



OFFICIAL REPORT

OF THE

EXTRAORDINARY MEETING

OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 17th November 2021

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

Volume 7, No. 7

*Published by The Greffier of Sark, La Chasse Marette,
Sark, GY10 1SF. © Chief Pleas of Sark, 2021*

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

Constable

P Burgess

Conseillers:

Helen Plummer
John Guille
Christopher Drillot
William Raymond
Nichola McHugh
Edric Baker MBE

Tony Le Lievre
Frank Makepeace
Paul Williams
Vaughan Bougourd
Pippa Donovan

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EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 17th NOVEMBER 2021

Regulations laid before Chief Pleas – The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 11) Regulations, 2021; The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 11) (Amendment) Regulations, 2021; and The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 12) Regulations, 2021..... 32

Chief Pleas closed at 6.49 p.m...... 32

Extraordinary 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 11 Conseillers, the Seigneur and the Speaker of Chief Pleas present.

Apologies received

The Speaker: I present apologies from Conseillers Delaney, Sandra Williams, J Donovan, Turner and Couldridge.

Procedural – Electronic devices

- 5 **The Speaker:** In accordance with Rule of Procedure 1, 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. Questions not related to the Business of the Day – None

The Speaker: We move to Agenda Item 1, Questions not related to the Business of the Day. There are none.

**Procedural –
Business reordered**

10 **The Speaker:** I proposed to the Conseillers by email that we change the order of business to ensure that the Addendum Items are dealt with in a specific order. The Addendum adds three new Items of Business: two Information Reports and one which started as an Information Report but now includes two Propositions.

I hereby propose that, in accordance with Rule 10, Items 16, 17 and 18 from the Addendum be
15 taken immediately after Item 11 of the Agenda.

Those in favour; those against. **Carried.** The order of business is amended.

**2. The Reform (Amendment) (Sark) Law, 2021 –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled ‘The Reform (Amendment) (Sark) Law, 2021’ and to approve the Projet de Loi entitled ‘The Reform (Amendment) (Sark) Law, 2021’.

Proposition:

That Chief Pleas approve the Projet de Loi entitled: The Reform (Sark) (Amendment) Law, 2021.

The Speaker: Agenda Item 2, to consider a Report with Propositions from the Policy and Finance Committee entitled ‘The Reform (Amendment) (Sark) Law, 2001’, and to approve the
20 Projet de Loi of the same name. I would ask Conseiller Guille to introduce the Report, please.

Conseiller Guille: Thank you, Mr Speaker.

This is a pretty straightforward Proposition. It is born out of our experiences with the COVID pandemic and it is there to allow the Chief Pleas of Sark to react a bit more quickly and easily to what can be fast-changing situations in the Bailiwick, or specifically on Sark, which we have
25 experienced during this pandemic. It is going to allow Chief Pleas to react more quickly, to be able to hold remote Meetings, and it is also going to introduce the option of proxy voting, which, as we are five Conseillers down tonight, would have definitely been useful on a day like today.

So I am sure you have all read the Report, I will open it up to questions or move to the Proposition, please.

30 Thank you.

The Speaker: Thank you.

Are there any questions or debate from the floor, please? No.

In that case, we will go to the vote on the Proposition in the Report, that Chief Pleas approves
35 the Projet de Loi entitled ‘The Reform (Amendment) (Sark) Law, 2021’. Those in favour; those against. **Carried.**

**3. The Reform (Election of Deputy Speaker) (Sark) Ordinance, 2021 –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled ‘Election of Deputy Speaker’ and to approve the Ordinance entitled ‘The Reform (Election of Deputy Speaker) (Sark) Ordinance, 2021’.

Proposition:

That Chief Pleas approves The Reform (Election of Deputy Speaker) (Sark) Ordinance, 2021.

The Speaker: We move to Item 3, to consider a Report with Propositions from the Policy and Finance Committee entitled ‘Election of Deputy Speaker’ and to approve the Ordinance entitled ‘The Reform (Election of Deputy Speaker) (Sark) Ordinance, 2021’. I would ask Conseiller Guille to
40 introduce the Report, please.

Conseiller Guille: Thank you, Mr Speaker.

Perhaps an even more straightforward and simple Proposition. It proposes an Ordinance to set out the dates and the process by which we are going to elect a new Deputy Speaker. I think we
45 can move straight to the Proposition on this one, sir.

The Speaker: Or to re-elect the *same* Deputy Speaker. Any questions or debate, please? No.

Then we will go to the Proposition, that Chief Pleas approves the Ordinance entitled the Reform (Election of Deputy Speaker) (Sark) Ordinance, 2021. Those in favour; those against.
50 **Carried.**

**4. The Itinerant Hawkers (Amendment) (Sark) Ordinance, 2021 –
Tourism Committee Report considered –
Proposition carried**

To consider a Report with Propositions from the Tourism Committee entitled ‘Change to Itinerant Hawkers Licence’ and to approve the Ordinances entitled ‘The Itinerant Hawkers (Amendment) (Sark) Ordinance, 2021’.

Proposition

That Chief Pleas approves the Ordinance entitled ‘The Itinerant Hawkers (Amendment) (Sark) Ordinance, 2021’.

The Speaker: Agenda Item 4, to consider a Report with Proposition from the Tourism Committee entitled ‘Change to Itinerant Hawkers Licence’ and to approve the Ordinance entitled ‘The Itinerant Hawkers (Amendment) (Sark) Ordinance, 2021’. I would ask Conseiller Plummer to
55 introduce the Report, please.

Conseiller Plummer: Thank you, Mr Speaker.

We had, at the Christmas Chief Pleas Meeting of 2021, Item 6. The Tourism Committee brought it up, and it was a Report proposing to bring the licence fee relating to hawkers in line for the temporary catering permits. It was proposed that the fee to accompany the application for a
60 hawker’s licence was to be increased to £40 and that such fees should be subject to review from time to time and be varied by the Resolution of Chief Pleas. A Proposition to draft an Ordinance to replace the 25th September 1939 was approved.

So I ask that Chief Pleas approves this new Ordinance entitled the Hawkers (Amendment) (Sark) Ordinance, 2021.

65 Thank you.

The Speaker: Any questions or debate? No.

Then we will go to the Proposition that Chief Pleas approves the Ordinance entitled the Itinerant Hawkers (Amendment) (Sark) Ordinance, 2021. Those in favour; those against. **Carried.**

**5. The Tourism (Accommodation Permits) (Fees) (Sark) Ordinance, 2021 –
Tourism Committee Report considered –
Proposition carried**

To consider a Report with Propositions from the Tourism Committee entitled ‘Change to Accommodation Permits Charges’ and to approve the Ordinances entitled ‘The Tourism (Accommodation Permits) (Fees) (Sark) Ordinance, 2021’.

Proposition

That Chief Pleas approves the Ordinance entitled ‘The Tourism (Accommodation Permits) (Fees) (Sark) Ordinance, 2021’.

70 **The Speaker:** Agenda Item 5, to consider a Report with Proposition from the Tourism Committee entitled ‘Change to Accommodation Permit Charges’, and to approve the Ordinance entitled ‘The Tourism (Accommodation Permits) (Fees) (Sark) Ordinance, 2021’. I would ask Conseiller Plummer to introduce this Report as well, please.

75 **Conseiller Plummer:** Thank you, Mr Speaker.

Again, it was at the Christmas Chief Pleas Meeting of 20th January 2021 that the Committee brought up a Report proposing an increase to the proposed prescribed fee accommodation accompanying the application for an accommodation certificate. An increase in fees is permitted under the Tourism (Sark) Law, 1982 by means of an Ordinance. At the January 2021 Meeting, Chief
80 Pleas approved the Proposition for the drafting of this Ordinance which the Committee now present to Chief Pleas. The Ordinance accompanying this Report sets out the new fees and repeals 2008 accommodation permit Ordinances.

I would ask the Proposition: that Chief Pleas approves the Ordinance entitled ‘The Tourism (Accommodation Permits) (Fees) (Sark) Ordinance, 2021’.

85 Thank you very much.

The Speaker: Are there any comments or debate from the floor, please? No.

Then we will go to the vote, that Chief Pleas approves the Ordinance entitled ‘The Tourism (Accommodation Permits) (Fees) (Sark) Ordinance, 2021’. Those in favour; those against. **Carried.**

**6. The Direct Taxes for 2022 (Sark) Ordinance, 2021 –
Policy and Finance Committee Report considered –
Propositions carried**

To consider a Report with Propositions from the Policy and Finance Committee entitled '2022 Budget and Taxation Report' and to approve the Ordinance entitled 'The Direct Taxes for 2022 (Sark) Ordinance, 2021'.

Proposition 1:

That the rate of Property Tax be increased to £15.50 per quarter for the year 2022.

Proposition 2:

That the minimum rate of Personal Capital Tax be increased to £491 for the year 2022.

Proposition 3:

That the maximum rate of Personal Capital Tax be increased to £9,817 for the year 2022.

Proposition 4:

That the forfait factor for the calculation of Personal Capital Tax remains at 2.5 for the year 2022.

Proposition 5:

That the net asset fraction for the calculation of Personal Capital Tax remains at 0.39% for the year 2022.

Proposition 6:

That the Personal Capital Tax of an individual who is liable to pay Property Tax as the Possessor of Real Property which is their principal dwelling, and whose net capital assets are below the Minimum Asset Rate, shall remain at £Nil.

Proposition 7:

That Chief Pleas approves the Ordinance entitled 'The Direct Taxes for 2022 (Sark) Ordinance, 2021'.

Proposition 8:

That Chief Pleas approves the Income and Expenditure budget for the year 2022.

Proposition 9:

That Chief Pleas approves the Capital Expenditure budget for the year 2022.

90 **The Speaker:** Agenda Item 6, to consider a Report with Propositions from the Policy and Finance Committee entitled '2022 Budget and Taxation Report' and to approve the Ordinance entitled 'The Direct Taxes for 2022 (Sark) Ordinance, 2021'. I would ask Conseiller Guille to introduce the Report, please.

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

This Report is presented to Chief Pleas by the Policy and Finance Committee setting out the proposed expenditure budget for the 2022 financial year, together with recommendations for raising the required revenue to fund these plans. The Treasurer's work closely with all Committees – tirelessly, I will add – to fully understand their plans for the next three years and translate this into the Budget proposed here. P&F have also carried out revenue modelling and developed plans for raising the necessary income to fund the expenditure proposal.

100

At the end of September 2021, the Treasurer anticipates a surplus of £119,740 at year end. This is partly due to increased Impôt receipts and a buoyant property market. 2021 has seen an increase in Sark visitor numbers which has had a positive effect on income. The 2022 income budget builds on this positivity while still being mindful of external factors and maintaining some conservatism. The increase in income has helped cover the budgeted spending increases, enabling the direct tax rate increases proposed in this paper to be kept to a minimum.

I would like to again note a special thanks to the Treasury team, who have really worked very hard in the latter half of this year, herding these Committees together to compile these one-year and three-year budgets. It has been appreciated all round, both in Sark and in Government House as well, the professional budget which has been put together.

P&F, nor the Treasury ... we have not received any detailed or specific questions from Conseillers, but I will open this up to debate and any questions. I may pass questions on to Committee Chairmen if appropriate; open up to debate, sir.

115

The Speaker: Right, I would ask for any questions and debate from the floor, and if you put your hands up I will take you in order.

Thank you, Conseiller Makepeace. Conseiller Drillot, Conseiller McHugh; anybody else at the moment? No.

120

Conseiller Makepeace.

Conseiller Makepeace: Yes, sir. Just a question really. I would like to ask that if maybe for next year we could look into the Personal Capital Tax liability and perhaps remove some of the more vulnerable residents in the community. For example, those not working or stay-at-home parents, because I think we must be one of the only places that actually taxes people who are not in employment or receipt of funds.

125

Thank you, sir.

The Speaker: Conseiller Drillot.

130

Conseiller Drillot: Thank you, Mr Speaker.

I just want to point out to the public more than a question, actually reference the Douzaine side of this Budget, because it does look, on the Douzaine respect, quite a high amount. I just thought I would try and explain a little bit more than what was in here so that the public has got an idea of what the Douzaine are trying to do for 2022 with our plans of bringing in an extra ... well, it is not quite an extra worker because there always used to be four down at the quarry. There are only two at the moment, but there will be a third down at the quarry due to the fact that we are going to bring in recycling early next year, very early next year, so we need an extra person to sort out the recycling.

135

The last God knows how many years, because we cannot go back far enough, Island rubbish has been costing the Island a lot more than the income. So with this extra person, it might seem like we are going backwards, but this guy, or person in the quarry will hopefully save us a lot of money with fees from Guernsey, half skips, contaminated skips, stuff like that.

140

So we are hoping that this budget gets passed and we can employ someone to save the Island money in the long term. We are also looking at two major projects that have needed to be done over the last, well, four years, but because of circumstances, Pilcher's Monument, if it is not repaired soon, will fall down. It is so cracked now that water is getting in behind the plaster. And Harbour Hill, which everybody moans about, at the bottom end of Harbour Hill, which is not on this Report, is going to be completely resurfaced in January, February, March some time, depending on the weather. So that is why the Douzaine budget is quite high for this year.

145

150

Thank you.

The Speaker: Conseiller McHugh.

155 **Conseiller McHugh:** I just want to say well done to the Treasury team, and to the Treasurer perhaps, for getting in the Impôt receipts. I think it is a really big achievement. I do not believe it is to do with consumption that that figure has increased, I think it is to do with tenacity. It was £286,000 last year; £370,000 this year is a massive jump. I have not got the number at my fingertips, I think it was £319,000 perhaps in 2019, but beside the point, it is well done for getting that money in because it is really important to the Island and makes a massive difference to our
160 revenues. That is it; that is me.

Thank you, Mr Speaker.

The Speaker: Anybody else? Yes, Conseiller Pippa Donovan.

165 **Conseiller Pippa Donovan:** Thank you, Mr Speaker.

This is just in relation to the Agricultural, Environment and Sea Fisheries mention, in particular of the lime subsidy. Just a note on that is that we all know soil needs lime regularly or it will naturally acidify, which makes it less suitable for growing crops and supporting our livestock. From a farmer's perspective, when a subsidy is offered it is not usually known what subsidy will be
170 available until the year end, i.e. what is left in the pot. Essentially that makes it harder to purchase confidently and budget as farmers that are tending to their soil.

So with that in mind, I would ask the Agricultural Committee next year to consider approaching the Sark Shipping committee and management, particularly now that we own it – historically it has been a much harder conversation to have – to request a reduced freight charge when
175 importing lime. In doing so, that could then remove a line from the Budget and all the associated paperwork that comes with offering a subsidy and also, from a Treasurer's point of view, for organising that. It would also then allow the farmers to more confidently budget and purchase and import the lime accordingly, which would mean that Sark soils could, in the long term, have more viability to help us sustain the agriculture that we need.

180 Thank you.

The Speaker: Thank you.

Anybody else? Do you want to come back on that, Conseiller Plummer?

185 **Conseiller Plummer:** Yes, I would just like to say thank you very much to Conseiller Donovan. This has been on our books and in our sights for quite some time. Money has been rather tight, so that is why we are coming. We have taken that on board, and I notice the Treasurer has taken those notes down and we will certainly bring it to Committee and discuss it.

Thank you.

190

The Speaker: Thank you.

If there is nobody else, I will ask Conseiller Guille to sum up, please.

195 **Conseiller Guille:** I would like to thank all the Conseillers for their comments and input, and I will assure Conseiller Makepeace that both the Policy and Finance Committee, and I can imagine the Future Taxation Committee, will be looking at the issues that has raised.

I would just like to move to the Propositions, please.

200 **The Speaker:** Yes. In that case, we will go to the Propositions. Proposition 1: that the rate of Property Tax be increased to £15.15 per quarter for the year 2022. Those in favour; those against. **Carried.**

That the minimum rate of Personal Capital Tax be increased to £491 for the year 2022. Those in favour; those against. **Carried.**

205 Proposition 3: that the maximum rate of Personal Capital Tax be increased to £9,817 for the year 2022. Those in favour; those against. **Carried.**

Proposition 4: that the forfait factor for the calculation of Personal Capital Tax remains at 2.5 for the year 2022. Those in favour; those against. **Carried.**

Proposition 5: that the net asset fraction for the calculation of Personal Capital Tax remains at 0.39% for the year 2022. Those in favour; those against. **Carried.**

210 Proposition 6: that the Personal Capital Tax of an individual who is liable to pay Property Tax as the Possessor of Real Property which is their principal dwelling, and whose net capital assets are below the Minimum Asset Rate, shall remain at £Nil. Those in favour; those against. **Carried.**

Proposition 7: that Chief Pleas approves the Ordinance entitled 'The Direct Taxes for 2022 (Sark) Ordinance, 2021'. Those in favour; those against. **Carried.**

215 Proposition 8: that Chief Pleas approves the Income and Expenditure budget for the year 2022. Those in favour; those against. **Carried.**

Proposition 9: that Chief Pleas approves the Capital Expenditure budget for the year 2022. Those in favour; those against. **Carried.**

220 I would note that all of those Propositions were carried unanimously, but I would also just like to comment that, once again, I do not believe the Budget should be held in an Extraordinary Meeting, as people make plans a year ahead and Extraordinary Meetings do not always fit into their plans. Therefore, a Statutory Meeting, one is expecting the majority of Conseillers to be in attendance.

**7. The Human Rights (Bailiwick of Guernsey) Law, 2000 - Amendment to Legislation –
Policy and Finance Committee Report considered –
Propositions carried**

To consider a Report with Proposition(s) from the Policy and Finance Committee entitled 'The Human Rights (Bailiwick of Guernsey) Law, 2000 – Amendment to Legislation'.

Proposition 1:

That Chief Pleas agree to amend section 9(2) of the Human Rights (Bailiwick of Guernsey) Law, 2000, to enable a court to award compensation to a person in respect of a judicial act done in good faith, in the circumstances set out in paragraph 2.5 of that Policy Letter.

Proposition 2:

That Chief Pleas direct the preparation of such legislation as may be necessary to give effect to the above decision.

225 **The Speaker:** We move on to Agenda Item 7, to consider a Report with Propositions from the Policy and Finance Committee entitled 'Human Rights (Bailiwick of Guernsey) Law, 2000 (Amendment to Legislation)', and I would ask Conseiller Guille to introduce the Report, please.

Conseiller Guille: Thank you, Mr Speaker.

230 This is very much a housekeeping exercise where a long-running case at the European Court of Human Rights has resulted in the UK having to amend some legislation and in turn the Bailiwick, and in turn Chief Pleas have to make these amendments as well.

I would like to move to any debate, then the Propositions.

The Speaker: Thank you.

235 Is there any debate or comment, please? Conseiller Raymond, followed by Conseiller Plummer. Anybody else? No.

Conseiller Raymond.

Conseiller Raymond: Thank you, sir.

240 I just wonder whether Policy and Finance have considered putting a cap on Sark's liability under the amendment because of the limited sentencing powers of the Seneschal's Court.
Thank you.

The Speaker: Conseiller Plummer.

245

Conseiller Plummer: Here I would just like to say that I think in this day and age we ought to be really safe and go with this Proposition.
Thank you.

250 **The Speaker:** Anybody else? No.

I do not think there is any need for you to sum up. I *will*, yes. Conseiller Guille, if you would like to sum up, please.

Conseiller Guille: Thank you, Mr Speaker.

255

In response to Conseiller Raymond's suggestion, it is not something that we have considered in Committee. It may be something the Law Officers have considered but we will go back and look into that suggestion. It would be handy if you could send that to us via an email, Conseiller Raymond. It is definitely an idea worth following up on.

That is it, I would like to move to the Propositions, please.

260

The Speaker: Thank you.

Right, Proposition 1: that Chief Pleas agree to amend section 9(2) of the Human Rights (Bailiwick of Guernsey) Law, 2000, to enable a court to award compensation to a person in respect of a judicial act done in good faith in the circumstances set out in paragraph 2.5 of the policy letter that accompanied the Report. Those in favour; those against. **Carried.**

265

Proposition 2: that Chief Pleas direct the preparation of such legislation as may be necessary to give effect to the above decision. Those in favour; those against. **Carried.**

What will happen now is once Sark, Alderney and Guernsey have approved this Proposition a Bailiwick Ordinance will be drafted and that will come to Chief Pleas for approval in due course.

8. Sark Census – Policy and Finance Committee Report considered – Proposition carried

To consider a Report with Proposition from the Policy and Finance Committee entitled 'Sark Census'.

Proposition:

That Chief Pleas authorises the Policy and Finance Committee to instruct the Law Officers of the Crown to prepare an Ordinance which shall determine the date for the implementation of the Census and procedural matters necessary for the carrying out of the Census.

270

The Speaker: Agenda Item 8, to consider a Report with Proposition from the Policy and Finance Committee entitled 'Sark Census'. Conseiller Guille again, please.

Conseiller Guille: Thank you, Mr Speaker.

275 Following the approval of the Projet de Loi at the Midsummer Chief Pleas Meeting held on
7th July 2021, the Law has received Royal Sanction and was registered at the Royal Court in
Guernsey on 18th October 2021. The Law will be registered in the Sark Court in due course.

280 The census will provide information on the size and characteristics of the population of Sark. It
represents Sark's single largest statistics-gathering exercise. The figures will assist Chief Pleas to
shape everyone's future as the basis for effective public services for the next decade. The census
is used to provide account of the population of Sark at a point in time and will record the basic
population characteristics, such as age, gender and tenure, and other particulars which are
considered relevant to planning for the future of persons who live in Sark.

285 The Law requires an Ordinance to be enacted setting out the details of a forthcoming census,
including the date when the census will be held and the procedural arrangements necessary for
carrying out the census. The proposed list of questions is set out in the Appendix; no further
questions will be asked. However, the presentation may differ in the final form.

290 The Schedule to the Projet delimits the areas in relation to which questions may be asked.
Questions have been tailored to meet Sark-specific matters, including leaseholds, seasonal and
temporary workers, and self-employed residents working from home. The Law provides that
information obtained from a census may be used only for statistical purposes or analysis and must
not be disclosed in a form that may identify any individual or household. Non-compliance with the
non-disclosure provisions will be an offence, as will non-compliance with the requirements to
provide information.

295 This census I think contains a good range of questions which drill down into what our
population and demographic currently is, and also provides important information on the medical
situation in Sark and the education situation, which are two key factors for the health of the Island
community and health of our finances in providing these services.

300 Maybe to head off any questions, I just want to confirm how the census will be administered.
A team of local enumerators will be selected purely to deliver the censuses and to deliver the
correct number of censuses. You cannot leave it to the postman with a list of properties to say,
'I'm going to drop three census forms off here'. You have to visit the property and find out for
certain who is living there and then leave the correct number of forms, because you must
remember it is an offence not to fill out this form.

305 So the local enumerators will be tasked to do that, to ensure the correct number of forms
arrive at each property, and also to help, where requested, if people have any questions about
the forms themselves. After that, that is where the involvement of local individuals finishes,
because all forms will be sent directly from the households off to Guernsey. So any data processing
will be done off Island without the involvement of local people. So I hope that allays any fears in
terms of confidential information.

310 I would like to open up to the floor, to any questions and debate, please.

The Speaker: Before I do that, the Greffier has informed me that the Project de Loi has been
registered in the Sark Court now.

315 Any debate or comment, please; hands? Conseiller Makepeace.

Conseiller Makepeace: Thank you, sir.

320 I must say Conseiller Guille has actually answered a good part of my question. I would like to
seek reassurance that the data collected for the census report will be handled by an accredited
UK company who has experience in this kind of work and at no stage should any Conseiller, civil
servant, Court official or other in Sark have access or sight of this information. But I think ...
[*Technical interference*] Conseiller Guille has answered my question there.

Thank you.

325 **The Speaker:** Conseiller Raymond.

Conseiller Raymond: Thank you, sir.

Is it possible that the form might include some statement on individuals' incomes? Not precise, but just brackets, so that when the Tax Review Committee is actually looking at taxation systems they would know, if they were considering income tax, where they might start.

330

The Speaker: Conseiller Guille.

Conseiller Guille: Thank you.

335

I am glad I answered Conseiller Makepeace's concerns. I hope he is happy with the answer he has got. There is certainly not any data being processed on Island. That was never going to be the case with something so sensitive.

340

Conseiller Raymond's late suggestion about an additional question. These are the questions that we have got laid out. I am not sure how a question on income fits in with the original Projet that has already been approved. It is something we could look at to bring with the Ordinance, but we will have to do some investigation into that to see whether it is possible or not in terms of the Projet which has already been sanctioned. So again, we will have to follow that one up.

I would like to move to the Proposition.

The Speaker: Thank you, Conseiller Guille.

345

The Proposition is that Chief Pleas authorises the Policy and Finance Committee to instruct the Law Officers of the Crown to prepare an Ordinance which shall determine the date for the implementation of the census and procedural matters necessary for the carrying out of the census. Those in favour; those against. **Carried.**

**9. Isle of Sark Shipping Company - Long Term Loan Agreement –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled 'Isle of Sark Shipping Company - Long Term Loan Agreement'.

Proposition:

That Chief Pleas approves the Long-Term Loan Agreement for £300,000 made to the Isle of Sark Shipping Company Ltd, dated 1st September 2021 for a period of five years after which time the Loan will become repayable.

350

The Speaker: Agenda Item 9, to consider a Report with Proposition from the Policy and Finance Committee entitled 'Isle of Sark Shipping Company - Long-term Loan Agreement'. Conseiller Guille to introduce the Report, please.

Conseiller Guille: Thank you, Mr Speaker.

355

The Report speaks for itself. We have been in extensive communication with the Law Officers on this, seeking their advice, and obviously with the Isle of Sark Shipping Company as well. This is a Proposition that is agreeable to all parties and I would just encourage Conseillers to vote for this Proposition.

Thank you.

360

The Speaker: Any comment or debate, please? Conseiller Raymond. Anybody else? Conseiller Makepeace.

Conseiller Raymond.

Conseiller Raymond: Thank you, sir.

365 Just a point of clarification, really. The recital (B) says that Chief Pleas has agreed to lend £300,000 and clause 31 of the agreement says:

The Borrower shall be deemed to have drawn down £269,054 on 1 September 2021.

Is it contemplated that a further loan will be made or it is that there is a difference between the recital and the actual statement in the agreement?

The Speaker: Conseiller Makepeace.

370

Conseiller Makepeace: Yes, sir.

I would just like to thank the Policy and Finance Committee for their work on this, and it is reassuring to actually see a contract and something that we can adhere to. So *[Technical interference]* ... for their work, thank you.

375

The Speaker: Anybody else?
Conseiller Guille.

Conseiller Guille: Thank you, Mr Speaker.

380

I am not going to pretend to answer Conseiller Raymond's question in detail without any prior reading on this. It was quite a while ago we did this document. I think the discrepancy is a reference to clause 4.3. I will be quite happy to clarify that now, but I am not going to make a fool of myself by trying to do it in on the spot, here.

385

The Speaker: Can you reply in writing to Conseiller Raymond, please?

Conseiller Guille: Yes, we can do.

The Speaker: And copy in the other Conseillers?

390

Conseiller Guille: Yes, certainly. Okay.

The Speaker: Right, we will move to the Proposition: that Chief Pleas approves –
Conseiller Le Lievre, sorry, I missed you.

395

Conseiller Le Lievre: No, just listening to what Conseiller Guille said, as far as clarification on this Proposition is concerned, are we voting for the £300,000 or is it the other figure?

400

The Speaker: We vote for what is on the Proposition, (**Conseiller Le Lievre:** Okay.) and if there is any discrepancy then the Committee will need to bring it back again to Chief Pleas with a refreshed, renewed Proposition.

Conseiller Le Lievre: Thank you.

405

The Speaker: Thank you.
Conseiller Guille, the Treasurer can answer the question now, if you wish?

Conseiller Guille: That would be welcome.

410

The Speaker: Treasurer.

415 **The Treasurer:** We will be voting for £300,000 because that will then allow for the capitalisation of the interest on the £269,000. So it is prudent to put in £300,000. If Sark Shipping cannot pay back the interest every year, we can add it to the loan and we do not have to go back to Chief Pleas to ask for an additional amount of money.

The Speaker: Okay, thank you for that explanation.
So we will go to the vote on the Proposition that Chief Pleas approves the Long-term Loan Agreement for £300,000 made to the Isle of Sark Shipping Company Ltd dated 1st September 2021
420 for a period of five years, after which time the loan will become repayable.
Those in favour; those against. **Carried.**

**10. Platinum Jubilee Holiday –
Policy and Finance Committee Report considered –
Propositions carried**

To consider a Report with Propositions from the Policy and Finance Committee entitled ‘Platinum Jubilee Holiday’.

Proposition 1:

That Chief Pleas approve that Thursday 2nd June 2022 shall be a public holiday in place of Monday 30th May 2022.

Proposition 2:

That Chief Pleas approve an additional public holiday on Friday 3rd June 2022.

Proposition 3:

That Chief Pleas direct the Policy and Finance Committee to instruct the Law Officers to prepare such legislation as may be necessary to give effect to the above decisions.

425 **The Speaker:** We move to Agenda Item 10, to consider a Report with Propositions from the Policy and Finance Committee entitled ‘Platinum Jubilee Holiday’, and I would ask Conseiller Guille to introduce the Report, please.

Conseiller Guille: Thank you, Mr Speaker.

430 Hopefully the most well-received and simple Proposition of the evening, and hopefully no questions that require any further clarification on this one. It absolutely speaks for itself; who doesn’t like an extra holiday? But a well-justified occasion, our strong links back to the Crown, and I would like to encourage all Conseillers to vote for this. I do not think they will receive too many complaints from members of the public.

Thank you.

435 **The Speaker:** Any comment or debate, please?
Conseiller Plummer.

Conseiller Plummer: Thank you very much.

440 Do we know if Guernsey are going to be voting for this holiday at the same time? The only concern I have is that if Guernsey are then that is fine, because of cargo boats. So that means we have got a cargo boat on the – I know it has not come out yet – Tuesday. Thursday and Friday we will have holidays – which I have got *nothing* against – and I just wondered about our food supply.

But if Guernsey are going to go in with this, well, there will be nobody working over there either. I just wondered whether they were going to be complying with the same holiday as us.

445 **The Speaker:** Yes, I can confirm that the States of Guernsey will be debating it at their Meeting next week and they have exactly the same Propositions as are before you today.
Conseiller Makepeace. Did I see a hand go up here? No. Conseiller Makepeace.

Conseiller Makepeace: Thank you, sir.
450 Yes, I think it is a great idea to have this extra holiday, but with the absence of an employment law in Sark, could I just ask that maybe local employers show, well, a bit of initiative and maybe pay their staff for the day off, because I imagine at the moment there is no obligation to pay anyone to take this day.

455 So if we could maybe encourage local employers, as a good-will gesture, to pay for people taking the day off.
Thank you, sir.

The Speaker: Sounds like a very good idea.
Do you want me to go straight to the Propositions? Right, we will go to the Propositions. There
460 are three Propositions, I will vote on them all in one. I will read them out and then we will vote once.

Proposition 1: that Chief Pleas approve that Thursday 2nd June 2022 shall be a public holiday in place of Monday 30th May 2022.

Proposition 2: that Chief Pleas approve an additional public holiday on Friday 3rd June 2022.

465 And Proposition 3: that Chief Pleas direct the Policy and Finance Committee to instruct the Law Officers to prepare such legislation as may be necessary to give effect to the above decisions. Those in favour; those against. **Carried.**

11. Disbanding of Committee – Land Reform (Special) Committee Report considered

To consider a Report from the Land Reform (Special) Committee entitled ‘Disbanding of Committee’.

The Speaker: We move to Agenda Item 11, to consider an Information Report from the Land Reform (Special) Committee entitled ‘Disbanding of Committee’, and I would ask Conseiller
470 Raymond to introduce the Report, please.

Conseiller Raymond: Thank you, sir.

475 It is very straightforward. Unfortunately, we have hit a logjam in St James’s Chambers and there will be a considerable delay before the tribunal legislation can be drafted. However, the form of the legislation has been set out and the aims of the tribunal are clearly understood by the drafting team in St James’s Chambers. In addition to that, unfortunately, it seems as though our special adviser, Nik van Leuven, will be less available than he has been in the past, and for that reason we think that he has done all that he can.

The team, at a recent meeting, agreed that they should disband.
480 Thank you.

The Speaker: Any comment or questions, please? Yes, Conseiller McHugh.

485 **Conseiller McHugh:** Again, I would just like to thank Conseiller Raymond for all the hard work that he has put into land reform, which he practically pulled off singlehandedly. It has been a massive change for the Island.

The Speaker: Thank you.

**Statement from the Seigneur –
Tribute to Mr Nik Van Leuven**

490 **The Speaker:** Right, before we move on to the next Item, the Seigneur would like to make a statement. Thank you.

The Seigneur: Thank you. This is a tribute to Mr Nik van Leuven, if I may.

Nik van Leuven grew up in Guernsey. He qualified as an English barrister and then as a Guernsey advocate. He formed his own practice with two partners, now known as Ozannes.

495 He practised throughout the Bailiwick which included a special interest in Sark where he spent a lot of time. He built a house in Happy Valley on Beauregard tenement, which he then sold to buy the Rondellerie tenement. This he sold in 2002 when he left Ozannes to become HM Procureur, at which point he was appointed a QC. In 2009, he became the Director General of the Guernsey Financial Services Commission, a position which he held until his retirement.

500 In 2018, when he was involved in the review of remuneration for the Seneschals, I asked if he would help with the land reform project to which I had been invited to contribute. He willingly accepted and proceeded to help and guide the Committee through their thoughts and proposals using his unique knowledge of Sark and Guernsey law, coupled with a detailed knowledge of the characters that make up Sark community. The Committee were very lucky to have his support and to take their proposals forward.

505 Nik's wide legal knowledge was of particular value in adapting proposals for the protection of leaseholders. His ingenuity was well tested when the unique Sark scheme for Saisie was completed, encompassing some 25 drafts of the legislation. Having been Procureur, Nik was able to work well with Law Officers, and in particular Vicki Ogier, who drafted all the complex legislation. Sark owes a huge debt to both Nik and Vicki and today, on your behalf, I record our grateful thanks to them both.

The Speaker: Hear, hear.

515 **Several Members:** Hear, hear.

**16. The Compulsory Purchase (Electricity) Law, 2021 –
Policy and Finance Committee Report and draft Projet de Loi considered**

To consider an Information Report from the Policy and Finance Committee entitled 'Purchase/Compulsory Purchase of Electricity Infrastructure' and to consider the draft Projet de Loi entitled 'The Compulsory Purchase (Electricity) Law, 2021'.

The Speaker: We move to the reordered Agenda from the Addendum, Agenda Item 16, to consider an Information Report from the Policy and Finance Committee entitled 'Purchase/Compulsory Purchase of Electricity Infrastructure' and to consider the draft Projet de Loi entitled 'The Compulsory Purchase (Electricity) Law, 2021'.

520 Conseiller Guille, please.

Conseiller Guille: Thank you, Mr Speaker.

525 During the Emergency Chief Pleas Meeting held on 21st June 2021, Chief Pleas agreed the following Resolutions: (a) to authorise the Committee, or an agent or representative appointed by the Committee, if the Committee so determine, to enter into negotiations with SEL/SEHL to purchase the company or some or all of its assets and/or any other plant and/or equipment located on Sark and which is used for the Island-wide generation and/or distribution and/or supply of electricity. And (b) to request the Law Officers of the Crown to prepare a Projet de Loi enabling the compulsory purchase of SEL or SEHL and/or assets owned by SEL or SEHL and/or any other
530 plant and/or equipment located on Sark and which is used for the Island-wide generation and/or distribution and/or supply of electricity.

535 On 13th July 2021, the Policy and Finance Committee wrote to the managing director of Sark Electricity Limited and Sark Electricity Holding Limited, Mr Witney Price, seeking to make arrangements to commence mediation on the parameters for negotiations for an acquisition by consent of SEL or SEHL by Chief Pleas. The Committee wrote again on 3rd August, 1st September and 15th September. To date, Mr Witney Price has not accepted the offers to enter into mediation and it has not been possible to progress this matter.

540 The Committee also wrote to Carey Olsen, Mr Witney Price's legal representatives, on 11th October offering mediation prior to negotiation. At the time of writing this Report, no reply had been received. Negotiation of an acquisition by consent remains the preferred way to progress this matter, with acquisition by compulsory purchase being a last resort. However, the risk that the supply of electricity to residents may cease or is at significant risk of being discontinued remains. If ownership cannot be acquired by the consent of each party through a negotiated purchase, the Committee consider it proportionate and necessary to acquire the
545 assets of SEL/SEHL through compulsory purchase to ensure continuity of electricity supply to Islanders on a stable and predictable basis.

550 Compulsory purchase legislation is used in other jurisdictions to acquire rights or ownership over private property where necessary in the wider public interest. Compulsory purchase legislation addresses matters such as identifying the property in question and providing for an independent process to determine the compensation that should be paid. The draft legislation appended to this Report has been prepared to enable a fair balance to be reached between the interests of the wider community with those of the individual property owner in a way that respects the international obligations to which Chief Pleas has committed, including the European Convention on Human Rights. This draft legislation relates specifically to the purchase of SEL/SEHL
555 or its other relevant assets related to the supply of electricity in Sark. It has no wider application to any other assets or for any other purposes.

560 If a purchase is negotiated then the capital funding required will need to be raised through negotiations on lending and investment, either with the States of Guernsey or through commercial borrowing, possibly by private equity investment. These options are being explored and will need to be brought back before Chief Pleas for agreement before any acquisition is finalised.

565 The community in Sark can be assured that alongside the compulsory purchase legislation Chief Pleas also has robust contingency plans in place should there be an interruption in the electricity supply. These have been developed further following the threat of cessation of supply in the winter of 2018 and can be initiated at short notice if necessary. The Bailiwick Civil Contingencies Authority (CCA) has been briefed on this matter, should there be an interruption in that supply which would result in an emergency occurring. This will ensure that Chief Pleas, acting in tandem with the CCA, will be in a position to act quickly to avoid or limit the timescale of any disruption to a very short period.

570 If these short-term interim measures need to be put in place on a long-term footing to ensure continuity of supply, there will need to be a transition to a more stable, longer-term arrangement.

Such an arrangement will require, at the very minimum, long-term access to the existing infrastructure at present owned or used by SEL/SEHL in order that it can be operated lawfully by an operator other than SEL or someone authorised by SEL. This draft legislation will ensure acquisition of the assets of SEL/SEHL can take place if negotiations are unsuccessful. This would likely be an important step to take should SEL or SEHL cease trading or should supply be cut. It would be vital at that stage for Chief Pleas to take control of the supply of electricity to the entire Island. This step may be necessary to prevent an emergency occurring by taking proactive steps, rather than having to respond to an emergency after the event.

The Committee is of the view that this Projet is in the interest of the community in Sark and it is proportionate to the current threat with regard to the electricity supply that the Island faces. If these powers are needed at short notice, it is expedient and in the public interest that these powers are enacted as soon as possible. This will ensure there are a range of options to deal with any cessation of supply as well as provide all possible pathways towards the acquisition of SEL or SEHL or relevant assets.

A copy of the draft legislation was sent to SEL on 5th November 2021, with a response time of 28 days. The Committee will, in conjunction with the Law Officers, consider the responses during the following seven days, with the intention to return to Chief Pleas at the earliest opportunity after that. We are currently looking at a proposed Meeting of Chief Pleas in that respect on 15th December, which will be a single-Item Meeting just to discuss this Projet and vote on the Propositions.

Following on from this, at Easter 2021 Chief Pleas the Assembly directed that an assessment and report was carried out into the high voltage distribution network in Sark and a copy is attached in Appendix A of this Proposition. It is also as an Information Report just after.

I would like to hand over to the floor for any questions or comment from Conseillers.

The Speaker: I have Conseiller Makepeace.

Conseiller Makepeace: Thank you, sir.

600

The Speaker: One moment.

Conseiller Makepeace: Oh, sorry.

The Speaker: I had to get my mask off!

Any other hands, please. Right, I have Conseiller Makepeace, Conseiller McHugh, Conseiller Le Lievre and Conseiller Raymond.

Conseiller Makepeace, please.

Conseiller Makepeace: Thank you, sir.

I would just like to say a year ago I would have been dead against this, but after last year's events I really do not think we have any other choice than to compulsory purchase or to start the procedure, because we are just being held to ransom and there is always the threat of the electricity being turned off. It is not a way for people to live.

I think it is nearly impossible to negotiate with someone who does not reply or does not communicate, or who seems to be willing to enter into negotiation or that even owns the company. So I would just suggest that we go ahead with the compulsory purchase as soon as we can.

Thank you, sir.

620

The Speaker: Thank you.
Conseiller McHugh.

625 **Conseiller McHugh:** Yes, I am similar to Frank, really. I mean to Conseiller Makepeace –

The Speaker: Conseiller Makepeace, yes.

630 **Conseiller McHugh:** Yes. I have had my reservations about how the Government has interfered in the electricity company and this move now that we are making is certainly very audacious, but we have got to a point where we cannot change our direction anymore. We cannot go back to where we were 10 years ago and look at all things again. The Island needs a surety of supply and we presently do not have it. That is much more important, I think, than the price per unit.

635 It also seems unlikely that the present owners would have the reserves to fix all the problems that have been highlighted by the recent HV report, and I just want to make it clear to the House that I intend supporting P&F in their endeavours to purchase the electricity company.

Thank you.

The Speaker: Conseiller Le Lievre.

640 **Conseiller Le Lievre:** I am of similar mind to the other two Conseillers who have spoken. It is with some considerable regret that I find myself having to talk about the imposition of compulsory purchase of our power generation company assets from the current owner. I am not an advocate of Government intervention into private business. I would like to see a negotiated solution to this fractious situation. This option appears to be as far away from happening as it ever was. The
645 current management of the company has not agreed to enter into negotiations after many invitations to do so and we cannot continue to have that threat of disconnection held over us whenever the company is asked to engage with Chief Pleas or the regulator.

650 If we cannot persuade the company to come to the negotiating table, then the only course of action left to us is compulsory purchase of the assets, and a method of securing our future power generation. I will be voting in favour of the Proposition.

The Speaker: Conseiller Raymond.

Conseiller Raymond: Thank you, sir.

655 My concerns are on the timescale, and that is particularly reinforced by the survey report and by the responses which we have had in the last day or so from the company.

660 If we pass the legislation in December, there is then a period when it will be processed before it may receive Royal Assent in February. A valuer has to be appointed and the valuation performed. This will probably take four to eight weeks and take us perhaps to the middle of April, following which the earliest date for acquisition is likely to be the middle of June. Why do I say that? Because the legislation as it is drawn requires the appointment of a valuer and I do not see why we cannot go straight to the appointment or delegate the appointment to an industry president of a relevant body. At the moment, it rests with the Seneschal's Court, and I wonder whether the Seneschal's Court is the right place, because to be a Seneschal you have to be resident
665 in Sark and that makes you a consumer of Sark Electricity. I would prefer, if the appointment has to be made by a Court and it is not by an industry body, if it goes straight to the Royal Court.

670 As I have said, it will be four to eight weeks before the valuer completes his valuation and he then serves notice of the valuation on both the company and Chief Pleas. There is then a 28-day period for the valuation to be set aside by the Royal Court on the application of either party. If, however, no application is made, then the valuation becomes final after 56 days. And after 56 days, following service of the notice, a binding agreement is deemed to have been entered into and the relevant day when the takeover is completed and the compensation payable is seven days after that. So we have got 63 days after all of this takes place, and it is because of the way that the legislation is drawn.

675 I would ask the Committee if they would go back to the Law Officers and question them as to why we cannot advance the date on which we can take control of the assets, with the valuation process to follow afterwards, because it is the valuation process which is delaying everything and safety is conferred on the community by ownership and control by Chief Pleas. I think that is a very important point: we need to take control of these assets at the earliest possible opportunity.

680 Thank you.

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

685 **Conseiller Pippa Donovan:** Thank you, Mr Speaker.

It is just to echo what Conseillers McHugh, Makepeace and Le Lievre have said. I am fully supportive of compulsory purchase. The current situation cannot continue, we cannot be held over a barrel, but even in my short time in Chief Pleas it has been really pleasing to see Conseillers all communicating and working together on this. I think we all have the best interest of our own households, if nothing else, as well as the Islanders, that this is the right thing to do to move the situation forward and it is reassuring that the contingency plans are in place and the readiness of Guernsey to support us if it should be needed as well.

Thank you.

695 **The Speaker:** Anybody else, before I ask Conseiller Guille to sum up? No.
Conseiller Guille, please.

Conseiller Guille: Thank you, Mr Speaker.

I am pretty sure I can take it from Conseiller Raymond's comments that he is fully supportive of the intent of the compulsory purchase and therefore I would like to thank every Conseiller who spoke on this Item for their support in this and extend that from the Policy and Finance Committee that have been working very hard on this with the Law Officers.

I thank Conseiller Raymond for his comments. We did wish originally to be able to name an industry body in the actual text of the Law from the offset but it has proved difficult to get agreement to that within the timescale of bringing this Proposition and having to go through the necessary 28 days of consultation with SEL. But obviously Conseiller Raymond is referencing timescales in light of the condition report of the high voltage grid, and I think that has brought into sharp contrast the safety issues which are facing the Island. So we will go back to the Law Officers to see if any adjustment can be made on the date, but unfortunately this big step will inevitably not be a quick and easy process. But I would just like to echo the views that have been expressed already. I think we are left with no other option and no faith in the company currently providing our electricity on Sark and we have to do the right thing for the people of Sark, and genuinely put their best interests first, which has not happened for quite a long time in this particular scenario.

715 So I would like to thank all Conseillers for their contribution and again, Conseiller Raymond, will get back to you on your suggestions.

Thank you.

The Speaker: As this is an Information Report, there are no Propositions. If the Projet de Loi is to come back in December, I would hope, Conseiller Guille, that at least Conseillers would have 21 days with the Projet in their hand so that they can really study it and come back for a single-Item Chief Pleas Meeting before Christmas in order to approve it. But the timing is tight; 21 days before the 15th is back into November. (**The Seigneur:** Twenty fourth.) Twenty fourth, I am told by the Seigneur. We only have very limited time to make any changes that Conseiller Raymond has been suggesting to this, so a degree of urgency needs to happen with the Law Officers on this

and I would urge you to give as much possible notice as there is for this legislation when it actually comes for approval.

Conseiller Guille: Could I comment, please, Mr Speaker?

730

The Speaker: Yes.

735

Conseiller Guille: I would suggest right now that come the end of November we are unlikely to be introducing any adjustments. Come the end of November, after the consultation period with Sark Electricity, that is unlikely to be the time that we would want to introduce any amendments to this because then we will have to go through another consultation period with Sark Electricity all over again. So if any amendments are to be made to this, they need to be made in the short term, rather than in December.

740

The Speaker: Yes. Thank you.

Conseiller, before we leave that Item, you wish to make a comment?

Conseiller Plummer: Yes, please.

745

The Speaker: Conseiller Plummer.

Conseiller Plummer: Thank you.

750

I would just like to say a big thank you to the boys and girls who actually work at the Sark Electricity power station, because it must be extremely difficult, and I know that it is, for them, from time to time, and I would just like to have this House aware that we are very grateful to them for continuing to support the Island.

Thank you.

17. The High Voltage Assessment Report – Policy and Finance Committee Report considered

To consider an Information Report from the Policy and Finance Committee entitled ‘The High Voltage Assessment Report’.

755

The Speaker: Right, we move to Agenda Item 17, which is from the Addendum, to consider an Information Report from the Policy and Finance Committee entitled ‘The High Voltage Assessment Report’. Conseiller Guille, please.

Conseiller Guille: Thank you, Mr Speaker.

760

At the Easter Chief Pleas Meeting on 14th April 2021, Item 15, Electricity Laws Survey, Chief Pleas authorised the Policy and Finance Committee to commission a survey of the existing cabling and ancillary equipment – with the exception of the power station equipment – currently providing electricity to households. This survey has now been carried out by Electrical Infrastructure Services. The report was a visual assessment only and notes the observations of the surveyor with relevant references to UK law. A copy of the High Voltage Assessment Report has been appended to the previous Report on compulsory purchase in these papers.

765

I think you will have all obviously, and I hope a lot of members of the public will have read this Report by now and it is particularly worrying on a Sark-specific scale, where we are talking about the highly likely existence of PCBs in some of the grid equipment; it is in the transformers. These carcinogenic chemicals, if they are allowed, through accidents or lack of maintenance or whatever

770 reason they find their way into our groundwater ... it does not really bear thinking about the clean-up. Despite correspondence in the last few days from Sark Electricity comparing it to diesel going into the ground, or oil, it is nothing of the sort. The clean-up operation for such carcinogens getting into our water system does not even bear thinking about logistically or financially.

775 It seems that Sark Electricity's director, Mr Witney Price – formerly Mr Jackson – his line of attack in correspondence of the last few days seems to be like, 'There's no law regulating the safety behind the electricity supply, therefore it's not my fault that we're running old equipment.' I think we need to quash that one straightaway. This is the person and the company that has chosen to run a business selling electricity to Islanders. They have a commercial responsibility to conduct their business in a safe manner.

780 Sark's Government is small and we certainly do not legislate for everything. This is a historical situation where previously there was good co-operation with the electricity company, and just like many other businesses they almost regulated themselves in terms of safety for the sake of conducting their business in a proper manner with due respect and a concern for the safety of their customers. To try and pin a chronic lack of investment by Sark Electricity on an absence of legislation from Sark Government is entirely disingenuous and just yet another smoke screen to the real problems that are at hand. It is a lack of investment. Replacing all that switch gear in the transformers that the Report has highlighted could very easily have been done with a moderate investment year on year over a long period. We have not seen any evidence of investment since Mr Witney Price took control of the company, nearly a couple of years ago. We have just heard excuse after excuse for reasons why he is not investing. Well, I do not think there is any excuse for the condition of some of the equipment and the danger it poses to residents.

790 I was glad to hear the support of many Conseillers for the previous Item and I genuinely believe it is our most viable way forward at the moment to bring about a safer environment for the residents of Sark.

795 Any questions or debate, please?

The Speaker: Specifically on what has been said, but also on the Report that was appended to the previous Item. Any debate or comment, please?

Conseiller Makepeace.

800 **Conseiller Makepeace:** Just a question actually about the gas or the waste product that Conseiller Guille mentioned. It does sound quite alarming that something like that could seep into the water. I was not aware of that, but thank you for highlighting that.

805 **The Speaker:** This is a problem which Guernsey had at the Airport with the use of PCBs in their fire extinguisher, and it cost them millions and millions of pounds to sort their water system out because it had got into the water system. So it is a serious issue and one that really should have been tackled by previous managers of Sark Electricity.

Any other comments? Conseiller Raymond.

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

We have had a letter in the last day or so saying that the managing director of Sark Electricity is recovering from pleurisy. Wish him a speedy recovery; he will need to be very fit, he has a mountain to climb.

815 I would just like to refer to the executive summary of the survey report, where it says, in the author's opinion, the present network is 'not fit for purpose', is 'in need of many immediate upgrades and replacements'. The company's comment on that statement is, 'Sark Electricity agrees with this observation and has been seeking the support of the Policy and Finance Committee of Chief Pleas to accommodate this recognised need for investment since the business was acquired by the new owners in March of 2020.'

820 I do not believe that it is the job of Policy and Finance to organise finance for a private company which is actually one that it is seeking to acquire or acquire the assets of. Any involvement with this company will involve either money or risk. We need to proceed to acquire the assets. The survey raises doubts as to the safety of the system, which is of considerable concern, which is why I said we need to have control of these assets at the earliest possible opportunity.

825 Thank you, sir.

The Speaker: Anybody ... Yes, Conseiller Guille.

Conseiller Guille: Thank you, Mr Speaker.

830 Obviously the Report has highlighted some pretty dangerous items in the network of assets that Sark Electricity has, but I would like to echo the sentiment expressed by Conseiller Plummer during the last Item, that I would like to offer our sincere thanks to the employees on the ground of Sark Electricity for keeping the power supply to the Island going. They can only work with what they have got. They are not in charge of ordering new equipment and bringing the company up to more modern safety standards and I think they do a damn good job with the hand that they are

835 dealt at the moment, and I would just like to offer our support to them specifically.

Thank you.

The Speaker: Thank you.

**18. Proposed Review of Corporate Governance Model Isle of Sark Shipping Ltd –
Policy and Finance Committee Report considered –
Propositions carried**

To consider an Information Report from the Policy and Finance Committee entitled ‘Proposed Review of Corporate Governance Model Isle of Sark Shipping Ltd’. (This report was changed to a Report with Propositions).

Proposition 1

That Chief Pleas approve the Report entitled ‘Proposed review of corporate governance model of Isle of Sark Shipping’.

Proposition 2

That Chief Pleas continue to work with the Law Officers and board of Isle of Sark Shipping to implement the proposed new governance structure.

840 **The Speaker:** Right, we will then move onto the next Item on the Addendum, which was an Information Report, it is now a Report with two Propositions from the Policy and Finance Committee entitled ‘Proposed Review of Corporate Governance Model – Isle of Sark Shipping Limited’. I would ask Conseiller Guille to introduce the Report, please.

You were all given the two Propositions as you came in and there are some around in the public

845 gallery as well, so we will be debating this Report with those two Propositions at the end.

Conseiller Guille, if you would like to introduce.

Conseiller Guille: I do not believe all Conseillers have got the new Propositions yet.

850 **The Speaker:** Right, okay. Pass them around.

I will say, while they are being passed round, the Conseillers were given a copy by email of the new Propositions some week ago. So they are not new Propositions, they have been printed out so that you actually have them in front of you in paper rather than having to rely on an email copy.

855 Just to inform the public, who may not have had a look of the copies that I put round the back, the first Proposition is that Chief Pleas approve the Report entitled 'Proposed Review of the Corporate Governance Model of Isle of Sark Shipping' and the second Proposition is that Chief Pleas continue to work with the Law Officers and board of Isle of Sark Shipping to implement the proposed new governance structure. So that is what you will be voting upon.

Conseiller Guille, please.

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Conseiller Guille: Thank you, Mr Speaker.

865 Following the Resolution at Easter Chief Pleas held on 14th April 2021, that Chief Pleas approve that Policy and Finance appoint Andrew Ozanne to act as facilitator to enable a meeting between IOSS and Policy and Finance, the Policy and Finance Committee and others have met with Andrew Ozanne on several occasions to establish a positive and mutually supportive way forward for both parties. An update was given to Conseillers on 12th October 2021. Likewise, Andrew Ozanne has met with the Isle of Sark Shipping managing director and board separately and together on several occasions before reaching these recommendations.

870 Historically, appointments and changes within the corporate structure of Isle of Sark Shipping have been presented to Chief Pleas for approval. The proposed new structure allows that Chief Pleas will be part of the event, rather than after the event. The Policy and Finance Committee recognise that the current managing director is pivotal to the development of the proposed new corporate structure and his expertise should not be underestimated. It is also recognised that the current managing director is approaching retirement age and plans should be put in place to recruit and train his replacement. Chief Pleas will be involved in the recruitment process from advertisement through interview and appointment.

875 In order to establish strong lines of communication, the corporate structure is to change to: Sark non-executive chair, if possible; a non-executive director with appropriate business experience; another non-executive director from Sark – again, we would be looking with somebody with appropriate business experience; and a managing director. Two of the current board members' terms of office are due to expire in April 2022. In accordance with good government practice, when the next positions are advertised they will be open to all applicants. Chief Pleas will be involved in the recruitment process from advertisement through interview and appointment. A new position of fleet manager is to be created to monitor and report to the board on the vessel operation and maintenance issues. The position of operational manager is to be formalised and the position of finance manager is to remain within the company.

885 The Policy and Finance Committee, working with Andrew Ozanne as facilitator, will determine a timetable for these changes which will facilitate a smooth transition into the new structure. Essentially, we are not making a very big change at all to the board structure of Sark Shipping. At the moment, they have three non-executive directors and a managing director, which is exactly where they will end up if these Propositions are agreed, except that more emphasis will be placed on having a non-executive chair who is a Sark-based individual. We believe this will help to set a more Sark-centred agenda for board meetings. The non-executive chair will be part of the community in Sark, he will be able to hear the concerns of residents and businesses in Sark.

895 This is about resetting what we require from this company. It is our lifeline service to provide access to and from the Island, but it is also the key factor in the biggest economy on the Island, which is tourism. It is the key factor in maintaining many businesses on the Island. It is why it is so important that Chief Pleas, in our obligation to Islanders to monitor and oversee what is an Island-owned company, need to have ... it is not involvement in the day-to-day running of the company. That will not change whatsoever with these Propositions. It is we need to have more information as to the decision-making that is taking place which could have huge effects on the economy on Sark and the welfare of its people.

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Perhaps the biggest change here might be envisaged to be the introduction of a fleet manager. It has already been discussed many times, but it could well be an engineer, one of the engineers
905 on the crew, or even one of the skippers themselves. Or it could be a new person brought in, not necessarily working on a full-time basis, but Chief Pleas are responsible for Sark Shipping, for its financial draw on the Island. Obviously Sark Shipping are paying back a loan to the Island at the moment, and if the company, for whatever reason, in the future – pandemics or natural disasters or the way the world economy is going – ends up in trouble, it will always fall on Sark as the first
910 port of call to help them out financially. So that is why Chief Pleas, one of our obligations is to monitor the finance of the company, and we have certainly got better working relationships in place now between our Treasury and the finance manager at Sark Shipping, and there is better reporting going on.

So apart from the finance of the company, we have got to manage the fact that it is our lifeline
915 service and what sits behind your lifeline ferry service is your vessels. We were not put in a very good position last year. The *Venture* went out of service for re-engining in January of last year. Initially I think we were told it was a three- to four-week project to put new engines in. This slipped into February; it was questionable why the *Venture* went out of service in January and we relied on the *Belle* for our passenger service at the time, but it seemed to work okay. But the *Venture*
920 re-engining slipped into February. Then it slipped into March and then the pandemic came along.

First of all, regardless of the pandemic, a re-engining that was said was going to take three or four weeks should not have slipped through January, through February, and it was nowhere near being completed at the end of March when the pandemic hit anyway. This then left us, when lockdown eased and we were back in our Bailiwick bubble, well, before that happened the Policy
925 and Finance Committee were saying to Sark Shipping, ‘You need to do everything you can to get the *Venture* back into service. We can’t be relying on one boat.’ And as it was, we had a fairly good Bailiwick-bubble summer that year, but to be honest we were pretty much hanging by a thread relying solely on the *Belle* to bring the much-needed revenue to the Island’s businesses and repeatedly we encouraged Sark Shipping to get the *Venture* back into service.

We heard half a dozen excuses about they could not get surveyors over etc. and then finally,
930 when Andrew Ozanne’s report came out later that year, it turned out, in a board meeting, they had decided to cease work on the *Venture* before even the beginning of the summer until the cash position of the company improved. That, when they knew they needed the *Venture* back to do the winter anyway. So it was going to have to be repaired before the end of the year come what
935 may. They just did not want to affect the cash position of the company and they did not want to go into the loan, despite having a big loan facility available to them.

That was not an acceptable position to leave the people and the businesses of Sark in. It said that there are contingency plans with Trident, but we made our own investigations, and on a busy
940 July or August weekend, when Trident are running both boats to Herm, their priority would not have been to bail Sark Shipping out because our only passenger boat had gone down. There was simply no excuse that the company running our lifeline service basically did not get the *Venture* back into commission soon enough. So the point of the fleet manager is to have one person who is responsible solely for vessel maintenance and ensuring that the company has the tools to perform the service that it gives the Island.

The second important thing about the fleet manager is we were very fortunate, perhaps, to
945 find Mr Milner, the current MD, who in the past used to work for Condor Ferries. When we are looking for a replacement MD, the idea is that if we have got a fleet manager there, a professional marine industry background, who can manage the vessel side of the business, it means we can open up the search for a managing director to hundreds more times – well, multiples of hundreds
950 more applicants who do not necessarily have to have a ferry background. It is not a huge company, it could be a person from a variety of different businesses. We need, first and foremost, a business manager and not just restrict ourselves to somebody with a ferry or marine background.

955 So between ourselves and Andrew Ozanne, we cannot see why the board should not be welcoming these proposals. We think they are very well considered and we would like to encourage Conseillers to vote for these Propositions.

The Speaker: Any comment or debate, please? Let me count the hands. I have Conseiller Drillot, Conseiller Makepeace – anybody else? Conseiller Le Lievre.

Right, we will start off with Conseiller Drillot, please.

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Conseiller Drillot: Thank you, Mr Speaker.

I would just like to publicly thank Andrew Ozanne for all his time on this. I have had three meetings, or we have had three meetings, one for all Conseillers and two or three ... I know John has had a lot more with him. Andrew has –

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The Speaker: Conseiller Guille.

Conseiller Drillot: Sorry, Conseiller Guille has had more with him.

970 Andrew has put a lot of time into this with meeting with Sark Shipping, has not always been welcomed, found it very difficult, but has come out with, what I feel, or we feel as a Committee, is a very good structure that will bring Sark Shipping forward and bring it slightly back into our hands so that we can have a little bit more control of the board side, rather than the day to day. Because, like Conseiller Guille said, the day to day will stay with Sark Shipping, we just need to get back a little bit more control so we do not get caught like we did last time. But without Andrew Ozanne, he has been an absolute godsend in this, so I would like to thank him.

975

Thank you.

The Speaker: Conseiller Makepeace.

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Conseiller Makepeace: Thank you, sir.

I would just like to say I am in favour of this proposal. I think that it seems to have been going on for a while and we could benefit with more involvement in it. I have read all the correspondence from all parties and I do not pretend that I understand it all. However, I do trust the judgement and professionalism of Conseiller Guille and Andrew Ozanne in leading us forward.

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Thank you, sir.

The Speaker: Conseiller Le Lievre.

990 **Conseiller Le Lievre:** Yes, just a question on the fleet manager. Are we responsible for selecting the fleet manager or is that done by management of the company?

I quite like the sound of the idea of that fleet manager coming from existing stock, either engineer or skipper, given that they will know what is going on around them and be familiar with the fleet. Perhaps you could answer that one for me.

995

Thank you.

The Speaker: Anybody else? No.

Conseiller Guille.

1000 **Conseiller Guille:** Yes. The fleet manager would be an employee of Sark Shipping, but as with the other suggestions from Andrew Ozanne contained in this, we would have representation at any interview and involvement in the advertising process. Yes, it could come from within the company, but it would certainly be a position that we would wish to be advertised generally, because you never know what value you might be able to add to the company itself.

Yes, that is the ...

1005 **The Speaker:** Conseiller Raymond.

Conseiller Raymond: Thank you, sir.

I am fully supportive of this, and just to remind people, in addition to the loan that we have already made in cash terms of up to £300,000, which we have agreed this evening, there is also a guarantee liability for the loans to Sark Shipping by banks. Those total, from memory, about 1010 £570,000. And in respect of the loan for the *Corsaire de Sercq*, it has a balloon payment at the end of the loan period of five years of £115,000 which has to be borne in mind. So our liability does not expire with the loan because there is still that final payment to be made.

Thank you.

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The Speaker: Right, in that case, we will go to the vote on the two Propositions. Proposition 1: that Chief Pleas approve the Report entitled 'Proposed review of corporate governance model of Isle of Sark Shipping'. Those in favour; those against. **Carried.**

Proposition 2: that Chief Pleas continue to work with the Law Officers and board of Isle of Sark Shipping to implement the proposed new governance structure. Those in favour; those against. **Carried.**

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**12. Election of Deputy Chairman –
Policy and Finance Committee –
Conseiller Pippa Donovan elected**

The Speaker: We now move back to the main Agenda, and we move to Agenda Item 12 from the Policy and Finance Committee, to elect a Deputy Chairman.

There is one candidate only. The nomination was duly proposed and seconded that Conseiller Pippa Donovan be nominated. Therefore, I declare Conseiller Pippa Donovan duly elected to be 1025 the Deputy Chairman of the Policy and Finance Committee.

Congratulations, Conseiller Donovan.

Conseiller Pippa Donovan: I would say thank you, but ... *(Laughter)*

**13. Election of Assistant Constables –
Mrs Gemma Knight and Mr Christopher Branson elected**

1030 **The Speaker:** We move to Agenda Item 13, the Douzaine, to elect two Assistant Constables. I can confirm that I have received in writing the resignations of Mr Jason Lewis and Mr Dan Gale as Assistant Constables. Douzaine Chairman, may I please have your nominations for the persons to fill the two vacancies?

1035 **Conseiller Drillot:** Thank you, Mr Speaker.

First of all, I would just like to officially thank Mr Danny Gale and Mr Jason Lewis for their time and their help in setting up this process, working alongside the Constable, and for everything they have done in the last year and a bit.

I would like to put these two, if I can, Mr Speaker, separately, so we announce one and then 1040 vote on that one?

The Speaker: Yes, they need to be voted on separately.

1045 **Conseiller Drillot:** Yes, I thought it would be.
So the first one that we would like to put forward is Miss Gemma Knight.

The Speaker: Mrs Gemma Knight.

1050 **Conseiller Drillot:** Mrs Gemma Knight, sorry.

The Speaker: So the proposal is that Mrs Gemma Knight become one of the three Assistant Constables. Those in favour; those against. **Carried.**

1055 **Conseiller Drillot:** The second one is Mr Christopher Branson.

The Speaker: Also nominated is Mr Christopher Branson. Those in favour; those against. **Carried.**

1060 **Conseiller Drillot:** Thank you.

The Speaker: I would like to thank Mr Christopher Branson and Mrs Gemma Knight for standing for these important positions. The Seneschal's Court will sit soon after this Meeting concludes to administer oaths to the new Assistant Constables.

14. Committee Elections – None

To elect Conseillers to Committees as required.

1065 **The Speaker:** We move to Agenda Item 14, Committee Elections, to elect Conseillers to Committees as required.

Douzaine, you have one vacancy; do you have a nomination?

Conseiller Drillot: No, we do not.

1070 **The Speaker:** Is there anybody wishing to stand from the floor to go on the Douzaine? Right, okay.

So we move to a vacancy on the Protection of Vulnerable Adults Committee. Committee Chairman, do you have any nominations for that vacancy? No?

1075 **Conseiller Plummer:** No.

The Speaker: We will try again at the next Meeting ... not the next Meeting, but possibly the Christmas Meeting.

15. Committee and Panel Elections – None

To elect non-Chief Pleas Members and Panel Members to Committees and Panels as required.

1080 **The Speaker:** We move to Agenda Item 15, Committee and Panel Elections, to elect non-Chief Pleas Members and Panel Members to Committees and Panels as required.

Are there any nominations for non-Chief Pleas Members or Panel Members from any of the Chairmen, or Panel people? No.

Regulations laid before Chief Pleas –

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 11) Regulations, 2021;

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 11) (Amendment) Regulations, 2021; and

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 12) Regulations, 2021

1085 **The Speaker:** In that case, we will move to the Regulations laid before. There were two Regulations laid before on the Agenda, the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 11) Regulations, 2021, and those came into operation on 23rd September 2021; they are now time expired. And then the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 11) (Amendment) Regulations, 2021, and they came into operation on 20th October 2021. They are also time expired.

1090 There is a further Regulation on the Addendum, the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (Amendment) Regulations, 2020. That came into operation on 30th October 2021; they are still extant. If I made a mistake in the year date, it is 2021 on both of those.

Thank you very much for your attention. Hopefully there will be news coming out shortly about the next Chief Pleas Meeting. The Meeting is closed.

1095 Greffier, the grace, please.

PRAYER

The Greffier

Chief Pleas closed at 6.49 p.m.