



OFFICIAL REPORT

OF THE

MICHAELMAS MEETING

OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 30th September 2020

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Present:

Seigneur

Maj. C M Beaumont Esq.

Speaker of Chief Pleas

Lt. Col. R J Guille, MBE Esq.

Deputy Prévôt

Ms J Godwin

Greffier

Mr T J Hamon

Treasurer

Ms S Hudson

Constable

Mr Burgess

Vingtenier

Mr D Gale

His Excellency the Lieutenant-Governor

Vice Admiral Sir Ian Corder KBE, CB

Conseillers:

Alan Blythe

Peter La Trobe-Bateman

Christopher Nightingale

Anthony Ventress

Paul Williams

Sandra Williams

Helen Plummer

Philip Long

Christopher Drillot

William Raymond

Amanda De Carteret

Simon Couldridge

Frank Makepeace

Natalie Craik

Nichola McHugh

Business transacted

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Michaelmas Meeting of Chief Pleas

Chief Pleas met at 5 p.m.

[THE SPEAKER *in the Chair*]

PRAYER

The Greffier

ROLL CALL

The Greffier

The Greffier: There are 15 Conseillers, the Seigneur and the Speaker of Chief Pleas present.

Welcome to His Excellency the Lieutenant-Governor

The Speaker: I would like to welcome His Excellency to the Meeting. A wet and soggy trip for
5 him today. Hopefully a little bit drier for your activities tomorrow, sir.

Apologies received

The Speaker: I present apologies from Conseiller Guille.

STATEMENTS

Sark Electricity – Statement by Conseiller La Trobe-Bateman

The Speaker: We have a number of Statements next, and the first Statement will be by
Conseiller La Trobe-Bateman.

10 **Conseiller La Trobe-Bateman:** Thank you, sir.

This is just a quick update on electricity. As you will all be aware, the electricity issue is raising
its ugly head again. With the threat of shutting off 19 residents, generators and cabling have been
brought over to ensure, should the worst case of them being shut off happens, those homes will
have a supply of electricity from us. The relevant Committees on Island and in Guernsey are also
15 dusting off and updating their emergency contingency plan should the whole of Sark be shut off.

If I may, I will pass over to Conseiller Raymond who will say a bit more.

Conseiller Raymond: Thank you, sir.

20 This morning we received a three-page letter from advocates acting for Sark Electricity, and I would like to comment on those, some of the points they have raised.

The initial paragraph of the letter actually demands wayleaves, blanket wayleaves, from the Douzaine, and that is founded upon a misconception. The Douzaine do maintain most of the Island roads, but the ownership vests in either individual landowners or the Seigneur. There is very little publicly owned land on Sark to which Chief Pleas or the Douzaine could claim title. To this extent, 25 the Douzaine or Chief Pleas cannot give Sark Electricity the blanket agreement that Sark Electricity demands.

For the avoidance of doubt, the Electricity Law and the right of a licensee to lay cabling across private land is a part of the Sark contingency plan, and whilst it might have afforded Sark Electricity some relief, that was never the prime intention, no matter what the advocates may allege. Sark 30 Electricity have asked for the health and safety standards that Sark Electricity should comply with. There is no such legislation on Sark, which in our mind means that the standards to be applied will be dictated by each individual landowner.

And on the subject of wayleaves, I would just like to remind the House that a previous owner of the power station had a series of negotiated wayleaves with landowners for nominal annual 35 payments. There is no reason why such a system could not be revived, following a lapse under previous ownership. The agreements can be in common form and the annual sums passing nominal in the context of the overall revenues of the company.

Thank you, sir.

40 **The Speaker:** Thank you.

Any questions from any Conseiller? If any Conseiller would like to ask a question, raise your hand, please.

Yes, Conseiller Plummer.

45 **Conseiller Plummer:** I would just like to say that on behalf of the Emergency Services Committee, I will be supporting the Statement made by Conseiller Peter La Trobe-Bateman for the people of the 19 dwellings.

Thank you.

50 **The Speaker:** Thank you.

Agriculture, Environment and Sea Fisheries Committee – Statement by Conseiller Plummer

The Speaker: Conseiller Plummer, a Statement from you, please.

Conseiller Plummer: Thank you very much. This is on behalf of the Agriculture, Environment and Sea Fisheries Committee.

55 We are pleased to advise Chief Pleas the construction of the new abattoir has been completed on time and cost. Local tradesmen have undertaken the great majority of the work and have achieved a high standard which we can be all proud of. As a result, we have a facility that meets current standards and regulations sufficient for the product of meat for Sark and the Bailiwick of Guernsey.

60 Conseillers will be aware that the facility will be formally opened by His Excellency the Lieutenant Governor on Thursday morning at 9.30 a.m., to which the people of Sark are all invited.

The regulatory authorities, namely the States Veterinary Officer and States environmental officer, visited the facility last week. We have agreed a programme with them to commission the facility during October, including the relevant tests on water, etc. This will include closing down

65 the old slaughterhouse, including transferring selected equipment and provide some training of
the slaughtermen to use the new facility by the manager as outlined in the business case before
Chief Pleas last December.

We are in the process of recruiting a part-time manager, and this person will also receive
appropriate training during October in the standards and records required to meet the relevant
70 regulations, including the food and feed regulations approved by Chief Pleas a year ago.

Finally, a programme is being devised with the States Veterinary Officer to update farmers in
the standards required for the recording of animal provenance and presentation to the abattoir
to assist in meeting the regulations. We are aiming for the new abattoir to commence production
at the beginning of November.

75 In summary, the new abattoir project is on target to deliver the plan approved by Chief Pleas
and this in turn will underpin the future of agriculture on Sark and its key role in maintaining Sark's
historical pastoral landscape for this and future generations.

Thank you.

80 **The Speaker:** Any Conseiller who would like to ask a question, raise your hands, please. No.

**Medical & Emergency Services Committee –
Statement by Conseiller De Carteret**

The Speaker: We move on to the next Statement from Conseiller De Carteret, please.

Conseiller De Carteret: Thank you, sir.

85 This is a Medical Statement. The Medical Committee wish to inform Chief Pleas and Sark
residents that Dr Doina Suteu will be leaving Sark on 15th October 2020. We wish to thank
Dr Suteu for her care of residents and visitors during the last seven months, and especially
throughout the Covid-19 restrictions.

90 We are very pleased to announce that Dr Simone Borchardt will be taking over from Dr Suteu
on 15th October. Dr Borchardt has worked in Guernsey and Alderney, and understands the
challenges of working in a small community. We look forward to working with Dr Borchardt when
she begins.

We would also like to mention that earlier in the year we had announced the introduction of
community first aid responders. This was a project recommended by Guernsey authorities to
95 assist the Sark GP with out-of-hours emergency care. This was clearly an issue with all the previous
applicants for the role of Sark GP during the interview processes. As the GP is on call 24 hours,
seven days a week, none of the applicants were prepared to do this without support.

100 There are nine members of the community who volunteered to become community first aid
responders, and due to the pandemic their training had to be postponed. However, this has now
taken place and following their intense training sessions with St John's, they have all successfully
passed, and on behalf of the Committee, we wish to congratulate them all on their hard work.

105 Once Dr Borchardt has settled into her new role, the community first aid responders will be
working alongside the Doctor during emergency calls to gain further experience and training. With
the joint effort of the Doctor, the practice nurse and the community first aid responders, Sark will
have a team of medical aides to assist with emergency out-of-hours calls, which I again will state,
this has previously only been covered by the GP having to independently respond to all calls 24
hours, seven days a week.

The community first aid responders will have regular training with the Doctor and St John's
professionals, who will also monitor their progress and development.

110 Thank you.

The Speaker: Are there any questions of Conseiller De Carteret?

Conseiller Makepeace: Yes, sir.

115

The Speaker: Conseiller Makepeace.

Conseiller Makepeace: Yes, Mr Speaker.

120 I would just like to say that I understand that the contract of the current Doctor was terminated. Would the Medical Committee be able to maybe enlighten us as to the reasons for this?

Thank you, sir.

The Speaker: Conseiller.

125

Conseiller De Carteret: I am afraid I cannot disclose that because it is confidential, and due to data protection. But what I will say, it was a mutual agreement between the two parties.

Thank you.

130

The Speaker: Thank you.

**Isle of Sark Shipping Company review –
Statement by Conseiller La Trobe-Bateman**

The Speaker: Conseiller La Trobe-Bateman, your second Statement, please.

Conseiller La Trobe-Bateman: Thank you.

135 Following the Resolution of Chief Pleas at the resumed Extraordinary Meeting on 27th August to instruct the Policy and Finance Committee to instigate an independent review into Isle of Sark Shipping Company, a meeting was held at Government House on Monday, 28th September with His Excellency, representatives of the Committee and Sark Shipping.

140 All present agreed to maintain and develop open and regular dialogue before and during this review period, and work together to improve communications. After discussions, it was decided that the review should take place as soon as possible and, whilst acknowledging the circumstances that had preceded this review, it was agreed that the emphasis should be concentrating on the future relationship between shareholders and the Company, including fully implementing and strengthening protocols and proactive joint communications to enable more open dialogue between the parties.

145 The Policy and Finance Committee and Sark Shipping are committed to facilitating the review and moving forward to a more positive relationship for the benefit of the Company and the residents of Sark. When the reviewer has been appointed and the timeframes agreed, all updates will be issued to the Chief Secretary.

Thank you.

150

The Speaker: Any Conseiller with a question? No.

**New abattoir –
Statement by Conseiller Nightingale**

The Speaker: We will move on to the final Statement, and I ask Conseiller Nightingale to make it, please.

155 **Conseiller Nightingale:** Thank you, sir.

My Chairman has said some of this already, but bear with me because I have an important bit at the end.

As most of you will be aware, the new abattoir on Les Laches has been completed on time and within budget. The Lieutenant-Governor has kindly agreed to open it tomorrow. I feel that all tradesmen involved should deserve our thanks, but most of all I think our special thanks should go to Mr John Robinson who designed the building and managed the project from start to finish, entirely free of any charge to the Island.

160 As Guernsey Public Health passed it with flying colours, we now have a top-class facility which I hope will serve the Island for many years to come. So may I ask for a vote of thanks for Mr Robinson's efforts be recorded, for his splendid efforts.

165 Thank you.

The Speaker: It is getting extremely warm in here, I think. I think the radiators are stuck wide open. Maybe those near windows would like to just pull them ajar, please.

170 Right, thank you for that.

**Procedural –
Electronic devices**

The Speaker: In accordance with Rules of Procedure, I would remind all present that mobile phones, cameras, recording devices and other electronic equipment are switched off now, less for those allowed to Chief Pleas Members in accordance with Rule 18.

Business of the Day

**1. Matters arising from the Midsummer Meeting on 8th July 2020 –
Policy and Finance Committee workstreams relating to the Civil Service**

175 **The Speaker:** We move to Agenda Item 1, matters arising from the Midsummer Meeting held on 8th July 2020. Are there any matters arising?
Conseiller Craik.

180 **Conseiller Craik:** I would just like to ask Conseiller La Trobe-Bateman, as he was talking about the Policy and Finance progress and workstreams, he mentioned that there was a meeting scheduled in Guernsey on 23rd July to do with the Guernsey Civil Service team and I would just like to ask how that meeting went.

Thank you.

Conseiller La Trobe-Bateman: I have had quite a lot of meetings in Guernsey. It was –

185 **The Speaker:** Do you need to be directed to the page?

Conseiller La Trobe-Bateman: Yes, please, a little bit. Yes.

190 **The Speaker:** Can you direct us to the paragraph/page, please.

Conseiller Craik: It says 230 along the side:

Another area that is being worked on is what kind of support Guernsey can offer our Civil Service team. During this pandemic, we were appointed a Sark point of contact within Guernsey's Civil Service team. This worked very well and we are in discussions on how to develop and move this into a more permanent fixture. A meeting is scheduled in Guernsey for 23rd July on this.

The Speaker: It is on page 10.

195 **Conseiller La Trobe-Bateman:** Yes. I am not sure whether that meeting happened. I cannot remember. But I think that the development internally is happening here with the Assistant Chief Secretary and there are still meetings with HM Procureur who is assisting us with this. But obviously she is very busy, so we are going to develop here first and then liaise with Guernsey to ensure that we have the expertise within the Guernsey Civil Service that we need for different areas.

200

The Speaker: Thank you.

2. Matters arising from the Extraordinary Meeting held on Wednesday, 15th July 2020 – None

The Speaker: Agenda Item 2, Matters arising from the Extraordinary Meeting held on 15th July 2020. Any matters arising? No.

3. Questions not related to the Business of the Day – Scrutiny Committee and Isle of Sark Shipping Company Limited review – Questions by Conseiller McHugh and Conseiller Makepeace

205 **The Speaker:** Then we will move to Agenda Item 3, questions not related to the Business of the Day, and there are two questions. The first is from Conseiller McHugh to Policy and Finance. Conseiller McHugh.

Conseiller McHugh: Thank you, sir.

210 Okay. This question is directed again at Conseiller La Trobe-Bateman as the Chairman of P&F, and it is regarding the Scrutiny Committee. The question came in from a member of the public and it was not answered, and I thought it was a very good question. Basically, at the time of the creation of P&F, which is a lead, senior, large Committee, but not a super-committee, this proposal, which was Agenda Item 9, was discussed and it was carried on 16th January 2019. That is nearly two years ago. The proposal was to create a Scrutiny Committee that would look at the work of P&F. I believe that this Committee was proposed for very good reasons and I would like
215 to ask why it has not been populated and when it will be populated.

The Speaker: Conseiller La Trobe-Bateman.

Conseiller La Trobe-Bateman: I am ready for this question. *(Laughter)*

220 When trying to fill the Scrutiny Committee, there were not enough Conseillers to fill it. No
Member of Policy and Finance, no Chairman and no Deputy Chairman could sit on the Committee.
It then came back to Chief Pleas to remove the Deputy Chair restriction to help free up Members
who wish to sit on the Committee. At a PDG meeting to fill the Committee, only one Member
225 came forward. I believe there were only four who qualified to fill this and none of them wished to
sit on it.

It was then decided at that meeting that it would go back to Policy and Finance to work out a
better system. It was decided that in order to have a robust and future-proof Scrutiny Committee,
Conseillers should not be the ones scrutinising each other. Policy and Finance believe that by
placing it within the mandate of the new tribunal panel makes sense. The tribunal panel will
230 consist of, hopefully, six members of the public that will have proper training to fulfil their
mandated roles. Their mandate will encompass the Road Traffic Tribunal, the Development
Control Tribunal, Code of Conduct and the Scrutiny Committee. By creating this trained group, it
will not only ensure neutral, professional judgement, but also free up individuals currently tied up
on the two tribunals.

235 This work is with the Law Officers and like many things has been delayed due to the massive
workloads of Covid. It is one of Policy and Finance's priorities and we will update you as soon as
we can.

The Speaker: Supplementary question?

240

Conseiller McHugh: No, thank you.

The Speaker: Question 2, from Conseiller Makepeace to Policy and Finance.
Conseiller Makepeace.

245

Conseiller Makepeace: Yes, Mr Speaker.

Following the Extraordinary Meeting of Chief Pleas regarding Isle of Sark Shipping Company, I
would like to ask for an update regarding the review and costs incurred so far related to the review
and associated legal costs?

250

Thank you.

Conseiller La Trobe-Bateman: I think I covered that on my Statement previous of where we
are, and there is no cost to date.

255

The Speaker: Thank you.
Any supplementary question?

Conseiller Makepeace: No.

260

The Speaker: No. Conseiller Makepeace, thank you.

**Procedural –
Change to order of business**

The Speaker: Before we move to Agenda Item 4, I propose in accordance with Rule of
Procedure 10 that Item 19 from the Addendum be taken immediately after Item 11 and I will put
that to the vote in a moment. Rule 10 says:

Provided that Chief Pleas may resolve, on the basis of developments after the Agenda is published, that the order of business be changed. The Speaker or any Conseiller may propose a change to the order of business and if supported by a simple majority the order of business shall be altered.

265 So I have proposed that we take Item 19 from the Addendum immediately after Item 11. Those in favour; those against. That is **carried**.

**4. Douzaine –
Mr P Burgess elected Constable**

Douzaine: To elect a Constable.

The Speaker: We move to Agenda Item 4, the Douzaine, to elect a Constable, and can I ask the Douzaine to propose a name, please?

Conseiller Blythe: Thank you, sir.

270 As we all well know, Paul Burgess stood in as Constable and Danny Gale as Vingtenier towards the end of March this year. I think we all owe them a huge amount of gratitude for doing this, especially as for what was about to unfold in the guise of a global pandemic. So a big thank you to them, coupled together with all their input that went into the drafting new Constable's role.

275 Now, with the changes that have been made in the system and the role of the Constables on Sark, he can, if it is the will of this House, do it all again! I would like to propose Paul Burgess for the role of Constable.

The Speaker: Thank you.

280 We have one nomination for the appointment of Constable.

Conseiller Makepeace: Sir, could I make a –?

The Speaker: One moment, please. I will put that to the vote in a moment.

285 **Conseiller Makepeace:** you wish to say something?

Conseiller Makepeace: Yes, sir. I wish to make some comments.

290 I would like to ask for Items 4 and 5, which are related, to be removed from the Agenda. I believe that correct procedure and due process have not been followed and that the application of local resident Mr Neil Williams has not been treated with the impartiality and fairness that it deserves. Mr Williams has indeed made a formal complaint to the Douzaine regarding this.

295 Last week, following an exchange of emails between Douzaine Committee members, it was agreed that an interview panel should be formed to interview prospective candidates for the vacant positions of Constable and Vingteniers. It was agreed that the panel would consist of former Constables Adrian Guille and Alan Blythe, local resident Joe Donovan and Chief Secretary Zannette Bougourd.

I would like to add at this stage in my report that the participation and integrity of panel members Adrian Guille and Joe Donovan are not being brought into question. Both acted at all times in a professional and impartial manner which reflects on their experience and knowledge.

300 A series of pre-arranged questions were to be asked for each candidate at the interview. Replies would be noted then recommendations would be made by the panel to the Douzaine Committee. My understanding of this is the Douzaine Committee would then meet and carefully consider and analyse the results of the question and answer sessions. This would be critical for Douzaine members to have access to this information. Otherwise, how could we be expected to make informed decisions?

305 On 23rd September, Douzaine members received an email from Chairman Conseiller Blythe informing us that there were five candidates for the vacant positions: local residents Mr Burgess, Mr Gale, Ms Jones, Mr Lewis and Mr Williams; and that interviews would take place on Monday, 28th September at 5 p.m.

310 On Monday, 28th September at 11 p.m., Douzaine Committee members were informed by Chairman Mr Blythe via email that the recommendations of the interview panel to fill the positions were Mr Burgess, Mr Gale, Ms Jones and Mr Lewis. It was at this stage that I believe due process was not followed. No opportunity was given to hold formal meetings or discussions or votes by the Douzaine to discuss these recommendations of the Panel. Instead, a series of emails between Douzaine members were exchanged, resulting in a declaration by Douzaine Chairman Conseiller
315 Blythe yesterday morning at 7.48 a.m., quote: 'The successful applicants will be notified later today once I have got the majority nod, which is only one away'.

No minutes or details of the interviews were made available to Committee members and there appeared to be an unnatural haste to present the successful applicants without proper consultation of the Douzaine. I was concerned by this and as a result made an enquiry to the Chief
320 Secretary for a copy of the minutes and copies of the question and answer sessions with candidates, this being to enable myself to make an informed opinion. The response from the Chief Secretary stated: 'There is no lawful basis for the disclosure of this information. The established policy and procedure was followed'. The Chief Secretary added: 'To provide this information sits outside what is needed'.

325 My question is how on earth can a request for details about the interviews of prospective employees of the Sark taxpayer sit outside of what is needed? I replied to the Chief Secretary and asked for her to forward me a copy of the alleged policy and procedure, as I was doubtful of its existence. To this date, I am still awaiting the requested copy. I was alarmed by these events and conducted extensive research and discovered that I was in fact entitled, as a Douzaine Committee
330 member, to view these documents and to make an informed decision.

To conclude, as stated earlier, Mr Williams has made a formal complaint to the Douzaine regarding his unfair treatment and I will be supporting his complaint. It is in my opinion that in this case both the Douzaine Chairman and Chief Secretary made an error of judgement and allowed personal opinions to cloud their professional judgement. Therefore, I am asking for this
335 Item to be withdrawn and new interviews to take place.

Thank you, sir.

The Speaker: Thank you, Conseiller Makepeace.

340 Chairman of the Douzaine, this is an internal Douzaine matter, as far as I am concerned. You have selected, as I understand, an interview panel which was approved by the Douzaine and you carried out the process of interviews.

Conseiller Blythe: Correct, sir.

345 **The Speaker:** Do you wish to withdraw Items 4 and 5?

Conseiller Blythe: No, sir, I most certainly do not.

The Speaker: Do you have the support of the majority of your Committee for that decision?

350

Conseiller Blythe: I assume I do. I can ask them if you want.

The Speaker: Just look at them. Thank you.

Conseiller Blythe: Yes, full support, sir.

355

The Speaker: Okay. Your statement is noted, Conseiller Makepeace, (*Interjection*) and we will now continue with the voting on Item 4. The vote is that Mr Paul Burgess be elected Constable of this Island. Those in favour; those against. Thank you. Only one hand will do, thank you very much. I declare Mr Paul Burgess duly elected as Constable.

**5. Douzaine –
Mr D Gale, Ms C Jones and Mr J Lewis elected Assistant Constables**

Douzaine: To elect three Assistant Constables.

360 **The Speaker:** We then move to Agenda Item 5, Douzaine again, to elect three Assistant Constables, and I would ask the Douzaine to give those nominations, please.

Conseiller Blythe: Thank you, sir.

365 The first person I would like to propose deserves the same praise as Mr Burgess. I would like to propose Mr Danny Gale for the role of Assistant Constable.
Thank you.

The Speaker: I put it to you that Mr Danny Gale be elected Assistant Constable. Those in favour; those against. **Carried.**
370 Douzaine.

Conseiller Blythe: The second person I would like to propose for the role of Assistant Constable is Ms Charlie Jones.
Thank you.

375 **The Speaker:** I believe her full name is Charlotte, so we will use Charlotte Jones in the election. Those in favour that Ms Charlotte Jones be elected Assistant Constable – those in favour; those against. **Carried.**
380 Douzaine.

Conseiller Blythe: And the third person I would like to propose for the role of Assistant Constable is Mr Jason Lewis.
Thank you, sir.

385 **The Speaker:** Thank you.
Mr Jason Lewis is proposed to be the third Assistant Constable. Those in favour; those against. **Carried.**

390 I declare that Mr Dan Gale, Ms Charlotte Jones and Mr Jason Lewis are duly elected as Assistant Constables, and I would offer them my congratulations and wish them well in the policing that they have to do on this Island in the future year.

**6. Douzaine –
Miss S Guille elected Procureur des Pauvres**

Douzaine: To Elect a Procureur des Pauvres to replace Ms E Day whose Term of Office expires.

The Speaker: Agenda Item 6, Douzaine.

Conseiller Blythe: Thank you, sir, again.

395 As it is a difficult task put before us with the onset of Covid-19, the Procureur's job was made even more difficult than it already is. It is certainly not a task I would want to undertake. I would like to extend a huge vote of thanks to Estelle Day. Working with Estelle for what seems like a lifetime through our dealings through the Douzaine, has always been made easier by Estelle's calm and professional nature.

400 I would like to propose Miss Stephanie Guille as Procureur.
Thank you.

The Speaker: The Douzaine have proposed that Miss Stephanie Guille be elected Procureur des Pauvres. Those in favour; those against. **Carried.**

I declare that Miss Stephanie Guille is duly elected as Procureur des Pauvres

**7. Douzaine –
Mrs S Hodge elected Deputy Procureur des Pauvres**

Douzaine: To Elect a Deputy Procureur des Pauvres to replace Ms S Guille whose Term of Office expires.

405 **The Speaker:** We move to Agenda Item 7. Douzaine.

410 **Conseiller Blythe:** Before I nominate a replacement for Ms Guille, can I also thank her for her sterling work alongside Estelle. But on top of that, I would like to mention that Stephanie, in order to fulfil the role of Procureur, has retired from her position as special constable. Stephanie, who I do believe was a recruit of mine during my time as Constable back in 2008. She seemed to cut the role of custody officer, I do believe. I dropped her in the deep end, which was her first custody job.

415 During her time, she has served under 14 different Constables and I am sure that they and their respective Vingteniers would like to add their thanks to all the hard work that she has put in.

For the position of Deputy Procureur, I would like to propose Mrs Samantha Hodge.

The Speaker: Thank you.

Mrs Samantha Hodge is proposed as the Deputy Procureur des Pauvres. Those in favour; those against. **Carried.**

420 I declare Mrs Samantha Hodge duly elected as Deputy Procureur des Pauvres.

I would inform the Assembly and the public that the Seneschal's Court will sit soon after this meeting concludes to administer oaths to the persons just elected by Chief Pleas.

**8. The Regulation of Fiduciaries, Administration Businesses and Company Directors etc.
(Bailiwick of Guernsey) Law, 2020 –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled 'The Regulation of Fiduciaries' and to approve the Projet de Loi entitled 'The Regulation of Fiduciaries, Administration Businesses and Company Directors etc. (Bailiwick of Guernsey) Law, 2020'.

Proposition:

That Chief Pleas approve The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2020.

The Speaker: We now move to Agenda Item 8, to consider a Report with Proposition from the Policy and Finance Committee entitled 'The Regulation of Fiduciaries' and to approve the Projet de Loi entitled 'The Regulation of Fiduciaries, Administration Businesses and Company Directors etc. (Bailiwick of Guernsey) Law, 2020'.

I would ask Conseiller La Trobe-Bateman to introduce the Report, please.

Deputy La Trobe-Bateman: Thank you.

After public consultation across all three jurisdiction in 2015, the States of Guernsey approved the Revision of Laws project to carry out an overall of the Bailiwick supervisory and regulatory framework as set out in the policy letter and accompanying Propositions approved by the States of Deliberation.

In view of the enormous scale of this project, it was broken down into separate Laws dealing with different aspects of the framework. The four new Laws, which will be Items 8, 9, 10 and 11, amounting to over 1,100 pages of text in total, were approved by the States of Guernsey on 18th August 2020. The Regulation of Fiduciaries, Administration Businesses and Company Directors covers the prohibition of unlicensed businesses, the licensing of fiduciaries, including categorising different institutions and the role of directors within licensed businesses. It also details penalties and sanctions which may be applied for regulation breaches.

This is a Bailiwick Law and it is necessary to maintain compliance with other jurisdictions and protect against negative association, sanctions or inclusions on any other blacklists. I recommend that Chief Pleas adopts this Law.

Thank you.

The Speaker: Are there any questions on this Item?

Conseiller McHugh.

Conseiller McHugh: Thank you, Conseiller La Trobe-Bateman.

That was more information than we had in the actual Agenda Item, but I still do not understand the legislation and more pertinently, even after what you said, I do not know how it is going to affect Sark.

So I appreciate that it is very complicated, there is legislation and it would be difficult to have a skill set within our Government that would be able to interpret it for us. However, I still do not think that I can blindly vote for it unless I have got a summary to explain it. I think it is a mockery of our process just to vote for it, because I just do not know what it means. So I cannot. I am not going to be able to support 8, 9, 10 or 11 because I do not understand them, and I do not think anybody else does either.

Thank you.

460

The Speaker: Conseiller McHugh, I will just say that these Laws are updating current Laws that are already in place in the Bailiwick. So when these Laws get Royal Assent, they repeal the previous Laws. You have had 21 days where you could have sought advice from myself or others and that is why the legislation is always put out 21 days before. So I would encourage anybody –

465

Conseiller McHugh: Can I –?

The Speaker: Sit down please. I would encourage anybody who has concerns about legislation that is coming before Chief Pleas to make those concerns known at a very early stage so that the Committee can take those concerns into account and seek further legal advice.

470

Conseiller La Trobe-Bateman, would you like to respond to the statement made by Conseiller McHugh?

Conseiller La Trobe-Bateman: Yes. I think you covered it quite well, sir, that it is just ... They are difficult and there is a lot of reading and there is a lot of understanding, but I think there are enough resources out there that could be used.

475

Thank you.

The Speaker: Conseiller McHugh.

480

Conseiller McHugh: Okay, well, I did approach the chief administrator and Tony Dunks, and I was sent the policy notes, which I still could not make head nor tail of really, because they are still in legal jargon. Just for it to be explained how it affects Sark. You just mentioned that it is to do with licensing of companies and such and so forth; we have not got a company register here, and directorships and such like and so forth. And since we have got a history of perhaps negligent financial affairs on Sark, it would be interesting to know how it actually affects us.

485

It is a thousand pages of legislation, and I cannot read that in 21 days. And it is even with reference to other stuff.

So just to have it condensed into a situation to say how it affects Sark would be really helpful, rather than just saying, 'It's a Bailiwick Law and we're going to pass it', because that makes a mockery of our autonomy if we are just going to pass things because they are passed by the Bailiwick.

490

The Speaker: Conseiller Makepeace.

495

Conseiller Makepeace: Yes, sir.

I would just like to say that I think we are missing the point here, in that I believe the role of the Civil Service and particularly the Chief Secretary is to present a summary of this proposal to the Conseillers in a format which is understandable. This is common practice within the Houses of Parliament in the UK, that the civil servants brief the ministers.

500

Thank you, sir.

The Speaker: I will just say to that, and I will respond for this, Conseiller La Trobe-Bateman, that with the Projet de Loi was included the policy letter that accompanied the Law to the States and those policy letters for each of these Laws was extremely comprehensive. Conseillers must and should read all the documentation that is provided to you for approval. This is Bailiwick legislation. It has been on the books, as has been said, since 2015. So it has been to this parliament before, it has been spoken about before and therefore it is on Conseillers' own time and effort to get themselves up to date before the Meetings take place.

505

Would you like to add anything else, Conseiller La Trobe-Bateman?

510

Conseiller La Trobe-Bateman: No, thank you.

The Speaker: Are there any other questions? No.

515 Then we will go to the vote on the Proposition that Chief Pleas approves the Project de Loi entitled 'The Regulation of Fiduciaries, Administration Business and Company Directors etc. (Bailiwick of Guernsey) Law, 2020. Those in favour; those against. **Carried.**

**9. The Protection of Investors (Bailiwick of Guernsey) Law, 2020 –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled 'The Protection of Investors' and to Approve the Projet de Loi entitled 'The Protection of Investors (Bailiwick of Guernsey) Law 2020'.

Proposition:

That Chief Pleas approve The Protection of Investors (Bailiwick of Guernsey) Law, 2020.

The Speaker: Agenda Item 9, to consider a Report with Proposition from the Policy and Finance Committee entitled 'The Protection of Investors' and to approve the Projet de Loi entitled 'The Protection of Investors (Bailiwick of Guernsey) Law, 2020'.

520 Conseiller La Trobe-Bateman, please.

Conseiller La Trobe-Bateman: Thank you.

525 This again falls into the same piece of work that was mentioned before, and the Protection of Investors Law includes the regulation of controlled investment businesses and collective investment schemes, including investment businesses, rules and regulations.

Thank you.

The Speaker: Any questions from the floor? No.

530 Then we will go to the vote on the Proposition that Chief Pleas approves the Project de Loi entitled 'The Protection of Investors (Bailiwick of Guernsey) Law, 2020'. Those in favour; those against. **Carried.**

**10. The Banking Supervision (Bailiwick of Guernsey) Law, 2020 –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled 'The Banking Supervision' and to Approve the Projet de Loi entitled 'The Banking Supervision (Bailiwick of Guernsey) Law 2020'.

Proposition:

That Chief Pleas approve The Banking Supervision (Bailiwick of Guernsey) Law, 2020.

The Speaker: Agenda Item 10.

Conseiller La Trobe-Bateman.

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

Again, this is in the same package. This is the Banking Supervision (Bailiwick of Guernsey) Law, 2020, and this deals with the regulation of deposit-holding companies and institutions, and also deals with the issuing and regulation of banking licences.

540 This Law does not just cover banking institutions, but all companies which hold deposits on behalf of third parties, the issuing of licences, including regulations to allow for scrutiny and penalties for any company who are found in breach of their licences.

Thank you.

The Speaker: Thank you. Any questions?

545 Then we will go to the vote on the Proposition that Chief Pleas approves the Projet de Loi entitled 'The Banking Supervision (Bailiwick of Guernsey) Law, 2020'. Those in favour; those against. **Carried.**

**11. The Financial Services Business (Enforcement Powers) (Bailiwick of Guernsey) Law 2020 –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled 'The Financial Services Business' and to Approve the Projet de Loi entitled 'The Financial Services Business (Enforcement Powers) (Bailiwick of Guernsey) Law 2020'.

Proposition:

That Chief Pleas approve The Financial Services Business (Enforcement Powers) (Bailiwick of Guernsey) Law, 2020.

The Speaker: Agenda Item 11. Conseiller La Trobe-Bateman.

550 **Conseiller La Trobe-Bateman:** Thank you. This is the last one.

The Financial Services Business (Enforcement Powers) (Bailiwick of Guernsey) Law, 2020, and this covers the enforcement of penalties, including restitution of funds, disqualification of directors, actuaries and auditors, and also details the enforcement powers of the Financial Services Commission.

555 Thank you.

The Speaker: Any questions or debate?

Then we will go to the Proposition that Chief Pleas approves the Financial Services Business (Enforcement Powers) (Bailiwick of Guernsey) Law, 2020. Those in favour; those against. **Carried.**

**19. The Prescription Only Medicines (Human) (Bailiwick of Guernsey)
(Amendment) Ordinance, 2020 –
Medical and Emergency Services Committee Report Considered –
Proposition carried**

To consider a Report with Proposition from the Medical and Emergency Services Committee entitled 'Prescription Only Medicines' and to approve the Ordinance entitled 'The Prescription Only Medicines (Human) (Bailiwick of Guernsey) (Amendment) Ordinance, 2020'.

Proposition:

That Chief Pleas approves the attached The Prescription Only Medicines (Human) (Bailiwick of Guernsey) (Amendment) Ordinance, 2020 that amends section 15 of the Prescriptions Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009.

560 **The Speaker:** We now move to Agenda Item 19 from the Addendum. To consider a Report with Proposition from the Medical and Emergency Services Committee entitled 'Prescription Only Medicines' and to approve 'The Prescription Only Medicines (Human) (Bailiwick of Guernsey) (Amendment) Ordinance, 2020'.

I would ask Conseiller Plummer to introduce the Report, please.

565

Conseiller Plummer: Thank you very much.

May I hand this over to my Deputy Chair, Conseiller Amanda De Carteret, please?

The Speaker: Conseiller De Carteret.

570

Conseiller De Carteret: Thank you.

I am not going to elaborate too much on this, because it gets a bit complicated, but this Bailiwick-wide Ordinance is inclusive of Sark and enables our residents to be included in any vaccine programme that may be provided in the protection of the Covid-19 virus. The Medical Committee are working very closely with the Committee for Health & Social Care to provide our community with a vaccine for any residents who wish to take part of this voluntary vaccine programme, if and when this becomes available.

575

Thank you.

580 **The Speaker:** Any questions or debate, please. No.

In that case, we will go to the Proposition that Chief Pleas approves 'The Prescription Only Medicines (Human) (Bailiwick of Guernsey) (Amendment) Ordinance, 2020'. Those in favour; those against. **Carried.**

12. The Reform (General Election) (Sark) Ordinance, 2020 – Policy and Finance Committee Report considered – Proposition carried

To consider a Report with Propositions from the Policy and Finance Committee entitled 'General Election Ordinance 2020' and to approve the Ordinance entitled 'The Reform (General Election) (Sark) Ordinance, 2020'.

Proposition:

That Chief Pleas approves the Ordinance entitled 'The Reform (General Election) (Sark) Ordinance, 2020'.

585 **The Speaker:** We now move to Agenda Item 12, to consider a Report with Propositions from the Policy and Finance Committee entitled 'General Election Ordinance 2020' and to approve the Ordinance entitled 'The Reform (General Election) (Sark) Ordinance, 2020'.

Once again, Conseiller La Trobe-Bateman to introduce, please.

Conseiller La Trobe-Bateman: Thank you.

590

This is the Ordinance for the December General Election, which is fast approaching us – can't come fast enough for some. *(Laughter)*

595 The key dates to take note on are the closure of the Electoral Register, which is 20th November, and nominations will open on Monday, 23rd November at 1 p.m. and close on Friday the 4th at midday. It is vital that we all do our bit to encourage people to stand. The only way to keep Sark's way of life intact is to have people stand and contribute. I am unsure on the long-term future and sustainability of our system, but the only way to keep it is to have volunteers. So please, everyone, do your bit.

Thank you.

600 **The Speaker:** Any questions or debate?

For the public, there was a timetable for the General Election published with this Report and the dates in that timetable are critical to the running of the Election.

We will then go to the vote that Chief Pleas approves 'The Reform (General Election) (Sark) Ordinance, 2020'. Those in favour; those against. **Carried.**

605 This Ordinance will be numbered VI of 2020.

**13. Assistant Chief Secretary Recruitment, Transfer and Allocation of
Prescribed Person Status –
Policy and Finance Committee Report considered –
Propositions carried**

To consider a Report with Propositions from the Policy and Finance Committee entitled 'Assistant Chief Secretary Recruitment, Transfer and Allocation of Prescribed Person Status'.

Proposition 1:

That Chief Pleas authorise the Policy and Finance Committee to recruit an Assistant Chief Secretary in accordance with Appendix A.

Proposition 2:

That the designation of a 'prescribed person' be transferred from the role of the Senior Administrator to the role of Chief Secretary.

Proposition 3:

That the role of the Assistant Chief Secretary be designated as a 'prescribed person'.

The Speaker: Agenda Item 13, to consider a Report with Propositions from the Policy and Finance Committee entitled 'Assistant Chief Secretary Recruitment, Transfer and Allocation of Prescribed Person Status'.

I would ask Conseiller La Trobe-Bateman to introduce the Report, please.

610

Conseiller La Trobe-Bateman: Thank you.

Since 2019, the Committee Office has worked towards developing a cohesive team who are able to carry out research, liaise with St James' Chambers, Guernsey officials and all Departments on behalf of the Committees, thereby providing more support for all Conseillers and other Members of Chief Pleas.

615

Earlier in 2020, discussions with the MoJ and Guernsey officials identified the need to increase the staffing levels within the Sark Civil Service and to develop our contacts within Guernsey. Relationships with Guernsey are positive and we are continuing to build on these. A meeting will be held soon to discuss these relationships further.

620

Recent conversations with the MoJ have acknowledged the need for an Assistant Chief Secretary, which will increase the capacity and resilience of the team and fulfil good governance

625 criteria. The aim is to build a resilient and continuity into the team, operating across all areas of
required subject matter and use Guernsey Civil Service for specialist advice. Much of the current
legislation is Bailiwick legislation, but there are Sark specific aspects to such, such as Brexit, which
includes fishing and Covid. Under a year ago, the then minister Lord Keen proposed a chief
executive for Sark sitting in Guernsey. This is an alternative by Sark, producing a better-informed
local solution with the view to preserve Sark's autonomy.

Propositions 2 and 3 are to allow the persons in the role of Chief Secretary and Assistant Chief
Secretary to qualify for things like local market status only when holding their positions.

630 Thank you.

The Speaker: Do I have any questions or debate? Conseiller Makepeace, Conseiller Craik.
Conseiller Makepeace.

635 **Conseiller Makepeace:** Thank you, sir.

I will be voting against this Item, as I believe that approval of this Proposition, that Chief Pleas
authorise the Policy and Finance Committee to recruit an Assistant Chief Secretary, is fatally
flawed and would lead us in the wrong direction.

640 My extensive research shows that the standard model of civil service across all of the Crown
Dependencies is very much the same. In all cases, a chief executive officer heads the civil service
and would appoint a chief secretary to assist. The chief secretary is responsible and accountable
to the CEO through direct reporting. The chief secretary would be performance managed by the
CEO and regular reviews would be made. Proposal number one does not allow this option for Sark.
That means that our Civil Service would be headed by the current Chief Secretary with no manager
in place. This is totally out of line with the other Crown Dependencies.

645 I believe that the current Chief Secretary lacks the civil servant's experience and qualifications
required to operate effectively as a CEO and would place Sark at a serious disadvantage to other
jurisdictions. I believe that the current Chief Secretary has a future role to play and would benefit
greatly from the training and teaching that working as a junior manager to the CEO would provide.

650 Thank you, sir.

The Speaker: Conseiller Craik.

Conseiller Craik: Thank you.

655 I just have a few questions for Policy and Finance in regards to the role of the Assistant Chief
Secretary. In the job description, in regards to the salary, we talk about, 'Negotiable dependent
on experience'. Now, I am not quite clear what criteria you are looking for in an Assistant Chief
Secretary, so I am not sure whether you have a detailed list of things that you would want this
person to have or not have or...? So I am just needing direction from you as to do you have any
sort of guide as to what you are looking for in an Assistant Chief Secretary?

660 In regards to the salary – and it is coming further down the Agenda Items regarding the
Budget – I am concerned about the office salaries almost doubling, which would indicate that the
Assistant Chief Secretary's salary would be substantial. But I am not quite clear what that salary
is, so I would like clarification on that.

665 Also, in regards to the job description of the Assistant Chief Secretary, I have had a look at the
job description of what is the Chief Secretary position now, which was listed in January 2019, and
there does seem to be quite a bit of crossover where they would be doing the same jobs. So I just
need clarification as to why that would occur.

670 Thank you.

The Speaker: Anybody else like to speak on this subject? No.
Conseiller La Trobe-Bateman, would you like to answer the debate, please.

Conseiller La Trobe-Bateman: Yes, thank you.

675 With regards to salary, obviously it will depend on experience within the job description of what qualifications they have within it. There is in the Budget I believe between £30,000 and £35,000 set aside for the Assistant Chief Secretary. Essentially, we call it an Assistant Chief Secretary, but I think it really is a very similar level to our current Chief Secretary, and hence the crossover. That we desperately need somebody with similar qualifications as our current Chief Secretary, and skill set, to take some of the load off her that is currently there.

680 So does that answer your questions?

Conseiller Craik: Yes.

685 **The Speaker:** Conseiller Makepeace.

Conseiller Makepeace: I would like to ask Conseiller La Trobe-Bateman what are the appropriate qualifications of the current Chief Secretary regarding Civil Service employment? Would he like to explain to me what he perceives them to be?

690

Conseiller La Trobe-Bateman: Yes. I think when we go through the recruitment process of this that we will be using senior civil servants in Guernsey to assist us with this, to help guide us through this.

695 **The Speaker:** I would just like to comment. We are not dealing with the Chief Secretary at this meeting. We are dealing with an Assistant Chief Secretary. The Chief Secretary was recruited, there was a panel, she took her interviews, credentials and qualifications were examined and she was in competition with other people. Therefore, the Chief Secretary role is in place, there is somebody in position filling it and we are not debating that tonight. We are debating an Assistant Chief Secretary. So let us keep on to that aspect.

700

Conseiller Raymond.

Conseiller Raymond: Sir, on the financial side, I would just like to say that if you were looking for a chief executive then the salary would probably be equal to the salary that we are budgeting for the entire office staff for next year, and they then require assistance as well. So for 400 people what we are doing here is sensible and when we need specialist advice, we go to Guernsey and they ask for it. So what we are doing here is employing generalists. The specialists are in Guernsey. We ask for help and we get it.

705

710 **The Speaker:** Conseiller Makepeace, followed by –

Conseiller Makepeace: Thank you, sir.
I would just like to say that –

715

The Speaker: One moment.

Conseiller Makepeace: Sorry, sir.

The Speaker: Followed by Conseiller Craik.
720 Conseiller Makepeace.

725

Conseiller Makepeace: I would just like to say that I do not really see the point of compromising on the standard of a Chief Secretary or a CEO. In all other fields and aspects of our lives regarding say, for example, the doctor, we take on a proper professional because we recognise that we have to do this. We have taken on Mr White as the Price Control Commissioner, who is also a

professional in his own right. We also have a Director of Education who is a proper, paid professional who is based off-Island.

Why would we wish to compromise on the quality and the recruitment of a civil servant when the Civil Service should be at the heart of our Government and should be seen as an investment?

730 Thank you, sir.

The Speaker: Thank you.
Conseiller Craik.

735 **Conseiller Craik:** Thank you.

I just wanted to clarify that I am in support of a Civil Service, because I believe Sark desperately needs it, but I just needed clarification as to what you were thinking in terms of what the role was when you put this together.

Thank you.

740

The Speaker: Thank you.
Conseiller De Carteret.

Conseiller De Carteret: Sorry, I would just like to add a little bit to some of this debate. I am a Chairman of Education. I am also a Deputy Chair of Medical. I am also trying to do some work on vulnerable adults. I am also on P&F. I absolutely appreciate the work that the guys do in the office, because my workload is quite huge and they are there for me for my support. The Chief Secretary and the Assistant, I think, are necessary, because then they can liaise with Guernsey where I do not have to and they can help me towards the legislation which they work with. So actually, I am in complete, utter support with this, because they support me.

750

Thank you.

The Speaker: Conseiller Plummer, followed by Conseiller Makepeace.

Conseiller Plummer: I too would like to support this Proposition. I too head Committees. Sometimes we have worries coming to us, we do appreciate the office staff, and it does not matter how long we ask them. They come back each time, they have been to Guernsey and they have done their homework completely. The workload is immense in that office – I know. So I will be saying thank you to them all and I will be voting for this.

760

Thank you.

The Speaker: Conseiller Makepeace.

Conseiller Makepeace: Thank you, sir.

I would just like to say that regarding Conseiller De Carteret's comments that her workload, and indeed the workload of the supporting officers, could be reduced if maybe Mrs De Carteret was to resign and allow other people the opportunity to take part in a Committee.

Thank you, sir.

The Speaker: That is an uncalled for remark and it is non-parliamentary comment. You cannot call on another Member of this parliament to resign –

Conseiller Makepeace: I have suggested, sir.

775 **The Speaker:** Please sit down.

That was an uncalled for remark and we will not take that any further.

Do you wish to say anything in closing, Conseiller La-Trobe-Bateman, before I go to the vote?

780 **Conseiller La Trobe-Bateman:** Only that I think this role is very important for the office and to keep our Civil Service team up and running, and give us the support we need. So I wholeheartedly support this, please.
Thank you.

The Speaker: Thank you.
Right, we are now going to go to the vote on each Proposition. There are three Propositions.
785 Proposition 1: that Chief Pleas authorise Policy and Finance to recruit an Assistant Chief Secretary in accordance with Appendix A. Those in favour; those against. **Carried.**
If I hear any tittering, please stop tittering.
Proposition 2: that the designation of a 'prescribed person' be transferred from the role of the Senior Administrator to the role of Chief Secretary. Those in favour; those against. **Carried.**
790 Proposition 3: that the role of Assistant Chief Secretary be designated as a 'prescribed person'. Those in favour; those against. **Carried.**

14. Budget 2021 – Policy and Finance Committee Report considered

To consider a Report from the Policy and Finance Committee entitled 'Budget 2021'.

795 **The Speaker:** We move to Agenda Item 14, and the Agenda is incorrect. It says it is a Report with Propositions. It is actually an Information Report and there is no Proposition to go with it. Therefore, Agenda Item 14: to consider a Report from the Policy and Finance Committee entitled 'Budget 2021'.
I would ask Conseiller La Trobe-Bateman to introduce the Report, please.

800 **Conseiller La Trobe-Bateman:** For once, it is not going to be me waffling on. I will pass that over to Conseiller Raymond, please.

The Speaker: I thought that might be the case.
Conseiller Raymond.

805 **Conseiller Raymond:** Thank you, sir.
The analysis of the headings for the expenditure requested by all the spending Departments is in front of the House today. If this level of expenditure is approved, then the intention is that Policy and Finance will bring revenue-raising proposals to the Extraordinary Meeting planned for 19th November.

810 Managing the Budget during 2020 has been a challenge and we should thank the Treasury Department for their efforts. Raising sufficient to meet the increase in expenditure planned for 2021 will be even more challenging. I have asked that each of the spending Department Chairmen answer any questions that you may have on the rationale for their expenditure requests. The Treasurer has helpfully annotated variations compared to 2020 in the margin. So that should save some questions.

815 Since these figures have been published, we have learnt that the existing team at the Island Hall, sadly, is to retire. This will mean a new model may have to be negotiated and the impact on the Island Budget for this Island facility cannot be forecast at the moment. When we return in November, we will have the request for capital expenditure. It is our intention to contain that to within the figure included for depreciation, namely, £48,000. Depreciation does not move cash
820 and we would therefore like the capital cash expenditure to be contained within that figure.

825 Since we last reported, the forecast out-turn for the year looks better than we might have expected in April. The big disappointment in cash inflows comes from Impôt, which is at best erratic in its receipts and, frankly, do not make any sense. We hope that this is due to timing differences or from people working from home. But it is of sufficient concern for the Treasurer to look into the system operating in closer detail in the next month or two.

Thank you, sir.

830 **The Speaker:** Do I have any questions and debate from the floor? I think they are looking, or I see the Policy and Finance Committee are looking for comments on the attachment. Anybody wish to make any comments?

Conseiller McHugh, followed by ... anybody else?

Conseiller McHugh.

835 **Conseiller McHugh:** Conseiller Raymond, I apologise if you explained this in your Report, but I did not hear you saying. I am just wondering when we are going to get the tax information through that is going to correspond with these revenues, with the spending and with the expenditure budget?

840 **Conseiller Raymond:** November.

Conseiller McHugh: Oh November. Thank you.

The Speaker: Conseiller Makepeace, would you turn your microphone off, please?

845 **Conseiller Makepeace:** Oh, sorry sir.

The Speaker: It is all right. When I was there I always had somebody on my side turning it off for me!

What was the response, Conseiller Raymond?

850 **Conseiller Raymond:** I said, sir, that we would bring forward the revenue-raising provisions in November. This is advanced notice of the majority of the expenditure items. We have a very wet towel exercise coming up.

855 **The Speaker:** Anybody else?

Conseiller Sandra Williams.

860 **Conseiller Sandra Williams:** I would just like to thank Conseiller Williams and the rest of the P&F Committee, and our trusty Treasurer, for working through terrible times this year and hopefully we have got it right on our best guess for what we are going to need for next year.

Thank you very much.

The Speaker: Thank you.

865 There are no propositions. Conseiller Plummer.

Conseiller Plummer: I would just like to echo what Conseiller Williams said, but when we do come, when our Committees come to look at the budgets, I would like to emphasise that we do it with *great* care, and we do not like spending – at least our Committees do not like spending – unnecessary money.

870 Thank you.

The Speaker: Thank you.

875 I would just like to pick up on one point there, and it was the fact that in the Report it talked about a future Meeting. The future Meeting is proposed for 19th November. So you will shortly be given formal notice that an Extraordinary Meeting will be held on 19th November for, amongst other things, the Budget approval.

**15. Sark Land Reform –
Land Reform Special Committee Report considered –
Propositions carried**

To consider a Report with Propositions from the Land Reform Special Committee entitled ‘Sark Land Reform’.

Proposition 1:

That upon consideration of the Report Chief Pleas approve the proposals,

A. As they relate to divisibility; Para 14

B. As they relate to charging; Paras 15-19

C. As they relate to electing to deem leaseholds as real property for purposes of charging; Paras 20-30

D. As they relate to commencement and otherwise as set out in Para 31.

Proposition 2:

That the Committee, having taken into account the views of Chief Pleas and comments tendered by the community, is authorised to instruct the Law Officers to prepare the necessary legislation.

The Speaker: Agenda Item 15, to consider a Report with Propositions from the Land Reform Special Committee entitled ‘Sark Land Reform’.

I would ask Conseiller Raymond to introduce the Report, please.

880

Conseiller Raymond: Thank you, sir.

The Committee is aware of questions that have arisen during the project, the basis upon which Mr Nik van Leuven has been involved. Mr van Leuven was originally asked by the Seigneur in 2017 whether he would be prepared to assist the team which was then dealing with land reform, and he agreed. His knowledge of Sark and its laws and customs, besides his experience in and of its community, together with his 31 years in private practice as a lawyer and as HM Procureur from 2002 until 2009 have proved invaluable.

885 Mr van Leuven’s engagement is informal and he has no terms of reference other than to advise and assist. And he is unremunerated. He has met with the team as and when occasion has required, as well as with the law team in St James Chambers.

890 Now, our aim today is to consider the form of the Ordinances to activate the *Projets* which have now received Royal Assent. These are the Land Reform (Sark) Law, 2019, the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) (Amendment) Law, 2019, the Leasehold Reform (Miscellaneous Provisions) (Sark) Law, 2019, the Evictions (Stay of Execution) (Sark) Law, 2019.

895 It is not the role of the present Chief Pleas to debate the content of the *Projets* which have received Royal Assent but which now need to have the commencement Ordinances passed. The purpose of the paper under consideration today is to agree on the form that the Ordinances will take and the date that the laws will commence their application.

900 Following this agreement and any other comment, we are authorising the Law Officers to draft the Ordinances to be brought back for consideration on 19th November at the Extraordinary

Meeting that you have just heard about. If the Ordinances are passed at the November Meeting, the Laws will come into force after that.

905 The Committee is holding over bringing proposals for the *saisie* legislation, which is outwith the total control of Chief Pleas, as it follows from an Order of the Royal Court in 1952 and the consent of the Royal Court to vary that Order will be required.

910 The other matter being deferred is the leasehold disputes tribunal, which will be brought within the ambit of a general revamp of all tribunals to be presented by Policy and Finance in 2021. In the meantime, the *saisie* Order of 1952 will continue to apply in Sark as regards real property and deemed real property, and the Seneschal's Court will continue to hear leasehold disputes, so there is no real disadvantage in any delay because the system will continue to work.

915 What is important to mention at this stage is that if people borrow money from the two major lenders, the banks who lend on mortgages, if there are *saisie* proceedings brought, the banks do not take the entirety of the value of the property. Any surplus over and above the debt is repaid to the borrower.

920 The paper and the Propositions set out what the Ordinances will need to contain by way of amplification, the detail required in practical terms to make the *Projets* effective. I will deal here with the suggestion that we should hold a public meeting. I must make it clear that the next step in the progress of the legislation is to activate the Orders in Council by Ordinance. Those Ordinances will, where necessary, specify details which the Laws have enabled. The time for debating those Laws is passed.

925 Now, I would like, with your agreement, sir, to ask people to refer to the paper which accompanies the Propositions and to turn to paragraph 14 which deals with the Land Reform (Sark) Law, 2019. This is in two parts. Section 1 provides for divisibility and section 2 provides for charging, or mortgaging, if you prefer.

If you look at the bottom of the page under Divisibility, under A, it is expected that:

Every purchaser of a piece of real property to be detached from an existing property will have to negotiate with the current owner, and every such proposed transaction will involve consideration being given ... [to] boundaries, access, [and] services ...

930 These items are, 'primarily for negotiation and agreement', and the Committee are firm that they recommend that appropriate professional advice should be taken and parties to the transactions who do not take advice and are not properly and effectively represented run considerable risks.

Moving on to B – 'B' for boundaries – in one respect only, the Committee believes that legislation should impose some requirement on the identification of boundaries of any newly formed portion of real property. They should be precisely defined by something physical or by GPS coordinates. But there has to be a plan of identification.

935 Moving on to C: access and services. Again, this is a case where negotiation is required, but there is a strong recommendation that professional advice will be needed at the point of division. So whilst we are not proposing to incorporate this in the implementing Ordinances, it has to be understood by people that they do need to take advice and it should be professional advice.

940 When we go on to item F. Water is an important commodity, and there is a presumption that unless it is agreed otherwise:

... that ground water belongs as an inherent property right to the landowner –

– so that anybody acquiring a piece of land on a freehold basis will acquire right to any water lying beneath it.

945 Now, moving on to paragraph 15, which is the mortgaging or charging of real property. This will require a register of charges which will be maintained at the Greffe. This will be a public register, because that is the custom in the Channel Islands. And under paragraph 16, the document creating the charge must specify its date of creation, the property to be charged – and

you cannot have a general charge, it has to be specific and identify the property to be charged – and also details of the obligation which gives rise to the charge, whether it is a loan of a fixed amount or a fluctuating amount.

950 In paragraph 17, the Committee is proposing that any property which is acquired after a charge has been registered will not be included unless it is specifically charged.

Under 18, you will see that we propose that priority of charges will be:

... determined by the order in which charges are registered.

And that is an argument for prompt registration.

955 In paragraph 19, we are going to consider the question of fees for the registration. We do not think that *ad valorem*, in other words, a percentage of the amount of the mortgage, is appropriate. We think a fixed fee would be more appropriate.

That concludes the Land Reform Law and a summary of this paper. It is impossible to precis it. It was written by Nik van Leuven and it is so thorough that that is why I have chosen to do it this way.

960 I would like to come back to charging of leaseholds in a moment, but can we deal with those items first, please, sir?

The Speaker: What Conseiller Raymond is asking is that we will now have a debate on Propositions A and B. So the debate should be restricted to the information he has just gone through with you and then there will be a vote on Propositions A and B and Conseiller Raymond has requested a named vote for those two Propositions: 1A and 1B.

Any debate, please. Conseiller Plummer.

970 **Conseiller Plummer:** May I ask what is the advantage of registering your lease as real property? Is it purely so that you can borrow against it by the way of mortgage? I have been asked to ask that question.

Thank you.

975 **The Speaker:** Conseiller Raymond.

Conseiller Raymond: Slightly jumping the gun, sir, because we are just coming to charging of leaseholds! (*Interjection*) In fact, it is confined to ... an election has to be made and the leasehold is treated as being real property, but only for the purposes of charging. It has no other purpose for inheritance or any other reason.

980

Conseiller Plummer: Thank you.

The Speaker: Anything else? No.

985 Then we will go to the vote on Proposition 1A and B, that upon consideration of the Report Chief Pleas approve the proposals: A as they relate to divisibility, paragraph 14; and B as they relate to charging, paragraphs 15 to 19. A named vote has been called for. Greffier.

There was a named vote.

Carried – Pour 15, Contre 0, No Vote 0

POUR

Conseiller Alan Blythe
Conseiller Peter La Trobe-Bateman
Conseiller Christopher Nightingale
Conseiller Anthony Ventress
Conseiller Paul Williams
Conseiller Sandra Williams
Conseiller Helen Plummer
Conseiller Philip Long
Conseiller Christopher Drillot
Conseiller William Raymond
Conseiller Amanda de Carteret
Conseiller Simon Couldridge
Conseiller Frank Makepeace
Conseiller Natalie Craik
Conseiller Nichola McHugh

CONTRE

None

NO VOTE

None

The Speaker: I declare that to be **carried** by 15 votes, and carried unanimously.
Conseiller Raymond.

990 **Conseiller Raymond:** Thank you all very much.

Now, in paragraph 20, we come on to charging of leaseholds, and this, to some extent, mirrors provisions which have been enacted in Guernsey for some time. Leaseholds are treated as being personal property and are therefore not available for charging. But the proposal is that we actually deem leaseholds where an election is made, that they be treated as real property for the purposes of mortgaging or charging, and solely for that purpose, as I just said to Conseiller Plummer. So the leaseholder can make an election that the lease is treated as being real property for the purposes of charging. On that basis, the banks have indicated that they would be prepared to lend.

We then have to work out what a qualifying lease would be, and a long lease is defined in the Property Transfer Tax legislation, which has the unpronounceable name of the Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007. The term which was selected then was a term of 20 years or more at inception. So it does not actually matter the term that is left on the lease. It is the original term of the lease when it was actually created. We recommend to Chief Pleas that that is what is adopted and that we should take that forward into the Ordinances.

1005 In paragraph 25, this specifically deals with Conseiller Plummer's point in the first line:

A lease that qualifies to be treated as real property for the purposes of charging cannot by virtue of these proposals be treated as real property for any other purpose ...

So if this is agreed, then this puts leasehold property on the same basis as freehold property. It is all treated as real property. So the leases will not be suffering any disadvantage, which I think is extremely important for them.

1010 And then, in paragraph 28, we go on to make suggestions as to what details should be supplied to the Greffe as part of the election process, because there will have to be a register of leases where the owner has opted to treat them as real property. We suggest that the Ordinances also provide that once a leasehold has been subject to charging by virtue of an election, the leaseholder cannot unilaterally change the status of that property during the period of their ownership or, alternatively, whilst the debt exists.

1015 So that is the matter in summary form, sir, of the charging of leaseholds and what we will deem to be real property.

Thank you.

The Speaker: Thank you.

1020 We have had one comment on that from Conseiller Plummer. Are there are any other issues?
Conseiller Couldridge; Conseiller Sandra Williams.
Conseiller Couldridge.

Conseiller Couldridge: Yes, thanks very much.

1025 It is probably in the details somewhere, I may have missed it, but could Conseiller Raymond explain to me, would there be restrictions in people's leases where a landlord could deny or refuse their tenant of registering their property to be suitable for charging? That is the question.
Thank you.

1030 **The Speaker:** Conseiller Williams.

Conseiller Sandra Williams: Oh, my question, I thought you were waiting for me to answer that, sir. Sorry! *(Laughter)*

1035 **The Speaker:** No – your question. *(Laughter)*

Conseiller Sandra Williams: My question is quite simple in comparison.

Just to clarify a rumour on the high street, really, which we love in this place. I was told today that if we passed what we have got here in front of us this evening that all our local properties would be worth less than they are worth today if they became leasehold properties. Someone has picked it up from somewhere.

1040 Basically, our local market houses can only be sold locally to people that have lived here long enough to live here. Will this new stuff that is coming into place change that or will we still have our right to ...? Do you get what I am getting at? Yes. *(Laughter)*

1045 **The Speaker:** Right, Conseiller Raymond, if you would like to answer those two questions, please.

Conseiller Raymond: We deliberately decided at an early stage that control of occupation law, which regulates who can live in which houses, was totally beyond land reform. That is a separate matter for the Douzaine, and I can see the Chairman down there relishing the prospect. We have not dealt with that at all. So on that basis, nothing will change. And the matter of valuation: we have not dealt with matters of valuation at all. There is a two-tier system in London which has worked perfectly satisfactorily for years; there is no reason to believe why Sark will not have a similar system here.

1055 There is legislation which strengthens the leaseholders' position – this is in answer to Conseiller Couldridge – and if there is something in a lease which says that the lease cannot be charged, then it is a matter, I think, on which legal advice will need to be taken. We are not interfering with any existing leases, on the basis that they have been arrived at under freedom of contract. But we have improved the leaseholders' position because there are certain areas where they can require their landowner to give consent. That is in the *Projet*.

The Speaker: Thank you. Any other questions before we go to the vote, on 1C?
Right, we will go to the Proposition, 1C: as they relate to electing leaseholds as real property for purposes of charging, paragraphs 20 to 30. Those in favour; those against. **Carried.**
1065 Do you wish to add anything else, Conseiller Raymond, before we move to Proposition 1D?

Conseiller Raymond: Thank you, sir.

1070 I think that those stand on their own and they require Ordinances to trigger them. I do not believe they require amplification.

The Speaker: I will then go to the vote on Proposition 1D: as they relate to commencement and otherwise as set out in paragraph 31. Those in favour; those against. **Carried.**

1075 Proposition 2, that the Committee, having taken into account the views of Chief Pleas and comments tendered by the community, is authorised to instruct the Law Officers to prepare the necessary legislation. Those in favour; those against. **Carried.**

16. Sark School Annual Report – Education Committee Report considered

To consider an Information Report from the Education Committee entitled ‘Sark School Annual Report’.

The Speaker: We move to Agenda Item 16, to consider an Information Report from the Education Committee entitled the ‘Sark School Annual Report’.

I would ask Conseiller De Carteret to introduce the Report, please.

1080

Deputy De Carteret: Thank you, sir. I shall try and do this really quickly.

Okay. As you can see, this Report has given a fully detailed explanation of what has been happening during the past 12 months in Sark School and the vision for the next 12 months as we move forward.

1085

Since this Report had been written, there have been more enquiries from families wanting to move to Sark, which is great news for the Island overall. But Policy and Finance have been made aware of the implications to our 2021 education budget if more children register into the School, as there will be additional costs and these unforeseen expenses will in turn mean a necessary and immediate increase in the education budget.

1090

From 2020, we have had two children transition into secondary education, into Les Beaucamps High School, both of whom are settling well into secondary education and host family life in Guernsey. It has proven a little complicated to establish both the financial provision and the logistics, but the Committee and parents are working together to resolve these issues. But most of the issues are due to weather and disruption to the Isle of Sark schedule.

1095

Mrs Joanna Branson and her family have settled well into Sark Island life and into her role as Class One teacher and the School’s safeguarding lead. Our Director of Education continues to work alongside the Head of School, the Board of Education and the Education Committee, providing professional expertise and support for all aspects of Sark education provision, present and in the future.

1100

Ms Gates also works closely with our Island Safeguarding Officer, providing advice, supervision and support at any time of day, as and when it is required for our Island community. Our Island Safeguarding Officer’s role has developed hugely over the past two to three years and more so over recent months due to the pandemic, with more and more awareness of the significant and wide-ranging needs of Sark’s vulnerable adults, as well as vulnerable children. During the Covid-19 pandemic and lockdown restrictions, it became very apparent that there was a desperate need to have a social care system in place to help our elderly community, something the Island Safeguarding Officer, along with the MASH members are trying to implement to help protect our elderly residents now and in the future.

1105

Myself, as previous Chairman of the Special Safeguarding Committee, along with Ms Gates, are continuing to work on the Child Protection (Sark) Law, as this Committee was disbanded prematurely in January before work had been completed. Ms Gates and I have taken on this work to formalise with Law Officers the legislation required for regulations and ordinances.

1110

This work has sadly been delayed due to the Covid-19, but is now back on track and will be completed shortly, and will be brought before Chief Pleas for their approval. I personally wish to

1115 thank Ms Gates for all her hard work assisting me with this legislation, working with the Law Officers in implementing all that has been necessary towards the safeguarding of our community here on Sark.

Thank you.

1120 **The Speaker:** Any questions? Two. So Conseiller Drillot, followed by Conseiller Makepeace. Conseiller Drillot.

Conseiller Drillot: Thank you, Mr Speaker.

1125 I just want to clarify a point that was brought up when we did the initial school review, reference the house in Guernsey for the boarders, or people attending a Guernsey school. I just wondered if there was any update that could be brought to this Chief Pleas. I see there are two possibly going next year, we have got two already there, so that will be four already over there.

1130 I know one of the biggest things that the parents were really pushing for when we had all our meetings was this house, rather than host families. So I just wondered if there was any update with your review that you have just done.

Thank you.

The Speaker: Conseiller Makepeace.

1135 **Conseiller Makepeace:** Thank you, sir.

1140 It is just a question, actually. Is it possible, under the current law, to maybe implement a qualifying period for the children of wealthy newcomers before they would actually qualify for the benefits that the Sark education system can provide? It does seem a little unfair that the majority of people should have to contribute towards the cost of newcomers who maybe can support themselves.

Thank you, sir.

The Speaker: Any other comments or debate? No. Conseiller De Carteret.

1145 **Conseiller De Carteret:** Okay, thank you.

1150 In answer to Conseiller Drillot, the house in Guernsey is still being looked into. Obviously during Covid and finances, we are going to have to look into that and the cost. But it has not been shelved. We are still looking into it, we are coming up with different alternatives, and we will come back with a review on that when we can.

For Conseiller Makepeace, I think the answer to that one is definition of a resident, I am afraid. We need to work out what that stands for in Education and in Medical. But we do have a right to educate the children when they come to move to Sark.

Okay, thank you.

1155 **The Speaker:** You have a statutory responsibility.

Conseiller De Carteret: We do.

1160 **The Speaker:** Yes.

Conseiller De Carteret: Yes.

The Speaker: That will conclude debate on that Item.

**17. Committee Elections –
No nominations**

To Elect Conseillers to Committees as required.

1165 **The Speaker:** We now move to Agenda Item 17, Committee Elections. I have not been notified of any elections to Committees. Is there anything from any Chairman? No.

**18. Committee and Panel Elections –
No nominations**

To Elect Non-Chief Pleas Members and Panel Members to Committees and Panels as required.

The Speaker: Agenda Item 18, Committee and Panel Elections, to elect Non-Chief Pleas Members to Committees and Panels as necessary.
Chairmen, do you have anything to bring in? No.

**Regulations Laid Before Chief Pleas –
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6)
Regulations, 2020;
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6)
(Amendment) Regulations, 2020,**

1170 **The Speaker:** That just leaves then the Addendum, which has a regulation: the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) Regulation, 2020, and that came into operation on 4th September. That is laid before Chief Pleas.

1175 Then we move to Addendum Item 2, a further regulation laid before Chief Pleas: the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) (Amendment) Regulations, 2020, and that came into operation on 25th September.
Greffier, the Grace, please.

PRAYER
The Greffier

Chief Pleas closed at 6.46 p.m.