that is another thing – and then we will cost it. That is not the case here. Here we are making structural change and we do not do any costing, although we are told there is not costing to do because it is all factored in. That has been said.

1495

The second point is on the Conseiller Guille ‘rubbish’ point. In Guernsey, yes, they have a Policy and Finance Committee but they have a supporting Civil Service, procedures and rules – rules that they do follow. Here we have very little. We need to know: are we going to follow the rules? Which rules are they? Are they Chief Pleas rules? Are we going to ignore the rules or are we going to follow Conseiller Guille’s rule? That needs to be clarified.

1500

Thank you.

The Speaker: I have just seen Conseiller Reg Guille’s hand – is there anybody else? Sandra Williams. Conseiller Reg Guille.

1505

Conseiller Guille MBE: This is a cross-committee group of Conseillers. I am not the Chairman. We did it by consensus. I am not looking to take over Chief Pleas. The Chairman of Policy and Performance is Conseiller Elizabeth Norwich, not me; I am not even the Deputy Chairman of that Committee. I have no power, I only have responsibility, but I am entitled to debate.

1510

We are being accused by F&R of a power grab. Sorry, the PDT Good Governance asked for 12 ... Sorry, I keep saying 12 because I think that is the figure they really wanted; certainly Conseiller Maitland, when he was ... wanted 12 ... 14 Conseillers. Well, that is an even bigger putting of power into fewer hands. We have got 18 and we are saying in the Report six people on that Committee organise themselves as they will and also have their chairman and deputy chairman

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1515 elected by Chief Pleas to give those people authority to speak on behalf of Chief Pleas, which is
given by Chief Pleas. At the moment it is done by the wording, which is not even in the mandate,
that the chairman of the senior committee will be the spokesperson for Chief Pleas, but it is not
written down anywhere. We are saying let's make that and let us elect somebody to that
1520 committee who will be the chairman – and it will not be me – elect somebody on that
committee to be the chairman and take this Island forward.

Once again I ask you to support our Propositions. Thank you.

The Speaker: Can I just say that I keep hearing something going 'ding'. Does somebody have
a mobile phone on them somewhere? Perhaps if they could switch it off.

1525 Conseiller Sandra Williams.

Conseiller Williams: I have not really got an awful lot more to add but I do support what the
majority of my Conseiller Group have said today.

I am struggling to see where the upset is concerning finance in this first part of the Report.
1530 Apart from asking the Law Officers of the Crown to draft an ordinance in time for the
implementation of the Extraordinary Chief Pleas Meeting, I cannot see that anything else has
been put forward today that is going to cause any financial implications. The Committees are
working as they are working now; all we are doing is looking at reducing a Member from those
Committees, because in 2018 at the end of this year we will be fewer Conseillers and merging
1535 Policy and Performance and Finance and Resources. I am not aware of what all the upset about
finances and support and all the rest of it is coming from.

The Speaker: Is there anybody else with a fresh point? If not, we will go to the Propositions
and a named vote has been called for.

1540 Proposition 1: That Chief Pleas approves the changes to the Shape and Functioning of Chief
Pleas as detailed in the Table of Proposals above, to come into effect on 11th January 2019 when
an Extraordinary Meeting of Chief Pleas takes place to elect Conseillers to Committees prior to
the Christmas Meeting of Chief Pleas on 16th January 2019.

Greffier, a named vote.

There was a named vote.

Carried – Pour 12, Contre 7, No Vote 0

POUR

Conseiller Diane Baker
Conseiller Edric Baker
Conseiller Peter Byrne
Conseiller Helen Plummer
Conseiller William Raymond
Conseiller Antony Dunks
Conseiller Reginald Guille MBE
Conseiller Peter La Trobe-Bateman
Conseiller Christopher Nightingale
Conseiller Cormac Scott
Conseiller Paul Williams
Conseiller Sandra Williams

CONTRE

Conseiller Nicolas Moloney
Conseiller Elizabeth Norwich
Conseiller Dr Roger Norwich
Conseiller Stephen Taylor
Conseiller Sebastien Moerman
Conseiller Anthony Ventress
Conseiller Pauline Mallinson

NO VOTE

None

1545 **The Speaker:** That is carried with 12 votes Pour and 7 Contre.

I will now put the second Proposition: That Chief Pleas directs the Conseiller Group (New
Shape and Functioning of Chief Pleas) to request the Law Officers of the Crown to draft the
necessary Ordinances in time for implementation at an Extraordinary Meeting of Chief Pleas on
11th January 2019. Again, a named vote has been called for, Greffier.

There was a named vote.

Carried – Pour 13, Contre 6, No Vote 0

POUR

Conseiller Diane Baker
Conseiller Edric Baker
Conseiller Peter Byrne
Conseiller Nicolas Moloney
Conseiller Helen Plummer
Conseiller William Raymond
Conseiller Antony Dunks
Conseiller Reginald Guille MBE
Conseiller Peter La Trobe-Bateman
Conseiller Christopher Nightingale
Conseiller Cormac Scott
Conseiller Paul Williams
Conseiller Sandra Williams

CONTRE

Conseiller Elizabeth Norwich
Conseiller Dr Roger Norwich
Conseiller Stephen Taylor
Conseiller Sebastien Moerman
Conseiller Anthony Ventress
Conseiller Pauline Mallinson

NO VOTE

None

1550 **The Speaker:** That is carried with 13 votes Pour and six Contre.

We now got to Item 11 – *(Interjections)* Sorry? I had forgotten. I am being told by the Greffier that there are two ... I have not received notice of these. They have been read out in this Chamber but I really do think we need to do things properly here and I would much prefer they were brought to a meeting given due notice.

1555

Conseiller Edric Baker: So are you saying that you are not permitting these extra Propositions?

The Speaker: I do not know who has seen them. I certainly have not.

1560

Conseiller Guille MBE: Can I say something?

The Speaker: Yes, Conseiller Guille.

1565 **Conseiller Guille MBE:** In accordance with the Rules of Procedure, reports that come to Chief Pleas can be amended, propositions can be amended and new propositions can be brought from the floor.

1570 We have had a very short time to work as a Conseiller Group to get these in, and having produced our Report, which has now been approved by Chief Pleas, we, after the Report had been written, had further discussions to take issues forward on the basis that we would be supported here today, and therefore we, as the Conseiller Group who have got Propositions to come to Chief Pleas, are wishing to bring two more. That is entirely in accordance with the Rules of Procedures where proposers of reports can bring changes to their report and propositions and add propositions as they go along.

1575 Had we had more time – and I think we only finalised it yesterday – we would probably have kept you informed, sir, and for that I apologise, but as a Group none of us actually thought of that at the time. We were more concerned with getting the Propositions in to Chief Pleas.

Thank you.

1580 **The Speaker:** Conseiller Sebastien Moerman, is this pertinent to what we ...?

Conseiller Moerman: Are we not following the Rules of Procedure, sir?

1585 **The Speaker:** No, I have already explained my own views on this. I am not happy with the way we are being asked to vote on this, particularly as one of the Propositions, as I understand it from Conseiller Edric Baker, is to actually formulate this Group. Papers have not been circulated and I personally am not happy to actually accept these Propositions at this meeting.

Conseiller Anthony Ventress.

1590 **Conseiller Ventress:** I must say, having heard that they discussed this yesterday, why couldn't they have emailed all Conseillers with their further two Propositions, or alternatively printed them out and handed them out to us? It does not take long on a printer. Personally, I think this is very bad form.

1595 **The Speaker:** Conseiller Reg Guille, one more go at it and then I am going to make a ruling. Okay?

Conseiller Guille MBE: I am sorry, sir: please can we have a break? Would you please read the Rules of Procedure in regard to reports coming to Chief Pleas?

1600 We are not breaking the Rules. We may not have notified you in time. You have the option of rejecting our Propositions if you do not think they are worthy of support, but the Rules of Procedure are quite clear that when a report is before Chief Pleas the people who bring that report can amend the report from the floor and they can introduce new propositions from the floor. We had that today with the Education. We had new amendments being brought to those
1605 Propositions from the floor. We are bringing them. Eight Conseillers of this parliament are bringing forward two Propositions. They should be heard.

The Speaker: I do not need to read the Rules of Procedure, Conseiller Reg Guille, and I rather resent the suggestion that I do not understand them.

1610 With regard to the Education report, I actually was given by Conseiller Pauline Mallinson a fully written-out set of amendment and additional proposition if necessary.

I am not prepared to accept these two Propositions and I am ruling against.

The Speaker: Now we go to Agenda Item 11 –

1615

Conseiller Guille MBE: Excuse me.

The Speaker: Elections to elect Conseillers to Committees –

1620 **Conseiller Guille MBE:** It is not within your power, sir, I am afraid. I am afraid you are abusing our own Rules of Procedure, and I am sorry to say that but we have the right to bring Propositions forward.

1625 I have already apologised that we did not circulate it. I am not the Chairman of this Group but the other Members, and there are eight Members here in this Parliament who have thought about these two Propositions. One is to get over the anomaly of a Conseiller Group, which is supposed to be not in accordance with the decision taken in October. We are trying to regularise that by saying okay, let's scrub the Conseiller Group and make us a Special Purposes Committee which can then request to have proper committee support to it as it goes forward in debating and bringing forward plans for the future of Chief Pleas. We want to just change to clarify the
1630 issue and give us the mandate to becoming a Special Purposes Committee.

The Speaker: In that case, I strongly suggest that you bring this back to us because I am not going to put up with it today. You may not be the Chairman of this particular Conseiller Group but I am the Speaker of Chief Pleas and I have ruled.

**11. Committee Elections –
Conseiller Raymond elected to Policy and Performance Committee –
Conseiller Elizabeth Norwich elected to Finance and Resources Committee –
Conseiller Anthony Ventress elected to Education Committee**

To elect Conseillers to Committees, as required.

1635 **The Speaker:** Now we go to Agenda Item 11, Committee elections: To elect Conseillers to Committees, as required.

There is a vacancy on the Policy and Performance Committee.

1640 **Conseiller Elizabeth Norwich:** Could I speak before we start, please? It relates to this.

The Speaker: Agenda Item 11?

Conseiller Elizabeth Norwich: Yes, it does.

1645 **The Speaker:** Yes, please do.

1650 **Conseiller Elizabeth Norwich:** I need to say before we start the Item before you I have thought long and hard about my role as Conseiller over the past few months and the decision I am making now is not rushed but it is based significantly on the debate today and whilst I believe the Committee may have different ways of doing its work within it, it is important that its Members row in the same direction as the team. Because of the pressure I feel under to row in the wrong direction for Sark and the imbalance of the workload within the Committee both now and for the rest of the year, I wish to tender my resignation now from Policy and Performance. I am sorry, but –

1655 **The Speaker:** I can hear the emotion in your voice and I am very sorry to hear that. This Item, I was going to ask for the vacancies to be filled on the Policy and Performance Committee and also on the Finance and Resources Committee. Perhaps we can discuss this afterwards, Conseiller Jane Norwich.

1660 Are there any nominations, firstly, to fill the vacancy on the Policy and Performance Committee? Conseiller Steve Taylor.

1665 **Conseiller Steve Taylor:** I would like to propose Conseiller William Raymond for Policy and Performance.

The Speaker: Are there any other nominations? In that case I will put to the meeting that Conseiller William Raymond be elected to serve on the Policy and Performance Committee. Those in favour; any against. Okay.

1670 There is a vacancy on the Finance and Resources Committee. Are there any nominations? Conseiller Sebastien Moerman.

Conseiller Moerman: The Finance and Resources Committee would like to nominate Conseiller Elizabeth Norwich. *(Laughter)*

1675 **The Speaker:** Well, isn't that just convenient! It still leaves a vacancy. If that is the case, I presume you are prepared to stand, are you?

Conseiller Elizabeth Norwich: Well, if they all want me. *(Interjections)*

1680 **Conseiller William Raymond:** Is there too much power in the household?

Conseiller Elizabeth Norwich: He is never there.

1685 **The Speaker:** Are there any other nominations? In that case I will put it to the vote. Those in favour of Conseiller Jane Norwich becoming a member of the Finance and Resources Committee; any against. That is **carried**.

Conseiller Elizabeth Norwich: I didn't have a choice!

1690 **The Speaker:** Conseiller Reg Guille.

Conseiller Guille MBE: That still leaves one left for us, sir. We have not had, obviously, time to discuss this, the three remaining Members, but unless there is a burning issue of anybody wanting to join our Committee today from the floor, can I suggest looking at two Members if we come back with this at Easter?

1695 **The Speaker:** Does anybody want to self-nominate or self-ameliorate? Nobody is showing ... Yes, please, I will keep this on the Agenda, okay.

We go to Agenda Item –

1700 **Conseiller Scott:** Sorry, Mr Speaker, can I just say something, sir? I do not know whether you have been informed, but because the education review is now going ahead, there is still a space on the Education Committee and we have been one member down now for a year; so if anybody is considering getting involved, please come forward and we will follow the procedure. I just wanted to make that known.

1705 **The Speaker:** Conseiller Anthony Ventress.

Conseiller Ventress: *[Inaudible]*

1710 **Conseiller Dunks:** We have discussed this briefly about three of the vacancies ... *[Inaudible]* With the possibility of upcoming elections we would like to see that bring in new blood, so we are looking towards the elections first before we propose a replacement. There is always the possibility.

1715 **The Speaker:** Well, the thing is that Conseiller Anthony Ventress has offered to go on. I will put it to a vote – if you wish to vote against, that is entirely up to you: That Conseiller Anthony Ventress becomes a member of the Education Committee. Those in favour; those against. That is **carried**.

**12. Road Traffic Appeals Tribunal Panel –
Verbal Report from Road Traffic Committee considered –
Mr Glenn Williams elected**

To elect a new member to the Road Traffic Appeals Tribunal Panel.

1720 **The Speaker:** We go to Agenda Item 12: To consider a verbal Report with Proposition from the Road Traffic Committee to elect a new member to the Road Traffic Appeals Tribunal Panel. Conseiller Antony Dunks.

Conseiller Dunks: Sorry, I am just checking –

The Speaker: Conseiller Antony Dunks, in case you have forgotten, it is Glenn Williams.

1725

Conseiller Dunks: Yes, I am making sure I get the right one. Glenn Williams was the proposed name. He had been on the Tribunal previously but had to step down when he took the roles of Vingtenier and Constable. Now he is free of those roles he wishes to return to the Tribunal. I apologise – I always get the two names mixed up.

1730

The Speaker: Thank you. We go to Agenda Item 13 ... Sorry, I will put that to the vote. Those in favour of Glenn Williams joining the Road Traffic Appeals Tribunal Panel; any against. That is **carried**.

13. Creating an Energy Policy for Sark – Policy and Performance Committee Information Report considered

To consider an Information Report from the Policy and Performance Committee entitled 'Creating an Energy Policy for Sark'.

The Speaker: Agenda Item 13: To consider an Information Report from the Policy and Performance Committee entitled 'Creating an Energy Policy for Sark'.
Conseiller Jane Norwich.

1735

Conseiller Elizabeth Norwich: Can I pass this to Conseiller Mallinson, please.

1740

The Speaker: Yes, of course. Conseiller Pauline Mallinson.

1745

Conseiller Mallinson: As the Sustainable and Reasonably Priced Electricity PDT, we were tasked to produce a draft energy policy for Chief Pleas to discuss. When we started working on this it became apparent that there are some key decisions that we need to make as a community before we can agree on such a policy.

In this Information Report we have tried to set out some of those questions and also some work that we believe we should undertake in 2018 to inform and move towards an energy policy for Sark. The key elements of this that we have identified are creating a baseline of the Island's energy use at present and also carrying out a public consultation on some of the very difficult questions to do with things like wind turbines.

1750

We ask Chief Pleas to note this Report and we propose to continue with this work in 2018.

The Speaker: Thank you.

Does anybody wish to comment or question? In that case, this is an Information Report.

**14. Environment, Sea Fisheries and Pilotage Committee Annual Report –
Information Report considered**

To consider an Information Report from the Agriculture, Environment, Sea Fisheries and Pilotage Committee entitled 'Annual Report'.

1755 **The Speaker:** We go to Agenda Item 14: To consider an Information Report from the Agriculture, Environment, Sea Fisheries and Pilotage Committee entitled 'Annual Report'.
Conseiller Helen Plummer.

Conseiller Plummer: Thank you very much.

1760 The Annual Report we like to bring to Chief Pleas at this time of the year is self-explanatory. The Committee is very aware of the agriculture problems we have at the moment. We are working and hoping to meet with people and stakeholders, to be taking place very soon.

The environmental part of it: as you know, we have had trouble with the siting of the nests for the Asian hornets and we are keeping in contact with the Guernsey Beekeepers Association.

1765 The Sea Fisheries report too: the boys had quite a good year and we would just like to say thank you to them all, also to our assisting constables for all their help and to all the public too who have given us a lot of help. We would ask the public to please keep coming forward with their comments on all aspects.

Thank you very much.

1770

The Speaker: Does anybody else wish to comment? That is an Information Report.

**15. Tourism Report: January to October 2017 –
Tourism Committee Information Report considered**

To consider an Information Report from the Tourism Committee entitled 'Tourism Report: January to October 2017'.

The Speaker: Agenda Item 15: To consider an Information Report from the Tourism Committee entitled 'Tourism Report: January to October 2017'.

Conseiller Sandra Williams.

1775

Conseiller Sandra Williams: Thank you very much.

It is a very comprehensive Report and I have nothing further to add, but I am happy to take questions on anything that any of my fellow Conseillers would like to clarify.

1780 **The Speaker:** Any comments? Conseiller Edric Baker.

Conseiller Edric Baker: Yes, sir, this is an excellent Report, very well presented. It gives all the details of the operation of our biggest industry in Sark and I think it is to be commended.

Thank you.

1785

The Speaker: Thank you. Does anybody else wish to comment? Conseiller Pauline Mallinson.

Conseiller Mallinson: Just one question. I noticed from the Tourism website usage that we had quite a significant decrease in 2017 on the people actually using our website and I

1790 wondered if the Committee or the agency who help us with the website have any views on why
that might be happening.

Conseiller Sandra Williams: I can certainly get those printouts for you, but I think you will
find that in 2017 it was about the only time of the year that they did not rerun *Island Parish*.
1795 When *Island Parish* is being rerun our website spires and I think in that section of the year there
was nothing much going on. *Island Parish* is rerunning now, so I am waiting to get the results at
the end of this month to see what has happened there.

The Speaker: Thank you, Conseiller Sandra Williams.
1800 Is there anybody else?

16. Douzaine election of Vingtenier – Mr Mike Fawson elected

Douzaine: To elect a Vingtenier to replace Sue Daly, who has resigned.

The Speaker: We go to Agenda Item 16. Douzaine: To elect a Vingtenier to replace Sue Daly,
who has resigned.
Chairman of the Douzaine, Conseiller Edric Baker.

1805 **Conseiller Edric Baker:** Thank you very much for allowing this extra Item.
The Independent Policing Panel presented the names of the Douzaine to go forward to Chief
Pleas and the Vingtenier who has volunteered is Mike Fawson.

The Speaker: Thank you.
1810 Mike Fawson has been proposed as he Vingtenier. Those in favour; any against. That is
carried.

Mali (Restrictive Measures) (Sark) Ordinance, 2017 – Ordinance laid before Chief Pleas

The Speaker: We now move to an Ordinance laid before Chief Pleas, but before I proceed
with that I apologise because I was remiss. At Agenda Item 3 – the Proposition that Chief Pleas
approves the Ordinance entitled ‘The Regulation of Production of Alcoholic Products
1815 (Commencement and Exemptions) (Sark) Ordinance, 2018’ – I should have announced that this
Ordinance will be numbered I/2018.

We now go to Ordinance laid before Chief Pleas: The Mali (Restrictive Measures) (Sark)
Ordinance, 2017. We can take that as noted.

**Fire Services (Regulation of Controlled Premises) (Sark) Regulations, 2017 –
Statutory Instrument 2017 laid before Chief Pleas**

The Speaker: We now go to a Sark Statutory Instrument 2017 laid before Chief Pleas: The Fire Services (Regulation of Controlled Premises) (Sark) Regulations, 2017. Is that noted? Thank you. This Statutory Instrument will be numbered Sark Statutory Instrument 2017 No. 3. I am now closing the meeting at 12.49 p.m. Greffier, the Prayer, please.

PRAYER
The Greffier

Chief Pleas closed at 12.49 p.m.