



OFFICIAL REPORT
OF THE
EASTER MEETING
OF CHIEF PLEAS
OF THE
ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 11th April 2018

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

Volume 4, No. 2

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

His Excellency the Lieutenant-Governor:

Vice Admiral Sir Ian Corder KBE, CB

Conseillers:

Diane Baker

Edric Baker

Peter Byrne

Nicolas Moloney

Elizabeth Norwich

Dr Roger Norwich

Helen Plummer

William Raymond

Stephen Taylor

Alan Blythe

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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<i>Chief Pleas closed at 2.45 p.m.</i>	<i>63</i>

Easter 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 20 Conseillers, the Seigneur and the Speaker of Chief Pleas present.

Welcome to the Lieutenant Governor

The Speaker: May I first of all welcome the Lieutenant Governor who is attending Chief Pleas.

Welcome to Elaine Cobb, Ministry of Justice

The Speaker: May I also welcome Elaine Cobb of the Ministry of Justice, who is in the Public
5 Gallery paying us another welcome visit.

There are no present apologies for absence, everybody is here.

Finance & Resources Committee – Welcome to Deputy Chairman, Conseiller Jane Norwich

The Speaker: At this stage I would like to welcome Conseiller Jane Norwich in her role as
Deputy Chairman of the Finance & Resources Committee.

10 For the last few months Conseiller Jane Norwich has certainly had a mercurial career in Chief
Pleas.

Tribute to Air Chief Marshal Sir Peter Le Cheminant, Former Lieutenant Governor

15 **The Speaker:** On a more sombre note, you will have seen the news that our former Lieutenant
Governor, Air Chief Marshal Sir Peter Le Cheminant, has died at the age of 97.

He served as Lieutenant Governor from 1980 to 1985 and regularly attended meetings of Chief Pleas. Sir Peter took a supporting interest in Sark.

**Tributes to Sir Peter Miller and Werner Rang,
Former Members of Chief Pleas**

The Speaker: Since our last meeting two distinguished former Members of Chief Pleas have passed away.

20 Sir Peter Miller, on the morning of 30th January and Werner Rang, on the evening of 15th March, three days before his 98th birthday.

Sir Peter took his seat in Chief Pleas as owner of the La Ville Roussel Tenement for 39 years, from October 1969 until October 2008. Although he had a high profile position in London, as Chairman of Lloyds Insurance Market of London, Sir Peter ensured that he attended Chief Pleas regularly and made many important contributions to debate in the Chamber.

25 Sir Peter used his own expertise to steer through Chief Pleas' his own work on safety in Sark waters that resulted in the important Safety in Sark Waters Ordinance. Amongst other issues, Sir Peter took an active part in the long running discussions about the reform of Chief Pleas, prior to the 2008 elections.

30 Werner Rang took his seat as Deputy of the People from January 1979 until October 2002. From 2003 he represented Gwendoline Drawmer, who was tenant of La Ville Farm. During Werner's membership of Chief Pleas he served on the Douzaine, the Medical Committee, Public Health Committee and the Natural Amenities Committee. He was made Vingtenier in 1977 and served twice as Constable, the first time in 1978 and the second time in 1981. Werner also ran the Sark Ambulance Service for almost 30 years, for which he was awarded the British Empire Medal.

35 In addition to his considerable public work for the community, Werner will be remembered by all in Sark for his sense of fun and sparkling sense of humour.
Please rise and observe a minute's silence for Sir Peter Le Cheminant, Sir Peter Miller and Werner Rang.

Members stood in silence.

40 **The Speaker:** Thank you.

**The Treasurer –
Statement by Conseiller Sebastien Moerman**

The Speaker: A statement by Conseiller Sebastien Moerman in respect of the Treasurer.

Conseiller Moerman: Thank you, sir.

45 It is an honour to deliver this farewell speech in respect of our now retired Treasurer, Mrs Wendy Kiernan – the shadow of a smile. It gives me great satisfaction to say that we do and must recognise, respect and appreciate all the valuable skills, knowledge and all the positive qualities that Wendy had instilled onto the office of Treasurer, and to thank her for all of her time and effort in shaping this office.

50 Of course, we all know how painful it is to say goodbye to a very competent and efficient colleague, especially in challenging times. However, we all need to express our sincere gratitude to her for her uncommon contribution, not only to the finance function of the Island, but also towards staff training in her Department.

55 Wendy started as Treasurer in August 2005, swiftly introducing a system whereby every
committee had a monthly report of expenditure, which was then used so that the
committees could manage their finances as individual committees, and we would have all the
base information for the next year budget. The system that she installed was – and still is – a
sophisticated adaptation of an integrated Excel spreadsheet. It has worked well and with great
accuracy. As Treasurer, she also monitored, sometimes firmly, the tax collection process as well
60 as the major item of Island expenditure, controlled all the banking and deposit facilities and
produced considerable amounts of statistical information for the decision making of F&R and
Chief Pleas. She dealt with the monitoring of Island revenues as well as analysing the monthly
report from the Shipping Company, for which she acted as a nomination holder. She dealt with
the annual audit, and latterly review of the Island financial statements single handed. In the first
year, the young auditor was surprised at being presented with a full set of accounts and I asked
65 her, ‘Did you used to be an accountant?’ (*Laughter*)

Wendy tendered her resignation to the Policy & Performance Committee at the end of 2016,
with an appreciated notice period of 12 months. Replacing her proved to be challenging, and she
offered to remain a consultant for a few months after her retirement, assisting our Deputy
Treasurer, who she has trained.

70 She was particularly helpful to me when I took over from Conseiller Cottle as Chairman of F&R
in a period when the members of F&R were new to the Committee. Through her compassionate
heart and support she has put smiles on many faces. She put great efforts into instilling values
such as determination, tolerance, equity, kindness, honesty, patience and professional skills that
are needed to get on with the job, even in her absence.

75 Wendy, you have worked assiduously, now it is time you enjoy a well-deserved retirement, but
I am sure you will keep us on our toes with a fear of receiving a letter of concern about this or
about that. On behalf of Chief Pleas and my colleagues I wish you well and full success in your
future endeavours.

Thank you very much.

80

Several Members: Hear, hear. (*Applause*)

The Role of the Treasurer – Welcome to Mrs Lynda Higgins

The Speaker: And with respect to the Treasurer, may I welcome Mrs Lynda Higgins.

85 Mrs Higgins was appointed, at the Extraordinary Meeting of Chief Pleas on 7th December 2017,
to perform the duties of Treasurer, and this is her second appearance up here, although prior to
that she was seen regularly taking a keen interest from the Public Gallery.

Remembrance Sunday – Statement by Conseiller Reginald Guille MBE

The Speaker: Statement by Conseiller Reg Guille, regarding the programme for Remembrance
Sunday.

Conseiller Guille MBE: Thank you, sir.

90 It is a bit early, but we have started planning Remembrance Sunday activities already, we have
had our first meeting.

95 The theme of the Remembrance Sunday this year, which happens to fall on Armistice Day, 11th November, is 'The Battle's Over' and there are a series of national events taking place, which we are replicating on Sark. It starts off at six o'clock in the morning, at the Men of Sark Memorial, when Mr Jimmy Martin will play the bagpipes and play the tune *The Battle's Over*. We will then have a little interregnum until we have our Remembrance Sunday Service, starting outside at the War Memorial and then moving inside. It will be a significant and moving event, I think people will find, for the service this year.

100 After that there is going to be a trumpet call at quarter to seven in the evening, followed by the lighting of a beacon by the Men of Sark Memorial. The beacons will be lit all around the United Kingdom and we are taking part in that, and the beacon is lit at seven o'clock. The Royal British Legion will also be doing a candle-lit vigil at the Men of Sark Memorial, as we did for the commencement of the War. We will be marking that in a similar fashion for the end of the War.

105 There will be, later on, a full programme put out detailing the exact timings – because I am remembering this from the meeting rather than having anything written down, so there will be exact timings coming out later on. But I would ask everybody to support – in whichever way they can – these events. There are also some other events being planned by the Legion, once again in connection with the national events that are taking place this year to commemorate the end of the War.

110 Thank you, sir.

The Speaker: Thank you.

Sark Sea Fisheries Office – Statement by Conseiller Helen Plummer

The Speaker: A statement by Conseiller Helen Plummer regarding the Sark Sea Fisheries Office.

115 **Conseiller Plummer:** Thank you, sir.

On behalf of the Agriculture, Environment, Sea Fisheries & Pilotage Committee I am pleased to inform Chief Pleas of the appointment of Mr Benjamin Perree, as Assistant Constable of Sea Fisheries. Also, to thank Mr Paul Burgess for applying for the post, unfortunately he was unsuccessful this time, but agreed to assist the Assistant Constable should an incident require more than two people.

120 I would like to thank Mr Robert Knight, who has held the post since 2014. His work and knowledge of the sea have been valuable. Rob was reluctant to step down, but due to back problems felt he was unable to continue. Thank you, Robert.

125 **The Speaker:** Thank you.

General Election Notice – 12th December 2018

The Speaker: We have, at Item 3, a Report on the By-Election to be held on 16th May 2018.

I now give notice that the General Election of 12 Conseillers shall be on 12th December 2018. In order to comply with the Election Law, the electoral register will close on 2nd November. The term of office, for those Conseillers required to stand down at the Election, will end at midnight on Thursday, 10th January 2019, and the successful candidates at the Election will be sworn into office on Friday, 11th January 2019, with their term of office ending on 11th January 2021.

The dates that I have given you will be confirmed in the Election Ordinance, to be approved at the Michaelmas Meeting, to be held on 3rd October this year.

**Procedural –
Electronic devices**

135 **The Speaker:** 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 for Chief Pleas Members in accordance with Rule 18.

**Procedural –
Changes to the Agenda approved**

The Speaker: I am going to propose changes to the Agenda, which I will put to the vote. I now propose that we take Items 21 and 22, dealing with matters arising from the Extraordinary Meetings of 23rd November and 7th December 2017, before Item 1. They were
140 circulated as late filed items.

I have been asked by parents of some of the children at the school to bring Item 14, 'Education Review and Activity' forward in the Agenda, and propose that this Item will be taken immediately after Item 4.

145 In accordance with the Rules of Procedure, I put these changes in the Agenda to a vote. Those in favour; are there any against?

Thank you.

Business of the Day

21. Extraordinary Meeting, 23rd November 2017 – Matters arising

Matters arising from the Extraordinary Meeting held on 23rd November 2017.

The Speaker: Agenda Item 21, Matters arising from the Extraordinary Meeting of Chief Pleas held on Wednesday 23rd November, 2017. Are there any matters arising?
150 Conseiller Sebastien Moerman.

Conseiller Moerman: Thank you, sir.

I have been asked today to make this verbal statement in respect of statements made at the Extraordinary Meeting on 23rd November 2017. Looking at *Hansard* these are the following, first at item 425, Conseiller Guille stated the following:

155 This Report is well behind the curve. The F&R Committee were informed by the Treasurer at the beginning of this year that she was to resign at the end of the year and very little has been put in place to fill the role on her departure.

Well, the Treasurer role is in fact the responsibility of the Policy & Performance Committee and the Treasurer kindly gave this statutory committee a notice of 18 months of her intention to retire.

Second, at item 435, Conseiller Guille further stated the following:

It seems to me that insufficient regard has been made to improving the Treasury skills of the current Deputy Treasurer by the Committee in the past 11 months.

160 Well, it is not clear to me which committee Conseiller Guille is referring to here. However, the Treasurer had spent at least one afternoon every week training, supervising and checking the work of the Deputy Treasurer, who is not a qualified accountant, since her appointment. And over Wendy's last 12 months in post she kindly drafted a comprehensive manual of all the Treasurer procedures and handed it over to the Deputy Treasurer.

Thank you.

165

The Speaker: Thank you.

Are there any other matters arising?

22. Extraordinary Meeting, 7th December 2017 – Matters arising

Matters arising from the Extraordinary Meeting held on 7th December 2017.

170 **The Speaker:** We move on to Agenda Item 22, Matters arising from the Extraordinary Meeting of Chief Pleas held on Wednesday 7th December 2017. Are there any matters arising from that?
Conseiller Reginald Guille.

175 **Conseiller Guille MBE:** I would wish to raise an issue under Item 4, Role of the Treasurer at page 12, line 245. I quoted from advice received from the Law Officers that the role of Treasurer of Sark should not be unfilled for any great length of time, and they suggested that six months was probably the maximum to hold the vacancy. I am disappointed there is nothing on this Agenda regarding the filling of the role at this meeting. However, after what Conseiller Moerman has just said about the earlier meeting, it may well be that that is now a P&P responsibility and not an F&R responsibility, in which case I am sure that P&P will start looking at it.

180 That six month stay of grace ran from 1st January, and therefore should not be filled later than 1st June. I therefore request that the F&R Committee, or the P&P, address this issue and come to Chief Pleas with a proposal to fill the role of Treasurer at the Midsummer Meeting. I would remind Members that Mrs Kiernan's period of oversight ends on 30th April, in less than three weeks, and she has tendered her notice to that effect.

185 And, once again, I would echo the thanks to Mrs Kiernan for her work as Treasurer.

Continuing with that same Item, the report to Chief Pleas said:

That a suitable qualified and experienced person, a Chartered or Management Accountant, is engaged from off-Island for an average for an average 4 days per month for up to 6 months at a rate of £450 per day to work for Chief Pleas, managed under a terms of engagement arranged by the Senior Administrator...

190 Well, that six months expires on 1st June, or soon after, depending on the date of engagement set out. However, as far as I am aware, the person contracted started work immediately. Once again, there is nothing coming forward at this meeting into the role and therefore I assume that the role will end on or about 1st June. No money has been voted by Chief Pleas to extend that role, which was approved by Proposition 3 of that report.

Thank you.

The Speaker: Are there any other matters arising?

**1. Christmas Meeting, 17th January 2017 –
Matters arising**

Matters arising from the Christmas Meeting held on 17th January 2017.

195 **The Speaker:** In that case we move to Agenda Item 1, Matters arising from the Christmas Meeting of Chief Pleas, held on Wednesday 17th January 2017.

I have two comments: on page 41, towards the end of line 1,553 the word ‘prepare’ should be ‘prefer’.

200 On page 47, the Mali (Restrictive Measures) (Sark) Ordinance, 2017, I should have announced that that Ordinance, which was laid before Chief Pleas, has been numbered XVII of 2017.

Are there any other matters arising? Conseiller Reg Guille.

205 **Conseiller Guille MBE:** I have been asked by a member of the public to clarify the words that I spoke under Item 10, page 32, at line 1155. It was suggested to me that my words could be misconstrued as being that views from outside Chief Pleas were not welcomed in our democratic society. I would wish to assure everyone that was certainly not my intention, and not the way that I meant it to be read. What I said was in relation to trying to get more people to stand for Chief Pleas and to contribute to our democracy that way.

210 Views expressed to Conseillers – and we have had many in the last month or so – are often from very different ends of the spectrum and it is an important part of any democracy for the law makers and legislators to listen to the views of the electorate, no matter how they are expressed. If anybody else inferred that I was discouraging debate, I would like to firmly put on record that I was not, and I was attempting to encourage more people to stand for Chief Pleas.

Thank you.

215

The Speaker: Thank you.

Are there any other matters arising?

**2. Questions not related to the Business of the Day –
Chairman of the Douzaine – Question by Conseiller Moerman**

Questions not related to the Business of the Day.

220 **The Speaker:** In that case we go to Agenda Item 2, Questions not related to the Business of the Day, a question to the Chairman of the Douzaine from Conseiller Sebastien Moerman, regarding La Coupée’s public toilets.

Conseiller Sebastien Moerman.

Conseiller Moerman: Thank you, sir.

225

It is getting very repetitive for me to quote, again, the following items in the F&R mandate:

c. To regulate and control the financial and resource (employees, property, equipment etc.) related affairs of Chief Pleas.

And:

j. 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.

230 I will not go into quoting Donald Rumsfeld and the known, unknown, but we could apply the same to the foreseen, unforeseen. After the incinerator shed, after the slaughter house, public toilets are appearing at La Coupée. I am concerned that this increased expenditure has never been approved by Chief Pleas.

235 The Douzaine obtained in principle approval for a project at Easter Chief Pleas 2016, Agenda Item 22, and were instructed by Chief Pleas to report back to a future Chief Pleas for cost of a proposed project. That reporting back process never happened and consequently the capital expenditure on the project has never been approved by Chief Pleas. Further, as capital expenditure is outside the scope of a revenue budget for a year, the capital expenditure has not been given the consent of the Lieutenant Governor, as required by section 61 of the Reform Law, which states:

No expenditure shall be incurred otherwise than in accordance with the Budget, as approved pursuant to section 59, except with the consent of the Lieutenant Governor.

240 I do appreciate that part of the funding for the project is available from other sources but, in my opinion, that does not affect the procedures that should have been followed.

245 My question is therefore the following: despite funding not being approved within the 2018 budget for this project, this project has been initiated – at what stage is it today? What the costs will be that fall due to the budget of the Sark Government in 2018? What committee budget is expected to manage this financial burden and what budgeted plans will have to be removed or reduced as a result to ensure that the budget does not overspend in 2018?

Thank you.

The Speaker: Thank you.

Conseiller Edric Baker to respond.

250

Conseiller Edric Baker: Thank you, sir.

255 I am frankly astonished to receive these questions, and I wonder what the motivation is. Possibly more control of operational committees, to cause mischief, or even to embarrass the Committee. I quote from the email received from F&R on 23rd February, 'Or an alternative method of funding such as reprivatizing funds from the existing Douzaine budget.' Reluctantly, that was a course of action that we took. In other words, there is no extra funding from the budget.

260 There were two reasons we felt the project had to go ahead this year: the lengthy process of alienation of land from Mr Couldridge was in fear of being lost, and we could not let the long-suffering tourists of this Island continue having to use cliff paths and fields near the Coupée as toilet facilities. Yes, there will be a knock on effect on the amount of gutter and road maintenance that we can manage this year, and this is partly due to the removal of £30,000 already from the Douzaine budgets by F&R.

The project, at the moment, is up to the stoning stage, the stone masons will be coming in very shortly and it is ready to have a roof put on.

265 Thank you, sir.

**3. The Election of Conseillers 16th May 2018 –
Policy and Performance Committee Report considered –
Proposition carried**

To consider a Report from the Policy & Performance Committee entitled 'The Election of Conseillers 16th May 2018' and to Approve the Ordinance entitled 'The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2018'.

Proposition:

That Chief Pleas approves the Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2018.

The Speaker: In that case, we move to Agenda Item 3, to consider a Report from the Policy & Performance Committee entitled 'The Election of Conseillers 16th May 2018' and to approve the Ordinance entitled 'The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2018'.
Conseiller Stephen Taylor to introduce the Report.

270

Conseiller Taylor: Thank you, sir.

As Conseillers will know, when there are three or more vacancies on Chief Pleas, then a By-Election needs to be held. Following discussions with the returning officer to ask for a suitable date, the agreed date for the By-Election will be on Wednesday 16th May and I ask that Chief Pleas approves the Ordinance to undertake this By-Election.

275

Thank you, sir.

The Speaker: Thank you.

Does anybody wish to comment? In that case, we will go to the Proposition that Chief Pleas approves the Ordinance entitled the Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2018. Those in favour; are there any against? That is **Carried**.

280

**4. Conseillers Tenure of Office –
Policy and Performance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy & Performance Committee entitled 'Conseillers Tenure of Office' and to Approve the Ordinance entitled 'The Conseillers (Tenure of Office) (Sark) Ordinance, 2018'.

Proposition:

That Chief Pleas approves the Ordinance entitled 'The Conseillers (Tenure of Office) (Sark) Ordinance, 2018'.

The Speaker: We go to Agenda Item 4 to consider a Report with Proposition from the Policy & Performance Committee entitled 'Conseillers Tenure of Office' and to approve the Ordinance entitled 'The Conseillers (Tenure of Office) (Sark) Ordinance, 2018'.

285

Conseiller Reg Guille to introduce the Report.

Conseiller Guille MBE: Thank you, sir.

I have nothing to add to the Report and ask that the Ordinance be approved. However, I am happy to take any questions that Conseillers may have.

290

Thank you.

The Speaker: Are there any questions or comments?

In that case, we will move to the Proposition that Chief Pleas approves the Ordinance entitled the Conseillers (Tenure of Office) (Sark) Ordinance, 2018. Those in favour; are there any against? That is **Carried**.

295 This Ordinance will be numbered III of 2018.

**The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2018 –
Number II of 2018**

The Speaker: I think I perhaps omitted to mention that the previous Item, the Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2018, that Ordinance will be numbered II of 2018.

**14. Education Review and Activity –
Education Committee Report considered –
Propositions 1-4, 7-8 and 12-14 carried;
Propositions 5-6 and 9-11 carried with amendment**

To consider a Report with 14 Propositions from the Education Committee entitled 'Education Review and Activity'.

Proposition 1:

That Chief Pleas approves the appointment of Mrs. Sarah Cullen as the Island Safeguarding Officer

Proposition 2:

That Chief Pleas approves the establishment of the Multi-Agency Safeguarding Hub and directs the Education Committee to oversee the appointment of the relevant Designated Safeguarding Leads from each agency.

Proposition 3:

That Chief Pleas directs the Education Committee to approve the purchase and implementation of 'MyConcern' (a Safeguarding Software Package) at a cost of £360 per annum for a three-year contract, with free of charge on-line training and an option to purchase face-to-face training on Island each year at a cost of £145.

Proposition 4:

That Chief Pleas directs the Education Committee to instruct the Law Officers of St. James' Chambers to draft an appropriate amendment to the Education (Sark) Ordinance, 2003 to stipulate that the school leaving age changes to 16 years with compulsory schooling extending to the last Friday in June, in the academic year in which the student is 16 years old, or the date of the student's last examination, whichever is sooner; and allows for optional education for 3 and 4 year olds to commence at the beginning of the seasonal term (September, January or April after their 3rd birthday).

Proposition 5:

That Chief Pleas directs the Education Committee to appoint an Interim Director of Education.

Proposition 6:

That Chief Pleas directs the Education Committee to empower the Interim Board of Education to begin to fulfil its role alongside the school and the Interim Director of Education to ensure progress between April and September 2018; and to establish a Full Board of Education in accordance with the proposed constitution by October 2018.

Proposition 7:

That Chief Pleas approves changes to the Education Committee Mandate as detailed at Appendix 1b.

Proposition 8:

That Chief Pleas agrees the appointment of the successful candidate (Crispin Heartford following the interviews on the 17-19 March 2018) as Head of School commencing 1st September 2018 on a fixed-term contract for 3 years, with an option to apply for a further 3 year term, subject to recommendation from the Director of Education and the Board of Education, and approval from the Education Committee.

Proposition 9:

That Chief Pleas directs the Education Committee to ensure the Interim Director of Education, Head of School and Interim Board of Education to work alongside the school to plan, implement and monitor the changes outlined in the Review for September 2018, to ensure that the pupils' education is not adversely affected by miscommunication or organisational problems and that all stakeholders are fully informed of the changes being made and the timeline for their implementation.

Proposition 10:

That Chief Pleas approves the creation of an administrator position to support the Interim Director of Education and Head of School (on appointment); and act as Clerk to the Board of Education (3-5 hours per week) from April 2018.

Proposition 11:

That Chief Pleas directs the Education Committee to instruct the Interim Director of Education to continue negotiations with the Education Department in Guernsey; and that members of the Education Committee together with the Interim Director of Education meet with Guernsey officials to further the arrangements for young people aged 14-16 years (Year 9, Year 10 and Year 11) to access education in Guernsey.

Proposition 12:

That Chief Pleas directs the Education Committee to report to Summer Chief Pleas with accurate costings and a full proposal regarding the education of young people beyond 13 years for September 2019 onwards.

Proposition 13:

That Chief Pleas directs The Education Committee to submit a draft Education Policy and Development Plan no later than the Midsummer Chief Pleas.

Proposition 14:

That Chief Pleas directs the Education Committee to submit a draft Island Safeguarding Policy to Chief Pleas no later than the Midsummer Chief Pleas.

The Speaker: We now jump to Agenda Item 14 to consider a Report with 14 Propositions from the Education Committee entitled 'Education Review and Activity'.

Conseiller Antony Dunks to introduce the Report.

Conseiller Dunks: Good morning.

305 The Report before you from the Education Committee and the supporting Report from the Implementation Manager are here for your debate and discussion, and hopefully approval.

The process of how we have come to be at this point is covered in the first page of the Report, I do not intend to go through it again.

I will go straight on to the first matter that in the Report there is a requirement to change one of the words on the first page, line 1 of paragraph 6, I quote:

Attention is drawn to Proposition 5, the appointment of a [Director of Education.]

310 It should be an Interim Director of Education, so please insert the word 'Interim.' This will have a knock on effect to Propositions 5, 6, 9, 10 and 11, to cover the Interim Director and the Interim Board of Education, which was an oversight during the drafting of the Propositions. We will cover those again nearer the Propositions themselves, which will see that where the word 'Director of Education' appears, as I say in Proposition 5, it should read 'Interim Director of Education' and the same goes on for 6, 9, 10 and 11 and also for the Board of Education.

315 Conseillers will be aware of an email circulated widely by Mr Robert Cottle regarding events surrounding previous work done by Beverley Gates, the Interim Manager. I have already circulated my email response and would now wish to read it for the attending public: 'Ms Gates changed her name following her divorce in 2017, whilst working for REAch2. She resigned from her role, as Chief Executive Principal at the Ridings' Federation of Academies, not as a result of an internet petition, but because she refused to reinstate a member of the teaching staff who had been appropriately suspended for a serious safeguarding breach. Nor would Ms Gates, in her role as Chief Executive Principal agree to unreasonable union demands which were contrary to the basic educational needs of the students and the requirements of the Ofsted inspection, such as planning, teaching and marking of students work.

325 Ms Gates was not the head teacher of the Yale International Academy during the academic year 2015-16, nor at the time of the inspection, having already resigned. The Ofsted Inspection Report for Winterbourne International Academy, from 2015, details the role and positive influence of Ms Gates, whilst making reference to the safeguarding issues that were being investigated and linked to the later suspension of the teaching staff member. There was a great deal of misreporting from the *Evening Post* that was then repeated in other newspapers. The misreporting in the *Evening Post* was subject to a successful press complaint that saw many things removed, changed or in receipt of a printed refraction. Unfortunately, the actions for redress do not apply to secondary reporting.'

330 Back to my report: I have asked that if Conseillers are intending to ask questions as part of this Item that I have sight of them beforehand so I may prepare a response. Any questions regarding proposed future budget and the assumptions made in drawing up that proposed budget, may I direct towards Conseiller Mallinson.

340 In previous years, when a staff vacancy has arisen, the Committee have come to Chief Pleas seeking unforeseen expenditure to cover advertising and removal costs. On this occasion, the Committee have tried to cover costs associated with the recruitment of a Head of School from within its budget. The requirement for half of the cost for the Implementation Manager to be borne by the Committee has consumed any remaining cost savings. This, along with the need to recruit two new members of staff, will require that the Committee will need to ask for unforeseen expenditure. The Committee has not brought such a report to Chief Pleas this time, as the total figure required is not yet known, as the recruitment process is ongoing. And the Committee did not wish to be in the position of having to come to Chief Pleas on more than one occasion as the final figure became known.

350 Regarding Proposition 8, the new Head of School is to be Crispin Heartford, though he signs his emails as Cris, without the 'h'. Mr Heartford is currently based in St Austell, where he is the

Assistant Principal of the Penrice Academy. In moving to Sark, Mr Heartford will be bringing his family, including his three children, who will all join the Sark School. Mr Heartford will be visiting Sark over the weekend of 18th to the 21st May as part of the second stage interviews for the new teaching posts.

355 Finally, for this introduction, Conseillers will be aware that I have tendered my resignation as Chairman and member of the Education Committee, effective as at the end of this Item. I believe I have taken this Item as far forward as I am able, and now is the time to move on. Whoever takes over this role has a road map of what needs to be done, by whom and by when, as detailed in Appendix 6 of the Report.

360 That concludes my introduction.

The Speaker: Thank you.

Conseiller Dunks: I now let people debate, discuss and ask questions.

365

The Speaker: That, with respect, is my job, of course! (*Laughter*)

Questions from the floor for debate, Conseiller Ventress. Is there anybody else? I have got Conseiller Anthony Ventress, Conseiller Diane Baker and Conseiller Jane Norwich. (*Interjection*) I have now got Conseiller Pauline Mallinson and Conseiller Sandra Williams, anybody else?

370

Conseiller Anthony Ventress.

Conseiller Ventress: First I would like to ask – nay pray – Conseiller Diane Baker to reconsider her decision to resign from the Education Committee. She has had many years of experience, which will be sorely missed. I can understand Conseiller Dunks, as Chairman, wishing to resign after putting in many hours of hard work in implementing and moving forward the recommendations of the REAch2 Report: bringing it to Christmas Chief Pleas and then having to face a very hostile parents' meeting, resulting the next day in a petition, from a section of the parents, demanding our immediate resignation.

375

We are today faced with a long, detailed Report, with six Appendices, plus a number of emails from ex-Conseillers and members of the public, also verbal communications by phone and in the street, raising serious concerns about the way forward, the costs, the lack of consultation together with the excessive speed with which this is being pushed forward.

380

The safeguarding Propositions 1 and 2 pose no problems.

But with Proposition 3 concern has been raised over the costs relating to the software packages, and are they needed?

385

Proposition 4: the raising of the school leaving age to 16, which fits in with UK and Channel Island practice, but has raised concerns with a section of the parents who do not wish their children educated off Island, who also feel that children would be better leaving at 15 and learning a trade on Island.

390

Proposition 5: we have to go forward with.

Proposition 6: many are questioning the cost of the Board of Education and is this just another layer of unnecessary bureaucracy for such a small community?

Proposition 7, on the constitution: I am going to propose to add bullet point three – a parents' representative, chosen by those parents who currently have a child or children at Sark School. Secondly, a second parent representative who has a child or children educated off the Island. Under mandate 1, the second line, delete 'of' and add at the end, 'education that is at least as good as one they would receive in the UK, whether it is provided on Sark or elsewhere.' This tidies it up and removes the footnote, in very small type.

395

Proposition 8: yes.

400

Proposition 9: there is a serious lack of communication, both within the Committee and with other stakeholders. Witness the email of 7th April from Sarah Cottle citing a lack of any information re on-Island interviews of prospective teachers and probable disruption of class work.

Two members of the Committee plus one non-voting member on publication of this Report requested an urgent meeting of the Committee to discuss it and our actions as, 'I cannot present
405 a Report written mainly by someone outside the Committee.' There has been no meeting and thus there remains unresolved questions within the Committee. In actual fact, we did have a meeting with the head teacher on Monday, but there are still unresolved questions within the Committee. This does not show us in a good light.

410 Proposition 10: costs of £3,240 in the first part year, coming up to £5,438 for the full year, rising with inflation.

415 Proposition 11: I personally, for the years I have been on Sark, am fully in favour of all Sark children receiving their secondary education off Island, except possibly for the rare child who has extra special needs where it would not be suitable to go off Island. I have listened to, and read emails, from parents who for one reason or another, either financial, personal or wellbeing of the child. Some feel that if the child is educated off Island the child will prefer to remain in the 'bright lights'.

420 Proposition 12: the very first question is over a Sark house, which is assumed to be funded philanthropically. If this is so, is the funding a pure gift? A reversionary gift, i.e. it returns to the donor when Sark has finished with it? A gift with strings; overt or covert? We have to remember the Island Hall gift of £200,000, which the donors demanded back for spurious reasons, even going to court. There are costs relating to the house in Appendix 5, which seem to be questionable – £3,000 in the first year, rising to £16,000 in the third year. In Appendix 5b, Alderney children attending Guernsey schools are boarded with families at a cost of £22 a day, or £5,544 a year per child. Sark has parents' salaries shown at £26,000. Is it realistic to expect a couple to have the
425 responsibility for the children 24/7? And remember, if something happens to a child at school the house parents will be contacted, possibly to collect said child from school or hospital, in addition to day-to-day running of the house, providing two or three meals a day – £26,000 is totally unrealistic; £35,000 is more appropriate, and even that, I think, might be on the cheap side. House parents will be liable to Guernsey tax and insurance. They will need a Guernsey driving licence.
430 The car is shown at £3,000. My research before Christmas showed a minibus would be in the region of £5,500. With one house there is the problem of the segregation of the sexes. Will house parents be responsible for all the housework, including making the beds or will the children, hopefully, carry out some of it?

435 Propositions 13 and 14: we must, I suppose, but it would be a rush and things done in a rush end up in a mess.

The Speaker: Thank you.
Conseiller Diane Baker.

440 **Conseiller Diane Baker:** I could not stand up here and support a Report, presented by the Education Committee, on which I had no input. I cannot answer any of the questions on the Report. To my knowledge, the Education Committee has not met with Beverley Gates, so none of this has been discussed. I accept I had an extended break from home, and expected to be a little out of touch, but not to be ignorant of this Report.

445 The Propositions need to be debated by Chief Pleas, but should have been debated by the Committee first. I will be voting against some of the Propositions that, in truth, I have nothing against, but they do need to be thought out and debated properly.

450 Proposition 1: Mrs Sarah Cullen is, I am sure, as the Report says, fully qualified for the position of Island Safeguarding Officer, but the Committee has not discussed this position, which follows on to Proposition 2: the establishment of a Multi-Agency Safeguarding Hub. We have a Children's Protection Panel which works closely with Guernsey and the services here on Sark: the doctor, the Constable and the school. You may not be aware of what happens with the panel but that is because they are discreet. The members are there because of what they can offer, which in one case is 30 years' experience in child protection. So until we have debated this, or the new

455 Education Committee debates it, and they themselves propose the change, I shall be voting *contre*
on Proposition 2.

I am all for the change in the leaving age but, again, not until we feel we have debated this
thoroughly. There is no hurry to push this through. No one is being pushed out of school at 15,
460 the children have stayed to do what they needed to do. I need more thought on the starting age
and will keep an open mind for the moment.

Propositions 5, 6 and 7 have, again, not been debated by the Committee or Chief Pleas, but I
will happily be guided by debate.

Proposition 8: I had nothing to do with this, understandably. But I gather that due process was
good, lots of interested parties involved, including the children, and everyone who took part was
465 in agreement with the successful candidate, so I will vote for this appointment.

Proposition 9, I quote:

...to ensure that the pupils' education is not adversely affected by miscommunication or organisational problems
and that all stakeholders are fully informed of the changes being made and the timeline for their implementation.

It is rather a shame that this is not in place right now. It would seem some plans are made for
teaching applicants to attend school as a part of their job application, with no consideration given
to the school staff in the Sark School. The Implementation Manager seems to make plans without
470 informing the Committee or school.

Proposition 10: I will not support this right now.

Proposition 11 should, in my view, read that, 'Chief Pleas directs the Education Committee to
negotiate with the Director of Education in Guernsey.' I could support this, but only if the Director
of Education was taken out. The Committee can do as it sees best and can, if they wish, make
475 appointments and invite whoever they think ought to attend.

Good luck to any committee that has to deliver 12, 13 and 14 by Midsummer Chief Pleas.

Beverly Gates drew up this Report and has not included the Committee in her thoughts. I
want to do what is best, and many parents have faith in Ms Gates, so I would like to keep her
involved in education on Sark, for the moment. But Ms Gates must work with the Education
480 Committee.

Just before I finish, I would like to say about the Education Review and Activity Paper, Appendix
5b. Some of the numbers simply do not add up, and as has been pointed out to us already, do we
really expect one parent to be paid for lunchtime duty while another is not? I know a volunteer
basis is suggested, but I suspect that will run dry very soon. But more than that, under the
485 Guernsey accommodation costs, the numbers simply do not make sense to me. Under some
discussion or debate, there is a chance I could have it explained better and understand better, but
having two young teenage grandsons, £25 per child, per week, for food would not keep the hunger
pangs at bay, even shopping at supermarkets for a large family. I am more than capable of good
housekeeping, with cheaper joints and larger pots, but this is not reasonable. There is a lot more
490 to discuss and debate and I am happy, and I would like to see us do this together.

The Speaker: Thank you.
Conseiller Jane Norwich.

495 **Conseiller Elizabeth Norwich:** I too have been very concerned over this review and the steps
we are taking. I am very concerned about what has been said and written in recent weeks. I am
particularly concerned about the facts and the factual inaccuracies that have been spread about.
And I am concerned about the wide ranging opinions we have on the Island. But I am not going to
look back and I am not going to judge. I want to listen hard today, but my decision over my voting
500 will be I am voting for September, for the first day of term, wanting our children to want to go to
school, to be enthused about learning.

After all this pain we are feeling now is over, whatever the result is, it will be behind us. I asked
for a review with a way forward for the education on Sark. I was not asking for a system that

505 matched my opinions, I asked for evidence based recommendations for the future, and I think that is what we have with the review and what is being put forward today.

September is not our future – it is the future for Sark children. Our new Head of School, that hopefully will be voted through today, said at interview that his 100 days started the day he set foot on Sark. He was already preparing for the future of our children on Sark. I feel uplifted by that and hopeful too, and I wish to support him in his new role and not make it any more difficult for him. He brings his wife and children; he has got faith in our future, in our children’s future. We are preparing too for that future and I shall be voting for children today.

The Speaker: Thank you.
Conseiller Pauline Mallinson.

515

Conseiller Mallinson: Thank you, sir.

I wanted to start by making a few points about the finance spreadsheet, which has already been referred to. It has been pointed out by some emails before the meeting that there are a number of errors in the spreadsheet, or inconsistencies. I apologise for these and will correct them as we move into the actual budgeting process. Those are mostly, though, in terms of addition errors or differences between the assumptions and figures.

520 In terms of the Guernsey house I think some of the comments that have been made have assumed that the thinking on the Guernsey house is much further forward than it actually is. There is no offer on the table that says it will be clawed back at the end or it will not. It is merely stating that the belief, at this stage, is that we should not be asking the Government to fund a Guernsey house, that we should be looking for other sources of funding for it.

530 What therefore the spreadsheet does, in the early years, particularly while there are small numbers of children, is look to using some arrangement of host families in Guernsey. The figures I used for that actually came from the Guernsey department who currently organises accommodation for Alderney children in Guernsey, so that was the source of those figures. When we come to the figures for house parents, again, we are talking about one of the parents being employed as a house parent and the other one being free to follow their own occupation, which is one of the points we have to negotiate with Guernsey on to allow for that to be able to happen. So the salary is not actually a salary for both house parents, it is for the lead house parent.

535 The main point I wanted to make is that I have made a lot of assumptions and an actual figure, particularly on tuition in Guernsey, will be discussed when we meet with politicians, but we expect that it will actually be significantly lower than the assumption I have put into that spreadsheet at the moment, but I could not put anything in there at this stage because the discussions are ongoing.

540 Secondly, I have had a number of different comments from people about what it would cost parents for secondary education. For the purposes of the spreadsheet, I made some assumptions about what parents might be asked to contribute, but it is for the Education Committee to recommend and for Chief Pleas to decide what the actual figures should be. For instance, a parent has raised concern with me that if they had two children in Guernsey at the same time they would struggle to afford the accommodation contribution that is in the assumptions. Chief Pleas could consider whether, in those circumstances, it would be reasonable to ask the parents only to contribute for the first child. A charging policy is one of the major policies that needs to be developed over the next few months.

545 And that brings me on to the slightly more general points that I would like to make. If you have patience with me, I would like to just quickly raise a couple of quotations out of the original review report:

...there is no [formal] appraisal or development process for any member of school staff.

Expectations for the monitoring and evaluation of education are currently limited.

There are no clear lines of accountability and/or responsibility for the outcomes of young people evident in policy or practice.

And:

The school does not have the suite of policies that would be expected...The lack of policies limits the information available to stakeholders, and fails to embed high expectations or support consistent practice amongst school staff.

555 A number of Conseillers, in the emails before the meeting, have expressed the view that, at the moment, we just need to appoint three new teachers and not rush in to anything else. This really, I believe, is not the case. As I have tried to demonstrate by the quotations I gave you, the review report highlighted that the systems whereby we support our teachers and education need radical improvement to provide support and accountability to the teachers. Just bringing in new teachers, without at the same time addressing the more fundamental problems, will not give us the excellent education we all want for our children.

560 There does seem to be fairly general agreement that we need a Board of Education. This was recommended to be responsible for the strategic lead of all education provision located on the Island of Sark, and is a very normal way of running a school, through a board of governors, rather than a government or local authority running that school directly, but unless we appoint a Director of Education who will provide the professional guidance and knowledge to that board?

565 The role of the part-time Interim Director of Education was recommended to be to take responsibility for education on Sark and off Island and act as guide to the Education Board on Sark. This is an essential part of the overall system and we should not ignore or delay it. Those of you who attended the presentations of the review, back in November, may remember the image of the wall that was put up then – we leave out those bottom bricks at our peril. The Propositions here – that perhaps have been discussed to defer – are part of those foundations that we need to move the education system forward.

570 Finally, I would like to ask Conseiller Dunks if he could perhaps address some of the comments that were made by Conseiller Ventress and Conseiller Baker because I am concerned at the feeling that Ms Gates did not keep the Education Committee informed of what she was doing. My understanding was that, through the interim work and planning that she has been doing, she was reporting to the Education Committee and I thought was in contact on a regular basis, certainly with the Chair of the Education Committee. So I would be grateful if Conseiller Dunks could comment on that point.

580 **The Speaker:** Thank you, Conseiller Mallinson.
I will be calling Conseiller Dunks to wind up the debate at the end.
Conseiller Sandra Williams.

585 **Conseiller Sandra Williams:** Thank you, sir.
My first question is that I am concerned – I have sent an email out to all the other Conseillers and they have not replied to me – that at the Meeting of Chief Pleas at Christmas we were asked ... the REAch2 review has not been adopted or discussed or debated in any depth by Chief Pleas, the review has merely been noted. And then Pauline Mallinson quotes 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 there is a lot of further detailed work 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 the Easter Chief Pleas. So the Proposition was:

590 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**.

595

Other Propositions carried at that meeting related to the safeguarding and appointment of the Head of School have now been completed or partially completed, some changes have been adopted. The Proposition before the Easter meeting go further and would allow the implementation of aspects of the review that has neither been debated nor adopted by our Government. I just wanted to make those two points.

I also would like to say that, although people may think I am not in support of this, I agree that our children deserve the best education we can offer them. Some of these Propositions are still in the very early stages of transition and I will struggle to vote for them, the majority of the ones that Conseiller Diane Baker has already brought to your attention. Nothing has been finalised with Guernsey, so to start changing our law now seems highly inappropriate.

I am 100% aware how important education is, but I foresee some serious financial implications for parents and taxpayers. We have already heard today, from Conseiller Mallinson, that if you have got two children going away to Guernsey and you cannot afford it then the Government will fund the second child – maybe. Until we have had definite costings it is impossible to vote.

We were told at Michaelmas that it would be dealt with in stages. But, no, now we are met with a raft of Propositions at one meeting. As I have said, I have my concerns and feel I cannot vote certain things through, not because I do not necessarily agree in principle with them, but because I think we are being rushed and things have not been thought through properly. I have expressed my thoughts on the secondary education in Guernsey before, and none of the parents with older children seem that committed to the scheme and feel they have been side-lined. I would like to suggest that before we commit to this more thought needs to be given to it. Surely, by the age of 14 it would be a great upheaval to move just as you are starting your GCSEs. Children start studying and making their choices at 14 for what GCSEs they are going to do and I think that some of the children will struggle moving into Guernsey schools, if they do go to Guernsey school, they will not have had the broad spectrum of education that Guernsey children are having and I think they will struggle to be able to pick which subjects they would like to do at GCSE level. Anyway, I am going to leave it there for now.

Thank you very much.

The Speaker: Thank you.

Is there anybody else that wishes to speak? I have Conseillers Cormac Scott, Sam La Trobe-Bateman and Stephen Taylor, was there somebody else? Reg Guille. Is there anybody else?

Conseiller Cormac Scott.

Conseiller Scott: Was it last November when the review into education was published? We were terrified by the state of the education on this Island, and nobody had asked the parents. The parents were the only ones who were fully in support of this review. Even in Chief Pleas we debated whether or not it should be done outside or whether we should let the Education Committee do it. Education rightfully said, 'No, this has to be impartial.' The results came back and now everybody is afraid to move on, and that just stuns me.

This is not just about the education of children. This is about the education of Sark, it is about the future of Sark, it is about the future investment in Sark. I think, picking through the policies – and if you read these policies carefully a lot of these cannot be decided today – we are allowing them to happen, to actually start. Those debates will then happen further down the line, but the ones that need to be passed: the raising age has to be done because by the time that gets implemented it will be far too late. If we refuse that one now it will be 10 years before that gets resolved.

Like a lot of things in Sark, we are afraid to go forward. We need to move now, get the process running and then in five years' time we will be ready for when everything does hit. I do understand the concerns of some of the parents, they are concerned about the money, but that debate will be raised later on. We, as an Island, will have opportunities and options to find investment, to find

a way to get all our children educated, but we owe it to the parents, we owe it to the parents we have let down in the last previous 10 years.

650 I for one will vote every single one of these Propositions through, and I think Sark would be insane not to, for its own future, and that is all I have got to say. *(Applause)*

The Speaker: Thank you.

Conseiller Sam La Trobe-Bateman.

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

It is very clear from the Report that Sark cannot offer a secondary education properly, so by not doing it we can then concentrate on primary education for Sark and for the children.

660 A lot of these Propositions proposed today are not part ... They are getting the ball rolling for the secondary part of Island education, but most of them are to get the first stages done. We need procedure, we need policy, we need lesson plans, we need everything set up ready for September and these have to be implemented by the people that have been doing it. Ms Beverley Gates, she is already running, she is already doing this, so she can create something that we can move forward. Otherwise come September, we will have nothing and we will be back to the school that we were before, which we know does not work.

665

The Speaker: Thank you.

Conseiller Steve Taylor.

670 **Conseiller Taylor:** I am very much repeating a bit of what has been said here, but also it is the same thing as Cormac Scott as well, that Propositions 12, 13 and 14 are not asking we make decisions at this moment about secondary education or about budgeting or about cost; it is about enabling the whole process to be researched, to come back to a future meeting to give us a far more detailed plan which will have followed consultation with parents, stakeholders and the new head teacher.

675 The only one that I think, at the moment, I could suggest is a change to Proposition 4 about instructing the Law Officers to raise the leaving age to 16. Bearing in mind, as I understand it, there will be no children undertaking GCSEs in the year 2018-19, this is perhaps something that could probably be held back a little bit to see how it fits in with ... if you must go off Island for education who maybe has to stay on Island and how that fits in to the whole process.

680 But apart from that, I support every other Proposition on the Paper.

Thank you.

The Speaker: Thank you.

Conseiller Reg Guille.

685

Conseiller Guille MBE: I have written to the Committee asking why there was no Proposition for appointing Beverley Gates as the Interim Director of Education, and that was answered by Conseiller Dunks in his introduction. They are going to be proposing changes to some of the Propositions in that regard.

690 However, I thought the role of the Implementation Manager, one of the primary roles, was to identify and have appointed a Director of Education. Back in November, when we had the presentation by Beverley Gates, she categorically said she would not be the person implementing the work of the review. Then at Christmas – and there was some reluctance in the Chamber – we agreed that she would become the Implementation Manager. We have now tracked forward a bit; there is no identified Director of Education so we are going to be appointing an Interim Director of Education if we go along with the Propositions today.

695 I would like to ask the Committee why there has been no movement by Ms Gates on the Director of Education front?

700 Proposition 4, which is dealing with the raising of the school leaving age: if this is approved today, and there is eventually no deal with Guernsey to send our children into their system, I would like some comforting words from the Education Committee that matters are progressing with that. There was something in the additional report about it, but we do not have a huge, great confidence at the moment that Guernsey are going to allow us to send our children to their school. So if we raise the age to 16 now, and we have no agreement to go to Guernsey, that means that
705 the Sark children will be funded for education until the age of 16, because once we have changed the law we are very unlikely to go back. So, as with others, I would say that is the Proposition we do not need to do right now because we do not have the information as to what is going to happen to our children at 16.

710 Propositions 5 and 11 are interlinked, 11 is dependent on Chief Pleas having appointed the Interim Director and Proposition 5, Conseiller Dunks spoke about that.

715 The new Education Mandate: in Appendix 1c, it says that the Committee is four politicians and that the Director of Education is an advisory position only. So Appendix 1c says that the Committee is four politicians and that the Director of Education is an advisory position only, whereas in the Mandate it gives the Director of Education and the Chair of the Board of Education *ex officio* roles. This needs to be reconciled.

And I just ask a question on lunchtime supervision, is it the intention that children will be allowed to go home for lunch or will it be a requirement that children remain at school for that lunch period? It is not clear to me from there.

720 I agree with Conseiller Sandra Williams when she said really we only took note of the report in January and we have not sat down as a body – either in the PDG or any other form or format – to go through that education review line by line. And I think we should have done that before we have got to this stage because we have now noted a review report and we have now moved quite markedly forward today.

725 Like everybody else, I have had many email contacts from parents and concerned residents on education. I have to say, the majority just say, ‘Get on and do it, work out the costing later.’ But budgeting wise we have to take care that we do not saddle ourselves with a system that we truly cannot afford, so we do need some really heavy costings to be done, if we can get an agreement with Guernsey to send our children to their school.

730 Some of the Propositions today I will support, some of them I am doubtful about and, like other people have said, I will wait to see what else comes up when we go to the vote on those Propositions.

Thank you.

The Speaker: Thank you.

735 Is there anybody else who wishes to say anything before I call Conseiller Dunks? Right, I have got Conseillers Roger Norwich, Helen Plummer, Pauline Mallinson and Conseiller William Raymond. Is there anybody else? In that case, Conseiller Roger Norwich.

740 **Conseiller Dr Roger Norwich:** Yes, I would like to speak only regarding Proposition 4. I note that there have been a number of comments which suggest this should be voted against. However, I think it would leave the Education Committee with more flexibility were this to be put through at this point because we do not know how long the Law Officers at St James’ would actually take to draft this proposal and I think we should retain the flexibility at this point, without the Committee having to come back to Chief Pleas to discuss this point again.

745

The Speaker: Thank you.
Conseiller Helen Plummer.

750 **Conseiller Plummer:** I was just wondering, I do not know – with the interview of the Head of School, was he asked at all about the older children doing GCSEs here? Could anybody help me; would he help the children?

755 **The Speaker:** Well, I am sure Conseiller Dunks, when he wraps up this debate, will answer all of these queries, okay?

Conseiller Plummer: Thank you.

The Speaker: Conseiller Pauline Mallinson.

760 **Conseiller Mallinson:** Thank you, sir.

I just wanted to respond quickly to a couple of points that Conseiller Guille made in terms of lunchtime supervision. My understanding is there has never been any suggestion that children should be forced or expected to stay at school, just that the facilities should be there for them to stay at school if their parents wanted them to.

765 The other thing was to say that I did attend a meeting with the Director of Education in Guernsey which unfortunately, due to bad weather, Conseiller Dunks was not able to be at, and the mood of that meeting was very much that we had to have an official discussion, politician to politician – which I believe is scheduled for later this month – but the Direction of Education thought there was absolutely no reason why Sark children should not be accommodated in Guernsey schools to do GCSEs, and was very supportive and positive about the idea.

770 **The Speaker:** Thank you.
Conseiller William Raymond.

775 **Conseiller Raymond:** Thank you, sir.

Just a question really of clarification, I have been seeking to find a job description for the Director of Education and I have been able to find one, it is an expensive post if you look at the full time equivalent and I think that we should know exactly what it entails before the Education Committee is being told to instruct the Director to make some fairly wide-ranging decisions on behalf of the Sark Children.

780 The other point I just wanted to raise is, there is obviously going to be an overspend – I know this should not be about money – but at what stage will that question be addressed and be brought to Finance & Resources?

Thank you.

785

The Speaker: Thank you.

Anybody else? In that case I will call Conseiller Antony Dunks to respond to all of those queries.

790 **Conseiller Dunks:** May I ask that, before I go on to answering all the questions, there has now been some call of doubt regarding Proposition 4, I make it five so far – five people have spoken against it and two in favour of it. Could I have a wider response from Chief Pleas whether they want me to withdraw it or whether we go for a vote?

795 **The Speaker:** What, as a sort of straw poll? I think probably it is best if we just move the Proposition and people vote accordingly, really.

Conseiller Dunks: Understood, thank you.

800 I will try and answer the questions I have got here. Mr Ventress's notes regarding Proposition 4 have been noted. He has made a suggestion to amend the constitution, but I have no more support for that. The remark regarding there have been a lack of meetings between the

Committee, which is understood, as a the result of the resignations and people being off Island, we were not always quorate to make a meeting of the Committee in the time required. There were unofficial meetings to keep things moving, but no decisions made at the time, which is why we have probably had some of the other remarks.

805 Conseiller Mallinson asked regarding how much the Committee had been kept informed with Beverley. The communication with Beverley has been sporadic, it comes in fits and starts that I get information. Sometimes I find I am slightly behind the curve, as it were, that things go ahead of which I have not necessarily been informed beforehand.

810 One question came up regarding the second stage teachings; we have now got adverts in the TES. The Education Mandate gives the Committee the right to recruit staff. In the past the way things have gone forward is that the Committee have simply had a resignation, gone to Chief Pleas to say, 'Person X has resigned, we are getting a replacement.' The difference here is that, rather than reinvent the wheel, I have an Implementation Manager in place, and it was considered the most prudent to use her to get the next stage of recruitment underway. Hence, acting as we could
815 at the time, we were given two options for the interview process. In order that we avoid the SATs we went for option 1 which, if you have seen the advert on the website, the interview process started 4th April, finishing on 1st September for the appointments. This one was chosen, with consultation between Beverley and the new head teacher, it was not made in isolation and he is to be involved in the recruitment process. He is putting together his team. I think that answers
820 that question raised.

I am aware that we have gone from having an Implementation Manager ... Chief Pleas have been asked to make this person now the Interim Director of Education and, other than this particular Proposition, there has been no explanation, other than what I have written at the start of my report that:

825 The reasons for this recommendation include:

- i) ensure the continued progress against the Education Review objectives, write the Education Policy and draft the Annual Develop Plan

Which also forms part of the Propositions at the end.

- ii) enable the appointment of two teachers for September

830 The process we have for recruiting the head teacher was shown to be very thorough and all those people I have seen so far appreciated how the involvement and the process was better than that that had been used previously.

- iii) provide support and guidance for the newly appointed Island Safeguarding Officer

835 Subject to that being done by Chief Pleas.

- iv) provide continuity for the new Head of School...

As I have mentioned, Cris is involved in the process of recruiting the two staff members to be here in September, so we have a full and effective team starting September with a new year with
840 a full and complete team. There is to be no break in education cover.

- v) provide guidance for the newly formed Interim and Full Board of Education

That does not require much explanation.

- vi) to allow for suitable time to appoint a permanent Director of Education...

There will have to be a process by which we work out fully what we want from a permanent Director of Education and, again:

...who can take the Island's Education Policy and Practice [forwards into 2019.]

845 Those are the reasons we have suggested that Beverley goes from being the Implementation Manager to the Interim Director of Education.

The overspend Item: there is going to be an overspend, it is inevitable with recruiting a new head teacher, two members of staff, the recruitment and relocation costs will have to be recovered and now that the Committee is funding part of the salary of the Interim Director of Education, the budget does not go that far. But I did not want to come at each Chief Pleas with a request for more money as new costs came, I have left it until I know the full total and come in one go, this is the amount of money we anticipate we need to cover the costs, rather than go several times to HE, cap in hand.

850 I believe that is most of what I was asked. If I have missed someone's question out could they please remind me now and I will get to answering again.

855

The Speaker: Okay, thank you.

I have now got Conseiller Helen Plummer and Conseiller Sandra Williams.
Conseiller Helen Plummer.

860 **Conseiller Plummer:** Thank you.

I just wanted to know if Cris was willing to keep the children that either cannot or do not want to go away to school or the parents cannot afford to send them away to school, would there be a programme for the children to do GCSEs still?

Thank you.

865

The Speaker: Conseiller Sandra Williams.

Conseiller Sandra Williams: I wanted to ask that question and also I wanted to see whether there was a reason why the report had not been brought back to Chief Pleas before the next draft of recommendations and Propositions were made and brought to us today?

870

The Speaker: Okay, is there anybody else?

Conseiller Dunks – (*Interjection*) Conseiller Sandra Williams, could you just repeat that because I do not think Conseiller Dunks heard it.

875

Conseiller Sandra Williams: I asked at the beginning of my speech why we were asked to 'make note' of the report, yet we have not actually agreed the report in Chief Pleas. We have come back today with all of these new Propositions on a report that we received at Michaelmas that we have not actually approved yet.

880

The Speaker: Right, Conseiller Dunks.

Conseiller Dunks: The policy for educating children who opt not to go to Guernsey has yet to be decided by whatever committee follows on from here. That is one little thorny issue which has not been fully explored yet. There are pros and cons on both sides. Cris is aware that this has not been decided, it will have to be decided before September 2019. (**Conseiller Plummer:** Thank you.)

890 The Education Review was presented by Beverley Gates at the Christmas Meeting and it was noted by Chief Pleas with the idea of producing a raft of recommendations and these recommendations have come to Chief Pleas now, they are available for discussion. The timing, perhaps it does feel quick, I think we are working against a fairly short deadline. Even though September 2019 seems a long way away, if we do not have these things in place now we will fall

short then. We need to get things going this side of ... We are not committed to a three/four
895 teacher process just yet, that is still to be debated. We need to know whether we are going to go
to all children going to Guernsey or not.

This Report just gets things moving in the right direction, it does not commit you to a four
teacher model, it does not commit you to a three teacher model, it just gets us going towards a
900 solution to the deficiencies that were highlighted in the original report – that Sark schooling has
fallen behind a comparable school on the mainland, or elsewhere. We need to get things going to
get education back up to standard. This is the first step to getting that going.

The Speaker: Thank you.

Is there anybody else? Conseiller Diane Baker.

905 **Conseiller Diane Baker:** The Education Committee is being put in an impossible situation with
this Report and I think Conseiller Dunks has done extremely well to battle his way through the
questions that have come at him because, quite honestly, I could not have answered them.

At the end of this meeting, hopefully, we will have a new Education Committee. I am going to
vote against some of the Propositions here and I hope that that gives the new Education
910 Committee the opportunity to go away and look at them carefully and come back.

We do not have to wait until July. We can always have a Chief Pleas meeting in between and I
think they are going to have their hands full. But personally, I would like to say thank you to
Conseiller Dunks, because I think he has struggled through an impossible situation,
(**A Member:** Hear, hear.) especially after having a demand for us all to resign.

915

Two Members: Hear, hear.

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

In that case we will move to the Propositions. Proposition 1: that Chief Pleas approves the
920 appointment of Mrs Sarah Cullen as the Island Safeguarding Officer. All those in favour; any
against? That is **Carried**.

Proposition 2: that Chief Pleas approves the establishment of the Multi-Agency Safeguarding
Hub and directs the Education Committee to oversee the appointment of the relevant Designated
Safeguarding Leads from each agency. All those in favour; are there any against. That is **Carried**
925 by a substantial majority.

Proposition 3: that Chief Pleas directs the Education Committee to approve the purchase and
implementation of 'MyConcern' (a Safeguarding Software Package) at a cost of £360 per annum
for a three-year contract, with free of charge on-line training and an option to purchase face-to-
face training on Island each year at a cost of £145. Before I put that, I believe I am right in saying
930 that this expenditure can be found from within the existing Education Committee IT budget. All
those in favour; any against? That is **Carried** by a substantial majority.

Proposition 4: that Chief Pleas directs the Education Committee to instruct the Law Officers of
St James' Chambers to draft an appropriate amendment to the Education (Sark) Ordinance, 2003
to stipulate that the school leaving age changes to 16 years with compulsory schooling extending
935 to the last Friday in June, in the academic year in which the student is 16 years old, or the date of
the student's last examination, whichever is sooner; and allows for optional education for three
and four-year-olds to commence at the beginning of the seasonal term – September, January or
April after their third birthday. Those in favour; those against? That is, again, **Carried** by a
substantial majority.

940 Proposition 5, as amended: That Chief Pleas directs the Education Committee to appoint an
Interim Director of Education. Those in favour; are there any against? That is **Carried** by a
substantial majority.

Proposition 6, as amended: That Chief Pleas directs the Education Committee to empower the
Interim Board of Education to begin to fulfil its role alongside the school and the Interim Director

945 of Education to ensure progress between April and September 2018; and to establish a Full Board
of Education in accordance with the proposed constitution by October 2018. That is as amended.
Those in favour; any against? That is **Carried** unanimously.

Proposition 7: That Chief Pleas –

950 **Conseiller Ventress:** I have got two amendments to Proposition 7, which I mentioned in my
spiel.

The Speaker: Yes, I must say, it is much more helpful to me if I have a copy of what you are up
to. Thank you.

955 The first thing I notice here is that you have got two amendments to Proposition 7 and the first
one says, ‘add bullet point three’. I cannot see any bullet points in that Proposition.

Conseiller Ventress: Well, if you have a look under Constitution there are four bullet points
with –

960

The Speaker: Conseiller Ventress, what I am looking for here is any amendments you have to
Proposition 7.

Conseiller Ventress: It is under the Education Committee, which is Appendix b on the –

965

The Speaker: That is not a Proposition. We are voting on Propositions at the moment.

Conseiller Ventress: Proposition 7 here:

That Chief Pleas approves changes to the Education Committee Mandate as detailed at Appendix 1b.

The Speaker: Yes.

970

Conseiller Ventress: Now, there is one part here ... there is only Education Committee ... there
is no provision for parent representatives under the Constitution. And if you take Appendix 1b you
have got four members who shall be sitting members, the Director of Education of the Chair, then
I am proposing that we place in between that and from time to time we add ‘a parent
975 representative chosen by those parents who currently have a child or children in the Sark School,
a second parent representative, who has a child or children educated off Island.’

As I said, parents have long felt they do not have the ear of the Committee and I think it is
essential that they are on the Committee.

980

The second bit is a tidying up bit under the mandate, Item 1. I propose that we delete, on the
second line towards the end, ‘of’ and then add – which in fact is the footnote at the bottom –
‘Education that is at least as good as one they would receive in the UK, whether it is provided on
Sark or elsewhere.’ This tidies it up and removes that small footnote at the bottom.

The Speaker: Conseiller Dunks, did you wish to comment on that?

985

Conseiller Dunks: These comments had come to what remains of the Committee, and since it
is only myself and Mr Ventress I did not support the idea so have not really backed it. He is
suggesting we adjust the mandate for the Committee to include non-politicians, contrary to the
recommendation on the following page that the Education Committee should be politicians only
990 and the parent rep go onto the Board of Education. The suggestion is contrary to what the
recommendation is.

The Speaker: I think what I will do here is I will put these two amendments to the meeting and if they are carried they can be added to Proposition 7.

995

Conseiller Scott: Sorry, you have got to go with Tony here; that is contradictory. That will contradict an awful lot of other things.

The Speaker: Well, I do not have to go with anybody actually!

1000

Conseiller Scott: No, I do not want to speak out of turn, but you are going to change everything by putting that in.

The Speaker: I am putting it to a vote of Chief Pleas, Conseiller Scott, that is the point.

1005

Conseiller Scott: Okay, I apologise for interfering.

The Speaker: Now, with regard to Appendix 1b, the suggestion there or the amendment by Conseiller Ventress is that an additional bullet point three, 'A parent representative chosen by those parents who currently have a child or children in Sark School and a second parent representative who has a child or children educated off Island. Those in favour of that amendment; those against? That is substantially **Lost**.

1010

The second amendment is in the mandate, in the second line to delete the word 'of' and add at the end, 'Education that is at least as good as one they would receive in the UK, whether it is provided on Sark or elsewhere.' Those in favour of that amendment; those against? That, again, is **Lost** by a substantial majority.

1015

I am now going to put Proposition 7: that Chief Pleas approves the changes to the Education Committee Mandate as detailed at Appendix 1b. Those in favour; any against? That is **Carried** by a substantial majority.

1020

Proposition 8: that Chief Pleas agrees the appointment of the successful candidate – I did not note the name actually.

Conseiller Dunks: Mr Crispin Heartford.

1025

The Speaker: Thank you.

Crispin Heartford, following the interviews on 17th to 19th March 2018, as Head of School commencing 1st September 2018 on a fixed-term contract for three years, with an option to apply for a further three-year term, subject to recommendation from the Director of Education and the Board of Education, and approval from the Education Committee. All those in favour; any against? That is **Carried** unanimously.

1030

Proposition 9, as amended: that Chief Pleas directs the Education Committee to ensure the Interim Director of Education, Head of School and Interim Board of Education to work alongside the school to plan, implement and monitor the changes outlined in the Review for September 2018, to ensure that the pupils' education is not adversely affected by miscommunication or organisational problems and that all stakeholders are fully informed of the changes being made and the timeline for their implementation. All those in favour; any against? That is **Carried** unanimously.

1035

Proposition 10, as amended: that Chief Pleas approves the creation of an administrator position to support the Interim Director of Education and Head of School (on appointment); and act as Clerk to the Board of Education (3-5 hours per week) from April 2018. All those in favour; are there any against? That is **Carried** by a substantial majority.

1040

Proposition 11, as amended: that Chief Pleas directs the Education Committee to instruct the Interim Director of Education to continue negotiations with the Education Department in Guernsey; and that members of the Education Committee together with the Interim Director of

1045 Education meet with Guernsey officials to further the arrangements for young people aged 14-16 years (Year 9, Year 10 and Year 11) to access education in Guernsey. All those in favour; are there any against? That is **Carried** unanimously.

Proposition 12: that Chief Pleas directs the Education Committee to report to Summer Chief Pleas with accurate costings and a full proposal regarding the education of young people beyond 1050 13 years for September 2019 onwards. All those in favour; are there any against? That is **Carried** unanimously.

Proposition 13: that Chief Pleas directs the Education Committee to submit a draft Education Policy and Development Plan no later than the Midsummer Chief Pleas. All those in favour; are there any against? That is **Carried** unanimously.

1055 Proposition 14: that Chief Pleas directs the Education Committee to submit a draft Island Safeguarding Policy to Chief Pleas no later than the Midsummer Chief Pleas. All those in favour; are there any against? That is **Carried** unanimously.

Thank you all for your contributions to that discussion.

**5. 2017 Financial Statements –
Finance and Resources Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Finance & Resources Committee entitled '2017 Financial Statements'.

Proposition:

That the Financial Statements of the Island for the year ended 31st December 2017 be adopted.

1060 **The Speaker:** We now move to Agenda Item 5 ... I must ask for a bit of order from the front bench over there, actually.

Agenda Item 5, to consider a Report with Propositions from the Finance & Resources Committee entitled 2017 Financial Statements.

Conseiller Sebastien Moerman to introduce the Report.

1065 **Conseiller Moerman:** Thank you, sir.

This Report is self-explanatory, but I would just like to flag the following points: Total revenue received amounted to £1.351 million, which is circa £6,000 above budget, and half of that income came from direct tax income. The total expenditure amounted to £1.263 million, which is £76,000 below budget and this is due to underspends including: Education, £16,000; Douzaine, £26,000; 1070 Salaries; £9,000; depreciation, maintenance and running costs of Government buildings, £12,000; Harbours, £23,500; Health Services, £4,000, which amounts to a surplus for the year of circa £88,000.

One point has been pointed us by our retired Treasurer – she is still active! There is a typo in note 21 on unforeseen expenses, the £17,040 should be against the line Education Review and not Sustainable Electricity PDT. 1075

Thank you.

The Speaker: Does anybody else wish to comment or ask a question?

1080 In that case we will go to the Proposition that the Financial Statements of the Island for the year ended 31st December 2017 be adopted. Those in favour; are there any against? That is **Carried** unanimously.

**6. The Role of the Senior Administrator –
Finance and Resources Committee Report considered –
Proposition 1 carried; Proposition 2 lost**

To consider a Report with two Propositions from the Finance & Resources Committee entitled 'The Role of the Senior Administrator'.

Proposition 1:

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

Proposition 2:

That the Finance & Resources Committee, informed by the debate on this report, continues with its work in connection with the role of Senior Administrator, including the preparation of a revised job description.

The Speaker: We go to Agenda Item 6, to consider a Report with two Propositions from the Finance & Resources Committee entitled, 'The role of the Senior Administrator'.

Conseiller Jane Norwich to introduce the Report.

1085

Conseiller Elizabeth Norwich: This Item seems to follow me around, as I move committees!

It was clear from the debate at Michaelmas that there are some of us who are still not clear about what the role of the Senior Administrator entails and we have been approached since Christmas Chief Pleas to further explain what the role is.

1090

Hopefully, the Report goes some way to do that, particularly from the Appendices. It should be clearer what the skills and levels of expertise to do the role are needed. And, hopefully, it is clear too what the actual tasks are and how they have evolved and grown in the last few years, particularly in the last six months.

1095

We requested, in the Report for Conseillers, to ask for expansion and clarification on the tasks undertaken, if they were unsure of what the Senior Administrator role is and undertakes on behalf of Sark. Before we, as a Committee, can look further at the role and how those tasks can be undertaken in the future, we need input from Conseillers here today. For some of us, it is very clear about the volume of work currently undertaken, and the skills and expertise that I think most of us have come to rely on – in fact, I am not sure how we ever managed before.

1100

Much of the work is done quietly and discreetly, as you would expect from the tasks listed here. The working days can often stretch into the evenings and weekends too. One thing is certain, it is not a minute taking, note making role. It is a role that we all rely on so we need your help today to confirm what the role actually is and support the Propositions.

Thank you.

1105

The Speaker: Thank you.

Are there any questions or does anybody wish to speak to this? I have got Conseiller Edric Baker. Is there anybody else? Conseiller Reg Guille and Conseiller Sam La Trobe-Bateman.

Okay, well I will start with Conseiller Edric Baker.

1110

Conseiller Edric Baker: At the beginning of the Report we are told how to debate the contents of the Report. If I just refer to:

This report is about a role - its description, tasks and responsibilities - and not about an individual person. Salary is not addressed in this report. Salary is part of a budgeting process so is not part of this debate.

I am sorry; I am not prepared to follow that directive. The role of the Senior Administrator has been developed by the Chairman of GP&A and the Senior Administrator. I was a member of GP&A when the Senior Administrator was appointed and I took part in the interviewing process. Even

1115 that process has changed – it would appear one needs some particular skills to be involved in
interviews nowadays.

From the very beginning of that role it has been changed to that of a chief executive, following
the Alderney model and, if you look at Appendix 2, you will see that this is more to do with a chief
executive than the position envisaged in 2013. The job description of May 2013 differs greatly
1120 with this Appendix 1, under the heading 2013, it would appear that some enhancement has taken
place. I do not agree with expanding the role further. The emphasis in this Report is that we all
need to develop skills that at the moment we do not have. I believe this sends the wrong message
to any potential candidate who feels they would like to stand for election, as they will feel ill-
equipped to fill the role of Conseiller. I think this is wrong. We are a voluntary group of residents
1125 willing to work for the Island.

Thank you, sir.

The Speaker: Thank you.
Conseiller Reg Guille.

1130

Conseiller Guille MBE: A lot was said at the Midsummer Meeting last year on the equivalent
report to this one and the upshot was that the Proposition to note the report was approved on a
named vote by 13 to 10. But, of course, the nub was that at the Michaelmas Meeting, held on 4th
October, the report on the role of the Senior Administrator was reintroduced and defeated when
1135 the Proposition to adopt the revised job description and provide an enhanced salary of £53,425
was lost on a named vote by 15 to 8.

During that debate, several Conseillers, myself included, asked that all Conseillers be given the
opportunity, outside a meeting of the Chief Pleas, to discuss the revised job description, in detail,
before it came back to Chief Pleas, as significant concerns were raised over some aspects of that
1140 job description. That meeting of Conseillers has not happened, nor for that matter has any more
work been done on the establishment review by the Senior Administrator. There is much
highlighted in yellow and red in Appendix 1, which would obviously be used to revise the current
job description. But I for one do not believe that we should be doing a line by line review of this
Appendix at this meeting, which we have been asked to do. Much as we said at Michaelmas last
1145 year, it is too complex for the initial discussion to happen here and we would like – and several of
us asked – for a meeting outside to go through it line by line.

I shall vote for Proposition 1, but I shall vote against Proposition 2, for the reasons that I have
just expanded on.

1150 **The Speaker:** Thank you.
Conseiller Sam La Trobe-Bateman

Conseiller La Trobe-Bateman: Thank you.

Appendix 1: there is quite a lot of overlap. I see that the Committees do and also the Senior
1155 Administrator does, so whether it can be brought down or the Committee work can be less ... One
thing I will point out – which I am sure you will thank me for – aren't you the Gold Commander?

The Speaker: Well, I thought I was. *(Laughter)*

Anybody else? Okay, Conseiller Jane Norwich do you wish to respond to the comments, please?

1160

Conseiller Elizabeth Norwich: I would agree that we need a lot more debate and one of the
responsibilities, I believe, in Chief Pleas is to inform the public of what we are doing. We have had
several members of the public who have asked, 'What is the role of the Senior Administrator?'
They did not understand much of what was discussed last summer and at Michaelmas, so this is a
1165 way of ensuring that they are informed. I am quite content to have a meeting with the PDG to

look at the job description, but I think the chart helps to explain what is in the role and we can discuss the matters of overlap that have been raised.

1170 The issue over Gold Command I think has come under the work done by the Emergency Services and considerable work that is being done in Guernsey and potential changes there, so that is why that is currently in there.

But I look forward to further debate and thank you for the debate so far.

The Speaker: Anybody else? Conseiller Edric Baker.

1175 **Conseiller Edric Baker:** I was hoping there would have been further debate, in which case I would have come back with more queries. The Proposition is:

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

Well, we have seen with previous reports, if we dare take note of the contents we are leading ourselves into approving it, in some mysterious way, (*Laughter*) so I would be hesitant to vote for either Proposition. And I would ask for a named vote on both, please.

1180 **The Speaker:** Okay. Anybody else?

Right, a named vote has been called for on each Proposition. Proposition 1: that Chief Pleas takes note of the contents of this Report.

There was a named vote.

Carried – Pour 19, Contre 1, No Vote 0

POUR

Conseiller Diane Baker
Conseiller Peter Byrne
Conseiller Nicolas Moloney
Conseiller Elizabeth Norwich
Conseiller Dr Roger Norwich
Conseiller Helen Plummer
Conseiller William Raymond
Conseiller Stephen Taylor
Conseiller Alan Blythe
Conseiller Antony Dunks
Conseiller Reginald Guille MBE
Conseiller Peter La Trobe-Bateman
Conseiller Sebastien Moerman
Conseiller Christopher Nightingale
Conseiller Cormac Scott
Conseiller Anthony Ventress
Conseiller Paul Williams
Conseiller Sandra Williams
Conseiller Pauline Mallinson

CONTRE

Conseiller Edric Baker

NO VOTE

None

1185 **The Speaker:** With 19 Pour, 1 Contre, I declare that **Carried**.

Proposition 2: again, a named vote, that the Finance & Resources Committee, informed by the debate on this report, continues with its work in connection with the role of Senior Administrator, including the preparation of a revised job description.

There was a named vote.

Carried – Pour 9, Contre 11, No Vote 0

POUR	CONTRE	NO VOTE
Conseiller Elizabeth Norwich	Conseiller Diane Baker	None
Conseiller Dr Roger Norwich	Conseiller Edric Baker	
Conseiller Helen Plummer	Conseiller Peter Byrne	
Conseiller William Raymond	Conseiller Nicolas Moloney	
Conseiller Antony Dunks	Conseiller Stephen Taylor	
Conseiller Peter La Trobe-Bateman	Conseiller Alan Blythe	
Conseiller Sebastien Moerman	Conseiller Reginald Guille MBE	
Conseiller Cormac Scott	Conseiller Christopher Nightingale	
Conseiller Pauline Mallinson	Conseiller Anthony Ventress	
	Conseiller Paul Williams	
	Conseiller Sandra Williams	

The Speaker: That is 9 Pour, 11 Contre, that Proposition is **Lost**.

**7. Future Funding of Sark Procureur Services –
Finance and Resources and the Douzaine joint Report considered –
Proposition carried**

To consider a Joint Report with Proposition from the Finance & Resources Committee and Douzaine entitled 'Future Funding of Sark Procureur Services'.

Proposition:

That Chief Pleas takes note of the issues raised in this report and supports the work of Finance & Resources Committee in seeking sources of future funding for the Procureur Services for Sark and protecting such funds for the future care of the vulnerable of our community.

1190 **The Speaker:** Item 7, to consider a Joint Report with Proposition from the Finance & Resources Committee and Douzaine entitled 'Future Funding of Sark Procureur Services'.

I am going to ask Conseiller Jane Norwich to introduce the Report, I understand that you have an amendment to the Report.

1195 **Conseiller Elizabeth Norwich:** I do have an amendment. It is a typographical error, which all Conseillers and the Speaker are aware of. It requires a change of two words and I think it is a case of wishful thinking; I would love it to be what it is. On the third page, in the last section, that is:

What level of support should be offered in future?

In bullet point 1, on the second line it says:

residential care is £650.00 per month.

and on the third line it says:

nursing home care is £1,300.00 per month.

1200 Sadly, that should read 'per week', I truly wish it was per month, but it is not. And these are costs that are totally out of our hands and out of the hands of the Procureur, but proper standard of care costs.

1205 It is also clear, from the Appendix, what each level of care means and what professional assessment is required to decide what level of care is needed. For those who think I might have a conflict of interest here – I retired last Sunday.

1210 This Report, we hope, sets the discussion ball rolling on what we should do financially on this fundamental support for our most vulnerable and needy on Sark. If the suggestion in the chart is followed, we will be spending 15%, and possibly more, of our budget next year on these services. We need your help to decide how that should be paid for. This is a service paid for by us all, a service no one wishes to be in the position of needing to use. We are looking, as a Committee, for suggestions and ideas and we will be consulting with all residents in the near future to take all residents' views into account.

Thank you.

1215 **The Speaker:** Thank you.

Does anybody wish to question or comment? Conseiller Reg Guille. Anybody else?
Conseiller Reg Guille.

1220 **Conseiller Guille MBE:** It is a very thought-provoking report and is, in my opinion, timely. As the Report says, we are affected by the same demographics as other jurisdictions, in that we are generally living longer – or hope to anyway. We all know that living longer comes with a cost and for those in need, that cost is usually borne by the state and is provided on Sark by the Procureur, as funded by the taxpayer. I know that my parents were very grateful for the assistance provided to them when they could no longer work to support themselves.

1225 The increasing cost of private medical insurance is frightening, and for residents on pensions and for those who are unable to work, it forms a major single expenditure, and many of those people are supported by the Procureur, with their medical insurance.

1230 I support an urgent review into Health & Social Care, offered by Guernsey, and which we will probably have to buy into as a Government, recouping costs via taxation. If that way forward is not possible, then I would support a system of compulsory medical insurance, including temporary workers. If compulsory medical insurance were to be brought in, it does not stop residents having additional private medical insurance.

I will be supporting the Proposition.

1235 **The Speaker:** Is there anybody else? In that case we will go to the Proposition – sorry, Conseiller Edric Baker.

1240 **Conseiller Edric Baker:** Yes, sir, as co-signee to the Report – which was, in fact, drawn up by Conseiller Norwich and expertly done – I would like to say that, when the tax system changed in 2002-03 a considerable amount of money was paid out of Douzaine funds back into the Treasury. I cannot recall the exact figure, but I would say it is £400,000.

1245 Discussions took place with the Finance Committee at that time and we asked that a certain amount of money was ring-fenced for the Procureur. That was considered by the Committee as not necessary and I was a lone voice, as I have been today, on many things. I would suggest that this is the way forward, that money is taken out of reserves, I would say £200,000, and is ring-fenced for the Procureur to use to top up their annual sum. It is a very simple solution for the future.

Thank you.

1250 **The Speaker:** Do you wish to respond to that? Conseiller Jane Norwich.

Conseiller Elizabeth Norwich: I would support the Proposition of ring-fencing but I would be concerned that £200,000 is not enough.

1255 **The Speaker:** Anybody else? Conseiller Sebastien Moerman.

Conseiller Moerman: Ring-fencing is an idea that we have discussed for a few months now. The amount remains to be decided, but in this year's budget we will be looking at making provisions to actually set up such a fund. Knowing what we move from the reserve into that fund is a separate discussion.

1260 Thank you.

The Speaker: Thank you.

1265 Anybody else? In that case we will go to the Proposition that Chief Pleas takes note of the issues raised in this Report and supports the work of the Finance & Resources Committee in seeking sources of future funding for the Procureur Services for Sark and protecting such funds for the future care of the vulnerable of our community. Those in favour; any against? That is **Carried** unanimously.

**8. The Regulation of Health Professions (Non-medical) (Sark) Ordinance 2018 –
Medical and Emergency Services Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Medical & Emergency Services Committee entitled 'The Regulation of Health Professions (Non-medical) (Sark) Ordinance 2018' and to Approve the Ordinance entitled 'The Regulation of Health Professions (Non-medical) (Sark) Ordinance, 2018'.

Proposition:

That Chief Pleas approves the Ordinance entitled 'The Regulation of Health Professions (Non-medical) (Sark) Ordinance, 2018'

1270 **The Speaker:** We go to Agenda Item 8, To consider a Report with Proposition from the Medical & Emergency Services Committee entitled 'The Regulation of Health Professions (Non-medical) (Sark) Ordinance 2018' and to Approve the Ordinance entitled 'The Regulation of Health Professions (Non-medical) (Sark) Ordinance, 2018'.

Conseiller Diane Baker to move.

1275 **Conseiller Diane Baker:** The Regulation of Health Professions (Non-medical) (Sark) Ordinance 2018 brings Sark into line with other jurisdictions, which our Committee felt was necessary.

At the moment there are those, such as the dentist and chiropodist, who visit Sark from Guernsey who are already on the Guernsey register and it is a simple matter for them to register their intentions to visit Sark and offer their services here by completing one extra page.

1280 We have, in the past, had companies which have set up a business here whose medical staff have not fulfilled the criteria for safeguarding residents and visitors. This Ordinance makes sure that any medical professions, such as those on the list at the end of the Ordinance, are fully qualified and safe to practise here.

1285 Section 3(2)(b)(iii) would allow the Guernsey Committee to prescribe fees by regulations, should they wish to do so in future. There will be no charge at this time. Any such regulation for payment will need to be tabled at Chief Pleas and can be annulled by Chief Pleas.

The Medical Committee has not asked for any fees to be collected from any applicant completing their form to practise on Sark and we have kept to the same requirements for any professional wanting to practise in Sark as in Guernsey.

1290 Section 4(3) requires the Sark Committee to notify the Guernsey Committee each time a person gives notice to the Sark Committee, in accordance with section 4. This is to close the loop, to ensure that the Guernsey Committee knows who has given notices, so that the Guernsey Committee can process applications for Sark registration accordingly. This would include Guernsey registered professionals who wish to practise in Sark, so that the Guernsey Committee knows that they are practising in Sark.

1295 Can I please thank both Dr Norwich and Mrs Jane Norwich for their help over the past several years on their work to bring this to Chief Pleas.

Thank you.

1300 **The Speaker:** Thank you.

Does anybody wish to comment or question? We have got a brace of Norwiches! I will take Conseiller Roger Norwich first and then Conseiller Jane Norwich.

Conseiller Roger Norwich.

1305 **Conseiller Dr Roger Norwich:** I would like to thank Conseiller Baker for bringing this to Chief Pleas. It is something that has been needed for a long time. Sark seems to have a habit of attracting crackpots – (*Laughter*) that does not limit itself merely to the medical area, but in this particular case the situation is that the residents of Sark will now be protected from any practitioners with extraordinary cures or other ways of dealing with health matters.

1310 So I think we can be reassured that we will be protected and properly regulated for the wellbeing of all residents.

The Speaker: Thank you, Conseiller Roger Norwich.

1315 I think that is possibly the first time Chief Pleas has heard the word ‘crackpots’ used. (*Laughter*)
Conseiller Jane Norwich.

Conseiller Elizabeth Norwich: Thank you.

I fully support this Report. I expected, when I moved to Sark, that there was going to be a regulation of health professions as there is everywhere else in the developed world. I asked for it then and I am delighted that this is being brought forward now.

1320 It does not restrict anyone to practise. It supports good practice, something that every patient deserves.

The Speaker: Thank you.

1325 Is there anybody else? In that case we will move to the Proposition that That Chief Pleas approves the Ordinance entitled ‘The Regulation of Health Professions (Non-medical) (Sark) Ordinance, 2018’. All those in favour; are there any against? That is **Carried** unanimously.

This Ordinance will be numbered IV of 2018

**9. The Fishing (Sark) (Amendment) Ordinance, 2018 –
Agriculture, Environment, Sea Fisheries and Pilotage Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Agriculture, Environment, Sea Fisheries & Pilotage Committee entitled ‘The Fishing (Sark) (Amendment) Ordinance, 2018’ and to Approve the Ordinance entitled ‘The Fishing (Sark) (Amendment) Ordinance, 2018’.

Proposition:

That Chief Pleas approves the Ordinance entitled The Fishing (Sark) (Amendment) Ordinance, 2018

1330 **The Speaker:** We move to Item 9, To consider a Report with Proposition from the Agriculture, Environment, Sea Fisheries & Pilotage Committee entitled 'The Fishing (Sark) (Amendment) Ordinance, 2018' and to Approve the Ordinance entitled 'The Fishing (Sark) (Amendment) Ordinance 2018'.

Conseiller Helen Plummer.

1335 **Conseiller Plummer:** Thank you, sir.

This Proposition is to help the Crawfish stocks to flourish, therefore helping the fishermen in the future. In other jurisdictions the 'no take' zones have been put in place and they have preserved the young stock to grow.

1340 The situation, as you see, as you read, will be reviewed in three years' time. I ask Conseillers to accept this Proposition please, thank you very much.

The Speaker: Thank you.

1345 Does anybody else wish to comment or query? In that case we will move to the Proposition that Chief Pleas approves the Ordinance entitled The Fishing (Sark) (Amendment) Ordinance, 2018. All those in favour; are there any against? That is **Carried** unanimously.

This Ordinance will be numbered V of 2018

**10. Data Protection –
Policy and Performance and Finance and Resources Committees Report considered –
Propositions carried**

To consider a Joint Report with two Propositions from the Policy & Performance and Finance & Resources Committees entitled 'Data Protection'.

Proposition 1:

That Chief Pleas notes the Ordinances and Regulations listed in the Report.

Proposition 2:

That Chief Pleas approves Data Protection training for Conseillers, Officers, Administrative staff etc., and notes that funding for this training will come from the training budget.

The Speaker: Agenda Item 10: to consider a Joint Report with two Propositions from the Policy & Performance and Finance & Resources Committees entitled 'Data Protection'.

Conseiller Reg Guille.

1350

Conseiller Guille MBE: Thank you, sir.

1355 The Ordinances and Regulations that are listed in this Report have not yet been published by the States of Guernsey ... in a future Billet d'État, I am keeping an eye on their Billets but it has not yet appeared. When that does happen the P&P Committee will have them published on our Government website so that businesses and Government can look to see what those Ordinances and Regulations are bringing in under the Data Protection Law 2017. A similar process will happen for the two Regulations and these will also be published on the website.

Turning to the issue of a Data Protection Officer for Sark, we have now been offered a Guernsey data protection officer, a volunteer from a pool of data protection officers, to be the Sark Data

1360 Protection Officer. Further negotiations are still to happen, but the intention is that the provision of the service will be cost neutral to Guernsey and that therefore there may be a small ongoing cost to Sark.

1365 We are waiting a visit by the Guernsey civil servant lead on data protection, along with the volunteer data protection officer, to finalise arrangements before the new data protection law goes live on 28th May. It had been hoped to have had that meeting prior to Chief Pleas, but it has not been possible to do so. We are expecting it to happen later this month. Any cost to Sark for the provision of this service will need to be included in the budget for 2019 and any costs accruing for 2018 will be required to come from unforeseen expenditure. The F&R Committee are involved in these negotiations.

1370 I would ask Conseillers to support the Propositions.
Thank you, sir.

The Speaker: Thank you.

1375 Does anybody wish to comment or question? In that case we will move to the Propositions.
Proposition 1: that Chief Pleas notes the Ordinances and Regulations listed in the Report. All those in favour; are there any against? That is **Carried** unanimously.

Proposition 2: that Chief Pleas approves Data Protection training for Conseillers, Officers, Administrative staff etc., and notes that funding for this training will come from the training budget. All those in favour; are there any against? That is **Carried** unanimously.

**11. Land Reform –
Policy and Performance Committee Report considered –
Propositions carried**

To consider a Report with ten Propositions from the Policy & Performance Committee entitled 'Land Reform'.

Proposition 1:

To approve the voluntary divisibility of the tenements and freeholds.

Proposition 2:

To bring forward for approval at the earliest opportunity legislation giving effect to their Resolution of 18th April 2012 by which retraits lignagers is abolished.

Proposition 3:

To approve the proposals relating to charging real property, including provision for maintenance at the Greffe of a public register of charges, as in Guernsey.

Proposition 4:

To approve the proposals for the preparation of a scheme of saisie.

Proposition 5:

To direct the Committee to investigate and report back to Chief Pleas at the earliest reasonable opportunity with proposals for the charging of long leaseholds.

Proposition 6:

To approve the proposal for the establishment of a leasehold disputes tribunal.

1380

Proposition 7:

To approve the proposals with respect to forfeiture of leases.

Proposition 8:

To approve the proposals with respect to provisions in leases preventing or restricting leaseholders from selling, assigning, subletting or parting with possession or occupation of their properties or their interests therein without the consent of their landowners or (in the case of sub-leases) their superior leaseholders.

Proposition 9:

To approve the proposals with respect to staying the operation of eviction orders.

Proposition 10:

To direct the preparation of legislation to give effect to the above Propositions 1–4 and 7–9.

The Speaker: We now go to Agenda Item 11, to consider a Report with ten Propositions from the Policy & Performance Committee entitled 'Land Reform'.

I am aware of suggestions that Members of the House should make declarations of interest regarding this Item. I have given considerable thought to this, and take the view that this is a Report that affects all Conseillers, whether they be tenant holders, leaseholders or those who rent their properties, all of whom would be affected by the changes in land reform. Therefore I do not intend to ask for declarations of interest that would result in the exclusion of any Member from contributing or voting on this Item. However, in order to avoid any doubt, I would expect Members to preface their remarks explaining if they have a personal perspective regarding comments on land reform.

I am going to ask Conseiller William Raymond to introduce the Report. At his request, as this is a multifaceted report, I would suggest that we take questions and discussions from the floor of the House, Proposition by Proposition and then I intend to take the votes on the end of the Propositions all together, once everything has been debated.

Conseiller William Raymond.

Conseiller Raymond: Thank you, sir.

Yes, I am a *tenant*.

The Reports which are before you today are the result of a considerable amount of inquiry and thought by the team charged with considering land reform. It is important to emphasise that the team consists of both landowners and leaseholders, and has been augmented by the addition of the Seigneur and advocate Nick van Leuven. The latter has what must be a unique experience of Sark land tenure, as a leaseholder, a *tenant*, a practising advocate and latterly as HM Procureur. As he has no current interest in the debate he has been able to advise impartially.

The team has been aware of the differing interests in the subject matter, and has taken advice in and outside the Bailiwick. The advice from all sides is to take small steps to bring Sark in to line with other jurisdictions. The Report and the Propositions that you see in front of you today are a first step towards that end – a first step.

The team has not considered the Letters Patent of 1565, which established the *fief* and the role of the Seigneur. They have concentrated on the Letters Patent of 1611, which included a prohibition on divisibility and charging of property. These two restrictions, in the view of the team, have no place in the modern world and the team believe that they have no practical purpose.

It is well known that Sark leases have, over time, become an established fact, latterly being recognised in a judicial decision. The leases have no common form and no statutory authority, thus leases are contracts between two parties. Due to the current debate, landowners appear reluctant to grant new leases or to extend those already in existence. There is therefore a real need to make changes so that the pool of freehold properties can be enlarged. The team sees the

removal of the prohibition on divisibility as being the way to enable this and the need, they believe, for this change is now.

1420 The team is well aware of the leasehold reform legislation in England, by which existing leaseholders have a compulsory right to acquire the freehold of their property or to extend the lease. The practicalities of this, however, are founded on the existence of publically adopted roads and services, such as drainage, conferring automatic rights to access. Sark has to evolve further in terms of publically owned assets and facilities.

1425 Voting for Propositions 1 and 3 will have the effect of bringing Sark to the same point that England was in prior to the Leasehold Reform Act of 1967. This is a simple and practical means to move from 1611 to 1967.

1430 Attempts to impose compulsory enfranchisement may well give rise to an allegation of interference in arrangements entered into where freedom of contract exists. This may well lead to challenge; challenge will lead to delay. The need, as already stated, is immediate. The English right to compulsorily acquire or to extend a lease is subject to very complicated valuation criteria, with many comparable transactions being utilised as evidence by expert professionals. Sark is unlikely, at present, to be able to replicate the English system. The team have therefore decided that the first step in reform should be the removal of the 1611 prohibition on divisibility. It is hoped that this first step will enable landowners and leaseholders to reach agreement and to arrange mutually acceptable terms for the acquisition of the freehold from one to the other and the conferring of access rights where those are needed. If this aim is not successful then it is accepted that further legislation may be required.

1435 The team ask for your support on Proposition 1: reform is definitely required. Voting for divisibility moves Sark forward by some 350 years, voting for the Proposition is a move to update our laws. If you vote against, then you will be voting for a continuation of the status quo or further delay to any reform.

Thank you, sir.

1445 **The Speaker:** Thank you.

I am going to take each Proposition separately, just in order to control the debate, and also to allow Conseiller Raymond to answer any specific queries against each Proposition. But before I do that does anyone wish to make any general comment on the Report? I have got Conseiller Reg Guille, Conseiller Edrick Baker and Conseiller Sebastien Moerman. Anybody else? This is on the general ...

1450 Conseiller Reg Guille.

Conseiller Guille MBE: As Members will know, I am on the Land Reform PDT, I am also on the P&P Committee which is bringing this Report forward.

1455 I would remind Conseillers, and the public, that I have always been in favour of legal enfranchisement – the right to buy. However, I have had to compromise that position in order to get land reform moving. It will be for a future Chief Pleas to see how the landlords have made use of their ability to sell leasehold properties to their tenants, that is if you approve the removal of indivisibility today. It must not become a rich man's charter, where only the wealthy are afforded the opportunity to buy their leasehold property. It may also be the case that certain landlords will not, under any circumstances, be prepared to sell leasehold properties. Should that happen, then a two tier system will emerge whereby leaseholders on property for which a landlord will not sell voluntarily will very quickly undermine the value of the lease, which is anyway a depreciating asset.

1460 So I put the landlords on notice that these first steps in land reform are to be watched very closely and I expect a future Chief Pleas to act quickly and robustly if abuses of the ability to sell become apparent and detrimental to the majority of leaseholders.

I had something else to say – it has disappeared, but I am sure it will come back to me and I will divulge all.

1470

The Speaker: I do not think anybody in this House doubts that, Conseiller Guille. *(Laughter)*
Conseiller Edric Baker.

1475

Conseiller Edric Baker: He has taken a lot of words out of my mouth, unfortunately. But I will say I find this an excellent report. It is well presented, well put together and I am delighted to see mention of the 1583 law. I have known of this law for many years now, I cannot understand why it has not come to the fore before.

1480

Also, the law of 1927 which was the *Alienation Law*, which I will not pronounce in French, has been part of the Douzaine's mandate for many years now. It is all essential. This is a historic document; it should be kept as such.

Thank you very much.

1485

The Speaker: Thank you.
Conseiller Sebastien Moerman.

Conseiller Moerman: Thank you, sir.

1490

Before I develop my particular views on divisibility I would like to sincerely thank Conseiller Raymond and his team for this Report and the immense work that has been undertaken to date. It is a very sensitive matter and providing a balanced solution, that will suit everyone, is almost impossible. Rome was not built in a day and I support the team in its evolutionary approach, as opposed to a revolutionary approach.

1495

I would like to state that we are all interested in this Item and in consequence, this Report with Proposition. I have tried, as a Conseiller, to consider the general interest of a resident of Sark, rather than my personal interest as a *tenant*. And I am sure that other Conseillers, whether *tenant* or leaseholders, have done exactly the same.

1500

On divisibility, I do not believe that the right to buy freehold land for holders of long-term leasehold interest be created. And I do not believe there should be a corresponding right for land owners, nobody ever thinks of that one. I thank the Committee for its wisdom in not recommending compulsory enfranchisement. Today there are a few litigation lawyers in the City of London that have tears in their eyes. I would like to ask the Committee whether it has considered the terms of any voluntary divisibility. Will the principle of freedom of contract apply there or will there be interference of the state –?

1505

The Speaker: Can I just interrupt, Conseiller.

I do intend to take the Propositions individually and there will be a discussion on divisibility of the *tenements* under Proposition 1.

What I am now asking people to do is if there are any general comments on the overall Report ... okay, thank you.

Conseiller Pauline Mallinson.

1510

Conseiller Mallinson: Conseiller Guille has pretty much taken the words out of my mouth. As most people may be aware, before I became a Conseiller I was somewhat of a grit in Conseiller Raymond's oyster, shall we say, agitating on behalf of leaseholders, of which I am one.

1515

I am happy that we take a first step, as proposed, but I share Conseiller Guille's concern that this first step is followed reasonably soon by further steps, that this does not become one step and then a very long pause, because I do believe it is important that we address particularly the ability of leaseholders with long leases to charge their properties to obtain a mortgage on that property, in the same way as freeholders will be able to do.

1520 **The Speaker:** Okay. We will go to Proposition 1 – discussion on Proposition 1 that is – to approve the voluntary divisibility of the tenements and freeholds. Does anybody wish to comment on that?

Conseiller Sebastien Moerman.

1525 **Conseiller Moerman:** I will go back to my point about the principle of freedom of contract applying there or any interference of the state.

I am not sure I am in agreement with the Committee's statement reminding Chief Pleas that:

...enabling divisibility will not, of itself, create the circumstances in which Sark would thereby become liable to excessive or unsustainable development,

1530 For the two reasons they gave in point 11 of the Report, maybe not in itself, but I would have thought that our development control is not fit for purpose at the moment and introducing divisibility will need a robust planning control to come with it.

The second point on housing control is noted, but I am concerned that a future Chief Pleas would have different views. I would not want Sark to look like Alderney or Monaco; I am not too sure which one I dislike most. (*Laughter*) It might be helpful for Conseiller Dunks to say a few words as to where we with planning laws but I will support the Committee Proposition regarding voluntary divisibility.

1535 Thank you.

The Speaker: Anybody else on divisibility? In that case, I will ask Conseiller Raymond, do you wish to respond to that?

1540

Conseiller Raymond: Just to say, sir, that at the moment we are not proposing to draft any legislation to restrict freedom of contract, and that I applaud Conseiller Mallinson's definition of herself as 'grit', but she can always turn into a pearl! (*Laughter*)

1545 **The Speaker:** Okay, comments on Proposition 2: at the earliest opportunity to bring in legislation effecting *retrait*. Does anybody wish to comment on that? Conseiller Reg Guille.

1550 **Conseiller Guille MBE:** Chief Pleas in 2012 voted to abolish *retrait*. No action was taken on that at the time, because it was being dealt with by the Proposition also at that same meeting to remove indivisibility. So although, in 2012, Chief Pleas voted against the removal of indivisibility, they did vote for removal of *retrait*, and therefore this is six years behind the scheme. So what we are saying is let's get on and move *retrait*, in accordance with the resolution we made back in 2012.

Thank you, sir.

1555

The Speaker: Anybody else on *retrait*?

Conseiller William Raymond, do you wish to respond to that?

1560 **Conseiller Raymond:** Just to say thank you. If the House votes in favour then we will proceed to draw up legislation – ask the Law Officers to draw up legislation – I must get this right.

The Speaker: Okay. Proposition 3 deals with charging real property. Anybody wish to comment on that?

Conseiller Sebastien Moerman.

1565

Conseiller Moerman: I believe that the Committee's recommendation to remove a prohibition to charge real property is sound and will be eventually of benefit to a property market when it includes leaseholds.

1570 Although I appreciate that this is a complicated matter, I am disappointed to see that the charging of leaseholds is not being addressed at the same time, but I understand why. I have a reservation over the practicalities of charging, particularly for long leaseholds and any new system would have to be carefully considered.

1575 Sark is a very tiny jurisdiction with customary laws, a still feudal landholding structure, and therefore I doubt that any banking institution will be interested in providing a loan against a Sark property. Of course, a person with assets under management with bank in buying a *tenement* might get some lending available to him, but I am not certain, should the charging of leasehold be implemented, that a loan shall be available, particularly if proof of income is difficult to demonstrate.

1580 F&R have had a discussion with two banks in Guernsey already in this respect and all views were shared, therefore a clear and comprehensive system of charging both freehold and long leaseholds will be required, bearing in mind that we shall have to convince the lender to support us with mortgages and dry lending and probably consult them in this process.

Thank you.

1585 **The Speaker:** Thank you. Anybody else on charging?
Conseiller Raymond, do you wish to respond to that?

Conseiller Raymond: Thank you, sir.

1590 Yes, we know that it is a difficult subject. We are proposing, at the moment, that we follow the Guernsey system, where loans are secured and related by a bond which would then be registered at the Greffe – looking at the Greffier, to make sure he is happy with that. It is a tried and tested system in Guernsey and we want to follow that.

1595 We are aware of the problems with leasehold properties; we want to explore that further, that is a further Proposition later and we will have discussions. A bank has offered to look at a specific case with us. We have somebody who has volunteered, bravely, to act as the guinea pig in this respect, so hopefully that will help us to take things forward.

The Speaker: Thank you.

1600 Proposition 4 deals with preparation of a scheme of *saisie*, does anybody wish to comment on that? Conseiller Sebastien Moerman.

1605 **Conseiller Moerman:** I will not bore you with a comparative analysis between *saisie* and the English law system. I would have much preferred a system adapting English law rather than importing Guernsey law and its *saisie*, that is not already fit for purpose in Guernsey. However, I take on board the proposed adjustment recommended in the Report and the pragmatic view that *saisie* already exists under Bailiwick Law. Lawyers and bankers in Guernsey are already familiar with this system and therefore its legal implementation should be straightforward for St James' Chambers.

Thank you.

1610 **The Speaker:** Thank you.
Conseiller Raymond.

1615 **Conseiller Raymond:** I shared his view, sir, and I have been persuaded that we should follow the *saisie* system because it is known by both the banks and the lawyers in Guernsey, to whom we will be looking for assistance.

1620 Where I differ with the Guernsey system is that the present *saisie* system enables the lender to take total possession of the property to the complete exclusion of the borrower, and treat it as his own – he does not have to sell it, he does not have to do anything with it. We need to adapt that so that it is fairer to the borrower and so that the lender, if he enforces the security, takes

possession of the property, has to sell the property and any balance over and above his entitlement is then returned to the borrower. That, I am told, is possible and that is what we intend to pursue.

1625 **The Speaker:** Thank you.

Proposition 5 deals with proposals for the charging of long leaseholds. Does anybody wish to speak to that?

Conseiller Raymond.

1630 **Conseiller Raymond:** Just to say, sir, that this is actually quite complex.

It has been done in Guernsey and we are looking at that as being a possible precedent but our problem here is that Sark leases are many and varied in terms, and therefore we need to make the bonding process, the charging process as flexible as possible.

1635 **The Speaker:** Thank you.

Proposition 6 deals with proposals for the establishment of a leasehold disputes tribunal, does anybody wish to speak on that?

Conseiller Sebastien Moerman.

1640 **Conseiller Moerman:** Thank you, sir.

I have concerns over the establishment of a leasehold tribunal, its powers and its composition. I fully appreciate the opinion of the Committee that disputes between landowners and leaseholders are not necessarily best suited in the first instance to resolution by the court. However, the Report is not providing any details about the operation of such a tribunal and its powers.

1645 Rather than trying to create something new, with a risk of uncertainty and arbitrary, wouldn't it be more appropriate to focus on the Court of the Seneschal? That said – and I would welcome Conseiller Raymond's clarification on the matter – if the views of the tribunal was on a voluntary basis it would operate like a mediation process and its findings would be nonbinding, then I would welcome it and it would possibly avoid disputes being referred to court.

1650

Thank you.

The Speaker: Thank you.

Anybody else on that? Conseiller Steve Taylor.

1655

Conseiller Taylor: I am extremely in agreement, basically because of what was said right at the beginning, that one of the fears that people have raised is potential cost of litigation – law is only for the rich. If we had a voluntary tribunal system that people could step into and have a very cheap, possible form of resolution, would be very useful. If that mediation system did not work then there is still recourse to the courts.

1660

Thank you.

The Speaker: Thank you.

Anybody else? Conseiller William Raymond.

1665

Conseiller Raymond: Thank you, sir.

This is actually for debate today so that we can get some instruction from Chief Pleas. I will take away the concept that this should be mediation by consent and that we will produce a low cost forum, the aim being to take away the less confrontational aspects of a court appearance, the trauma of perhaps appearing as a litigant in person or the additional, and far worse trauma, of having to employ an advocate. *(Laughter)*

1670

The Speaker: Thank you for that.

1675 Proposition 7 deals with the forfeiture of leases. Does anybody wish to speak to that?
Conseiller Sebastien Moerman.

1680 **Conseiller Moerman:** I share the Committee's views that in trivial circumstances, where a leaseholder is temporarily in breach of his lease, the landowner should not be able to rely on the forfeiture clause in the lease to bring it to conclusion, without the landowner giving first notice to the leaseholder to rectify the breach by a specific date. And only after failure to comply with such a notice the landowner should be able to enforce his right of forfeiture.

The recognition by the Committee that the leaseholder who persistently refuses, neglects or avoids to observe or perform the covenants or condition of his lease, should not have the benefit of protection, is rather refreshing.

1685 Thank you.

The Speaker: Okay, anybody else on forfeiture of leases? Conseiller Raymond? No comment.

1690 Proposition 8 deals with provisions in the leases preventing or restricting leaseholders from selling, assigning, subletting etc. Does anybody wish to speak to that? Conseiller Sebastien Moerman.

Conseiller Moerman: Thank you, sir.

1695 I am a firm believer, as a general rule, that the principle of freedom to contract should not be interfered with lightly or retroactively. As the Report states, all things considered, no one has compelled any leaseholder to take or buy his lease or to accept its covenants and conditions. Accordingly, I would have reservations towards legislation in this respect affecting existing leases, as this would certainly be legally challenged. However, I would support such a legislation for any new lease going forward.

1700 Thank you.

The Speaker: Anybody else?

Conseiller Reg Guille.

1705 **Conseiller Guille MBE:** One of the things we discussed in *[Inaudible]* –

The Speaker: Conseiller Guille, can you switch your microphone on?

Conseiller Guille MBE: Well done, sir.

1710 Can you remind me of what I have just said? *(Laughter)*

The Speaker: I did not hear a word of it!

1715 **Conseiller Guille MBE:** One of the concerns we had in the discussions around this was what we termed in the PDT as 'toxic' conditions and there are many and varied leases on Sark, some of them with some fairly unfriendly conditions in them. And it is fine for people to say, 'Well, you entered into the contract willingly', but if you live on Sark and you have lived on Sark all your life, and your only option is – because you are not wealthy enough to buy a *tenement* or a freehold – to get a lease, you shop around looking for a lease. But at the end of the day if the landlord says to you, 'take it or leave it', you take it because you cannot find anywhere else to live or you leave the Island. What we are saying is we want an ability for a review of what could be termed 'toxic' or 'unfair' conditions in a lease to be altered by the courts.

1720 It is a very difficult subject, but there are people on this Island who are tied into leases that they cannot get out of – they cannot sell them, they cannot sublet them. All they can do is hand them back to the landlord at the end of the day. So this is an area which needs a lot more work,

1725 but it is one which we are fairly passionate about in the Committee that we want to get rid of some of those very unfair conditions in leases, if at all possible.

The Speaker: Thank you.

Anybody else on that? Conseiller William Raymond? No.

1730 Proposition 9, please... [*Interruption from coughing*] It is like being at a promenade concert! Sorry, Conseiller Baker.

Proposition 9, proposals with respect to staying the operation of eviction orders, does anybody apart from Conseiller Moerman wish to speak to this one?

Conseiller Sebastien Moerman.

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Conseiller Moerman: This one is actually personal to me, having personally contributed to the advancement of the law on the matter, albeit inadvertently, I would support the reintroduction of legislation along the lines of the Guernsey 1946 Law.

Thank you.

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The Speaker: Anybody else? Conseiller Raymond? No.

Proposition 10 just deals with the preparation of legislation to give effect to some of the Propositions above. Does anybody wish to speak to that? In that case I will go to the Propositions.

1745 Proposition 1: to approve the voluntary divisibility of the tenements and freeholds. All those in favour; are there any against? That is **Carried** unanimously.

Proposition 2: to bring forward for approval at the earliest opportunity legislation giving effect to their Resolution of 18th April 2012 by which *retrait lignager* is abolished. All those in favour; any against? That is **Carried** unanimously.

1750 Proposition 3: to approve the proposals relating to charging real property, including provision for maintenance at the Greffe of a public register of charges, as in Guernsey. All those in favour; are there any against? That is **Carried** unanimously.

Proposition 4: to approve the proposals for the preparation of a scheme of *saisie*. All those in favour; are there any against? That is **Carried** unanimously.

1755 Proposition 5: to direct the Committee to investigate and report back to Chief Pleas at the earliest reasonable opportunity with proposals for the charging of long leaseholds. All those in favour; are there any against? That is **Carried** unanimously.

Proposition 6: to approve the proposal for the establishment of a leasehold disputes tribunal. All those in favour; are there any against? That is **Carried** unanimously.

1760 Proposition 7: to approve the proposals with respect to forfeiture of leases. All those in favour; are there any against? That is **Carried** unanimously.

1765 Proposition 8: to approve the proposals with respect to provisions in leases preventing or restricting leaseholders from selling, assigning, subletting or parting with possession or occupation of their properties or their interests therein without the consent of their landowners or (in the case of sub-leases) their superior leaseholders. All those in favour; those against? That is **Carried** by a substantial majority.

Proposition 9: to approve the proposals with respect to staying the operation of eviction orders. All those in favour; are there any against? That is **Carried** unanimously.

Proposition 10: to direct the preparation of legislation to give effect to the above Propositions 1–4 and 7–9. All those in favour; are there any against? That is **Carried** unanimously.

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The Speaker: Conseiller Raymond.

1775 **Conseiller Raymond:** Could I just, for the record, ask that the House notes the input of Advocate Nick van Leuven into this paper. He has been of enormous assistance to us in getting our wishes to this stage.

The Speaker: Yes, I am sure we would like to record our thanks to both Nick van Leuven and also to you, Conseiller Raymond, for bringing such an all embracing report (**Conseiller Raymond:** Thank you.) and batting at wicket pretty competently really.

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

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

Proposition:

That Chief Pleas approves the priority list and order (Priority 1 to Priority 5 inclusive) as set out in this report, of areas of policy development for this Parliament.

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The Speaker: We go to Agenda Item 12, to consider a Report with Proposition from the Policy and Performance Committee entitled 'Securing Sark's Future – Progress Report'.
Conseiller Stephen Taylor.

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Conseiller Taylor: Thank you, sir, hopefully not quite as complicated as the last Item.

Just in terms of securing Sark's future I would say that the regular reporting process of the papers is pretty much self-explanatory. All I would like to add is that since the last meeting various PDTs have concluded their work and have reported to Chief Pleas. Those include the Review of Education for Sark, which the development process has been handed back to the Education Committee; Sustainable Reasonably Priced Electricity PDT has now been renamed as the Energy Policy PDT; the Policing Review, that work has now completed and the team has been officially disbanded; the Liquor Licence PDT has had initial reports, a couple of pieces to tie up which will come to a future Chief Pleas; and a new PDT is Health and Social Care PDT which, as mentioned in a previous Item of the day, has been set up to consult with Guernsey States at their invitation as part of their transformation of health and social care work and to see how Sark could fit into that system.

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Thank you, sir.

The Speaker: Thank you.

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Can I just ask Conseiller Taylor if you, or the Chairman of the Policy Development Group, would kindly send me an email with all of those changes so that I can get the IT Manager to add them to the Government website?

Conseiller Taylor: Yes, absolutely fine, between us we will arrange that.

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The Speaker: Okay, thank you.

Anybody wishing to discuss or talk about this? I have got Conseiller Reg Guille, Conseiller Antony Dunks and Conseiller William Raymond.

Right, Conseiller Reg Guille.

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Conseiller Guille MBE: The Monitoring Report at Appendix 1, against Development Control on page 4, it says that the first draft of the law is being considered but that crucially there is not an effective team leader, who is awaiting replacement at a PDG meeting, and this was touched on in the land reform debate, where I believe it was Conseiller Moerman said we really do need that Development Control Law to come in. That team leader is replacing replacement at a PDG

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meeting. Well, we had PDG meeting on Tuesday last week, and this issue was not on the agenda. It is imperative that this law is worked upon urgently and brought to Chief Pleas for approval, especially as you have just supported the land reform proposals.

1820 So I urge the PDG to get a team leader in place and to get that work restarted. I think it has been in development since the last century, this new Development Control Law, and I would hate for it to be still there at the turn of the next century – but I will not be talking on it then.

Thank you, sir.

1825 **The Speaker:** Oh, I am sure you will! *(Laughter)*
Conseiller Antony Dunks.

Conseiller Dunks: By sheer chance, mine is a response.

1830 Now that I have stepped away from the Education Committee my diary is suddenly free. I have spoken with my fellow members of the PDT, we have arranged a meeting in two weeks in which we will try and arrange a meeting with the drafting Law Officer to get this piece of legislation moving.

The Speaker: Thank you.
Conseiller William Raymond.

1835 **Conseiller Raymond:** Thank you, sir.

We just heard today that we need a definition of a ‘resident’ for the purposes of the Procureur and I think that this needs to be prioritised as well. It is the old story of too much work, too few people.

1840 Thank you.

The Speaker: Thank you. Anybody else on this?

1845 We will move to the Proposition that Chief Pleas approves the priority list and order (Priority 1 to Priority 5 inclusive) as set out in this Report, of areas of policy development for this Parliament. All those in favour; are there any against? That is **Carried** unanimously.

13. Parent Representative and Non-Chief Pleas Member – Education Committee Report considered – Propositions withdrawn

To consider a Report with Proposition from the Education Committee entitled ‘Parent Representative and Non-Chief Pleas Member’.

Proposition 1:

That Chief Pleas approves the appointment of Ms Zoe Adams as the Parent Representative on the Education Committee.

Proposition 2:

That Chief Pleas approves the appointment of Mrs Mary Nicolle as a Non-Chief Pleas Member on the Education Committee.

The Speaker: Agenda Item 13, to consider a Report with two Propositions from the Education Committee entitled Parent Representative and Non-Chief Pleas Member.

Now, what are going to do about this, Conseiller Antony Dunks, now that you have stood down?

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Conseiller Dunks: Conseiller Ventress is the only Member of the Committee available, but I will take it, out of ...

The Speaker: Conseiller Antony Dunks.

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Conseiller Dunks: As explained, I have already stepped away from being the Chairman of the Education Committee, so I am just doing this as an outgoing Member. The purpose of this Item is to bring to Chief Pleas the names of people to be put on the Committee. Now, we have just changed the mandate which does not allow for these two positions to be on the mandate and I would suggest to change the Propositions to put them on the Interim Board of Education rather than the Education Committee.

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The Speaker: Really?

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Conseiller Dunks: You have just changed the mandate to the Education Committee, which no longer has parent representatives on them.

The Speaker: Yes, I must say, I missed that. I find it rather strange that you should not have parent representatives on the Committee myself but –

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Conseiller Dunks: The purpose of the reorganisation was that the parents rep go on the Board of Education, it was laid out in the review, so I am proposing that, now we have changed in Proposition 1 and Proposition 2 that the word 'Education Committee' is going to be replaced by the 'Interim Board of Education'.

1875

The Speaker: Right, Conseiller Ventress.

Conseiller Ventress: This brings up the two proposals that I have put forward on the mandate which were totally rejected by everybody else, except Conseiller ... I have spoken to the parent representatives, Ms Zoe Adams and Mrs Mary Nicolle and they both want to be on the Education Committee and not on the Board of Administration. *(Laughter and Interjections)*

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The Speaker: Well, I can see –

Conseiller Ventress: But since we no longer have, under Item 14, since we have discovered ... obviously they will have to go on the Board of ...

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The Speaker: Conseiller Sandra Williams.

Conseiller Sandra Williams: Can I just clarify, sir, that I think the parent representative, as a non-Chief Pleas Member, was expected to be going on the Board, not going on the Education Committee.

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The Speaker: Thank you.
Conseiller Cormac Scott.

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Conseiller Scott: Thank you, sir.

1900 Wouldn't it just be simpler to put them as temporary members of the Education Committee until the Education Committee changes before next September? The Education Committee will still have one more meeting, because they meet every term, so there will be a new Education Committee so why not just vote two, as a temporary member, to the Education Committee until the Education Committee changes in September?

The Speaker: Conseiller Sam La Trobe-Bateman.

1905 **Conseiller La Trobe-Bateman:** I think, with the changes, that if a parents' representative wanted to be on the Board – with the Education Committee we can invite people to come to the Committee, we can invite them along.

The Speaker: Conseiller Dunks.

1910 **Conseiller Dunks:** Just to reiterate what the Conseiller said that the mandate does not allow them a place on the Committee but the Chairman of the Committee is able to invite who they want to attend a meeting. If the new Committee wishes to have the representatives there, they can come by invite.

1915 **The Speaker:** Okay.

Anybody else? In that case we will go to Proposition 1, as amended ... Sorry, do you wish to speak?

Conseiller Mallinson: Yes please.

1920 Could I just say that I do not actually think this Proposition is necessary because I think the mandate of the Education Committee allows it to appoint the Interim Board and therefore Chief Pleas does not need to vote people onto the Board. The Education Committee should be appointing them, but Conseiller Dunks may be able to clarify that.

1925 **The Speaker:** Conseiller Dunks.

Conseiller Dunks: I am enlightened, and now I do understand that it is a correct point of view. There is no need for this Item.

1930 **The Speaker:** So what are you proposing – to withdraw both Propositions?

Conseiller Dunks: Yes.

The Speaker: Okay.

**15. Consultation Regarding the Deregulation of Electric Vehicles on Sark Roads –
Road Traffic Committee Report considered –
Proposition lost**

To consider a Report with Proposition from the Road Traffic Committee entitled 'Consultation Regarding the Deregulation of Electric Vehicles on Sark Roads'.

Proposition:

That Chief Pleas approves that the Road Traffic Committee undertakes appropriate consultation with the residents of Sark on the subject of the possible deregulation of electric vehicles on Sark roads.

1935 **The Speaker:** We have already dealt with Agenda Item 14. I am going to call Agenda Item 15 and then suggest that we break for lunch.

Agenda Item 15, to consider a Report with Proposition from the Road Traffic Committee entitled 'Consultation regarding the Deregulation of Electric Vehicles on Sark Roads.'

Conseiller Antony Dunks.

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Conseiller Dunks: The Road Traffic Committee have received a number of contributions from members of the public indicating that there was probably no longer a need for control of electric cycles on Sark. The Committee considered this and thought there was merit in looking into the matter. Whilst looking into the matter we thought we would just widen it to a public consultation to include the possible deregulation of all electric vehicles and the Proposition here is just to allow Chief Pleas to know that we are going to go about the business and to have some input before we get started.

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

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Conseiller Sam La Trobe-Bateman.

Conseiller La Trobe-Bateman: Just quickly, because we are all hungry.

When it says deregulating and the control I hope that the Road Traffic Committee understands that everywhere there is regulation on electric cycles, whether it is weight, wattage, things like that. So although we will possibly change who can have them, there has to be some regulation on them.

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Thank you.

The Speaker: I have got Conseiller Roger Norwich, Conseiller Pauline Mallinson and Conseiller Reg Guille, so we will take Conseiller Roger Norwich.

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Conseiller Dr Roger Norwich: Sir, I think we should be very careful what we wish for in this area. I think most people would not want to see the Island being buried in golf carts or in any other attempt to turn the Island into some kind of Disneyland or Portmeirion in the future. *(Laughter)* I think we should be extremely careful with control and continue substantial input from Chief Pleas into what is allowed on the roads in Sark, before the character of the Island is significantly changed.

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The Speaker: Thank you, yes.

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I would remind you that this is really to conduct a public consultation exercise here.
Conseiller Pauline Mallinson.

Conseiller Mallinson: Speaking in the context of the Energy Policy PDT I just wanted to say that we – in the report we put to Chief Pleas – had actually asked for this to one of the questions that was considered by the public in terms of moving towards more quieter, greener, cleaner electric vehicles for some of the purposes on the Island.

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While I fully share Conseiller Norwich's comments about Disneyland, I do think that potentially there is a place for electric vehicles in our community and welcome the prospect of public consultation.

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The Speaker: Thank you.
Conseiller Reg Guille.

Conseiller Guille MBE: On a personal note I would have opposed proposals –

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The Speaker: Conseiller Reg Guille, can you...?

Conseiller Guille MBE: Again, aren't I...?

1990 On a personal note I would have opposed proposals to deregulate electric bicycles. However, the Report title in the third paragraph now need us to consider all electric vehicles and for this to go to public consultation and I support what Conseiller Roger Norwich has said. Because I have down; may I ask if the Committee are favouring or considering the use of electric cars, golf buggies etc. and for these to be part of the consultation?

1995 I think the way that this Report is reading, all bets are off, and that any type of electric vehicle could be considered for Sark use – not very environmentally friendly in some ways. When you have to pedal a bicycle you are not using any energy at all apart from what you consume to give you that energy. If you have an electric bicycle there may be environmental aspects to that.

2000 The original electric bicycle deregulation proposal raised by the Committee is now being used, I believe, as a Trojan Horse to get electric cars on Sark roads. (**A Member:** Hear, hear.) Had the Proposition been to consult about deregulation of electric bicycles I would have abstained from voting. As the Proposition is currently drafted, to include all electric vehicles, I shall be voting against.

The Speaker: Thank you.

Does anybody else wish to contribute? Conseiller Dunks, do you wish to? No.

2005 In that case I will put the Proposition that Chief Pleas approves that the Road Traffic Committee undertakes appropriate consultation with the residents of Sark on the subject of the possible deregulation of electric vehicles on Sark roads. All those in favour; all those against? That is **Lost** by a narrow majority.

2010 On that particular subject, I did explain to the doctor, who very kindly attended my 75th birthday, that I would not be requiring an electric bike for at least another 25 years. (*Laughter*)

We will now break for lunch, can we all be back by ten minutes past two.

There are sandwiches available ... Please, Order! I would like to thank the Seigneur for that. All I wish to say is that there are sandwiches available at the hall for Members and Officers of Chief Pleas and our visitor from the Ministry of Justice.

*Chief Pleas adjourned at 1.05 p.m.
and resumed its sitting at 2.11 p.m.*

**16. New Shape and Functioning of Chief Pleas – Part 2 –
Conseiller Group (New Shape and Functioning of Chief Pleas) Report considered –
Propositions 1 and 6 carried; Propositions 2 and 4 lost;
Propositions 3 and 5 withdrawn**

To consider a Report with six Propositions from Conseiller Group (New Shape and Functioning of Chief Pleas) entitled 'New Shape and Functioning of Chief Pleas – Part 2'.

Proposition 1:

That Chief Pleas approves the document entitled 'The Constitution and Operation of Chief Pleas Committees' to be effective as provided for in the document at Appendix 1 to this Report.

Proposition 2:

That Chief Pleas approves an annual payment of £1000 towards expenses, to each Conseiller, commencing in January 2019.

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Proposition 3:

That Chief Pleas directs the Finance and Resources Committee to make provision for the expenses in Proposition 2, in the budget setting arrangements for 2019 and thereafter.

Proposition 4:

That Chief Pleas approves the payment of compensation for loss of earning by Conseillers, in the sum of £10 per hour, as set out in this Report and commencing in January 2019.

Proposition 5:

That Chief Pleas directs the Finance and Resources Committee to make provision for the compensation payments for loss of earning by Conseillers in Proposition 4, in the budget arrangements for 2019 and thereafter.

Proposition 6:

That Chief Pleas resolves that the Conseiller Group (New Shape and Functioning of Chief Pleas) disbands forthwith.

The Speaker: Welcome back.

We move to Agenda Item 16, to consider a Report with six Propositions from Conseiller Group (New Shape and Functioning of Chief Pleas) entitled 'New Shape and Functioning of Chief Pleas – Part 2.'

2020 I believe Conseiller Sam La Trobe-Bateman is to introduce this Report.

Conseiller La Trobe-Bateman: I think I have got the poisoned chalice on this one. *(Laughter)*

2025 This Report and its Propositions are a result of the second part of what the Conseiller Group was set up to do. The Group's findings, which are set out in the Report, are that the operational committees are satisfied with the current level of CSO support. The Group did identify that the merging F&R and P&P would, most likely, need a dedicated full time CSO with the key skills to assist the Committee. As we have had no feedback from F&R on this, the Group cannot provide information for this meeting and we cannot say what that will be and how much it will cost. F&R and P&P will have to work together to determine what support they will need so it can be included in the 2019 budget, ready for the new F&P Committee.

2030 The other job for the Conseiller Group was to look into attracting new Conseillers. Looking out across the Assembly it is very clear that we are missing the younger, working generation – no offence. *(Laughter)* I myself can think of a million other places I would rather be than here today, or when I am stuck in meetings for hours on end after work, all of which does cost me money. The reason for Proposition 2 and 4 are so it does not cost anyone too much money to be a part of this Government, it is simply to cover expenses and help out with loss of earnings when meetings happen in work times. I believe, as do the Group, that this will help encourage more people to stand. You can always give the money back if you do have too much. *(Laughter)*

2040 **The Speaker:** Thank you.
Any questions or contributions from the floor?
Conseiller Sebastien Moerman.

2045 **Conseiller Moerman:** Sorry, me again.

The Speaker: Hang on a moment, Conseiller, I am just writing names down. Right, I have got Conseillers Sebastien Moerman, Reg Guille, Stephen Taylor, Pauline Mallinson and Jane Norwich. Okay, Conseiller Sebastien Moerman.

2050 **Conseiller Moerman:** Thank you, sir.

First of all, I notice that my name and Conseiller Elizabeth Norwich's name have been added to this Report. I would like to underline that Conseiller Norwich and I each attended one meeting only of the Group, and certainly do not support this Report, and particularly Propositions 2 and 4.

2055 To quote a resident of Sark, 'I wish to express my extreme concern as there is currently no approved policy for such payments. The proposals are such a fundamental change to the current policy and therefore I believe this matter should be put out for public consultation and that Propositions 2 and 4 and consequently Propositions 3 and 5 should be deferred, pending the result of such consultation.' I fully endorse that statement.

2060 To quote another resident, and former Conseiller, the majority of you voted against paying a fair, reasonable and recommended salary for the professional services of a Treasurer and Senior Administrator and yet you are proposing to request £18,000 per annum for yourselves. Come on – do you really want Chief Pleas to be even more despised than it is? And believe me, we – and I am including myself here, I was part of it – are not looked upon with admiration and respect but as pretty lazy, useless and self-seeking. Do you really want to agree to that list? Food for thought, maybe or maybe not.

2065 Lastly, and with a smile, I note the following statement in the Report:

The Group debated the large variation in wages across the island from the Island employees to the self-employed and considered that at the bottom end wages were in the region of £10 per hour and at the higher end possibly £40 per hour. We would recommend that compensation for loss of earnings be paid at a flat rate of £10...

With a personal charge-out rate of £450 per hour, I have no hesitation to state that I will be voting against Proposition 5 as well as against all the other Propositions in this Report.

Thank you.

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The Speaker: Thank you, and for a very good after-lunch contribution. *(Laughter)*
Conseiller Reg Guille.

2075 **Conseiller Guille MBE:** I would just like to report progress on the Transfer of Functions Ordinance, which is mentioned in the Report. There are going to be two Ordinances produced to cater for the decisions that Chief Pleas made at the Christmas meeting. The first is the Transfer of Functions Ordinance and that is now in final draft form and has been sent to the Policy & Performance Committee for their further consideration and action. A second Ordinance will need to make some small amendments to the Reform Law in the area of the Chief Pleas Committees to cater for the changes that were agreed at Christmas. That has also been sent to the Policy & Performance Committee for their further action. There will be a third Ordinance required for that, and that is a Guernsey Transfer of Functions Ordinance, which the States of Guernsey will approve in due course, to cater for Bailiwick laws in which the various committees that are changing are listed.

2080 So there are three pieces of legislation to come forward, two of which will require approval by Chief Pleas.

2085 I think I would just like to reiterate what Conseiller La Trobe-Bateman said and that was the sums of money that we have proposed to be paid are an inducement to the working man of Sark, or woman of Sark, to stand for election so that it does not cost them money to be Conseillers. It is not a payment, it is not a salary, it is to compensate them for the losses that people incur when they are on Chief Pleas. And, as has been said, the wealthier Members of course do not need to take the money.

2090 I would ask that we have a named voted on Propositions 2 and 4, and I certainly, as a member of the Conseiller Group, am not prepared to withdraw them.

2095 Thank you.

The Speaker: Conseiller Steve Taylor.

Conseiller Taylor: Thank you, sir.

2100 Whilst I understand the motives behind this – in terms of trying to attract younger people to stand for Government – I do feel rather uncomfortable that we, as a group of politicians, are in effect, voting for ourselves to be paid. I think in other jurisdictions you will find that it would be something along the lines of a payment review panel or an expenses panel, who would recommend what Members of a House should be paid. I think it is inappropriate for us to be voting for payments to ourselves.

2105 Thank you, sir.

The Speaker: Thank you.
Conseiller Pauline Mallinson.

2110 **Conseiller Mallinson:** Thank you, sir.

2115 While I think it is perfectly reasonable that Conseillers should not be significantly out of pocket for carrying out their Chief Pleas duties, I do have some concerns about the amount of £1,000 that is proposed. Being analytic I have looked at the cost of providing such things as telephone, paper, printer ink and I have also included a basic printer and mobile device, and with sensible procurement, providing all of that would not come to anything like £1,000 per Conseiller. For example, a Sure business plan would give each Conseiller, and the officers as well, a mobile with enough minutes for an average of a thousand minutes a month each, texts and data, and it would cost less than £15 per month per person, or £180 per year. Similarly, a sensible laptop or mobile device and a basic printer over four years would cost perhaps £150 per year, and printer ink and paper could be provided centrally for collection from the office. All of this would come to more like, perhaps, a maximum of £400 to £500 per year, so I really do not feel I could vote for a figure of £1,000 to be handed out.

2120 The final point I would like to make is that the other Proposition, Proposition 4, I think it is, talking about loss of earnings for working people, it makes no mention of childcare for parents for evening meetings and I think that should be considered as well, especially for single parents.

2125 **The Speaker:** Thank you.
Conseiller Jane Norwich.

2130 **Conseiller Elizabeth Norwich:** I would just like to clarify a couple of things.

I only attended one meeting of the Group, but I did later make suggestions for a change to the Report to clarify the impression given on what F&R was doing and needed to do. I was not part of the Group in bringing forward these Propositions today.

2135 Contrary to comments earlier in the debate, F&R are already working on the information required. It will be ready, in broad brush terms, for the budget process of Midsummer, but there is a terrific amount of work and, as I say, we are in the middle of starting a budget process so it has to fit in with what else we do. Unless, of course, we have more support administration wise.

2140 I cannot see how this funding will necessarily encourage people to stand. I am told that it will encourage people to stand, however, in public consultation last year, across Island, it was considered to be a minor point in the view of the public, far less than those who expressed the need for Chief Pleas to be more efficient and do things professionally and have proper support.

Also in the Report, I noticed the comment about a line manager. I would like to know – could somebody tell me who my line manager is? I thought it was the residents of Sark.

2145 If I choose to accept this financial support do I turn up at the Thursday afternoon to get paid? Do I need payslips or accounts? Does this money I might claim come out of my Committee budget application for the year so we need to look at that for our budget process? What else might we

not do to pay for it? What does the Sark taxpayer think of this; have we asked them and how will it work in practice? So I have got a lot of practical things that I would like answers to, please.

2150 **The Speaker:** Thank you.
Anybody else? I have got Conseiller Dunks and Conseiller Ventress.
Conseiller Antony Dunks.

Conseiller Dunks: I declare I have no financial interest in this Item, as I am not a Member of Chief Pleas next year.

2155 I have looked at the Report and I am concerned with the figure of £1,000 and expenses. I could possibly rationalise one or the other, but not both.

The Speaker: Thank you.
Conseiller Anthony Ventress.

2160 **Conseiller Ventress:** Proposition 1, I have no problem with. Proposition 2, I think it might have been a lot happier for Members if it read that, 'Chief Pleas approves expenses up to £1,000 for each Conseiller'.

2165 Certainly Proposition 4, we are suffering from having a lot of youngsters and especially the employed youngsters, who have to attend meetings, and will certainly lose salary or wages by that. In a way, we need to have some sort of recompense for that. Whether £10 is right or wrong, I am not sure.

2170 **The Speaker:** Thank you.
Conseiller Diane Baker.

2175 **Conseiller Diane Baker:** I shall support this, but that does not mean that I expect payment. I think where we get lost here is we are looking at ourselves – do I need this; can I afford to do without it? The point is that we are trying to bring a younger generation into Chief Pleas and I know that someone that I have spoken to has said, 'I cannot do it because I cannot afford to do it.' We need to give it a try, but I think in two years' time we could look back and review this and see if it is working. I think it would actually be very interesting to see how many people take their expenses, but I think we ought to try it and then revisit again later.

2180 **The Speaker:** Thank you.
Conseiller Edric Baker.

2185 **Conseiller Edric Baker:** Yes, sir.
Many years ago I was instrumental in payments being made to the Tax Assessor and the two Procureurs, and our committee were for the Procureurs. It is when people do excessive amounts of work for no pay we felt that an honorarium was the right way to go and Chief Pleas approved of it at the time. It certainly did not go out to public consultation.

2190 **The Speaker:** Thank you.
Conseiller William Raymond followed by Conseiller Roger Norwich.

2195 **Conseiller Raymond:** Thank you, sir.
I think it should go out to public consultation. Speaking for myself I think that Chief Pleas should be what it always has been, a sentenced community service. *(Laughter)*

The Speaker: Conseiller Roger Norwich.

2200 **Conseiller Dr Roger Norwich:** Sir, I believe that this has not been terribly carefully thought out. There is no definition if, for example, we were to go to Proposition 4, £10 per hour. How many hours of what? Attending Chief Pleas; attending every Committee meeting; writing out reports? As an example, I suspect Conseiller Jane Norwich would be picking up £400 or £500 a week at £10 an hour, on what she does for Chief Pleas.

2205 This morning we have voted, basically, to get rid of our Senior Administrator so I think that we should really look at how we are going to spend money. And we are going to have fewer Conseillers. I anticipate we will have more and more work to do and I think this is just very badly thought out.

The Speaker: Thank you. Anybody else?

2210 Conseiller Sam La Trobe-Bateman do you want to respond to any of the comments?

Conseiller La Trobe-Bateman: Not really. *(Laughter)*

With the loss of earnings, obviously, it would be inside work hours. It is just to help stimulate meetings at five o'clock. We have been hammered with meetings in the daytime and it costs us a fortune. I certainly do not want to sustain them.

2215 I admit it has been rushed through, but we have had no choice, we have had the time pressure put on us. You have constantly hounded us about when it has got to be in. It has got to be ready for the 2019 elections, so we have not had time to put out the consultation. We have literally just had to work as best we can for what time we have been given. Please, whatever you do, vote for Proposition 6, that is all I ask. *(Laughter)*

2220

The Speaker: Anybody else?

Okay, well we will go to the Propositions. Proposition 1: that Chief Pleas approves the document entitled 'The Constitution and Operation of Chief Pleas Committees' to be effective as provided for in the document at Appendix 1 to this Report. Those in favour; those against? That is **Carried**.

2225

Proposition 2: we have been asked for a named vote, that Chief Pleas approves an annual payment of £1000 towards expenses, to each Conseiller, commencing in January 2019.

There was a named vote.

Carried – Pour 8, Contre 12, No Vote 0

POUR

Conseiller Diane Baker
Conseiller Edric Baker
Conseiller Peter Byrne
Conseiller Helen Plummer
Conseiller Alan Blythe
Conseiller Reginald Guille MBE
Conseiller Peter La Trobe-Bateman
Conseiller Paul Williams

CONTRE

Conseiller Nicolas Moloney
Conseiller Elizabeth Norwich
Conseiller Dr Roger Norwich
Conseiller William Raymond
Conseiller Stephen Taylor
Conseiller Antony Dunks
Conseiller Sebastien Moerman
Conseiller Christopher Nightingale
Conseiller Cormac Scott
Conseiller Anthony Ventress
Conseiller Sandra Williams
Conseiller Pauline Mallinson

NO VOTE

None

The Speaker: That is 8 pour, 12 contre, that Proposition is **Lost**.

2230 Proposition 3: that Chief Pleas directs the Finance and Resources Committee to make provision for the expenses in Proposition 2 ... actually –

Conseiller Guille MBE: That one needs to be withdrawn, sir.

2235 **The Speaker:** Yes, I appreciate your help with that, Conseiller Guille. *(Laughter)* I realised half way through reading it! So Proposition 3 is **Withdrawn**. Proposition 4: that Chief Pleas approves the payment of compensation for loss of earning by Conseillers, in the sum of £10 per hour, as set out in this Report and commencing in January 2019. Again, we have been asked for a named vote.

There was a named vote.

Carried – Pour 10, Contre 10, No Vote 0

POUR

Conseiller Diane Baker
Conseiller Edric Baker
Conseiller Peter Byrne
Conseiller Helen Plummer
Conseiller Alan Blythe
Conseiller Antony Dunks
Conseiller Reginald Guille MBE
Conseiller Peter La Trobe-Bateman
Conseiller Paul Williams
Conseiller Sandra Williams

CONTRE

Conseiller Nicolas Moloney
Conseiller Elizabeth Norwich
Conseiller Dr Roger Norwich
Conseiller William Raymond
Conseiller Stephen Taylor
Conseiller Sebastien Moerman
Conseiller Christopher Nightingale
Conseiller Cormac Scott
Conseiller Anthony Ventress
Conseiller Pauline Mallinson

NO VOTE

None

2240 **The Speaker:** That comes out at 10 Pour and 10 Contre. I am going to follow the example of my counterpart in the House of Commons and vote that as not Carried. It is not a personal vote, but what happens in the House of Commons, as you probably know, is that the Speaker can only vote for something provided it is not actually a change. In other words, he votes for the status quo. So Proposition 4 is **Not Carried**.

Proposition 5: that again, needs to be **Withdrawn**.

2245 Proposition 6; that Chief Pleas resolves that the Conseiller Group (New Shape and Functioning of Chief Pleas) disbands forthwith. All those in favour; is there anybody against? That is **Carried**.

**17. Committee Elections –
Conseillers Sam La Tobe-Bateman, Chris Nightingale and Pauline Mallinson
elected to the Education Committee**

Committee Elections: to elect Conseillers to Committees, as required.

The Speaker: Right, we now go to Agenda item 17, Committee Elections, to elect Conseillers to Committees, as required. What I will do is I will take this Committee by Committee where I know there are vacancies, okay?

2250 There is a vacancy on the Policy & Performance Committee, are there any nominations? No. Finance & Resources, it is my understanding that Conseiller Pauline Mallinson wishes to resign from that Committee, therefore there is a vacancy on Finance & Resources. Are there any nominations for that? No, okay, so that will be vacant.

2255 Now the Education Committee, following the resignations of Conseillers Antony Dunks, Diane Baker and Cormac Scott there are three vacancies on the Education Committee. Are there any nominations for the Education Committee?

Conseiller Dunks: Sam La Trobe-Bateman.

2260 **The Speaker:** Yes, okay, so you are proposing Sam La Trobe-Bateman are you?

Conseiller Dunks: He has put his name to me as the Education Chairman, when I was Chairman.

2265 **The Speaker:** Well, it would be helpful if somebody stood up and said something instead of sitting there. Okay, so we have got Conseiller Sam La Trobe-Bateman. Anybody ...?

Conseiller Ventress: Christopher Nightingale.

The Speaker: Christopher Nightingale.

2270 **Conseiller Nightingale:** Can I propose Pauline Mallinson, please.

2275 **The Speaker:** That is good. Are there any other nominations? I will put that to the vote then that the Education Committee is joined by Conseiller Sam La Trobe-Bateman, Conseiller Chris Nightingale and Conseiller Pauline Mallinson. All those in favour; any against? I would like to thank them all for setting up to the plate and also to thank those Members, Conseiller Antony Dunks, Diane Baker and Cormac Scott for all their work to date on that Committee.

2280 There is a vacancy on Harbours & Shipping Committee, are there any nominations for that? *(Interjection)* There was when I looked at the website. Okay, the Chairman of that Committee is indicating that there is not a vacancy so I will remove that. There is a vacancy on the Medical & Emergency Services Committee, I believe, according to the website there is. Right.

A Member: Yes, there is, sir.

2285 **The Speaker:** Are there any nominations to that? No, in that case that stays as a vacancy. There is one vacancy on the Road Traffic Committee, but I believe Conseiller Sam La Trobe-Bateman wishes to resign. That creates two vacancies, are there any nominations to go on to the Road Traffic Committee? Nobody, okay so that remains now as two vacancies.

18. Committee and Panel Elections – Anne Sturman elected to the Independent Policing Panel

Committee and Panel Elections to elect Non-Chief Pleas Members to Committees and Panels, as required.

The Speaker: Agenda Item 18, Committee and Panel Elections to elect Non-Chief Pleas Members to Committees and Panels, as required.

2290 Conseiller Paul Williams, I understand that you wish to propose a name to go onto the Independent Policing Panel.

Conseiller Paul Williams: Indeed, yes, sir.

2295 The new member is a Sark resident, Anne Sturman. Just to give a little bit of a background: this person has 32 years' service of City of London Police, retired in 2008, as an Inspector. Specialisations include counter terrorism and crime prevention, with positions as a commander and control firearms silver commander, West Mercia Search and Rescue, position search manager and search planner and silver commander for Throckmorton Air Show. So the Douzaine recommend this appointment and trust that Chief Pleas will accept it.

2300 **The Speaker:** Can you repeat the name, please.

Conseiller Paul Williams: Anne Sturman.

The Speaker: How do you spell that? ... He is certainly overqualified! I put the name of Alan Sturman – (**Several Members:** Anne!)

2305 Anne – sorry! I put the name of Anne Sturman to become a member of the Independent Policing Panel. All those in favour; any against? That is **Carried**.

19. Tourism Committee Progress Report – Information Report considered

To consider an Information Report from the Tourism Committee entitled 'Progress Report'.

The Speaker: Agenda Item 19: to consider an Information Report from the Tourism Committee entitled 'Progress Report'.

2310 Conseiller Sandra Williams.

Conseiller Sandra Williams: Thank you very much.

2315 I have not really got very much more to add to my Report, apart from I would just like to point out a couple of things here. We are currently running over budget, as you can see by the impact of having to produce two brochures in one financial year. The implication of that may be that we will not be able to afford to open the Tourism Office on Sundays this year. We are going to monitor the demand for the office on Sundays, and if we have to come back in July and ask for money in order to open the office on Sundays we will be. Sorry about that.

2320 The rest of it is all very positive, I think. And we have looked at lots of ways and we have already saved an awful lot of money by doing things ourselves and doing things joined up with Sark Shipping. But I am happy to take any questions from anybody.

The Speaker: Right, are there any questions or comments from the House? That is an Information Report.

20. Update on the Sark Dairy Industry – Agriculture, Environment, Sea Fisheries and Pilotage Committee – Information Report considered

To consider an Information Report from the Agriculture, Environment, Sea Fisheries and Pilotage Committee entitled 'Update on the Sark Dairy Industry'.

2325 **The Speaker:** We go to Agenda Item 20, to consider an Information Report from the Agriculture, Environment, Sea Fisheries and Pilotage Committee entitled 'Update on the Sark Dairy Industry'.

Conseiller Helen Plummer.

2330 **Conseiller Plummer:** Thank you, sir.

This has been going on for a while, unfortunately we have not got our dairy in place yet. But a lot of work has been going on behind the scenes and the Information Report gives an update of it and we hope to come back with some more practical results at a later Chief Pleas.

The Speaker: Thank you.

Does anybody wish to comment or query? In that case that is an information report.

**Venezuela (Restrictive Measures) (Sark) Ordinance, 2018 –
Ordinance laid before Chief Pleas**

2335 **The Speaker:** We now move to the Ordinances laid before Chief Pleas. The Ordinance laid before Chief Pleas is the Venezuela (Restrictive Measures) (Sark) Ordinance, 2018. Can I take it there are no objections to that? Okay.

This Ordinance will be numbered VI of 2018.

That concludes our business for the day. The meeting is closed at 2.45 p.m.

PRAYER

The Greffier

Chief Pleas closed at 2.45 p.m.