

- 03 Seneschal Explained the background of how responsibility for the Crown Dependencies, once with the Home Department, was moved to the Lord Chancellor's office; subsequently this responsibility became the charge of the DCA. Such reorganisation was not uncommon in Government but whatever changes had taken place, we are still dealing with the same people and those dealing with the Channel Islands are still the same. The most significant of the changes in recent times is the move of the Privy Council into the administration of the DCA. Our dealings, originally with Ms. Belinda Crowe are now with Mr. Peter Thompson but personalities are bound to change with promotions and retirements. Nobody had received forewarning of this latest realignment other than that reported in the newspapers.
- 04 Dep. Armorgie Remained concerned and hoped the conduit still exists. If there was interference from the UK Government in the way Sark was governed, he would be worried as Sark's loyalty is to the Crown and not to the UK Government.
- 05 Seneschal The Queen has devolved administration to her Government – the State – but it was still the same unit dealing with the Crown Dependencies and the same personnel involved.
- 06 Dep. Armorgie Asked for confirmation that Sark's relationship has stayed unchanged and was given that assurance by the Seneschal.
- 07 Dep. Armorgie Persisted with his questioning, asking whether the DCA representatives attending in February had been aware of the change, to which the Seneschal considered it was unlikely.
- 08 Seneschal The Lord Chancellor would no doubt have been privy to any realignment but as there was no change in personnel, it was not likely the officers were involved or consulted.
- 09 Dep. Armorgie Asked if the Seneschal and the Seigneur were surprised at not being informed but the Seneschal said no, he wasn't and deferred to the Lt. Governor for comment.
- 10 Lt Governor No, he wasn't surprise and wouldn't have expected to be informed.
- 11 Dep. Armorgie Thanked everyone for making it clear but he considered it key to knowing where we stand. Asked if it was a concern of Chief Pleas that Lord Falconer was to be replaced by a different Minister of the UK Government.
- 12 Seneschal If there is a change of Leader of the Labour Party there could well be a reshuffle – government Ministers are constantly changing – but the staff doing the daily work remain the same apart from deaths, promotions or retirements. The DCA has provided a list of contact numbers and the address; if you have concerns write to Peter Thompson or speak with him on the telephone. Just don't ignore them – liaise – they provide the reports to HM in Council.
- 13 Dep. Dewe In the late 1950s, he dealt with the Home Office and received visits from different Ministers but they were always accompanied by the same people supporting them.
- 14 Dep. Armorgie Asked if there is merit in planning for the future by speaking to the Lt. Governors of Jersey and Guernsey sharing common problems with them.
- 15 Seneschal Prior to the recent political upheaval in Guernsey, an invitation had been made for Sark representatives to attend an internal seminar briefing State Deputies by their officers on future relationships with the UK and the EC. Now things have settled down that seminar is being set-up again and members of Sark's GP&A and C07C will have invitations to attend.
- 16 Dep. Armorgie Was of the view that the new Constitution should not be rushed but he appreciated the timescale involved. The final 10% of a settlement is the hardest to achieve but C07C is setting a timeframe in which to work and to ignore that would be wrong. He anticipated a public meeting and another Chief Pleas before the fixed Michaelmas meeting. C07C was not procrastinating or being obstructive but it was important to consider carefully all the views expressed and received. Points 6a-q in the report are not the opinions of C07C but the many views received which are worthy of being given attention.
- 17 Dep. Dewe Has attended the annual get-together of Crown Dependencies and has always been assured that there is no wish to change Sark's relationship with the Crown.
- 18 Sieur Baker Asked if C07C intended to enlarge its mandate to incorporate this further study of Sark's relationship with the UK.
- 19 Dep. Armorgie C07C has no intention to do so but Chief Pleas would need to instruct.....
- 20 Seneschal Such issues were not C07C business but matters for the GP&A Committee. If C07C have problems establishing a working relationship with the DCA, it should concentrate on improving that relationship.
- 21 Sieur Baker Would not wish to see the mandate extended as these issues were resolved in the 1973 Report from the Home Office. Item 6b in the C07C paper suggests minimising bureaucracy! Item 6m is yet another attempt to undermine the role of the Seigneur and Seneschal – is it intended to undermine the heart of this Island completely?
- 22 Seneschal The mandate of the GP&A Committee confirms their role in dealing with relationship issues with the UK.

- 23 Dep. Cole When C07C was formed in January 2007, many Islanders thought the intention was delay proceedings. This waffle in the paper proves it and is worthy of a communist manifesto. There have been many well informed debates about the roles of the Seigneur and Seneschal leading to the present Constitutional content. C07C is seeking self-empowerment and the paper is full of rhetorical questions under the pretext of seeking greater transparency. He questioned the need to include the Price & Price opinion which was now dealing with redundant issues.
- 24 Seneschal Threatened to clear the public galley if more applause interrupted the meeting.
- 25 Dep. Guy Endorsed Deputy Cole's sentiments delivered in his usual court jester style but the issues were deadly serious. This paper is an insult to the Deputies. C07C reportedly have held twelve meetings but only four are listed on the meetings board outside the Committee Room. Some of the items in this paper have grave implications for Sark.
- 26 Dep. Olsen After the Extraordinary Chief Pleas meeting in February, he had given the necessary five days notice of questions he intended to raise of C07C but had received no reply either then or since. It was one question in three parts.
"Will you please explain the legal basis, either in specific legislation or through court decisions, to support the views (a) that Royal Assent is not the supreme power of our land, (b) that the present system for composing and electing Chief Pleas is compatible with Article Three of the first protocol, or (c) that a remedy cannot be imposed to rectify an incompatibility with the human rights law?"
 Royal Assent has been given to the human rights law and therefore Dep. Olsen believed that Sark is obliged to adhere to that law, if for no other reason than that Royal Assent has been given. If this is wrong, could C07C explain the legal basis for taking the opposite view?
 If a court determines the present system for elections or the composition of Chief Pleas' membership to be incompatible with Article Three of the first protocol, the right to free elections, a remedy may well be imposed. He asked for an explanation of the legal basis as to why an incompatibility could not be declared and a remedy imposed.
- 27 Dep. Armorgie Was grateful for Deputy Olsen's questions but referred to Mlle. Char for reply.
- 28 Mlle. Char Reported conversations with Deputy Olsen to explain the answers to his questions. She started an explanation but was interrupted by the Seneschal who commented that her response was not what Deputy Olsen had asked.
- 29 Note from Secretary Mlle Char continued with a long explanation with references to the British Railways Board and all manner of other case histories which the Secretary found impossible to follow. Requests for written text has been made but without result. The debate continued on the role of the Queen as Duke of Normandy and Queen of England and the Seigneur and Seneschal tried to elucidate the explanation.
 The Seneschal finally asked Deputy Olsen whether he was satisfied with the response.
- 30 Dep. Olsen He had understood some points and that the Royal Assent was supreme.
- 31 Sieur Donnelly Was confused – Royal Assent is given by the Queen to our laws but the Royal Assent to other Governments' Laws do not make those valid here as they do not have the force of International Law.
 The request for the instructions given to Price & Price for their opinion has been dealt with in conversation with Deputy Olsen by telephone and he had thought the issue resolved. By comparison he had not had sight of the instructions given to others whose legal opinions have been put before this House as evidence in support of alternative options. He was looked for greater transparency and particularly in the way the DCA communicated with Sark following their meeting with C07C in February.
- 32 Seneschal Following the meeting between C07C and the DCA, the Committee were invited to address the House at the Extraordinary meeting in February but declined to put forward any verbal report on the meeting. A statement had been requested from the DCA and it was received through the Seigneur. This was a surprise but it was immediately forwarded to C07C and was available prior to the Extraordinary meeting in February. It was down to C07C to inform Chief Pleas of what went on at the meeting.
- 33 Sieur Donnelly Asked if this was now a Chief Pleas paper.
- 34 Seneschal C07C has referred to it in its report in before you and he had asked that Members bring it to the meeting as it was relevant to C07C's report.
- 35 Dep. Armorgie Thought the minutes of C07C were confidential.
- 36 Seneschal Committee minutes are not generally released unless the Committee wishes to distribute them.
- 37 Dep. Armorgie Questioned the status of the papers from the DCA?
- 38 Seneschal The DCA statement was not discussed by Chief Pleas although it was referred to at the meeting. It was not part of the Chief Pleas minutes but was sent out with the minutes to Chief Pleas Members only for information.

- 39 Mdm. Rang Considered that the Deputies criticisms were not justified. C07C had received the comments and opinions listed and had put them forward for debate.
She thought that we need to reach a compromise and she had a solution which she felt will be good governance for Sark. To change the composition of the House overnight is utter folly. It will lead to a total breakdown and the dreaded Civil Service which we do not want and can never afford.
She asked the House and C07C to consider the following –
“The House to comprise of 12 Tenants and 16 Deputies, all elected by universal suffrage for a transitory period of one or two terms. If it works, the then House may reconsider its option should it still require change. In the event a referendum shall take place to confirm the continuity of these arrangements”
She wished to see one of the checks and balances to be that people may have a vote after a year and a day resident in Sark, but not be eligible as candidates for election until they have been resident on Sark for 5 years.
Should the House agree this suggestion, it would only require the Committee to decide on the checks and balances necessary to meet the deadline for the 2008 election. All could then settled down and concentrate on the economy of the Island which is most important and indeed essential.
- 40 Seneschal Reminded the House that the 16+16 of Option B had previously been withdrawn following a petition of objection and that the debate should relate to the paper in front of you.
- 41 Dep. Dewe The Queen cannot be seen to have part of her realm that is not human rights compliant.
- 42 Mlle.Char There had been a variety of opinions from the UK and although the DCA had accepted that Option A was fully compliant, Richard McMahon, Law Officer in Guernsey had advised that there were other options which could also be considered human rights compliant.
- 43 Dep. Dewe Then proceeded to analyse the whole report point by point. This took some 25 minutes and to avoid extending these minutes, the full script is attached as **APPENDIX 1**.
- 44 Seneschal Pointed out that in Item 7, final bullet point, Brecqhou is a tenement of Sark and should not be listed as if it were a jurisdiction similar to the UK, EU, Guernsey or Jersey.
- 45 Mr. P. Perrée Commented that on the Queen’s visit, the Seigneur swore allegiance to her as Duke of Normandy. In reply the Seigneur acknowledged that the titled existed but it was not in such a capacity that she ruled Sark.
- 46 Dep. Olsen In Item 6c – in previous Chief Pleas some members have a vote by virtue of them being Tenants; is this to be perpetuated?
- 47 Dep. Armorgie It is an option that has been given consideration.
- 48 Dep. Olsen In Item 6i – are referendums to be included in the legislation?
- 49 Dep. Armorgie Admitted that C07C was divided on this issue, some believing it to be a useful tool, others that it was not constructive.
- 50 Dep. Olsen The issue of greater transparency could be addressed through the Rules of Procedure.
- 51 Dep. Armorgie Under discussion – the views suggest a call for more open government.
- 52 Mlle. Bull Asked whether her understanding was correct, that all these issues listed are points raised by the people of Sark.
- 53 Dep. Armorgie This is correct – some had widespread support, others had minimal support.
- 54 Sir Peter Miller Mdm. Rang has put forward a compromise so should this be discussed now or at a later item?
- 55 Seneschal Now as this item is put forward by a mandated Committee.
- 56 Sir Peter Miller Wishes to support Mdm.Rang. He could not support an option rejected by the people of Sark but he could, in all conscience look to an alternative. It is suggested that despite 234 voting for Option A, to go for any alternative would be cheating by the Tenants. He was concerned that there was this headlong rush to go for Option A. The compromise was sympathetic to the future constitution, with all members of Chief Pleas elected by universal suffrage. The mix of Tenants and Deputies would remain for one term during which period the lawyers can review. The Constitution issues should be decoupled from those concerning the Seigneur and Seneschal’s positions. If a referendum is to be held at the end of four years, it would be binding. There is a need to get on with the important issues of governing this Island.
- 57 Sieur Harris Supported this view. He had voted originally for Option B which was approved by the Law Officers in Guernsey and by the DCA. It failed because of a petition by two people.
- 58 Seneschal The DCA advised Sark to withdraw its Projet de Loi so that the petition would fall.

- 59 Sieur Harris In the original poll Option B was put forward and then withdrawn because of the petition. In the second poll Option A has emerged with a narrow majority but it would appear the petitioners have shifted their ground. They are now disinclined to support Option A. We should learn from today's debate that we have a stalemate and yet we had a high degree of consensus until 12 months ago. This House has an obligation to engage in consensus and compromise and he was heartened by Mdm. Rang's statement and proposal.
- 60 Dep. Cole Has a sense of déjà vu – we are back to where we were last Spring. Whether the Barclay Brothers support or not is not the key here – it is whether the majority of the public can support it. If it is challengeable, the DCA will not put it forward but they will only support it if it can be demonstrated that a majority of the people support it too. Are we to have another poll?
- 61 Mdm. Rang No – it is only for a transition period until things cool down and we see whether the compromise works or not. The suggestion includes universal suffrage for all - it is therefore human rights compliant. The only possible challenge could be against the numbers. She has no quarrel but is just trying to bring some common sense to the situation; she appreciated Sieur Harris' support.
- 62 Sir Peter Miller Also appreciated Sieur Harris' support. The essential difference here was the binding referendum at the end of four years which would ultimately achieve a completely open House unless the people decided that the compromise solution worked and they wanted it to remain.
- 63 Dep. Dewe Could understand the transitional period but referendum legislation would be needed before it could go forward. It was difficult without a poll to support Mdm. Rang's idea.
- 64 Mdm. Rang Cannot agree. Has the Price & Price opinion been proved wrong?
- 65 Seneschal It hasn't been tested.
- 66 Mdm. Rang It should have been. This is a compromise for common sense. It can still be seen as part of the transition process.
- 67 Sieur Gomoll It seems to unite both sides of the argument and he didn't believe it would be a problem for the DCA. It is for four years only and will then be decided by a binding referendum. In the New Caledonia case, there was no petitioning whilst the constitution was in its transition of evolution. Could the Rules of Procedure be suspended to allow a suitably worded proposition to be put forward.
- 68 Seneschal DCA is not likely to be a problem but the 234 who voted for Option A may be – you asked them to vote and give their opinion.
- 69 Sir Peter Miller Personally couldn't vote against a compromise solution to clear the impasse.
- 70 Mlle. Perrée Supported Mdm. Rang – gradual change will make it succeed.
- 71 Seigneur Agreed with Sir Peter and Sieur Gomoll – he too felt the DCA would support. Option Z was too divisive but this compromise he could accept and he was sure the DCA would too given the transition period being limited to four years
- 72 Sieur Donnelly Although it was constructive to have a debate on the compromise, it should be sent back to C07C for discussion to allow a proposition to be developed and for C07C to come back rather than rush through a decision today. The House could give C07C guidance for investigation and it should return to the next Chief Pleas with propositions. He supported his views with quotations from earlier papers and suggested that C07C would also then have time to take advice from the Crown Advocates in Guernsey.
- 73 Seigneur Sieur Donnelly was introducing another stalling tactic. The proposition is sensible and stops the waffle and gets us moving forward for a four year fixed term.
- 74 Mdm. Rang She had a secret hope to settle it today to meet the 2008 election deadline. Why prolong? Can she turn it into a proposition?
- 75 Seneschal Only if the Rules of Procedure are suspended.
- 76 Dep. Cole The opponents are not the likes of himself but the people of Sark.
- 77 Sieur Rang A four year term agreement would start immediately so it needs to be two terms. If Option Z was adapted it could be self-regulating. Are the Deputies not willing to stand?
- 78 Sieur Gomoll As a member of C07C he has had access to the public's views and could provide a list of questions to stimulate debate but he could see no reason why it couldn't be resolved today.
- 79 Sieur D. Spence Was against it being done today. He was amazed that an option that has been rejected twice was back on the agenda.
- 80 Seneschal He was not a dictator and will list on the agenda what is submitted to him by members of Chief Pleas and doesn't generally censure contributions.
- 81 Dep. Dewe As a Deputy, he couldn't vote for a reserved number of seats. There remains the inherent fault that in reserving seats for Tenants, some could be elected despite having fewer votes than a Deputy. That was open to criticism. He would like to support but there was this inherent fault and it was not what the people voted for in the opinion poll.
- 82 Seneschal Mdm. Rang has support from Sieur Gomoll to suspend the Rules of Procedure.
- 83 Sieur Rang Asked if the propositions could be brought back after lunch to give time for drafting.

- 84 Seneschal Asked that the suspension be dealt with first as it may not be required to draft propositions. The House carried out a named vote to decide whether the Rules of Procedure should be suspended for this item only - **22 pour, 18 contre - CARRIED**
- 85 Seneschal Invited further debate.
- 86 Mdm. Hester Voted contre – when C07C was formed she had thought it would return with propositions but it has included peoples views and ideas instead. C07C should go away develop the Rang ideas and bring it back to an Extraordinary meeting of Chief Pleas.
- 87 Sieur Hurden Presumably if a new proposition is to be drafted and submitted, the five or six propositions in other papers relating to this subject and yet to be considered could be compromised.
- 88 Seneschal Decisions under the suspension of the Rules of Procedure will determine what happens to later propositions. He accepted it was something of a dilemma.
- 89 Sieur Gomoll Has sympathy with Mdm. Hester's point of view. Should C07C give an opinion on the new proposition now it could have an influence on the debate and he had no wish to do that.
- 90 Sieur Donnelly Suggested that we postpone further discussion on this item until after lunch when a proposition could be drafted and that other items are considered now.
- 91 Dep. Olsen During lunchtime could C07C discuss a way forward? Mdm. Hester has an expectation of C07C to draft propositions for a return this afternoon.
- 92 Mdm. Rang Offered to put forward a proposition suggestion based on the earlier compromise and envisaging a four year term.
- 93 Dep. Guy Asked for more clarification.
- 94 Sir Peter Miller His support was based on the concept of a four year transitional period followed by a poll.
- 95 Seneschal There was a need to decide what the House will offer the public in the referendum in four years time.
- 96 Sir Peter Miller In the referendum, do you wish to go for continuing as now or full universal suffrage?
- 97 Sieur Gomoll A binding referendum must be an integral part of the proposition as it makes sure the will of the people will be accepted at the end of the transition period.
- 98 Mdm. Rang Agreed with that view.
- 99 Dep. Dewe There must be the appropriate legislative machinery in place in position to ensure that a referendum can be carried out and that the result can go forward into the final legislation.
- 100 Seneschal The transition period is to move towards full universal suffrage.
- 101 Dep. Cole Why not go straight to a referendum now?
- 102 Sieur D. Spence When the previous poll took place the people were misled. They supported the Rang idea without being in full possession of all the facts.
- 103 Seneschal Objected to "misled" – there was never any intention to mislead.
- 104 Mdm. Hester She had no intention of suggesting that those organising the poll misled anyone.
- 105 Dep. Cole Offered to bring his joint paper with Deputy Guy forward for discussion now if that would help.
- 106 Seneschal Declined the offer and proposed an early break for lunch with the request that those involved in drafting a proposition come together during the break to resolve a form of words.

LUNCH BREAK 12.50m – 2.05pm

- The Seneschal announced that during the morning's proceedings, Deputy Sandra Williams had become a grandmother and congratulations were offered to her and her family.
- 107 Mdm. Rang Put forward a proposition for discussion.
- 108 Mlle. Char The margin on any referendum should be more than just a simple majority, This comment was supported by Sieur Harris.
- 109 Mdm. Hester Asked if the House was right in binding the new House to just these two options in a future referendum. This view was supported by Sieur Rang
- 110 Dep. Cole Asked in what way is this referendum going to be different from the previous polls other than a delaying tactic.
- 111 Sir Peter Miller One fundamental difference is that it will be binding.
- 112 Seneschal Someone must be directed to introduce a law on referendum
- 113 Sieur Harris Offered to copy over the Jersey Law which is a simple two page document.
- 114 Dep. Olsen Would accept this for the GP&A Committee to prepare.
- 115 Dep. Armorgie Asked to be kept fully informed.

- 116 Sieur Donnelly Concerned that this was all very much on the hoof legislating. Provided it goes back to C07C for review. He was worried that the referendum proposal was for a simple majority. If the Tenants are in the minority they may have the ability to challenge at all times. He had personal reservations
- 117 Dep. Guy If this proposition goes through presumably it has to go back to C07C for progression to a final draft of the Constitution and the referendum legislation to GP&A for preparation?
- 118 Seneschal There is a directive by Chief Pleas to C07C within the draft proposition.
- 119 Dep. Dewe Assumes that none of the content of this current report will be included in the Constitution at this stage?
- 120 Sieur Harris The move forward for the Constitution at this stage is clearly defined in the draft proposition.
- 121 Dep. Cole This can be changed at any time until the 31st March 2012 when the referendum takes place.
- 122 Sieur Gomoll Suggested refinements to the draft wording of the proposition.
- There followed a short exchange of ideas and a revised form of wording was agreed with support from Sieur Harris, Mdm. Rang, Mdm. Hester.
- Deputies Cole and Guy were against and Sieur Raymond remained concerned that the proposition was ignoring public opinion and that it left open the terms of what the public were ultimately expected to vote on in a binding referendum. Sir Peter and Deputy Dewe also concurred with that view.

The final wording was eventually tabled as follows –

Proposition – *That Chief Pleas direct the Constitution 2007 Committee to amend the Projet de Loi entitled “The Reform (Sark) Law, 2007” to provide as follows:*

1. *Chief Pleas comprise 16 Deputies and 12 Tenants elected by universal suffrage for the term of office of four years from December 2008.*
2. *Thereafter Chief Pleas to comprise either:*
 - (a) *28 Deputies elected by universal suffrage **OR***
 - (b) *16 Deputies and 12 Tenants elected by universal suffrage;*

to be constituted in accordance with the results of a binding referendum of the Sark electorate by simple majority vote, such referendum to be held before the 31st March 2012.

The named vote resulted in - 30 POUR, 8 CONTRE, 2 NO VOTES – CARRIED

- 123 Dep. Armorgie Reminded the House that nominations were needed for C07C to replace Deputy Olsen who had resigned from the Committee earlier in the year.
- 124 Dep. Cole Asked who was currently on the Committee and was told Deputy Paul Armorgie, Sieur Stefan Gomoll, Mlle. Kaye Char and Deputy Sandra Williams.
- 125 Mlle. Char Nominated Mr. Simon Couldridge.
- 126 Seneschal Mr Couldridge is not a member of Chief Pleas and is only here today representing Sieur Colin Teers who is absent because of illness.
- 127 Sieur Donnelly Proposed Madam Rang and this was seconded by Mlle. Perrée. There being no other nominations, Madam Rang was **ELECTED** by a show of hands.
- 128 Seneschal Asked that C07C in conjunction with GP&A produce a corrected mandate, properly formatted, for the next meeting of Chief Pleas.
- The Rules of Procedure were now reinstated.
- NOTE: On the second day, Sieur Raymond, during a suspension of the Rules of Procedure, asked that two issues on this item be considered. These are covered on Page 13 of these minutes.**

5. Propositions from Sieur Donnolly and Madam Hester

Consideration of additional provisions within the Reform Law 2007

- 01 Sieur Donnellu Introduced the propositions which had no covering report of explanation. He read from a report of the previous Constitutional Review Committee entitled “The Future Constitution of Sark” which outlined eight characteristics of good governance. In his view, a scrutiny body was needed to monitor the work of the new Chief Pleas. Tribunals currently only existed for Road Traffic, Planning and Tax Issues. He criticised the DCA for its poor communication following its meeting with the C07C and praised the C07C for standing-up to the intimidation imposed upon it by the papers from that private meeting being circulated. He was against UK Parliamentary representatives interfering with Sark determining its own future form of government. The propositions focussed on the need for a scrutiny body, accountability and transparency and clarification of Sark’s relationship, as a Crown Dependency, with the UK Parliament and UK legislation.
- 02 Dep. Dewe Chief Pleas could if it wished, propose and set-up a scrutiny committee at any time. The third proposition, suggesting that all decisions have a due process of assessment and sanction, is a case of the tail wagging the dog. Appointing people, independent of Chief Pleas, would be a risky strategy on a Island with such a small population and could prove very biased.

- 03 Dep. Dewe The publication to be noted is irrelevant. We already have an undertaking from the DCA.
- 04 Dep. Cole If Sieur Donnelly is looking for transparency and accountability he would do well to apply this to issues such as making available the instructions to Price & Price and instigated by himself. Just did not understand what the second proposition was attempting to say or do. In the case of the independent scrutiny body advocated in proposition 3 – who does it report to? As to the papers listed in propositions 4a&b, surely the C07C have looked at these already in the process of its research?
- 05 Sieur Donnelly He has already dealt with the issue of instructions with Deputy Olsen but can do it again for Deputy Cole. He has asked that the instructions for other independent opinions, commissioned by others, to similarly be made available.
As to good governance, he repeated the list of eight characteristics again and he wished this to be applied to the way governance was determined on Sark. Appeal procedures should be in place on points of law but there is a need for more scrutiny of other Committees – how were decisions made? All needs to be recorded and minuted and made available to guard against prejudicial decisions against the Island’s interests
- 06 Sieur Baker Just does not understand the first three propositions. As he understands it the present Tribunals rule on Committee decisions. How can scrutiny do anything on a small Island? Propositions 4a&b are contradictory and should be withdrawn.
- 07 Dep. Dewe The Scrutiny Body in the Isle of Man is working well. In Guernsey there were teething troubles but it is now working well. Jersey were the last to set up a Scrutiny Body but it isn’t functioning yet but there was free access to the Law Officers.
If Sark has a Scrutiny Committee it needs to work like any other Committee.
- 08 Seneschal Scrutiny is part of this legislature’s role.
- 09 Dep. Olsen Considered proposition 2 unnecessary as we already have it. Proposition 3 is covered by Chief Pleas being the scrutiny panel for all committees. In proposition 1 are the officials to be accountable in case of gross misconduct.
- 10 Sieur Donnelly For spending too much. This is for future safeguards, accepts the present situation. He just wants this safety net to be available to Chief Pleas if needed in the future. These frameworks are available in all other jurisdictions. In proposition 4, the quotations are from the DCA documents.
- 11 Sieur Rang Is Sark not a Crown Dependency in its own right?
- 12 Seneschal The title of the DCA publication is strangely worded and does not recognise Sark and Alderney in their own right.
- 13 Sieur Raymond Sark seems to be governed by Guernsey in the mind of the DCA.
- 14 Mlle. Char Had been pressed in C07C as to the importance of this issue. Will the new proposition for compromise allow these sorts of issues to be covered by C07C? She also supported the need for a scrutiny body.
- 15 Seneschal Such issues are for the GP&A to put in hand.
- 16 Dep. Dewe The Bailiwick of Guernsey is often abbreviated to just Guernsey.
- 17 Mdm. Hester She is just asking for the provision to be included – it may not be used but the opportunity is there.
- 18 Seneschal Asked that in future Members, when submitting papers to Chief Pleas, provide a headed report explaining the purpose and intention of the subsequent propositions.
- 19 Mdm. Rang Considered that the issues in proposition 4 were the business of GP&A and not C07C, a statement supported by the Seneschal.
- 20 Seigneur Could not understand why these issues have to be encompassed into the Reform Law.
- 21 Dep. Cole Before voting takes place, the House need to know more about what these propositions are aiming to achieve. Proposition 3 could have budgetary implications for Sark. It was all a step too far.
- 22 Seneschal Agreed, if propositions 1-3 are to be encompassed into the Reform Law.
- 23 Mdm. Hester Offered to change the term “encompass with” into *consider within* and the introductory sentence to proposition 4 should be changed from “Constitution 2007” into GP&A.
- 24 Dep. Olsen Couldn’t understand why they had to be written into the Law as it could be too expensive.
- 25 Sieur Donnelly Willing to accept the changes proposed. The propositions were a means to an end and were better included now than to add them later.
- 26 Dep. Dewe Fearful that C07C will be delayed by yet another diversion. It can already be done under the Law anyway.
- 27 Sieur Baker Suddenly understood what this is all about – another way at getting at the Seigneur and the Seneschal.

Following debate voting took place initially on the first three propositions.

Proposition 1 – To provide for accountability and transparency in the dealings of Members of Chief Pleas and officials and employees appointed under the powers and duties conferred on their office.

Proposition 2 – To provide for appropriate levels of governance to be embodied within the machinery of government.

Proposition 3 – To provide for a scrutiny or regulatory body independent of Chief Pleas and public officials to ensure all decisions have a due process of assessment and sanction, in particular where public funding is involved.

All three Propositions were LOST

Proposition 4 – That Chief Pleas request the General Purposes and Advisory Committee to take note of the DCA publication “Background briefing on the Crown Dependencies Jersey, Guernsey and the Isle of Man” dated June 2006 with specific reference to the following statements included in this document –

(a) “The Crown Dependencies are not represented in the UK Parliament and UK legislation does not extend to them”;

(b) “UK legislation does not normally extend to the Crown Dependencies and must never be extended to them without their consent”.

The proposition was CARRIED.

**At this point the Lt. Governor had to leave to return to Guernsey
A 10 minute recess was held 3.30-3.40pm**

**6. Propositions from Deputy Cole and Deputy Guy
Voting franchise and the Composition of Chief Pleas**

- 01 Dep. Cole Deputy Cole was concerned that the description “ Possessor of Property” being the criterion for inclusion on the electoral role of Sark, was open to abuse and would include those not regularly resident on the Island.
- 02 Dep. Olsen Suggested amendments to Section 29 of the Reform Law which could overcome the problems raised by the authors of this report.
The first added words to the phrase “...will have been ordinarily resident and currently resident in Sark throughout the 12 months immediately preceding the date.....”
Secondly, that Section 29 (5) be withdrawn completely.
- 03 Dep. Cole Accepted the re-wording into the proposition.
- 04 Mlle. Char Was concerned about residents away on holiday or business that might be caught out by the change suggested.
- 05 Dep. Cole Not if this was their main place of residence.
- 06 Mdm. Hester Ordinarily resident is quantified within the Law. Her concern was that those being asked to pay tax should have the right to representation.
- 07 Seneschal Reread Section 29(5) to confirm what was being proposed for removal.
“For the purpose of subsection (4)(b) and (c), a person whose name is recorded in the Cadastre maintained in accordance with Section 4 of the Direct Taxes (Sark) Law, 2002 as the possessor of any real property in Sark, or whose name is deemed by virtue of Section 3(3) of that Law to be so recorded, shall be treated as being, and whilst so recorded as having been, ordinarily resident”.
- 08 Sieur Harris Spoke against the proposition. The report was wrong – many people can vote in more than one place. Surely people can vote in more than one jurisdiction at once and the phrase ordinarily resident covers that. Sark taxation is based on the possession or ownership of land. Politics is all about participating and others should not try to exclude. He had thought Deputies Cole and Guy were proponents of universal suffrage.
- 09 Dep. Cole Having a holiday home in Jersey did not give him the right to vote there. His intention was to not allow the small resident population of Sark to be overwhelmed by outside influences.
- 10 Sir Peter Miller He had a personal interest but he felt it was wrong to be excluded from Sark citizenship just because he only lived in his property for two months of the year.
- 11 Mdm. Rang Anyone who pays tax on Sark should have the right to vote.
- 12 Seneschal That doesn’t apply at the moment.
- 13 Sieur Raymond Concerned for the 400 or so people who make up the present electorate. Only those on the electoral list can stand for election. By changing it to possessors of property, the electorate could be totally distorted.
- 14 Seneschal There are 418 on the electoral list plus the tenants, making 470 in total.
- 15 Dep. Guy There are some 70 holiday homes on the Island. All those owners presumably have a right to vote in another jurisdiction. Some who live here may have the right to vote elsewhere but not by location only through an electoral party.

- 16 Sieur Gomoll Endorses Sieur Raymond's view but this is not the way to amend it. Using the cadastre is a good reference as it has objective criteria. If they personal and property tax it may be their only home.
- 17 Sieur Baker Property means buildings on Sark not land alone. 32 people appear to be in "timeshares".
- 18 Seneschal There were "Grandfather" rights in the earlier law. This option now is draft law and possibly so worded because it was drafted assuming Option A was to be introduced.
- 19 Dep. Dewe "Grandfather" rights were removed when it was thought there would be an electoral college. If you were a Tenant you always had property
- 20 Mlle. Perrée In order to vote you have to be registered and paying tax so you can collect more tax.
- 21 Deps. Guy & Cole Would have no objection to "Grandfather" rights being added to the Law.
- 22 Mlle. Perrée Asked what was meant by "Grandfather" rights.
- 23 Seneschal It would include all those now on the Island and on the electoral register but exclude those arriving in the future and only staying for limited periods.
- 24 Sieur Gomoll Introducing "Grandfather" rights was complicated and difficult and should be considered at a later date.
- 25 Sieur Harris Was not in favour of introducing a "Grandfather" clause.
- 26 Dep. Cole Was quite happy with a "Grandfather" clause and asked whether Dep. Dewe could find the previous wording for it to be added later as and when appropriate.
- 27 Mlle. Char Asked why the terminology used couldn't be "real property".
- 28 Seneschal Real property means land. Property tax includes tenements and leaseholds
- 29 Seigneur Asked if Sieur Harris could respond to Sieur Raymond about timeshare problems.
- 30 Sieur Harris There was a possible abuse and he could envisage circumstances where mischief could be done. Could introduce a cap on the numbers paying tax on any given property.
- 31 Dep. Dewe There may be non-residents who pay tax on Sark for their own reasons. It would only take small numbers of additional people on Sark to create a significant imbalance to voting.

The propositions, incorporating the changes proposed by Deputy Olsen were put to the vote -

Proposition 1 – *That Chief Pleas rescind the decision made to allow possession of property to be a sufficient reason to be included on the Electoral Register, and that Section 29(4)(c) be redrafted to read – "he will have been ordinarily resident and currently resident in Sark throughout the 12 months immediately preceding the date; and "*

that Section 29 (5) be withdrawn from the Projet de Loi entitled "The Reform (Sark) Law, 2007" and that the Crown Officers are asked to amend the Projet accordingly.

The proposition was LOST

The second proposition on the composition of Chief Pleas was **WITHDRAWN** following earlier decisions.

7. Harbours Committee

The Harbours (Sark)(Amendment) Ordinance 2007 and Safety in Sark Waters

- 01 Dep. Guy Explained that this legislation was a tidying-up of existing legislation and, as instructed at Christmas Chief Pleas, the Law Officers had now drafted the ordinance, based on what was agreed then. Issues such as insurance of boats on Sark Moorings and applications for 12 and under licence, for example, are now better defined and the law clarified.
- 02 Dep. Dewe Believed that Guernsey licences some boats that operate in Sark Waters.
- 03 Dep. Guy Guernsey has to apply through Sark if applications are made to operate in Sark Waters. Such boats cannot pick-up in Sark, and land passengers back in Sark.
- 04 Dep. Cocksedge Cruise Liners are allowed to ferry passengers to and from the Harbour using their tenders. Fisheries protection and emergency vessels, such as the Flying Christine are exempt from any restrictions.
- 05 Sieur Gomoll Questioned the wording of Section 1(a) to which Dep. Guy promised to alert the Law Officers, who have drafted the legislation, and ask them to check the terminology.

Proposition 1 – *That Chief Pleas approves the amending ordinance entitled "The Harbours (Sark)(Amendment) Ordinance, 2007. **The proposition was CARRIED.***

- 06 Dep. Guy Explained the background to the Safety in Sark Waters issue and that amendments suggested at Christmas Chief Pleas have now been incorporated in to the draft legislation.
- 07 Sir Peter Miller Congratulated those responsible for bringing this ordinance forward.

Proposition 2 – *That Chief Pleas instructs the Committee to request the Law Officers to draft a simple ordinance restricting the speed of vessels and personal water craft to six knots (speed over ground) in the bays of Sark designated on the chart in these papers. **The proposition was CARRIED***

Dep. Paul Williams Seneschal As the meeting was clearly go into a two day session, would it possible for him to give the verbal report promised at Item 17, as he would unable to attend on the second day.
Asked the House which supported the request.

17. Public Works Sub-Committee

Charges for rubbish collection

- 01 Dep. Paul Williams Gave a verbal report on a recent meeting of the Public Works Department of the Douzaine which discussed refuse disposal charges and the way forward. After lengthy discussions and many ideas put forward and either adopted or rejected, the following rates were agreed. The main criteria used were, how much finance would the Public Works need per year to run at a very small profit, and to cover the ever increasing charges imposed upon us from Guernsey. The following categories will now be put in place with their relevant charges.
Category 1 – The household rate has been removed and an individual rate will be put in its place. This will be £65 per adult per year. It is felt that this will be a much fairer way of dealing with this category especially for individuals living alone.
Category 2 – Hotels, Guest Houses, and Self-Catering. The rate will be £16 per bed per year. Extras will be negotiated with individual establishments according to refuse generated.
Category 3 – Restaurants, Cafés, and Tea Gardens. £4 per cover per year. This will include 4 bin liners of combustibles per week and small domestic items. Additional combustibles and large items to be charged as extras.
Category 4 – Campsites. £5 per bed per year. Combustibles to be charged as extras.
Category 5 – Shops and other commercial premises. This will be negotiated with individual establishments.
Category 6 – ‘Cycle Hire businesses. By negotiation.
Category 7 – Builders. By negotiation.
Category 8 – Public Houses. By negotiation.
Imminently, Public Works and the Douzaine will hold a public meeting to inform and explain how and when these charges will come into operation and to answer any relevant questions. He hoped to get the full support of the House in these matters.
- 02 Dep. Olsen Questioned the rates for hotels and household rates. If one had a bed and frequent visitors could this be confusing with bed spaces as in hotels.
- 03 Dep. Paul Williams You wouldn't get a licence as a hotel.
- 04 Dep. Dewe Confused on bedrooms and bed spaces.
- 05 Dep. Paul Williams It is bed spaces that are being used not the number of rooms in hotels.
- 06 Sieur Rang The charges should be decided by Chief Pleas and not as a verbal report.
- 07 Dep. Paul Williams Hotels would pay extras depending on the amount and type of rubbish disposal required.
- 08 Seneschal Expressed concern that this may encourage fly-tipping.
- 09 Dep. Melling There is a refuse and litter law and it was down to the Constable to prosecute if cases are to be brought to Court.
- 10 Mdm. Snelling Concerned about children and charges for disposable nappies.
- 11 Sieur Baker The £16 bed rate for hotels will cover this in hotels but this is just for the hotels – owners would be treated as ordinary residents.
- 12 Seneschal Suggested that Public Works return after their public consultation with a report to Chief Pleas on the outcome of the meeting and with a proposition on the new charges.
- 13 Dep. Melling This issue has already been discussed at Chief Pleas which agreed a basic household rate of £140 per year.
- 14 Sieur Baker You may recall that the decision was taken by Chief Pleas to double the previous rate
- 15 Seneschal Considered that Chief Pleas should have a written report on the alterations which were significant and needed to be considered more carefully.
- 16 Sieur Rang Suggested that single person household should return to half rates until this was resolved.
- 17 Sieur Baker Confirmed there would be changes until it had been more fully discussed.

The meeting closed at 5.05pm and reconvened at 10.00am on the following day

- Following the role call (see Page 1), the Seneschal explained that Sieur Guille had declared an interest in Item 8 and had withdrawn until the item was discussed.
- Deputy Olsen reported that it was suspected that some of the previous day's proceedings were being recorded or broadcast. The Seneschal gave warning that anyone caught recording would be suspended or removed from Chief Pleas.

- 18 Dep. Melling Requested that, following the rather unsatisfactory conclusion to the previous day's proceedings and the need to resolve the charges for rubbish collection, discussion on Item 17 should be continued.
In order to bring forward a proposition he asked that the Rules of Procedure be suspended and, following a show of hands, this was **CARRIED**.
Deputy Paul Williams had given the information on the revised charges to Chief Pleas yesterday but the House had not given its consent to go ahead with the implementation. He accepted that Chief Pleas should have an input but he was not prepared to have a public meeting to explain the new charges if there was a risk that Chief Pleas would not stand by the proposal after it had been publicly explained. He felt that Public Works should have the authority to organise the charges within the budgetary parameters already accepted by Chief Pleas.
- 19 Sieur Baker Supported Deputy Melling.
- 20 Dep. Armorgie Similarly supported Deputies Melling and Paul Williams and acknowledged the need to cover the increasing costs for disposal imposed by Guernsey. Chief Pleas had previously been warned and had approved the impending additional charges and he accepted that the new charge, based on the number of adult residents gave relief to single person households.
- 21 Dep. Cole Supported the proposal and praised Public Works for a job well done.
- 22 Dep. Guy Also gave support.
- 23 Sieur Rang Supported the revised charges but these should have been presented in a written report and discussed by Chief Pleas yesterday so that a better appreciation of the detail could be made. Public Works must come back with a proper report with propositions. This is the way DCC have presented their request for application charges.
- 24 Dep. Olsen Supported Deputy Melling's request as he is on the cutting edge and needs certainty before a public meeting and then reporting back to Chief Pleas.
- 25 Dep. Melling Again reiterated that a public meeting is needed but cannot do it without having confidence that Chief Pleas will not overturn what is presented to the people.
- 26 Sieur Gomoll Could not Sieur Raymond, as President of Finance and Commerce, be taken on board here to set-up the revised charges on behalf of Chief Pleas within a week of having a public meeting?
- 27 Sieur Donnelly Agreed that Deputy Melling must have parameters within his proposition on which someone can act without coming back to Chief Pleas.
- 28 Seneschal Last year, Chief Pleas authorised the doubling of rubbish disposal charges because of the cost of the new incinerator.
- 29 Dep. Melling Confirmed that this is just a realignment to achieve the required income but there have been many additional charges, especially for disposal through Guernsey.
- 30 Mlle. Char Agreed that guidelines should be set.
- 31 Dep. Melling Sieur Rang refers to the DCC report but rubbish is nothing like as straightforward with too many unknowns in the amount and type of rubbish to be collected. Residents are paying for a service not contributing towards the cost of processing applications. He is just asking to be allowed to get on with the job – forecasting is impossible when you are suddenly hit by a £50 per ton landfill tax from Guernsey which came late to the Sub-Committee after key decisions had been made.
- 32 Sieur Baker Agreed with Deputy Melling – much of this problem is because of the sudden increase in Guernsey charges. These have to be covered but by redirecting the emphasis from households to individuals the charges are more fairly distributed. Both Deputy Armorgie and himself are in the catering trade and have no vested interest.
- 33 Seneschal Asked if Public Works could prepare a proposition for Chief Pleas requesting these revisions for one year and then come back with a formal report to Michaelmas Chief Pleas with a future charging policy.
- 34 Sieur Baker It will be difficult as commercial rates are very complicated. The previous simple formula has been difficult to replace as charges have been more closely aligned to the actual cost of disposal.
- 35 Dep. Dewe Surely as it stands, Chief Pleas has agreed a doubling of fees across the board – it only needs a simple proposition to change it.
- 36 Dep. Melling These charges were originally considered by the Douzaine, they came back to the Public Works Sub-Committee and they then returned to the Douzaine - 1/3 of this House has already been consulted twice.
- 37 Sieur Rang Was adamant that a Sub-Committee shouldn't go off on its own and overturn Chief Pleas' direction.
- 38 Mdm. Rang Has a great respect for Deputy Melling. These charges must not include children but she always understood that taxes and costs were only charged with Chief Pleas' approval.

- 39 Sieur Baker The adult charge would be for people over 18 years of age.
 40 Seneschal Gave direction on a proposition suggesting it must acknowledge that the doubling of household charges had been unfair and that realignment is requested.
 41 Deputy Melling The public meeting is not just to discuss costs and charges but also to try and educate people on the pre-sorting of rubbish and how disposal works.

A five minute recess was called resuming at 10.30am

Proposition – *That Chief Pleas approves the rubbish collection charges given in the earlier verbal report and these will apply for the next four quarters. The Proposition was CARRIED.*
 A public meeting will now be arranged.

The Secretary will circulate the charges with the minutes (incorporated at page 11 speaker 01).

**4. Constitution 2007 Committee (C07C)
 Information report for discussion**

- 129 Sieur Raymond In the exchanges of the previous day, certain details were excluded from the propositions. He asked if, with the Rules of Procedure currently suspended whether it would be possible to put those omissions right.
- 130 Sieur Raymond First, the word Deputy should be replaced by Conseiller, the term already agreed by Chief Pleas at Michaelmas 2006. Second, if elections are to be held in December 2008, to give time for enabling legislation to be drafted after the Privy Council has approved the Projet de Loi, C07C needs to return with the transitional Reform Law by Midsummer Chief Pleas in July, to enable it to go forward. The other issues could be resolved over the ensuing five years ahead of the referendum and the final Reform Law submission.
- 131 Mlle. Perrée Did the Seneschal advise Sieur Raymond to press for the C07C commitment to report to Chief Pleas on 4th July?
- 132 Seneschal The advice has come from the Law Officers who need to have the sub-ordinate legislation for drafting.
- 133 Mlle. Perrée This means that C07C has a shorter time now for its deliberation.
- 134 Seneschal C07C need to meet the 4th July meeting in case any further changes need to be made.
- 135 Sieur Gomoll If the Law Officers find any problems, a further Extraordinary Chief Pleas could still be called in time for the Privy council meeting in October 2007.
- 136 Sieur Donnelly Questioned whether the Rules of Procedure should not be reinstated.
- 137 Seneschal Asked for a show of hands to confirm the continued suspension of the Rules of Procedures for this item – **CARRIED**.
- 138 Sieur Gomoll Pointed out that Sieur Guille had withdrawn from this session on the understanding that Item 8, on Harbour Hill Transport would be discussed in which he had a vested interest.
- 139 Dep. Dewe The C07C report was not approved, there were no propositions and it is null and void.
- 140 Seneschal It is nonetheless an official document accepted by Chief Pleas. Deputy Armorgie stated it was for information purposes only and represented a position statement.
 With the Rules of Procedures suspended, propositions to correct those already carried can be introduced.
- 141 Sieur Rang Is it just the change from Deputies to Conseillers?
- 142 Seneschal Agreed – in the transitional term it will be Conseillers and Tenants.
- 143 Sieur Rang Could we have something introduced into the Law which says that all sitting on the new Chief Pleas must be prepared to serve on Committees.
- 144 Seneschal Perhaps within the Rules of Procedure later.
- 145 Dep. Dewe Questioned whether all Conseillers would have to swear the Oath of Allegiance, as at present it is only the Deputies who do so.
 Under the new Law all Members of Chief Pleas would swear the Oath of Allegiance.
- 146 Seneschal Why must we go away from the Sark traditions of using the titles of Tenants and Deputies?
- 147 Mlle. Perrée Those who don't agree can vote against it.
- 148 Seneschal Asked if the name could come back in July.
- 140 Sieur Rang There is a quorum, we have two propositions, and you can vote against if you wish.
- 150 Seneschal Mdm. Rang introduced a compromise. He doesn't agree with it but wishes to assist if it will mean moving forward.
- 151 Sieur Baker Questioned when the Seneschal knew of these additional changes. It seemed to him to be a put up job.
- 152 Sieur Donnelly The proposer asked for advice during the short recess as to when would be the best time to introduce the propositions and after discussion it was felt now was appropriate.
- 153 Seneschal

- 154 Sieur Gomoll C07C could take this on and agree the changes – it doesn't need a vote.
- 155 Sieur Raymond It is a practical problem – the person drafting the Reform Law does not work in the school holidays. We must make it July as drafting will not be done during late July and August.
- 156 Dep. Dewe The draft needs to come back to Chief Pleas. If it is amended again it will have to come back again to Chief Pleas until it is cleared to go forward.
- 157 Sieur Rang Is this just trying to tie the hands of C07C?
- 158 Seneschal There is a danger of serious slippage if it comes back to Chief Pleas for ratification and then Chief Pleas makes further amendments.
- 159 Mlle. Perrée Let C07C do its work.

Proposition 1 – *The term Conseiller should be used in the proposition of Chief Pleas and not Deputy.*

Proposition 2 - *That Chief Pleas direct the Constitution 2007 Committee to return to Chief Pleas at the Extraordinary Meeting on the 4th July 2007 with the Projet de Loi amended in accordance with the composition of Chief Pleas as approved on 11th April 2007 but taking into account Proposition 1 above and any other consequential editorial amendments incorporated; if this date is not possible due to drafting problems, a further Extraordinary Meeting is to be called in August or September.*

Both propositions were CARRIED.

The Rules of Procedure were reinstated

8. Road Traffic Committee Harbour Hill Transport

Sieur Guille has declared an interest and withdrew during the discussion of this item. Sieur Rossford de Carteret declared a possible interest but remained present with the House's agreement, taking no part in the debate or any voting.

- 01 Dep. Cocksedge Reminded the House that this had been brought to Christmas Chief Pleas with a request for comments but only one letter had been received, from Sir David Barclay, and some of his suggestions have been incorporated into the report. There were concerns over safety and he instanced the news reporter falling off the toastrack and the recent incidents with cargo tipping off a trailer which had a puncture on the Hill. This review was not the first and he went on to again reiterated the background to the service and explain the thinking behind the propositions in the report. It was considered time to put both contracts on the same footing and to ensure all boat arrivals and departures were served. The present providers had been warned of this review six years ago and have been reminded each year at their annual renewal. These contracts were the only concessions in law to allow more than ten people to be carried up the Hill for payment and were covered by insurance. Others were restricted to a maximum of ten passengers and no charge can be made.
- 02 Sieur Gommoll If the non-paying restriction is limited to 10 passengers, would it not make sense to increase that to 12 to coincide with the 12 and under boat licences.
- 03 Dep. Cocksedge The Harbour Hill Transport can always be booked to collect or service charters.
- 04 Dep. Guy Had spoken with Mr. Keith Guille, who drives the toastrack for the private contractor, Mr. Peter Cox. He has lots of good ideas and knowledge from driving the service on most days throughout the year. He agrees that notices, insurance, fares, should all be displayed on the bus and regulated within the contract. He is concerned about the development of a new style of bus as the existing operation works well.
- In her experience as Tourist Officer, no complaints were ever received about the transport. Towing up and down the Hill takes between 4 and 5 minutes and perhaps chains between the tractor and trailer in case the towing hook breaks would be sensible but as to roll bars - the toastrack has never overturned and if you are going down that line, do we need seatbelts as well. If individual seats are to be provided the toastrack will need to be longer and will carry fewer passengers which will make the concession less attractive.
- Individual braking had been tried previously and stones thrown up locked the wheels. A visitor, who designs vehicles for Volvo, suggested that to provide that sort of braking system would need a properly engineered trailer which would be too expensive.
- Disabled visitors do come to the Island but currently special arrangements are made using tractors with link boxes. The toastrack trailer can be dropped off the tractor to give lower step heights for access. Lower steps would make turning the trailers at the top of the Hill difficult because the manoeuvre involves reversing up ramps off the roadway and the trailer would ground. Barriers to stop people falling out or jumping on might be difficult to operate. She suggested a confidential meeting with the operators to discuss the issues (as outlined in the last paragraph of the report).

- 05 Dep. Cocksedge Has arranged to meet with the operators. The chains between the tractor and trailer are there but not in the correct place. Some features are not in the current contract. The current running boards can be raised and so could any ramp for disabled passengers.
- 06 Dep. Dewe Quoted from letters received from H.M. Comptroller in 1987. He questioned why the operator does not pay for the concession and couldn't see the point of selling the trailer. There had been muddled thinking about Harbour Hill transport over the years.
- 07 Dep. Cocksedge Defended the present stance over renewing the contracts and quoted from letters written by Advocate Nik van Leuven (now H.M. Procureur) when an advocate at Ozannes in 2002. This legal advice had made it clear what procedure to follow in renewing the contract and this had been done by the Committee.
- 08 Sieur Hurden Fully agreed with Deputy Guy. There was a need to be careful about over specification. Are we really worried about cramped seating for such a short ride? Fewer passengers would mean longer waiting times for passengers. Roll bars are difficult to design and remember the centre of gravity of the loaded bus was lower than the trailers loaded with cargo. The axle width is also wider than other trailers. Don't let us go over the top in the design.
- 09 Dep. Olsen Three residents have commented to him in his surgeries about roll bars and crumple zones. Using link boxes is acceptable for wheelchair users. What about the disabled travelling in carriages – where will it stop?
- 10 Dep. Dewe Confirmed that there is UK legislation requiring tractors to have roll bars but this was in the context of agricultural use where there were many instances of overturning accidents. Wagonettes and vans are far more potentially vulnerable to turning over. He drew attention to the Michaelmas Meeting in 1985 which agreed the sale of the toastrack trailer but it was never carried out. It needs a Projet to properly legislate for this contract using the Law Officers and that would take two years to do.
- 11 Dep. Cocksedge Criticised the need to involve the Law Officer in a simple contract. There was a need to resolve this issue sooner.
- 12 Sieur D. Spence Asked why one of the contractors should be given preferential treatment in bidding for the contract. The bids should be competitive.
- 13 Dep. Cocksedge One trailer is privately owned and has always been operated privately. There has never been a charge made for the granting of the concession but in return the operator meets all boats.
- 14 Dep. Guy Reiterated the points included in the final paragraph of the report.
- 15 Dep. Olsen Prepared to agree all three propositions.
- 16 Mlle. Perrée Concerned about finance and why was the Island not benefiting from this and also where was the income from the Island Hall shown on the budget papers.
- 17 Seneschal You can talk about the Harbour Hill Transport but not about the Island Hall in this debate.
- 18 Sieur Gomoll Why would anybody want to buy the toastrack trailer before knowing whether they had won the tender to operate the service?
- 19 Mdm. Rang Why not give the trailer to the existing operator?
- 20 Mr. Couldridge The Seneschal should explain why a member of the Road Traffic Committee who has an interest in running the service, should be involved when tenders are being discussed.
- 21 Dep. Cocksedge It has to be put out to tender but if Chief Pleas want to give it to existing users, he would consult the Law Officers for advice.
- 22 Sieur Donnelly Defended Sieur Rossford de Carteret who had absented himself from Committee whenever this issue was being discussed. If anybody thought this operation was a serious money earner they would be wrong. It is important to ensure that both trailers are operated on an equal footing.
- 23 Mdm. Rang If the present operation provides a satisfactory service, why change it?
- 24 Dep. Cocksedge Complaints have been received.
- 25 Dep. Dewe Has no problem with proposition 1 but not out to tender – should have it valued and sold to the operator, if he wanted it. There should be no bias to any operator in proposition 2 and he fully supported it. He was unsure of the legality of proposition 3.
- 26 Sieur Rang Held the view that all the propositions should be withdrawn, the Committee sit down with the operators and come back to a future Chief Pleas with an updated report with propositions.
- 27 Dep. Melling The trailer should be sold as a flat-bed trailer and not as a toastrack if it was considered to be life-expired.
- 28 Dep. Cocksedge The Committee will withdraw proposition 3 and change 1.
- 29 Sieur Gomoll There is a need to determine in what form you are going to value and sell the toastrack – as a bus or a flat-bed trailer. Will it not suffice for another two years?
- 30 Dep. Guy Supported the edits proposed but proposition 2 should include reference to “following discussion with the operators”.

- 31 Dep. Cocksedge Dep. Guy may have liaised with Mr. Keith Guille but he had written to both owners/operators inviting them to come in to discuss the possibilities and had no response.
- 32 Sieur Hurden The bus is at the end of its useful life – it should be sold as a flat-bed trailer as it will be easier to sell.
- 33 Mr. Perrée It will be more costly to remove the seats. Couldn't the operator be responsible for maintaining it as a bus?
- 34 Mlle. Char Has sympathy with the safety issues. Could Chief Pleas indicate whether the safety issues should be dealt with now?
- 35 Dep. Cocksedge Has spoken with Sieur Guille. Somebody else has shown an interest by building a new trailer.
- 36 Sieur Gomoll Valuation is a good idea but in what form – with 30 months use or as a flat-bed trailer?
- 37 Seneschal Leave the detail to the Committee
- 38 Dep. Cocksedge The present operator will know exactly what the trailer is worth.
- 39 Mlle. Perrée It is the contract that is of value, not the trailer.

The propositions were amended before voting took place.

Proposition 1 – *That Chief Pleas instruct the Road Traffic Committee, at the end of the 2007 season, to seek a valuation of the Island-owned trailer bus, and to offer it for sale, giving the current operator first refusal.*

Proposition 2 – *That Chief Pleas instruct the Committee to return at the Midsummer meeting with draft contracts for their approval, having previously met with the current operators and the Finance & Commerce Committee.*

Both propositions were CARRIED. Proposition 3 was POSTPONED until Midsummer Chief Pleas.

9. Emergency Services Committee

Proposed support by Guernsey Fire and Rescue Services

- 01 Dep. Plummer Introduced the report and clarified issues relating to insurance cover. She also made a minor amendment in terminology to the proposition, which was accepted. This agreement was in itself an insurance against any incident on the Island getting out of hand and requiring assistance. The procedures would be in place and the costs known should it ever be instigated. There is no cost involved unless the need for assistance is required.
- 02 Sieur Gomoll Fully supported the initiative. What would be the response time and what happens if there is a major incident covering both Islands?
- 03 Seneschal For such a major incident, Bailiwick Emergency powers and procedures would come into action. The Constables have emergency powers to organise helicopter landings on Sark.
- 04 Sieur Raymond The bulk buying of Home Department services, as previously discussed, does not include the cost of such emergency arrangements.
- 05 Mlle. Char Is everything covered by insurance if there is an incident down the line?
- 06 Dep. Plummer Rossborough has advised and Norwich Union has confirmed the cover.
- 07 Dep. Dewe The insurance for the Island has just been renewed.

Proposition – *That Chief Pleas support the Committee signing an Assistance Agreement on behalf of Chief Pleas between the Guernsey Home Department and the Committee so that assistance from the Guernsey Fire and Rescue Service may be used at an incident on Sark if and when required or requested.* **The proposition was CARRIED.**

10. Shipping Committee

Constitution & Mandate, Election of Committee Members and Winter 2007/8 timetable

- 01 Sieur Donnelly Explained that the mandate incorporated the outcome of previous discussions at Chief Pleas. Each section of the mandate was read out to allow a full appreciation of the issues. Section 8 has been included in the expectation that ultimately the role of the Trustees of the Shipping Company would be transferred to the Shipping Committee. He pointed out that Sieur Simon de Carteret has been a part of the Committee fulfilling the constitutional requirement for a member of the GP&F Committee to be part of Shipping. Although Sieur Simon de Carteret was no longer a member of GP&F, he was willing to remain as a member of the Shipping Committee with Chief Pleas' approval. It was necessary to nominate a member from the new GP&A Committee and Sieur Gomoll has been put forward as a nomination.
- 02 Sieur Gomoll Asked if a co-opted member of GP&A could be the representative on the Shipping Committee.

- 03 Seneschal It would need to be changed by GP&A and this could be found in the document "Constitution and Operation of Chief Pleas Committees". Perhaps this could be considered for some future date.

The Committee Constitution and Mandate were **ACCEPTED** by the House.

The nominations of Sieur Simon de Carteret and Sieur Gomoll (as the GP&A Committee representative) as Members of the Shipping Committee was **CARRIED**.

- 04 Sieur Donnelly Explained that the draft winter timetable was circulated so that Members can write in with comments. It remains with the standard winter departure times used previously. The inability to connect off morning flight arrivals into Guernsey is noted as an initial comment.
- 05 Seneschal Reminded the House that Chief Pleas could only make representations to the Isle of Sark Shipping Co. and that it was down to the Company to finalise the timetable.
- 06 Mlle. Char Suggested that on Monday to Friday the 10.00am from Guernsey could be at 10.15am, still returning from Sark at 11.00am and a shift in the afternoon by 15 minutes would make easier flight connections for London and be conducive for visitors.
- 07 Dep. Guy As Visitors Officer, flight connections have been investigated and to achieve appropriate afternoon departures from Guernsey would mean a return from Sark in the dark which is not acceptable.
- 08 Dep. Dewe Changing the traditional times for some is bound to upset the expectation of others.
- 09 Mlle. Char Would be happy to sit down with someone to discuss options and edit for flight connections.
- 10 Seneschal There is a need to bring back a finalised version for consideration by Chief Pleas.
- 11 Sieur Donnelly There is a need in the summer months to attempt better connections, not just with flights but with other boat arrivals and departures in Guernsey. There also remains the uncertainty of maintaining connections when the boats operating have differing running times.
- 12 Sieur Gomoll Felt that the Saturday journey should be at a later time when it was only an in/out operation. Supported the idea of working more closely with other shipping operators.

As the lunch break was approaching it was agreed to take the short Item 13 next.

13. Trustees of Island Properties

Teachers' Cottages – Installation of upstairs toilet and shower room

- 01 Seigneur This was requested some years ago but there was an insufficient budget available at the time. This report is just asking for approval to seek estimates for the work so that funding can be earmarked in next year's budget.
- 02 Sieur Raymond Explained that capital expenditure was difficult as there were no capital receipts so it has to be managed from the Island budget. £38k per annum was allocated for capital expenditure but this includes such items as machinery renewal for the Douzaine. When the estimates are available, the project will have to compete with other bids in the annual budget review.
- 03 Sieur Donnelly Could it not come out of some other Trust Funds?
- 04 Seneschal The Ville Roussel fund has been used before for similar expenditure.
- 05 Sieur Donnelly Wherever the finances come from, will it be carried through as a paper exercise to set against Education so that the full cost of Education on the Island can be assessed?
- 06 Seneschal There will need to be discussion between F&C Committee and the Trustees as to where the funding comes from but the answer is no to its allocation against Education. It will show in the accounts.
- 07 Sieur Donnelly There is a need to build up the Ville Roussel Fund.
- 08 Dep. Olsen Recalled this improvement being discussed before but could not remember the cost involved.
- 09 Seneschal The previous bids are not quoted here as the work will be put out to tender.
- 10 Mr. Perrée Hoped that the accepted tender would not overrun in reality.
- 11 Seneschal The Island has a good record of staying within budget for its various works.
- 12 Dep. Plummer Understood the design for the work included a "catslide" dormer, necessary to accommodate the height needed for the shower. Would this be acceptable within Development Control Committee (DCC) guidelines?
- 13 Seneschal It is Island property and needs no application for approval.
- 14 Sieur Raymond Pointed out that financial reference is made to the Teachers' houses on Page 12 of the accounts.
- 15 Sieur Rang Asked if the specification could be made simpler – introducing velux© windows instead of needing a "catslide" dormer.
- 16 Seneschal The point was taken and the specification for the work would be considered again.
- 17 Dep. Cole Support Sieur Rang. Why not restrict the work to toilet provision only.

- 18 Seneschal The request from the Education Committee at the time of the previous request was for both a shower and toilet but it can be changed if necessary.
- 19 Dep. Cole Suggested that the Trustees obtain their approval now but discuss the requirement with the teachers before plans are specified for the tender.
- 20 Seneschal Could we ask Education Committee to consult initially with the teachers?
- 21 Sieur Raymond Would remind the House that the Island reserves are depleted and, although financially last year was a good year, we are struggling in this current year.
- 22 Mdm. Hester Regretted this item has been taken out of order as Item 12 (Report from the DCC) could have relevance to decisions made here.
- 23 Seneschal The advice about “catslide” dormers had been given by the previous tenderers.

It was **AGREED** that the Education Committee should discuss the project with the teachers and consider a way forward before the Trustees return with a revised proposal. **The proposition was WITHDRAWN.**

LUNCH BREAK 1.05pm – 2.15pm

11. Shipping Committee

Verbal update on the Shipping Company (IoSS)

- 01 Sieur Donnelly Reported that a qualified inspector has viewed the new boat, *Sark Viking*, and has submitted a report. The intended inspector, Blyth Bridges, was unavailable but a reputable company, Mecal, was used instead. This company specialises in certification of small vessels and the inspection has been totally independent of Bureau Veritas (BV) and the boatbuilder, from whom there had been total co-operation. The cost of the inspection was £1,230. The build is of good quality but it may be necessary to bring it up to a higher classification standard, suitable for use in the sea state conditions in which it would be expected to work. At present it is suggested that it would be up to Beaufort Scale 4. It is suggested that some additional internal welding may be necessary but BV will be consulted. All other issues raised are minor. For a vessel of this size and standard, it was declared to be good value for money. The boat waits final fitting-out before being towed to Guernsey when it will be passed to the Directors of IoSS.
- 02 Seneschal Asked if the report would be circulated with the minutes but Sieur Donnelly thought that unnecessary.
- 03 Dep. Melling Have arrangements been made for the fitting-out to be done in Guernsey?
- 04 Sieur Raymond The electronics would be fitted at the yard by a Guernsey Company.
- 05 Dep. Plummer Can photographs of the boat be displayed for the public to see? Sieur Donnelly agreed to make some available for display in the Committee Room.
- 06 Dep. Olsen Would hope the boat could be used in more than a Force 4. It needed to operate in at least a Force 6.
- 07 Sieur Donnelly That needs clarification and the Directors will be checking. The hull strength is stronger than expected as thicker steel was available and used over and above the specification.
- 08 Mlle. Char Will the details of the welding be followed up and made available and what is the timeframe for delivery and use?
- 09 Sieur Donnelly The Directors will take that up with the boatbuilder. The critical consideration may be time. He also reported that arrangements are being made for an inspection of the *Sark Venture* to identify and resolve the ongoing problem with breaking clutches and poor reliability. Blyth Bridges will be visiting this month and this is being done at a charge of between £800 & £1200 + subsistence.

Other issues concerning the company remain commercially sensitive and discussions were held in camera after the public meeting ended. A subsequent meeting was called by the IoSS Directors to announce an outcome to the deliberations of the alternative strategies to which Chief Pleas Members had been fully consulted. A note of that meeting is included with these minutes at

APPENDIX 2

12. Development Control Committee

Application Charges and the Development Control Law

- 01 Sieur Baker Proposed that with the rising cost of administration and the potential charging for Law Officers time on Tribunals, now was an appropriate time to introduce charging for processing development applications. The charge paid by the applicant would be a very small proportion of the total building cost.
- 02 Dep. Dewe The Law Officers have always indicated that any such monies raised must be for administration and not levied as a tax.

- 03 Sieur Baker The scale of charges is based on those applied in Alderney.
- 04 Sieur D. Spence Asked for an indication of what costs are being covered.
- 05 Sieur Baker They will contribute towards general administration costs in the office.
- 06 Dep. Olsen Supported the idea to offset likely fees for Law Officers and their advice. He had concerns about the higher cost for commercial development and had received a representation that this could effect investment in building properties for local rentals. Perhaps the fees should distinguish between owner/occupier properties and those for rental.
- 07 Mdm. Hester The proposed distribution of charges covers a more than ten fold range and seems punitively weighted against development other than for owner occupation. There is currently an immediate demand for homes of a good standard at a reasonable rent, with requests to rent from those already living and working on the Island, well in excess of the accommodation available. Not everybody has the resources available to buy or build for themselves and rented accommodation fulfils the need for respectable housing without requiring a large cash outlay. The building of homes of this sort is a long-term investment that stays on the Island, meeting the needs of the Island economy by providing both employment and housing. The building trade provides employment for many people on the Island and the loss will be great if it is overtaxed, discouraged and stifled from the start. Such charge differentials will hit investment in business and tourism. Individual local entrepreneurs seeking an income in order to stay on the Island will be discouraged. Sark does not have a pension scheme and investment in property is a legitimate alternative. To protect the special Island environment, the building of both owner/occupier houses and those for investment need the same control regarding choice of site and design. She asked for a simplification of the charges to avoid the punitive scales proposed for commercial development and to reflect the true cost of administration. The fee should also include the option of the applicant meeting with the Committee ahead of its consideration which might save on paying Guernsey Law Officers to find reasons to turn down applications.
- 08 Sieur Baker Is aware of letters commenting on the scales and the Committee will consider these and adapt as appropriate
- 09 Seneschal There needs to be flexibility in charging.
- 10 Sieur Raymond The costs are going to arise mostly from legal representation at Tribunals and how is that to be recovered?
- 11 Sieur Baker There has been a raft of applications recently and a number that have been refused are threatening appeals which could involve legal representation.
- 12 Dep. Cole The variation in charges does not penalise commercial developments but recognises the need to discount youngsters applying for their own property.
- 13 Sieur Raymond There needs to be some mechanism for recovering costs when an appeal is made.
- 14 Dep. Guy Supported the charges; when she was Constable, there were a number of planning issues that had to be followed up at a cost. Plans should be better drawn to avoid misinterpretation.
- 15 Sieur Gomoll There is a perception that the costs are because of more lawyers being involved. He is not personally involved on any particular case. Thought there was a problem with consultation and agreed the opportunity for applicants or their representatives to meet with the Committee to explain proposals before submission would assist all round.
- 16 Sieur Rang This is a tax as the amount is pro rata to the size of the development. He accepted the level of £35 for minor/major works. There needs to be more talking with the applicant.

Proposition 1 – *That Chief Pleas instruct the Committee to consult with the Law Officers of the Crown to prepare a draft amendment to “The Development Control (Sark) Law 1991”, in respect of permitting charges to be made for Development Applications.*

The named vote resulted in - 12 POUR, 18 CONTRE, 2 NO VOTES – LOST

- 17 Sieur Baker Introduced the second part of the report suggesting that it was an anomaly that development of Island properties or land should not require the consent of the Development Control Committee.
- 18 Dep. Dewe Chief Pleas should be able to do what it wants but under a moral obligation not to do things that might be detrimental to the Island as a whole.
- 19 Sieur Gomoll In favour of the proposition but if such an application is refused, it should go through the Tribunal and Chief Pleas could override the Committee if necessary.
- 20 Sieur Rang Supported as he had tried to introduce this fifteen years ago. Sieur Donnelly also supported.
- 21 Dep. Cole If Chief Pleas is turned down at a Tribunal, it should not have the right to overturn that decision.

- 22 Sieur Donnelly Suggested a mast for emergency services might be an example where it would be justified.
- 23 Sieur Gomoll Is Deputy Cole suggesting we should entrench the law (joke)! Anything can be overridden by Chief Pleas – why do we need to go through a Tribunal if it is turned down?
- 24 Sieur Baker If an application was turned down, it should come back to Chief Pleas for reconsideration rather than go to a Tribunal.
- 25 Seneschal This should be discussed with the Law Officers for their advice and it will come back to Chief Pleas as a Projet. Alternatively, DCC might wish to come back when advice has been taken.
- 26 Mlle. Perrée There have been some really ugly buildings put up by the Island in the last 20-30 years.
- 27 Sieur Baker Will clarify with the Law Officers.
- 28 Sieur Guille Agreed with Sieur Rang that there was a need for better consultation.
- 29 Dep. Dewe DCC is a servant of Chief Pleas.

Proposition 2 – *That Chief Pleas instruct the Committee to consult with the Law Officers of the Crown to prepare a draft amendment to “The Development Control (Sark) Law, 1991” to repeal Section 14 of the Law. The proposition was **CARRIED**.*

14. Road Traffic Committee

Limitation on the Number of Tractors on Sark Roads

- 01 Dep. Cocksedge Introduced the brief but concise report on this subject which identified the many complaints received about tractor use, the implications for Island life and the particular affect on tourism. He highlighted some of the less considered issues such as tyre disposal and the affect on public health. The Committee felt that now was the time to act in restricting further growth.
- 02 Seneschal Emphasised that this wasn't just a discussion document but came with a proposition.
- 03 Dep. Guy Supported the Road Traffic Committee if they can achieve some curtailment. She hears and receives many complaints at the Visitors Centre especially about the number of tractors and the dust raised by their frequent passing.
- 04 Mlle. Perrée Wished it to be recorded that she fully agreed with Deputy Guy. Why are they so big, she asked and considered that they were a status symbol.
- 05 Dep. Dewe Questioned whether the dust problem was really caused by tractors. The majority of tractors are parked for most of the time. It should be remembered that licences are given for legitimate commercial use and not as a vehicle for personal social transport. When applying for a tractor licence, a case has to be made to show that the applicant's income is reliant on the use of a tractor. Capping tractor numbers could cap commercial activity and he questioned whether that was human rights compliant. If the Island was seeking an expansion of business he felt the Committee was on dodgy ground.
- 06 Seneschal Gave a parallel example of the fishing industry where the number of licences is capped.
- 07 Dep. Dewe Such a restriction was needed to conserve fish stocks.
- 08 Sieur Rang Supported the idea of reducing the size of tractors. The fishermen's tractors are all small, the largest being a Tafe and all are of sufficient size to do the work required.
- 09 Dep. Cole Agreed with Sieur Rang – there was a cap on fishing boats, there should be a cap on tractors – both give environmental benefits.
- 10 Mdm. Rang One of the main problems was speed. It is that which raises dust, that and unnecessary journeys. She called for a speed restriction in the summer when visitors are here.
- 11 Sieur Baker He too supported the limitation on size. In the 1974 Tractor Law, permission can only be given for a tractor of a size suitable to carry out the purpose for which application is made.
- 12 Sieur Gomoll Agreed with the principle but a cap could be difficult because someone in the future may have a greater legitimate priority over someone who already has a tractor licence.
- 13 Mlle. Bull Her tractor at Clos Bourel is used to deliver perishables but is restricted to that use alone.
- 14 Dep. Cocksedge Reminded the House that every individual licence has to be applied for and assessed annually by the Committee.
- 15 Dep. Olsen Congratulated the Committee for bringing this proposal. He supported the proposition as it was not just noise but the effect of carbon emission on global changes which should be curtailed.
- 16 Mlle. Perrée Suggested introducing graduated fees related to tractor size.
- 17 Sieur Jackson Even a horse kicks up dust. He considered that the restriction should be one tractor for each employer.
- 18 Mlle. Char Is there not a case for tractor sharing?
- 19 Sieur Donnelly He has regular appointments and needs to collect visitors and their baggage from the Harbour. There is always someone with a good case to make - another small tractor has just been granted for good reason. As to the dust problem he has spoken with Deputy Paul Williams who is currently investigating a surface which will assist in laying dust..

- 19 Sieur Donnelly He recalled Mr. Reg Adams had put up a similar case for capping in 1978 when standing for Deputy but there were legal implications for imposing such a system. However, we mustn't let it drop because we cannot find a solution. He suggested the greater use of electric vehicles. He agreed that tourism suffered because of the dust problem and felt that the solution lay in some form of surfacing.
- 20 Dep. Melling Been there, done that! Capping won't work. It is not the number of tractors that is the problem but the number of journeys made. Restrictions on Harbour Hill would assist and he gave examples of five tractor owners going to Guernsey this week with their tractors parked down at the Harbour all day until they came back. He also instanced the small silly amounts of rubbish brought down to the Harbour Quarry for disposal by individuals sometimes on a daily basis. He announced that the Quarry would be restricted from the beginning of May to a two hour opening between 8.00 and 10.00am only, to receive rubbish.
- 21 Dep. Dewe Refuted the number of journeys being made. His observations were of few tractors on the road. It was pointed out that the road outside the Assembly Room was closed during Chief Pleas' sessions because in the past, the noise of passing tractors had interrupted proceedings.
- 22 Mlle. Bull Called for greater planning of deliveries. She now had a large box built into the link box of her tractor allowing more to be carried and deliveries combined.
- 23 Dep. Cocksedge Confirmed that there was an Island-wide speed limit of 10mph. One of the Constables in the past had borrowed a speed camera from Guernsey and proved that generally drivers were keeping to the limit.
- 24 Mdm. Drawmer Suggested regular watering of the roads to lay dust.

Proposition – *That Chief Pleas instruct the Road Traffic Committee to seek amendments to legislation to cap the number of tractors at the present level and with a view to reducing the number further in future.*

The proposition was CARRIED.

- 25 Sieur Rang Asked for smaller tractors to be considered as the norm.
- 26 Mlle. Perrée Asked for graduated licence fees.
- 27 Seneschal Suggested they write to the Committee.
- 28 Mdm. Rang Admitted to being taken down Harbour Hill about three times a year, sitting in a link box. She has no wish to abuse the system.

15. Finance & Commerce Committee

Update on progress regarding Mortgages, Treizieme and Congé and Property Transfer Tax

- 01 Sieur Raymond Introduced the report taking the House carefully through the complicated contents. He emphasised that it is not mortgaging in the mainland sense of the term but more akin to Guernsey. Land tenure here is similar to Guernsey. He thanked H.M. Procureur in Guernsey who had been most helpful in the consideration of the 1611 restrictions. Sieur Raymond stressed the final paragraph on "mortgages", that this project was not about splitting leasehold land away from Ténéments and does not bring in any provisions relating to the ability for leaseholders to "buy-out" their leases.
- 02 Mlle. Char Understood that the purpose of charging and mortgaging a property has become a problem in Guernsey now.
- 03 Sieur Gomoll Explained that the leases are not easily regulated but usually there is a clause to cover the owner and the leaseholder cannot take the lease as an asset.
- 04 Mdm. Rang Hopes this is all for the benefit of youngsters and local Sark residents and needs to be restricted to outsiders.
- 05 Sieur Raymond Was not sure that that was possible. It might encourage someone to come here and create more commercial activity.
- 06 Dep. Guy *Deeming was the only way leases could be used. (*term defined in the report).
- 07 Mlle. Perrée We don't want to bring lots more people to live on Sark. Is the Ville Roussel Trust still available to help young Sark people?
- 08 Seneschal Yes, it stands at about £90k but if Mlle. Perrée wants more information she must write to the Trustees for that information.
- 09 Sieur Raymond Page 14 of the accounts shows all the details of the Ville Roussel Fund. This is not about bringing lots more people to the Island but about encouraging more, younger, active people with commercial interests.
- 10 Mlle. Perrée Surely that will put more pressure on the school and other services?
- 11 Dep. Dewe Has previously expressed concern that there is no strategic plan for the Island as a whole. There are inherent dangers in the division of property without an overall plan. School costs are already high.

- 11 Dep. Dewe Agreed there was a need to deal with borrowing for local people but there are a lot of people in Europe with a right to live in Sark and Sarkees could be in a serious minority in the future.
- 12 Mlle. Char Malta has such restrictions. Other countries have a points system. Would the F&C Committee consider such restrictions?
- 13 Sieur Rang Is totally against this project. It will increase open market prices even more. It started by trying to help local people. Will banks mortgage if there is limited availability of property?
- 14 Sieur Gomoll Considered the number of outsiders would be limited. This was an opportunity for existing leaseholders and freeholders to mortgage their properties. The Island was already in breach of human rights by not allowing residents mortgage their property.
- 15 Mlle. Perrée We should never have started this let alone try and restrict it.
- 16 Dep. Armorgie Supported the project – as a parent, a leaseholder and a business owner - he is restricted in investing in his business.
- 17 Dep. Dewe Had always thought that the inability to get a mortgage was one of the things holding the Island back. Youngsters and locals are being stifled - it is a must. Commercial loans are difficult to obtain if one cannot use a property as collateral. For those divorcing, it was sometimes impossible to raise funds to buy the other partner out, without a mortgage.
- 18 Mdm. Rang Is not against mortgages for youngsters but is fearful of opening it up to everyone.
- 19 Sieur Donnelly If lots of people arrived it would imbalance the whole Island. F&C Committee must take these issues on board.
- 20 Sieur Raymond Is concerned, and expressed sadness at such complacency as it leaves the Island with an unsustainable economy for the longer term. Taxes will have to increase. This is one way we could advance the Island's economy.
He referred to the remainder of the report pointing out that the issue of Trezieme and Conge was with the Law Officers for drafting. He emphasised that Trezieme would only go when the proposed Property Transfer Tax was in place.
There is a problem dealing with companies and trusts owning property in establishing a Property Transfer Tax. The Committee had not settled on any process yet and asked if anyone found the proposals in the report unreasonable, to notify the Committee.

A short recess was held between 4.20 and 4.30pm

Sieur Guille, Mdm. Rang and Mr. Werner Rang asked to be excused to attend appointments.

- 21 Mr. Couldridge Asked if any leases were in company ownership, to which Sieur Raymond answered not as far as is known.
- 22 Sieur Gomoll What the banks are saying is that if you mortgage property as a company, it can be done in shares. It was difficult to separate the three issues.
- 23 Dep. Plummer Asked how far the issue of Trezieme and Conge has progressed.
- 24 Sieur Raymond The Seigneur has agreed his willingness to give it up and it is now with the Law Officers but it cannot be introduced until the new Property Transfer Tax is in place.
- 25 Dep. Plummer Asked if it was possible to separate Trezieme and Conge but the Seigneur responded that it wasn't.
- 26 Mlle. Char Needed clarification as there appeared to be no requirement for a register of company shares. She questioned trust and company law.
- 27 Sieur Raymond There is no company register or law in Sark. Neither can we have it until Sark has a Lt. Seneschal and we cannot have that post until the Reform Law is in being.

16. Education Committee

Settlement with former Head Teacher

- 01 Seneschal Drew attention to a notice that is posted on the boards in the Island Stores and the Foodstop about an individual's complaint about being overlooked for interview as Headteacher at the School. This is well in the past and refers to the previous Education Committee and should have no reflection on the present Committee.
- 02 Dep. Cole Is satisfied that this settlement brings this whole unhappy and unnecessary episode to an end. He thanked Crown Advocate Richard McMahon for his unfailing and invaluable advice.

17. See Pages 11 – 13

18. General Purposes & Advisory Committee

Relationship with Sir David and Sir Frederick Barclay

- 01 Sieur Raymond Gave a verbal update, recognising the need to establish some guiding principles for the relationships between the Barclays on Brecqhou and Chief Pleas on Sark. He appreciated the initial work undertaken by the Brecqhou Liaison Sub-Committee and agreed that a Memorandum of Understanding was the best way forward as it gave flexibility within guidelines which both sides would respect. Advocate Dawes, for the Barclays, has drafted such an agreement and this will be considered by GP&A with advice from the Law Officers. Further dialogue between the Barclays and GP&A will be required before recommendations can be brought to Chief Pleas for consideration
- 02 Seneschal The Brecqhou Sub-Committee report was never debated in Chief Pleas and should be brought back before consideration of a Memorandum of Understanding.
- 03 Dep. Cole This was previously a report to the GP&F Committee and raises more questions than it answers and should certainly be discussed before a Memorandum of Understanding is considered.
- 04 Sieur Baker Raised the issue of challenges to the feudal system of Sark and quoted from a "Question and Answer" in the UK Parliament in January 2006, reading them out as follows –
Andrew Rosindell : *To ask the Minister of State, Department of Constitutional Affairs if she will list the (a) petitions and (b) registered complaints from islanders she has received relating to the feudal system on Sark in the last five years. {40507}*
Bridget Prentice: *I am aware of two petitions to the Privy Council in the last five years which have been about the constitution of Sark. Since the transfer of responsibility for the Crown dependencies from the Home Office in 2001, Ministers and officials at the Department for Constitutional Affairs have received a number of letters about the constitution of Sark. All correspondence and both petitions have been from or on behalf of two residents of Sark.*
Note: Andrew Rosindell is the Conservative member to Romford, and has interest in British Overseas Dependencies, including the Isle of Man and the Falkland Islands.

Closing remarks

- The Seneschal reminded the President of Pilotage that nominations were required to fill vacancies on the Committee and that the same request applied to the Chairman of the Brecqhou Liaison Sub-Committee, in discussion with the President of GP&A, for nominations to the Sub-Committee. These to be given before the deadline set for the Midsummer meeting.
- **MIDSUMMER EXTRAORDINARY MEETING – Wednesday 4th July 2007 at 7.00pm**
Agenda closes on Friday 8th June 2007 at 5.00pm.
Papers distributed to Members by Wednesday 13th June 2007.

The formal meeting closed at 5.10pm on Thursday 12th April.

After the public and media were clear an informal meeting to discuss commercially sensitive issues relating to Isle of Sark Shipping Co. continued, ending at 6.20pm.

Brian Garrard (Sark Committee Secretary) 30th April-4th May 2007

4th May 2007

Greffier

Seneschal

DEPUTY DEWE'S response to the Constitution 2007 Committee Report at Item 4 (Page 4)

1. I will start by taking the numbered items in the same order as the report.

Public opinion – The majority of the Islanders favour Universal Suffrage as the way to elect Chief Members to Chief Pleas. This has been established by no less than two opinion polls. Of course one can quote from those who's view are in the minority, but if we ignore the wishes of the electorate, we do so at our peril.

Comments and representation from individuals – We have been down this road years ago with the Workshops and all the individual consultations. We have done that and the Proposed Projet de Loi entitled The Reform (Sark) Law, 2007 reflects these representations and consultations.

Public response to information received via postal circulars – The response was minimal and was flawed by asking biased questions. From the comments that I heard, they were very derogatory and unprintable and an insult to the majority who had given their vote in favour of universal suffrage.

Public meeting called by the Deputies on 3rd February – This meeting was well attended and nobody could dispute that the majority of the people present were in favour of universal suffrage and wanted it to be in force for the next General Election.

The Presentation from Leonlin Price QC in Sark on 3rd February – His arguments are flawed because Sark like the other islands of the Bailiwick approved "The Human Rights (Bailiwick of Guernsey) Law, 2000" which brings Human Rights into our domestic law and gives the inhabitants the right to seek redress in the local courts with the possibility of legal aid.

Meeting with representatives from the DCA held in Sark on 6th February – We have all had a copy and it states clearly that Sark's electoral system is at present non compliant with the European Convention on Human Rights. The UK would have to remedy that situation were the electoral system to be challenged. Chief Pleas has known this for years and has acknowledged the fact, but still has not rectified the situation by approving the legislation that would make this Legislative body Convention compliant. There is a very serious possibility that a challenge will be brought if Chief Pleas is not H.R. compliant by the next General Election to be held in December, 2008. There are Islanders already stating that they would be prepared to mount a challenge if the situation is not resolved by then.

Independent opinion received from Kevin Hart – Chief Pleas must realise that any new Constitution for Chief Pleas must have the Royal Assent and since the result of the official public opinion poll clearly indicated that universal suffrage was the inhabitants preferred choice, it is very doubtful if any other proposed method of selecting members for Chief Pleas would receive the Royal Assent.

2. The Committee states that they are analysing the results of the public opinion poll. The result, even if you dispute the figures, was clear 12% majority in favour of universal suffrage. How long do you need to try and bend the result the other way and pull the wool over the eyes of Chief Pleas and the population of Sark.

3. All the sections of the draft Projet de Loi have been debated and approved by Chief Pleas over the years. It is only how the members of Chief Pleas are elected that is the sticking point, and then it is only the members that are not prepared to accept the will of the people that are prevaricating, albeit, they are in the majority, but I would ask them, are they in Chief Pleas for their own advantage or for the benefit of the Islanders as a whole and why are they not prepared to face the electorate and stand for election and run the risk of not being elected. This is the crux of the matter.

4. I am relieved to hear that the Committee is committed to democracy in Sark and appreciate the importance of achieving universal suffrage, but their actions and comments do not support this. What are they talking about when referring to entrenched laws. The Draft Projet de loi The Reform (Sark) Law, 2007 only repeals The Reform (Sark) Law, 1951 as amended and some other minor pieced of legislation with other amendments where revenue should go. All the other so called entrenched laws are stand alone laws and are still on the statute book until amended or repealed by Chief Pleas. If any of these laws are found to be obsolete or non Convention compliant, they can be amended or repealed, but they do not need to be incorporated into the draft Reform law. The only Ordinances that can be made under the Projet are the date of implementation and dates for holding General and Bye Elections and how they are organised etc.

5. Aiming for Strengths, Weaknesses, Threats and Opportunities are commendable, but if we are talking about universal suffrage, under the Sark proposals, because of the multi vote casting system, which is more akin to proportional representation, it has great strength, no weaknesses worth mentioning, no threats and opportunities for a wide section of the population to stand for election. What could be better.

6. The Committee are urging Chief Pleas and every resident of Sark to consider what entrenched laws and "checks and balances" could be and should be incorporated in the new law. There is no need to incorporate any extant law into the new Reform law, they are on record, they are not going to disappear. As for "checks and balances" we already have them. His Excellency, the Lieutenant Governor has to approve our budget and the Crown Officers when drafting our Ordinances or Projets, will not draft anything that is not Human Right Compliant. There is a secondary safeguard, in that the D.C.A. will also check the Projets before recommending the Lord Chancellor to advise the Queen to give the Royal Assent. As for Ordinances, they have to be approved by the Royal Court in Guernsey. Surely this is already the procedure.

I now move on to the a. to q. questions:

a. We know that we are unable to keep the status quo for the membership of Chief Pleas, this has been recognised and accepted. Universal suffrage works well in the majority of other jurisdictions and has been the favoured choice for generations. The committee system has worked well for Sark, and there is no reason why it should not in the future. Committees evolve on the direction of Chief Pleas when there is a need. There is no need to have them carved in stone. No doubt there will be some adjustments made to committees, by amalgamation or new ones formed as the need arises.

b. Of course we should all strive to minimise bureaucracy and limit the burden of potential additional taxation. But who is to say that the next Chief Pleas is going to be better or worse in achieving that aim.

c. Universal suffrage will encourage the diverse and significant talents of the broadest possible cross-section of residents by allowing them to stand for election and being elected on their merits.

d. The term of office of members of Chief Pleas has already be debated and approved as being a four year term and it does not take a mathematician to work out that you have a General Election every four years. Chief Pleas has already debated and approved the optimum number to be 28. Staggered elections would cause a considerable extra cost to the taxpayer for very little gain. I thought we were supposed to be trying to save money. Only voting by elected members of Chief Pleas would be allowed. Our Committee mandates do not allow non Chief Pleas members to vote in committee and it should remain so. Who is pushing for Salaries for members? I do not know of a single person in the present Chief Pleas that would demand payment before attending or serving on a committee, so who should any new body be any different. If a candidate has the interests of Sark at hart, he or she should not require a reward for serving the community.

e. This has been debated and approved, but there is a feeling in and out of Chief Pleas that persons that have a second home in Sark and do not normally reside here should not have the vote or ability to stand for election. It is not that we would deprive them of the right to vote because they have that in their own jurisdiction where their main home is. One must ask ourselves, is it right for a person to have multiple votes just because they have houses in different areas. Traditionally a man qualified for inclusion on the electoral roll at the age of 20 and a woman 21, but the age of majority was changed to 18 for both genders. The draft legislation reflects this. One year and a day residency at the date of the electoral roll is prepared has been the criteria in the past and to all intents and purposes the draft legislation is the same, but worded to leave no doubt. It is obvious that there should be a minimum age before one can stand for election and vote, but we would be accused of ageism if an upper age limit was even suggested and I doubt if it would ever be allowed to be put into law.

- f. There is a raft of minority groups listed here. Under universal suffrage all would be allowed to stand for election and vote unless they are a minor or an alien, and not stand for election if he is the Seigneur, the Seneschal, the Prevot, the Greffier, the Treasurer or the duly appointed deputy of any of those persons.
- g. Chief Pleas may establish a specific review group or body from among its members by simple resolution any time it wishes.
- h. Electoral constituencies. Sark is a small island, smaller than the Parishes in both Guernsey and Jersey. What advantage would be attained by splitting the island up into a number of constituencies?
- i. Consultation with the public is an ongoing must if future Chief Pleas members wish to retain their seats under universal suffrage, but to make it compulsory in law is not easy to define the criteria.
- j. Consultation is one thing, but to try and govern by referenda is another matter. The advantage of having the whole Chief Pleas elected at regular intervals with no reserved seats is that the public can vote out of office those members that are either not pulling their weight or not listening to their views. Democracy at work.
- k. There is already a mechanism for budgetary control, His Excellency. Chief Pleas committees have to get their budgets approved by Chief Pleas and spending above certain limits has to have approval.
- l. Increases in taxation is a problem. There is a saying that there are no votes in taxation unless it is being reduced, but like death taxation is a fact of life and it is the duty of all politicians to keep spending under control and therefore taxation. One never knows when a major expenditure is required, but to try and regulate it by law is virtually impossible.
- m. The role of the Seigneur and Seneschal. There are no Human Rights issues here, we have that from the Law Officers of the Crown and the DCA. This is pressure from outside that is fermenting this issue. There is no pressure from the people of Sark. The new Reform law allows for a Lieutenant Seneschal to take the Sark Court if there is a conflict of interest. This is why that section was added.
- n. The number of committees will adjust to the volume and type of work that is required to be done. A limit on the number of non Chief Pleas' members on a committee must be enforced and certainly non elected persons must not be part of an all elected government. It would defeat the object of universal suffrage and democracy.

o. Transparency of government should be encouraged, but allowing the public into committee meeting would inhibit the debate in that committee, which are often dealing with personal matters. Frequent reports to Chief Pleas and public meetings should be encouraged. G.P. & F. introduced question time into the Chief Pleas Agenda, but sadly it has been used very infrequently. We have one Deputy that is holding workshops. This should also be encouraged.

p. When I was President of G.P. & F. we received an average of 15 e-mails a week on information, mostly of EU origin, but coming from the U.K Government, via The Lieutenants Governors office, Mike Brown, Senior Civil Servant to the Policy Council in Guernsey to the Seneschal and finally to us. Most had nothing to do with the administration of the Channel Islands, but occasionally there might be one that needed the Law Officers to comment on because there might be a Protocol 3 issue involved. These would be flagged by the committee until we knew the advice from the Law Officers. There is a wonderful button on a computer called delete, and believe me it had a lot of use. If you can call this influence from outside parties, I do not know, but we only heeded what was relevant.

q. A committee of committee presidents is a must, I have always advocated it, there are many occasions when two committees are working on a similar issue because there is an overlap because their mandates are not clear.

7. The Committee say they have concerns on the following:

Failure to achieve the ideal number of elected members – This is a remote possibility, but if the present members are so dedicated as they say they are then there will not be any problem.

- The potential collapse of the system of government if participation is optional rather than an obligation or a duty – Our present Deputies are under an obligation by taking an oath of office. This will also be so under the new system.
- Judges are appointed for life to achieve moderation, resist political influence, and achieve the best possible decisions. Politicians are political by nature, that is their job and have to be accountable to the people who elect them.
- The desire to achieve / retain political independence and continuity – Who can claim that a fully elected Chief Pleas will not retain its political independence or will not be governing this island when we are all dead and gone.

- The risk of poor quality or bad governance – There appears to be a double standard here, in one breath the Committee is saying that there are diverse and significant talents out there and now are saying we will have a government made up of ignoramuses if they are elected. You are insulting the electorate of this island.
- A full elected house is potentially fully open to influence – if you mean by the public then that is a good thing as we are here to represent the public and not our own vested interests.
- Agreements, relationships and status with others, i.e. EU, Guernsey, Jersey, Brecqhou – This is an on going part of government. Sark is invited and has been represented by elected representatives at annual meetings of the Crown Dependencies, which includes the Isle of Man. Meetings are often held in Sark and Guernsey with Guernsey Departments and we often have contact with Alderney. There is no reason why a fully elected house should not continue to meet with our fellow politicians at different levels of the other islands. I have attended Sea Fisheries meetings both in Guernsey and Jersey. This is what governments do. Not just have a stick in the mud insular outlook.

8. The Committee state that they remain committed to achieve strong successful and independent governance for Sark – Glad to hear it, but you were given until this meeting to bring **propositions** for approval, all you have done is waffle on about things that are either in place or can be done by simple resolution by Chief Pleas at some future date. You ask for a little more patience and time – months not years – We are on a tight schedule to have all the legislation in place before the General Election in December, 2008 – you were given until this meeting and you have not brought a single firm proposition or even said what all these entrenched laws are or what checks and balances you require. I suggest that Chief Pleas reject this report for what it is a delaying tactic.

**MEETING OF CHIEF PLEAS MEMBERS as Shareholders of the Shipping Company
Called by the Directors of the Isle of Sark Shipping Company Limited**

Note of the meeting held at the Assembly Room on 26th April 2007 at 5.30pm

Present:

Sark Directors of Isle of Sark Shipping:

Mr. Adrian Guille (AG) and Sieur William Raymond (WR)

Apologies: Sieur Duncan Spence and Mr Bruce Wallace

Members of Chief Pleas:

Sieur Michael Beaumont (Seigneur); Deputy Paul Armorgie; Mlle. Molly Bull;
Mdm. June Carré; Mlle. Kaye Char; Sieur David Curtis; Sieur Rossford de Carteret;
Sieur Simon de Carteret; Sieur John Donnelly; Sieur Stefan Gomoll; Deputy Jan Guy;
Sieur John Jackson; Deputy Tony Le Lievre; Deputy David Melling; Deputy Roger Olsen;
Mlle. Elizabeth Perrée; Mdm. Esther Perrée; Deputy Helen Plummer; Sieur Chris Rang;
Mdm. Heather Snelling; Deputy Paul Williams; Deputy Sandra Williams.

Apologies: Mdm. Claire Hester

Officers: Lt.Col. Reg Guille (Seneschal); Mr. Jeremy La Trobe-Bateman (Deputy Seneschal);
Mr. Alfie Adams (Prévôt); Mrs Wendy Kiernan (Treasurer); Mr Brian Garrard (Secretary)

- o Mr. Adrian Guille chaired the meeting.
- o A paper outlining alternative strategies was handed out at the meeting and collected back afterwards.
- o All recommendations included in the paper were unanimously agreed by all Directors.
- o The paper was introduced by Sieur William Raymond.
- o Discussion followed and the following issues were covered –
 - The use of Trident Engineering by Ship & Fly;
 - Short notice in convening this meeting;
 - Concept of IoSS employing a manager rather than using a Management Company;
 - Concept of having IoSS working Directors in Guernsey;
 - Management contract and incentives;
 - Clarification of costs;
 - Buy-out costs to remove existing contractor;
 - Cruise Liner business;
 - Stringency and control of new contract;
 - Reward for loyalty of IoSS staff.

The Seigneur proposed that the recommendation should be approved and Deputy Tony Le Lievre seconded.

Mr. Guille drafted the following proposition –

The shareholders support in principle the recommendation by the Directors of the appointment of Ship & Fly as Managers of the Isle of Sark Shipping Company Limited and to enter into a legally binding agreement for a period ending no later than 31st December 2009.

The proposition was accepted by a clear show of hands with Sieurs Donnelly and Jackson voting against.

- o Sieur Donnelly wished it to be recorded that the Shipping Committee had not had the opportunity to meet and discuss the recommendation and the subsequent proposition.
- o Sieur Raymond stated that it was the intention of Sieur Duncan Spence to inform the IoSS staff on Friday 27th April as to the outcome of the deliberations and Chief Pleas decision. He would similarly inform Alderney Shipping, the Directors of which have agreed to act honourably during the remaining period of their operating tenure.
- o Sieur Raymond also informed the meeting that, subject to a crane being available, it was hoped to put the new boat into the water next week.

Meeting ended at 6. 40pm