

Government of Sark

Administrative and Executive Support

An Independent Review

by Belinda Crowe

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This report has been prepared for the government of Sark in accordance with the terms of my proposal of 18 November 2011, approved by Chief Pleas on 18 January 2012.

This Review has been informed by interviews, discussions and written exchanges with a variety of people; residents of Sark and others with an interest in Sark who wished to contribute. Although I have taken into account the views and opinions I was offered, and the information I obtained through wider research, the ideas and recommendations in this report should not be taken to represent the views of any individual except the author.

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A. Introduction

Background

The General Purposes and Advisory Committee commissioned an independent Review of the present administrative and executive support arrangements for the government of Sark and to make recommendations for reform which would provide the government with the impartial, accountable support necessary to develop and implement policy and deliver services in a manner appropriate to a modern democracy.

Options and recommendations should take account of:

- the size of Sark as a jurisdiction
- the newness of Sark's democratic arrangements
- the limited resources available
- the highly valued spirit of voluntary contribution to the running of government.

Methodology

This Review has been informed by:

- meetings and group and individual discussions with residents during two visits to Sark
- phone calls and written submissions and exchanges with a number of people who live on Sark or who have an interest in matters relating to Sark
- desk-based research about Sark and other jurisdictions
- an analysis of hours spent on government business by Conseillers in committee meetings and between meetings.

Acknowledgements

In conducting this Review I was greatly assisted by the many people, in total over 60 individuals, who took the time and trouble to write to me, talk to me, send me helpful information and answer my many questions. Facts and figures, where they were available, were provided by the Committee Secretary, the Treasurer and others from within government. As well as views from within Sark, I am also grateful to those who do not live on Sark but are otherwise associated with it, and were keen to offer observations and comments. I also received assistance from people in other jurisdictions who provided facts and figures for international comparisons.

I am grateful to all who contributed and gave their time so willingly and enthusiastically, and I would like to extend particular thanks for the warm welcome and hospitality I received during my two trips to Sark.

B. Executive summary

Sark is a new democracy, with a relatively new system of government and newly elected Conseillers (see Section D.7). The present government has gained experience of working within the new system and has decided, to its credit, to consider how it works in practice and whether it has the support it needs to carry out its democratic responsibilities for the benefit of the people of Sark. Nothing in this Review should be interpreted as criticism of individuals or the jobs they do. The breadth of issues dealt with in this Review is thanks, in no small part, to the honesty, open-mindedness and objectivity with which Conseillers, especially, were willing to look critically at the way they, and government, work and offer ideas for improvement.

There are some who think that Sark runs itself. It does not. It may be small, but its constitutional position gives it a high degree of autonomy and with that comes responsibility. Considerable work is required to manage and govern the Island properly as well as enable it to fulfil its international responsibilities. That work is done by a few paid officials and Sark's 28 elected Conseillers.

It is clear that Conseillers work hard and diligently for the good of Sark. They deal with complex issues, often in relation to subjects about which they have no previous experience, for no pay and often under difficult circumstances. The same is true of the unelected, but paid, officials who generally work beyond their contracted hours to deal with a heavy and ever increasing workload. Many people who responded to this Review praised the tireless efforts of the Conseillers.

Unsurprisingly, people have differing views about Sark and aspirations for it; but it is clear from the responses to this Review that those who live on or visit Sark love it, consider it unique and want it to remain so. Some love the particular way of life Sark has to offer, its peace and tranquillity, and want a quiet life untouched by, and free from, interference by the outside world, whereas others want a vibrant community that supports growth and development. These two aims are not mutually exclusive, although some see them as being so. Like any community, Sark has a diverse range of residents: the rich and not so rich, the retired and those who need to earn a living, among others. The needs and perspectives of residents differ considerably.

Most residents, understandably, do not want Sark to change. However, people also acknowledged that Sark *is* changing and want that change to stop or be reversed. Inaction and failure to tackle its strategic challenges will not stop Sark changing – it will simply result in change happening by default. It is for Sark to decide what it means by 'staying the same'. However, arresting the change that is happening now requires action and intervention. Otherwise Sark will indeed be a different place in 10 or 15 years time, but it may not be the sort of place where the people who now love it so much want to live, nor a place that will provide a sustainable lifestyle for future generations. The next stage in Sark's democratic maturity is to find the capacity to take control of its future, whatever that future may be, and ensure a sustainable legacy.

To meet Sark's strategic challenges, this Review recommends, in summary, that government:

- reduces and streamlines its committees and mandates the development and delivery of a long-term vision and strategy for Sark, focussing on sustainable commercial and economic development appropriate to its size and uniqueness
- adopts principles of good governance, with procedures to ensure transparency and integrity
- creates a small, impartial public service from existing posts, led by a new experienced Chief Secretary and supported by two new policy professionals
- delegates administrative and transactional work to the public servants.

The recommendations and supporting analysis are set out in full in Section L and listed in Section N. They are designed as a complete package. Taken together they will enable the government to operate efficiently and effectively, and make better use of the resources it has available to it.

There will be a cost. But for Sark to thrive and maintain its uniqueness, it must invest in itself. It has a healthy financial surplus and needs to use at least some of this to ensure Sark has a future, and that its government has the support it needs to govern well. Failure to invest in the Island and its democratic processes now could result in people being unwilling to stand for election in the future or government being unable to function effectively. A breakdown of democratic government could lead to Sark's future being taken out of its own hands, and its uniqueness being lost through a lack of care and attention.

C. Context

1. The Island of Sark

Sark is the smallest of the four Channel Islands jurisdictions, located just off the coast of Normandy in the English Channel, about 80 miles south of England. Sark is three and a half miles long, and a mile and a half wide and has a population of around 600 people. The number of people living on Sark is thought to have remained relatively static over recent years. There are around 370 residential dwellings on Sark, two churches and a range of accommodation for visitors including six hotels as well as a number of guest-houses, self-catering cottages and campsites. It has a post office and a doctor's surgery, a school, two harbours, and an Island Hall which is a focal point for residents and visitors, providing refreshments and a venue for a range of community activities from theatrical productions to public meetings.

With no cars or tarmac roads, personal transport is restricted to foot, bicycle or horse-drawn carriage. Tractors are allowed, under licence, where their use is necessary for business. Access to the Island is by boat as Sark has no airstrip and there is a 2,400 ft flight restriction over the Island.

There are no street lights on Sark. In January 2011 it gained the distinction of being awarded International Dark Sky Association recognition for its exceptional quality of unpolluted darkness and became the world's first Dark Sky Island.

2. Sark's economy and finances

An Island Treasurer manages the Island's finances. Sark is prohibited by statute from operating with a budget deficit. To ensure the finances remain in credit a budget plan is submitted by each of the spending committees of Chief Pleas to the Finance and Commerce Committee, which considers the plans and makes proposals for raising the funds to meet the planned expenditure of the committees. The whole package is then presented to Chief Pleas for debate and approval.

Sark has no income tax regime. Income is raised to meet planned government expenditure from a variety of taxation, income and other means as set out below:

Taxation income is generated from:

Direct Taxes – paid by all residents, based on property sizes and capital assets

Impot – a duty payable on alcohol and tobacco sales

Property transfer tax – paid on property and lease sales

Poll tax – a landing tax of £1 per adult resident and visitor included in the cost of the boat ticket.

Other income is generated from, for example:

Waste disposal

Licences (vehicles, dogs, horses)

Rents.

The Treasurer monitors and reports on expenditure in line with plans, and identifies unplanned overspends or underspends. The Treasurer provides regular outturn reports to individual committees to allow them to monitor their expenditure against plans, and also to the Finance and Commerce Committee, so that additional bids for unplanned expenditure can be made and necessary steps taken to ensure government stays in credit.

In the calendar year ended 2011 the running of Sark cost £1,108,181. The income for the same year was £1,215,545, giving Sark a net surplus of £107,364 for the year and an accumulated surplus of £2,897,662.¹ Sark's simple but effective system of budget management has put it in the position of being one of the few national economies that does not have a budget deficit.

¹ www.gov.sark.gg/Downloads/Agendas_and_Minutes/2012_Agendas_Minutes/120418_Agenda.pdf

Sark's official tourism website² boasts of a Sark where 'the pace of life is leisurely and relaxed. The Island provides a haven away from the noisy, everyday world; the perfect place to get away from it all'. Sark receives up to 40,000 visitors a year, many of whom stay for a short period but also a number of longer-term visitors who return year after year. The daily number of visitors to the Island can be as high as 1,000 and it is estimated that the average population of Sark can rise from 600 to 1,000 people at the height of the tourist season.

Aside from tourism, which is almost entirely confined to the Summer months, and a limited finance industry, construction and agriculture are the main industries. Many of the working population, especially those who work in the seasonal tourist industry, have a variety of jobs as one profession or trade alone does not always generate sufficient income to maintain individuals or families.

3. Sark's constitution

As a Channel Island, Sark has belonged to the Crown since the time of William the Conqueror when the Channel Islands formed part of the Duchy of Normandy. In the 13th century, Sark was retained by King John when the rest of Normandy was lost to the French. In 1565, Queen Elizabeth I granted the 'lease' or 'fief' of Sark to a Jerseyman, Helier de Carteret, setting out its constitution by way of Letters Patent. The hereditary fief was granted for the defence of the Island and as such is indivisible and must remain whole. The holder of the fief is the Seigneur, who holds the lease of Sark from the Crown in perpetuity. Under the terms of the original Letters Patent, the land comprising the Island of Sark was divided into 40 landholdings, or tenements, and the tenants had a traditional right, now removed, to a seat in its parliament.

Over the years, constitutional changes have been made by Orders in Council but the Island's unique relationship to the Crown has remained the same, and the position of the Seigneur as holder of the fief still exists today. Although the number of tenements remains at 40, the number of landholdings has increased to 83.³

Geographically part of the British Isles, Sark, like the other Channel Islands, is not part of the United Kingdom, nor is it a sovereign state. Her Majesty is Queen of Sark and the Ministry of Justice (MoJ) is the UK government department that advises Her Majesty on matters relating to Sark through the Justice Secretary and Lord Chancellor. The Crown, through the UK authorities, retains responsibility for Sark's defence and international representation. Sark is part of the Bailiwick of Guernsey and, except in matters of criminal law, Guernsey can only legislate for Sark with its consent. As an independent self-governing territory Sark has its own legislature, judicial system and administration. The unicameral legislature, Chief Pleas, is also the Island's government.

Until 2008, Sark operated a feudal system of government. The Chief Pleas initially comprised the Seigneur, the Seneschal as Presiding Officer, and the 40 tenement owners. In 1922 legislation was passed to provide for the addition of 12 deputies, elected by popular vote, from candidates who were not tenants. The Reform (Sark) Law 1951 introduced further constitutional reform but was repealed in its entirety by the Reform (Sark) Law 2008.

4. Government reforms

On 21 February 2008 Chief Pleas passed legislation to reform its system of government, dismantling the old feudal system and replacing it with a fully democratic system, compliant with the European Convention on Human Rights. The legislation – the Reform (Sark) Law 2008 – received Royal Assent on 9 April 2008 and provided that with effect from January 2009 the tenants and deputies would be replaced by 28 elected members known as Conseillers. Under the Reform Law both the Seigneur and Seneschal have seats in Chief Pleas. The Seneschal is the ex officio President of Chief Pleas. He does not have the right to speak in debate or vote. The Seigneur has the right to speak but not vote.

² www.sark.co.uk

³ http://www.gov.sark.gg/Downloads/Agendas_and_Minutes/2012_Agendas_Minutes/120418_Agenda.pdf

On 10 December 2008, the Island held its first democratic elections in which 28 Conseillers were elected to Chief Pleas by universal adult suffrage and secret ballot.

Sark's journey to democracy was described by the Justice Committee of the House of Commons, in its Eighth Report 'Crown Dependencies' of Session 2009-10⁴, as 'tortuous, was a long one, involving legal challenge and the refusal of Royal Assent'. The twists and turns of this journey are summarised in a judgment of the UK Supreme Court given on 1 December 2009 in *R (on the application of Barclay and others) (Appellants) v Secretary of State for Justice and others (Respondents)*.⁵ Although there are some who continue to suggest that Sark's system of government is not democratic, the Supreme Court held that the unelected positions of the Seigneur and Seneschal were not incompatible with Article 3 of the First Protocol to the European Convention on Human Rights. In its decision the Court also states:

The electorate of Sark consists of fewer than 500 voters, who choose 28 elected Conseillers by a process of casting 28 votes each and electing the 28 candidates with the largest number of votes. There is therefore one Conseiller for every 17-18 persons in the electorate. It is not easy to envisage... conditions which are more likely to ensure the expression of the opinion of the people in the choice of the legislature.

However, the Seneschal presently has two primary roles, Chief Judge and Presiding Officer of Chief Pleas. In a judgment of the UK Court of Appeal in 2008, the Court held that the dual role of the Seneschal is incompatible with the European Convention on Human Rights and Chief Pleas has subsequently legislated to enable it to separate the roles. This is the only outstanding change in this stage of Sark's constitutional reform. Chief Pleas has agreed plans to effect the separation in 2013. It is important that the government acts promptly to put this phase of its constitutional reform behind it and start positioning itself to focus on securing a prosperous future for Sark which retains (or reclaims) its unique way of life.

⁴ www.publications.parliament.uk/pa/cm200910/cmselect/cmjust/56/56i.pdf

⁵ www.supremecourt.gov.uk/decided-cases/docs/UKSC_2009_0119_Judgment.pdf

D. The government of Sark in practice

5. Elections and democracy

As stated in the preceding paragraphs, Sark held its first fully democratic elections in December 2008, electing 28 Conseillers by universal adult suffrage and secret ballot. The parliamentary term is four years. Fourteen of the Conseillers elected in 2008 retired in 2010 and the candidates elected in December 2010 will serve for four years. This creates a rolling election cycle in which 14 new Conseillers are elected every two years.

Twenty-eight elected Conseillers for a total population of about 600 people broadly equates to one elected member for every 21 residents of Sark. Voter turnout in the 2008 elections was 87% and almost 80% in 2010. Few jurisdictions, without compulsory voting, achieve higher. This gives Sark one of the highest, if not the highest, ratio of elected members to population of any representative democracy in the world, voted in through an exceptionally high turnout of voters. In addition, the small size and low population means that residents of Sark and elected Conseillers live in close proximity, and it is easy for residents to question and lobby their elected representatives on a daily basis as they go about their business. This provides for a very real and accessible democracy.

6. Chief Pleas

Chief Pleas, acting as the government, is a fused executive and legislative body. As the Island's legislature, Chief Pleas can make Ordinances in matters of public order and domestic regulation, and seek the sanction of *Projets de Loi* by Orders in Council. Ordinances made by Chief Pleas are transmitted to Guernsey's Royal Court, which retains the power to annul any it finds to be unreasonable or *ultra vires*. Chief Pleas may appeal to the Privy Council in respect of such an action. The States of Guernsey may legislate for Sark without consent in criminal matters and with consent in others.

Formal meetings of Chief Pleas are open to the public, and comprise the 28 elected Conseillers and two unelected members: the Seigneur and the Seneschal, ex officio president of Chief Pleas.

Chief Pleas meets as a full assembly four times a year, with meetings at Easter, Christmas, Michaelmas and Midsummer. These meetings are supplemented by extraordinary meetings as required. Since 2006 Chief Pleas has held between one and four extraordinary meetings each year. The agenda and papers for each Chief Pleas meeting are published three weeks before a meeting, and the minutes of each Chief Pleas meeting are published on the Sark government website.

As previously stated, the final phase of Sark's planned constitutional reform is to divide the roles of the Seneschal. When this happens Chief Pleas will have a president, and the role of the Seneschal will be that of Chief Judge, with neither seat nor role in Chief Pleas or government more generally.

7. Conseillers

Sark's elected politicians are called Conseillers. They are elected by universal adult suffrage for a term of four years on a rolling electoral cycle, with 14 new Conseillers elected every two years. As there are no political parties, candidates have no manifesto other than any personal pledges they choose to make as part of their individual election campaign.

Conseillers are unpaid. They may claim expenses incurred in carrying out their duties. Where reimbursement is claimed it is via the office of the Treasurer on the production of receipts. This is normally for travel and subsistence. The total amount paid out for expenses in 2011 was less than £1,000.

The work of the Conseillers is primarily carried out through the committees of Chief Pleas. All Conseillers sit on, or Chair, or both, one or more committees. In some instances Conseillers belong to as many as five committees.

8. Committees

The day-to-day functions of government are delegated by Chief Pleas to 16 committees. There are also two sub-committees of the Douzaine: The Old Island Hall sub-committee and the Public Works sub-committee.

All committees comprise a Chair, a Deputy Chair and a number of other Conseillers that varies from committee to committee. Some committees also have members who are ex officio, or other non Chief Pleas members. A full list of committees and their constitution is presented in **Appendix 1** of this report, and the mandates of each of the committees are provided in **Appendices 2 to 17**.

The Committee Secretary arranges all committee meetings with the frequency dictated by the committees themselves. The Committee Secretary, or his assistant, attends every meeting and takes the minutes of the meetings. The minutes of committee meetings are not published.

The committee members do all work associated with their committees, from the strategic – setting policy, instructing the Law Officers on legislation – to the administrative and transactional – granting licences (except where licensing responsibility falls to the Constable) and dealing with various other applications, recruitment and writing letters. The absence of any kind of public service support means that aside from arranging and taking detailed minutes of the meetings, the politicians carry out all policy *and* administrative tasks, and make both political and administrative decisions.

The extent of inter-committee communication and co-operation depends, in the main, on the way the Chair manages their committee, and whether a committee member who also sits on another committee spots an overlap and initiates inter-committee communication. In 2009 the Chairs of the 16 committees began holding regular meetings with the aim of making sure that all committees are aware of what the others are doing, in an attempt to join up government. The Chairs meet monthly and the meeting is chaired by rota. This 'Chairs' Committee' has no mandate. It was initiated at the suggestion of the General Purposes and Advisory Committee and is now beginning to establish itself.

There are also three tribunals: Development Control, Road Traffic, and Taxation. Each tribunal comprises a Chair, a Deputy Chair and three other members. The memberships of the tribunals are a mixture of Conseillers and other unelected, unpaid members.

E. Publicly funded positions on Sark

Sark has a number of 'employees' and official posts or positions paid for from public funds:

Civic role

Seigneur

Judicial roles

Seneschal

Deputy Seneschal

Other Island Officers (appointed in accordance with the Reform Law)

Prevot

Deputy Prevot

Greffier

Deputy Greffier

Treasurer

Assistant Constable

Total 6 Posts – none of which are full time: 3 full-time equivalents (FTE)

Employed Officials

Committee Secretary

Assistant Committee Secretary

Total 2 roles – neither of which is full time: 1 FTE

Other Island employees

2 part-time harbourmasters

1 medical officer of health

4 full-time teachers

4 part-time classroom assistants

2 part-time visitor officers

4 full-time public works employees

2 part-time cleaning staff

Total 19 people: 14 FTE

Positions which attract an annual honorarium

Constable

Vingtenier

Procureur des Pauvres

Deputy Procureur des Pauvres

Tax assessor

Total 5 positions none of which is full time: 2.5 FTE

This makes a total of 35 individuals. The total cost of funding these posts in 2011 amounted to £463,447. Excluding the Seigneur, Seneschal and Deputy Seneschal there are 20.5 FTE public service posts. FTE staff numbers quoted assume two part-time workers equal one full-time employee, although in practice the contracted hours vary.

9. Legal and legislative drafting services

Apart from some legal advice bought in on an ad hoc basis, the majority of legal advice and legislative drafting is provided by the Law Officers in Guernsey. An annual sum is paid for this service, which in 2011 was £47,878. In practice this arrangement with the Guernsey Law Officers means that when the government of Sark needs legal advice it generally approaches the Law Officers to provide that advice, and when Chief Pleas approves a policy proposal for legislation it is passed to the Law Officers to undertake the drafting.

F. Public service employees – comparisons with other jurisdictions

The different ways jurisdictions categorise their public sector workers makes direct comparison of public sector resources difficult. However, Table 1 seeks to provide as accurate a comparison as possible of government workers in small jurisdictions across the full range of public services.

The figures in Table 1 exclude civic and judicial roles for all jurisdictions but include other court and parliamentary staff. FTE staff numbers quoted assume two part-time workers equal one full-time employee.

Table 1: Comparison of Public Sector workers in small jurisdictions

Jurisdiction	Population	Public service employees (FTE equiv.)	Public service employees to population (approx.)	Elected members/ ratio to population (approx.)
Sark	600	20.5 government workers	1 per 29 residents	28 1 per 21 residents
Guernsey	62,000	5,480 public sector workers	1 per 11 residents	45 (exc. 2 Alderney reps). 1 per 1,380 residents
Isle of Man	84,500	7,020 government workers	1 per 12 residents	24 1 per 3,500 residents
Alderney	2,110 (as at 2011)	55 Alderney public service employees (includes 3 FTE Court staff)	1 per 38 residents (but see below)	10 1 per 210 residents
Falkland Islands	2,955 (2006 census)	567 government employees (includes seasonal/ temporary/contract)	1 per 5 residents	8 1 per 369 residents

Table 1 shows that Sark only has 1 public funded post for every 29 residents as compared with 1 for every 11 in Guernsey, every 12 in the Isle of Man and every 5 in the Falklands.

In Alderney the ratio is 1 public service employee for every 38 residents. However, Guernsey has responsibility for the provision of some of Alderney's public services including health, police, airport, education, immigration and social services, and the figures in Table 1 do not include the Guernsey civil servants, teachers, hospital staff and police etc. who live and work on Alderney to deliver these services.

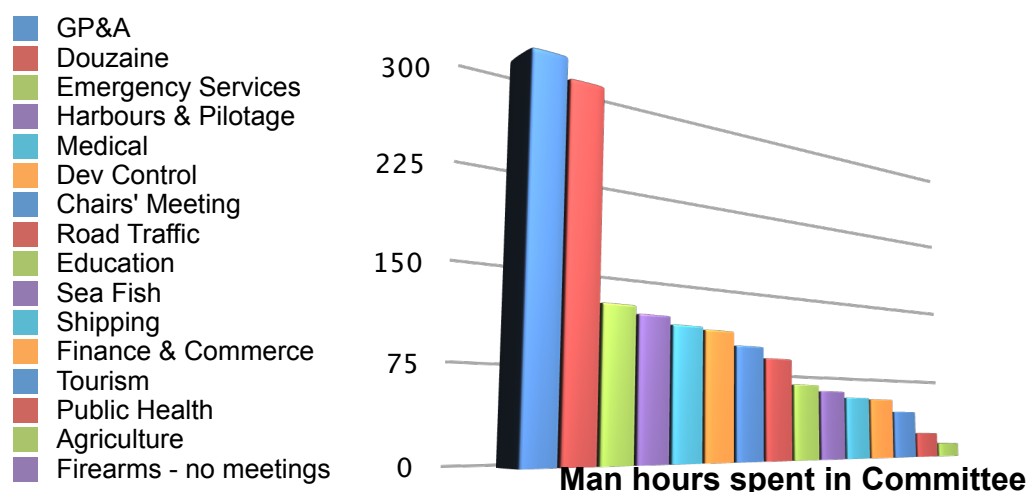
Table 1 also shows that the number of elected members on Sark is more than 10 times higher than the other jurisdictions and this also reflects (whether deliberately or not) the fact that many of the elected members on Sark also already fulfil many functions that are fulfilled elsewhere by public servants. There is no reason why that general principle should not be maintained; however, to fulfil its responsibilities of good government and good governance the government of Sark must make sure it has the skills and support necessary to run the Island properly for the benefit of its residents now, and ensure the policies and infrastructure are in place to secure its future as a well-run democracy which supports sustainable economic growth.

G. Analysis of time worked by Conseillers

10. Time spent in committee meetings

Generally committees meet monthly, but the exact frequency varies depending on the issues a committee has to deal with at any given time. It can range from two or three a week at particularly busy times, for example from the Medical Committee considering the new Medical Officer of Health contract, or the Douzaine and Public Works Sub-Committee inspecting work done or needing to be done, to the Firearms Committee which has not met since 2010.

Table 2: Time spent in committee meetings in 2011



The Committee Secretary collected data about the time Conseillers spent in committee meetings during 2011. Table 2 shows the number of hours spent in each committee. The data has been anonymised and used only to identify patterns that may be addressed by this Review and its recommendations.

The data also shows that the time spent by individual Conseillers in their various committees is relatively evenly spread. The average time spent by Conseillers in committee meetings during 2011 was 76 hours. The median point was 77.5 hours and the mode was 71 hours. These figures indicate that the hours spent in committee meetings are relatively evenly distributed among Conseillers, with no small group taking on a disproportionate amount of the work. Having said that, the range of the data (i.e. the difference between the most hours and the fewest hours spent in committee) is large at 107 hours. This suggests that there are indeed one or two Conseillers who spend either a very large or a very small number of hours in committee meetings.

This Review also examined how time-consuming it is to chair a committee in terms of time spent in meetings and the impact this has on the other committees that a Chair may attend, by examining the data of 14 Chairs and 10 non-Chairs. Generally speaking, and as one might reasonably expect, Chairs do indeed spend a significant amount of time on their own committee. However, this is not true across the board. The amount of time a Chair dedicated to his or her own committee ranged from 8% to 71%, with the average time at 29%. Many Chairs appeared to divide their time relatively evenly across the committee meetings they attend. Again, as one might expect, the busier committees do demand more of their Chair, but these individuals did not spend time attending their committee meetings to the exclusion of the other committees to which they belong.

A breakdown of *which* committees are the most time-consuming, as illustrated in Table 2, shows that if a Conseiller is a member either of the General Purposes and Advisory Committee or the Douzaine or both, then he or she is likely to spend a large amount of time in committee meetings.

The General Purposes and Advisory Committee accounts for 20% of the total hours spent in committees, with the Douzaine a close second at 19%.

Broadly speaking, the committees can be divided into three groups according to the man-hours they consumed in 2011:

- Group 1** General Purposes and Advisory; Douzaine.
- Group 2** Emergency Services; Harbours and Pilotage; Medical; Development Control; Road Traffic; Chairs' Committee.
- Group 3** Education; Sea Fisheries; Shipping; Finance and Commerce; Tourism; Public Health; Agriculture.

The Firearms Committee did not meet during 2011.

11. Time spent on government business outside committee meetings

This Review analysed the records kept by five Conseillers of the time they spent on government work outside committee meetings and meetings of Chief Pleas, as well as questioning a number of Conseillers on their work patterns on government business. This analysis presented a considerable variation in the amount of work done by different Conseillers and, perhaps unsurprisingly, showed that:

- the more committees a Conseiller belongs to, the greater the amount of work done between meetings
- the busier committees, as shown in section 10 above, generated more work between committee meetings
- the amount of work varies depending on the issues being dealt with by the committee at any given time
- activity peaks before meetings of Chief Pleas, as papers are prepared and studied, and after Chief Pleas meetings, as action begins to implement decisions
- although it varies from committee to committee, the Chair normally undertakes the majority of the substantive work between meetings arising from his or her committees
- some ex officio members of committees, whose membership is by virtue of their expertise, undertake a considerable amount of substantive work in terms of research and preparation of papers between committee meetings.

Although this Review did not have enough evidence to assess the workload across all Conseillers, it is probably fair to say that workload is less evenly distributed outside committee meeting hours than inside them. The differences between the various committees are certainly more pronounced – with the busier committees generating substantially more work between meetings. From the sample analysed, Conseillers routinely spend an average of six hours a week on government work between committee meetings; Chairs generally more, with the total time spent ranging from 10 to 30 hours a week. Generally speaking, those Conseillers who are members of several Committees – and especially if they are a Chair – spend the most time working on government business between meetings. Also, Chairs and certain ex officio members take on the vast majority of tasks – both substantive and administrative – between meetings.

Taking these figures and combining them with the information about attendance at meetings, it can be assumed that a Conseiller who sits on at least two committees might well spend at least a complete day a week on government work, and a Chair of a particularly busy committee who also sits on two other committees might spend up to four days a week on government business.

H. Strategic challenges for Sark

The information and opinions received to support this Review were varied, but some common strategic themes emerged that the people and the government of Sark are concerned about and feel need addressing. There was a strongly held view that the major challenges facing Sark should not be addressed in isolation, but as part of an overarching strategy: one which retains what is unique and highly valued by the people who live and work on Sark whilst securing its future as a well-governed democracy with a thriving economy which provides employment for those who need it and social support for those unable to support themselves.

The common strategic challenges identified were the need to secure:

- a strong, confident, democratic government
- a positive social culture based on courtesy and respect for the opinions and actions of others
- affordable and secure housing
- economic stability
- healthy business and commercial enterprises
- a transport strategy which supports commercial interests without destroying Sark's tranquillity and environment
- low crime
- a thriving tourism industry
- sustainable population control
- control of migrant workers to protect local jobs whilst ensuring availability of necessary skills
- agricultural development to support optimum self-sufficiency and export ability
- development controls to protect the environment
- proper social security and pensions arrangements for those who cannot support themselves
- a fair system of taxation which is not excessive but enables timely investment and development
- free or affordable primary medical care
- excellent on-Island education for Sark's children
- sustainable provision of utilities – electricity, water, waste, telephony, which can support a thriving, controlled population and development.

This may not be a definitive list: it simply represents the views expressed to this Review. It is for the democratically elected government of Sark to determine its strategic priorities, but at least some of these issues are likely to be among those priorities. Whatever a final list contains, and some of these issues are already under consideration by various committees, it will undoubtedly amount to a significant and complex workload for the government and will take time to address. There is already a backlog of issues. Residents and Conseillers already complain about development projects not completed due to lack of time or failure to obtain agreement for action; and it has been discussed in Chief Pleas that new laws are necessary because the historical approach in Sark whereby people generally knew the rules and abided by them is no longer a sustainable approach. Life is changing and people do not necessarily know the 'rules', and if they do they are not always inclined to abide by them where they are not a matter of law. In addition, the absence of a proper statutory framework leaves those who try to enforce the rules vulnerable to the accusation that they are making them up as they see fit.

Sark prides itself on its slow pace of life, that is part of its beauty and charm. It will not be rushed. All the more reason for Sark to start the process now of planning for its future. It would be irresponsible for both the government and the residents to allow Sark's infrastructure to deteriorate and its businesses to become unsustainable so it has no viable future. Sark has a duty to protect the young and the less well-off as well as those better able to support themselves. Failure to do so may cause long-term residents of Sark, or their children, to leave and seek a better standard of living elsewhere. Some residents with young children told this Review that life on Sark has changed and the possibilities for future business and decent employment seemed uncertain; and unless that picture changed they would, with regret, encourage their children to make their future elsewhere.

No-one who contributed to this Review, including the Conseillers themselves, felt that the Conseillers collectively, or the government as presently structured, has either the capacity or

capability to tackle Sark's challenges without support. Whilst there were a variety of opinions about what that support should be – and these are included in the recommendations – these observations are too important to be ignored. Although the mandates of various committees assign responsibility for overseeing initiatives, or advising Chief Pleas, on environmental issues (Agriculture Committee), commercial issues (Finance and Commerce Committee), waste management (Public Health Committee), none of the mandates assign responsibilities specifically for building a strong economic and commercial base for Sark, nor for building its utilities infrastructure to provide for the future. The responsibilities of the various committees, as set out in the mandates, are generally defined in terms of activities associated with managing the Island and maintaining the status quo rather than focussing on economic growth and sustainability.

I. Government challenges

In terms of democratic maturity, Sark has a new system of government, and many of its elected members are new to government. This Review makes no comment on the system of government itself. Sark has a reformed system which has withstood challenges in the Courts and, aside from highlighting the need to separate the roles of the Seneschal, whether to make any further constitutional changes is a matter for Sark.

However, this Review did receive comments on the way government works in practice, which should provide useful information for the government in terms how it goes about meeting its future challenges. Addressing these issues will help to embed democracy. The themes set out below are those that came through in the comments received as part of this Review. They are not mutually exclusive and some of the points made apply to more than one heading.

12. Themes

12.1 Transparency

Meetings of Chief Pleas are open to the public and an agenda and papers are published three weeks in advance of each meeting. However, there is a general perception, even among its most enthusiastic supporters, that government lacks transparency.

The majority of detailed business is transacted not in Chief Pleas, but in its 16 committees. Committee meetings are not open to the public and the minutes are not published. Although final policy decisions are made by Chief Pleas sitting in full session, and full minutes of those debates are published, the lack of time for detailed debate, and the often lack of substance in the explanatory papers, creates an impression that policies are decided behind closed doors, that the public have limited opportunity to input, and that many matters are voted through Chief Pleas 'on the nod'.

The fact that the work of at least some committees involves the discussion of information that should rightly remain confidential, because it is personal or commercial, is part of the reason why committee papers and minutes are kept confidential, regardless of whether confidentiality is strictly necessary. There is also a view that the very public and personal criticism of some Conseillers and others involved in public life, has resulted in a general trend of government being reluctant to make information public to avoid this.

However, transparency is important in any democracy. Although some information is, and should remain, confidential, and although politicians in any government must have 'private' space in which to consider and discuss policy options without interference, more can be done to increase transparency. Opening some committee meetings to the public, publishing minutes of meetings with confidential information redacted, and inviting greater public engagement in the debate of policy options before policies are selected, will help dispel the notion that government conducts its business in secret. This will not, of itself, stop public vilification, but transparency and integrity of process will at least allow the government of Sark to show that it is transparent and has nothing to hide.

The government of Sark website could be enhanced to provide more government information, such as government structure, constitution, business, and policies and procedures, to help keep the public and the outside world better informed. It should be regularly updated so that people are encouraged to look at it to see what is new. For those who do not like to get their government information on line, better use could be made of noticeboards, rather than people having to go into the Committee Office when it is open to get the latest news, and a regular news bulletin would be a proactive way of keeping residents up to date with government activity. Although this all requires resource, once up and running these measures should be relatively straightforward to maintain. Transparency is important and government should have a way of keeping people informed of its news between meetings of Chief Pleas in a simple but engaging way.

12.2 Trust, integrity and good governance

For a variety of reasons, including the differing views that persist about what is best for Sark and public criticism of people in public life, there is a considerable feeling of distrust and mistrust between different groups of people. This is a real anomaly: on the one hand the fact that almost everyone knows everyone else is seen as a positive, as people look out for one another; on the other hand people fiercely guard their privacy. Some people are attracted to life on Sark, in part, because the lack of structure, data collection and regulation means that they can generally live in peace without government interference. However, the downside of this is a lack of data available for government and others to inform policies and monitor their effectiveness. This makes it difficult for government to present, explain and defend policies and for the public to understand and accept the need for them.

It is likely to take time for members of the government to develop trust in others who have opposing views, and to be trusted by the electorate to a degree necessary to give it confidence and credibility. All jurisdictions encounter some lack of trust in government and its institutions, and it would be unrealistic to suggest that the government of Sark will be significantly different. However, government can take steps to build the trust of the electorate and its confidence in itself by adopting standard principles of good governance as part of its growth and development as a democratically elected government.

Integrity of process, the ability of government to be able to demonstrate that administrative decisions are not politically motivated, and adherence to the highest standards of governance will not only help increase trust in government but also help what is a new government to build confidence in itself. To achieve this, government should separate political activities from transactional and administrative activities so that politicians do not make decisions about whether, for example, applicants should be granted licences or planning permission. It is for politicians to set and publish the policies and for administrators to implement them in specific cases to remove the risk of government being accused of making politically motivated decisions in relation to individuals.

Of equal importance, in relation to government credibility, where government does introduce regulation and legislation, it must provide the mechanism and resources to enforce it fairly and consistently. As a matter of good practice, the cost, impact, and enforcement arrangements, where appropriate, of any new legislation should be assessed and presented to the public and Chief Pleas, before the Law Officers are asked to begin drafting.

12.3 Conflicts of interest

A jurisdiction the size of Sark will always encounter potential conflicts of interest. These can arise in relation to virtually every aspect of government business - from taking a particular stance on a policy position, to awarding government contracts. People on Sark have, often of necessity, a number of different jobs and business interests, and that will also be true of Conseillers. It would be totally impractical for Sark to exclude people from standing for election if they have a vested interest in some aspect of Sark life or business. However, a published register of Conseillers' interests would reduce doubt, speculation and challenge. A similar arrangement should also apply to people who undertake work on behalf of the government.

In addition, a proper, transparent, but non-onerous, process should be devised for all public appointment and procurement activity. There will always be people who consider that a contract has been let, or a job given, to a person who has favour with government, but a proper process, with a proper audit trail, would at least give government confidence to defend its decisions as a result of following a proper, transparent process.

12.4 Engaging the public

The residents of Sark are very keen to have their views heard. There are many competing opinions about major policies and what is best for Sark, but public meetings, when properly managed, are well attended and positively received. As this Review has found, people will respond positively to an invitation for their views and are keen to have a chance to have their say.

Public engagement is also important as a way of harnessing the talent and experience of those on the Island who want, and are able, to contribute either as individuals or groups because of their expertise or interest in a particular subject.

A number of people told this Review that in the past Conseillers held surgeries which gave people a chance to discuss issues in small groups, but these have now ceased. Although they were sometimes not well attended, the fact that the surgeries were available gave residents a positive message that Conseillers were interested in their views and they were considered to be an important function of elected Conseillers. For Conseillers who are already busy with government work the surgeries are time consuming. The challenge for Conseillers is to create the space, through effective delegation, to undertake activities such as surgeries and public meetings, which are seen by the electorate as important.

12.5 Working across boundaries

The extent of join up across committees at present is limited, and a general feeling exists both within and outside government that the management of Island business could be improved by greater co-ordination of committee activity. Although there is some join up, a combination of lack of time, the extent to which some committees closely guard their area of responsibility, and the fact that some information discussed at committees is confidential, results in a lack of real join up of government activities. As with other issues mentioned in this report, this is not unique to Sark. In larger jurisdictions there are tensions and a lack of join up between departments, boards and committees. However, the smaller the jurisdiction, the easier this should be to tackle.

The Chairs' Committee goes some way towards addressing this but it has no formal mandate and works as well as, and to the extent that, the individual Chairs are prepared to participate.

Fewer committees and a committee structure with mandates which support joined-up working, will assist in breaking down barriers and developing and delivering better strategic policies and laws for Sark.

12.6 Government leadership

Sark, like other small jurisdictions, has a system of government based on committees and consensus, with all executive decisions being taken by Chief Pleas. Whilst there is nothing wrong with all final decisions being made following full debate of Chief Pleas, people also need strong, confident and visible leadership to give residents confidence in government. The new system of government has created a degree of uncertainty which can have, and some think has had, a damaging impact on business. To invest in Sark, a number of people told this Review that they want to see a strong and confident government with a plan for securing Sark's future. Some in business told this Review they had seen and heard of people delaying investment decisions in order to see how the new government plans to secure a strong future for Sark.

This is not to say that the change to the new system of government was wrong. Quite the reverse. Most jurisdictions suffer a degree of economic uncertainty at election time, therefore it is to be expected that a complete change in a system of government will create similar uncertainty. However, it is now the responsibility of those elected to the new system to build confidence in government and build a secure future for Sark. Ongoing uncertainty will result in a decline in Sark's infrastructure and its beauty, will reduce work for local people and, over time, Sark may become a less attractive tourist destination. Generally people visit Sark for peace and tranquillity, but they still want a well kept and vibrant setting which is properly maintained and comfortable. A couple of particularly pertinent comments to this Review could be summarised as suggesting that 'shabby chic' may be charming but neglect is not.

Strong government leadership is necessary for the wellbeing and future prosperity of Sark. There are some both within and outside government who are concerned that confident government leadership could become, or be seen, as an arrogant government. However, that should not be the case. A strong and confident government is one which engages with its citizens to develop a vision and strategy for the future and creates a buoyant economy and neither Conseillers nor residents should have cause to fear that.

12.7 Pace

The pace of life is slow on Sark and that is how many people like it. Change does not happen quickly – especially fundamental change. However, the lack of pace frustrates many people when capital projects are not progressed or necessary laws are not enacted for several years after the original proposal has been agreed. Although there is little doubt that Conseillers work hard for the good of the Island, the sheer volume of issues to be addressed means that too many things slip. This will always happen to an extent, but a system of planning and prioritisation is necessary to ensure that important issues are progressed with the right amount of urgency, and steady progress is made on projects which are less urgent but still important. It will also help ensure that the day-to-day business of government progresses effectively but not at the expense of long-term investment and development.

12.8 A vision and strategy for Sark

Both within and outside government, and especially among people who run businesses or otherwise make their living on Sark, the general view is that Sark needs a clear vision for the future to ensure its sustainability. The absence of a vision and strategy makes decision making difficult on a day-to-day basis, due to a lack of clarity about the context for those decisions. The need to manage the day-to-day work of government often takes priority over long-term strategic planning, especially with a government that lacks the necessary capacity and support. In order to be able to deliver a vision and strategy for Sark, Conseillers need the time, space and support to undertake this work. This can be addressed through a change in the committee structure, a reduction in the number of committees, the removal of some administrative and transactional activity from politicians, and the assistance and advice of professional executive and administrative support.

12.9 External and international relations – political and official

Sark's international and external relations were the subject of considerable discussion in the Justice Committee report referred to previously. The UK is responsible for Sark's international representation and there are occasions where Sark has to consider whether and how to implement international obligations. Sark is affected by international legislation which comes to it from two jurisdictions – the UK and Guernsey. This creates a burden for the government that it struggles to cope with. These issues are often complex and take valuable time to consider. Also, whilst when in government it is easier to understand the need to engage in these issues and act to meet international obligations, the case is not so clear to the residents of Sark, many of whom consider the time spent on considering legislative requirements arising from other jurisdictions to be a waste of time and the product of unwelcome outside interference.

At present Sark does its own analysis of all such legislation, and generally chooses to legislate for itself. This arises from an understandable desire to retain control of its own legislation and a lack of trust in what Guernsey or the UK might impose on Sark were it to allow Guernsey or the UK to legislate for it on all such issues. However, it should be possible for Sark to negotiate with Guernsey and the UK to share its analysis of this type of legislation to at least remove some of the legislative and analytical burden.

In addition, it is clear that some issues which Guernsey and the UK decide or agree internationally or domestically have implications for Sark. Some in government feel that they learn about such policies late in the development process, thus reducing Sark's ability to influence them. This in turn leads to the need for Sark to legislate for itself, whereas having greater influence in the development of legislation at the outset *might* enable Sark to relieve some of its legislative burden.

Some Sark residents feel that the relationship between its government, the UK and Guernsey is shrouded in secrecy. The now regular external relations meetings between Sark and Guernsey are a positive arrangement for Sark in terms of building inter-jurisdictional relations. The development of a system of transparent, regular cross-jurisdiction meetings at both political and official levels, not only with Guernsey but also with the UK, will help create greater trust, constructive relationships and more open channels of communication.

J. Analysis of how government works at present

13. Conseillers

At present Conseillers are unpaid and, between them, are involved in 16 committees either as Chairs, Deputy Chairs or members. Section G provides an analysis of hours Conseillers spend on government work. Although this shows some variation, generally speaking Conseillers are busy and spend their time developing policies and legislation on complex issues as well as running Sark on a day-to-day basis. Inevitably the day-to-day running takes precedence over long-term planning, and by their own admission, a number of Conseillers stood for election to undertake practical activities to manage the Island rather than to spend time analysing complex legislation and policy options.

There is almost unanimous support for the continuation of the present position that Conseillers should not be paid. It is primarily, but not exclusively, Conseillers themselves who support that position. Conseillers also incur expenses in order to carry out the business of government, and although they are able to reclaim expenses, less than £1,000 was claimed in total during 2011. Whilst few Conseillers incur direct expenses, and generally reclaim these, the business of running an office from home in itself gives rise to, for example, telephony, computer and other hidden costs which are met by Conseillers themselves as part of their day-to-day government work.

The fact that the strongest representations to this Review that Conseillers should not be paid for their work came from Conseillers themselves is an excellent endorsement of the strong sense of public spirit among Sark's politicians. However, a number of people raised concerns that there are few 'young' Conseillers and stressed the importance of attracting a diverse range of people, in terms of age and background, to stand for election in the future. Whilst the issue of payment for Conseillers is outside the scope of this Review, it is important for the government to consider how to attract a broad cross-section of the community to stand for election. Payment of expenses, making available office space and equipment for Conseiller use and, perhaps, even reimbursement for lost wages would assist so that people with full-time jobs, or caring or other responsibilities, can stand for election without the costs arising from being actively involved in government adversely impacting on their financial position, thus either deterring potentially good people from standing for election, or limiting the extent of their activity and so creating an additional burden on others with more time, should they be elected.

14. Committees

As mentioned previously, the mandates of the committees are focussed on the day to day maintenance and management of the Island. Critically, they do not assign responsibilities for commercial growth, infrastructure development or environmental sustainability, which are all issues which are important for Sark's future.

It is clear that attendance at meetings itself takes up a considerable amount of Conseillers' time and in some instances a committee member or Chair can have more than one 2-3 hour meeting in one week. The way a committee is managed and run is dependent on the Chair and, according to the anecdotal evidence given to this Review, the effectiveness of committee meetings in making decisions and progressing matters varies from committee to committee.

Although recently the committee Chairs have begun regular meetings in an effort to join up their activity, there is still no real strategic alignment. In part this is due to the lack of an overall strategy for Sark, and in part because the individual committees, to a greater or lesser extent, closely guard their own areas of responsibility. Apart from the Chairs' Committee there is no real evidence of government business being joined up and, in any event, a lack of a mandate for this committee will always limit its effectiveness.

However, despite the fact that Sark, as a very small jurisdiction, has considerable autonomy as a self-governing territory with the range of accompanying responsibilities, the amount of administration involved in organising and supporting 16 committees is considerable. Although it has a different constitutional position in relation to Guernsey and the UK, Alderney has three committees and a population almost four times that of Sark, and Guernsey has ten departmental

boards with a population one hundred times that of Sark. It is always the case that for every example used in a Review such as this, that detractors can identify reasons why examples given are not relevant. However, even accepting that point, 16 committees for a population of 600 and with an elected parliament of 28 people, is excessive.

The lack of dedicated administrative support, the responsibilities of the committees, and the way they operate, means that Conseillers are both politicians and administrators. The mix of 'strategic' (including legislation and policy development) issues and 'administrative' (including 'transactional') issues means that committees of politicians are setting the policies and then applying those policies to specific cases. The first is appropriate but the second is less so, and can, understandably, attract accusations that decisions to award licences, grant planning permission etc. are made for political reasons. Whilst there is no evidence to suggest that this has happened, it is for politicians to make the laws and set the policy and strategy, and for officials to apply law and policy in relation to individual cases.

Separating the political from the non-political roles would also free up time for Conseillers to focus on the strategic challenges which face Sark, and undertake the necessary time-consuming role of greater and more formal public engagement and consultation on major issues important to Sark, and help spread the load between Conseillers. Also, establishing such a system, combined with greater public engagement or consultation based on an objective analysis of facts and options, will help deal with potential conflicts of interest and provide transparent systems and processes that have integrity.

Some Conseillers agree that there are too many committees and a considerable overlap between committee responsibilities, but that the mandates of the committees are quite restrictive in practice, and, despite some overlap in committee responsibilities, the mandates are so tightly drawn that some issues still fall down the gaps. Differing views were offered to this Review about the optimum committee structure but there was certainly a broad (but not universal) consensus that although there were too many committees, many Conseillers felt that fewer committees would not reduce the amount of work for anyone except, perhaps, the Committee Secretary. That may be true if slimming down the committee structure is the only approach to change. However, assuming that the majority of administrative and transactional work is removed from committees, information provided to this Review suggests the existing committee structure could be slimmed down to one which has an overarching committee with responsibility for developing and overseeing the delivery of a long-term strategy for Sark, underpinned by an economic strategy, and with responsibility for financial scrutiny, and no more than three specific committees focusing on developing the detail of addressing Sark's future challenges. As a package this would help to spread the load among Conseillers and, whilst not necessarily reducing their workloads, would create the space for them to focus on strategic priorities.

15. Leadership and international obligations

The committee structure and consequent lack of a single point of contact within Sark also creates a problem in relation to the outside world. Although there is no doubt that some people in Sark, both within and outside government feel, that it is for the rest of the world to understand Sark and how it works, the reality is this will not happen. It does not happen with large jurisdictions and happens less with smaller ones. Sark's constitutional arrangements mean that it has to engage with the outside world, and specifically with Guernsey and the UK at both official and political levels. Failure to do so will result in Sark finding out about matters important to it late in the process, often to its detriment. Guernsey encountered similar issues with its committee and consensus system of government and recognised the need to have an accepted person who speaks for Guernsey internationally. At present in Sark, the Chair of General Purposes and Advisory Committee, as the committee with responsibility for advising Chief Pleas on the Island's constitutional position, international relations and matters relating to the other Islands of the Bailiwick, reluctantly (as he has no official mandate) assumes this role but is sometimes criticised for doing so. The election or appointment of a Conseiller with a clear mandate to represent Sark's position off Island is important for Sark's credibility and will help with inter-jurisdiction communications and relations.

Sark, of necessity, often copies Guernsey's legislation to implement its international obligations. Some residents outside government do not understand why this should be so and feel resentful of it. This Review acknowledges the reluctance of some in Sark to bend to the will of the outside world, but as a self-governing territory Sark has international obligations and for it to operate effectively it needs to be able to engage with that outside world and take its international responsibilities seriously. To do so it is vital that government has adequate arrangements in place. This means proper administrative and executive support in terms of research and briefing, and a person who can speak for Sark, albeit within the bounds of parameters set by the government as a whole.

There are those in Sark who consider that its constitutional position now means that Sark has to engage with matters which are beyond its capacity to deal with in view of the size of the jurisdiction. It may be, in time, that Sark decides to negotiate a different relationship with Guernsey. That is not a matter for this Review but it is necessary to acknowledge the existence of these views. However, even if at some point in the future Sark decides to open negotiations with Guernsey about changing the constitutional relationship, it would still need a strong policy and legislative framework based on a long-term strategy to inform its discussions with Guernsey, as well as a properly worked through assessment of what changing its constitutional relationship with Guernsey would entail.

16. Committee secretariat

The committees as constituted are supported by the Committee Secretary and Assistant Secretary, both of whom are part time. An analysis of hours worked shows that they routinely work in excess of their contracted hours. The majority of their time is spent organising meetings, attending those meetings and taking minutes. This means that the two secretaries are providing support for bureaucracy rather than adding value to the process of government.

It is vital, for the purposes of good government, to have a proper record of meetings and an audit trail of decisions. However, in a jurisdiction the size of Sark secretarial support for every meeting is extravagant, especially when there are so many meetings, just for the purpose of taking notes of the meeting.

Generally the minutes of meetings are full, and although some Chairs and the Committee Secretary support the idea of streamlined minutes, there is not yet general agreement on a standard format for minutes of meetings.

Minutes of meetings must record the main points discussed and the decisions made, as summed up by the Chair. They do not need to record every twist and turn of a discussion and attribute comments to individuals. There are alternatives to having a secretary present at each meeting to take notes. These include using a Dictaphone into which the Chair could sum up the key points of discussions and decisions made, which could then be passed to the Secretary's office for typing up and distributing to committee members. This would free up the time of the secretaries to undertake other government activities which add more value to the business of government. This is particularly important, as there are so few public servants.

A slimmed down committee structure, with a slick and administratively light process for recording key discussion points and decisions, would significantly remove the administrative burden required to support the committees and free up time and the valuable resource of the Committee Secretary and Assistant Secretary to undertake other duties such as dealing with government's administrative and transactional work (which should not be done by politicians but carried out within the policy and legislative framework they set), and record-keeping and data collection where data is necessary to inform policy development and manage Island business in line with its future strategy.

17. Chief Pleas

Chief Pleas meets generally four times a year with extraordinary meetings as required. Meetings normally last one day.

Table 3 sets out the scale of the task before Chief Pleas over its last four meetings.

Table 3: Chief Pleas meetings calendar and agenda

Meeting	Agenda items	Pages of papers	Domestic legislation	International Ordinances
Easter 2012	28	257	8	5
Christmas (Jan 2012)	19	83	3	3
Michaelmas 2011	22	97	3	1
Midsummer 2011	15	118	4	3

Although the agenda for the Easter 2012 Chief Pleas was exceptionally full compared to the three preceding meetings, Chief Pleas deals with a considerable weight of business including legislation, policy proposals, questions and routine business. This information illustrates how much work the Conseillers actually do within the period between Chief Pleas meetings to inform those meetings.

The reports that go to Chief Pleas to explain legislation and policies vary in their level of detail but are generally brief, not fully explaining the aims – other than at a high level – and seldom set out in detail the impact of legislation on residents, business or others who may be affected by it. The limited parliamentary time available means there is little chance for detailed debate in a full meeting of Chief Pleas. The detailed debate generally takes place in committees which are closed to the public. That, and the fact that minutes of the meetings are not published, feeds the perception of a lack of transparency and that politicians can pursue their own agendas in the policies they develop. This Review found no evidence that this was the case, and any government needs space to discuss policies in private. However, the lack of fully informed public debate, and detailed explanation of aims and impact of policies, feeds an unhelpful and unhealthy perception, which should be addressed, that policies are decided behind closed doors on the basis of vested interests. This Review found that some issues are discussed in meetings arranged specifically to take public opinion or explain policies. These happen infrequently but when they do they are generally well received. Where they run into difficulties is when they are not informed by sufficient detailed research and analysis.

18. Legislation

The Chairs' Committee is an initial and positive step towards greater strategic co-ordination across government, but the lack of an authoritative mandate for this committee means that although it may help to make sure that individual committees are aware of what is going on in other committees, the progression of work is still a matter for the individual committees. This means that in practice, and this is exacerbated by the absence of a public service, issues are progressed on the basis of the amount of time and energy a committee member (normally the Chair) has, or is inclined, to devote to a matter.

The most significant example of this is in relation to legislation. When Chief Pleas has agreed that a policy proposal should progress to legislation it then falls to the committee Chair to chase progression of the draft legislation with the Law Officers. However, the drafting lawyers have no indication of the extent to which one *Projet de Loi* or Ordinance is more important to Sark than another, and is therefore more likely to progress a law with a greater degree of urgency or priority according to the extent to which they are chased to complete it. This means that Chairs who have the time and inclination to chase daily are more likely to get their legislation drafted more quickly than those Chairs who are less able or inclined to do this.

The agreement for legal and drafting services is a business agreement between St James' Chambers in Guernsey and the government of Sark and should be treated as such. Therefore a better approach would be for Sark to prioritise its legislation and negotiate completion dates with the Law Officers according to the time available for drafting. That then allows Sark to be clear about what it wants and when, the Law Officers to say whether that is possible, and for Sark to pay for additional legislative drafting if necessary. Such an approach could only happen within the framework of a long-term strategy for Sark, a system of prioritisation of legislation, and a joined-up approach to government.

19. Transparency

Committee meetings are not held in public and, therefore, unless a particular policy or plan for legislation is one on which there has been public consultation, the first the citizens of Sark learn of it can be when the papers are published in advance of the meeting of Chief Pleas at which it is to be debated. A number of people commented (from within and outside government) that because the issue in question will have been considered in detail by a committee in closed session, the debate in Chief Pleas, which has an ever increasing amount of business to deal with in its quarterly meetings, is often limited except in relation to the most significant issues. This feeds a perception that government either lacks transparency, or implements policies without proper consideration, or both.

At present the Committee Secretary records decisions made in Chief Pleas, a responsibility which rested with the Greffier prior to the creation of the Committee Secretary's role in 1971. Plans to record meetings of Chief Pleas are to be considered at some point in the future and that responsibility may fall again to the Greffier. However, unless there is some suggestion that the minutes do not accurately reflect the debate or proceedings – and no such suggestion was made to this Review – the minutes provide a full record of debates. Unlike committee meetings, a full record of Chief Pleas is important. It is not yet clear what arrangements will be put forward for Chief Pleas to consider but a recording as the only record of debate, which would have to be paid for by those who wanted, or had time to, listen to a full day's debate, would reduce transparency rather than increase it.

K. The case for change

Any recommendations about the support arrangements needed by the government of Sark have to be in the context of the challenges that Sark faces now, and in the future. This Review concludes that to assess those challenges it is necessary to go back to first base.

Most people who contributed to this Review expressed a strong desire for Sark to retain what makes it special. To retain its uniqueness. However, most people describe that uniqueness in different ways depending on their own particular priorities. Common themes were:

- peace and tranquillity
- safety
- environmentally unspoiled
- limited/proportionate regulation
- neighbourliness and community spirit
- no roads or cars
- an old-fashioned way of life.

In addition, almost unanimously, people acknowledged that Sark *is* changing and they are concerned about sustainability. Many people also expressed concern about what would become of Sark if change continues unchecked, and about the kind of place today's residents are creating or leaving for the next generation. They are keen to see action to stop the creeping changes that are altering the face of, and life on, Sark.

Decisions taken by committees and Chief Pleas, and the activities of individual politicians and other public office holders, come under a great deal of public scrutiny. In addition, Sark legislation has been the subject of what may be considered a disproportionately high level of legal challenge considering the size of the jurisdiction and the amount of legislation it passes. Public scrutiny and legal challenge to government decisions go hand in hand with democracy, and, in this respect Sark is no different from anywhere else. However, this Review acknowledges that Sark is a small Island, and opposition to the actions of its government, parliament and public figures can take the form of highly personal attacks which cause distress and may, in the future, deter people from participating in public life.

The need to ensure there is a robust legal framework in place, based on policies and decisions made in the most transparent way, supported by an objective analysis of evidence and sound advice from internal and external experts, is vital to ensure government can go about its business with confidence and progress its agenda despite challenges. That is not to say government should ignore opinions or issues raised by any residents of Sark. *All* points of view should be considered as part of the process of policy and legislative development; but if its decisions are sound, properly and objectively communicated, and made in accordance with the principles of good governance, the government of Sark should neither need to respond emotively to challenges nor be thrown off course by them. Over time government will grow in confidence and build respect for the institutions of government. This should help encourage more people to participate and engage actively with government and in public life, embed democracy and help ensure that a sufficient number of good people will be prepared to stand for election in the future.

Sark's constitutional position, as an independent self-governing territory, with the ability to create its own laws and set its own taxes, means that its responsibilities are, undoubtedly, considerable in proportion to its size. Maintaining its present level of independence will always create pressure in terms of the resources available to Sark to maintain that position. To meet this challenge requires rigorous focus on dealing with strategic priorities and using its resources to the best effect for the long-term good of the Island.

20. Measuring and informing change

The lack of much real data about Sark makes it difficult to assess accurately how it has changed over recent years. However, what data there are shows it is changing. For example, the number of taxable dwelling units in Sark has increased from 375 in 1980 to 630 in 2012. That represents an increase of around 40%. The number of landholdings has increased from 40 to 83, an

increase of more than 50%. These facts, of themselves, say nothing about whether that increase is positive or negative as there is no plan or strategy for growth to enable the residents of Sark to either properly understand the impact of such growth or hold government to account for its performance against its stated aims.

The last three reports from the Constable to Chief Pleas contain data about incidents requiring the involvement of the Constable. They show there were 314 such incidents in 2008, 291 in 2009 and 318 in 2010. Table 4 sets out the figures for transport licences issued over recent years.

Table 4: Type and number of vehicle licences issued in 2000 and 2011

Transport licences issued	Year end 2000	Year end 2011
Bicycle	1385	1040
Tractor	75	92
Carriages	42	30
Invalid car	0	6
Electric bike	0	21

As with the example of dwelling units above, this Review makes no comment on any of these figures, but there is no evidence that they are analysed and considered by the government in the context of what they might mean for Sark, or whether they are in line with the government's overall aims.

Crucially, the lack of substantive data means that the evidence base for policies and plans is weak. Sark does not have a census therefore there is no real demographic, commercial, employment, social or economic data available on which to base policies or to plan for the future. Undoubtedly data collection is challenging for Sark. Collecting data requires the resources to collect and maintain records. The desire by some on Sark to keep government simple, and the need to make best use of resources, inevitably means that the collection and analysis of large amounts of data would be inappropriate and disproportionate. However, a responsible democratic government must, for reasons of good governance and accountability, collect and maintain at least a level of data which allows it to develop proper policies and measure whether it is achieving its aims.

21. Government and governance

All of this creates a unique and complex set of challenges for Sark's government. Historically Sark has relied heavily on custom and practice with most people knowing how things are done and obeying the rules rather than a strong, modern, or regularly updated legislative framework. Whilst that approach may have worked well with a relatively static population and traditional businesses, it is clear that the situation is no longer sustainable. The decisions of the government are now more likely to be subject to legal challenge. Also, there are tensions between those who want to develop business which may significantly change the nature of Sark, supported to a greater or lesser extent by those who benefit from such development, and those who see such development, the way that development happens, and the resultant changes, as having a negative impact on the Sark way of life. The fact that these differences are played out in a way that is public, and focuses on personalities, creates an unhelpful and unhealthy atmosphere in what is an otherwise peaceful community.

There is a significant concern among people who work on Sark, that is, those who actually earn their living on the Island, that making a living is increasingly difficult; wages are low, and the challenges facing the Island have an adverse impact on growth and development and, therefore, employment. People, rightly, look to their elected politicians to provide the leadership necessary to create a positive culture of good government and economic strength.

As a young democracy it is important for Sark that its (relatively) newly elected politicians engage with the citizens of Sark to create a vision and strategy for the future, starting with what the Island should be like in 10 to 15 years time. Getting absolute consensus will be challenging, if not impossible, but it is important for the government to get a mandate for creating a framework for the future. This will enable the government to prioritise its legislation and its policies to focus on those areas that are most important to the people of Sark and create a buoyant, vibrant and sustainable community.

In larger jurisdictions policy is formulated by political parties, and politicians are normally elected on the basis of a set of commitments and aims set out in a manifesto. This does not happen in Sark. It has no political parties and therefore policy proposals are developed after, rather than before, an election. Arguably, therefore, the electorate should be properly engaged in the development of those policies, and be able to influence them, on the basis of a sound analysis of the options and implications of adopting a particular policy route.

Sark is not unique in having no political parties, its uniqueness is the newness of its democracy, which means that those elected have little or no history in terms of developing an approach to Sark's strategic challenges.

As stated previously, the ratio of citizens to politicians is high, and voter turnout at the first democratic elections was also high. That, and its size, means government is ideally placed to really involve the residents of Sark in shaping its future. This is not straightforward. On one hand the issues Sark faces are less complex than in a large jurisdiction; on the other hand its small size means that elected politicians see at close hand, and on a day-to-day basis, the effect of their policies. Politics on Sark is close-up and personal and this creates particular challenges. Many of the politicians themselves made the point that they do not consider themselves politicians in the sense of politicians in larger jurisdictions – they are well-meaning, public spirited individuals who have accepted the responsibility of running the Island. Many feel they do not have skills and expertise in legislation; policy development; chairing and running committees: and they feel they are on a steep learning curve. This is understandable, normal, and in no way a poor reflection on individual Conseillers. However, as happens in all jurisdictions, training and orientation should be available, and responsibilities could be assigned to Conseillers on committees which better match their skills and experiences (supplemented by training/ orientation), to increase government capacity and confidence.

The House of Commons Justice Committee Report referred to earlier sets out the circumstances in which the UK might exercise its power to intervene in insular affairs – namely in the event of a fundamental breakdown in public order or the rule of law, endemic corruption in government or the judiciary or other extreme circumstances. It went on to conclude that:

in a very small jurisdiction there must always be the possibility that individuals wielding very significant economic, legal and political power may skew the operation of democratic government there. Just as the establishment of democratic government in Sark was a matter of good government, any threat to the ability of that system to operate fairly and robustly has the potential to raise good government issues which might require UK Government intervention. This is a matter on which the Ministry of Justice needs to keep a watching brief.

The Justice Committee makes it clear that Sark is not keen for its powers of self-determination to be reduced, and certainly not for greater intervention by the UK. On the other hand, a number of people told this Review that the UK should do more to help Sark when it encounters problems. Both the UK and Guernsey, as happens across many jurisdictions, can properly provide some support and assistance to Sark. However, that support cannot extend to solving Sark's problems for it. In the first instance, the government of Sark must find a way to resolve its own problems and equip itself properly to do so. The ability of Sark to maintain and progress its own agenda, without interference, will be improved by it having in place a proper infrastructure to support government and by following a set of good governance principles. If it knows where it is going, and has a proper structures, processes and mechanisms in place to support it, it has more chance of getting there, and getting there of its own volition.

As well as being clear about aims and objectives for Sark, government also needs to set out how it will work to achieve those aims. The six principles of good governance developed in 2004 by the Independent Commission on Good Governance in Public Services⁶ provides a framework in which Sark could usefully operate.

The six principles of good governance are:

- focusing on the organisation's purpose and on outcomes for citizens and service users
- performing effectively in clearly defined functions and roles
- promoting values for the whole organisation and demonstrating good governance through behaviour
- taking informed transparent decisions and managing risk
- developing the capacity and capability of the governing body to be effective
- engaging stakeholders and making accountability real.

Whilst working within such a framework will not prevent challenges, it will help government ensure its decisions and actions are within the principles of good governance, and, even though not everyone might agree with its decisions, the processes and systems will have integrity and be robust.

⁶ http://www.cipfa.org.uk/pt/download/governance_standard.pdf

L. A model for the future

22. Context

This Review identified some opposition to the creation of a large civil service for Sark and agrees that Sark has neither the need for, nor resources to support, an army of civil servants. However, for any government to function efficiently and transparently it must have the skills and resources available to be able to do the job for which it was elected. This is particularly true of an Island with a high level of constitutional autonomy, and with international obligations to fulfil.

Government decisions must be, and be seen to be, robust and beyond reproach. Importantly, before making decisions, government must ensure that its decisions are sound, are based on strong evidence, have public support, and are defensible, to help ensure that it is not inappropriately thrown off course by challenges or sustained opposition. This will, over time, give government confidence and maturity to govern well and democratically.

In putting together the recommendations for this Review I have considered how to:

- create the capability and capacity for Conseillers to develop and implement a vision and sustainable strategy for Sark
- make best use of existing and available resources
- create a government structure which gives strong and visible government leadership, focussed on the highest priorities
- capitalise on the strong sense of volunteering that exists on Sark
- engage strategically with other jurisdictions
- operate within a good governance framework.

Having taken account of the above, this Review then considers what more is necessary to provide an adequate level and quality of support to enable the government of Sark to meet its future challenges, and do so in a way that meets high standards of governance and government.

In light of the strategic and government challenges facing Sark identified by this Review, it is important that Conseillers have the time and space to engage with residents to develop a vision and strategy for Sark, and create the legislative and policy framework to deliver the strategy. It is clear from the time Conseillers already spend running the Island, the volume of business that Chief Pleas has to deal with, and the fact that the resources currently available to government are already stretched to capacity, that adjustments must be made, and resources identified, to create that vital time and space Conseillers need to be able to meet these challenges.

The recommendations that follow identify measures which, if taken as a package, should put the government in a stronger position to meet its challenges. The approach outlined here does not necessarily mean major change. However, if one accepts the proposition that Sark *is* changing, then preserving what needs to be preserved to maintain its uniqueness requires action. Otherwise, Sark will change by default. It may simply drift into becoming a place that meets no-one's needs, becomes unrecognisable and unsustainable, and becomes very different from the Sark that its residents love so much, through lack of attention and action.

23. Formal executive and administrative support for government

The responses to this Review were divided in terms of support for the idea of a paid public service for Sark. In summary, those who support the idea felt that:

- Sark government is both a parish council and full government and whilst it has the capacity for the former, it does not have the capacity for the latter
- the government should have the tools it needs to do the job, as the path to democracy has been a long one and Sark has some catching up to do if it is to survive.

The views against more paid public service support for Sark can be summarised as:

- Sark runs itself and the politicians are elected to manage the Island
- the cost of a civil service, and the inevitable increase in taxes to pay for it, would add to the burden of those struggling to make a living already
- a more organised government would impose greater regulation and order on Sark, which might destroy the flexibility and freedom enjoyed by residents.

Failure to take control of its future now will mean that although it is possible that Sark *may* prosper without active intervention and action, this would be a matter of luck rather than based on any real plan. Many within and outside of government, regardless of their feelings about whether Sark should have a paid public service, feel it cannot continue as it is, even though the opinions behind that sentiment differ considerably. It is also clear that whilst the majority of people who submitted to this Review considered that the politicians worked hard for the good of Sark, practically everyone felt that the government needs assistance and support. Whilst some felt that help should come from outside of Sark, for the reasons stated earlier that cannot happen, or can happen only to a limited extent, without a change in Sark's constitutional relationship with either the UK or Guernsey.

This Review, therefore, concludes that Sark needs a small team of public servants in the form of a senior 'Chief Secretary', the existing public servants, and two new staff. The Chief Secretary should have the skills and experience gained through a substantive chief executive or senior management job in public administration elsewhere, and the two additional new staff, whilst not so senior, should be experienced in policy delivery.

This Review considered whether the Chief Secretary role is one which could be combined with that of the President of Chief Pleas when the role of the Seneschal is divided, but concluded this would be inappropriate. The Chief Secretary role envisaged by this Review is a very different one, and requires different skills. It needs to be impartial and therefore entirely separate from the political and parliamentary process. In addition, because of the controversy that has surrounded the role of the Seneschal, a clear distinction of roles and responsibilities is now necessary for Sark to be able to put this episode of its constitutional reform behind it.

This Review also considered whether the Chief Secretary should be a lawyer but, on balance, concludes that whilst the person appointed should have the skills necessary to understand the legislative framework, the Chief Secretary should not be a lawyer. The focus of the Chief Secretary must be on supporting government in the area of strategy and planning. The considerable amount of government legal business would inevitably divert a lawyer from the very activities the recommendations of this Review are focussed on addressing. A Chief Secretary should be able to assist the politicians in judging when and how to seek legal advice, but not spend their time giving it. If the government of Sark wants its own lawyer, it should appoint one specifically for that purpose rather than create a situation where the senior public servant becomes entangled with giving legal advice which could potentially take up all their time.

➡Recommendations

- That the government of Sark establishes a small public service to support the business of government. The team should be small, but well qualified and experienced in governance and government.
- This public service should be headed and managed by a senior officer and incorporate the existing posts of Committee Secretary, Assistant Committee Secretary, and Treasurer.
- The senior officer would fulfil a role of 'Chief Secretary' with principal responsibility for providing impartial policy and management advice to the government of Sark, including the analysis of strategy and policy options for the government in line with its decisions, overseeing the prompt implementation of those decisions and managing the delivery of public services in line with those decisions.
- The Chief Secretary should have a good track record and experience in another jurisdiction. To allow for a speedy appointment, consideration should be given to arranging a secondment from another jurisdiction while the exact job description is worked through and a more permanent appointment made by open competition.

- The exact detail of the role should be developed when the person is appointed but key aspects of the role should be to:
 - provide expert advice and support to government
 - advise government on its new committee structure
 - manage all of Sark's public servants
 - oversee the implementation of the recommendations of this Review
 - establish strong and systematic relationships with the UK and Guernsey, and liaison with the Guernsey Law Officers, to ensure the government is properly advised on international and legal matters and ensuring politicians are properly briefed for meetings with politicians from other jurisdictions, and those jurisdictions are properly briefed on matters about Sark
 - be the principal point of contact at official level with officials and other unelected people from other jurisdictions and promote Sark's interests
 - oversee and manage the delivery of Sark's public services
 - ensure that a high level of transparency is achieved through the publication of accurate, impartial and timely information about government policies and activity so that the Island is properly informed and consulted where necessary.
- The new Chief Secretary should review existing 'public service' roles on the Island to streamline them and eliminate duplication to create efficiencies from within the existing arrangements and provide a more effective all round system of government support. Reviewing existing roles and putting them together as part of a small local public service, where jobs are openly advertised and people are trained in more than one role, will eliminate the need for dedicated 'deputies' and will form the basis of a credible, impartial and proportionate public service for Sark .
- The roles which should be reviewed are:
 - Greffier and deputy
 - Prevot and deputy
 - Committee Secretary and assistant secretary
 - Procureur des Pauvres and deputy
 - Tax assessor
 - Treasurer (this role is vital and should stay but come under the Chief Secretary with support and cover for absence provided by others in the team).
- The public service should comprise existing roles, reviewed as described above, and two other posts for people with policy delivery experience in public administration, appointed by open competition.
- In the first instance, to fill the Chief Secretary and policy delivery posts quickly, secondments should be considered, and both Guernsey and the UK should be approached to see how they might help to provide additional resources to assist with the establishment of the new team.
- A key priority for the new Chief Secretary would be to support and advise the government on a slimmed down committee structure and the development of a vision and strategy for Sark.

24. A committee structure, to provide leadership, prioritisation and strategic focus

As stated earlier in this Review, the number of committees delivering Sark's business is excessive and does not support a joined-up focus on Sark's priorities. The mandates combine the need for committees to develop policies and legislation as well as carry out a considerable amount of administrative and transactional business such as granting licences, dealing with various applications and making appointments.

The committee structure should be slimmed down to three committees, with an overarching Strategy and Finance Committee focussed on providing leadership, joined-up government, the development and delivery of Sark's strategic objectives, and financial scrutiny. As Conseillers do most of the work of government, and that seems proportionate for a jurisdiction the size of Sark, every Conseiller should sit on one, but only one, of the other three committees. Sub-committees will be needed, both standing and ad hoc committees, the latter constituted to deliver specific time-limited projects, and then disbanded when those projects are completed so that as new

projects are started a new sub-committee can be constituted according to time, availability, skills and subject interest of the members.

The Chairs of the three new committees should also be members of the overarching Strategy and Finance Committee, along with other Conseillers with the skills necessary to provide strategic and financial oversight. The Strategy and Finance Committee should have a mandate focussed on the development and delivery of a vision and strategy for Sark, economy and finance, international and constitutional issues, and ensuring that the work of the other three committees is in line with strategic and financial objectives.

The committees should be supported, as now, by a public servant responsible for providing an agenda and notes of key discussion points and decisions. It should not always be necessary for a public servant to attend all meetings, the Chair could make an oral recording of key points and decisions as part of their summing up of the meeting (either at the end, or at appropriate stages throughout) and pass the recording to the public servants for typing and distribution.

The committees should have full papers, provided by public servants, and a system for publication of papers and minutes should be developed which promotes transparency whilst protecting confidential information, international relations, and the space needed by politicians to consider and explore policy options.

A new committee structure with fewer committees will not, of itself, significantly lessen the workload of Conseillers. However, a combination of a slimmed down committee structure and a requirement for every Conseiller to be on one of the three committees, will help spread the workload. This, and a small team of public servants to support government to deliver its priorities will help government run more effectively and make progress where it is needed.

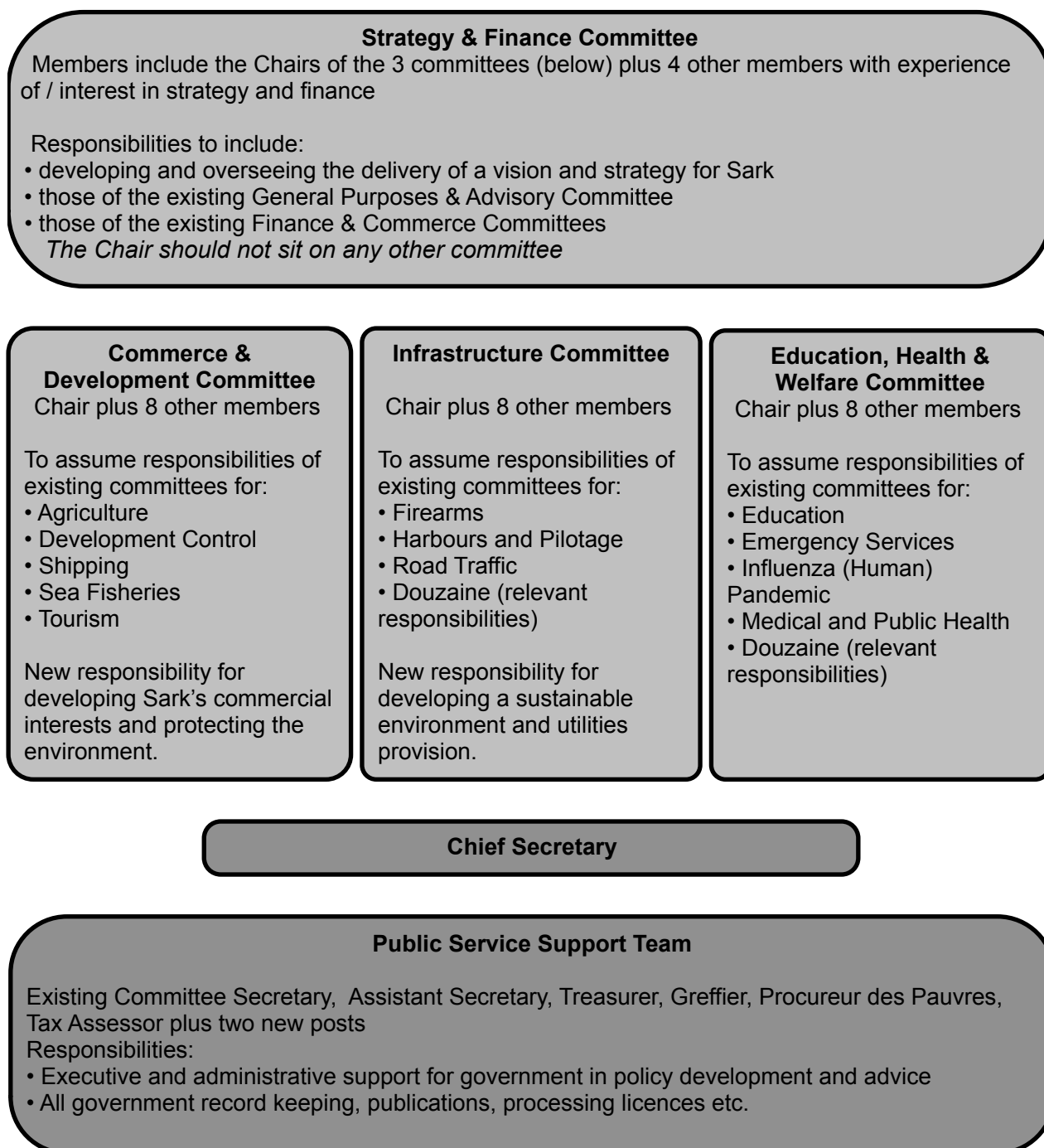
Although in a jurisdiction the size of Sark it is inevitable that politicians will themselves do more of the work involved in running the Island than happens in larger jurisdictions, a system is necessary which ensures that politicians cannot be accused of making administrative decisions which should be independent of political considerations and this should be seen to be the case.

The responsibilities of the new committees should separate the strategy and policy from the administrative and transactional. A sensible approach is needed so that only those aspects of work necessary to achieve political distance in the interest of good governance (appointments, awards of contracts, granting of licences etc.) are transferred to administrators to carry out in line with the policies and laws set by Chief Pleas.

➡ Recommendations

- Develop a vision and strategy to ensure Sark's sustainability and a plan to deliver it, engaging the residents of Sark in the process to ensure a mandate for government.
- Review and streamline the committee structure, with three committees aligned to Sark's strategic priorities – potentially, Commerce and Development; Infrastructure; Education, Health and Welfare: with an overarching committee with responsibility for Strategy and Finance to ensure that all government activities are aligned, properly prioritised and progressed in line with the strategy. A suggested structure is set out in Table 5.
- Remove the administrative and transactional activities from the committee mandates and transfer them to the public servants to create a more appropriate division between activities which are rightly political and those which should be outside of political influence.
- Develop a standard approach for recording key discussion points and decisions made at committee meetings so that a proper audit trail of government business is created, whilst reducing the bureaucracy of supporting committees, to free up time for the existing public service resource to undertake transactional and policy research work.
- Conduct more detailed analysis to develop the committee mandates and structure, and to separate the administrative work from the Committees.

Table 5: Recommended organisation chart



25. Capitalising on the skills available to Sark

One of the overriding themes that emerged as a result of this Review is that people, groups and organisations on Sark are very keen to support the government by using their expertise, knowledge and skills. However, offers of assistance are not always taken or sought. The reasons, or at least the general perception, appear to be twofold: first, a lack of trust; there are no secrets on Sark and if a group or individual is charged with a task on behalf of government it will soon become common knowledge or capable of being inappropriately influenced by others before the politicians have a chance to decide what they want to do: second, some Conseillers consider it is their role to develop policy and therefore closely guard their areas of responsibility.

By making use of the considerable willingness of people who volunteer to provide research and support, government will considerably increase its capacity with a no-cost source of impartial analysis and research, and gain the added bonus of making people feel involved. Many people are keen to offer their services, and government should not be afraid of losing control of the

agenda. There will be those who confuse expertise with vested interest, and this will need managing so that volunteering does not become a mechanism for inappropriate lobbying or influence. There will need to be clear parameters for work undertaken by volunteers, and a mechanism for dealing with conflicts of interest. Getting this right will need care, but the enthusiasm for this within and outside of government should make the prize worth the effort.

As well as using local expertise, universities and colleges could be contacted through students or alumni associated with Sark, to explore whether they would welcome the opportunity to undertake research studies on subjects important to Sark as part of coursework projects. Students might be happy to undertake such work in return for the opportunity to spend time on Sark. This has the potential to provide high quality impartial studies and could be particularly useful in relation to environmental and agricultural sustainability.

►Recommendations

- Establish a mechanism for involving volunteers – individual and groups – with specific skills, experience and expertise to develop proposals and help inform government thinking.
- Establish links with universities and colleges, through residents who have the contacts, to invite students to conduct research projects on behalf of Sark.

26. External and international relations

The General Purposes and Advisory Committee has responsibility for, among other things, advising Chief Pleas on international relationships and matters not covered by other committees. The Chair of that committee, understandably, takes the role of ‘spokesperson’ for Sark. Although the mandate of the committee clearly states the committee’s responsibilities, the Chair’s position as spokesperson is not always generally understood, or accepted.

This Review recommends, by implication, that the General Purposes and Advisory Committee disappears as part of the streamlining of committees, but Sark needs a political figurehead who can speak for it and represent it internationally. For that person to have the authority to speak for Sark they need to be properly identified as the spokesperson, both within Sark and outside, so that they can engage with other politicians as necessary with confidence and authority.

The best fit for this role would be the person who chairs the overarching Strategy and Finance Committee, with explicit responsibility built into the committee mandate, as that person would be the most likely to have the clearest overview of issues relating to Sark.

►Recommendations

- Elect/appoint a lead politician to speak for government as necessary outside of Sark, ideally the Chair of the Strategy and Finance Committee.
- Politicians should be equipped in terms of administrative support, briefing and reimbursement of expenses, to attend political meetings about developing issues which impact on Sark.
- The ‘chief politician’ should have regular meetings with the Chief Minister of Guernsey and the responsible minister in the UK to discuss issues of mutual interest.
- Information about inter-jurisdiction meetings should be made public. There will always be issues that should be kept confidential, but the public should be made aware of when the meetings take place, and, where possible and agreed by the parties involved, the agenda, and a note of the meeting should be published.
- The Chief Secretary should have regular meetings with counterparts in the MoJ and States of Guernsey.

27. Other support for government

Many Conseillers raised the issue of lack of experience in, for example, chairing meetings, decision making, legal analysis, and scrutiny. This is not to say that the Conseillers are not talented and able people, they clearly are. However, even in the most mature and well-

established modern democracies it is accepted that new politicians need induction, mentoring, support, training and orientation to be able to fulfil their public role properly. As the system of government on Sark is new, many Conseillers find themselves doing things they have never done before, or have done similar things but within different systems. Sark's size does not mean it does not need to have the capacity to function well. Quite the reverse. Sark's Conseillers would benefit from a system of induction and government orientation.. No-one should consider themselves above such induction and the UK or other Channel Islands would, no doubt, be willing to assist in an 'orientation programme'.

Developing links with other jurisdictions, through organisations such as the Commonwealth Parliamentary Association, will build support network for politicians, provide ideas for government as it continues to build its democracy, and help to promote Sark's interests.

The provision of adequate resources for Conseillers will help ensure that people are willing to engage in politics in the future. This does not mean that Conseillers should be paid, but proper reimbursement for expenses, provision of equipment and materials, office space and other practical assistance will help to encourage those who might be deterred from engaging in politics by cost or domestic inconvenience involved.

►Recommendations

- Develop a programme of training, mentoring and support for Conseillers, as exists in other jurisdictions, to ensure that those elected have the opportunities to develop the skills and support to deliver the business of government.
- Develop, through Guernsey and the UK, links with organisations such as the Commonwealth Parliamentary Association and ensure politicians are resourced to engage in relevant activities.
- Consider what practical resources can be provided to support Conseillers, for example office space and equipment, stationery and expenses for travel and training.

28. Good governance

As a new democracy, the government of Sark needs to develop its ways of working, and identifying a framework within which to do that would assist in declaring to the residents of Sark how it will govern. Many of the recommendations in this Review are built around the six principles of good governance, which provide a helpful and positive framework within which a modern, democratic government can work. Adopting these principles need not be onerous, but a statement of intent to work within this framework, explained by a few simple statements under each of the headings, will help provide a focus for government and, over time, will embed good principles into Sark's democracy.

Particularly important for Sark is dealing with conflicts of interest and transparency. It is impossible, and would be unhelpful, in a jurisdiction as small as Sark for people to be excluded from government if they have business or other interests in the Island. On one hand, in a place where most people know one another, it could be argued that the interests of individuals are well known: on the other hand, the fact that, for example, a Conseiller might win a contract to carry out work for the government, or a policy agreed by government may favour one or more Conseillers, is something which could understandably give rise to challenge and undermine the integrity of government. Adopting the six principles of good governance will assist with this, but specifically Sark should introduce a code of conduct (Alderney has a model⁷ which might provide a useful starting point for Sark) and a published list of Conseillers' interests. These measures, along with implementing other recommendations in this review about transparency and removing politicians from some of the transactional activities of government, will help assure residents of the integrity of government and increase public information about how government works.

⁷ <http://www.alderney.gov.gg/Government>

➡Recommendations

- Adopt and implement the six principles of good governance to provide a framework in which government can operate.
- Create a code of conduct for Conseillers.
- Publish a list of Conseillers' interests.

29.A legislative framework for Sark

Sark should not need a great deal of legislation and regulation, but, as mentioned earlier, there is already an acknowledgement that the historical approach in Sark that everyone knows the rules and will abide by them, no longer holds good. Whilst people might understandably rue the loss of that approach, it is now the reality. This Review recommends the development of a vision and strategy for Sark to assure its successful future (however that may ultimately be defined) and the development of the necessary legislative framework to deliver that strategy. Developing legislation is onerous, time consuming and complex. Nevertheless, good legislation needs detailed work to ensure the Law Officers are given full drafting instructions, prioritisation to ensure that the Law Officers are aware of what is needed and by when, and a mechanism for providing additional drafting resources if the Law Officers are unable to meet the required timetable.

A key consideration for the government must be that where it does legislate and regulate, it considers the resources required to enforce those laws and how those resources will be provided. So, for example, a topical debate is the speed limit for tractors but the Constable lacks the resources to monitor and enforce the limit. This Review makes no comment on whether the speed limits are correct or whether it is right to have them. However, the example illustrates that legislation, if implemented without the ability to enforce it, undermines the credibility of government.

➡Recommendations

- The new Strategy and Finance Committee should, when it has developed its vision and strategy for Sark, put together a legislative programme to deliver the strategy.
- Government should negotiate with the Law Officers the resources needed to deliver its legislative programme within the timescales required by Sark, and decide how to meet any resource gap. It should actively monitor the delivery of draft legislation.
- Government should, through public engagement and research and analysis, ensure that policy proposals are fully developed before being put to Chief Pleas so that the Law Officers have full and clear instructions for drafting.
- An assessment of the impact of new legislation should form part of the detailed policy proposal that goes to Chief Pleas when approval for drafting is sought, and that assessment should include details of resource implications and how they will be met.
- The responsibilities of the Constable should be reviewed to see what administrative functions (such as awarding tractor, dog, horse licences) could be transferred to the new public service team, to free up time for enforcing laws.

M. Making the change

As with the pace of life, change does not happen quickly on Sark. With its limited resources it is important that when change is made, it is sustainable and enduring. Changes to the present government support arrangements will be most effective if implemented incrementally; with determination to ensure a steady pace so that progress does not grind to a halt due to a lack of action and each stage of the change informed by evidence gained from the previous stage.

However, in terms of its preparedness for assuming the responsibilities of a democratic government, the government of Sark is at a low base. It has some way to go before it has an adequate legislative framework and government structure to provide a solid basis for the future of Sark. Recruiting and establishing a small but professional public service will take time, and without that service Sark cannot begin to take the steps it needs as highlighted in this Review.

The government of Sark already receives some informal assistance on particular issues from civil servants in Guernsey and the UK and clearly it is in the interests of the UK and Guernsey for Sark to be well governed. It would be worth Sark entering into discussions with both the UK and Guernsey about whether any temporary high quality resource is available from within their respective civil service pool to help Sark quickly establish a small, temporary, but effective public service, headed by an interim Chief Secretary who should support government to implement the recommendations in this Review and establish, with the existing government employees, a more permanent arrangement.

30. Setting the vision and strategy

The recommendations in this Review are aimed at enabling the government to build a sustainable future for Sark within a strong, healthy democracy. With advice and support from the Chief Secretary, the government should set about engaging with the residents of Sark to develop a vision and strategy for the future. Public engagement in this process is important: it should be done professionally, at a reasonable pace and refined with experience.

31. Legislation

The initial move to introduce a team of public servants, and some restructuring of the committees, would not require legislation although abolishing the Douziane and changes to the roles of the official appointees may require legislative change.

It is important that as much as possible is done without the need for legislation which would inevitably slow down the process, and any necessary legislative change should be based on detailed plans drawn up by the new Chief Secretary and agreed by Chief Pleas on the basis of evidence gained from a new system in operation.

32. Committee mandates

Committee mandates should be redrawn to set out the aims of the committees rather than listing tasks (although the list of legislation for which the committees are responsible is helpful). The mandates are likely to change over time as responsibilities change from developing a strategy to delivering it.

33. Cost

There will undoubtedly be a cost to Sark. However:

- Sark is, at present, in a strong financial position in terms of its financial surplus and can afford to invest in its future
- whilst it is not for this Review to recommend changes to the system of taxation, certainly some in Sark are not opposed to paying more tax in order to leave a solid legacy for the future
- this Review recommends making better use of existing resources, which reduces the number of additional resources that would otherwise be required
- this Review recommends harnessing expertise from within and outside of Sark to minimise the size of a paid public service
- a strong strategy for future growth and prosperity should enable Sark to recover its investment.

N. List of recommendations

Formal executive and administrative support for government

1. That the government of Sark establishes a small public service to support the business of government. The team should be small, but well qualified and experienced in governance and government.
2. This public service should be headed and managed by a senior officer and incorporate the existing posts of Committee Secretary, Assistant Committee Secretary, and Treasurer
3. The senior officer would fulfil a role of 'Chief Secretary' with principal responsibility for providing impartial policy and management advice to the government of Sark, including the analysis of strategy and policy options for the government in line with its decisions, overseeing the prompt implementation of those decisions and managing the delivery of public services in line with those decisions.
4. The Chief Secretary should have a good track record and experience in another jurisdiction. To allow for a speedy appointment, consideration should be given to arranging a secondment from another jurisdiction while the exact job description is worked through and a more permanent appointment made by open competition.
5. The exact detail of the role should be developed when the person is appointed but key aspects of the role should be to:
 - (a) provide expert advice and support to government
 - (b) advise government on its new committee structure
 - (c) manage all of Sark's public servants
 - (d) oversee the implementation of the recommendations of this Review
 - (e) establish strong and systematic relationships with the UK and Guernsey, and liaison with the Guernsey Law Officers, to ensure the government is properly advised on international and legal matters and ensuring politicians are properly briefed for meetings with politicians from other jurisdictions, and those jurisdictions are properly briefed on matters about Sark
 - (f) be the principal point of contact at official level with officials and other unelected people from other jurisdictions and promote Sark's interests
 - (g) oversee and manage the delivery of Sark's public services
 - (h) ensure that a high level of transparency is achieved through the publication of accurate, impartial and timely information about government policies and activity so that the Island is properly informed and consulted where necessary.
6. The new Chief Secretary should review existing 'public service' roles on the Island to streamline them and eliminate duplication to create efficiencies from within the existing arrangements and provide a more effective all round system of government support. Reviewing existing roles and putting them together as part of a small local public service, where jobs are openly advertised and people are trained in more than one role, will eliminate the need for dedicated 'deputies' and will form the basis of a credible, impartial and proportionate public service for Sark .
7. The roles which should be reviewed are:
 - (a) Greffier and deputy
 - (b) Prevot and deputy
 - (c) Committee Secretary and assistant secretary
 - (d) Procureur des Pauvres and deputy
 - (e) Tax assessor
 - (f) Treasurer (this role is vital and should stay but come under the Chief Secretary with support and cover for absence provided by others in the team).
8. The public service should comprise existing roles, reviewed as described above, and two other posts for people with policy delivery experience in public administration, appointed by open competition.

9. In the first instance, to fill the Chief Secretary and policy delivery posts quickly, secondments should be considered, and both Guernsey and the UK should be approached to see how they might help to provide additional resources to assist with the establishment of the new team.
10. A key priority for the new Chief Secretary would be to support and advise the government on a slimmed down committee structure and the development of a vision and strategy for Sark.

A committee structure, to provide leadership, prioritisation and strategic focus

11. Develop a vision and strategy to ensure Sark's sustainability and a plan to deliver it, engaging the residents of Sark in the process to ensure a mandate for government.
12. Review and streamline the committee structure, with three committees aligned to Sark's strategic priorities – potentially, Commerce and Development; Infrastructure; Education, Health and Welfare; with an overarching committee with responsibility for Strategy and Finance to ensure that all government activities are aligned, properly prioritised and progressed in line with the strategy. A suggested structure is set out in Table 5.
13. Remove the administrative and transactional activities from the committee mandates and transfer them to the public servants to create a more appropriate division between activities which are rightly political and those which should be outside of political influence.
14. Develop a standard approach for recording key discussion points and decisions made at committee meetings so that a proper audit trail of government business is created whilst reducing the bureaucracy of supporting committees, to free up time for the existing public service resource to undertake transactional and policy research work.
15. Conduct more detailed analysis to develop the committee mandates and structure, and to separate the administrative work from the Committees.

Capitalising on the skills available to Sark

16. Establish a mechanism for involving volunteers – individual and groups – with specific skills, experience and expertise to develop proposals and help inform government thinking.
17. Establish links with universities and colleges, through residents who have the contacts, to invite students to conduct research projects on behalf of Sark.

External and international relations

18. Elect/appoint a lead politician to speak for government as necessary outside of Sark, ideally the Chair of the Strategy and Finance Committee.
19. Politicians should be equipped in terms of administrative support, briefing and reimbursement of expenses, to attend political meetings about developing issues which impact on Sark.
20. The 'chief politician' should have regular meetings with the Chief Minister of Guernsey and the responsible minister in the UK to discuss issues of mutual interest.
21. Information about inter-jurisdiction meetings should be made public. There will always be issues that should be kept confidential, but the public should be made aware of when the meetings take place, and, where possible and agreed by the parties involved, the agenda, and a note of the meeting should be published.
22. The Chief Secretary should have regular meetings with counterparts in the MoJ and the States of Guernsey.

Other support for government

23. Develop a programme of training, mentoring and support for Conseillers, as exists in other jurisdictions, to ensure that those elected have the opportunities to develop the skills and support to deliver the business of government.

24. Develop, through Guernsey and the UK, links with organisations such as the Commonwealth Parliamentary Association and ensure politicians are resourced to engage in relevant activities.
25. Consider what practical resources can be provided to support Conseillers, for example office space and equipment, stationery and expenses for travel and training.

Good governance

26. Adopt and implement the six principles of good governance to provide a framework in which government can operate.
27. Create a code of conduct for Conseillers.
28. Publish a list of Conseillers' interests.

A legislative framework for Sark

29. The new Strategy and Finance Committee should, when it has developed its vision and strategy for Sark, put together a legislative programme to deliver the strategy.
30. Government should negotiate with the Law Officers the resources needed to deliver its legislative programme within the timescales required by Sark, and decide how to meet any resource gap. It should actively monitor the delivery of draft legislation.
31. Government should, through public engagement and research and analysis, ensure that policy proposals are fully developed before being put to Chief Pleas so that the Law Officers have full and clear instructions for drafting.
32. An assessment of the impact of new legislation should form part of the detailed policy proposal that goes to Chief Pleas when approval for drafting is sought, and that assessment should include details of resource implications and how they will be met.
33. The responsibilities of the Constable should be reviewed to see what administrative functions (such as awarding tractor, dog, horse licences) could be transferred to the new public service team, to free up time for enforcing laws.

Appendix 1: Constitution of the committees of Chief Pleas

Committee of Chief Pleas	Constitution
Agriculture	Chair and Deputy Chair 1 Conseiller 1 non-Chief Pleas member
Sark Influenza (Human) Pandemic	Chair and Deputy Chair 3 Conseillers (Chairs of other relevant Committees) 1 ex officio member
Development Control	Chair and Deputy Chair 3 Conseillers
Douzaine	Chair and Deputy Chair 10 Conseillers
Education	Chair and Deputy Chair 3 Conseillers 1 ex officio member 1 non-Chief Pleas member
Emergency Services	Chair and Deputy Chair 3 Conseillers 5 ex officio members
Finance and Commerce	Chair and Deputy Chair 3 Conseillers 1 ex officio member
Firearms	Chair and Deputy Chair 1 Conseiller 1 ex officio member
General Purposes and Advisory	Chair and Deputy Chair 4 Conseillers 1 non-Chief Pleas member
Harbours and Pilotage	Chair and Deputy Chair 3 Conseillers 2 ex officio members
Medical	Chair and Deputy Chair 3 Conseillers 1 ex officio member
Public Health	Chair and Deputy Chair 3 Conseillers
Road Traffic	Chair and Deputy Chair 3 Conseillers 1 ex officio member
Sea Fisheries	Chair and Deputy Chair 3 Conseillers 1 ex officio member
Shipping	Chair and Deputy Chair 3 Conseillers
Tourism	Chair and Deputy Chair 3 Conseillers 1 ex officio member

Appendix 2: Agricultural Committee

CONSTITUTION:

- A Chairperson who shall be a sitting member of Chief Pleas
- Two members who shall be sitting members of Chief Pleas
- Up to two non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas.
- A quorum shall consist of two voting members.

MANDATE:

- (a) To advise Chief Pleas on matters relating to agriculture and livestock including the support and improvement of agriculture in Sark.
- (b) To develop, present to Chief Pleas for approval and implement policies on the above for the provision of services, introduction of legislation and appropriate measures which contribute to the achievement of these objectives.
- (c) To oversee and manage any Chief Pleas approved agricultural subsidy scheme.
- (d) To exercise the powers and duties conferred on it by extant legislation, Chief Pleas resolutions and any emergency orders relating to the movement, slaughter of livestock, and the prevention of access and other matters relating to agriculture and livestock in Sark.
- (e) To consult and liaise with any other Committee or administrative body on matters concerning agriculture or livestock in Sark.
- (f) To develop and oversee initiatives on matters concerning agriculture, horticulture, conservation, and the environment.

CURRENT MEMBERS:

Conseiller Paul Williams (Chairman)
Conseiller Christopher Nightingale (Deputy Chairman)
Conseiller Anthony Ventress
Mrs J. Birch (non-Chief Pleas member)

Appendix 3: Development Control Committee

CONSTITUTION:

- A Chairman who shall be a sitting member of Chief Pleas
- Five members who shall be sitting members of Chief Pleas
- One of the members should have farming or other horticultural experience. (In the event of no member having farming or horticultural experience, the committee may have such a person elected for advice as required)
- Up to two non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas
- A quorum shall consist of three voting members.

MANDATE:

The Committee shall administer the following Laws and Ordinances:

The Caravans (Sark) Law 1957

The Housing (Temporary Provisions) (Sark) Law 1976

The Housing (Temporary Provisions) (Amendment) (Sark) Law 1986

The Development Control (Sark) Law 1991

The Housing (Extensions) (Sark) Law 2000

The Housing (Disapplication from Brecqhou) (Sark) Law 2001

The Development Control (Sark) (Amendment) Law 2008

The Natural Amenities and Land Control (Implementation) Ordinance 1962

The Natural Amenities and Land Control (Commencement) Ordinance 1964

The Building Control (Temporary Provisions) (Sark) Law 1974 (Continuation) Ordinance 1975

The Housing (Temporary Provisions) (Prescribed Persons) Ordinance 1989

The Housing (Temporary Provisions) (Prescribed Persons) Ordinance 1990

The Development Control (Sark) Ordinance 1992

The Development Control (Sark) (Amendment) Ordinance 2000

CURRENT MEMBERSHIP:

Conseiller Antony Dunks (Chairman)

Conseiller Sandra Williams (Deputy Chairman)

Conseiller Edric Baker

Conseiller Christopher Bateson

Conseiller Andrew Prevel

Appendix 4: Douzaine

CONSTITUTION:

- Membership of 12 Conseillers in accordance with Section 43 of the Reform (Sark) Law 2008
- A quorum of no less than five members.

LAWS IN OPERATION:

The Reform (Sark) Law 2008

The Direct Taxes Law 2002

The Direct Taxes (General Provisions) (Sark) Ordinance 2003

Order in Council Alienation de terres dans l'Ile de Serk 1927

MANDATE:

- (a) To nominate and propose to Chief Pleas the appointment of the Constable and Vingtenier after discussions with the then holders of those offices.
- (b) To nominate and propose to Chief Pleas the appointment of the Procureur and Deputy Procureur after discussions with the then holders of those offices.
- (c) To review the needs and financial status of persons applying for financial assistance or residential care brought to the attention of the Douzaine by the Procureur des Pauvres. To allocate assistance as and when required from funds provided to the Procureur des Pauvres by the Island Treasurer. The Douzaine reserves the right to recover assistance given from the estate of any person receiving assistance.
- (d) To cause accurate accounts to be kept by the Procureur des Pauvres of all monies received and all expenditure incurred. The Douzaine shall scrutinise the accounts before they are submitted to the Treasurer for inclusion in the Financial Statements of the Island.
- (e) To maintain a register (the Cadastre) of property ownership and possession for the purpose of supplying the Island Tax Assessor with accurate records in accordance with the requirements of the Direct Taxes Law 2002 and the Direct Taxes (General Provisions) (Sark) Ordinance 2003.
- (f) To appoint, manage and generally oversee the responsibilities of the Sark Old Island Hall Sub-Committee of the Douzaine.
- (g) To appoint, manage and generally oversee the responsibilities of the Sark Public Works Sub-Committee of the Douzaine ("Public Works").
- (h) To be responsible, via Public Works, for the maintenance and cleaning of public roads, gutters, watercourses, paths, public toilets, public seats, and steps leading to the Island's bays and landing places, and to request funds from the Island Treasurer for those purposes.
- (i) To ensure that Public Works correctly appoints, supervises and manages the Island's manual workforce and to request funds from the Island Treasurer for their payment.
- (j) To ensure that Public Works correctly collects, manages and disposes of the Island's waste material and sewage and to request funds from the Island Treasurer for those purposes net of monies collected in respect of those services.
- (k) To be responsible, via Public Works, for the maintenance and repair of all Island machinery and equipment used for Public Works and Douzaine purposes.

- (l) To be responsible, via Public Works, for the erection and maintenance of warning signs, direction signs and signposts, and to request funds from the Island Treasurer for those purposes.
- (m) To be responsible for ensuring that landowners correctly cut and maintain all hedgerows and banks bordering all Island roads.
- (n) To be responsible for advertising for tenders and placing contracts for the maintenance of Island property other than that under the control of the Island Trustees.
- (o) To be responsible for letting, appointing tenants, fixing rents and terms on property surplus to the requirements of the Douzaine. Income arising from and expenditure on Island property to be recorded in the Island's Financial Statements.
- (p) To be responsible for the purchase and maintenance of Island trees, and to request funds from the Island Treasurer for those purposes.
- (q) To be responsible for everything concerning the Island cemeteries and adjacent land and to prepare for the future need for burial sites.
- (r) To be responsible for all aspects of the Island insurance.
- (s) Together with the Seigneur to propose or approve all alienation of land for the benefit of the community.
- (t) To be responsible for the management, repairs and maintenance of properties delegated to the Douzaine by the Island Trustees.

Appendix 5: Education Committee

CONSTITUTION:

- A Chairman who shall be a sitting member of Chief Pleas
- Four members who shall be sitting members of Chief Pleas
- The Headteacher of Sark School shall be a member ex officio.
- From time to time, as required, other teachers may be invited to attend meetings, as deemed relevant and necessary by the Committee
- Up to two non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas.
- A quorum shall consist of three voting members.

MANDATE:

The principal responsibility of the Education Committee is the implementation of the Education (Sark) Law 2001 and the Ordinances of 2003 and 2005. Its duties include:

- (a) the establishment of a statutory system of public education for the children in Sark
- (b) the provision and maintenance of a school, its equipment, and the facilities for physical education and recreation
- (c) the appointment, definition of conditions of service, disciplining and the dismissal of staff
- (d) the funding of education (on Sark and elsewhere) within the constraints of Island finances
- (e) within those financial constraints, the provision of education for children with special needs
- (f) prescribing compulsory school ages and regulating the attendance of children at school
- (g) approving disciplinary measures when necessary, including the temporary exclusion from school of unruly children
- (h) arranging for independent inspection of the school at suitable intervals
- (i) reporting on education matters to Chief Pleas.

CURRENT MEMBERS:

Conseiller Helen Magell – Chairman
Conseiller Jan Guy – Deputy Chairman
Conseiller Christine Audrain
Conseiller Elizabeth Dewe
Conseiller Antony Dunks
Mrs Sarah Cottle – Headteacher ex officio
Mr Adrian Guille – non-Chief Pleas Member (parents' representative)

Appendix 6: Emergency Services Committee

CONSTITUTION:

- A Chairman who shall be a sitting member of Chief Pleas
- Four members who shall be sitting members of Chief Pleas
- The Sark Medical Officer, the Chief Fire Officer, the Chief Ambulance Officer, the Officer in Charge, Special Constables and the Sark Constables, all in a non-voting capacity as ex officio members
- Up to two non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas.
- A quorum shall consist of three voting members.

MANDATE:

- (a) To organise and ensure the efficient running of the Sark Fire & Rescue Service and to present its annual accounts to Chief Pleas.
- (b) To apply to Chief Pleas for the annual budget for the Fire & Rescue Service.
- (c) To organise, and ensure the efficient running of the Sark Ambulance Service and to present its annual accounts to Chief Pleas.
- (d) To plan for and react to any civil emergency, and to co-operate with and maintain contacts with other Islands' emergency services.

CURRENT MEMBERS:

Conseiller H. Plummer (Chairman)
Conseiller J. Hunt (Deputy Chairman)
Conseiller P. Armorgie
Conseiller H. Fry
Conseiller A. Prevel
Sark Constables – ex officio
Chief Fire Officer – ex-officio
Chief Ambulance Officer – ex-officio
Sark Medical Officer – ex-officio
Officer in Charge, Special Constables – ex-officio

Appendix 7: Finance and Commerce Committee

CONSTITUTION:

- A Chairman who shall be a sitting member of Chief Pleas
- Five members who shall be sitting members of Chief Pleas
- The Treasurer of Sark shall be a member ex officio
- A quorum shall consist of three members who are Chief Pleas members.

MANDATE:

- (a) To collect data on the expenditure of independent committees, so as to monitor the overall expenditure of Chief Pleas.
- (b) To regulate and control the financial affairs of Chief Pleas.
- (c) To raise Chief Pleas revenue and utilise its financial resources.
- (d) To monitor costs of the Seneschal's Court and make recommendations to Chief Pleas on the funding of the Court.
- (e) To advise Chief Pleas on commercial matters.

MEMBERSHIP:

Conseiller Stefan Gomoll – Chairman
Conseiller Sandra Williams – Deputy Chairman
Conseiller Charles Maitland
Conseiller Elizabeth Dewe
Conseiller Antony Dunks
The Treasurer - ex officio

Appendix 8: Firearms Committee

CONSTITUTION:

- A Chairman who shall be a sitting member of Chief Pleas
- Two members who shall be sitting members of Chief Pleas
- The Constables who shall be ex officio members with voting rights
- Up to two non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas.
- A quorum shall consist of three voting members.

MANDATE:

- (a) To advise Chief Pleas on policies relating to firearms legislation.
- (b) To administer and issue licenses for firearms, shotguns and ammunition under the Firearms (Sark) Law 2001 and related Ordinances.
- (c) To liaise with the Chief Officer of the Guernsey Police on firearms matters.
- (d) To keep accurate records of all firearms held by licensees.
- (e) To keep accurate records of all licence fees received.

MEMBERS:

Conseiller Richard Dewe – Chairman
Conseiller Christopher Nightingale – Deputy Chairman
Conseiller Anthony Ventress
The Constables – ex-officio

Appendix 9: General Purposes and Advisory Committee

CONSTITUTION:

- A Chairman who shall be a sitting member of Chief Pleas
- Five or six members who shall be sitting members of Chief Pleas.
- A quorum shall consist of three members.

MANDATE:

(a) To advise Chief Pleas on matters relating to:

i. the allocation of duties to Committees;

ii. the Island's constitutional position, international relations and matters relating to the other Islands of the Bailiwick.

(b) To develop, present to Chief Pleas for approval and implement policies on the above matters.

(c) To appoint the Committee Secretary, the Assistant Constable and any other salaried employees as directed by Chief Pleas and to recommend their salaries and terms of employment.

(d) To examine any matter that falls outside the mandate of any existing committee and report to Chief Pleas thereon.

(e) With the approval of Chief Pleas, to appoint any ad-hoc or sub-committee to study and report to it on any relevant matter that falls within this mandate or is outside the mandate of any existing committee.

MEMBERS:

Conseiller Charles Maitland – Chairman
Conseiller Edric Baker – Deputy Chairman
Conseiller Stefan Gomoll
Conseiller Andrew Cook
Conseiller Christine Audrain
Conseiller Andrew Bache

Mr Roger Olsen – non-CP member – renewable energy

Appendix 10: Harbours and Pilotage Committee

CONSTITUTION:

- A Chairman who shall be a sitting member of Chief Pleas
- Four members who shall be sitting members of Chief Pleas
- The Constables who shall be ex officio members without voting rights
- The Harbourmasters who shall be ex officio members without voting rights
- Up to two non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas.
- A quorum shall consist of three voting members.

MANDATE:

- (a) To oversee all aspects of the Harbours (Sark) Ordinance 2011 and the Safety in Sark Waters Ordinance 2008.
- (b) The administration and maintenance of Creux and Maseline Harbours, Grève de la Ville and Havre Gosselin and to administer all moorings within Sark waters.
- (c) To appoint the Harbourmaster(s) (whose duties include the control of vehicle movements on the harbours and the area between the harbours and up to the Quarry gates).
- (d) To oversee all aspects of the Pilotage (Sark) Law 1991 and the Sark Pilotage (Amendment) Ordinance 2001, and to bring to the attention of Chief Pleas any matters concerning pilotage of vessels in Sark waters.
- (e) To appoint an Examination Committee when necessary and to maintain and update the pilotage syllabus.
- (f) To keep a register of Sark pilots and to issue and renew annually Sark Pilotage certificates.
- (g) To appoint the crane operator(s).

CONVENTION RESPONSIBILITIES:

- Salvage Convention (plus GP&A)
- Convention for the Safety of Life at Sea (SOLAS)
- International Convention – Anti-Ship Fouling (not extended)
- International Convention on Load Lines (not extended)
- International Convention – Suppression of Unlawful Acts Against the Safety of Maritime Navigation
- UN Convention on Customs Treatment of Pool Containers
- Convention on Limitation of Liability on Maritime Claims 1976 (Added 11 November 2009).

CURRENT COMMITTEE MEMBERS:

Conseiller Jan Guy – Chairman
Conseiller Andrew Cook – Deputy Chairman
Conseiller David Cocksedge
Conseiller Andrew Bache
Conseiller Andrew Prevel
The Constables – ex officio
Harbourmasters – ex officio

Appendix 11: The Sark Influenza (Human) Pandemic Committee

CONSTITUTION:

- The Chairman of the following Committees – Emergency Services, Medical, Agriculture, GP&A and Public Health; or their Deputies
- The Chairman of the Emergency Services Committee acts as Chairman of this committee
- The Chairman of Agriculture is the Deputy Chairman of this Committee
- The Constable shall be a member ex officio
- The Committee has the power to co-opt any person without recourse to Chief Pleas.
- A quorum shall consist of four members.

MANDATE:

- (a) To prepare and co-ordinate any and all measures necessary to deal with a possible pandemic outbreak of human influenza on Sark.

LEGISLATION:

The Avian Influenza and Control of Birds (Sark)(Amendment) Ordinance 2010

MEMBERSHIP:

Helen Plummer – Chairman
Paul Williams – Deputy Chairman
Charles Maitland
David Melling
Diane Baker
Constable – ex officio

Appendix 12: Medical Committee

CONSTITUTION:

- A Chairman who shall be a sitting member of Chief Pleas
- Four members who shall be sitting members of Chief Pleas
- In addition the Medical Officer of Health shall be an ex officio member without voting rights and the committee may elect further qualified persons as required
- Up to two non-voting persons who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas
- A quorum shall consist of three voting members.

MANDATE:

- (a) The committee shall advise Chief Pleas on the appointment of the Island Doctor/MOH and matters relating to his/her employment.
- (b) They shall advise Chief Pleas and the people of Sark on Health Insurance and appoint a Broker to obtain the best terms for an Island Health Insurance Scheme.
- (c) To appoint annually a registered medical practitioner or registered pharmacist of their choice to undertake an annual audit of the use and record keeping of dangerous drugs.
- (d) They shall advise Chief Pleas on matters raised by or on behalf of the states of Guernsey Health Department and on other health-related matters in conjunction with the Sark Public Health Committee where appropriate.
- (e) To advise and liaise with HSSD regarding child protection matters and to appoint when necessary a liaison officer to work with the court.

CURRENT MEMBERS:

Diane Baker – Chairman
John Hunt – Deputy Chairman
Helen Plummer
Richard Dewe
Paul Armorgie

LAWS, ORDINANCES, INTERNATIONAL CONVENTIONS & AGREEMENTS:

The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law 2008
The Mental Health (Bailiwick of Guernsey) Law 2010
The Childrens (Sark) Law (Awaiting 1st draft)
Adoption – UN/UK/EU (GP&A) (Lead)
International Convention Affecting Children, Young Persons and their Families (GP&A (Lead) Education)
Council of Europe Convention on Contact Concerning Children (GP&A) (Lead)
World Health Organization Convention on Tobacco (Not extended to Sark)

Appendix 13: Public Health Committee

CONSTITUTION:

- A Chairman who shall be a sitting member of Chief Pleas
- Four members who shall be sitting members of Chief Pleas
- Island Medical Officer of Health – an ex officio member without voting rights
- The Constables – ex officio members without voting rights
- Up to two non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas
- A quorum shall consist of three voting members.

MANDATE:

- (a) To exercise the powers and duties conferred by The Sewerage (Sark) Law 1978.
- (b) To exercise the powers and duties conferred by The Catering (Sark) Law 1988.
- (c) To collate and consider all Bailiwick, UK and EC legislation relevant to good resource management in Sark, and implement any legal requirements.
- (d) To take necessary action in all matters relating to public health on Sark including advising Chief Pleas of new laws required for the safe management of waste.

LEGISLATION:

The Sewerage (Sark) Law 1978
The Catering (Sark) Law 1988

ORDINANCES:

The Refuse and Litter (Sark) Ordinance 1983
The Catering (Transfer of Functions) (Sark) Ordinance 1992 (*Note: This transferred the functions of the Tourism Committee under the Catering (Sark) Law 1988 to the Public Health Committee*)
The Transfrontier Shipment of Waste (Sark) Ordinance 2001

CONVENTION RESPONSIBILITIES:

Rotterdam Convention – Prior Informed Consent (GP&A lead)
Basel Convention – Transboundary Shipment of Hazardous Waste
London Convention and Protocol on Marine Pollution

CURRENT COMMITTEE MEMBERS:

Conseiller David Melling – Chairman
Conseiller Paul Williams – Deputy Chairman
Conseiller Elizabeth Dewe
Conseiller Christopher Bateson
Conseiller Rosanne Byrne

Appendix 14: Road Traffic Committee

CONSTITUTION:

- A Chairman who shall be a sitting members of Chief Pleas
- Four members who shall be sitting members of Chief Pleas
- Sark Constables who shall be ex officio members without voting rights
- Up to two non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas
- A quorum shall consist of three voting members.

MANDATE:

- (a) The regulation and licensing of all tractors and carriages and the testing and licensing of their drivers. The testing to be carried out by the Constable or an authorised tester.
- (b) The licensing of invalid carriages and their drivers, tested by the Constable or an authorised tester.
- (c) The regulation of Harbour Hill Transport.
- (d) To oversee all aspects of all Road Traffic Laws and Ordinances and their Amendments.

LEGISLATION:

The Tractors (Sark) Law 1974
The Tractors (Amendment) (Sark) Law 1983
The Tractors (Amendment) (No.2) (Sark) Law 1983
The Tractors (Amendment) (Sark) Law 2006
The Road Traffic (Horse-Drawn Vehicles) (Sark) Law 1969
The Road Traffic (Horse-Drawn Vehicles) (Temporary Provision and Amendment) (Sark) Law 1980
The Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Law 1983
The Invalid Carriages (Sark) Law 1967
The Invalid Carriages (Sark) (Amendment) Law 2006
The Road Traffic (Tractors and Invalid Carriages) (Sark) Ordinance 1967 as amended
The Road Traffic (Horse-Drawn Vehicles) (Sark) Ordinance 1968 as amended

CURRENT MEMBERS:

Conseiller John Hunt – Chairman
Conseiller Elizabeth Dewe – Deputy Chairman
Vacancy
Conseiller Paul Williams
Conseiller Christopher Nightingale
The Constables – ex officio

Appendix 15: Sea Fisheries Committee

CONSTITUTION:

- A Chairman who shall be a sitting member of Chief Pleas
- Four members who shall be sitting members of Chief Pleas
- The Assistant Constable Sea Fisheries who shall be an ex officio member without voting rights
- Up to two non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas
- A quorum shall consist of three voting members.

MANDATE:

- (a) To advise Chief Pleas on safeguarding the living marine resources within Sark waters and managing, where appropriate, their exploitation in a sustainable manner to benefit the Sark population and within its responsibilities to the wider environment.
- (b) To develop, present to Chief Pleas for their approval and implement policies for the provision of services, introduction of legislation and other appropriate measures which contribute to the achievement of those objectives.

CURRENT MEMBERS:

Conseiller David Cocksedge – Chairman
Conseiller Helen Plummer - Deputy Chairman
Conseiller Michelle Perrée
Conseiller Anthony Ventress
Conseiller Stephen Taylor
Assistant Constable Sea Fisheries (Andrew Leaman) – ex officio

Appendix 16: Shipping Committee

CONSTITUTION:

- A Chairman who shall be a sitting member of Chief Pleas
- Up to four members, not less than three of whom shall be sitting members of Chief Pleas, one of whom should be a member of the General Purposes and Advisory Committee and one of whom should be a member of the Tourism Committee
- One of the Chief Pleas members shall be nominated Deputy Chairman
- Up to two non-voting members who are not members of Chief Pleas but who shall be elected by Chief Pleas
- A quorum shall consist of three voting members.

MANDATE:

- (a) To advise Chief Pleas on the provision of a year-round shipping service for the carriage of passengers and freight between Guernsey and Sark.
- (b) To advise Chief Pleas of services to and from other ports as appropriate.
- (c) To advise Chief Pleas on the level of fares and freight rates on the core service compatible with the interests of Sark residents, taking into account the necessity for the Isle of Sark Shipping Company to make a reasonable profit.
- (d) To liaise with the Tourism Committee and the Shipping Companies on the co-ordination of proposed timetables of all shipping services for the following calendar year.
- (e) To liaise with the Harbours Committee and ensure, with advice from the Sark Harbourmaster, that any such timetables make due allowance for the arrival and departure of vessels in Sark to avoid conflict in the harbours.
- (f) From time to time to have elected onto the committee persons having expert knowledge.
- (g) To exercise the powers and duties conferred onto it by extant legislation.
- (h) To exercise the Shareholders interests of Chief Pleas in the Isle of Sark Shipping Company, once empowered to do so.

CURRENT MEMBERSHIP:

Conseiller Andrew Cook – Chairman
Conseiller Sandra Williams – Deputy Chairman (Tourism Committee representative)
Conseiller Charles Maitland (GP&A Committee representative)
Conseiller Janet Guy
Conseiller Rosanne Byrne

Appendix 17: Tourism Committee

CONSTITUTION:

- A Chairman who shall be a sitting member of Chief Pleas
- Four members who shall be sitting members of Chief Pleas
- Up to two non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas
- Visitors' Officers who shall be ex officio members without voting rights
- A quorum shall consist of three voting members.

MANDATE:

- (a) To advertise the amenities and the attractions of the Island both with the object of encouraging visitors to the Island and in the interests of such visitors and the inhabitants of the Island as a whole.
- (b) To inspect and issue the necessary permits for tourist accommodation including campsites.
- (c) To make recommendations to Chief Pleas, from time to time, as to any legislation which may be necessary for the fulfilment of the duties set out in this section.
- (d) To oversee the Tourism (Sark) Law 1982 and the Tourism (Amendment) (Sark) Law 1986.
- (e) To attempt to resolve and settle formal complaints.
- (f) To appoint and dismiss Visitors' Officers and any other personnel.

CURRENT MEMBERS:

Conseiller Sandra Williams – Chairman
Conseiller Christine Audrain – Deputy Chairman
Conseiller Paul Armorgie
Conseiller Diane Baker
Conseiller David Melling
Visitors' Officers – ex officio