



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

HANSARD

Assembly Room, Sark, Wednesday, 6th October 2021

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Volume 7, No. 6

Present:

Seigneur

Maj. C M Beaumont Esq.

Speaker of Chief Pleas

Lt. Col. R J Guille, MBE Esq.

Deputy Prévôt

J Godwin

Greffier

T J Hamon

Treasurer

S Hudson

Assistant Constables

C Jones

D Gale

His Excellency the Lieutenant Governor

Vice Admiral Sir Ian Corder KBE, CB

Conseillers:

Helen Plummer
John Guille
Christopher Drillot
William Raymond
Simon Couldridge
Natalie Craik
Nichola McHugh
Edric Baker MBE

Fern Turner
Paul Williams
Sandra Williams
Vaughan Bougourd
Kevin Delaney
Joseph Donovan
Pippa Donovan

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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 the Lieutenant Governor and Lady Corder to this Meeting – their last. And as is customary, I shall be inviting His Excellency to address you at the close of today's business.

Apologies received

The Speaker: I have received apologies from Conseillers Le Lievre and Makepeace who are both off the Island.

Welcome to new Conseillers Joseph and Pippa Donovan

The Speaker: I would like to welcome new Conseillers Joseph and Pippa Donovan. Where are you? Oh, right in front of me! (*Laughter and interjection*) Who were elected unopposed at the August by-election. I can confirm that both Conseillers have completed their declaration of interest forms.

Top Level Domain (Special) Committee – Resignation of non-Chief Pleas Member, Mr Nick Moloney

The Speaker: I would also inform you that Mr Nick Moloney tendered his resignation to me on 24th August as a non-Chief Pleas Member of the Top Level Domain (Special) Committee.

STATEMENT

**Policy and Finance Committee –
Statement by Conseiller Guille**

The Speaker: A Statement from the Policy and Finance Committee, Conseiller Guille, please.
15 Audio? (*Interjection and laughter*) The Statement will be about the audio recordings of Chief Pleas being made available to the public.

Conseiller Guille: Well, Mr Speaker, it is probably quite apt, actually, that this Meeting is
20 potentially, hopefully, the first one that is going to be recorded apart from *Hansard*, but recorded in the hope that the recording can go up on the websites very shortly after the Meeting for any member of the public to download.

I must give thanks to CSO Emma Fawson, who has worked tirelessly since this was agreed at the last Chief Pleas Meeting to make this happen in short order, and hopefully there will be no gremlins and the audio recording will be more reliable than me bringing a piece of paper with
25 some notes on to Chief Pleas!

Thank you very much.

The Speaker: Okay. So with that the Greffier has also been busy on that and he will be making
30 available advice to the Committee Office whereby they can put the audio recording onto the website. We will see how it works.

**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 is 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 Extraordinary (Emergency) Meeting
held on Wednesday 21st June 2021.**

The Speaker: We move to Agenda Item 1, Matters arising from the Extraordinary Emergency
35 Meeting held on 21st June 2021. Has anybody got anything to raise from those minutes? No.

**2. Matters arising from the Midsummer Meeting
held on Wednesday 7th July 2021**

The Speaker: In that case, we will move to Agenda Item 2, Matters arising from the Midsummer Meeting held on 7th July 2021. Are there any issues arising from that Meeting? No.

**3. Questions not related to the Business of the Day –
None**

The Speaker: We will move on to Agenda Item 3, Questions not related to the Business of the Day. There are none.

40 We are a third of the way through already! *(Laughter)*

**Procedural –
Agenda reordered**

The Speaker: However, before we move to Agenda Item 4, I propose, and I have given Conseillers due notice that, in accordance with Rule of Procedure 10, Item 7A from the Addendum be taken together with Item 7, and then immediately after Item 11 we deal with Item 20 of the Addendum, and that Item 21 of the Addendum be taken after Item 17. Those in favour; those
45 against. **Carried.**

In that case, the Agenda is reordered as we have just agreed.

**4. Douzaine –
Mr P Burgess appointed as Constable**

The Speaker: We move to Agenda Item 4, the Douzaine, to reappoint a Constable. Douzaine, please.

50 **Conseiller Drillot:** Thank you, Mr Speaker.

Yes, I would just like to put forward that we reappoint Mr Paul Burgess as Constable for this season, this year even. (**The Speaker:** Thank you.)

Thank you.

55 **The Speaker:** So the Douzaine are asking that Mr Paul Burgess be reappointed as Constable.

Those in favour; those against. **Carried.** I therefore declare that Mr Paul Burgess is duly reappointed as Constable of Sark.

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

The Speaker: Agenda Item 5, Douzaine again, to reappoint Assistant Constables. Conseiller Drillot.

60

Conseiller Drillot: Thank you.

I have got one full-time Assistant Constable, which would be Ms Charlie Jones, and two Assistant Constables that will be staying on on a short term until we have our elections for the two that have applied for the job, due to the fact that the Constables are away at the moment
65 and we have not time to fill it all. So that will be Mr Danny Gale and Mr Jason Lewis, who have agreed to stay on for a few months longer.

Thank you.

The Speaker: Thank you.

They are all at this point being reappointed as Assistant Constables. That is Mr Dan Gale, Ms Charlotte Jones and Mr Jason Lewis. Those in favour of the election of those three Assistant Constables. Thank you. Those against. **Carried.**

I therefore declare that Mr Dan Gale, Ms Charlotte Jones and Mr Jason Lewis are reappointed as Assistant Constables.

**6. The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law
(Amendment) Ordinance, 2021 –
Medical Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Medical Committee entitled ‘Medicines Law Stop-Gap Ordinance’ and to Approve the Ordinance entitled ‘The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law (Amendment) Ordinance, 2021’.

Proposition:

That Chief Pleas approves the Ordinance entitled, ‘The Human (Medicines and Veterinary) (Bailiwick of Guernsey) Law (Amendment) Ordinance, 2021’.

The Speaker: Agenda Item 6, to consider a Report with Proposition from the Medical Committee entitled ‘Medicine Law Stop-Gap Ordinance’, and to approve the Ordinance entitled ‘The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law (Amendment) Ordinance, 2021’, and I would ask Conseiller Plummer to introduce the Report, please.

Conseiller Plummer: Thank you, sir.

The Medicines Law is a stop-gap ordinance. The Report here is self-explanatory, and really it is a stop-gap until the Law of the amended Medicines is passed by the States of Guernsey and is approved by the Privy Council. This Ordinance would remain in place until the amended Medicines Law is passed. This achieves the aim of placing the existing Emergency Regulations of the CCA on a more robust statutory footing at the earliest opportunity; initially through the Stop-Gap Ordinance and later through changes to the primary Law. I hope that this goes through and the Proposition is that Chief Pleas approves the Ordinance entitled ‘The Human (Medicines and Veterinary) (Bailiwick of Guernsey) Law (Amendment) Ordinance, 2021’.

Thank you.

The Speaker: Thank you.

I can confirm that this Ordinance has been approved by the States of Guernsey and also by the States of Alderney, and due to the timing of Chief Pleas we are now asking, or the Committee are asking, that Chief Pleas approve it. Any comments or questions, please? No.

In that case, we will go to the Proposition that Chief Pleas approves the Ordinance entitled ‘The Human (Medicines and Veterinary) (Bailiwick of Guernsey) Law (Amendment) Ordinance, 2021’. Those in favour; those against. **Carried.**

**7. The Saisie (Sark) Ordinance, 2021 –
Land Reform (Special) Committee Report considered –
Propositions carried**

To consider a Report with Propositions from the Land Reform (Special) Committee entitled 'Land Reform Saisie' and to approve the Ordinance entitled 'The Saisie (Sark) Ordinance, 2021'.

Proposition 1:

That Chief Pleas approves the Ordinance entitled, 'The Saisie (Sark) Ordinance 2021'.

Proposition 2:

That Chief Pleas notes the proposed fees chargeable by the Prévôt for administering his functions under the Ordinance.

The Speaker: Agenda Item 7, to consider a Report with Propositions from the Land Reform (Special) Committee entitled 'Land Reform Saisie' and to approve the Ordinance entitled 'The Saisie (Sark) Ordinance, 2021', and I would ask Conseiller Raymond to introduce the Report, please.

100

Conseiller Raymond: Thank you, sir.

The Ordinance is the legal legislative form of the intentions of the scheme of saisie which were passed by Chief Pleas at the Midsummer Meeting this year at Item 6. A short recapitulation is that it applies to the enforcement of debts and liabilities against real property in the ownership of a debtor. It does not apply to personal property. It provides a Sark-specific saisie scheme for all Sark situate property and in section 26 of the Ordinance it disapplies the 1952 Order of the Royal Court. It also supersedes previous Ordinances in customary law. It is, in short, a standalone piece of legislation.

105

It is important to remind Chief Pleas how it differs from the existing Bailiwick scheme. There are two main differences. In the first place, any residual value in a property realisation, after meeting all claims, is returned to the debtor. In the second place, the saisie process is run by the Prévôt on behalf of the creditors and ultimately, as to any surplus, for the debtor.

110

Application for the disapplication of the previous 1952 Order of the Royal Court was made and the consent of the Court was received on 16th September 2021. No changes or amendments were required by the Court. Please will you insert the date of 16th September 2021 in section 26(2) of the Ordinance? The Proposition to approve the Ordinance will be made subject to this amendment.

115

It is important to remind Chief Pleas that charges registered against a property, either by bond or judgment, remain an outstanding liability until discharged, normally by repayment. Any purchaser of a property must therefore ensure that there is no outstanding charge against the property by searching the charges register maintained at the Greffe. The Ordinance applies to all real property and to leasehold property where an election has been made under section 8 of the Land Reform (Miscellaneous Provisions) (Sark) Ordinance, 2020, by which a leasehold is deemed to be real property for the purposes of charging.

120

125

The Speaker has asked me to clarify that the saisie regime applies only to Sark situate property and does not apply elsewhere in the Bailiwick.

The process of administration of the saisie process is vested in the Prévôt under the supervision of the Court, and the actions of the Prévôt are prescribed within the Ordinance before you. The saisie is commenced to satisfy a debt or other liability either by a lender with a bond or a holder of a judgment debt where that judgment debt includes the words 'with power to levy execution on the real property of the debtor' and that is most important.

130

The initial stages of the saisie are, as you will see in the Ordinance, termed the Saisie Administration Order, when the Prévôt has powers to administer the property which remains in

135 the titular ownership of the debtor. The Prévôt meantime compiles a list of the claims for amounts
owed on unsatisfied judgments or other claims. This is referred to in the Ordinance as
'marshalling'. Once the claims are marshalled, the Prévôt will make a report to the court which is
also available to the claimant and once the court has approved the report the Prévôt can apply
140 for a saisie vesting order by which the property is vested in him as trustee for the creditors and
ultimately the debtor. He holds it as trustee for sale.

At this point, the Prévôt proceeds to sell the property and there are provisions if it does not
sell or if the Prévôt has divided the property, which is now possible, and the remaining portion
does not sell. The Prévôt will distribute the funds realised to those who have registered valid
claims. Subject to the Prévôt accounting for his actions to the court and the claimants, he is freed
145 from his duty and the saisie is ended.

It must be admitted that this is a complex scheme and a complex piece of legislation and it is
very unlikely to be much used in Sark as the larger Island of Guernsey has probably only two or
three saisies a year and in Sark most property is held leasehold, which, saving the necessary
election, is regarded as personal property and therefore outside the scope of saisie. But as a part
150 of the land reform proposals, it is essential that any enforcement proceedings are fair to all,
especially to the borrower.

I hope that this short explanation of the Ordinance will enable Members to pass it into law,
effective from 1st November. We did consider the detail at Midsummer and this is just the
legalisation of that decision made then.

155 Thank you, sir.

The Speaker: Any questions or debate from the floor, please?
Conseiller Couldridge.

160 **Conseiller Couldridge:** Yes, thanks very much.

Just a very quick question. With the saisie proposal, is it possible to have multiple charges on
real property and in the event of a saisie being enacted would one particular creditor take
precedence over another creditor? For example, another jurisdiction's taxman or VAT man has
preference over a mortgage in your bank.

165 Thank you.

The Speaker: Anybody else before I ask Conseiller Raymond to answer the question? No.
Conseiller Raymond.

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

I am told that the principle that applies is that the charges, if they are mortgages, are
considered in the order in which they are registered. First in time, I was told, is first in law. And a
bond or a mortgage takes precedence over any other sort of creditor, preferred or otherwise. So
the bond or the mortgage holder will take precedence over any other claimant in the saisie.

175 **The Speaker:** Thank you.
Are you happy with that, Conseiller Couldridge?

Conseiller Couldridge: Yes, thank you.

180 **The Speaker:** Thank you. Anybody else? No.

In that case, we will go to Proposition 1, that Chief Pleas approves the Ordinance entitled 'The
Saisie (Sark) Ordinance, 2021'. Those in favour; those against. **Carried.**

185 **Conseiller Raymond:** Sir, may I just say that the fees are just there for Chief Pleas to note and there is a slight difference between the two editions of the fees, but the fees have not changed and they have all been agreed by the Prévôt who is content with the level.

The Speaker: We move to Proposition 2, that Chief Pleas notes the proposed fees chargeable by the Prévôt for administering his functions under the Ordinance. Those in favour; those against.
190 **Carried.**

**7A. Land Reform Draft Regulations Update –
Land Reform (Special) Committee Report considered**

To consider an Information Report from the Land Reform (Special) Committee entitled ‘Land Reform Draft Regulations Update’.

The Speaker: We now move to Agenda Item 7A, to consider an Information Report from the Land Reform (Special) Committee entitled ‘Land Reform Draft Regulations Update’, and I would ask Conseiller Raymond to introduce this part of the Report, please.
195

Conseiller Raymond: Thank you, sir.

Those are just the fees which are updated because the wording changed slightly. I have just said that just now. (**The Speaker:** Yes.)

Thank you.
200

The Speaker: You were slightly premature. Are there any questions on the Regulations? No. In that case, as you will see, the Regulations will be laid before Chief Pleas in due course, when they are made.

**8. Definition of a Resident –
Definition of a Resident (Special) Committee Report considered –
Propositions carried**

To consider a Report with Propositions from the Definition of a Resident (Special) Committee entitled ‘Definition of a Resident’.

Proposition 1:

That Chief Pleas directs the Definition of a Resident (Special) Committee to consult with the Law Officers in respect of the practical and administrative implications of a tiered residency solution as outlined in this Report.

Proposition 2:

That Chief Pleas directs the Definition of a Resident (Special) Committee to continue working on a Register of Sark Residents bringing a more detailed report to a future Meeting.

The Speaker: We now move to Agenda Item 8, to consider a Report with Propositions from the Definition of a Resident (Special) Committee entitled ‘Definition of a Resident’, and I would ask Conseiller McHugh to introduce the Report, please.
205

Conseiller McHugh: Thank you, Mr Speaker.

210 Before briefly summing up this Report, I would like to clarify that both the Propositions laid
before you today have only been agreed by a majority of our Committee Members. Our intention,
if our Propositions are carried, will be to speak to the Law Officers and iron out the practicalities
of implementation, but before we can do that, we need to firmly establish our direction and we
would like the consensus of the House in order to do this.

215 Residency in various guises is already employed within three fundamental pieces of Sark
legislation, and the tiered approach, as recommended in the Report, simply tidies up and
formalises what is already in place. So for example, Tier 1: taxation. Taxation on Sark is already
based on 90 nights and the 90-night tax residency definition simply firms this up. Tier 2: ordinary
residents. Already, as written in the 2008 Reform Law, it is required that only the names of persons
ordinarily resident on Sark for two years can be inscribed upon the electoral register and therefore
220 also hold office. It is already a prerequisite that holders of any constitutional office on Sark must
also be ordinarily resident.

Can I point out at this juncture that in paragraph 5 the Report omits the important position of
Speaker. This constitutional role of office can also only be assumed by somebody who is ordinarily
resident on Sark.

225 So ordinarily resident is referenced 17 times in the Reform Law and all that is missing is a
definition of what 'ordinary residence' actually is. It is the majority opinion of this Committee that
ordinarily resident on Sark should just mean that a resident spends more time here than anywhere
else. Therefore, 183 nights is six months and one day, which is more than anywhere else.

230 Tier 3, which is principally resident. This definition has arisen because already in our housing
laws it is required that people reside on Sark for 15 years and those 15 years need to comprise
273 nights for every single one of the 15 years. So rather than change the 273 nights to 183 days
the Committee felt it would be stepping outside its mandate and it was felt that a Tier 3 residency
definition could easily be applied to housing regulations and then nothing would need to change.

235 The Committee would like to again underline that if these proposals are carried no new
benefits or restrictions will be conferred upon any of these residency types. These proposals
simply look to formalise the *status quo*. However, the Committee also feels that these three new
definitions will provide a proper framework that other Committees can choose to utilise should
they wish. The Committee asks that the House supports Propositions 1 and 2.

240 Thank you, Mr Speaker.

The Speaker: Thank you.

Are there any questions or debate on the Report and what has been said?
Conseiller Couldridge.

245 **Conseiller Couldridge:** Yes, thank you very much.

Slightly unusually I am speaking because I am also a Member of the Definition of a Resident
Committee and I have not attended all the meetings, but most of them. I was not always part of
the majority in favour of all aspects. However, I broadly agree with most of the points. In simple
layman terms I think we should be looking at a real person that really lives here for most of the
250 time, which we have come up with 183 days, which seems to be fair; if you are here for six months
or more of the year. However, I do not agree and will not support the tiered approach. I think that
is unnecessarily complicating things and muddying the waters. I think we should just concern
ourselves with defining a resident and once that is defined the various agencies, other
Committees, can then utilise that definition as suits them and is best.

255 That is my point. Thank you very much.

The Speaker: Thank you. Anybody else?
Conseiller Raymond.

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

265 First of all, we have to consider the recent arrivals who will require to evidence that they have been here or in the UK for six months in order to achieve their settled status. So I hope that that will be taken into account. I am concerned with the thought that people will be able to self-certify to justify their status because we have had enormous difficulties in past years which would probably pre-date the term of service of many of the Members here, when we have been defending the Bailiwick from claims that the Bailiwick, Guernsey and Sark, should be placed on a blacklist because we were enabling people to claim residence here or to shelter company profit here and we did not have the jurisdiction or the regulations to satisfy them.

There is a January 2017 statement on the Government website which says:

Payment of Sark tax does not imply residence so that a person is excluded from paying tax in another jurisdiction.

270 And that must be borne in mind because that was an important point to make in our defence. I think that I would ask that the Committee consult with the ... I cannot remember his title, but Jo Reeve in Guernsey who actually is extremely well versed in this and he will have views because he was the person I worked with defending us when there were claims about blacklisting us.

Thank you, sir.

275

The Speaker: Thank you. Anybody else? Conseiller Drillot, Conseiller Plummer. Conseiller Drillot.

Conseiller Drillot: Thank you, Mr Speaker.

280

I would just like to ask the Committee to clarify Proposition ... well, both really, Propositions 1 and 2 but definitely Proposition 1 that they are just going to talk with the Law Officers, nothing is going to be done, they are going to come back to Chief Pleas with any answers, questions, theories? This just to get our permission to talk to the Law Officers, not give them permission to draft the laws? I just want clarification on that, please.

285

The Speaker: Would you take that one now, please, Conseiller McHugh.

Conseiller McHugh: Okay, Conseiller Couldridge, obviously I am in the Committee with Conseiller Couldridge and we have been banging our heads together with reference to this all the time that we have been on the Committee, which is part of the reason ... well, it is *the* reason that we are bringing it to the House so that we can move forward rather than keep referencing that Conseiller Couldridge refers us just to do the 183 days and to cast aside the 90 and the 273. But I would argue that the 90 and the 273 already exist and it is by clarifying it like this that we do not need to touch anything else.

295

So the 273 in the housing legislation is already there and it is cited as 273 is ordinarily resident. So if we were to choose 183 and just stick with 183 ordinarily resident, we would have to amend that in some way, otherwise the housing legislation would only require that you be on Island for six months a year, where at the moment it is nine months in order to achieve local market status.

300

I disagree with Conseiller Couldridge that we are making this more complicated than it needs to be. I think that we are reflecting what is and making it as simple as we possibly can.

With regard to what Conseiller William Raymond said, we are going to get blacklisted and he wants ... What was it that you want me to ...? This is a good reason why we should put these policies forward –

305

The Speaker: Conseiller McHugh.

Conseiller McHugh: Sorry! This is my first time, Mr Speaker, so cut me some slack!

The Speaker: It is not the first time I have told you to speak to me.

310 **Conseiller McHugh:** It is not the first time you have told me to do that, no.

But with regard to the recent arrivals ... Oh, I know! The self-certification, that this is what we are going to do in the next phase of our work but in order to complete this and even talk about it the Committee needs to move together. So we need to get past the point where we are disagreeing on whether it is a tiered residency solution or whether it is simply 183 because at the moment we are just going round in circles about whether we should do this or not. So once the House has given us consensus that we are going to do the tiered residence, which is 90, 183, 273, that simply reflects the *status quo* as stands in Sark legislation at the moment, then we can move forward and look at the implementation. Before we get consensus on that we are hamstrung, really.

320 **Conseiller Drillot,** absolutely we are only talking to the Law Officers. So everything is going to come back to the House for you to look at again. We are not going to be producing a *Projet de Loi* and asking you to vote on that. It is going to come back to the House. We are just looking to move forward on a problem that we have got with a tiered approach and move forward to phase two, to satisfy, hopefully, **Conseiller Raymond.**

325 **The Speaker:** Thank you.
Conseiller Plummer.

Conseiller Plummer: Thank you.
330 I would just like to know, with all the comings and the goings of everybody really, on the system, how will it be policed? I know you are going to be asking the Law Officers for their input, but how will this be policed, please?

The Speaker: Thank you.
335 Anybody else? Yes, **Conseiller Delaney.**

Conseiller Delaney: Thank you, Mr Speaker.
I think Proposition 2 goes some way to showing that this is something we are considering as a Committee. I believe that is a, I am actually surprised more people have not picked up on Proposition 2 as a matter for debate, but I believe in Jersey they have a register of residents and I think once again we are tentatively moving forward with this and it may well satisfy some of the concerns of **Conseiller Raymond** and also **Conseiller Plummer.** Yes.

The Speaker: Thank you.
345 Anybody else? Yes, **Conseiller Craik.**

Conseiller Craik: I just wanted to state that obviously definition of a resident has been a big issue for a long time and it has been brought up on numerous occasions over I cannot even remember how many years, and I am just glad to see that it is moving forward in some sort of direction. This is just a starting basis, I feel, from reading that Report, and it just sort of tries to form somewhere for the Committee to start and I think it is commendable that we are actually moving forward and doing something about the definition of a resident.

The Speaker: Thank you.
355 Anybody else? Yes, **Conseiller Couldridge.**

Conseiller Couldridge: Yes, thanks very much.
Just picking up on **Conseiller McHugh** and **Conseiller Delaney,** I am broadly in agreement with them, but also picking up on the point that **Conseiller Raymond** made about self-certifying, we already have self-certification in many areas of Sark life, especially in taxation. I think it would be more a situation of us not setting out and policing it, but if there were areas where somebody was

suspected not to fall within the definition of a resident, for example if somebody applied to be a Conseiller or for some sort of financial benefit, such as there is, and to qualify for such a thing they would have to be resident and it would be for us to then say we do not believe you are a resident, so you have to prove that you are a resident. That is just a point I was going to make.

365

Thank you.

The Speaker: Thank you.

Right, in that case, in a moment we will go to the vote on the Propositions, but I would just like to say, as a general point, if there is a disagreement within a Committee and it cannot be resolved it is always better for the dissenting Members of that Committee to produce a minority report so that Chief Pleas has access to a minority report before the debate. Coming in at the last minute with a personal point of view from a Committee is more difficult to get across to the Assembly. So I would urge anybody who is a dissenting voice in a Committee, if they feel that strongly about it, that they should put that down in writing as a minority report.

370

375

I will not ask you to sum up, Conseiller McHugh, because you did that well after Conseiller Drillot spoke, so unless there is anybody else we will now move to the two Propositions in the Report.

Right, Proposition 1, that Chief Pleas directs the Definition of a Resident (Special) Committee to consult with the Law Officers in respect of the practical and administrative implications of a tiered residency solution as outlined in this Report. Those in favour; those against. **Carried.**

380

Proposition 2, that Chief Pleas directs the Definition of a Resident (Special) Committee to continue working on a Register of Sark Residents, bringing a more detailed Report to a future Meeting. Those in favour; those against. **Carried.**

**9. Civil Service Code of Conduct –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Propositions from the Policy and Finance Committee entitled ‘Civil Service Code of Conduct’.

Proposition:

That Chief Pleas approves the Civil Service Code of Conduct appended to this Report.

385

The Speaker: We move to Agenda Item 9, to consider a Report with Proposition from the Policy and Finance Committee entitled ‘Civil Service Code of Conduct’ and to approve the Projet de Loi ... Sorry, no. And to approve the Code of Conduct.

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

390

Conseiller Guille: Thank you, Mr Speaker.

I will not read out the Report verbatim, but perhaps a point of clarification that the Civil Service Code of Conduct is to cover the Chief Secretary and the CSOs in the Office. It is not to cover any of the officers such as the Speaker and the Treasurer who are elected by Chief Pleas, and it is not to cover anybody else who might work for the Island, such as the Harbourmaster or in the Tourism Office. It is literally to cover the Chief Secretary and the CSOs who assist her and get more involved in what is sometimes confidential and delicate work.

395

This Civil Service Code has been borrowed greatly from the Code used by the States of Guernsey and it has also been extensively checked since being rewritten for Sark, and I would like to invite any questions, please.

400 **The Speaker:** Any questions or debate, please? Conseiller McHugh, followed by Conseiller
Delaney, followed by Conseiller Sandra Williams.
Conseiller McHugh.

405 **Conseiller McHugh:** I appreciate that this has been taken from the Guernsey Civil Service, but
I think the Guernsey Civil Service is much bigger than ours with lots of people and a Chief Secretary
who runs a massive unit. So for complaints to go to the Chief Secretary makes more sense. I think
for ourselves there needs to be somewhere else for a complaint to go about our Chief Secretary,
because we are so small.

410 I understand that Scrutiny Committees and such like and so forth take more people up and
they become a ridiculous administrative burden, but I think there needs to be an outlet for this
because I think our Civil Service, quite rightly, is going to become very important and they are
already very important, they could become very powerful, they are very powerful, and I think it
could potentially be considered that it could be something that Seneschal deals with. It is just a
point of ...

415 **The Speaker:** Conseiller Delaney.

Conseiller Guille: Mr Speaker, can I reply to that question –

420 **The Speaker:** Do you want to do it at the end when you sum up?

Conseiller Guille: No, I want to do it now.

425 **The Speaker:** No, okay. *(Laughter)*

Conseiller McHugh: Oh dear, I am in trouble!

The Speaker: Conseiller Guille.

430 **Conseiller Guille:** Thank you, Mr Speaker.

Just as a point of clarification, clearly any complaints about the Chief Secretary would not be
directed to the Chief Secretary and in fact in that case any complaints about that position would
be directed to P&F who are the direct employers of the Chief Secretary. I can entirely envisage if
such a complaint were made that we would then be seeking assistance and some independent
435 deliberation on it with our connections to the Guernsey Civil Service. At the moment our principal
connection is Liz Deen, so we would be seeking advice from there as to how best to progress any
such complaint.

So hopefully that allays your fears that it is not a self-administered Code of Conduct.

440 **The Speaker:** Conseiller Delaney.

Conseiller Delaney: Thank you, Mr Speaker.

I am obliged to Conseiller Guille for clarifying a point I was going to ask clarification on, which
is, if I may call them the officers of state, people like yourself, Mr Speaker, the Prévôt, the
445 Treasurer, etc. I wonder whether the final triangle is completed when some form of Code of
Conduct is introduced for those particular roles in our Government.

Mr Speaker, I wonder whether now is really the correct point to ask the Policy and Finance
Committee to revisit the establishment of a Scrutiny Management Committee. Because it strikes
me from the floor of the House, as what I would often term myself as a humble backbencher, if I
450 may, for the Civil Service to be answerable they are going to be answerable to Policy and Finance,
which is perfectly understandable. I think it is pretty proportionate to how we must govern Sark.

But we do not have in place something that was quite a high priority, which is the establishment of a Scrutiny Management Committee.

455 I could perhaps just refresh people's memories on that. It was the then-Conseiller Pauline Mallinson, speaking as a Member of the Policy and Finance Committee, that brought a Report with Proposition back in January 2019 at the Christmas Chief Pleas and the Proposition was carried which in effect approves the establishment of a Scrutiny Management Committee, and in effect it gave scrutiny over all of our conduct here in Chief Pleas. I think it has fallen by the by somewhat and I note that in September 2020 the then Chair of Policy and Finance, Conseiller La Trobe-Bateman, was clearly struggling with trying to get Members for this particular Committee. He says that when trying to fill the Scrutiny Committee there were not enough Conseillers to fill it, there were certain criteria that had been set that excluded Chairmen etc.

460 So I would ask Policy and Finance if that is something we could perhaps revisit as a matter of urgency and perhaps even expand it to see whether it is correct that it is Members of this House that form this Committee or whether we form a body that perhaps is populated by credible, reputable people from within the Bailiwick or the Channel Islands or the Crown Dependencies as a whole. The reason I suggest that is I have been hugely impressed by the work of Andrew Ozanne as a mediator on a couple of issues that we have been struggling with recently and I wonder whether that would instil confidence in the public that we as a House, and I know that the Scrutiny Management Committee would not just be conducting its work scrutinising Policy and Finance but all Committees, that it would give some comfort to the public that we do not just put these badges on and what we say goes and there is an end to it, that we are being scrutinised.

470 One would hope it would not be abused. We would hope it would not be a Committee that was asked to look at things just because someone pulled a face at one another or someone upset someone on a personal matter. But I think there have been episodes over the past year or so then where perhaps a Committee of that nature would have given great comfort to the electorate.

475 Thank you, Mr Speaker.

The Speaker: Strayed slightly away from the Civil Service Code and, as has been said, there were moves a little while ago to recommence it. Would you like to address that point, although it is not directly related to this Item, Conseiller Guille?

Conseiller Guille: Yes. Well, I will address both of Conseiller Delaney's points which were gratefully received.

485 Yes indeed, the last remaining piece would be an officers' code of conduct, which is being worked on in due course.

490 In terms of scrutiny I will not go into much detail on the hoof right now but we have been in discussions with our colleagues in Guernsey about potentially sharing some sort of pan-Island form of scrutiny which I think is very much along the lines of what you were intimating just then. So as it is quite off-topic from the Civil Service Code of Conduct I will not go into this any further, but work is definitely in progress on that front.

The Speaker: Conseiller Sandra Williams.

495 **Conseiller Sandra Williams:** Thank you.

I am pleased to see that we are moving forward on this. It is something that I have been quite passionate about for a while.

500 Might I please ask, while they are looking into the Civil Service Code of Conduct, that they broaden that, because I would quite like to see a code of conduct for the Constable's Office. I would like to see a code of conduct for the Safeguarder and other members that we now employ through the Island who I believe should sign and be part of the civil code of conduct.

I have had numerous people ask me in the last three weeks where they go with complaints about the Constables and I said, to my knowledge, it is the Douzaine. But we did have an

505 arrangement with Guernsey I believe, but I do not actually know where that has gone. But I think
a code of conduct for the Constable's Office would be very important and something that needs
to be done as soon as possible.

The Speaker: Thank you. Anybody else? No.
Would you like to address that point, Conseiller Guille?

510

Conseiller Guille: Yes, I think that is something that Policy and Finance will, especially in
reference to the constable, which is the Douzaine's mandate, we can be in discussion with them
about ... The point was raised about how far the Civil Service Code extends. Is anybody who works
for the Island included in the Civil Service? Jobs such as the Harbourmaster, the tourist offices etc.
515 it was felt that their jobs, or their conduct, was perhaps more covered in their terms of
employment and certainly the Civil Service Code was deemed ... Our CSOs who work so hard in
the Office have to deal with particularly sensitive topics and a lot of personal data. So it was
thought that this Civil Service Code would be focused more properly on them and other either
more proscriptive employment contracts or a separate code would be more suitable for other
520 areas of Island employment.

The Speaker: Thank you.
Conseiller Sandra Williams.

525 **Conseiller Sandra Williams:** Sorry, I do not disagree, but I do disagree.

The Constables, and I am not meaning any particular person, I am just meaning the Constables
as the role, and the Safeguarder as the role, probably deal with as much, if not more sensitive
issues within the Island than maybe some of the CSOs do. I know because I have heard stuff said
that we should not know that it has been discussed and I just think, I know the code of conduct
530 will not be the be-all and end-all to stopping people from talking about things that they are not
supposed to be talking about, but at least if they have a code of conduct we have somewhere to
go with that. I do not mean the harbourmasters and ... because they are not the same. They are
not front-line Constables, people that are holding lots of confidential information.

535 **The Speaker:** Thank you.
Conseiller Drillot.

Conseiller Drillot: Thank you, Mr Speaker.

540 I was not going to say anything, because this is not really a topic we were on, but I am just
going to clarify a couple of things on the Douzaine's behalf, seeing as it has come up again.

The Constable complaints do come to the Douzaine, as they always used to before the panel
was set up, which last year was changed. So once the panel was disinformed, it came back to the
Douzaine. So if there is any complaint it can come to the Douzaine, if the people do not feel
comfortable coming to the Douzaine, as we are their employers, then there is still a contact in
545 Guernsey, Guernsey Police, that it can go to. We are working tirelessly at the moment with
Guernsey Police to get a proper complaints procedure up and running. It has been very difficult
to get our line in with their line but it is definitely something that we have been ... we have not sat
back and gone, 'We don't need it', we know we need it and we are working on it and hopefully in
the next few months to a year we will have something in.

550 But at the moment the public, if there are any complaints, please come to the Douzaine. If
there are any gripes, come to the Douzaine. If you are not happy then speak to the Douzaine
secretary and he will give you the contact in Guernsey.

Thank you.

555 **The Speaker:** Conseiller Guille, are you summing up?

Conseiller Guille: Yes, I can sum up (**The Speaker:** Thank you.) as well.

Well, Conseiller Drillot addressed the questions around Constable complaints and I would just like to round off the one about the position of Safeguarder, that perhaps after the next Item we will know which Committee can best pick that up.

560 I have got no other comments to make, apart from to encourage Members to support the Proposition.

Thank you.

The Speaker: Right, we will go to the Proposition, that Chief Pleas approves the Civil Service Code of Conduct appended to this Report. Those in favour; those against. **Carried.**
565

**10. Transfer of Functions – Safeguarder –
Medical and Emergency Services Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Medical Committee entitled ‘Transfer of Functions – Safeguarder’.

Proposition:

That Chief Pleas agrees to the transfer of the safeguarding function from the Education Committee to the Medical and Emergency Services Committee.

The Speaker: Agenda Item 10, to consider a Report with Proposition from the Medical and Emergency Services Committee entitled ‘Transfer of Functions – Safeguarding’, and I would ask Conseiller Plummer to introduce the Report, please.

570 **Conseiller Plummer:** Thank you.

The REAch2 report in 2017 identified the need for a multiagency safeguarding hub (MASH) to be established in Sark. This report primarily dealt with the provision of education in Sark. However, the safeguarding role was always intended to be part of the MASH team which replaced the Children’s Panel in 2018.

575 The Children’s Panel did not deal with vulnerable adults. By 2019 it had become clear that the need for safeguarding support was not limited to children on Sark. The lack of a benefits system and free healthcare system has meant that there are a significant number of vulnerable adults in need of safeguarding support. The pandemic in 2020 exaggerated the situation for both adults and children.

580 In 2019, an Island Safeguarder was appointed and is part of the MASH team to safeguard children and vulnerable adults. Sark School has a designated Safeguarder teacher, Mrs Branson, who works with the Island’s Safeguarding Officer regarding any safeguarding issues concerning children within the School. The Child Protection (Sark) Law, 2020 was brought to Chief Pleas by the Education Committee as the Child Protection Committee was a Special Committee set up to develop this legislation. It was considered appropriate during the development of this legislation
585 to include the Safeguarding Officer under Education. However, the safeguarding of vulnerable adults has developed significantly since 2018 and now accounts for the majority of the Safeguarding Officer’s work.

In the Safeguarding Officer’s Annual Report, she notes that more than 60% of her workload is now with 65% vulnerable adults. It is now considered appropriate that the Safeguarding Officer comes under the Medical Committee and I hope that Chief Pleas will vote for this, please.

Thank you.

595 **The Speaker:** Any questions or debate, please? Conseiller McHugh, followed by Conseiller
Sandra Williams, Conseiller Craik.
Conseiller McHugh, please.

600 **Conseiller McHugh:** I joined the Education Committee in January 2021 but I have trawled
through the minutes of all this year's Education meetings and found no formal discussion about
moving the function of safeguarding, at least whilst I have been on the Committee.

I have deep reservations about the safeguarding function on Sark. I believe that our
safeguarding mentor, the current Director of Education, is a safeguarding zealot, who like all
zealots firmly believes in the righteousness of her path, but who has unfortunately forgotten that
605 families on Sark have the right to bring up their own children and also have the right to private
family life. I believe that the safeguarding strategies that are being employed on Sark would never
pass muster in the UK and I believe that we are actually running the very serious risk of being sued.

I believe that the pink slips – I have got one here, I have lost it at the moment, but I have got a
pink slip, I could wave it in the air if I could find it – that litter the Island encouraging one neighbour
to make anonymous and often spiteful allegations about another are unhealthy and insidious.
610 Safeguarding on Sark actually policies private and seemingly inconsequential conversations that
parents may have with their children. Whilst a conversation could indeed confer emotional abuse,
which is a most terrible thing, emotional abuse comprises too many shades to possibly police. As
an Island we need to support our vulnerable or unhappy children by offering safe, secure
alternative environments, not by judging the quality of a family's after-dinner conversation.

615 If your family on Sark presently falls foul of the safeguarding function and you believe that the
allegations are unfounded or that the actions taken by the safeguarding officer are unreasonable,
it is very difficult to find out who to complain to. But if you dig very deep and look in the Education
mandate you may conclude that the only route to complain, the only route available, is to
complain to the woman who heads and directs it. This is not a safe state of affairs for families on
620 Sark because it is a closed and secret circle.

None of this, you may all say, concerns the moving of safeguarding to the Medical and
Emergency Committee, but I very strongly disagree. Beverley Gates was instrumental in the 2017
Education Review and it was this review that recommended that Sark employ a Director of
Education. In this way Beverley Gates created her own role, a role that she later assumed. The
625 suggested transfer of the safeguarding function to Medical and Emergency is a similarly
dubious move.

The Director of Education has resigned from her role as the Director of Education and her
tenure ends in January 2022. In 2018, Beverley Gates formed her own consultancy in order to
adopt the role of the Director of Education and was contracted to Sark at a remuneration of £800
630 per day for an eight-hour day. The only caveat was that there would be no more than 12 days per
month. This is a very generous remuneration package. But nowhere in the contract is her role
defined as half Safeguarding Officer and half Director of Education. That is, however, what
Beverley has decided, and she has decided this without speaking to anybody at all on Sark. And
here is my evidence that Beverley has decided this. In August, before submitting next year's
635 Education budget to the Treasurer, Ms Gates arbitrarily and unilaterally decided to move half her
salary and expenses, and the Safeguarding Officer's salary and expenses, from the Education
budget to the Medical and Emergency budget. She saw no reason for the move to be sanctioned
by the House or even by the Education Committee. It is only because I noticed that the
safeguarding budget had disappeared and on 3rd September, via email, I challenged its removal.
640 It was eventually, and reluctantly, put back in the budget.

The Director of Education's tactics were both contemptuous of us and excusably heavy handed,
and if this is how she deals with us, her employers, how must she be dealing with vulnerable
members of the community?

645 The Education Committee is tasked with finding a replacement support structure for the
Director of Education because she has resigned. This support structure presently includes the

safeguarding function. It does not make sense that two Committees should both be striving to find a solution to the resignation of the Director. This is presuming that the Medical Committee even intends reviewing her position. It does not make sense for two Committees to negotiate with Guernsey trying to agree on a service level agreement.

650 At this important juncture I ask that the Education Committee be left responsible for the Safeguarding function. Once it has been determined how the Director's role and her support shall be replaced then the Education Committee will gladly review where safeguarding is best placed and the move to Medical can be looked at again. I implore the House to reject this proposed move and because I judge that this decision could have large consequences I would like to call for a
655 named vote that will offer some accountability.

Thank you.

The Speaker: Conseiller Sandra Williams, please.

660 **Conseiller Sandra Williams:** I would first of all like declare an interest in the role of the Safeguarding Officer, and I will not discuss that, but I would like to discuss other things that have been brought to my attention this evening by the now acting head of the Education Committee. While I was the head of this Committee, I was in the meeting where it was agreed that temporarily,
665 and to find an end sum to our budget, that we would move half of the salary out of Education, into ... We had talked on numerous occasions during meetings that we had about moving the function of Safeguarder from Education to Medical. Maybe Conseiller McHugh was not at those meetings.

I also would like to say that I am quite disheartened that the acting President of the Education Committee does not feel the need to safeguard our children on the Island. They did not have a
670 Safeguarder when I was growing up or when my children were growing up, and when they first brought it to Chief Pleas, I was one of the people that stood up and said, why do we need it? Tell me why we need it. Why do we need a Safeguarding Officer when there are all these people on the Island who need help and support that do not get it? I was told they got it through the Douzaine. I also know, because I was the acting head of Education, that probably 17 of the people
675 on the safeguarding investigation being looked after are not anything to do with the Douzaine.

So I believe that the role, whoever is doing the job and however the job is being done, is an important role and whatever people's opinions are or views are on Ms Beverley Gates over education, Director of Education, safeguarding, Safeguarder, self-promoted, whatever people
680 think she was. Her intentions were honourable intentions. Unfortunately, she did not see eye to eye with every person on our Committee that we had meetings with, but I do think that it is wrong to slur somebody for something that ... Where is the evidence that she self-promoted herself? Where is the evidence that she has done these things that are being spoken about? This is somebody's career; somebody's livelihood.

It makes me sad to think that everything that she has done, whether people have liked it or
685 they have not liked it, six might like it, seven might not. But look at the results – they speak for themselves, *surely*. They speak for themselves. You ask 10 out of 18 parents, nine of them will say, 'She's done an amazing job with my child', four of them will say, 'She's been rubbish with mine', but that is what is all about, surely? It is about learning and moving through. I think instead of standing here and giving her a slagging off, somebody should be thanking her for the role that she
690 has done over the last three years.

Thank you.

The Speaker: Conseiller Craik.

695 **Conseiller Craik:** Thank you, Mr Speaker.

I did actually write something, but left it at home, I think. Conseiller Delaney's thing is not contagious, but, yes. (*Laughter*) So I am going to really wing this, as much I can remember.

700 Reading back I think I recall that safeguarding element was moved from Medical originally over to Education when the review was done in 2017 because it highlighted that a safeguarding element was not present. And because the Director of Education had experience in both fields it felt that she could cover both and it could be done through the Education Committee. Primarily it was going to focus on the safeguarding of children, which was a very much needed post that was needed and the role of the safeguarding element was very much needed on the Island.

705 Since then I think through the work of MASH, through the work of the Safeguarding Officer and the Director of Education, the role has expanded, it has highlighted other areas that perhaps we were not aware of initially and vulnerable adults has become a bigger issue than we thought it would be. Essentially, vulnerable adults is not covered under the Education Committee and it is the correct move, in my mind, that it should go to the Medical Committee. I am sorry. And if you look anywhere else in terms of other jurisdictions, in Guernsey it is Health & Social Services, in the UK it is under some sort of mental health and social services element. It does not actually fall under education, although there are departments that lead down that possibly have safeguarding committees that have elements of the education committees that fall within them. But the umbrella, or the top end, is health and social services.

715 In regard to the resignation of the Director of Education, she has resigned, to my mind, and her role ends in January 2022. To my mind we should be looking for an alternative solution to safeguarding and someone who can support our current Safeguarding Officer. There is the need for that support, she needs to be able to refer to someone when she is unsure of stuff. At the moment I am aware that the current Safeguarder always refers to Guernsey when she is unsure of things, if she feels that she needs to. Of course she still refers to our current Director of Education because that is the person she probably speaks to and feels that she is more comfortable with at the moment. But with a correct handover period there is nothing stopping us from directly having ties with Guernsey and for it to be brought closer within the Bailiwick.

720 I think we need to focus on what we are talking about here, which is safeguarding. Safeguarding of children, safeguarding of adults, not personalities, and I think that needs to be brought back to the forefront.

725 Thank you.

A Member: Hear, hear.

730 **The Speaker:** Anybody else?
Conseiller Pippa Donovan.

Conseiller Pippa Donovan: Thank you.
I was not going to say anything, but I –

735 **The Speaker:** This is your maiden speech! *(Laughter)*

Conseiller Pippa Donovan: Had to happen sometime! But no, I would just like to say that I fully support and agree with what Conseiller Craik said initially about the function of the Safeguarder moving to the Medical Committee. I see that it would be best placed there and the children of the Island still have that safeguarding function within the School through Mrs Branson or any other teacher that may be given that role in the future. And the figures speak for themselves, I think, with 65% vulnerable adults being what the Safeguarder is dealing with then it makes absolute sense and encompasses it under the health and social services, if you like, umbrella.

745 So I fully agree that this Proposition should be supported and I hope other people do too.
Thank you.

The Speaker: Thank you.
Conseiller Delaney.

750 **Conseiller Delaney:** Thank you, Mr Speaker.

Just a point that I would ask of the Chair of the Medical and Emergency Services Committee, that when the Director of Education lists out the reasons why the role should move over, she cites in Appendix A that:

MASH is concerned that the Education Committee currently has a parent Member.

Then if we look at Appendix B, the MASH team, as she says:

The Sark MASH team are also concerned that the Education Committee currently has a parent member.

755 Within that, is there a suggestion that parents would not be able to be Members of the Medical and Emergency Committee once this transfer of functions is achieved?

The Speaker: You could answer that in a moment, Conseiller Plummer.
Anybody else? Conseiller Bougourd. Conseiller McHugh, did you wish to speak again?

760

Conseiller McHugh: Yes, Mr Speaker, yes. Please.

The Speaker: Yes.
Conseiller Bougourd.

765

Conseiller Bougourd: Thank you, sir.

I would just like to concur with what Conseiller Craik and Conseiller Williams were saying. This is not about the Director of Education, this is about safeguarding. We all, as adults, might require help from safeguarding so it is not just a child thing. I would just ask all Members to bear that in mind. It probably served its purpose at the time, but now, yes, there are far more vulnerable adults, which any of us might want help at any time.

770

So I think I would support the Proposition and I can see no reason why it should not go to Medical.

Thank you.

775

The Speaker: Conseiller McHugh.

Conseiller McHugh: Okay. I am sorry that this has been taken as a personal attack on Beverley Gates – it is not a personal attack on Beverley Gates. I believe that her motives are indeed honourable when she is safeguarding children on Sark. However, I feel that the autonomy of one woman who does not like oversight is dangerous for our community.

780

It looks like I am going to lose this vote and it looks like it is going to get transferred to Medical and Emergency, so can I ask the Chair of Medical and Emergency, whether the fact that Beverley Gates has resigned, does this mean that you are going to review her position with regard to the overarching function of safeguarding, because the Education Committee is looking at an SLA with Guernsey so that we are overarched by a bigger body. It concerns me that one lady is in charge of all families on Sark, without any recourse or safety valve or anyone that they can talk to other than her. So can I have reassurances from the Medical and Emergency Committee that in light of Beverley Gates' resignation her role as the safeguarding supremo will be reviewed and brought to the House?

785

790

The Speaker: Conseiller Plummer, would you like to ...? You wish to say –

Conseiller Plummer: Thank you. May I give this to Conseiller Williams, please?

795

The Speaker: Conseiller Williams, you wish to say something?

800 **Conseiller Sandra Williams:** I would like to just answer that, if you do not mind. We have waited for the vote to go through on where it was going to be and whose responsibility it was going to be, and as Conseiller Guille mentioned earlier on, it is something that we are quite confident to do with the role of Safeguarder, to look into codes of conduct, and the same would apply to whoever we are. We will now need to sit and discuss moving forward but we will move forward. But we will not, I believe, drop on their head somebody that would work alongside us in the foreseeable future, or unforeseeable future, who could help and contribute to us finding a more appropriate, closer-to-home person to lead us and to be somebody that we ... We need to go to Guernsey, we need to make contacts with people in Guernsey. We have literally got two months and then we are *bang*. I think we need a sensible handover period, we need somebody that actually knows the job to be available to help us to take this forward and those really are the only guarantees that we are prepared to give at the moment.

810 **The Speaker:** Conseiller Plummer, would you like to sum up, please?

Conseiller Plummer: Yes, thank you very much.

815 Thank you very much for all the questions and debate on this, as it is really important. We have got a very good Sark Safeguarding Officer here and she has been a help tremendously over this. We will go back, as Conseiller Williams said, and we will look at all these discussions and revert but I think it is very important that as well as the children, they will be kept, but the adults also. I will ask that it goes to the Medical and Emergency Services Committee.

Thank you.

820 **The Speaker:** There has been a call for a named vote, therefore we will conduct a named vote in a moment, after Conseiller Drillot has spoken.

Conseiller Drillot, followed by Conseiller Delaney.

825 **Conseiller Drillot:** Sorry, Mr Speaker, it is just a very important point that Conseiller Plummer missed out was Conseiller Delaney's question about whether a parent can sit on Medical if this gets transferred. I think it is quite important that we know that, especially coming up to the later debate about Education. Conseiller Plummer forgot to answer that one.

Thank you.

830 **The Speaker:** Okay. Right.

Conseiller Delaney, was that what you were going to ask?

835 **Conseiller Delaney:** Well, yes. I am obliged to Conseiller Drillot. He is correct, that is something that I wanted to ask, but I think I personally had not had the reassurances. It strikes me that we are going to go forward with someone off Island, the Director of Education, when this crosses over from Education to Medical and Emergency Services, and I think for that reason only, and that reason only, that I cannot vote for this Proposition.

Thank you.

840 **The Speaker:** Thank you.

We are doing another round again, okay. Conseiller Bougourd followed by Conseiller Craik. Conseiller Bougourd.

845 **Conseiller Bougourd:** Yes, sir, I forgot to say I went on what might be a sort of beginners' introduction to safeguarding. A number of the members of the public came and Conseillers as well, and I was amazed at the work that is done in safeguarding and the work that safeguarding and the current Officer does. I said at the time, 'I thank you for doing that work', and I would just

like to make it official that we should thank her. There are *many* more instances she deals with every day and I was amazed at the number of times she is called upon.

850 So I would like to publicly thank her for the work she is doing. Thank you.

The Speaker: Thank you.
Conseiller Craik.

855 **Conseiller Craik:** Sorry, can I just reiterate what I said earlier? Because I am no longer on the Medical Committee I will not be here to see this to fruition, so I just wanted to make my point clear.

I would highly recommend that the Medical and Emergency Committee, when or if they get the safeguarding element, review the role of the Director of Education. She has resigned and her role finishes in January 2022. This is the time now to look to Guernsey and to start forming alliances with Guernsey and to try and get those links in place. I realise it is only two months until January and no one is going to want to drop the current Safeguarding Officer without any support, however, I think it is important that we start to put something in place now once decisions have been made about what is going forward and the current role of the Director of Education is looked at in more detail and that someone else takes on the role further as a Safeguarder.

860
865 Thank you.

The Speaker: Conseiller Plummer, there have been four speakers since I asked you to sum up. Would you like to say anything else?

870

Conseiller Plummer: Not really.

I do not see that it is a problem if a parent is on the Medical and Emergency Services Committee. We are dealing mostly with the adults.

The School will still be dealing – Mrs Jo Branson – with the children, we will be dealing more with the adults. But we will be conferring.

875 Thank you.

The Speaker: Okay. We will now go to the named vote on the Proposition that Chief Pleas agrees to the transfer of the safeguarding function from the Education Committee to the Medical and Emergency Services Committee.

880

Greffier.

There was a named vote.

Carried – Pour 11, Contre 4, No Vote 0

POUR

Conseiller Helen Plummer
Conseiller John Guille
Conseiller Christopher Drillot
Conseiller William Raymond
Conseiller Natalie Craik
Conseiller Edric Baker MBE
Conseiller Paul Williams
Conseiller Sandra Williams
Conseiller Vaughan Bougourd
Conseiller Joseph Donovan
Conseiller Pippa Donovan

CONTRE

Conseiller Simon Couldridge
Conseiller Nichola McHugh
Conseiller Fern Turner
Conseiller Kevin Delaney

NO VOTE

None

The Speaker: There are 11 votes Pour, 4 votes Contre; I therefore declare that the Proposition is **carried**.

885 I am now going to call a five-minute recess/comfort break for people. It is 20 past – back in your seats, please, by 25 past six.

Thank you.

*Chief Pleas adjourned at 6.21 p.m.
and resumed its sitting at 6.28 p.m.*

**11. Review of all Aspects and Categories of the Taxation System on Sark –
Taxation Review (Special) Committee Report –
Debate commenced**

To consider a Report with Propositions from the Taxation Review (Special) Committee entitled ‘Review of all Aspects and Categories of the Taxation System on Sark’.

Proposition 1:

That Chief Pleas approves the Taxation Review (Special) Committee to speak with the Law Officers of the Crown, for advice and guidance as to possible amendments to the taxation legislation, such as a person should be liable for personal capital tax from their 91st day on Sark.

Proposition 2:

That Chief Pleas directs the Taxation Review (Special) Committee to consult with the Law Officers of the Crown to prepare an amendment to section 8 (2)(c) of The Direct Taxes (Sark) Law, 2002 as detailed in the above Report.

Proposition 3:

That Chief Pleas recommends that the Taxation Review (Special) Committee continues its work looking at the Forfait with an aim to introducing a ‘banding system’.

Proposition 4:

That Chief Pleas recommends that the Taxation Review (Special) Committee proceed with reviewing and simplifying the Tax Declaration Form.

890 **The Speaker:** We reconvene and we move to Agenda Item 11, to consider a Report with Propositions from the Taxation Review (Special) Committee, entitled the ‘Review of all Aspects and Categories of the Taxation System on Sark’. I would ask Conseiller Delaney to introduce the Report, please.

Conseiller Delaney: Thank you, Mr Speaker.

895 I believe under a degree of technicality there is a desire for me to pass it over to the Chair of Policy and Finance before I get under way.

The Speaker: Yes, thank you.

Conseiller Delaney: Thank you, sir.

900 **The Speaker:** So Conseiller Guille will speak first and then Conseiller Delaney will follow up. Okay.

Conseiller Guille.

Conseiller Guille: Thank you, Conseiller Delaney.

905 This is just a point of clarification which was brought to our attention by the Speaker and other
Members of the House. We are just clarifying the mandates of the various Committees. It is of
course the mandate of the Policy and Finance Committee to introduce changes to the current tax
laws and the rates of tax etc. but I will make you aware that these Propositions from the Taxation
Review (Special) Committee, which myself and other Members of P&F are also Members of, which
910 is perhaps where the mind gets a bit clouded, the Propositions on this Item are for the Taxation
Review (Special) Committee to continue doing work towards proposals. They are not proposals in
themselves. Any such changes that will be laid before the House to the tax laws will be brought
by the Policy and Finance Committee as is proper.

915 Additionally to that, to avoid any confusion from Members of the House or the public, after
the work of the Taxation Review (Special) Committee began it was Policy and Finance together
with the Treasurer that asked other Committees to produce future budgets for 2023 and 2024. So
again, it is another situation where we are dealing with the budget where P&F are properly the
lead Committee on this, but it has been incredibly useful to have the Taxation Review (Special)
Committee set up with a sole purpose in its mandate to really focus the mind.

920 I must say I have enjoyed working with all the elected and non-elected Members of the
Committee, and I now pass it back to the Chairman of the Taxation Review (Special) Committee
to introduce the Item.

The Speaker: Conseiller Delaney, please.

925

Conseiller Delaney: Thank you, Mr Speaker, and again I am obliged to the Chair of Policy and
Finance for his comments and I concur with his view. It has been the first Committee that I have
chaired. I felt it has been a very positive experience. I think we have all taken a little time to fall
into our roles, but we have the elected Members from the floor of the House but we have invitees
930 that come along and I must give a call out to the CSO, Anthony Dunks, whose patience with my
inexperience and I have to say absolute professionalism in how he conducts his duties at the
Committee meetings is commendable.

935 Mr Speaker, the Taxation Review (Special) Committee brings this Report with Propositions to
the House in the hope that as many Members as possible will engage in debate. If they find
themselves supporting these Propositions it would be good to hear why, but perhaps more
importantly if they are unable to support any or all of these Propositions then we hope that they
will share with the House why they feel unable to do so. The Committee can then take these points
of views on board, examine the merits of any concerns, and include them in our ongoing work.

940 This is most certainly not a 'back us or sack us' Report. It is, we believe, merely the beginning
of a journey that this House has mandated us to embark upon: that of undertaking a review of all
aspects and categories of the taxation system here on Sark.

945 I will do everything in my power to answer any questions raised this evening, but I hope the
House will agree it is a complex subject and if there are questions that I do not have an immediate
answer to I will consult with the Committee and we will issue a response to each and every
question.

I am unaware of any mechanism that currently allows follow-up answers to be published on
the Chief Pleas website, but I can assure the House and the public at large that with the consensus
of my fellow Committee Members I will ensure that any such answers do find their way into the
public domain.

950 I am not intending to read through the Report, Mr Speaker. I am not intending to read through
the Propositions, because you will do that at the end of debate. I will just pass one comment and
that is on Proposition 4:

That Chief Pleas recommends that the Taxation Review (Special) Committee proceed with reviewing and simplifying
the Tax Declaration Form.

I say amen to that.

Thank you.

955

The Speaker: Okay, thank you very much for that introduction.

Any comments and debate, please? Conseiller Joseph Donovan, Conseiller Sandra Williams, Conseiller Drillot – anybody else? Conseiller Raymond. Right, that will start us off.

Conseiller Joseph Donovan, please.

960

Conseiller Joseph Donovan: Thank you, Mr Speaker.

It will come as no surprise to the House that I support Proposition 2 in principle due to my input with the Committee prior to being a Conseiller. I believe it is an evolutionary step forward in achieving a more fair and equitable taxation system in Sark. That being said, and since the Agenda for tonight's Meeting was released, a number of Islanders have raised concerns to me, none of which are based on not having to pay more tax. These concerns centre around the fact that the forfait was designed to enable Islanders to pay their tax in a way that is both efficient and fair, whilst reducing the burden on the Tax Assessors having to conduct lengthy and potentially expensive investigations, or future tribunals, should they decide a declaration is not accurate under option 3 on the tax form.

970

As a result of these concerns being raised to me, I have proposed to the Taxation Committee that it is also considered we look to allow all occupants of the household to elect to pay the forfait as opposed to the possessor only. It could be argued, in my opinion, that by preventing subsequent occupiers of a property from elected to pay the forfait that this goes against our aim of keeping the system fair and equal to all. The average dwelling side in Sark is 52 quarters, which equates to a forfait payment of £1,950 based on 2021 rates. Should Proposition 2 be carried, a person would need assets in excess of £500,000 declared by option 3 on the tax form before it would exceed the elected forfait payment of £1,950 based on the average size property at 52 quarters. By allowing all occupants of the house to have the choice I can see that it would serve both to protect tax revenue as well as afford people the choice of electing to pay the forfait with all the merits attached to that current system.

975

980

Can the Chair assure me that should Proposition 2 be successful that he will allow the Committee to discuss this matter further and bring this suggestion to Chief Pleas as a Proposition at a later date?

985

The Speaker: Thank you.

Conseiller Sandra Williams.

Conseiller Sandra Williams: I would just like to say halleluiaah, because I am so pleased to see that we have got these Propositions on the table and that we are actually moving forward, because I do feel that it is very important that people that just arrive and leave, that do not actually put anything into the coffers ... the Island is struggling at this time trying to set budgets and trying to move forward. It might only be £475 to some people but it is a lot of money when you think that there could be up to 30 or 40 people avoiding paying this.

990

So I would like to support all of them and I say thank you very much to the Committee for working on this.

995

The Speaker: Thank you.

Conseiller Drillot.

1000

Conseiller Drillot: Thank you, Mr Speaker.

Yes, I would just like to say similar. I find it is very complicated, it is a very complicated system. To do the new form would be great, it would be a lot easier for us working class that do not understand this situation.

1005 I would like to clarify from the Chairman, once again, you have got two very similar problems
to a definition of a resident, as to (1) how do you prove who is here, who is not. So I hope that you
are working closely with the Definition of a Resident (Special) Committee to suss that one out, and
also to just clarify that these are, as you said earlier, only to go and speak to the Law Officers and
then come back to the House via Policy and Finance with your Propositions. But I will be supporting
1010 these because I think we need to move on and we need to amend it and get a better, easier, fairer
system.

Thank you.

The Speaker: Thank you.

1015 Conseiller Raymond.

Conseiller Raymond: Thank you, sir.

I think that Conseiller Donovan's comments go some part of the way towards helping my
objections to mainly Proposition 2. I admit the Committee have a Herculean task to perform and
one of considerable complexity, and I am not criticising their work but I do have some
1020 reservations.

I had expected the review process to comprise an assessment of the existing system,
identifying areas of stress and demonstrating, with financial evidence, the contribution made by
the various sectors of the community towards the revenue needed to finance the Island's services.
1025 The difficulties are going to be exacerbated by the increasing expectations of those who work for
the Island and are paid. In short, they are all costing more.

What has been produced in this Report is an acknowledgement of the difficulties and the
complexity, but it is crystallised into proposals for changes to a part of the tax system in isolation
and without any financial information to support the Propositions. In addition, I would have
1030 expected the resolutions for the changes to the taxation bases to come from P&F – that has been
dealt with – not from the Review Committee. I want them to make recommendations at the
conclusion of their review for those to be implemented and incorporated in the budget by P&F.

I think that it might be a good idea to remind Members of the present structure of the Direct
Taxes Law, now some 20 years old. It was enacted when nearly all ownership of Sark property was
1035 by individuals and the *congé* was still in place. Thus all the references in the Law are to 'natural
persons', and they are the ones who are taxed. At the time the ownership of larger houses was by
individuals, as was tenement ownership. The Property Tax was carried over from the old system
and the personal capital tax was a direct replacement for the old *ad hoc* Douzaine system. I say
the *ad hoc* system, but if it was to be a law, it had to be made workable.

1040 It was realised that checking a person's worldwide asset values with a view to taxing them
would be enormously complicated, even if they made a full disclosure. So it was sought as a means
of providing a cap, and this is the origin of the *forfait*, which we cribbed from the Swiss system,
where a property based sum gives rise to a specified tax liability but in exchange no details of
assets or income are required. This system also enabled us to engineer a situation where top
1045 taxpayers were paying seven times that of the lowest payers.

However, within 10 years, ownership of property had changed materially with the advent of
corporate ownership and the disappearance of the *congé*. Accompanying this was the exit from
the Island of a number of occupiers of the larger houses and their replacement by less-wealthy
renters who might not need to avail themselves of the *forfait*. The pool of *forfait* payers was
1050 shrinking. An attempt was made to preserve the revenues by increasing the Property Tax but the
Property Tax gearing is only about three times, as opposed to the seven times which had been
achieved under the original system.

In order to understand where we are now, it is essential that Chief Pleas know the amounts
produced by Property Tax, the *forfait* and the minimum tax; just total amounts and the number
1055 of people who pay it. I do not believe that any informed decision can be made unless Members
know where the burden falls and therefore how they should be actually passing legislation.

1060 Proposition 2 as drafted in the original paper suggests that members of a household of a forfait
payer should in future pay tax on their worldwide assets. This constitutes a huge departure from
the existing legislation, as it is in effect a wealth tax payable by individuals. How will this disclosure,
which will need to be very detailed, be capable of being verified by the Tax Assessor? In addition,
1065 much of the value of Sark properties is now held by limited companies. Should they continue to
be excluded from the taxation net by the legislation, as they are not natural persons within the
ambit of the Law? I would like to suggest that the Committee deliberations on the matter of a
wealth tax are incomplete and that Proposition 2 should be withdrawn so that they can return to
show the detailed yields from the present system, as I have suggested just now, and the proposed
1070 Proposition 2, as otherwise we are being asked to approve something and legislate on an
unexplained basis.

I am surprised that the Committee have not mentioned in their Report the fact that persons
1075 paying Property Tax will not pay Personal Capital Tax if their worldwide assets are less than
£121,795. They are thus exempted from even minimum Personal Capital Tax, which, in support of
Proposition 2, the Committee tell us is only £9.13 a week. The Committee have not mentioned
this or the reason that they have not overtly reviewed it.

We are told in the Report that there are 77 payers of the minimum PCT who are members of
1075 the household of forfait payers. The amendment proposed will therefore affect over 150
taxpayers, those who pay minimum tax and the forfait payers. That is a major percentage of the
taxpaying community of Sark and there is therefore a case for asking if it is intended that this
proposed legislation goes out for public consultation.

1080 Just to close, I have no problem with the taxation of new arrivals which in times of greater
mobility is much needed. I await the suggested banding of the forfait with interest but I do wish
to remind the Committee that the forfait is intended to provide a means to cap liability, rather
than a means of taxation. I am happy to see the tax form simplified, but the proposal in
Proposition 2, shorn of any cap on the other person's liability, will have the opposite effect as it
will require the production of so much more financial information.

Thank you, sir.

1085 **The Speaker:** Thank you. Anybody else?
Conseiller Delaney, sum up, please.

1090 **Conseiller Delaney:** Thank you, Mr Speaker.

Well, for those who did speak I am immensely grateful – I am sure the Committee is immensely
grateful – and we will take on board everything that has been brought to the floor this evening.

1095 William Raymond gave, as one would expect, a very deep and constructive analysis of the pros
and cons of what we brought so far, but I would reassure him we are merely starting out on this
journey. This is exactly what we are looking for. And I would say to members of the public, we
welcome any submissions from them because I do not think it is a case of how quickly we can
deliver these changes. The most important thing is we do it and we do it correctly. And if we have
to come back to the House half a dozen times to hone it until it is correct and then ask Policy and
Finance to bring forward any change to the laws, then of course, in my opinion that should be the
way that we conduct ourselves.

1100 I am very grateful that this Meeting is going to be recorded and issued because it does mean –
and I will say from a constructive perspective and a very positive perspective – I can listen to all
the representations tonight, take them on board, we can analyse them in depth when we meet
as a Committee, and as I say, judge the merits of the various concerns.

1105 On Proposition 2, I note that Conseiller Donovan was looking for a change on it and I wonder,
Mr Speaker, if I could ask him to expand on that again, or perhaps crystallise exactly what he was
asking for, because it may well be that the Committee would want to change Proposition 2 to
include his thoughts.

1110 **The Speaker:** Can I also say that Conseiller Raymond also asked that you withdraw Proposition 2 as a Committee until you have done further work on it. (**Conseiller Delaney:** Yes.) So there is that to bear in mind as well. But I will ask Conseiller Donovan –

1115 **Conseiller Delaney:** Sir, if I may suggest, if we get Conseiller Donovan’s input, and then would we take a break, (**The Speaker:** Yes.) discuss that and then discuss what we choose is the better option. Yes. Okay, thank you.

The Speaker: Conseiller Joseph Donovan.

1120 **Conseiller Joseph Donovan:** Thank you, Mr Speaker.
My suggested change or amendment, addition you could argue, is an attempt to balance the concerns of Conseiller Raymond. It allows and provides multiple occupiers of that property to elect to pay the forfait, and as discussed we have stress tested that as best we can based on the average property size in Sark. We do not see that it would reduce tax, we only see that it would help to protect current revenue. I think it strikes a good balance between the aim of Proposition 2, which
1125 is to be able to ensure that people are fairly taxed, as well as still ensure that we keep the merits of the forfait system, whether that be temporary or on a longer term basis, as the review of taxation in its entirety continues.

That is all I have to add at this time. (**The Speaker:** Thank you.) Thank you.

1130 **The Speaker:** Conseiller Delaney.

Conseiller Delaney: Thank you, Mr Speaker. I guess I am looking for a way of just amending the Proposition –

1135 **The Speaker:** Could I just –

Conseiller Delaney: I do beg your pardon.

1140 **The Speaker:** – interrupt you? Conseiller Raymond wants to come in again. (**Conseiller Delaney:** Yes, sir.) So, Conseiller Raymond.

1145 **Conseiller Raymond:** Thank you, sir. I apologise for interrupting, Conseiller Delaney, but that is such a radical change to Proposition 2, because at the moment it just does not contemplate that. So I do not think it can go forward in its present form. I am very happy if it comes back after the Committee have considered it and then Chief Pleas can vote on it then, but it is a radical change.

The Speaker: Thank you.

1150 Conseiller Delaney, do you wish to take a break now and then come back and speak?

1155 **Conseiller Delaney:** I think it would be a good idea and I do take on board Conseiller Raymond’s comment. It is quite a radical change to that Proposition. I know I have witnessed in the past where we make alterations, nuances to a Proposition but that is ... So perhaps we could just take a couple of minutes. I do not think it would take us more than two minutes.

1160 **The Speaker:** I will call a short recess to enable the Committee to go outside along with Conseiller Raymond, but everybody else, please, public and Conseillers, remain in their seats. So it is a short break for the Committee to meet outside and have a quick talk in the dark. (*Laughter*) Okay.

Conseiller Delaney: Okay, thank you.

The Speaker: Five minutes.

*Chief Pleas adjourned at 6.52 p.m.
and resumed its sitting at 6.58 p.m.*

**Review of all Aspects and Categories of the Taxation System on Sark –
Debate concluded –
Taxation Review (Special) Committee Report considered –
Propositions carried as amended**

The Speaker: Thank you.
Conseiller Delaney, please.

1165

Conseiller Delaney: Thank you, Mr Speaker.

We wish to continue with Proposition 2, but make a slight amendment to make it less constrictive, so to speak, and that is we would end on the third sentence at '2002' with a full stop.

1170

The Speaker: So the Proposition, as amended, will be:

That Chief Pleas directs the Taxation Review (Special) Committee to consult with the Law Officers of the Crown to prepare an amendment to section 8 (2)(c) of The Direct Taxes (Sark) Law, 2002.

Thank you. Okay.

Conseiller Delaney: That is correct, Mr Speaker. And I would like to assure Conseiller Raymond, because he will not be speaking just for himself, there will be plenty of people across Sark who share his concerns, that the objective is, as I say again, we are merely consulting with the Law Officers. Granted, we are asking them to prepare an amendment, but at the end of the day it has to come back to the House, Policy and Finance put it to the House, and the House will decide.

1175

The Speaker: Thank you.

Right, we will go to the Propositions in the Report, and Proposition 1: that Chief Pleas approves the Taxation Review (Special) Committee to speak with the Law Officers of the Crown for advice and guidance as to possible amendments to the taxation legislation, such as a person should be liable for personal capital tax from their 91st day on Sark. Those in favour; those against. **Carried.**

1185

Proposition 2, as amended: that Chief Pleas directs the Taxation Review (Special) Committee to consult with the Law Officers of the Crown to prepare an amendment to section 8(2)(c) of The Direct Taxes (Sark) Law, 2002. Those in favour; those against. **Carried.**

Proposition 3: that Chief Pleas recommends that the Taxation Review (Special) Committee continues its work looking at the forfait with an aim to introducing a 'banding system'. Those in favour; those against. **Carried.**

1190

Proposition 4: that Chief Pleas recommends that the Taxation Review (Special) Committee proceed with reviewing and simplifying the Tax Declaration Form. Those in favour; those against. **Carried.**

**20. Education Committee Structure –
Policy and Finance Committee Report considered –
Proposition 1 lost; Propositions 2 and 3 approved**

To consider a Report with Propositions from the Policy and Finance Committee entitled 'Education Committee Structure'.

Proposition 1:

That Chief Pleas agree to exclude all parents of school aged children being educated through the Sark Education Committee from serving on the Education Committee.

Proposition 2:

That if Chief Pleas reject Proposition 1, that the Education Committee is increased to a total of five members, no more than two who can be parents of school aged children currently being educated through the Sark Education Committee.

Proposition 3:

That Chief Pleas agrees that, for an initial period of six months all decisions relating to the employment, pay and conditions of teachers be temporarily transferred to the Policy and Finance Committee.

The Speaker: We now move to Item 20 from the Addendum, to consider a Report with
1195 Propositions from the Policy and Finance Committee entitled 'Education Committee Structure',
and I would ask Conseiller Guille to introduce the Report, please.

Conseiller Guille: Thank you, Mr Speaker.

1200 I am not going to read through this Report straight off the paper. Suffice it to say, personally I
will be supporting Propositions 2 and 3, but regardless of which Propositions pass, basically Policy
and Finance have become involved in this because the Education Committee, with the resignation,
became non-quorate, sir, and certainly since we have been looking into the difficulties they have
been having, the very first job of the Education Committee, whichever format it may take after
1205 this Item, should be to review and clean up the mandates of both the Education Committee and
the Board of Education. There appears to be far too many duplicated responsibilities, far too much
ambiguity as to the Board or the Committee is responsible for different purposes, and I think a lot
of the difficulties would have been avoided if there would have been a clearer mandate available
for everyone to follow.

I think we should open up the floor to debate and I will comment further.

1210

The Speaker: Thank you. Debate. Would you put your hands up, please? Anybody that side?
Somebody here I saw had ... Conseiller Couldridge.

Well, let me start off with Conseiller Drillot.

1215 **Conseiller Drillot:** Thank you, Mr Speaker.

Yes, I would like to just say I agree with Conseiller Guille that the mandates definitely need
sorting out. I am not on Education, it is not my cup of tea. It is going to be very difficult to fill, if it
goes Proposition 2, not Proposition 1, a Committee of five.

1220 I was part of the Committee of the DCC that moved to five for very similar reasons. That with
the DCC there was a lot of time where conflicts of interest happened, which then made the
Committee either very unsure or very non-quorate. With the Education Committee, I feel if you
go with five it takes that burden off of the three and makes it a little bit easier to make big
decisions. The Education Committee is probably one of our biggest, most important Committees,

1225 and it probably is undermanned. If there are five of you – whether it is with parents or without – making decisions it will be a lot easier.

On the parents debate, which is obviously what a lot of this is about, parents have got the knowledge. Ex-parents, yes, could be myself, could be classed as part of that knowledge. But I feel that like myself, I stood on Harbours and Shipping because I work down the Harbour. I see what goes on. It helps the Committee to have someone that knows what is going on to make decisions and I feel that having a parent or two parents that can make those decisions is a good thing.

1230 Taking away the finance and moving that on to Policy and Finance so that it can help with the conflict of who is employed, because we are such a small community, I feel that is also, although it puts more work on Policy and Finance – which I am not looking forward to – but it is more of a Proposition that I would pass.

1235 Thank you.

The Speaker: Conseiller Joseph Donovan.

Conseiller Joseph Donovan: Thank you, Mr Speaker.

1240 If you do not mind, and hopefully this does not bore the proverbial pants off of everyone, but I would just like to give a bit of a backstory, that in 2019 our family was given the wonderful opportunity to move to Sark from Jersey. Taking aside all the obvious logistical challenges of such a move, our number one concern and area of focus was and remains to this day our son's education and happiness. We decided as a family to make the move and I have been nothing but
1245 impressed with the education provided by Sark School. What once was a real concern has proven itself to be something we hold in high regard and this is testament to the school, its staff, the Committee, the Board and, most importantly, the students and their parents, which remain the fabric of school life.

The School is successful largely because of the support that Sark's community affords it. Any strong relationship is based on trust, respect and a desire to achieve the same goals. It is surely not unreasonable to argue that the people most vested in the success of Sark's education are both students and their parents. On a very personal note, I feel I have skills and experience that can help the Education Committee navigate their challenges in a positive and constructive way. It is with this thought in mind that today I will be strongly objecting to Proposition 1 and voting in
1250 favour of Proposition 2.

In my mind, Proposition 1 sets a dangerous precedent not yet seen in Sark's long and illustrious history of governance. Essentially, if passed, it could pave the way for other rules to be imposed regarding membership of other Committees that will blur the lines of democracy, and if we are not very careful could open Chief Pleas up to criticism that it is preventing all members of our society from having an equal and fair right to voice their opinions and serve our society in line with their peers. Where would we stop? Should a fisherman be excluded from being on the Agriculture and Fisheries Committee, with all the local knowledge and experience gained? Should lawyers be prevented from being on Policy and Finance?

To me, Proposition 1 takes the easy option but is it the right option? Sark and this House work hard to attract new members of the public to join Chief Pleas. What message does excluding parents from the Committee send our future Conseillers? If there are challenges amongst Conseillers and their differing opinions then we should deal with these concerns in an honest and open way. We should act with integrity and tackle these problems head on, utilising the tools of law and codes of conduct that are already in place. What we should not do is legislate for here and now at the expense of our future democracy. Make no mistake, in my opinion, which is shared
1270 by that of many parents across this Island, if Proposition 1 is voted for tonight it is nothing more than a plaster over the wound and a wound that we can heal together.

So I implore all Members of this House to really consider this vote, not for the issues of today, but for the challenges of tomorrow. Mr Speaker, with respect, because of the importance of this issue to me and many other parents, I would like to request a named vote.

1275

The Speaker: On all Propositions?

Conseiller Joseph Donovan: Yes, please.

1280 **The Speaker:** Thank you. I am going to call that your maiden speech. *(Laughter)*
Conseiller Couldridge.

Conseiller Couldridge: Yes, Mr Speaker, thank you very much.

I want to say something that is very much on the similar lines to the previous two speakers.
1285 Education is very important, probably one of the more important topics on the Island, but we have to recognise that we are where we are. That we have a very small population and anything you do you are likely to be conflicted. So to exclude a parent from standing on the Education Committee I believe would be absolutely wrong.

Also, we have lots of experience to draw on in recent years. We have had problems with
1290 education going some years back, where we had problems with a husband and wife head teacher that ended up having to get sacked and it all ended acrimoniously. We had a situation that I think heralded the arrival of our Director of Education where parents complained about the standard of education because the then Committee probably did not realise what was going on. Also, perhaps, there was a bit of a crossover in terms of who was the tail and who was the dog, with
1295 the teachers perhaps possibly getting overinvolved on the Committees. Then when it was discovered that there was a problem we had to get in a reviewer and a lot of the teachers jumped ship on the basis of a damning report.

So to have a parent, or even two parents, on the Education Committee, I think would be an
absolute asset and something we definitely need to have to keep the perhaps more elderly
1300 parents like myself – I had five kids at the School, so I was heavily involved in several of the previous *faux pas*. So from my point of view, I would not vote for Proposition 1 and would encourage everybody else to do the same.

Proposition 2 definitely I think we should do.

Proposition 3, in view of what may be coming around the corner further down the Agenda
1305 Item, where the Committees may get fully populated, that is perhaps something we could put on the back foot for the time being and consider then.

Thank you very much.

The Speaker: Anybody else? Conseiller McHugh, followed by Conseiller Craik, followed by
1310 Conseiller Guille.
Conseiller McHugh.

Conseiller McHugh: Thank you, Mr Speaker.

I had prepared something to say, but I do not think it is going to be necessary. I am very relieved
1315 to feel the mood of the House. I would like to thank Policy and Finance, who really did step in and come to our rescue when we were not quorate and if it does move up to five Members this hopefully will not happen again. So moving on and forward.

With reference to what Conseiller Guille said we need to address initially, we have got other
things that are very pressing that we need to deal with. We need to deal with state subsidies and
1320 which schools they can be transferred to, and there is something else we need to do as well. Oh, it was on my phone a minute ago – I have forgotten, but there is something else! We need to know the fourteenth.

So we will address those problems but perhaps not – *(Interjection)* Oh, the inspection! The
school inspection; everyone is crying out for that. We need to do that too. So there are other
1325 things that the Education Committee need to deal with, perhaps before the mandates swapping about. But we will do that as well, I can assure the House.

The Speaker: Conseiller Craik.

1330 **Conseiller Craik:** Thank you, Mr Speaker.
Can I first just clarify if I have to raise an interest as a parent?

The Speaker: No.

1335 **Conseiller Craik:** Okay, thank you.
Where do I start? I have left my speech at home.

A Conseiller: Another one!

1340 **Conseiller Craik:** I am not very prepared tonight, am I? Okay.

I will be voting for Proposition 1. I have and always have felt that parents should not be on the Education Committee. It is a very emotive subject, and as a parent, whilst you can try with the best will in the world to use objectivity, there might be certain times where you cannot see the sunshine for the clouds.

1345 It is a very difficult subject because I agree with the fact that given the size of our Conseillers, the Committee is very difficult to fill, as well as the fact that there are not many Conseillers that actually possibly want to be on Education. However, I do feel very strongly that there are too many conflicts on the Education Committee for a parent to actually be able to sit on it. If parents are recused, even if it goes up to five, you are relying on all three Members being at the meeting all the time, which may not always be the case.

1350 Setting a precedent, which has been mentioned already, I think the example Conseiller Donovan used was fishermen being stopped from going on Agriculture. Fishermen are co-opted onto Committees. Many people with specialised fields are co-opted onto Committees to give their expertise, advice. There are parents who are concerned about parents being on Committees purely because they feel that it does have an impact on the decision that Committee will make and it will impact how the teachers perhaps feel about their employer being parents – one of the parents being their employer.

1355 The option of five, once again, recusing parents, I think we are always going to have a problem with that. Proposition 3, I do agree that if you take away possibly the employment, pay and conditions of teachers to Policy and Finance that will put a sticking plaster on the problem. There are more than those conflicts I think that would actually be arisen in the Education Committee. Yes; and that is all I can remember, really.

Thank you.

1365 **The Speaker:** Conseiller Guille.

Conseiller Guille: Yes. I just wanted, to Conseiller Couldridge's questioning of Proposition 3, to highlight that one of the primary concerns brought to us by the Director of Education and the acting head of School has been if you have parents on the Education Committee then essentially they are the employers of the teachers. So whilst the Education Committee's mandate is reworked, that is why we are proposing to move all talks about pay and conditions to Policy and Finance for the moment, whilst the mandate of the Education Committee and the Board could be redrawn.

1370 What to my mind, as well as cleaning up the mandate of the Committee and the Board of Education, Conseiller McHugh mentioned a couple of items that they have got to address but they did not seem to be huge subjects. The principal task for the Education Committee in the coming months, literally, is to replace the Director of Education (**A Conseiller:** Absolutely.) position. We have already been in talks with Guernsey, we went over for the Bailiwick Council the other week and we have met some representatives from Education there, both officers and politicians, and

1380 there is a vast appetite to offer more help to Sark School and these are exactly the topics that the Education Committee should be addressing where we are not so concerned with the conflicts of interest of having a parent on the Committee. These are topics, building stronger ties with Guernsey, where the input and enthusiasm of a parent on the Committee would, I think, be invaluable and this is far removed from daily dealings with the teachers themselves.

1385 So I would like to see the Education Committee and the Board work together to repurpose themselves so the teachers do not feel vulnerable in their position to who they are reporting to and the Education Committee can be unburdened to get on with the important, top-level duties of building an education system and a support system for the School and its teachers which is more sustainable going forward. I especially think this is going to consist of stronger links with Guernsey.

1390 So I would like to see, after this vote, a properly populated Education Committee that can go forward with those top-level problems and really detach itself, perhaps a little more, from the day-to-day running of the School.

1395 **The Speaker:** Thank you.
Conseiller Sandra Williams.

Conseiller Sandra Williams: As expected, they will be waiting for me to have something controversial to say, sir.

1400 Currently, we have 30 children at our School, and we could be going up in June to 45. At the moment we have three full-time teachers, two part-time teachers, an Education Committee proposed to be five, a Board of Education that is seven/nine. That totals 16 heads to run school ratio of two children. So two children have a representative between them.

1405 I see no merit in changing the Education Committee mandate to include five Members, when we have for the last nine months begged, stole, borrowed, tried to get anybody involved. Nobody would be co-opted onto the Committee. We struggled big time, and I think the final nail in the coffin came when three heads cannot run a Committee of Education. We are all strong-willed people and we all had our own ideas of what was and what was not right. I have spoken to parents who have said they are very unhappy to hear that one/maybe two parents may be on the Education Committee, who will be privy to information that they are not privy to, they will find out later, after the event, of anything that has gone on within the School and within the Education Committee. And people have, without putting it mildly, voiced their opinion as to the confidentiality amongst some of the parents, not on the Committee, I have to say, but amongst parents chatting in the playground, having a chat here, having a chat there.

1415 I think also the fact that there was a letter circulated, unfortunately just to the Policy and Finance Committee, from the acting head of our School and from our Safeguarding Officer at School expressing their views on something that they felt needed a lot more consideration and a lot more ... But sadly I found out today that that letter only went to five Members of the Policy and Finance Committee and was not shared amongst the other voting Members of the Committee this evening.

1420 So I feel it is only right and proper that people in the House are aware that the acting head has written, on numerous occasions. Our Director of Education, Beverley Gates, has also. Our Safeguarder wrote, raising concerns, and I know that the Safeguarder from the School also wrote a letter. I think it is quite alarming that we are being asked to vote on something, to get rid of somebody, to change a whole structure of an Education Committee, without having seen what the people who are involved doing this job have to say.

1425 I am going to do an Adrian Guille, and while I am on my feet I would just like to say that to my mind a simple change of mandate would not be simple, but it would be a starting point, and I think they need to take careful consideration of looking at the makeup of the Board of Education, the makeup of Education, and merging the two together because every time the five Members – if we

1430

go for five Members – have to vote on something, two will have to declare an interest in everything other than home education. So that is my opinion.

1435 Anyway, I would just like people to be aware that I think that they could be solved more easily if you got two Committees together, you had a parent representative, which we have on the Board already, and you could solve the problems. They do not have to be voting, they could just be a Member of the Committee as a parent representative. We always used to have a parent rep on the Education Committee but we lost that when we moved onto the board because they moved the parent rep onto the Board of Education, not onto the Education Committee.

1440 So I just would like people to be aware that as much as it looks all pretty much cut and dried and yes they are going to get parents on the Education Committee, I just want people to be aware that letters have been written. I do not know where they are, they have not been presented this evening for anyone to hear or see, and I just ask people to be very aware of what they vote for and what we may end up with.

Thank you very much.

1445

The Speaker: Conseiller Guille, you spoke in debate, but would you like to sum up, please, from what has been said?

Oh, Conseiller Craik, you wish to come in again? Conseiller Craik.

1450 **Conseiller Craik:** Sorry, yes, I have just one more thing to say.

I just wanted to support what Conseiller Guille said about the Education Committee and the Board of Education working more closely together. I think a lot can be achieved if there is a more clear line of communication between the two.

1455 In regard to what Conseiller Guille said about working with Guernsey and closer ties, I also agree with that and regarding the Director of Education, also I agree with the fact that we need to start looking for someone else to take on that role and I can see no better solution than that being with Guernsey.

Thank you.

1460 **The Speaker:** Conseiller Guille.

1465 **Conseiller Guille:** I have listened, obviously, to Conseiller Sandra Williams' concerns. I do not think it is as simple as every decision the Education Committee makes, apart from home education, the parents would have to recuse themselves, especially what we have been highlighting about the need to replace the Director of Education, which myself and several other Members of the House would very much like to see some stronger ties built with Guernsey, I think that is exactly what any Member, parent or not, of the Education Committee can really get their teeth into. It does not affect the day-to-day running of the School and you do not have a conflict of interest with the teachers. So that is very much how I would like to see the Education Committee focus themselves: on building a strong foundation for education in Sark and not getting involved in the day-to-day running of the School, which will obviously cause problems.

1470 So I would like the House to go to the vote on this and hopefully we can move forward on this subject.

1475 **The Speaker:** Okay. We will now go to the vote and we have been asked for a named vote. So there will be a named vote on each of the Propositions.

Proposition 1 is that Chief Pleas agrees to exclude all parents of school-age children being educated through the Sark Education Committee from serving on the Education Committee.

Greffier.

There was a named vote.

MICHAELMAS MEETING OF CHIEF PLEAS, WEDNESDAY, 6th OCTOBER 2021

Lost – Pour 3, Contre 12, No Vote 0

POUR	CONTRE	NO VOTE
Conseiller Natalie Craik	Conseiller Helen Plummer	None
Conseiller Sandra Williams	Conseiller John Guille	
Conseiller Vaughan Bougourd	Conseiller Christopher Drillot	
	Conseiller William Raymond	
	Conseiller Simon Couldridge	
	Conseiller Nichola McHugh	
	Conseiller Edric Baker MBE	
	Conseiller Fern Turner	
	Conseiller Paul Williams	
	Conseiller Kevin Delaney	
	Conseiller Joseph Donovan	
	Conseiller Pippa Donovan	

1480 **The Speaker:** Okay, I declare there were 3 votes Pour, 12 votes Contre. Therefore I declare that Proposition **lost**.

Proposition 2, that if Chief Pleas rejects Proposition 1, that the Education Committee is increased to a total of five Members, no more than two who can be parents of school-age children currently being educated through the Sark Education Committee.

1485 Those in favour – Oh, no, Greffier.

There was a named vote.

Carried – Pour 14, Contre 1, No Vote 0

POUR	CONTRE	NO VOTE
Conseiller Helen Plummer	Conseiller Natalie Craik	None
Conseiller John Guille		
Conseiller Christopher Drillot		
Conseiller William Raymond		
Conseiller Simon Couldridge		
Conseiller Nichola McHugh		
Conseiller Edric Baker MBE		
Conseiller Fern Turner		
Conseiller Paul Williams		
Conseiller Sandra Williams		
Conseiller Vaughan Bougourd		
Conseiller Kevin Delaney		
Conseiller Joseph Donovan		
Conseiller Pippa Donovan		

The Speaker: I declare that there were 14 votes Pour, 1 vote Contre, therefore I declare Proposition 2 **carried**.

Proposition 3, that Chief Pleas agrees that for an initial period of six months all decisions relating to the employment, pay and conditions of teachers be temporarily transferred to the Policy and Finance Committee.

1490 Greffier.

There was a named vote.

Carried – Pour 15, Contre 0, No Vote 0

POUR	CONTRE	NO VOTE
Conseiller Helen Plummer	None	None
Conseiller John Guille		
Conseiller Christopher Drillot		
Conseiller William Raymond		
Conseiller Simon Couldridge		

Conseiller Natalie Craik
Conseiller Nichola McHugh
Conseiller Edric Baker MBE
Conseiller Fern Turner
Conseiller Paul Williams
Conseiller Sandra Williams
Conseiller Vaughan Bougourd
Conseiller Kevin Delaney
Conseiller Joseph Donovan
Conseiller Pippa Donovan

The Speaker: The tellers say there were 15 Pour and no Contre. Therefore, I declare Proposition 3 **carried**.

12. The 2022 Budget – Policy and Finance Committee Report considered

To consider an Information Report from the Policy and Finance Committee entitled ‘The 2022 Budget’.

1495 **The Speaker:** We now move to Agenda Item 12, to consider an Information Report from the Policy and Finance Committee entitled ‘The 2022 Budget’, and I would ask Conseiller Guille to introduce the Report, please.

Conseiller Guille: Thank you, Mr Speaker.

1500 I do not think anything else needs to be said on this Item, except for we have an Extraordinary Meeting of Chief Pleas set for 17th November to discuss the Budget and a few more Items it seems as well, by now. But I think that is enough on that one.

Thank you.

The Speaker: Any debate? Questions? No.

1505 I will say one thing, as your Speaker, on this: that the Budget is a hugely important part of Sark’s functioning and I do not believe that Extraordinary Meetings should be held to deal with the Budget. We did it last year because of COVID and lockdowns. But this year we are having an Extraordinary Meeting again. I have written to the Policy and Finance Committee raising my concerns, and if you wish to have a Budget Meeting in November as a permanent thing, I think that should be debated in this Assembly and that Meeting be made a statutory Meeting. I believe
1510 that the Budget should be dealt with, in the normal run of things, as a formal, statutory Meeting of Chief Pleas.

1515 So I ask P&F to consider what I said, I ask the rest of you to also consider the issue when it comes back, as I hope it will come back, to decide whether you will retain the Budget at the Michaelmas Meeting as a statutory Meeting, or to increase the number of statutory Meetings from four to five.

We will go onto the next Item now, as there are no Propositions.

13. Isle of Sark Shipping Report – Harbours, Shipping Pilotage Committee Report considered

To consider an Information Report from the Harbours, Shipping Pilotage Committee entitled ‘Isle of Sark Shipping Report’.

1520 **The Speaker:** Agenda Item 13, to consider an Information Report from the Harbours, Shipping and Pilotage Committee entitled 'Isle of Sark Shipping Report' and I would ask Conseiller Sandra Williams to introduce the Report, please.

Conseiller Sandra Williams: Thank you very much.

1525 I have nothing more to add to the very comprehensive, detailed Report that we sent out with the Chief Pleas papers recently. The only thing that has come up since then, but you all received your flyer in the post today, was that the Medical Committee and the Shipping Company have worked quite closely on dealing with ... people have a lot of concerns over the price to go to Guernsey to see a doctor, a dentist, and so as you will see today, Sark Shipping, in conjunction with the Medical Committee, are pleased to advise that Sark residents who need to travel to Guernsey for all medical, including all those other posh words, and dental treatments can travel at a reduced rate.

1530 So just be aware that that is there and it is some good news and it is a bit of a thank you from the Company. They have actually had a relatively good year this year, so here's to 2022.

1535 **The Speaker:** Any questions or debate, please?
Conseiller Drillot.

Conseiller Drillot: Thank you, Mr Speaker.

1540 I would just like to elaborate on that that I would like to thank Sark Shipping and the Harbours and Shipping Committee for all their hard work through the pandemic. It was not very easy for anybody, but they put on a really good display. They have got us there, they have got us a new boat, we have got the new fenders in the Harbour, things are moving in the right direction, and it has definitely been very hard work by both sides; the Committee that I have just joined, but also Sark Shipping.

1545 Just one thing from the Report is that this House can be promised that Harbours and Shipping will have a look at the schedule for next summer, because this late boat for the schedule for next summer is causing a lot of debate. So if we could just make sure that we have a look at that and this Committee know that.

Thank you.

1550 **The Speaker:** Conseiller Sandra Williams.

1555 **Conseiller Sandra Williams:** Sorry; thank you, Conseiller Drillot, for reminding me. I actually had a conversation this afternoon with the Company in Guernsey and they are requesting that the Committee and any stakeholders meet with them in November to discuss timetables after March moving forward. So we just have not got a date in the diary, but I forgot to mention that.

Thank you very much.

The Speaker: Anybody else? No.

14. Update Re: Facilitated Meeting with Isle of Sark Shipping – Policy and Finance Committee Report considered

To consider an Information Report from the Policy and Finance Committee entitled 'Update Re: Facilitated Meeting with Isle of Sark Shipping'.

1560 **The Speaker:** Then we will move onto Agenda Item 14, to consider an Information Report from the Policy and Finance Committee entitled 'Update Re: Facilitated Meeting with Isle of Sark Shipping'. I would ask Conseiller Guille to introduce the Report, please.

Conseiller Guille: Thank you, Mr Speaker.

1565 Work has been progressing extremely well with the assistance of Andrew Ozanne who has been in discussion in several meetings with the Isle of Sark Shipping management and board, and in turn in Sark with Conseillers Drillot, Craik, Couldridge, Delaney and myself. The aim is to build a stronger working relationship between Chief Pleas and Isle of Sark Shipping and improve channels of communication. While progress has been good, we are still a couple of weeks away from being able to present proposals.

1570 Next Tuesday, Andrew Ozanne will be in Sark again, this time to meet all Conseillers and hold a discussion on these proposals. After this we wish to publish the proposed way forward in time for the 17th November Extraordinary Meeting of Chief Pleas.

The Speaker: Any comments or questions, please? No.

15. Public Consultation on the Future Shape of Chief Pleas – Policy and Finance Committee Report considered

To consider an Information Report from the Policy and Finance Committee entitled 'Public Consultation on the Future Shape of Chief Pleas'.

1575 **The Speaker:** Then we will move onto the next Item, which is 'Public Consultation on the Future Shape of Chief Pleas' by the Policy and Finance Committee, and I would ask Conseiller Guille to introduce the Report, please.

Conseiller Guille: Thank you, Mr Speaker.

1580 This is just a Report to present the raw data from this public consultation. I do not have any other comment on it at this time, apart from we are putting the raw data out there for Members of the House and members of the public to see for themselves.

Thank you.

1585 **The President:** Thank you. Any comment or debate, please?
Conseiller Delaney.

Conseiller Delaney: Yes, thank you, Mr Speaker.

1590 I do not think we can be anything but disappointed with the number of responses to the consultation paper. In 2017, a similar exercise took place and there were 88 responses. Here in 2021 we have had 27 responses, and I think we should be immensely grateful for members of the public who took time to reply. I take the point that the Chair of Policy and Finance says, that this is really just an Information Report on the data, but I question if we will actually revisit it again or whether this will be the end of the road, because I think the purpose, or my understanding of the purpose of the consultation, was to try and gauge why people are not standing for Chief Pleas. We are struggling to get people to stand in elections and I would venture, or I would certainly venture, one or two opinions on why I believe that is not happening, but I perhaps should ask you, Mr Speaker, do you think this is appropriate that we debate this in this manner this evening?

1600 **The Speaker:** I think if it is relevant to the Report, (**Conseiller Delaney:** Yes.) if you are picking up from a point on the attachment, then that is relevant. If it is not related to that then I think no.

Conseiller Delaney: That is interesting. Well, perhaps I could put this to the Chair of Policy and Finance. Will we be coming back to have a full debate on this matter? I think that is probably ... There does not seem to be a mood in the House to debate it this evening.

1605

The Speaker: Yes. Conseiller Guille, you will be coming back with a much more detailed Report, I take it?

1610

Conseiller Guille: Yes, as mentioned in the final paragraph of Item 15, the Committee is considering the results and will return to Chief Pleas, be that a full sitting of Chief Pleas or a PDG meeting to discuss that. But yes, this will be being revisited. The Office did not go to the trouble of doing a public consultation to leave it hidden away in a bottom draw somewhere, so this will be revisited.

1615

The Speaker: Thank you.
Conseiller Delaney.

1620

Conseiller Delaney: Yes, sorry, one final point, Mr Speaker. I would ask that P&F do bring it back to the House for debate and not to be discussed at PDG because of course this is the place where we can be seen to debate openly, public can see us in action.
Thank you.

1625

The Speaker: It might be that the Committee need to consider whether they need to do some further public consultation to try and get a greater number of people engaged with the reasons why they will not.
Yes, Conseiller Craik.

1630

Conseiller Craik: Thank you, Mr Speaker.
It was just to agree with Conseiller Delaney. I think this does need to come back to the House for the discussion and debate.
Thank you.

The Speaker: Yes. Thank you. Okay.

16. Sark School Annual Report – Education Committee Report considered

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

1635

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

1640

Conseiller McHugh: Thank you, Mr Speaker.
Before I begin, the Speaker has asked me to make an amendment. It is basically that on page 3, under the ‘School buildings & resources, ‘the Island Trustees’ are referenced and this should actually read ‘the Hall Trustees’. So if that amendment could be perhaps made, I do not know. There we go.

We have talked a lot about education this evening and I would just want to introduce this Report. I am obviously not going to read the Report out. The Report is very comprehensive but I

1645 would like to underline the Committee's resolve that an independent inspection of Sark School will take place sooner rather than later, the Committee mandate clearly states that school inspections should take place at the very least every three years and it is true that there has been no inspection of the School since the 2017 review which was implemented in 2018.

1650 Without a school inspection in 2021, in September 2021, the Committee has now fallen short of its mandate, but I am asking the House to consider the exceptional nature of both 2020 and 2021 and the Committee is now notifying the House that an independent inspection will take place as soon as we can possibly arrange it, which will be on our first Committee meeting with our new Members.

1655 I am very grateful to the House for extending our mandate to five people. That is going to be really useful because we have been floundering somewhat.

Oh, that is our last thing: there is an open morning on 8th November that is meant to be for parents but the head of School has extended that invitation to all new Members of the Committee – obviously that includes parents as well. So that is a nice gesture – 8th November, on Monday.

1660 Thank you – any questions?

The Speaker: Are there any questions or debate, please? Conseiller Craik, Conseiller Joseph Donovan.

Conseiller Craik.

1665

Conseiller Craik: Thank you very much – this is another one that is winging it.

I just want to thank the Education Committee for this very detailed Report. I also want to say I am very happy to hear that there is an inspection coming soon at the School.

1670 In regard to the contents of the Report, I just wanted to record a vote of thanks to the actual School for how it dealt with the COVID situation and how well they responded to the home learning for the children. Maybe not every parent really enjoyed it – YouTube and Google was a great friend of mine – but I thought that the way the teachers reacted and got things in place really quickly was a really great thing that they did and they should be thanked for that. (A Conseiller: Hear, hear.)

1675 The enrichment for the children: I just wanted to record a vote of thanks to all the volunteers that put all the hard work and time into spending it with the children and to passing on their expertise that our kids can learn from. I think it is all invaluable and I know how much the children actually enjoyed their enrichment activities and how much they take away from those enrichment activities.

1680 I am also going to blow the trumpet of the School again by mentioning our *TES* award nomination. We can keep continually mentioning that as long as you want to. Although we did not win, it is great publicity for the School and I think it is well deserved given how much effort was put into the enrichment programme that has been offered.

1685 The secondary education section that has been brought up, I think along the lines of the head of school wanted to clarify about the contributions for children who choose not to take state school. I think the House may remember in Christmas 2019 it was first brought to Chief Pleas that education would be offered off Island for that year. I think Les Beaucamps and Blanchelande were the two schools mentioned and that was approved. It was brought back in 2019 in the June, and at the time the then Chairman Pauline Mallinson mentioned all three private schools, Blanchelande, Elizabeth College and Ladies' College, as options for parents to choose from as well as the state school that was on offer. Proposition 1 was approved and that was to do with the portion of money that would be given to parents for secondary education.

1690 In October 2019, the Ordinance was passed which dealt with secondary education in school. Whilst there is no clear definition of 'school', it is quite woolly, it refers to schools being approved by the Education Committee, however it does mention schools in Guernsey. So any Bailiwick-wide schools that can be utilised. And really, just to say well done to the teachers. All the kids are very

receptive, enthusiastic, love going to school, and they are doing a great job and long may it continue.

Thank you.

1700

The Speaker: Conseiller Joseph Donovan.

Conseiller Joseph Donovan: Thank you, Mr Speaker.

I appreciate time is marching on, so I will be brief. I would like to thank Conseiller McHugh on her detailed Report and I am sure that now the impasse seems to have been passed. Going forward whoever sits on that Committee will be able to move forward in a constructive way. I hope that especially the teachers of the School can feel assured that the Board and the new Committee, in whichever make up it finds itself, will work constructively with them, and I would like to second Conseiller Craik's comments, really. Very grateful for their continuing drive to provide Sark and its children with fantastic levels of education, and I am confident that moving forward now we will all be able to work together to ensure that they have the crucial support that they need to continue doing that long into the future.

1710

Thanks.

1715

The Speaker: Thank you. Anybody else? No.

17. Constable – New Role – Douzaine Report considered

To consider an Information Report from the Douzaine entitled 'Constable – New Role'.

The Speaker: Then we will move onto Agenda Item 17, to consider an Information Report from the Douzaine entitled 'Constable – New Role'. I would ask Conseiller Drillot to introduce the Report, please.

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Conseiller Drillot: Thank you, Mr Speaker.

The new role of the Constable meant a couple of amendments to the Reform Law which obviously we would have brought forward by now. Nobody really knew what was going to hit us when we set this new system up.

1725

The system was put into place with a lot of work by the existing Constables and Assistant Constables, and the Douzaine Committee, and we wanted to give at least a year before we actually put it in stone in the Reform Law of the changes to see if the new system was going to work or if we would have to go back to the old system or if there was a compromise in the middle.

1730

Unfortunately, COVID hit, and I have just got to say publicly a massive thank you to the four Constable and Assistant Constables for all the extra work that COVID has put on them. It has been absolutely immense the amount of times they have been called out to fishermen, Frenchmen – especially Frenchmen – (*Laughter*) and a lot of other COVID-related incidents that really is not in their role. It was not in their mandate – not that they have one yet, but it was not in their role. (*Laughter*)

1735

So as a Douzaine, we would like to just say that we are going to hold it possibly, I am not going to say for another year, we are in talks with the Constables and the Assistant Constables at the moment to set up all the contracts and get everything in place and we would like to think middle of next year that we will ... The system is working, it just needed a few little tweaks, but it is definitely working compared to the old system. They are not on call 24/7, we have had meetings with all the Constables and the Assistant Constables and they all seem very happy with the system.

1740 It just needs a few little tweaks and a few changes and hopefully we will have that in place – I would not like to say at which Chief Pleas, but for a Chief Pleas coming up in the next year, at least. Thank you.

The Speaker: Any comments or debate, please?

1745 Conseiller Sandra Williams.

Conseiller Sandra Williams: Thank you very much.

1750 I am not criticising in any way, but I would like to ask, if you feel the system is working, obviously two of the four have tendered their resignation and do not want to carry on doing it anymore, and I just wondered whether there is something that is stopping them from ... I mean they are just a year into something that I believe that they were moving towards getting something more secure in place so that we were not constantly having people moving and moving and moving. I just wondered whether there was something that could be done to try to prevent this from happening in the future.

1755

The Speaker: Anybody else?

Conseiller Drillot.

1760 **Conseiller Drillot:** Yes, the two that have tendered their resignations, it is just change of circumstances. It is nothing to do with the system, it is change of circumstances, it could happen again. We cannot guarantee that the next four are going to stay for three, five, 10 years. That was never – setting up of this – to make sure that we had a Constable, it was to have four so that we would always have the minimum, not the maximum. We are very lucky that the two have decided to stay until March, then their circumstances change so they are not going to carry on. We have
1765 got two new people that have applied for the job, we have not had the interviews yet so that is why we have not put them forward, so there is still interest out there.

1770 So as far as we can see, there are a few tweaks, I must admit, in the system that needs changing, which we are working on. No system was going to be fool-proof from the start. We are working on that. We have had interviews with all four of the Constables, so the Douzaine have got all the full facts of the reasons if and why, and I am not going to put the reasons out here because that is up to the Constables whether they want to put them in the public domain, not up to me. But as a Committee we are happy the system is working.

Thank you.

1775 **The Speaker:** Thank you.

21. Electricity Grid Survey and Sark Electricity Limited Update – Policy and Finance Committee Report considered

To consider an Information Report from the Policy and Finance Committee entitled ‘Electricity Grid Survey and Sark Electricity Limited Update’.

The Speaker: Right, we will move onto Agenda Item 21, from the Addendum, to consider an Information Report from the Policy and Finance Committee entitled ‘Electricity Grid Survey and Sark Electricity Limited Update’, and I would ask Conseiller Guille to introduce the Report, please.

1780 **Conseiller Guille:** Thank you, Mr Speaker.

You can all see on the published Item 21 the update about the grid survey which is taking place next week. We have sent letters out to all landowners and all the letters we have had back so far

1785 from landowners are very enthusiastic about a survey taking place. So hopefully that will be well accepted across the Island, and I have got a verbal statement, update, on the acquisition of Sark Electricity.

On 21st June, Chief Pleas resolved that the Policy and Finance Committee, 'the Committee', should:

negotiate the purchase (subject to the final approval of the Chief Pleas) of Sark Electricity Limited/Sark Electricity Holding Limited and/or its assets and/or any other assets located on Sark, and which are used for the Island-wide generation and/or distribution and/or supply of electricity.

Chief Pleas also resolved that the Committee:

direct the Law Officers of the Crown to draft legislation to enable the compulsory purchase of [SEL] ... and/or its assets and/or any other assets located on Sark, and which are used for the Island-wide generation and/or distribution and/or supply of electricity.

1790 This provides for an alternative option should the favoured approach of negotiation of purchase by consent prove not possible. The matter was brought before Chief Pleas because of claims made by the owner of SEL that it may cease trading at short notice and not be in a position to provide continuity of supply to consumers of electricity on the Island. There is no reason to suspect that these circumstances have changed, and that as a result the only viable method of ensuring a stable and predictable supply of electricity lies in the acquisition by Chief Pleas of SEL and/or the assets referred to above.

1795 The Committee has formally contacted the owner of SEL with the suggestion that a process is agreed for an acquisition by consent using an independent mediator. The purpose of mediation is to find the common ground in order to provide a sound basis on which we can proceed. Chief Pleas will need to approve the terms of a purchase and the best way to achieve this is to find mutual agreement on the process and valuation. It will be inherent in the process that if the terms are not acceptable to Chief Pleas no sale can be agreed. Unfortunately, the owner of SEL has not taken up the offer and is seeking to unilaterally prescribe the process in terms of sale. The Committee remains hopeful that the offer of mediation will be accepted and remain open to proceed on this basis, even at short notice if necessary.

1805 In addition to the approach to seek with the acquisition by consent, the Committee have been working closely with the Law Officers of the Crown on a draft Projet de Loi providing for the ability to compulsorily purchase SEL, its assets or related assets required to generate and distribute electricity on an Island-wide basis. This work has progressed quickly and discussions have commenced with the Ministry of Justice to ensure that Royal Sanction can be provided without delay. The Committee expects to be able to present the draft Projet to Chief Pleas on 1810 17th November and will seek – well, have sought – permission from the President for this additional Meeting.

1815 When considering an acquisition by consent or a compulsory purchase, the Committee has been considering whether Chief Pleas should seek to acquire the assets required to generate electricity or the SEL company structures as a whole. When Chief Pleas acquires SEL or its assets it will require significant investment in order to help ensure the supply of electricity meets the demands of the future and supports economic development. There may be options to outsource certain functions of the business to third parties, in particular where this may provide access to economies of scale. We should remain open-minded about the most effective way for Chief Pleas 1820 to manage the supply of electricity for the benefit of Islanders.

1825 We should all also remain forward looking. The effects of climate change are increasingly being seen around us, as evidenced by the recent Intergovernmental Panel on Climate Change Report published in the run up to the UK-hosted COP26 Summit. The Committee are firmly of the view that Sark should aspire to play its role in helping to tackle climate change through the reduction in the use of fossil fuels to generate electricity. This will require vision, ambition and investment.

Attracting this investment should be a priority for Sark as soon as the immediate concerns about continuity of supply have been addressed.

1830 There may be interest from external investors. Whatever model we seek to establish needs to balance the needs of the community, resilience and affordability. We will provide further updates to Chief Pleas at the next Meeting, hopefully having agreed a process for an acquisition by consent with the owners of SEL.

The Speaker: Thank you. Any questions or debate, please? No. Thank you for that.

**18. Committee Elections –
To Elect Conseillers to Committees as required –
Development Control Committee: Conseiller P Donovan elected –
Douzaine: no nominations –
Medical and Emergency Services Committee: Conseiller J Donovan elected –
Tourism: Conseiller P Donovan elected –
Education Committee: Conseillers J Donovan and S Couldridge elected –
Taxation Review (Special) Committee: Conseiller J Donovan elected –
Land Reform Special Committee: Conseiller P Donovan elected –
Protection of Vulnerable Adults Committee: no nominations**

1835 **The Speaker:** That moves us now onto Agenda Item 18, Committee Elections, to elect Conseillers to Committees as required, and there are a number of vacancies to be filled. I have one vacancy for the Development Control Committee, one for the Douzaine, one for Medical and one for Tourism. Are there any other Committees who are looking for ... Conseiller McHugh?

1840 **Conseiller McHugh:** Two for Education.

The Speaker: Two for Education! Yes, we must not forget. (**Conseiller McHugh:** Absolutely not!) We have just agreed that, haven't we?
Development Control Committee. Do you have any nominations for that vacancy?

1845 **Conseiller Delaney:** Sorry, Mr Speaker. Yes, the Taxation Review (Special) Committee has one vacancy.

The Speaker: I know, we are just dealing with Statutory Committees at the moment.

1850 **Conseiller Delaney:** I do beg your pardon.

The Speaker: We will come onto the Special ones in a minute.
Development Control Committee, do you have any nominations to put forward for your vacancy?

1855 Conseiller –

Conseiller Couldridge: That is me, I believe. Could you just give me one second, please?
(**The Speaker:** Yes.) (*Interjection and laughter*) Just double-checking!

1860 Yes, we would like to propose Conseiller Pippa Donovan, please, to fill that vacancy.

Thank you.

The Speaker: Thank you. Do we have any other nominations from the floor? No.

In that case we go to the vote that Conseiller Pippa Donovan be elected to the Development Control Committee. Those in favour; those against. **Carried.**

1865 Douzaine, you have one vacancy, do you have a nomination, please?

Conseiller Drillot: As soon as this was thrown on me this morning, no I do not, so I would just like to throw it open to the floor.

1870 Thank you – and I would hope that someone will come onto the Douzaine because we really need every Member that we can have. It is a big Committee, but it is a fun Committee, honestly! *(Laughter)*

The Speaker: Do I have any nominations from the floor to go onto the Douzaine? If we do not, I will be back next month.

1875

Conseiller Drillot: So will I, with probably more! *(Laughter)*

The Speaker: No.

Medical: you have one vacancy, do you have a nomination, please?

1880

Conseiller Plummer: Yes, we do. We would like to nominate *(Interjection)* ... Oh, sorry. Conseiller Joseph Donovan, please.

The Speaker: Do I have any other nominations from the floor? No.

1885 Then Medical have nominated Conseiller Joseph Donovan. Those in favour; those against. **Carried.** Well done, both elected.

Tourism, you have one vacancy. Tourism, do you have anybody to nominate, please?

Conseiller Sandra Williams: Yes, we would like to propose Conseiller Pippa Donovan, please.

1890

The Speaker: Are there any other nominations from the floor? No.

In that case, we go to the vote that Conseiller Pippa Donovan be elected to the Tourism Committee. Those in favour; those against. **Carried.**

1895 Education: two vacancies for that Committee. Education, do you have anybody to propose, please?

Conseiller McHugh: Absolutely! We have got Conseiller Joseph Donovan and Conseiller Simon Couldridge.

1900 **The Speaker:** Do I have any other nominations from the floor? No.

There are two vacancies, two nominations: Conseiller Joseph Donovan and Conseiller Couldridge. Those in favour; those against. **Carried.** Well done, you are both elected to that.

Special Committees. Taxation, one vacancy; Land Reform, one vacancy; and Protection of Vulnerable Adults, one vacancy.

1905 Taxation, do you have a nomination, please?

Conseiller Delaney: Yes, we do, Mr Speaker. Conseiller Joseph Donovan.

The Speaker: Thank you. Do I have any other nominations from the floor? No.

1910 Therefore, Conseiller Joseph Donovan is nominated for the Taxation Special Committee. Those in favour; those against. **Carried.**

Land Reform.

Conseiller Raymond: Yes, sir; Donovan, P. *(Laughter)*

1915 **The Speaker:** We have one nomination from the Committee, Conseiller Pippa Donovan. Anybody else from the floor? No.

In that case, Conseiller Pippa Donovan to go onto the Land Reform (Special) Committee. Those in favour; those against. **Carried.**

1920 **Protection of Vulnerable Adults:** one vacancy. Committee, do you have a nomination? Protection of Vulnerable Adults, who is chairing that?

Conseiller Plummer: We do not have a nomination.

The Speaker: How many do you have on your Committee?

1925

Conseiller Plummer: We have three.

1930 **The Speaker:** Three. Okay, we will be back ... Any nomination from the floor? Anybody? Vulnerable Adults? Mentioned it a lot today; extremely important Committee. We will be back in November.

We now move to Agenda Item 19 –

Conseiller Couldridge: Mr Speaker, was there not a place to fill for Policy and Finance?

1935 **The Speaker:** No, I sent another email out today saying that the Policy and Finance vacancy, we have to elect a Deputy Chairman for that and that can come from anybody in the Assembly, therefore we will be electing a Deputy Chairman who will fill that vacancy at the next Meeting. We have to do an election, people have to nominate themselves or be nominated five working days before the next Meeting.

**19. Committee and Panel Elections –
To elect non-Chief Pleas Members and Panels Members to
Committees and Panels as required –
Education Committee: Ms S Smith**

1940 **The Speaker:** So we move onto Agenda Item 19, Committee and Panel Elections, to Elect Non-Chief Pleas Members to Committees and Panels as necessary. I have only had one nomination and that is for Education. A nomination of Ms Sarah Smith to go on it.

Is that correct, Conseiller McHugh?

1945 **Conseiller McHugh:** Absolutely, Mr Speaker. Can you mention that she is a primary school teacher with 40 years' experience, because I think that ... and she is a Sark resident.

The Speaker: Okay, that is very useful information.

1950 So the Education Committee have nominated Ms Sarah Smith to be on that Committee as a non-Chief Pleas Member. Those in favour; those against. **Carried.**

Regulations Laid Before Chief Pleas –

- The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 7) (Amendment) Regulations, 2021;**
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) Regulations, 2021;
The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 8) (Bailiwick of Guernsey) Regulations, 2021;
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) (Amendment) Regulations, 2021;
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) (Amendment) (No. 2) Regulations, 2021;
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 9) Regulations, 2021;
The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 9) (Bailiwick of Guernsey) Regulations, 2021;
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 9) (Amendment) Regulations, 2021;
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 9) (Amendment) (No.2) Regulations, 2021;
The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 10) (Bailiwick of Guernsey) Regulations, 2021;
The Child Protection (Sark) Regulations, 2021; and
The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 10) (Amendment) Regulations, 2021

The Speaker: We now move onto the laid before Items, and as usual there has been a whole host of Emergency Powers which have all been time lapsed now. The only one that really concerns you on the laid before is the Child Protection (Sark) Regulations, 2021, which came into operation on 10th September. There have been no motions to annul, therefore that remains extant.

1955 From the Addendum, there is a new Emergency Powers (No. 10) Regulations, 2021. That came into operation on 23rd September. No motions to annul, so that remains extant. But for your information COVID Regulation No. 11 was made last week and came into force on 1st October, and this Regulation will be laid before the next Meeting of Chief Pleas.

Thank you very much indeed.

Farewell address of the Lieutenant Governor

Vice Admiral Sir Ian Corder KBE, CB

1960 **The Speaker:** I would now invite Your Excellency to address the Parliament.
I think the people in the bar already will be well gone by the time you – (*Laughter*)

1965 **The Lieutenant Governor:** Mr Speaker, distinguished Conseillers, ladies and gentlemen, residents of Sark – and I use that last expression in the confidence that after Agenda Item 8 today you will have a better idea of who you are (*Laughter*) or at least who you will be in the future.

1970 Back in 1994, I was a relatively young desk officer in the Ministry of Defence, and I was responsible for the continuity of Britain's independent nuclear deterrent. We were coming to a tricky moment; we were handing over between the Resolution-class submarines and the Vanguard-class submarines. The Resolution submarines were coming to the very end of their life. And we sailed, I think it was *HMS Resolution* on her last patrol, which she completed incredibly successfully. She got back and the boat that relieved her was on patrol for about 10 days and had

1975 a snag. So poor old *HMS Resolution* had to turn about and sail on another last patrol. She got back from that one, having done it very successfully. Unfortunately, the boat that was meant to replace the boat that replaced her, which was one of the new ones – new bits of military equipment do take quite a lot of time to get in – suffered a number of delays. So poor old *HMS Resolution* had to sail on her *third* last patrol.

1980 The upshot of this is that we had a very tired submarine crew, but also the word ‘last’ was banned from the submarine vernacular in perpetuity! (*Laughter*) So I am always very cautious of saying anything will be my last, but I think with only seven weeks to go to departure from the Bailiwick, I can with a reasonable amount of confidence assume that this will be my last attendance at Chief Pleas.

1985 Seven weeks to departure, never again, the precedent goes, to return to the Bailiwick. Well, I say never again. We can, Kathryn and I, come back, as long as we do so extraordinarily discretely and take every measure not to tread on the toes of our illustrious successors. And I must say, after five and a half years now in the Bailiwick, I think we are both slightly in denial and we are certainly suffering quite a lot of ground rush. But this is quite right. It is quite right that this post is changed every five or six years. It is a good thing to bring in new perspectives, new ideas, and it is time for a refresh.

1990 So Mr Speaker, I thank you for observing the tradition that the Lieutenant Governor addresses the Parliament at his last attendance. A jurisdiction’s elected body is one of, if not *the* most important institution of that jurisdiction, and it is a dignified body. And though occasionally in their enthusiasm some Conseillers may test that premise, but it is a dignified body and I think it is very important that I pay this body, I pay you the respect of addressing you before I depart.

1995 The role of Lieutenant Governor is a very privileged role. It is a very unusual and very unique role. It is certainly the first time I have ever been exposed to such a position, and I say that because almost uniquely amongst any public role anywhere, really, you get given extraordinary, wide access to just about every aspect of life across our communities, and in the case of this particular Bailiwick, which of course is a complex Bailiwick because we have three autonomous jurisdictions within this Bailiwick, I am one of the very few, or the Lieutenant Governor is one of the very few officials that has a genuine purview across the whole of the Bailiwick and across all three jurisdictions without prejudice or favour between the three.

2000 As a result of that, both Kathryn and I have had the privilege to get to know many people across the whole Bailiwick. We have met some very extraordinary people, many of whom we now I think are privileged to count as friends. And we have been very widely welcomed and embraced into life here. That is true in Sark as much as anywhere else, and we are both extremely grateful for the hospitality you have shown over the last five years.

2005 I did say without favour across the Bailiwick, but I do feel that the engagement that I have had with Sark has certainly been amongst the most enjoyable parts of my duties and probably one of the most significant aspects of the role. Why do I say that? Because, you know better than I do that as an Island you have had to face many challenges over the last five years. I do not want to dwell too much on that, I just want to reflect on, from my perspective, how much I think the Island has moved forward.

2010 When I came here for the first time five years ago, I do not think I would be understating it to say that I found quite a divided community. I found a community which economically had shut down quite extensively. I found a community with some fairly, shall we say, less than perfect agricultural infrastructure, with a landownership system that, whilst it has stood the test of time, probably was coming to the end of its time.

2015 I now look at the situation now. You built a new slaughterhouse, you have built a new dairy, and I do not say that, in any way, in a disparaging fashion to custodians of the old institutions – they soldiered on manfully to deliver a service to the Island – but these things came of their time. You have talked about it extensively tonight, the progress you have made with your School – it is revitalised. The land reform changes that you pushed through. These are seminal changes to the structure of life on this Island and it is really gratifying for me to see, after a huge effort, a very

2025 complex effort, to bring that very important legislation into place to see virtually the last bits of the jigsaw going into place today. I am also aware that the first activity around those laws, that the sales are now actually under way.

2030 You have managed, in partnership with Isle of Sark Shipping, to recapitalise and streamline your fleet, and it does look and feel much more fit for the future. I know there has been a certain amount of blood on the table on a number of these issues, but that is life. That is politics. That is how we move forward. And I have to say, if I had been offered half of that when I arrived as Lieutenant Governor, I would have banked it there and then and said, 'Job well done, can I go home now? It's absolutely fantastic.' But you have pushed on so much further.

2035 I think the fact that we are running probably an hour and a half late tonight and the size and substance of the Agenda you have had tonight indicates actually what I see as a new and revitalised willingness to take on even more important challenges, even more important, difficult issues that need to be addressed – tax reform probably being, arguably, the most difficult issue that any jurisdiction has to address. So I do see a real, tangible willingness for more.

2040 Perhaps almost more important than that, the atmospheric on this Island has changed beyond belief. There are many people who when I first came here felt so alienated that they came to beat down my door and tell me about it. A number of them are sitting in this Chamber tonight, or would be if they were not off Island. People who probably would not have given each other much time of day now sitting down, working together, bringing their own individual expertise to bear on a problem, and might I even say potentially enjoying it? This is an important change.

2045 It is important and really gratifying to see so many new Members having come into the House over the last, probably with real momentum, couple of years. Obviously we could do with more – you could do with more. It is important to give the electorate a choice at some point. So it is not job done, but it is certainly significant progress. And again, I do not say this with any disrespect whatsoever to the long history and succession of Conseillers who have served this Island so well, many of whom when I got here had been doing so for many years, but simply as a statement of the obvious: you cannot expect one generation to carry on carrying the torch forever. Life is life and it will come to an end at some point, and we do have to move the torch on. I think it has been really encouraging to see a new generation come through the House, begin to mature.

2050 And if I may say, through you, Mr Speaker, to our latest two Conseillers here, congratulations on your debut. I think if the quality of your contributions tonight are anything to go by, then the House has definitely gained. Please go and tell your friends that it does not hurt too much and get them to come along as well. Because the role of a Conseiller is challenging. It is fairly unique, I think, across most democratic institutions to have a body which is essentially both a legislature and executive, and almost the operations department of the Island as well. So it puts a huge burden on you as individuals and I recognise that, and pay considerable tribute to it.

2060 I cannot stand here and reflect over the last five years without talking about the pandemic. Obviously that has been an unprecedented situation for modern society. We have not had an event like that since the beginning of the last century. It has been extremely challenging for everybody. But, like anything that is a real challenge, a real threat, it brings out the best and worst in people, and I have to say, across the whole Bailiwick, but certainly here in Sark, the best has massively outweighed the worst. I think as a jurisdiction it was really gratifying to see you come together, put in place the mechanisms that you needed to manage the pandemic from your perspective, to interact so maturely with the rest of the Bailiwick, and I absolutely know, and I can assure you, that the reputation of Sark has grown significantly as a responsible jurisdiction for the way in which you have managed your affairs through this most difficult of times.

2070 But of course we cannot ignore the fact that many challenges still face such a small and unique community as this. Can Sark stay the same? Can Chief Pleas stay the same? Can you continue to deliver your key services to your public in the way that you have traditionally done so? I think probably the jury is out, but there again, it should be out, because the world changes, life changes, the environment you are operating in changes. So I do not think it is anything to be frightened of. 2075 I do think there are some challenging choices ahead of you, but as an Island, if you can come

together as a community and if you can really work out what is important to you, for you to maintain so that you feel that you maintain the uniqueness of this place, then I am very optimistic.

2080 I am also optimistic because I have met many people on Sark, and I do not think I have really ever come across a community of such a size which has such a wide range, an eclectic range of serious talent. You have got some very talented people on this Island. You have also got people of extraordinary resilience and resourcefulness. You have also got many friends, and I really want to emphasis this point: that there are many people out there who are very fond of this Island.

2085 I have been really gratified to see, or to hear so many mentions tonight about the growing relationship with Guernsey, because certainly my observation, after five and a half years, is everyone in Guernsey is rooting for you. They want you to succeed and they want to help. The same actually is true of Jersey, although clearly you probably do not want them both in the same room at the same time, (*Laughter*) for historic reasons. But no, the Channel Islands community more broadly is hugely supportive of this Island and wants it to succeed.

2090 Likewise, certainly in my interactions, everyone in the corridors of power in Whitehall, in the Ministry of Justice and more broadly, will do anything that they can to support you. Now, there is a challenge implicit in that, because this is an unusual place, and when people from outside come here they cannot but help to view you through a prism of their experience, and much of their experience, of course, is in much larger jurisdictions than this. So you do have a job to educate them and to term the questions and the requests for support and help, which they really want to give you, in ways which are right for you, but they can understand. I think there is a bit of a challenge in that, but I am sure you will be able to rise to it.

2095 The final person or institution that absolutely supports this Island is Her Majesty herself – the Crown. One of the most memorable moments, actually, in Kathryn and my tenure here, was when we went for our last audience with Her Majesty, and although I was by some way the youngest Lieutenant Governor there, I was the longest in post, so I got to speak to her first, or she came to speak to me first, and Kathryn, and the very first question she asked is how is Sark. So you are in Her Majesty's mind, and more importantly probably, or as importantly, you are in the mind of her advisors.

2100 So I am optimistic but the secret is to come together as a community, tackle these problems with the community. Inevitably people will have difference of opinions and the occasional fallings out, but recognise that you are united by your common love for this Island and that will take you forward.

2105 So in summary, and recognising that I am the last thing between you and the bar, (*Laughter*) Sark has got a very special place in both our hearts. We will go away from here with extraordinary, fond memories. I will continue to monitor your progress, I will continue to read *The Sark Newspaper*, Kathryn and I may even sneak back, so if you do see a rather odd-looking couple sneaking up the avenue under cover of darkness and wearing their best Marx's Brothers masks, then do not call the Constables, it is just us trying to get to the Fleur du Jardin for another lobster salad. (*Laughter*) I genuinely wish you every success in the future.

2115 Thank you, Mr Speaker.

The Speaker: Thank you very much. (*Applause*)
Lost it. (*Laughter*)

2120 **The Seigneur:** Greffier, the prayer.

The Speaker: I was going to say I hope to see you all at the *vin d'honneur* at seven o'clock, (*Laughter*) or as soon as possible if we finish after seven.
Greffier, the grace, please.

PRAYER

The Greffier

Chief Pleas closed at 8.27 p.m.