

MICHAELMAS CHIEF PLEAS

Minutes of the meeting held in the Assembly Room, Sark
on 4th October 2006 at 10.00 am.

Present:

J.M.Beaumont OBE, Seigneur; C.J. La Trobe-Bateman, Deputy Seneschal; A.W.J.Adams, Prevôt;
T.J.Hamon, Greffier; Mrs.W.Kiernan, Treasurer; and the Constables.

Members were present as follows:

26 Tenants, 12 Deputies

Apologies: Lt.Col. R.J. Guille, Seneschal, Sieur L. de Carteret, Sieur C. Teers, Sieur D. Spence,
Madam S. Thorpe, Sieur C. Spence, Madam K. Char.

Opening Remarks

Dep. Seneschal The Seneschal was in hospital for an operation and consequently, for the first time, his Deputy was President of a Chief Pleas meeting. He asked for patience from the House.
He welcomed His Excellency the Lieutenant Governor, Vice-Admiral Sir Fabian Malbon, KBE.
He also welcomed Deputy Roger Olsen, sitting at Chief Pleas for the first time, following his success in the recent by-election.

Deepest sympathy was extended to all the family and friends of Dr. Michael Bedford who had recently died in an accident on board a cruise ship whilst on holiday. Dr Bedford had served the island as Medical Officer until two years ago and he would be sorely missed.

1. Minutes

Factual Corrections: Page 7 – Date of next meeting should read 4th and not 6th October.

Acceptance of the minutes as a true record was proposed by Deputy Cole and seconded by Deputy Cocksedge. - **CARRIED**

Matters arising: None

2. Questions not related to the business of the day

Dep. Plummer Asked whether a temporary licence for an electric bicycle, approved by the Medical Officer, could be issued ahead of the ratification of the legislation approved at the previous meeting?

Dep. Cocksedge The President of Road Traffic explained that this wasn't possible but the legislation was progressing and it was hoped it would become Law by December 2006. In the meantime, the person in question has been offered the use of an invalid car.

Sieur Guille Reported that Hotel Petit Champ has been named "Island Hotel of the Year" by "The Good Hotel Guide". The Hotel has been chosen amongst 10 nominated hotels in Britain for a highly coveted César Award. Named after César Ritz, the most celebrated of all hoteliers, the awards are the accolade that hoteliers most want to win. Each year, ten hotels are chosen from across Great Britain and Ireland which stand out for their excellence. Each has a distinct character but with a common attitude to service that puts the customer first.
As President of Tourism, he congratulated Hotel owners Chris and Caroline Robins for winning the award and this was endorsed by the House.

He also reported the increase in 2006 visitor numbers by 11% over the previous year. As well as seeing an increase from Guernsey, Sark also saw a welcome boost from France and Jersey with the regular and reliable ferry service provided by Manche Iles.

3. Report of the Douzaine introduced by Sieur Baker, President of the Douzaine

Dep.P. Williams **Rubbish collection** - emphasised that the increased charges not only covered the additional cost of the incinerator but also the cost of sending rubbish to Guernsey for disposal. Since January 2006, costs rose to £86.20 per ton standard rate, £104.30 per ton for contaminated and £122.40 per ton for items with major contamination. Deputy Melling and his assistants were commended for their efforts throughout the year but especially during the summer season when demands for rubbish disposal is greatly increased. The incinerator has allowed daytime burning and eased the pressure to burn only before and after daytime visitors are on the island.

- Dep.P. Williams continued Metals, tins and paper were separately sorted and dispatched to Guernsey but there was still a need to improve recycling wherever possible. Some 1000 tons of waste was collected each year. If the Island wanted to stay on top of waste disposal it will continue to cost. The public had been kept fully informed of the increased charges and of the use of the incinerator.
- Dep.Guille All households had been circulated with information and the doubling of charges was already approved. Could Public Works cope with collecting all burnable waste after November?
- Dep.Melling Yes – from 1st November from private premises. With businesses and commercial premises, collection will be by negotiation as there was great variation in the amount, size and frequency of rubbish to be collected
- Dep.Cole Had calculated that this amounted to some 70lbs of rubbish per person per week. Did this include builder's rubble?
- Dep.P. Williams Sieur Baker Yes – 1000 tons covered all waste, not all of which was being disposed of in Guernsey.
- Sieur Baker **Prison** – Many people had the opportunity of seeing inside the prison on the recent open day. The improvement of toilet facilities was the first priority; however, the initial budget request for £5,000 could now be reduced to £1,000.
- Sieur Rang Now that no prisoner could be held in the prison without a constable on duty, could the toilets not be used next door, at the Visitor Centre?
- Sieur Baker As the fitness of the prisoner to leave the cell may be in question it would be unwise to escort the prisoner outside the cell.
- Dep.Guy This would certainly not be acceptable during the daytime, next to the Visitor Centre.
- Sieur Baker **Bel Air Toilets** – Representations had been received from all over the island about these toilets being closed to the public.
- Dep.P. Williams A compromise had been reached. The matter began when Mrs D. Taylor asked for a subsidy, similar to that paid to the Bel Air, for the public use of the toilets at The Mermaid Inn. This request was rejected by the Douzaine and the Bel Air subsidy was also withdrawn.
- Mr P. Burgess at the Bel Air advised that he would be closing the toilets to public use. As these are at a key location for those arriving and departing the island, a compromise was reached where Public Works will supply consumables in return for Mr Burgess keeping the toilets clean.
- Disquiet over payments made for servicing the Harbour toilets had been expressed by some Members. This task had previously been undertaken by the proprietor of the Harbour Café with a small reduction in rent paid. When the café closed, Dep.Melling took on the task but during a holiday relief, Dep.Williams had realised how much additional work was involved. A contract was let and taken up by Dep.Williams' partner. Since this arrangement had started, the improved cleanliness and condition of the toilets has been commended by visitors.
- Dep.Williams cleans and services the Visitor Centre toilets at no charge.
- Although not having a toilet fixation, Deputy Williams asked that any comments or complaints should be directed to the appropriate Committee rather than waste Chief Pleas time.
- Dep.Dewe Will the Bell Air toilets be open on Sundays?
- Dep.P. Williams Sieur Guille Sieur Baker Yes.
- Had the Harbour Café rent been adjusted accordingly?
- There was a new rental agreement for the current proprietors and this was £1800 per annum.
- Election of two Douzeniers** – Madam and Sieur Baker, whose term of office has expired, were both willing to stand for re-election.
- Sieur Guille Nominated Sieur Teers, seconded by Deputy Le Lievre
- Dep. Seneschal Had received a letter in Sieur Teers' absence confirming that he was willing to stand.
- In the subsequent named vote Sieur Baker received 38 votes, Madam Baker 32 votes and Sieur Teers 5 votes. There was one vote abstention.
- Sieur Baker and Madam Baker were duly elected.**

4. Election of Constable

- Constable Gail LeLievre The statement, issued with Chief Pleas papers, was read to the meeting emphasising the need for education, training and development and acknowledging the continuity role provided by the Assistant Constable. The monitoring of last Guernsey sailings on Saturdays and Bank Holidays continues and licensees were thanked for their help. The routine work of issuing of licences and attending Courts and Committees continued. Thanks were made to Mr Peter Stisted (Ass. Constable Sea Fisheries), Ms Elizabeth Dewe (Carriage Driver Testing) and Mr Norwen Evans (Invalid Carriages). Thanks also for support from the Guernsey Police but a reminded that this comes at a cost. The people of Sark were appreciated for their help, understanding and support.
- Acknowledgement was given of the help received from the Seneschals office.

Dep. Seneschal Congratulated Mrs Le Lievre for her two years as Vingtenier and Constable. She had been firm yet courteous but had at times had to deal with some difficult situations including a sudden death and a serious assault.

Sieur Baker Proposed Mr Chris Bateson, the present Vingtenier, as Constable.
Mr Chris Bateson was duly elected.

5. Election of Vingtenier

Sieur Baker Proposed Mrs Julie Mann as Vingtenier.
Mrs Julie Mann was duly elected.

6. Election of Procureur of the Poor

Sieur Baker Asked for a vote of thanks to Mrs Bertha Cole for her duty as Procureur. She had carried out her duties efficiently, in confidence and had worked long and hard. She provided a monthly progress report to the Douzaine which had been appreciated. She had dreamt of achieving the provision of sheltered accommodation for the elderly on the island but sufficient funding is not at present available to fulfil that ambition.

Mrs Sarah La Trobe-Bateman (currently Deputy Procureur) was proposed as Procureur.

Mrs Sarah La Trobe-Bateman was duly elected.

7. Election of Deputy Procureur of the Poor

Sieur Baker Proposed Mrs Sheila Guille as Deputy Procureur
Mrs Sheila Guille was duly elected.

All the newly elected officers would be sworn in at a ceremony half an hour after the conclusion of this meeting.

8. Report of the Constitutional Steering Committee

Dep. Guille President CSC The remaining issue to be decided was the composition of Chief Pleas. The Committee had also received representations about the title of the legislation. To deal with this, two further propositions would be tabled at the meeting.

There was nothing further to add – the opinion poll had been agreed and had now taken place and the results were attached to the report. Three propositions were being recommended. The first rescinds the decision of Chief Pleas on 8th March 2006, the second deals with composition and the third seeks to resolve the title of Members.

Dep. Guy Would wish to amend the name from deputies in order to avoid reference to former titles. Chief Pleas Member (CPM) was suggested.

Dep. Guille Anxious to resolve this issue before the Projet is finally drafted. Suggestions were invited.

Mdm. Rang The tenants don't want to be deputies. Could the courtesy of Sieur and Madam still be applied to all 28 members?

Sir P. Miller Agreed. Member of Chief Pleas (MCP) would be acceptable.

Dep. Dewe Also favour MCP. The English/French dictionary suggests Deputé means Member of Parliament.

Dep. Cole Agreed a fresh start was needed and the term Deputy abandoned. Member – Delegate – Senator – Councillor were all possibilities. The French word Conseiller might be appropriate.

Mdm. Rang Agreed with Conseiller

Sieur Rang Would like Sieur, Madam and Deputy to retain the identifiable differentials and understand the proportions within the make-up of the new House.

Everyone No.

Dep. Guille moved **PROPOSITION 1** – That Chief Pleas rescind their decision of 8th March 2006 “That the Membership of Chief Pleas be made up of an equal number of Tenants and Deputies elected by universal suffrage as set out in Model C of the Sark Constitutional Review Committee report of January 2002 but that the number of members sitting as a single chamber be amended to a ratio of 14:14 or similar equal number”.

The Proposition was **CARRIED** with no votes against.

Dep. Guille moved **PROPOSITION 2** – That Chief Pleas instruct the Law Officers of the Crown to prepare the necessary draft legislation to incorporate Option A in relation to the composition of Chief Pleas to replace Option C. For the avoidance of doubt, Option A is that all 28 seats are “open” and all members are elected by universal suffrage.

Dep. Guille Proposed a named vote to conform with previous practise on this most important of issues. The Proposition was **CARRIED** with 23 votes pour, 1 vote contre, and 14 abstentions.

Dep.Guille moved
 Sieur Rossford De Carteret Mlle. Perrée
 Sieur Gommell
 Sieur Hurden

PROPOSITION 3 – All elected members of Chief Pleas shall be known as Conseiller Proposed Chief Pleas Member (CPM) – seconded by Sieur Guille.

The title should be something in French or Patois.
 It should be MCP rather than CPM because it was possible to apply a French title if required later.

Seconded the title Conseiller, proposed by Deputy Cole.

Two options were put forward for a named vote –
 Conseiller – 21 votes, MCP – 16 votes, 1 abstention.

The proposition was **CARRIED** as above.

Dep.Guille Introduced two further propositions.

PROPOSITION 4 – That Chief Pleas rescind their decision of 24th November 2004 contained in the proposition proposed by the Constitutional Steering Committee “The Committee ask that the new law be entitled and known as “the Constitution of Sark Law, 2005”

The proposition was **CARRIED** with 1 “contre” vote from Sieur Gommell.

PROPOSITION 5 – That Chief Pleas approve that the former titled legislation known as “The Constitution of Sark Law, 2005” be re-named “The Reform (Sark) Law, 2006”

The proposition was **CARRIED** with 1 “contre” vote from Sieur Gommell.

9. Proposition to clarify The Constitution of Sark Law 2006

Sieur Guille Had in company with Deputy Melling introduced this proposition merely to clarify whether the privileges, rights, obligations and/or restrictions set out in the Letters Patent of 1611 still applied with the introduction of Constitutional changes.

Dep.Melling If this was not the business of Chief Pleas, whose business was it? Have any rights been changed and what of the relationship between the Tenants and the Seigneur?

Dep.Guille Having seen this item on the agenda, a letter requesting clarification from Her Majesty’s Procureur (HMP) had been sent and a reply received. As this was complicated all Members of Chief Pleas had been circulated ahead of this meeting. HMP says the proposition is flawed and recommends rejection. The proposition asks for it to be incorporated into the new Sark Law but this cannot be done. Who should therefore be considering these issues and how is it to be handled?

Seigneur This issue effectively relates to the process of Land Reform. Reference was made to the Chief Pleas Minutes of the 18th January 2006 (Item 10) where the Financial Sub-Committee “*reported on the proposals for a Property Tax and the Abolition of Congé and Trezieme*”. At that time “*the House agreed that there should be a property transfer tax but several questions were asked about leasehold, leases and possible land reform. Sieur Raymond said his Committee would withdraw the Propositions and bring a further report at a later date, possibly Easter, and would liaise with Sieur Gomell, who had raised the issue of leases and land reform*”.

Sieur Raymond This had been investigated but the issues were beyond the remit of the Finance Sub-Committee and needed a much broader assessment of the relationship between the Seigneur, the Tenants and Leaseholders as so much had varied. Some clarification on how we all stand is needed and what rights and obligations remain since the original Letters Patent. It needed a separate Committee to clarify the whole.

Seigneur Agreed a new Committee needed to be set-up.

Sieur Raymond Agreed that the economic future of the Island depends on it.

Mdm. Rang Quoted from HMP – that Land Reform was not the business of Chief Pleas. She was upset by the suggestion that this was another ploy to delay the new Constitution. She has no choice but to live with the new regime but if so, Tenants rights are no longer the business of Chief Pleas.

Mdm. H. Carré Referred to the Letters Patent of 1611, contained in a book she has read. It is a contract between the Crown and the Seigneur and says what we cannot do, including the division of the tenements. The Constitution is completely separate from the Letters Patent. The 1611 version is only an addition to the original Letters Patent which are as binding today as they were then.

Seigneur The Letters Patent were found in the book “The Fief of Sark” and were introduced by the then Seigneur to stop the original Jersey settlers from dividing their farms. The Tenants, through a Projet, could petition the Crown and this could come within the remit of Chief Pleas.

Mdm. Rang Advocate McMahon confirms this in his letter of 3rd February 2002, referring to the Real Succession in Sark Law 1999, which allowed the Letters Patent to be changed through legislation started in Chief Pleas. Human Rights legislation does not affect the Tenements.

Sieur Hurden All advice agrees that the Constitution has no effect on the Tenancies except removing the right to sit on Chief Pleas. Are all the privileges of 1611 still valid? He agreed with setting-up an investigating Committee.

Sieur Harris Considered that replacing the Trezieme with a Property Transfer Tax was the highest priority but there were many issues to be considered, some small, others large which might take lengthy deliberation. Locking those up into a Committee was wrong as the whole project could take too long to resolve. The time taken on the Constitution was such an example.

Sieur Hurden The issues could initially be identified and then separated out and propositions made as appropriate.

Dep. Seneschal Considered this to be the wrong time to be setting-up new Committees as the introduction of the new Constitution takes place and new Members are introduced.

Sieur Gommell Disagreed as it was important to establish the status before the Projet is finalised and approved.

Sieur Raymond If the Island is to review the Seigneur and Tenants rights, it must also embrace the issue of leaseholds. It is not possible to mortgage or have a charge against a Sark property. This hinders future economic growth. Alderney has changed so that young families are using property to secure borrowing and establishing businesses on the island. There is a need for proper codification of leasehold laws and practises and change property laws.

Sieur Donnelly Agreed and this has to be done now. It was difficult to reconcile feudal rights with democracy. There is a need to clarify the now so that the new Chief Pleas can see where we are going in the future.

Dep. Guille All are agreeing it should be done sooner rather than later. He supported a new Committee and suggested that the Rules of Procedure are suspended so that a proposition can be put forward.

Dep. Cole Supported Sieur Raymond but setting-up a Committee today without some supporting paperwork so it can be given measured consideration was acting too hastily.

Sieur Raymond Asked if the House wanted the original remit to be taken on by the Finance Sub-Committee?

Dep. Dewe Asked if Sieur Raymond was acting as GP&F or Sub-Committee?

Sieur Raymond This would be for discussion at Sub-Committee

Dep. Dewe When the Seigneur introduced the inheritance law, he supported the continued banning of subdividing property.

Mdm Rang Always maintained the introduction of Option A was a way to get Land Reform. She again quoted from Advocate McMahon's letter about the violation of convention rights.

Sieur Gommell The debate shows uncertainty and a Committee should be set-up now to report to the next Chief Pleas. Clarification is needed before January and feels this is more of a Constitutional matter.

Sieur Donnelly Suggested that the Committee should have at least three deputies on it to provide transparency.

Sieur Harris Urged delay to achieve things more quickly. It is clear Chief Pleas wants a Committee but it is not clear what needs to be included in the remit, He supported Deputy Cole, in that a proper proposition should be brought to Chief Pleas in January 2007.

Mlle. Perrée Do we really want to finish up like Alderney and bring in more outsiders?

Sieur Gommell Supported suspending the Rules of Procedure. He gave examples where outside investment into island businesses, such as the Bakery, currently for sale, was not going to happen as nobody would buy it under the present rules. There was too much money needlessly being paid to Banks. The 1611 Letters Patent were no longer relevant and the issues need early resolve.

Sieur Raymond Could his Sub-Committee, as a first step, look at the leasehold arrangements and the idea of local people having mortgages as opposed to Bank Loans?

Dep. Dewe Agreed with Sieur Raymond.

Sieur Guille Seconded the proposal to suspend the Rules of Procedure.

Dep. Guy In the subsequent vote the motion was **CARRIED** with 3 contre.

Dep. Seneschal Supported Sieur Raymond – consult and bring a report to next Chief Pleas.

Dep. Seneschal Asked for a proposition to be put forward and accepted Deputy Guille's suggestion of a 15 minute recess.

THE MEETING RECESSED FROM 1203 UNTIL 1215

Dep. Seneschal Complaints had been passed to him during the break from Members at the back, overhearing remarks from the public seats. Could this please stop?

A request from Sieur Baker to complete the Constitutional issues first was turned down in favour of hearing the proposition.

Sieur Raymond **PROPOSITION** – That Chief Pleas instructs the Finance Sub-Committee to address the Tenants and Leaseholders rights in property and the rights and restrictions attaching thereto for the purpose of enabling Chief Pleas to clarify these interests and to make future recommendations including the raising of a tax on the transfer of property,

Sieur Gommell If the suggestion is to raise a tax, raising mortgages should also be included.

Sieur Raymond Agreed we would suggest that mortgages are also incorporated.

Mlle Bull Having mortgages would infringe the rights of the law.
 Dep.Dewe Reminded the meeting that there was no full member of GP&F on the Sub-Committee.
 Sieur Agreed there was only an observer (Sieur Baker) but he had no wish to exclude GP&F representation
 Raymond and involvement. He would also request that Sieur Gommell join the Sub-Committee in an ex-officio capacity.

Mlle Perrée Foresaw problems of leaseholders taking out a mortgage and then not being able to pay and yet they were leasing on a tenement.
 Sieur It is such issues that need to be resolved
 Raymond
 Sieur Hurden Suggested the Sub-Committee should also review Seigneurial rights.
 Sieur Thought this inappropriate at this time.
 Raymond

A vote on the proposition was **CARRIED** with no votes against
 Dep.Cole Asked about the status of the original proposition in Agenda Item 9
 Sieur Guille Withdrew the original proposition.

10. Verbal Report on the progress of the Brecqhou Liaison Sub-Committee

Dep. Dewe The Sub-Committee reported too late for any verbal report to be made at this meeting.
 Sieur A meeting had been held with GP&F to discuss an interim report after the initial meeting on
 Donnelly Brecqhou. A second meeting with GP&F had not yet happened but he would like GP&F to be more involved in future meetings with Brecqhou.

Dep.Guille Reminded the meeting that the Rules of Procedure remained suspended if the House wished to move the proposition on the Brecqhou Liaison Sub-Committee

Sieur A memorandum of understanding with Brecqhou could be changed as it contained nothing
 Donnelly constitutional providing GP&F were involved in discussions.

Mdm Rang Asked when the new regime would be operating in Sark?
 Dep. Assumed Easter 2007 providing the legislative progress beyond Chief Pleas did not introduce
 Seneschal unnecessary delays.
 Dep.Guille Chief Pleas could be asked to reach an agreement with a third party before the newly elected assembly was in place. Could float this opportunity today or delay until a future meeting of Chief Pleas. The request for the suspension of the Rules of Procedure was therefore withdrawn and the Rules reinstated from the earlier suspension. The issue was left for discussion at a future meeting.

11. Consideration of a letter from Sir David Barclay (Constitution of Sark)

Dep. Read a statement from the Seneschal who had received the letter by fax from Monaco. It was not
 Seneschal possible to duplicate the poor quality of the original but in scanning in the original a typing error had been introduced for which apologies are made. In the fifth paragraph, fourth sentence, so good should read – no good. The original letter was also signed by Sir Frederick Barclay. The seneschal considered that Sir David Barclay should have sent the letter as a mailshot to all Chief Pleas Members rather than request its inclusion on the agenda and to that end the agenda item should read to “note” rather than to “consider” the letter.

12. Report from the Finance Sub-Committee (Budget)

A request by Deputy Melling that this item be delayed until after the lunchtime recess in favour of some shorter items was rejected by the Deputy Seneschal.

Sieur Introduced the report and referred to the budget estimates, apologising for an error in the 2006
 Raymond budget figures. Under Education, 2006 salaries should have included the classroom assistants. The following figures needed to be edited - £88,606 for salaries becomes £95,918; total education - £143,280 becomes £150,592 and the proposed surplus for 2006 reduces from £24,109 to £16,797. The following figures were highlighted on estimated expenditure—

- The excellent work of the Procureur has reduced expenditure for which thanks were recorded;
- Continued support for shipping reflects years of under capitalising the company;
- Repairs and maintenance figures were guestimates;
- Increases in Tourism salaries were abnormal and Sieur Guille would explain these later;
- Rubbish disposal costs had risen significantly as had already been explained;
- Crane expenses were unexpected but income from hire is now included in the estimates;
- Harbour repairs, whilst not immediate could be significant in five years time and an accumulating fund was being set-up. There was a reminder that the Committee had no assets to sell and further reduction of the reserves was not an option for consideration;
- There was a considerable disparity between spending on healthcare and education which needs to be borne in mind although this is a social issue;
- Following representations (from the late Mrs Rosa Woolford), a grant to the Methodist Chapel has been included, as a grant was already made to St. Peter's Church.

Sieur
Raymond
continued

- Police costs were guestimates;
- Payments for unforeseen expenditure had been low in 2006 (until the end of August) and the estimate for 2007 reflects this;
- Prison upgrade had been reduced to £2000.

The following comments were made about estimated income –

- Impot hasn't realised last year's estimates. The figure was £40K down on what was expected although actual income was £40K above 2005;
- Income from Public Works was up as previously explained;
- Income from Guernsey Post needed investigation to fully understand the calculations used.

On the expenditure pie chart, the high cost of education (20% for 60 children) against that spent on healthcare (2% for 600 people) was very marked, the burden of healthcare being paid personally by the individual except for that arranged through the Procureur (8%). Otherwise expenditure was broadly spread although the considerable amount of voluntary work must be recognised.

On the income pie chart, it has been the aim to balance direct taxation and other forms of raising income close to a 50:50 ratio. Poll Tax remains static as to increase this would have an adverse reaction on Tourism. There was no increase in Direct Taxation in 2006 in favour of raising income from increased Impot. This has not realised the level of income needed and therefore a return to increasing direct taxation in 2007 is inevitable as well as increasing licence costs.

Dep.Guy Asked to be excused and withdrew from the meeting before the explanation of the significant increase in Visitor Officers salaries was discussed as she was directly involved.

Sieur Guille Both Visitor Officers had written requesting increases as their pay was well below equivalent island officials, such as the Assistant Constable and the Road Foreman.

Dep.Guille There should be a method of procedure to set a level base for island officials pay. It would have been more appropriate if Tourism had reported correctly and made a case for the increases.

Dep.Dewe GP&F were sent copies of the request by the Visitor Officers but the then President (Gurden) deferred the matter to Tourism under which jurisdiction the officers were employed.

AT 1.05pm THE MEETING ADJOURNED FOR LUNCH UNTIL 2.00pm

Sieur Rang Commented that requests for expenditure approval in 2007 should have been better explained. He understood that the road repair machine at £7K, was likely to require a tractor to power it above the size of those allowed on the island. He had offered a machine, free of charge, to remove the surface of Rue Lucas last year but it was not accepted and now there is proposed expenditure on a new machine.

Dep. Shouldn't it be for the bidding Committee to bring explanation and justification forward?

Seneschal Sieur Raymond concurred – he was only the middleman, there to bring the bad tidings.

Dep.Dewe This machine was being investigated and a visit to view one working in the UK was planned and to assess it's suitability for Sark.

Sieur Hurden When President of Education, he had to give a detailed specification before bidding for money.

Sieur Baker There used to be a meeting of spending Committee Presidents prior to budget estimate submission. This particular machine was in only being investigated and a full report would be made before purchase but a request had to earmark funding in the budget process.

Drew attention to Accommodation and Catering Permits which includes a free water test. If a charge were made it would provide additional revenue.

Sieur Curtis He has already paid the fee for 2007 and it was accompanied by a letter warning that the fees for 2008 would rise significantly.

Dep.Dewe With support from Deputy Guy and Sieur Baker acknowledged that the due process to raise these charges would be passed to Chief Pleas at a future meeting but, although the Tourism Committee had directed the responsibility to GP&F, it was complicated because Public Health were also involved for the catering element of the licence. An ordinance was needed to raise the fees.

Sieur Expenditure for the New Island Hall was shown but there was no reciprocal income. Upon Sieur Raymond explaining that this was in the hands of the Trustees, he commented on the complication on the different levels of Trustees and it was difficult to understand who was responsible for what.

Dep. Understood that the Hall operation was being given a year to ascertain what income stream might be appropriate. He suggested Sieur Donnelly speak to the Hall Trustees.

Seneschal Having queried the entry for rents and ground rents was informed that this was for island property. She commented that the figure seemed very low but it was explained that many of these are of long-standing and set at a low level.

Sieur Raymond moved An additional proposition was required –
PROPOSITION – To adopt the Treasurer’s Budget Statement.
 Was **CARRIED** without objection

Mdm Baker Asked about the status of the Visitor Officers’ pay request? To which the Deputy Seneschal replied that if the budget is approved, it is incorporated.

Sieur Raymond moved **PROPOSITION 1** – That the rate of Property Tax be increased to £6 per quarter for the year 2007 and that the minimum rate of Personal Tax be raise to £200.

Mdm. Rang Was concerned about the £50 rise in personal tax, especially for young families.

Sieur Raymond Pointed out the 20% of expenditure was for education and the highest single budget item. If young families were experiencing hardship, they could approach the Procureur.

Sieur Rang Suggested there was an imbalance, as a high proportion of people were either paying the minimum personal payment or the forfait, with few paying in between.

Dep.Melling Also concerned about the rise in personal taxation. There must be other ways of raising income.

Sieur Raymond Other options have met barriers. His Sub-Committee don’t like raising direct taxation but reminded the House that there was no increase last year.

Dep.Melling Must be income streams from other sources. What barriers – did this refer to the other island? He was also concerned about the loss of Impot.

Sieur Raymond Was also concerned about this issue and investigation were to be carried out to ensure the correct income was being credited by sales for Sark in Guernsey.
 A vote was taken on Proposition 1 – **CARRIED** with no abstentions.

Sieur Raymond moved **PROPOSITION 2** – That the rates of cycle, dog and horse taxes be increased to the following:

Cycle Tax	- £10 pa
Dog Tax	- £10 pa
Horse Tax	- £20 pa

Dep. Plummer Was concerned about the effect on cycle hire business to which Sieur Raymond replied that the rise was equivalent to 2 days cycle hire as opposed to 1 days cycle hire as now.

Sieur Rossford de Carteret Declared an interest but commented that the increase in horse and cycle licences would only be passed on to the visitor and yet the raising of the poll tax was rejected.
 A vote was taken on Proposition 2 – **CARRIED** with four contre.

Sieur Raymond moved **PROPOSITION 3** – That Chief Pleas approves the Ordinance entitled Direct Taxes for 2007 (Sark) Ordinance 2006. – **CARRIED**

PROPOSITION 4 – That Chief Pleas approves the Projet de Loi entitled The Financial Provisions (Amendment)(Sark) Law 2006 – **CARRIED**

PROPOSITION 5 – That Chief Pleas approves the Ordinance entitled The Financial Provisions (Amendment)(Sark) Ordinance 2006 – **CARRIED**

13. Report from the General Purposes & Finance Committee (Uniform Scale of Fines)

Dep.Dewe Explained that the content of this Ordinance was approved by Chief Pleas at the last meeting and brought fines into line with other administrations across the Bailiwick.
PROPOSITION – That Chief Pleas approve the Ordinance entitled “The Uniform Scale of Fines (Sark)(Amendment) Ordinance 2006 – **CARRIED**

14. Report from the Shipping Committee (Isle of Sark Shipping Financial Statements)

Sieur Donnelly Accounts for the Shipping Company now provided following a recent meeting with the Directors.
 A draft timetable for Summer 2007 had also been secured and this had been circulated to the House. The principal change is the setting back of the 9.45am departure from Guernsey to 10.00am, during the shoulders of the main season, following complaints about connections for incoming air passengers. During the main season the later option of a departure at 11.30am was available.

Following a meeting with Tourism, he was able to report the likelihood of a higher capacity ferry being available next year on the Manche Iles Express service from Jersey and Granville.

The public have raised an issue relating to pre-booking for carriage tours in Guernsey and this is being pursued with the IoS Shipping.

Dep.Melling Noted that the return Sunday service was shown throughout the season (April-October) and was concerned that this had been extended this year without warning, consultation or approval.

Sieur Raymond	Pointed out that the start date of 2 nd April was a Monday, not as traditionally a Saturday. If the Island wanted to start the service on Saturday 31 st March this wouldn't be a problem – the Island was due a shopping trip anyway. There was general agreement to start on 31 st March. An error on the Sunday start date was also noted – change 9 th April to 8 th April.
Sieur Rang	Questioned why the 9.45am could not be 10.00am throughout the season, to which Sieur Raymond responded that it created scheduling problems with the 11.30am departure. He would take the request back to the Directors as it may be possible to reschedule the cargo boat to fit.
Dep. Seneschal	Invited any questions on the accounts.
Dep. Plummer	Asked how successful the Sunday boats had been?
Sieur Raymond	The financial figures were not yet full analysed. The key question to providing boats on Sundays is whether Sark considers it is open for business. IoS Shipping can provide what level of Sunday service the Island wants.
Sieur Rossford de Carteret	IoS Shipping had promised a public meeting. Yet again the Timetable has been decided without proper consultation.
Sieur Donnelly	Agreed that consultation was needed. The Shipping Committee had not been up to speed without a quorum of members and he apologised to the House for not being able to circulate a timetable earlier. He reminded the House that at present the Island Trustees held the shares until the new Constitution was in place and then responsibility would be passed to the Shipping Committee on behalf of Chief Pleas.
Sieur Raymond	A consensus of opinion was hard to find when approving the boat timetable, especially on the Sunday Service. Chief Pleas can direct IoS Shipping to provide the service level required.
Dep. Plummer	The message she is getting is that it is too many Sunday boats for too many Sundays.
Mlle.Perrée	At least the tractors are better organised when the Sunday boats are regularised rather than ad hoc charters.
Dep.Dewe	Much less economic with just one in and out journey as it is not supported by day trippers.
Dep.Olsen	What news was there of the new boat?
Sieur Raymond	Produced a list of new boat problems but focused on the major row that had ensued over the need to test the shafts to destruction and, having done so, obtaining replacements. The latest update was aiming for a mid-November launch and there was incentive by the Yard for this as another order was on the stocks and needed to occupy the space currently used by the Sark order. The expected cost was still at £600K.
Sieur Donnelly	Announced that Sieur Simon de Carteret had been nominated by GP&F as their representative on the Shipping Committee which would satisfy the need for a GP&F member and make the Shipping Committee quorate. The nomination was CARRIED .
Dep.Guille	The difficulties with pre-booking for carriages and cycles would be dealt with by IoS Shipping at a public meeting to be held in Sark on an evening in November.

A FIRE CALL saw Deputy Guille, Sieur Curtis, and Deputy Williams leave the meeting

15. Verbal Report from the Medical Committee (to replace a resigning member)

Dep.Cole	Reported the meeting between Members of the Medical Committee, the Education Committee, the Seneschals, the Constables, the Headmaster, the Doctor and a number of islanders involved in child care and representatives from Guernsey's Health and Social Services Department to discuss the Children Law being introduced by Guernsey. Extensive notes were taken and these have been circulated to those attending and to all Chief Pleas Members. Once Guernsey adopts the new Law, there will be implications for Sark, because the changes to criminal law will be Bailiwick-wide. Although there has been no Sark child in Court for over 15 years, should a case come forward the new law will apply here. The other part of the law is concerned with child care. Sark currently has no laws at all about this and this offers us an opportunity to benefit from the work Guernsey has already done. The Proposal asks Chief Pleas' approval for the Committee to work with the Law officers and other interested persons to select elements of the legislation to make into a Children Law appropriate for Sark's needs. The Committee will then come back to this House with recommendations including with, where possible, costing which can be discussed in details. A first full draft of the law has just been received. The House gave APPROVAL to work with the Law Officers.
Mdm Hester	With the resignation of Deputy Cole, Madam Hester will become President of the Medical Committee. Two nominations have been received as a replacement – Madam Char and Deputy Olsen. By a show of hands, Deputy Olsen was elected by a clear majority.

16. Report from the Education Committee (making the Head teacher an ex-officio member)

- Dep.Cole Report self-explanatory with the
PROPOSITION – That the Mandate of the Education Committee be amended so as to make the Head teacher a Member ex-officio of the Committee.
- Mdm Baker Wished to retain the present arrangement and was supported in this view by Mdm Rang, Mlle Perrée and Sieur Donnelly with the arguments that you cannot talk freely if the head teacher is present, he would have access to all Committee papers if ex-officio and that there was no supporting disciplinary body as back-up, such as the BMA in the case of the doctor.
- Dep.Cole Thought that there was inconsistency with the Doctor being ex-officio on the Medical Committee and the Harbourmaster on Harbours. Committee.
- Dep.Guy If any matters came up in Harbours Committee at which the work of the Harbourmaster required disciplinary action, he would be asked to leave the meeting. This was supported by Deputy Dewe. A vote on the **PROPOSITION** was **LOST** with only 7 in favour.
- Mdm.Hester Asked why no full report had been submitted by Education Committee? Deputy Cole (President of Education) apologised and promised a report for January 2007.
- Mdm.Baker Asked if the situation involving the previous headmaster and his wife had yet been resolved? Deputy Cole was unable to answer at present.

17. Report from the Harbours Committee (Maintenance; Crane; Legislation; Safety at Sea)

- Dep.Guy Introduced the report, apologising for the punctuation error (tenth line) which should be a comma. The £7K originally estimated for the further work on the crane was reduced to £3K and would be taken from the Harbours budget. The splitting of the brakes was necessary as the crane was designed as primarily a yard machine. It needs dual brake piping for roadwork. The amendments to the Harbours (Sark) Ordinance are quite extensive and the Law Officers are advising that it may be easier to replace the existing with new legislation. This will be reported in January Chief Pleas. The Safety in Sark Water consultation will take place shortly and be put on notices in the Island and by letter off-Island. Propositions will be brought to Chief Pleas in January.
- Sieur Baker Asked if any compensation could be claimed from the company that had done the original work?
- Dep.Guy It was being pursued although the company did not see the evidence as the urgency of the repair needed immediate action. As the company responsible for the previous refurbishment is located in the north of England, they had no personnel with the necessary expertise available to travel to Sark and the time delay and cost of sending the defective part to them was not an option.
- Dep.Dewe The insurance claim for the accident on Harbour Hill was being processed. The Report was **ACCEPTED**.

18. Tendering Propositions (raising of lower limits)

- Dep.Guy Introduced and asked for the threshold for tendering to rise from £500 to £1K.
- Seigneur The Trustees had asked that the amount be raised to £2K.
PROPOSITION 1 – That the level at which tendering is required is increased to £2,000. The vote was **CARRIED** with none against.
- PROPOSITION 2** – That this amount is reviewed very three years
The vote was **CARRIED** with none against.

19. Report from the Trustees of Island Property (The Old Island Hall)

- Seigneur There had been an error in disbanding the Management Committee so it was proposed to set-up a Douzaine Sub-Committee under the chairmanship of Deputy Melling. The living quarters of the Old Hall are leased to the Nicolle family with the rest of the property being used for storage.
- Sieur Perrée Asked who was responsible for insurance cover for stored items to which the Seigneur confirmed that it was the responsibility of the storer.
- Sieur Donnelly Asked whether the Island Trustees were different for each building and were they acting under common law?
- Seigneur The Trustees were acting for the Island. There was a planned review of the arrangements with the intention that there would be a common set of Trustees once regularised.
- Sieur Harris Could the Trustees pay income to the Procureur for the Poor?
- Seigneur It was specified where the income goes.
PROPOSITION 1 – That Chief Pleas approves the appointment of the Douzaine Sub-Committee to act as the Old Island Hall Management Committee. The vote was **CARRIED** with none against.

PROPOSITION 2 – That the Trustees request the Crown Officers to draft legislation to conclude the trusts constituted by the 1960 Law.

The vote was **CARRIED** with none against.

20. Report from the Agriculture Committee (RAMSAR site)

Dep.P. Williams Had nothing to add to the report and everything was progressing.

The **REPORT AND NOMINATION** of Mrs Birch as a co-opted Member of the Agriculture Committee was **ACCEPTED**.

Sieur Rang Asked when the Agriculture Committee last met? The Committee Secretary had recorded the last official minutes as being for the 28th January 2003.

21. Report from General Purposes & Finance Committee (Export Control)

Dep.Dewe Customs was the responsibility of Guernsey for the whole Bailiwick. This Law widened the range of goods to be encompassed with a view to preventing terrorism opportunities. It mostly involved criminal law.

Sieur Donnelly There was a need to understand what additional things could be encompassed. What consultation had taken place with Sark and what are the ramifications of the law? Has the Committee studied the long-term ramifications? Does it include chocolate and fish or just terrorism issues?

Dep.Dewe Couldn't imagine them making any ordinances which would be prejudicial to Sark.

PROPOSITION – That Chief Pleas approve the Projet de Loi entitled "The Export Control (Bailiwick of Guernsey) Law 2006"

The vote was **CARRIED** with none against.

22. Report from General Purposes & Finance Committee (Financial Services Legislation)

Dep.Dewe On advice from Her Majesty's Procureur and the States of Guernsey, GP&F have been instructed to remove this Projet for further consultation to take place. A revised report will be brought to Chief Pleas in January.

23. Discussion Paper from the Constitutional Steering Committee (Committees)

Dep.Guille Introduced the report as a discussion paper, previously requested by Chief Pleas. The Constitutional Steering Committee (CSC) was looking for direction, will take questions but is looking for answers.

Dep.Guy Supported the view that the Constables should not sit on Committees as it compromised their legal integrity.

Sieur Curtis Suggested the Constables should be invited to three Committees – Avian Flu, Emergency Services and, less vitally, Road Traffic. There was also the spin-off that if they were involved in island politics they may be encouraged to stand as deputies at a later date.

Dep.Guille Suggested the House went through each explanation accompanying the report.

All agreed that Avian Flu should stand alone.

Dep.P. Williams Agreed that Agriculture was ideally linked to the Douzaine. It meets seldom and has regular and repetitive spending.

Dep.Dewe Firearms only met occasionally, the work was repetitive but it didn't need 12 people to consider it. The Douzaine would not be a happy bedfellow. Is the purpose to spread the workload? It won't help reduce secretarial support. Could Committee Presidents write with their views?

Dep.Guille Was sceptical – he could send it out but would he received any response?

Dep. Seneschal It is here now, we don't need to send anything out, just specify a date by which responses must be made.

Sieur Donnelly Firearms was a specialist function and it was wrong to dilute the expertise dealing with it.

Sieur Baker The specialist sections embraced by the Douzaine could have their own nominated representative who would sit with the Secretary.

Sieur Hurden The President does most of the work anyway. Purpose of each Committee is to deal within its own area of expertise. The same work needs to done however it is arranged.

Dep. Cocksedge There would be too much work for one President to handle Harbours and Sea Fisheries.

Dep.Guy Other Islands put Sea Fisheries with Agriculture.

Dep.Dewe What are we trying to achieve? 5.15am is the best time for Committees but if the agenda was too long tail end items might well be missed. Amalgamation will make meetings longer. GP&F is monthly, Douzaine is monthly yet Firearms is occasional. He would prefer shorter agenda and more frequent intervals.

Dep.LeLievre The President does most of the work. The existing system is not broken so why fix it?

Dep.Guille If Chief Pleas is happy with the current situation – fine. Chief Pleas has had the opportunity to debate the issue. Suggest it be left alone but he would be willing to listen to any comments sent.
Sieur Raymond Agreed that Finance should be a separate Committee.
Mdm.Rang Obviously if you reduce the number of Members, each will have to work harder.
Dep.Guille Except for the emergence of a separate Finance Committee he would recommend the status quo but could **ALL** Presidents respond by 20th November.
Mdm.Rang Until the new Members are appointed the exercise is pointless.

NEXT MEETING – Wednesday 17th January 2007, reports to the Seneschal by Friday 15th December 2006

Deputy Melling will arrange with the Constables for the road outside the Assembly Hall to be closed during any future meetings following the Members complaints of excessive tractor movement and the noise disturbance.

The Meeting ended at 4.05pm

Brian Garrard (Sark Committee Secretary) 5-6 October 2006

9th October 2006

Greffier

Deputy Seneschal