



OFFICIAL REPORT

OF THE

EXTRAORDINARY MEETING

OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 19th March 2025

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EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

Present:

Seigneur

Maj. C M Beaumont Esq.

Deputy Speaker of Chief Pleas

C J La Trobe-Bateman Esq.

Deputy Prévôt

J Godwin

Greffier

T J Hamon

Treasurer

S Hudson

Constable

P Burgess

Assistant Constable

Jonathan Godwin

Conseillers:

Jolie Rose
John Guille
Christopher Kennedy-Barnard
Helen Plummer
Marcus Barker
Benjamin Harris
Carol Cragoe
Michael Locke

Natalie Tighe
Christopher Bateson
David Curtis
Edric Baker MBE
Mary Nicolle
James Martin
Steven Lord
Frank Makepeace

Business transacted

Apologies	4
Lieutenant-Governor absent	4
Procedural – Electronic devices.....	4
Procedural – Questions not related to the Business of the Day	4
Business of the Day	6
1. Old Island Hall Lease Report — Policy and Finance Committee Report considered— Debate started	6
Statements	7
Policy and Finance Committee— Statement by Conseiller Rose.....	7
Tony Le Lievre and Paul Williams — Statement by Conseiller Bateson.....	8
Old Island Hall Lease Report — Policy and Finance Committee Report considered — Debate concluded— Proposition 1 carried, Proposition 2 withdrawn, Propositions 3 to 11 carried ...	9
<i>Chief Pleas closed at 6.56 p.m.</i>	39

Extraordinary Meeting of Chief Pleas

Chief Pleas met at 5 p.m.

[THE DEPUTY SPEAKER *in the Chair*]

PRAYER

The Greffier

ROLL CALL

The Greffier

The Greffier: There are 16 Conseillers, the Seigneur and the Deputy Speaker of Chief Pleas present.

5 **The Deputy Speaker:** Thank you, Greffier.

Apologies

The Deputy Speaker: I have apologies for absence from Conseiller Scott Sullivan.

Lieutenant-Governor absent

The Deputy Speaker: Likewise, His Excellency the Governor of Guernsey regrets he is unable to attend due to a prior commitment but he wishes us well.

Procedural – Electronic devices

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The Deputy Speaker: Could I ask that all recording devices, mobile phones, etc., are switched off?

Thank you.

Procedural –

Questions not related to the Business of the Day

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The Deputy Speaker: This is a single Item Agenda and therefore we will not be considering minutes of the previous meeting of Chief Pleas, matters arising or questions not related to the business of the day. Therefore, let us move on to Agenda Item 1.

Conseiller Lord, do you have something to say?

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

20 **Conseiller Lord:** I just wanted to ask a question. Is it possible to raise a point of order?

The Deputy Speaker: Yes.

25 **Conseiller Lord:** I submitted a question regarding the Marriage Act regulation and consultation
processes as a Question not related to the Business of the Day. I was told it was a single Agenda
Item. Rule 8 does not provide for this, and precedent suggests otherwise; the most recent example
being a question raised at the extraordinary meeting of 24th May 2023. I could not find a basis in
the Reform Law or elsewhere for this. Rule 8 is clear about how and when questions can be
submitted. I apologise for putting you on the spot because this was not your decision. I was
30 wondering what the basis is.

The Deputy Speaker: Is this relevant at all to the matter before Chief Pleas today?

35 **Conseiller Lord:** Rule 17 says that I can seek clarification on this and I could not find anything
on that. I would like to know what the basis for a single Item Agenda meeting is and how that
affects rule 8.

The Deputy Speaker: I did find where I justify the fact that —Extraordinary Meetings, 2:

Notwithstanding section 1(4) above where a matter of urgency needs to be put to Chief Pleas the Speaker may
waive the notice period of twenty- one days —

40 That was not the part. Let's put it this way, I have discretion under one of the rules procedure,
which I cannot find, to either allow or disallow statements such as you are attempting to make,
and I would rather you did not.

45 **Conseiller Lord:** Okay.

The Deputy Speaker: If that is all right.
Thank you.

Business of the Day

1. Old Island Hall Lease Report — Policy and Finance Committee Report considered— Debate started

To consider a Report with propositions and appendices from the Policy and Finance Committee entitled 'Old Island Hall Lease Report'.

Proposition 1:

That Chief Pleas accepts the Old Island Hall Lease report prepared by Dr Melissa McCullough.

Proposition 2:

That Chief Pleas accepts the Code of Conduct Panel's report.

Proposition 3:

That Chief Pleas directs the Policy & Finance Committee to instruct the Law Officers of the Crown to prepare the necessary legislation to establish the office of the Sark Commissioner for Standards.

Proposition 4:

That Chief Pleas directs the Policy & Finance Committee to enter discussions with Dr Melissa McCullough with the intention of seeking her appointment to the office of the Sark Commissioner for Standards when that office is established.

Proposition 5:

That Chief Pleas directs the Policy & Finance Committee to instruct the Law Officers of the Crown to prepare the necessary legislation to effect the transfer of the Trustees' functions.

Proposition 6:

That Chief Pleas directs the Douzaine to inform Chief Pleas of any lease over property vested in Chief Pleas in advance of that lease being agreed.

Proposition 7: That Chief Pleas directs the Douzaine to draft and publish on the Chief Pleas website a guidance note, to include policies and procedures surrounding the rental, leasing, use and disposal of properties vested in Chief Pleas.

Proposition 8:

That Chief Pleas directs the Policy & Finance Committee to establish a governance framework to promote best practice in accountability, ethical conduct and transparency within public services, and to offer training to Members of Chief Pleas and civil servants regarding their roles, responsibilities and relevant legislation.

Proposition 9:

That Chief Pleas approves Sark joining the Commonwealth Parliamentary Association.

Proposition 10:

That Chief Pleas notes that the Policy & Finance Committee is to publish summaries of its minutes and decisions on the Chief Pleas website.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH 2025

Proposition 11:

That Chief Pleas accepts the amended The Constitution & Operation of Chief Pleas Committees, as attached to this report.

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The Deputy Speaker: We will move on to Agenda Item 1. Agenda Item 1, which reads as follows. to consider a report with propositions and appendices from the Policy and Finance Committee entitled the 'Old Hall Lease Report', which you have all had a copy. I would ask Conseiller Guille to introduce this matter.

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Conseiller Guille has indicated that he would like to read this Report out verbatim for the sake of recording procedures. Conseiller Guille has also indicated that he is going to read a statement possibly prior to introducing this matter. Would you like to elucidate please, Conseiller Guille?

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Conseiller Guille: Yes, we have a statement coming through the proper channels of the Policy and Finance Committee from the Code of Conduct Panel, which is their proper route, into Chief Pleas, and Conseiller Rose from the Policy and Finance Committee will read out their statement.

The Deputy Speaker: Thank you.
Conseiller Rose.

STATEMENTS

Policy and Finance Committee— Statement by Conseiller Rose

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Conseiller Rose: Thank you, Mr Speaker.

I have been asked to preface the statement by Hazel Fry to introduce it by saying that we acknowledge we make mistakes as we try to work with the Code, which we all agree needs to be rewritten. This is the statement.

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The Code of Conduct was designed and set up by Chief Pleas so that Conseillers' conduct can be held to account by their peers, without recourse to expensive lawyers or advisers. As the Panel responsible, we approached it in this way, even though, as said many times, we found the Code to be unfit for purpose, woefully inadequate, contradictory and confusing. Our task was to examine the complaint we received against two Conseillers, submitted by another Conseiller, to investigate thoroughly and to write a report of our findings with our recommendations. It was for Chief Pleas, not us, to decide on further action.

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Having read Dr McCullough's Report we have concluded that we were asked different questions. We were asked if these Conseillers had acted properly in their Committee work. Dr McCullough was asked 'Did these Conseillers break any laws?' Had we been asked her question, we would certainly have answered as she did, though in fewer than 97 pages.

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'Did the two Conseillers act in the best interests of the people of Sark?' We concluded that they did not. What started out as a relatively straightforward complaint about two members of the Douzaine has been turned into something much greater.

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Those Members of the Douzaine, who were not present at the meeting, when the said Lease was discussed, had no opportunity to question the terms of it. There was a lack of communication and were no adequate minutes. Consequently, the details of the Lease being offered for the Old Hall, were not discussed by the Committee responsible for handling Island assets and therefore no objections or alternatives were considered.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH 2025

When it was first brought to the attention of Easter Chief Pleas, 2024, Conseiller Le Lievre stated that he would resign, if found to be at fault. Instead, following our Report, he introduced the idea of a Judicial Review. Both subject Conseillers informed us that they were seeking legal advice, although the Code of Conduct was not established as a legal entity, but as an 'in-House' investigation.

Dr McCullough, the Pan-Island Commissioner for Standards for Jersey and Guernsey, was introduced to this complaint at that point. Among her other qualifications, she has a Bachelor of Law degree. We do not doubt her expertise. It is our opinion that her Report is unnecessarily long, repetitive and some of its recommendations are inconsistent with Sark's ethos of self-government.

The reality is that Sark is now stuck with maintaining the Old Island Hall externally for the next 10 to 20 years. It is a building covered in asbestos and the Island had already started demolishing the inside, as far back as 2013. Sark is supplying it with water, and discussion on waste costs are supposedly on-going. The advantages this Lease offers the Old Island Hall business have seriously undermined other catering businesses, who have to pay market rental rates.

This statement is purely from the point of view of the Code of Conduct Panel. We would be satisfied if this whole process was to be instrumental in bringing about much needed change and accountability to the Chief Pleas of Sark.

That is the Code of Conduct Panel, which Hazel Fry, who is the chair, Peter Cole, deputy chair, Simon Adams, Peter Cunneen and Annie Sturman.

The Deputy Speaker: Thank you, Conseiller Rose.

Since that is a statement there is nothing further to be said on the matter by this Assembly. But I believe there is another statement to be made. Am I right, Conseiller Guille? Conseiller Bateson?

Conseiller Makepeace: I would like to make a statement.

The Deputy Speaker: You cannot, I am afraid, Conseiller.

Conseiller Makepeace: Why not?

The Deputy Speaker: Because you have not provided us with a copy of what you wish to say.

Conseiller Makepeace: But I was one of the participants in this whole saga.

The Deputy Speaker: Your microphone, please.

You will have ample opportunity to engage in the debate, Conseiller Makepeace, in due course.

Conseiller Makepeace: Thank you, sir.

The Deputy Speaker: Conseiller Bateson, would you like to read your statement?

Tony Le Lievre and Paul Williams — Statement by Conseiller Bateson

Conseiller Bateson: I have been asked to read a statement on behalf of Tony Le Lievre and Paul Williams. It has been drafted by Tony, but it is on behalf of both of them.

The statement is:

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH 2025

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I would like to thank the Policy and Finance Committee, and in particular, Conseiller John Guille, for their leadership and hard work that has been applied to finding a solution to the problems that surround the ill-conceived allegations concerning the issue of the Old Island Hall Lease and the subsequent failure of process and procedure during the investigation of the allegations.

The vexatious nature of the complaint is plain to see in the findings of the McCullough Review. What both Paul Williams and I would like to see as a result of the McCullough Review is that any future Code of Conduct investigation is carried out by a suitably qualified and totally independent body, working from a properly framed and written mandate that allows all parties involved in the process the opportunity to represent themselves and receive fair and just treatment.

Our reputations have been unjustly damaged by the bringing of a complaint that had no substance in procedure or law. Coupled to the then arduous 10 months that it has taken to finally arrive at a fair and just review of the allegations, we have suffered the illegal release of documents surrounding the original report to the press and the public, resulting in what can only be described as trial by media. This situation must not be allowed to ever happen again.

The Deputy Speaker: Thank you, Conseiller Bateson.

Could I ask yourself and Conseiller Rose to provide a copy of the statements you have read out to the Greffier after the meeting.

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Thank you.

Old Island Hall Lease Report — Policy and Finance Committee Report considered — Debate concluded—

Proposition 1 carried, Proposition 2 withdrawn, Propositions 3 to 11 carried

The Deputy Speaker: We will move on to discussing the Report.

Conseiller Guille, would you like to proceed?

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Conseiller Guille: Thank you, sir.

At the extraordinary meeting of Chief Pleas, held on 13th November 2024, Chief Pleas appointed Dr Melissa McCullough to undertake an investigation into the circumstances surrounding the preparation, agreement and execution of the Lease of the Old Island Hall. Dr McCullough was asked to consider the roles and actions of relevant parties, including the

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Douzaine and its Members, the Island Trustees and civil servants.
The Policy and Finance Committee presents Dr McCullough's Report to Chief Pleas, accompanied by recommendations, in response to which the Policy and Finance Committee asks for Chief Pleas to consider 11 propositions. Policy and Finance Committee's rationale for the appointment of Dr McCullough, as stated at the extraordinary meeting in November 2024, was

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the failure to follow the prescribed procedures and therefore allow fair process.
It was also felt that the particular situation deserved a wider investigation than provided for by the Conseillers Code of Conduct document. The Policy and Finance Committee commends Dr McCullough's Report, believing this to be an opportunity to improve how Chief Pleas does its business, thereby furthering public confidence and trust.

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Code of Conduct Panel's Report. At the extraordinary meeting, Chief Pleas agreed not to debate at the time the Code of Conduct Panel's Report so as to allow Dr McCullough to complete her investigation:

Once complete, the report will be brought to Chief Pleas alongside the Code of Conduct Panel's Report, and recommendations to be accepted, rejected or debated by Chief Pleas.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH 2025

165 As such, the Policy and Finance Committee brings back to Chief Pleas the Code of Conduct Panel's Report. As the Conseillers in question are no longer Members of Chief Pleas, the Report's recommendations no longer apply.

The Policy and Finance Committee wish to thank again the Code of Conduct Panel for their contributions and service, appreciating that the Conseillers Code of Conduct is a challenging
170 document under which to administer complaints, indeed as the Code of Conduct Panel stated in their Report.

As we worked with it, we found several anomalies and contradictions, and felt we had been asked to do a job but given the wrong tools. It is, we concluded, a document that is not fit for purpose and needs to be amended. It is clear that the Code of Conduct Panel faced challenging
175 circumstances and that the Panel, its chair and members, did their best during what was a difficult period.

Furthermore, it should be noted that the remit and nature of Dr McCullough's Report was entirely different in scope to the work of the Code of Conduct Panel with a focus broader than the Conseillers Code of Conduct document would allow.

180 Future model for complaints. The Policy and Finance Committee recommends to Chief Pleas the adoption of the Pan-Island Commissioner for Standards. The title, Pan-Island Commissioner for Standards, is a brand name for Dr McCullough's work as the Guernsey Commissioner for Standards and as the Jersey Commissioner for Standards. Dr McCullough would be the Sark Commissioner for Standards, operating independently but under the banner of the Pan-Island
185 Commissioner.

The adoption of the Pan-Island Commissioner will require amendments to the Reform Law to provide a statutory basis. I can update this since this has been written. The Law Officers are still, based on how we vote tonight, unsure. It might be an amendment to the Reform Law or it might be new legislation. That is yet to be determined.

190 If approved, the Policy and Finance Committee will build upon discussions with the Law Officers of the Crown and work to bring this legislation to Chief Pleas no later than mid-summer meeting. The Speaker of Chief Pleas and the Deputy Speaker of Chief Pleas have indicated going forwards they wish to be included under the remit of the Pan-Island Commissioner once legislation is in place. This, and the possibility of the remaining Members of Chief Pleas and officers coming under
195 the Pan-Island Commissioner, will also be investigated.

It is hoped that the Code of Conduct Panel will remain in post until the legislation is laid before and agreed by Chief Pleas. Should the Code of Conduct panel wish to step down, it will necessitate a new Code of Conduct Panel being formed in the interim. That said, it was the case in Guernsey when the Pan-Island Commissioner was introduced, that complaints received in the interim were
200 held over and transferred to the Pan-Island Commissioner once in place.

Given the acknowledged inoperability of the current Code of Conduct document, it is envisaged that Dr McCullough will be able to hear retrospective complaints. However, the detail for this and confirmation still needs to be agreed as the legislation is drafted.

Costs. At the extraordinary meeting in November, the Policy and Finance Committee stated
205 that the cost for Dr McCullough's Report was to be £500 per day. The total end cost was £16,399.83, broken down as follows: £11,500 for Dr McCullough, £3,200 for Dr McCullough's assistant, and £1,699.83 for transcription costs.

It also needs to be noted additionally to this text, Dr McCullough said this was the most in-depth and complex investigation she had had to do in all of her work in Guernsey, Jersey, and as
210 the Northern Ireland Commissioner for Standards. It was not simply a code of conduct. We did ask her to investigate a much wider-ranging situation with more than just political representatives involved.

Going forwards, Dr McCullough has agreed — it is the appendix 4 — that there will be no static annual expenses associated with joining the Pan-Island Commissioner's website and complaint

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

215 software. Rather, Guernsey will cover these costs and will not seek financial contribution from Sark. Jersey has indicated they are content too with this arrangement.

Dr McCullough has further agreed that for the first year of her appointment there will be no charge in handling complaints from Sark. After this period, the process and the complaints will revert to the £500 daily rate used in Guernsey and Jersey.

220 Another note there is, as has been proven elsewhere, the first year will always be by far the busiest year for complaints. After that it seems at least 80-something-plus of complaints do not even progress through an investigation because they are rejected for not being viable.

That is the introduction. We are going to debate each proposition individually.

225 **The Deputy Speaker:** Therefore, Conseiller Guille, would you like to read out Proposition 1 and we will proceed to debate it.

Conseiller Guille: Yes, certainly.

230 Proposition 1 is: that Chief Pleas accepts the Old Island Hall Lease Report prepared by Dr Melissa McCullough.

Thank you and I will leave it to the floor.

The Deputy Speaker: Conseiller Makepeace.

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

I would just like to thank Hazel Fry and the Panel for an excellent job. In the traditions of Sark and Chief Pleas they were tasked to do a job, which they did admirably. While the McCullough Report suggests some useful changes to our code of conduct system, it remains to be seen whether these recommendations will actually be implemented.

240 I have two criticisms of the Report. The first is the way in which the Code of Conduct Panel has been portrayed as not being up for the job. This is unfair. The Panel members were elected by Chief Pleas to operate a system that was given to them by Chief Pleas. If there were flaws in that system, the responsibility lies not with the Panel itself but with those who designed and approved the process.

245 The second criticism of the Report is that the author appears to misunderstand the realities of our close-knit community, and the expectations it places upon us as Conseillers. Much has been said in the Report about the lack of a legal obligation to put the Lease of the Old Island Hall out to tender, however I firmly believe that anyone elected to serve the Island has a moral obligation to ensure the best possible deal for the public when dealing with taxpayer-owned assets. This raises
250 serious questions about governance, accountability and the ethical responsibilities of those trusted with managing public assets.

If we are to maintain public confidence, we must ensure that proper procedures are followed, not just when legally required, but as a matter of principle.

Thank you, sir.

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The Deputy Speaker: Thank you, Conseiller Makepeace.

Does anybody else like to comment on Proposition 1?

Conseiller Lord, followed by Conseiller Barker.

260 **Conseiller Lord:** I would just like to read the 'In Summary' section of the McCullough Report out, as some here may not have had the time to read the full Report or may have been put off by its size. It is buried in the back of page 40, so I thought it was worth bringing to the surface. In paragraph 116:

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH 2025

Having examined all the available evidence provided to me, I am satisfied that the decisions, actions, and omissions by individuals of the Douzaine, Trustees, civil servants, the Panel, the Seneschal, or any of those bodies as a whole in relation to the preparation, agreement, and the execution of the lease were not corrupt, dishonest, or fraudulent. There was no identified misconduct.

There were numerous unintentional administrative errors, some significant. These errors encompassed decision-making mistakes and communication failures involving the Douzaine, Civil Service, Trustees, and the Seneschal. There was a noticeable lack of attention to detail and insufficient curiosity. There was awareness and acknowledgment by the vast majority of those interviewed of a lack of knowledge around the rules and legislation, with one interviewee stating, 'Nobody knows what the rules are, nobody knows what the law is, nobody can be bothered to ask people who might know what it is.'

I observed a widespread lack of understanding regarding roles and responsibilities, confusion in understanding the legislation, and an absence of clearly defined processes, governance, and transparency that are essential in a democratic system.

The Panel did not fully follow the established code processes which had an impact on all parties and especially Conseiller Le Lievre and Williams.

The Seneschal, in her capacity as independent person, fully endorsed the Panel's decisions and the procedures they used without having reviewed any of the procedures they followed. That resulted in a missed opportunity to alert the Panel to their procedural failings. Had this opportunity not been missed, this current situation would have been avoided.

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All I would like to add here is that the conclusions of Propositions 1 and 2 are mutually exclusive in terms of the documents contained therein, and that due to the structure of the propositions, a rejection of Proposition 1 is a *de facto* rejection of Propositions 3 through 8. I will be voting for Proposition 1, but I want to make it clear I am very uncomfortable with the wording of Proposition 2, upon which I will provide more detail when we debate it.

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The Deputy Speaker: Thank you.

Conseiller Barker.

Conseiller Makepeace, do you want to speak afterwards?

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Conseiller Makepeace: Yes, please.

Conseiller Barker: Thank you, Mr Speaker.

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In the Report in paragraph 69 to 70, it says the Douzaine should have consulted legal advice. I would like to know, today please, sir, on *Hansard*, what is the procedure and the process for engaging with the Law Officers.

The Deputy Speaker: Conseiller, can you answer that one?

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Conseiller Guille: Yes, it is the same with any Committee.

The Deputy Speaker: I believe you have access to the Law Officers.

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Conseiller Guille: Yes, you go through your civil servants to engage with the Law Officers. I think it is pretty well known to everybody.

The Deputy Speaker: Are you content with that answer?

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Conseiller Barker: Yes, thanks, Mr Speaker.

It is on *Hansard*, I am happy.

The Deputy Speaker: Conseiller Makepeace, your hand is up.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

300 **Conseiller Makepeace:** What would happen if you are not a member of a Committee then, who would you go to?

The Deputy Speaker: Question to the chair of the Policy and Finance Committee perhaps.

305 **Conseiller Guille:** I cannot answer that at this moment because I have not sat in a Chief Pleas until now where we have had a Member who refuses to be on committees. It is unknown to me.

The Deputy Speaker: Conseiller Makepeace.

310 **Conseiller Makepeace:** Yes, I do not know where Conseiller Guille gets his information that I refuse to be on Committees. He seems to have a very short, confused memory, because back in January I was away and was not able to be sworn in and was not available to put myself forward for committees. So refused, I think, is an incorrect choice of words.

However, I would say that I did volunteer to be sworn in online, which I found was not part of the process. So to say that I refused, I think, is untrue by Conseiller Guille.

315 Thank you, sir.

The Deputy Speaker: Could I just — how is this relevant to Proposition 1?

320 **Conseiller Makepeace:** According to Conseiller Barker's question, who asked what would the procedure be. The procedure was detailed within a committee, and I said that I am not part of any committees, of which then I was accused by Conseiller Guille for refusing.

Thank you, sir.

325 **The Deputy Speaker:** Conseiller Kennedy-Barnard.

Conseiller Kennedy-Barnard: Thank you, Deputy Speaker.

Just for clarity and context, I am not aware of that process and I have been on P&F for over a year now. Nor am I aware that it is listed anywhere on our website or any documents I have seen. I think it would not be fair to say that everybody knows that process, Conseiller Guille.

330 Thank you.

The Deputy Speaker: Do you want to respond to that?

335 **Conseiller Guille:** Yes, I do want to respond to that.

It is entirely disingenuous by Conseiller Kennedy-Barnard. He has sat in enough of our meetings and experienced enough how we engage with the Law Officers. I do not take that as a genuine comment.

340 **The Deputy Speaker:** I would suggest that the original answer, saying that the Law Officers are available to all Conseillers of Chief Pleas, would surely be sufficient. If you did not know it before you know it now.

Conseiller Mary Nightingale is next on the list.

345 **Conseiller Nicole:** Thank you, sir.

I would like to express my thanks to Conseiller Frank Makepeace without whose tenacity it is my belief that the vast majority of the taxpayers of this Island would have been completely or unaware or not aware of the full extent of what went on regarding the Old Island Hall Lease.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH 2025

Having seen the efforts of the Code of Conduct Panel on the Island, I agree with the thought that they did the best they could possibly do and it has become apparent that they were not working within a sufficiently robust and clear framework.

I feel that the lease of the Old Island Hall should be repealed and completely redrafted with — sorry, have I done something wrong?

Conseiller Bateson: May I raise a point of order, please, sir?

The Deputy Speaker: Yes.

Conseiller Bateson: Thank you.

Rules of Debate 13(6):

Debate must be relevant to the matter before the Meeting.

I do believe we are supposed to be discussing Proposition 1 here, which is about the Dr Melissa McCullough Report, not about redrafting the Island Hall Lease or something like that.

The Deputy Speaker: I believe you are in the right of it there, Conseiller Bateson.

Conseiller Nicolle: Surely though, sir, and Conseiller Bateson, the whole point of the meeting is the Old Island Hall Lease.

The Deputy Speaker: No, it is not.

Conseiller Nicolle: It is the Report?

The Deputy Speaker: It is the Report.

Conseiller Nicolle: Okay.

I take some comfort from the fact that the Proposition shows that the House is looking to ensure that a terrible situation like this never arises again because proper and robust procedures will be in place. I would suggest that not only we have the Propositions that are presented before us but, at the earliest opportunity, there should be proper scrutiny.

Microphone is on, sorry. Did not think you can hear me.

The Deputy Speaker: You were nudging it.

Conseiller Nicolle: Sorry.

The Deputy Speaker: Thank you.

Next up, Conseiller Kennedy-Barnard.

Conseiller Kennedy-Barnard: Thank you, Deputy Speaker.

The Deputy Speaker: Could we keep it relevant to Proposition 1?

Conseiller Kennedy-Barnard: Yes, I am just going to start with defending myself if that is all right —

The Deputy Speaker: Go on then.

400 **Conseiller Kennedy-Barnard:** — because I thought *ad hominem* attacks in the House were inappropriate and to suggest I am being disingenuous is actually incorrect. But you are nodding your head, Conseiller Guille. Let me just obviously refute that comment. I have never seen any process or procedure to contact the Law Officers. I have seen very few emails in the whole year-and-whatever I have been in P&F, that actually include communications from the Law Officers. The vast majority of communications from the Law Officers go to Conseiller Guille and not the Committee. I do not see his workings, I do not see what he is up to, and that is a fact, Conseiller Guille.

Thank you.

410 **The Deputy Speaker:** Conseiller Barker, you were next.

Conseiller Barker: Thank you, Mr Speaker.

I would just like a right of reply to the comment, if I may, Mr Speaker. The Law Officers a few months ago came over and did some training with all the Conseillers, and I think you will find there are many Conseillers in this room today who were surprised with the comments they made. I have to completely and utterly agree with Conseiller Kennedy-Barnard.

The Deputy Speaker: Conseiller Guille, do you want to come back on that or shall we move on?

420 **Conseiller Guille:** I am not going to sit here and take these lies. That is absolute — it is not true. The Law Officers deal with the civil servants. Sometimes I am copied into these emails as the chair, but usually, the majority of the time, other members of P&F will confirm that the Law Officers deal with the civil servants. There is obviously another agenda at play here. *[Laughter]* I will let everybody else decide on that one.

425 **The Deputy Speaker:** I would like to bring us back to Proposition 1.
I do not think discussing —

Conseiller Nicolle: Conseiller Harris had his hand up.

430 **The Deputy Speaker:** He did, yes.

Conseiller Nicolle: But I do not know what order —

435 **The Deputy Speaker:** Conseiller Harris are you going to discuss the Law Officers or are you going to discuss Proposition 1?

Conseiller Harris: I am going to discuss Dr McCullough's recommendations specifically to do with law.

440 **The Deputy Speaker:** Okay.

Conseiller Harris: Thank you, sir.

445 I think it is a comprehensive — you can certainly say it is a comprehensive Report. I do not have anything to say about the — this is the facts of the case and Dr McCullough has been the judge of fact on that. I wanted to comment on her recommendations, most of which I think are very sensible, some of which I think might need more fleshing out.

450 But I was actually going to say that I think the point about getting better or more comprehensive legal advice is actually quite an important one. I think there have been suggestions that in future we should think about having the Greffier be a legally qualified figure or perhaps in the future with a new appointment perhaps we might be willing to appoint somebody who was not legally qualified but was willing to get a legal qualification, because I think that is probably the cheapest and most efficient way to bring those things together in terms of getting advice for the court.

455 But then of course there is a question of Government legal advice and I personally think that something we should consider looking into — although it is a resource issue — is actually having our own legal adviser for Government based on Island because, of course, if you have a legal adviser for the court that person cannot give advice to the Government on the same topics.

460 There is obviously a resource implication of that and I am cognisant that I am often standing here talking about trying to keep resources under control but my sense of being a Conseiller thus far in the limited time I have been here, is that getting hold of the Law Officers and getting advice is a bit like gold dust. Having somebody on Island with a legal qualification might be quite a helpful thing I think, sir.

465 **The Deputy Speaker:** Thank you.

Conseiller Makepeace, you had your hand up next.

Conseiller Makepeace: I would just like to say, to illustrate my willingness to be part of a committee, if Conseiller Guille would volunteer to stand down as chair of P&F I would be more than happy to take his place.

Thank you, sir.

The Deputy Speaker: Thank you.

Conseiller Cragoe.

475 **Conseiller Cragoe:** Thank you very much, Deputy Speaker.

I respond a bit to Conseiller Harris's points. I think this is an excellent Report by Dr McCullough. With regard to her recommendation 5 about additional legal advice, I think there is a sense in which — whether it is somebody on Island or somebody that we have access to and that committees feel that they can confidently go to and that there is not there — it can feel sometimes a bit like I think there is a — things get lost in the office. There is also — I think that Conseiller Makepeace made or someone; I have lost track — in that discussion about if someone is not on the Committee and perhaps has questions that they would like to raise for papers, in particular for papers coming to Chief Pleas, that that would be very helpful as part of some of her recommendations about increasing access to legal advice.

485 Thank you.

The Deputy Speaker: Conseiller Lord.

490 **Conseiller Lord:** I would just like to add that I have been dealing with the Law Officers in my short time here, and when I deal with them face to face they are always amazing, they are wonderful. But I have been dealing with them on some contractual stuff. I think a lot of this is due to the change of hands and people coming and going in Guernsey. I have to say that if I was working with a law firm that was like that, they would not be my law firm.

495 I know that is temporary and I do not want to disparage the Law Officers of the Crown. They provide important service and when they are there, they are there. But I do think that there is a lack of — not a lack of understanding, but a lack of, perhaps, ability to easily gain access to Sark

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

specific things, particularly in my experience of dealing with contract law. That is all I wanted to add.

500 I just want to echo that of Conseiller Cragoe's sentiment that Conseiller Harris's idea of having better access and maybe something local would be a very good thing.

The Deputy Speaker: It sounds like it is something for Chief Pleas to consider in the future as a result of this Report.

505 Conseiller Makepeace, on your feet again.

Conseiller Makepeace: I would just like to say, I think we get what we pay for really. We pay around about £60,000 a year, on a normal priced solicitor or lawyer in Guernsey at £600 an hour. We are actually only paying for 100 hours service a year. I can probably understand if sometimes
510 they are not that keen to spend hour after hour after hour dealing with things that we probably have not paid for.

The Deputy Speaker: My own experience as Seneschal and as Deputy Speaker has been that whenever you pick up the phone to the Law Officers you get an answer. I have never been
515 disappointed.

Conseiller Nightingale.

Conseiller Nicole: Sir, I do not wish to be disrespectful, sir. Conseiller Nicole, please.

520 **The Deputy Speaker:** Sorry, Conseiller Nicole. I beg your pardon. Yes, you are absolutely right. I am chastised.

Conseiller Nicole: No, do not be chastised.

Briefly, £16,399.83 from what started out as approximately £3,000 is an awful lot of money. I
525 totally understand why the cost rose to that and I have become aware that a Conseiller was assisting with research. Had said Conseiller not done that, the bill would have been even higher. It is yet another example of the taxpayers taking a hit, which I feel is very unfortunate. But as I said earlier, the only way is up. It is good that we are holding our hands up, that people have seen.

In reference to your point, sir, regarding Guernsey, we have already received training and three
530 Members from Guernsey were kind — which is the start of lots of what I believe to be improvements. Three members of Guernsey were kind enough to come over and give their time up on a Saturday and I became aware of lots of things, not least the huge amount of support Guernsey do give us, which I acknowledge and thank them for; while also agreeing with Conseiller Harris and Conseiller Lord that we need to look out for ourselves as well. We are proud
535 to be an independent Island.

Thank you, sir.

The Deputy Speaker: Conseiller Baker.

540 **Conseiller Baker MBE:** Hopefully I can bring this back to the Report.

The Deputy Speaker: Yes. There is a thought.

Conseiller Baker MBE: We have heard Conseiller Makepeace repeatedly. Section 103:

545 On 28th June 2024 and 5th August 2024, Conseiller Makepeace took the decision to disclose confidential information without authorisation.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH 2025

That was in the McCullough Report. She further goes on to say that:

Conseillers Makepeace and McHugh consistently missed Douzaine meetings, which placed additional pressure on the Douzaine and resulted in less rigorous decision-making.

550 I think Conseiller Makepeace will have to seriously consider his position. This is absolutely shameful.

Thank you.

The Deputy Speaker: Conseiller Makepeace, I take it you would like to respond to that.

555

Conseiller Makepeace: Yes, exactly.

Thank you to, Conseiller Baker. I think he is a little confused there. He is not in possession of the full facts actually, because the story behind that is that Conseiller — sorry, former, he is no longer a Conseiller — Le Lievre made unfounded comments and a complaint against me within Chief Pleas. It was proven that a lot of what was said was either through confusion or was not correct.

565 I took legal advice at the time, and I asked if, for my protection, meetings of the Douzaine could be recorded. Then afterwards, if there was nothing incriminatory on there, it would be destroyed. That was what, when I took legal advice, I was advised to do to protect myself against any false allegations.

As regards attendance at meetings, I think if you were to go and check through the records, you will find that my attendance record is not far off that of former Conseiller Le Lievre, who would take three months' holiday at a time, and I would be willing to check up on that. I think, in all fairness to Conseiller Baker, my position, I think you should do a little bit more research.

570 Thank you, sir.

The Deputy Speaker: Conseiller Nicolle.

Conseiller Nicolle: Thank you, sir.

575 The view seems to have been taken that nobody is being held accountable for all that has occurred regarding the Old Island Hall Lease. I can understand that position but if nobody is being held accountable, it is not fair to pick out certain people. We either hold everybody to account fairly or we do what I believe we are doing, hold our hands up to it and improve things going forward.

580

The Deputy Speaker: Thank you, Conseiller Nicolle. I think you make a good point.

This is probably time to draw Proposition 1 to a halt and go to the vote, unless anybody has anything absolutely they would like to add to it.

585 Conseiller Guille, do you want to finish off on this or are you happy for it to go to the vote? Happy for it to go to the vote.

Very well, I am going to ask you to vote on Proposition 1 which reads as follows: that Chief Pleas accept the Old Island Hall Lease Report prepared by Dr Melissa McCullough.

All those in favour? All those against? That is **carried**.

We move on to Proposition 2: that Chief Pleas accepts the Code of Conduct Panel's Report.

590 Conseiller Guille, or do you have nothing to add to this as chairman of P&F? No? Anybody else like to say anything?

Conseiller Lord.

595 **Conseiller Lord:** I just wanted to start by mentioning that the Proposition background says that the sanctions cannot be applied because the subject Conseillers are not Chief Pleas Members.

The Deputy Speaker: That is correct.

600 **Conseiller Lord:** I would like to highlight a complaint made against then
Conseiller Reginald Guille in 2019, who in the Report from the Code of Conduct Panel explicitly
resigned and told the Code of Conduct Panel to stand down. He was then co-opted onto
committees as a non-Chief Pleas Member. The panel of the day, headed by the
Hon. David Brunning, determined that their recommendations still applied.

605 There are many reasons the sanctions cannot be applied. For example, the Code of Conduct
explicitly specifies nine possible recommended sanctions under section 3.4. The Panel's
recommendations are not on that list. Another reason recommendations cannot apply is because
the findings underpinning the recommendations refer to the responsibility to keep notes and
minutes, which is not only not the responsibility of the two men, as section 16.1 of the
Constitution and Operation of Chief Pleas Committee states, but is not part of the Report's
610 documented complaint.

I would like to refer to paragraph 98 of McCullough:

Secondly, the Panel's Report concluded that the subject Conseillers had breached the code because the
responsibility for minutes clearly falls on the chairman, Conseiller Tony Le Lievre. Based on the s16 legislation
evidence provided in the responses by the subject Conseiller, one could strongly argue that this was new and
relevant evidence the Panel had not considered. That the same panel considered the review request was a
significant procedural error. That the Panel decided that the evidence was not new or relevant was flawed.

The most important reason is that, as Dr McCullough notes in paragraph 116:

615 that decisions, actions, and/or omissions ... in relation to the preparation, agreement, and execution of the lease
were not corrupt, dishonest, or fraudulent; there was no identified misconduct.

The men were simply not guilty of their charges. I believe that Conseiller Makepeace had
genuine concerns around areas relating to sewerage, catering permits and so on, but these are
not covered in the Panel's Report. Were they guilty of misconduct I would be the first to say so,
620 but we cannot hang men for crimes they did not commit.

The Code of Conduct requires former Conseillers to be on the Panel and they need to be clear
of Chief Pleas for at least a year. I believe that the Panel were unaware of rule 16 as the
responsibility for notes would have laid on the Conseillers or former Conseillers during their
service. That is the ones in the Panel.

625 Rule 16 came in as Item 14 of Michaelmas 2022, and none of the Panel members were
Conseillers at the time. This is the first clue that the root cause does not lie with the Code of
Conduct Panel. We have created a Code of Conduct Panel with a code the Panel themselves
repeatedly referred to as not fit for purpose. We have seen the Panel refer to it as such in this
House as far back as 2023 in connection with complaints involving Conseiller Makepeace and
630 former Conseiller Le Lievre.

We created an independent panel and we floated them out to sea with no support, no training,
and little by way of channels to engage the House. The Panel are not some enthusiastic amateurs
who got out of control. Like the two men and Conseiller Makepeace, they are the blood of this
Island. Like the two men and Conseiller Makepeace, this House has failed them.

635 This is why I am upset about Proposition 2. The Panel treated the two men badly and put them
through hell for nearly a year. Conseiller Makepeace was treated unfairly. An unfairly handled
complaint is unfair on him, as well as the lives of the two men. We, the House, treated the Panel
badly by ignoring them when this was raised in a report in 2022, presented to the House in 2023,
and not working then to address the deficits.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

640 It is good we are doing this now, but this should have been resolved years ago. I would like to request that this House delivers a formal written apology to the Panel members, to Mr Williams and Mr Le Lievre, and to Mr Makepeace, for letting them down and not providing them the support they should have had.

645 I believe that recognising the House's failings and faults would show good governance and go a long way towards healing wounds. Can our Executive Committee deliver a written apology upon our behalf to those we have so horribly failed?

The Deputy Speaker: Thank you, Conseiller Lord.

Would anybody like to respond to that?

650 Conseiller Makepeace.

Conseiller Makepeace: I hope I am not speaking too much for Conseiller Baker there.

What I was going to say was, both of the former Conseillers were long-serving Members of Chief Pleas. They were both very experienced. They worked in the process of tendering before.
655 They dealt with tenders for Island works. They dealt with, for example, the tender for the Harbour Café and other things. The process of putting something out to tender was familiar to them. Never mind who was there at the Committee meetings or not, they chose not to put that out to tender when there was — and maybe it is not written in law that they have to do that, but there is a moral obligation to achieve the best result possible for an asset, which is owned by the Island taxpayers.
660

In my mind, the whole episode grew from that. If that had gone out to tender, even if no one had replied and put an interest in, we would have satisfied everyone's interest and we would not have had the problems we have now. That is where the failure arose, a simple procedure of putting something out to tender. That is where the neglect came in.

665 Thank you, sir.

The Deputy Speaker: Yes, but we are discussing whether Chief Pleas is prepared to — the word — accept the Code of Conduct Panel's Report. I do not know: is the answer yes or no?
Conseiller Lord again.

670

Conseiller Lord: Sorry for speaking so much. It seems like I am competing with Conseiller Makepeace.

The Deputy Speaker: No, it is what you are here for.

675

Conseiller Lord: I would like to point out that in the November Chief Pleas we did have an Item to note the original Report, and that was passed. Again, I think this is not necessary for us to have this. I am disappointed at the interpretation that this means that sanctions cannot be applied. I am very worried that if we accept this it would set a precedent that someone could basically
680 resign and be re-elected in an uncontested by-election and bypass the Report. It is a loophole that should not be created, but the background establishes that and it is trying to—sorry, not trying, that is the wrong thing to say. But it is potentially binding the hand of a future Code of Conduct here. I am very uncomfortable with it.

685 **The Deputy Speaker:** Well, Conseiller Lord, you have the option of voting against this proposition when the time comes.

Conseiller Locke.

Conseiller Locke: Thank you, sir, good evening.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

690 I was originally going to vote in favour of this particular proposition but, on hearing
Conseiller Lord's words and reasoning for not being in favour of this Proposition, I will not be
voting for it either. I do not think it is correct that a Report, while it was done with the best possible
reasons behind it and with no malice whatsoever, if that came to a flawed conclusion we should
695 not be accepting it and since it has already been noted, as Conseiller Lord says, that would be
sufficient for me.

The Deputy Speaker: Anybody further wish to comment on Proposition 2.
Conseiller Harris.

700 **Conseiller Harris:** Very briefly, sir.

It is to reflect on Conseiller Lord's point, which is that I understand obviously later on we are
going to be talking about Pan-Island's Commissioner for Standards but if we were to adopt a
hybrid model with something still on Island before sending something to her, which I am going to
be talking about a bit later, Conseiller Lord's point about somebody being able to step down to
705 avoid a sanction — thank you, colleagues — and then come back in a by-election it is actually a
relevant point that would need to be addressed in that context.

I think I would just like to point that out.

The Deputy Speaker: Anyone further?
710 Conseiller Cragoe.

Conseiller Cragoe: Yes, thank you.

I think that Conseiller Lord makes a very good point as well. Just perhaps to carry on with that,
it is something we need to address further, but not only by-elections but non-Chief Pleas
715 Members.

Thank you.

The Deputy Speaker: However, we do have the Proposition in front of us and it will need to be
voted upon.

720 **Seigneur:** Or withdrawn.

The Deputy Speaker: Or possibly withdrawn, if anybody feels that that is an option. No.
(*Interjection*) Well, a motion to withdraw would have to come from the P&F Committee who
725 brought the Report to the thing, so I would ask someone from P&F if they would wish to comment
on the notion of withdrawing the proposition.

Conseiller Guille.

Conseiller Guille: We obligated to the Panel at the November meeting that we would note the
730 Report and we would bring it back absolutely, with Conseiller Lord and Conseiller Harris, when
they talk about future arrangements. The proposals for the Pan-Island Commissioner would
involve a completely new Code of Conduct document, not even a rewrite of this flawed one. There
is every opportunity there to correct errors such as this. We are obligated to bring the Code of
Conduct Panel's Report back to this meeting for acceptance or not, and I think that is what we
735 should do.

The Deputy Speaker: Take it to the vote.

Conseiller Guille: And separate those two items.
740

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

The Deputy Speaker: Conseiller Nicolle.

745 **Conseiller Nicolle:** Sir, should the Policy and Finance Committee as a whole not be given the opportunity to have just a brief discussion so all members of the Committee are allowed to decide whether they withdraw the proposition or not?

The Deputy Speaker: That is an option but nobody from the P&F has indicated they wish to say —

750 **Conseiller Guille:** I am happy for everybody to stand individually and say what they think.

The Deputy Speaker: Does anybody else from P&F then wish to comment upon that?
Conseiller Kennedy-Barnard.

755 **Conseiller Kennedy-Barnard:** Yes, Deputy Speaker.
I am happy for it to be withdrawn as it seems obsolete or irrelevant based on the argument that Conseiller Lord has laid out. I would be happy for it to be withdrawn. It just seems like the logical process.
Thank you.

760 **The Deputy Speaker:** That is one member.

Conseiller Rose: I agree with Conseiller Guille that it needed to be brought here because we have an obligation to do that, but I also think that if, for any reason, it was voted through then that would cause a problem and so for it to be withdrawn is not a bad thing to do.

The Deputy Speaker: Conseiller Baker.

770 **Conseiller Baker MBE:** Yes, sir.
I feel the same way, I would prefer to see it withdrawn.
Thank you.

The Deputy Speaker: Very well. Does that alter your view, Conseiller Guille?
Conseiller Tighe.

775 **Conseiller Tighe:** Hello.
Yes, I am in agreement that I think it should be withdrawn as well at this time.

The Deputy Speaker: Conseiller Guille.

780 **Conseiller Guille:** I would be happy with that.
I was trying to honour our commitment to the Code of Conduct Panel to bring it here.

The Deputy Speaker: Well, it is here.

785 **Conseiller Guille:** It is here.

The Deputy Speaker: If you see what I mean, at the moment.

790 **Conseiller Guille:** Yes.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

The Deputy Speaker: Very well. It would appear that P&F are in a majority in favour of withdrawing this proposition and I think that would satisfy you, Conseiller Nicolle.

795 **Conseiller Nicolle:** Thank you, sir, yes.

The Deputy Speaker: That the majority of the Committee who have spoken are in favour of withdrawing the proposition therefore —

800 **Conseiller Nicolle:** Please may I just apologise and say I am not yet familiar with all the procedures of the House. I hope I am not speaking out of turn.
Thank you, sir.

The Deputy Speaker: I am not actually, as Deputy Speaker, sure how this works but I think I
805 ask for a vote from the Members of Chief Pleas that Proposition 2 be withdrawn. Does that seem like the right thing to do?

Seigneur: I think it is the Committee that withdraws it.

810 **The Deputy Speaker:** That is true, yes. I am getting a whisper in my ear from the Greffier that it is actually the Committee that have to stand up and withdraw the proposition.

Conseiller Guille: You can take it that we have done so, sir.

815 **The Deputy Speaker:** Okay. The Committee have withdrawn Proposition 2 and therefore we will move on to Proposition 3.

Proposition 3 reads: that the Chief Pleas directs the Policy and Finance Committee to instruct the Law Officers of the Crown to prepare the necessary legislation to establish the Officer of the Sark Commissioner of Standards.

820 **Conseiller Guille,** anything to add to this as chairman?

Conseiller Guille: I think we can all agree the immense value that Dr McCullough's Report has brought across many aspects of Chief Pleas and Sark's governance beyond Chief Pleas, and the very kind offer that we have had from Dr McCullough to be our Sark Commissioner for Standards
825 and to write a new code of conduct for Sark, probably based on the Guernsey Code of Conduct, which has been very well exercised now.

Like the original Sark Code of Conduct, I am informed by the States Greffier in Guernsey that the Guernsey Code of Conduct, when it was first used in anger was found in a lot of areas not to be fit for purpose, and it is only through exercise that it has had extensive rewrites. Dr McCullough
830 is proposing to write a new code of conduct for Sark based on that now mature Guernsey Code of Conduct document. She is proposing to do that and to act as our Sark Commissioner for Standards all for free for the first year, so I think this is too good an opportunity to pass up and I will certainly be supporting Proposition 3.

835 Obviously, we can decide at the end of that year what we want to do, whether we want to carry on, whether we want to introduce a slightly different system, be it a hybrid one or something. But I think in terms of what has been offered, I think this is too good an opportunity to refuse. Thank you.

The Deputy Speaker: Conseiller Barker.

840 **Conseiller Barker:** Thanks, Mr Speaker.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

Just a simple question, if someone from P&F can tell me, what is the expected lead time on this please, sir?

845 **The Deputy Speaker:** On the legislation?

Conseiller Barker: That is correct.

850 **The Deputy Speaker:** Conseiller Guille, can you answer that?

Conseiller Guille: Yes, as it says in the Report, which I read through earlier, it is very much hoped to bring it to the Midsummer Meeting for the legislation. It might be a change in the Reform Law, or it might be new legislation. As it is on Island business, it is hoped that this legislation or change to Reform Law can go through the approval at Government House rather than having to wait to go to the Privy Council.

855 **The Deputy Speaker:** Which would speed up the process no end.
Conseiller Barker.

860 **Conseiller Barker:** Sorry, Mr Speaker, just a very quick one.
When it is finalised, is it a good idea for it to perhaps go to PDG and certain groups before coming to the House.
Thank you.

865 **Conseiller Guille:** Yes, we can certainly do that before it comes to the House. If it gets in time for the Midsummer Meeting it will be in papers beforehand but we can try and get it out as early as possible to all Conseillers. Even if it does not coincide with a PDG meeting, we can certainly circulate it as early as possible but this is now down to — if we vote for this tonight then it will be down to the Law Officers' work in drafting either this change to Reform Law or new legislation. So
870 certainly as soon as it is available we can share that.

The Deputy Speaker: My impression was that they were indicating that it would be a fairly simple piece of legislation.
Conseiller Nicolle.

875 **Conseiller Nicolle:** I will be brief, sir. The chair of PDG is Conseiller Scott Sullivan, deputy chair Conseiller Nat Tighe, could I seek their assurance that they would be willing to run an additional PDG for the very fact — I appreciate Conseiller John Guille's offer that it will come to all Conseillers at the soonest, but would Conseiller Sullivan — sorry, I beg your pardon, he is absent — would
880 Conseiller Tighe please agree that a special PDG could be held?

The Deputy Speaker: Conseiller Tighe, can you respond?

Conseiller Tighe: Yes. I cannot speak on behalf of Conseiller Sullivan but, yes, I would like to
885 see that come back to PDG, and I am sure that we can arrange an extraordinary one for that.

The Deputy Speaker: Conseiller Cragoe.

Conseiller Cragoe: Yes, thank you.
890 Just a quick bit of clarification on what needs to be changed in law. Is it the establishment of the Commissioner of Standards or is it also the new Code of Conduct?
Thank you.

Seigneur: The Code of Conduct is not in the Reform Law.

895

The Deputy Speaker: Sorry, I cannot –

Conseiller Cragoe: Sorry, I am so sorry I think that was a question for Conseiller Guille or for P&F.

900

Conseiller Guille: It will be both the establishment of the Sark Commissioner for Standards and obviously a new a new code of conduct but, like I said, the Law Officers at the initial stages are still unsure whether it is a change in the Reform Law or whether it might be better done by stand-alone legislation.

905

The Deputy Speaker: Conseiller Harris.

Conseiller Harris: Thank you, sir.

It is a curate's egg from my perspective. I think for me this is a classic example of something which would be better off going to PDG in the first place because I think most of us here have not had a chance to think about this and consider it. It has been presented to us as *fait accompli*. I am glad that it can come back later. I am in favour of establishing a Sark Commissioner for Standards. But, in my head, £500 a day is quite a lot. What price to put on justice? But, certainly, if I felt I had been the victim of a misbehaviour, I would think twice. I would be reluctant about putting a complaint in on the basis of knowing it was going to cost the Island thousands of pounds. Maybe that is just me but I am sure other Members might feel the same way.

Now it just seems to me that if you look at the — I had a little look at the website the Pan-Island Commission of Standards website, very interesting, and the Jersey and Guernsey procedures are quite different. They are similar but they have different elements and processes. They both fully rely on Dr McCullough as a one-stop shop, as it were, although in the Guernsey case I think there is a potential for an appeal beyond her.

I personally would like us to consider — I do not know that it is definitely good idea but it is a shame I have to stand up here and talk about it now because this is not really an ideal context in which to do it. Would it not be a good idea for us to consider keeping a code of conduct panel here that does pro bono work and then if people feel that the procedure has not been sufficient that that would be a basis on which to appeal to the Sark Commissioner for Standards? That would be a way to keep the cost down because Jersey and Guernsey, as we know, are very much larger jurisdictions with lots of funds. We are not in the position to have that luxury.

For me that is an important point, I would like the Committee to say that they will consider it. Of course, I do not know if anybody else here agrees or not because we have not had a chance to talk about it. But that is a thought that I have. I wonder if the Committee could say something about that.

The Deputy Speaker: Conseiller Guille.

935

Conseiller Guille: Yes, like I said just now, that is an interesting point and something that should definitely be considered. Personally I think we should take advantage of this free year and take a lot of learnings out of that rather than trying to cobble something together now. We will basically be using a very similar system that Jersey and Guernsey are using. Take those learnings from that for the first year and then we may well think that some hybrid system works after that. But I think this is such a good opportunity we should move forward with it.

The Deputy Speaker: Conseiller Makepeace.

945 **Conseiller Makepeace:** We could also always keep the Code of Conduct Panel in place and they would benefit from the teachings of Dr McCullough during the free year. I am sure that they would benefit from maybe discussion or questions –

The Deputy Speaker: You are essentially making the same point as Conseiller Harris, in a way.

950 **Conseiller Makepeace:** Right.

The Deputy Speaker: Conseiller Lord.

955 **Conseiller Lord:** I would just like to say that I agree with Conseiller Harris's point that although this is a House of debate, this is possibly not the best way to debate this point. I take on board Conseiller Guille's views, I take on board Conseiller Harris's views. I disagree with both of them, which just tells me that I think that maybe Conseiller Harris has a point that this might be better hashed out in PDG quickly. Perhaps we could have a PDG sometime soon, especially to talk about this and maybe agree a position.

960 I think we are going to hit the same thing on quite a few of these propositions. But I would like to ask about the current Code of Conduct. Let's say we go ahead with this, where are we in terms of the current Code of Conduct and is that still going to be operational? Is it still usable or is everything suspended and there can be no complaints or anything?

965 **The Deputy Speaker:** Conseiller Makepeace.

Conseiller Makepeace: Well, I would just like to say that the current Code of Conduct Panel are probably aware that I submitted a complaint the other day against the Speaker for his obnoxious, malicious, unfounded comments towards me but I was told that they cannot deal with that because it is not part of it. So at the moment I understand there is no cause for putting a complaint against the Speaker.

Thank you, sir.

975 **The Deputy Speaker:** Conseiller Guille, would you like to respond to Conseiller Lord?

Conseiller Guille: Conseiller Lord, yes. Excuse me, Conseiller Lord, I am just going to backtrack to my opening.

980 It is hoped that the Code of Conduct Panel will remain in post until the legislation is laid before and agreed by Chief Pleas. Should the Code of Conduct Panel wish to step down it will necessitate a new Code of Conduct Panel be informed in the interim. That said, it was the case in Guernsey when the Pan-Island Commissioner was introduced that complaints received in the interim were held over and transferred to the Pan-Island Commissioner once in place.

985 Given the acknowledged inoperability of the current Conseiller Code of Conduct document, it is envisaged that Dr McCullough will be able to hear retrospective complaints, however the detail for this and confirmation still needs to be agreed as the legislation is drafted.

Conseiller Lord: So am I right in reading that to be a profound, 'We are quite sure yet but we will know soon'?

990 **Conseiller Guille:** No, I think there is precedent for that. I just explained what happened in Guernsey.

The Deputy Speaker: I think you have had your question answered there, Conseiller Lord.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH 2025

995 **Conseiller Nicolle:**

Conseiller Nicolle: Could I just ask who will be—it is a very generous and much-appreciated offer of Dr McCullough to give us the first year free —setting the terms of reference or are no such terms of reference required? Will this include opportunity to look at office holders of Chief Pleas along with Conseillers Code of Conduct as well?

The Deputy Speaker: Conseiller Guille.

1005 **Conseiller Guille:** Yes, so the law officers will be drawing up terms of reference and everything that is required to put this in post. I am going to refer back to the paragraph just before the one I read back to Conseiller Lord.

The Speaker of Chief Pleas and the Deputy Speaker of Chief Pleas have indicated, going forwards, they wish to be included under the remit of the Pan-Island Commissioner once the legislation is in place. This and the possibility of the remaining Members of Chief Pleas and Officers coming under the Pan-Island Commissioner will also be investigated.

1010 **Conseiller Nicolle:** Thank you for that clarification and confirmation, much appreciated.

The Deputy Speaker: If there are no further people wishing to speak, could we go to the vote on Proposition 3: that Chief Pleas directs the Policy and Finance Committee to instruct the Law Officers of the Crown to prepare the necessary legislation to establish the Office of Sark Commissioner of Standards.

1015 All those in favour? All those against? **Carried.**

We move on to Proposition 4: that Chief Pleas directs the Policy and Finance Committee to enter discussions with Dr Melissa McCullough with the intention of seeking her appointment to the Office of Sark Commissioner of Standards when that office is established.

1020 This seems quite straightforward to me. Anybody wish to comment upon this? No? In that case we go to the vote on Proposition 4: that Chief Pleas directs the Policy and Finance Committee to enter discussions with Dr Melissa McCullough with the intention of seeking her appointment to the office of Sark Commissioner of Standards when that office is established.

All those in favour? All those against? **Carried.**

1025 Proposition 5: That Chief Pleas directs the Policy & Finance Committee to instruct the Law Officers of the Crown to prepare the necessary legislation to effect the transfer of the Trustees' functions.

Would you like to comment, Conseiller Guille?

Conseiller Guille: Yes, sir.

1030 The Island Trustees have formally requested that their function in relation to Island properties be transferred out of their hands, move slightly to the Douzaine which already looks after basically the day-to-day running of the properties anyway. Yes, this is in response to a request from the Island Trustees and it makes sense to put it to put this all under the Douzaine.

1035 **The Deputy Speaker:** Does anybody else wish to comment?
Conseiller Barker.

Conseiller Barker: Thanks, Mr Speaker.

1040 I am not quite understanding why the Douzaine is not mentioned in the proposition.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

The Deputy Speaker: Conseiller Guille, can you answer that because the proposition just says 'transfer', it does not say who it is transferred to.

Conseiller Guille: Transferred to Chief Pleas.

The Deputy Speaker: Conseiller Barker.

Conseiller Barker: I do not know what to say really on what we can do, because it leaves it wide open does it not, on what could happen? So who we transfer into and what is happening.

The Deputy Speaker: Conseiller Guille.

Conseiller Guille: Well, no, they have to prepare the necessary legislation to affect the transfer and then that legislation is going to come back for approval. So it is not going to happen overnight, it needs to come back to be voted through.

The Deputy Speaker: Anybody else?
Conseiller Lord.

Conseiller Lord: Given that it is going to come back for approval, as well as not saying who things are transferred to, I have noticed that does not say what is being transferred. Would it be possible to maybe get a list of some sort to Conseillers if it is going to come back anyway?

The Deputy Speaker: Conseiller Guille.

Conseiller Guille: Yes, when it when it is not a three-line proposition and it is legislation that is coming back to the House then I am sure the detail will be in that. This is just pretty normal.

The Deputy Speaker: Okay. If nobody else wishes to comment we will go to vote on Proposition 5: that Chief Pleas directs the Policy and Finance Committee to instruct the Law Officers of the Crown to prepare the necessary legislation to affect the transfer of the Trustees' functions.

All those in favour? All those against? **Carried.**

Proposition 6: that Chief Pleas directs the Douzaine to inform Chief Pleas of any lease over property vested in Chief Pleas in advance of that lease being agreed.

Conseiller Guille.

Conseiller Guille: Yes, I hope Members can see why this proposition was deliberately vague. Obviously it is the Douzaine because they are responsible for a lot of the property in the Island, but to inform Chief Pleas it could done in different ways, it could come to Conseillers by a special PDG meeting. It could come to Conseillers at a full meeting of Chief Pleas. It could be informed to Conseillers by email. This is really up to the Douzaine to decide how best this happens. That a proposition before any lease is vested or before any lease is agreed that there is the opportunity for all Conseillers to have sight of it and perhaps it would have helped to avoid the situation that has brought us here today.

The Deputy Speaker: Anybody wish to comment?
Conseiller Locke.

Conseiller Locke: Thank you, sir.

As one of the new Douzeniers, I am struck by the wish and the drive of the new Douzeniers along with our older or more established colleagues that we want to get some more procedures

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

properly in place. I am generally in favour of that because if you have a proper written procedure you do not have to think, you just do what it says in the procedure. Not just in terms of leases, which we will of course want to have published before they are agreed, but also there are other areas where things like open invitations to tender and proper procedures written down for more than just leases.

This is something that we think in the Douzaine collectively is a very important thing for us to do and, quite frankly, sir, we would be doing Proposition 6 and 7 in any case because that is how we like to do things, but we are fully in support of them both.

The Deputy Speaker: No other hands up so we go to vote on Proposition 6: that Chief Pleas directs the Douzaine to inform Chief Pleas of any lease over property vested in Chief Pleas in advance of that lease being agreed.

All those in favour? All those against? **Carried.**

Proposition 7: that Chief Pleas directs the Douzaine to draft and publish on the Chief Pleas website a guidance note to include policies and procedures surrounding the rental, leasing and use and disposal of properties vested in Chief Pleas.

Conseiller Guille?

Conseiller Guille: No, I do not think this needs much explanation and I thank Conseiller Locke for his prior endorsement of this. I think it is all just common sense but, likewise, this was left as a general recommendation and we very much look forward to hearing what detail the Douzaine put upon this.

The Deputy Speaker: Thank you. Anybody else wish to comment?
Conseiller Harris.

Conseiller Harris: Thank you, sir, just briefly.

Yes, I agree with this but I think, as far as I am aware, I do not believe the Douzaine was given any prior indication of these two motions. Perhaps it would be nice to have had some notification in advance about it. That is all.

The Deputy Speaker: Anybody else wish to comment? No? In that case we will go to the vote on the – Conseiller Locke.

Conseiller Locke: Pardon me, sir, and colleagues, I would like to say that, of course, any lease will have to be getting legal advice on it first, in the same way that everybody has to do on their own properties. We may even go as far as – I think Conseiller Cragoe has already looked at this – even having a standard lease, but that is for future discussion and to come back.

The Deputy Speaker: Thank you.
Conseiller Lord.

Conseiller Lord: I have realised now reading Propositions 6 and 7 together that I am sure the Douzaine will do an exceptional job with this, but I think we all need to be aware that if we are going to bring discussion or notifications of leases that we should consider the potential disadvantage that might be conferred on Island Government when it comes to the leasing of properties, particularly if they are residential properties, for example. I think that some people might find a chilling effect if they thought that their lease is going to have to be brought to the House and if people have to wait three months for a Chief Pleas meeting.

So I would just like to ask the Douzaine if they would be happy to take that on board.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH 2025

The Deputy Speaker: Conseiller Locke.

1145 **Conseiller Locke:** Thank you, Conseiller Lord.

Yes, of course. This is one of the reasons we want to start looking at a standard lease so therefore the terms and conditions can be discussed and available. If something short term, very quick, is needed we will just reach for the one we have got off the stack and copy and paste it. As I said I do not like having to think, let's get it all written down and agreed in advance.

1150

The Deputy Speaker: Very well.
Conseiller Barker.

Conseiller Barker: Thanks, Mr Speaker.

1155 I really do think before this was a proposition it would have been better if the Douzaine was communicated with. So, yes, I am a little bit concerned about that to be honest.

The Deputy Speaker: No further hands up so we will go to the vote on Proposition 7: that Chief Pleas directs the Douzaine to draft and publish on the Chief Pleas website a guidance note to include policies and procedures surrounding the rental, leasing and use and disposal of properties vested in Chief Pleas.

1160

All those in favour? All those against? One against. **Carried** then.

Proposition 8: that Chief Pleas directs the Policy and Finance Committee to establish a governance framework to promote best practice in accountability, ethical conduct and transparency within public services and to offer training to Members of Chief Pleas and civil servants regarding their roles, responsibilities and relevant legislation.

1165

Does anybody from Policy and Finance wish to comment on that first? No?
In that case, Conseiller Makepeace.

Conseiller Makepeace: I just need some clarification actually, sir.

1170

Chief Pleas directs the Policy and Finance Committee to establish a framework. Will they be doing that internally as a committee?

The Deputy Speaker: Would the chair like to respond or the chairman of P&F?
Conseiller Guille.

1175

Conseiller Guille: Yes, this is a proposition that is going to be a considerable piece of work and it will be for committees internally, externally, cross-committees, public services, Members of Chief Pleas and civil servants, it will cover everything.

1180

The Deputy Speaker: Conseiller Makepeace.

Conseiller Makepeace: I believe that in its current form, the proposition highlights the fundamental issue when we rely solely on internal reforms. The proposition focuses on establishing a government framework and offers training, which is beneficial, but it does not address the need for truly independent oversight, which we do not have. So many times over the years we have talked about scrutiny and oversight, yet it always seems to fall by the way.

1185

Would we not be better off going to look at a framework which deals with scrutiny as well instead of trying to police ourselves, which has not proved too successful in the past?

1190

Thank you.

The Deputy Speaker: Conseiller Barker.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

Conseiller Barker: Thanks, Mr Speaker.

1195 I have read this a few times and time and again, can we have one committee controlling all the process? Personally if it was me, Mr Speaker, I would put this to PDG where there is more inclusivity and we can engage with all 18 Conseillers. So I am going to have to say no to this.

The Deputy Speaker: Conseiller Locke.

1200

Conseiller Locke: Just for information for people, the PDG already has a governance working group that was set up to look at these and we will be working with whoever to take that forward. We have no objection to Chief Pleas – or personally I have no objection to Policy and Finance being asked to establish this but there is an open forum cross-committee for all Conseillers to contribute to this work within the PDG.

1205

The Deputy Speaker: Conseiller Harris.

Conseiller Harris: Thank you, sir.

1210

Yes, it is a complex one, is it not? Obviously, you cannot put that much in one proposition, but I am left with the question, well, what is this? What does it mean? Then I am left with the question, well, is it really a job for one committee to do? I think it would be better for us to have a broader discussion and I wonder if the Committee would be willing to amend the proposition, something along the lines of ‘consider in conjunction with PDG and return to Chief Pleas with’ rather than establish. I would feel more comfortable with that language personally.

1215

The Deputy Speaker: Conseiller Guille.

Conseiller Guille: Yes, I think this is an absolutely ideal subject for PDG. This is written like that because PDG does not bring propositions to Chief Pleas but I think it is the perfect subject to – it is a framework to include all committees and cross-committees in every area of governance. So you can take it as a given or I would be happy to amend the proposition on the hoof but I do not know – why would you not? It is a big task, why would we not have everybody involved in this?

1220

The Deputy Speaker: Conseiller Barker.

1225

Conseiller Barker: Thanks, Mr Speaker.

I am really glad Conseiller Guille said that, because at the end of the day the Policy Development Group is what it is, it is a policy and development group. The policy is not being developed and discussed or debated with 18 Conseillers that we thankfully have. Just to add the Policy and Development Group is chaired and deputy chaired pretty excellently actually.

1230

The Deputy Speaker: Conseiller Cragoe.

Conseiller Cragoe: Thank you, Mr Speaker.

1235

Yes, just to pick up on Conseiller Guille’s point. I think this should be amended, as Conseiller Harris said, to Policy and Finance Committee in conjunction with the Policy Development Group to establish.

The Deputy Speaker: If you are going to modify the proposition, you are going to have to produce some wording, ‘in conjunction with’?

1240

Conseiller Guille, do you need to take a break to discuss the matter?

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH 2025

1245 **Conseiller Guille:** It seems all members of the Policy and Finance Committee are happy to add after it says, 'and Finance Committee' to add the words 'in conjunction with the Policy Development Group'.

1250 **The Deputy Speaker:** Very well. Okay. In that case, the proposition reads, unless anybody wishes to comment further before I actually go to the vote on it? The proposition reads: that Chief Pleas directs the Policy and Finance Committee, in conjunction with the Policy Development Group, to establish a governance framework to promote best practice in accountability, ethical conduct and transparency within public services, and to offer training to Members of Chief Pleas and civil servants regarding their roles, responsibilities and relevant legislation.

1255 All those in favour? All those against? **Carried.**
Proposition 9: that Chief Pleas approve Sark joining the Commonwealth Parliamentary Association.

Conseiller Guille, would you like to speak on this?

1260 **Conseiller Guille:** Yes, thank you, sir.
This one very much follows on from Proposition 8. The Commonwealth Parliamentary Association, I believe it is something in the order of £500 a year to be part of that – £560 a year to be part of that. There is lots of very good resource available in their frameworks and training for politicians and civil servants. I think this would be a very good-value association to join and a very prestigious one. I recommend we go forward with that.

1265 **The Deputy Speaker:** Conseiller Makepeace.

1270 **Conseiller Makepeace:** I support the idea of Sark joining the Commonwealth Parliamentary Association. The Association has roughly 54 participant nations or countries with 17,000 members. It could provide valuable insight into best practice and scrutiny. However, for this to work we need guarantees that any knowledge gained will be shared with all Members of the Chief Pleas, not just a select few.

1275 Currently there are serious concerns about transparency within the Policy and Finance Committee. Information from key members is not being fully shared with the Committee members, let alone the wider Chief Pleas. If we are to join an organisation that promotes parliamentary best practice, we should first ensure that we apply those principles within our own Government.

Thank you, sir.

1280 **The Deputy Speaker:** Conseiller Tighe.

1285 **Conseiller Tighe:** I take your comments on board, Conseiller Makepeace, and I think, as Conseiller Locke had said, there is a good governance working group within the PDG and perhaps we could nominate a principal point of contact with the Commonwealth Parliamentary Association with that. Then that could be reported back to PDG as and when any communications are established.

The Deputy Speaker: Conseiller Barker.

1290 **Conseiller Barker:** Thanks, Mr Speaker.
I think Conseiller Tighe's comments there were brilliant. Thanks very much. Step forward. It is now nearly April and I still have not got a clue what happened at the OT meeting unless I Google it online, which was in November 2024.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

1295 **The Deputy Speaker:** Conseiller Makepeace.

1300 **Conseiller Makepeace:** Yes. Conseiller Barker is concerned, I am concerned as well that we still do not have a report from the Joint Ministerial Council meeting held on 18th November. My big concern about the Parliamentary Association is once again that the chair of the P&F goes away representing the Committee and no information feeds back. We are starved of information and we very rarely get any reports from these meetings. For example, the application for the electricity loan. How many Conseillers other than Conseiller Guille have physically attended meetings in Guernsey with the authorities to apply for this loan? The greater majority in this House have not been consulted.

1305 Thank you, sir.

1310 **The Deputy Speaker:** Conseiller Tighe.

1310 **Conseiller Tighe:** While I cannot speak for attendance at meetings prior to my election, I can confirm that I have attended a Bailiwick Council meeting and also a Sark Liaison Group meeting. I believe that Conseiller Kennedy-Barnard also attended the APPG meeting in London with Conseiller Guille and that the office are drafting an update to all Conseillers. But this evening's meeting was solely just for the Old Island Hall Report and so that report from the office may come to the next PDG or to the next Chief Pleas at Easter.

1315 **The Deputy Speaker:** Conseiller Makepeace.

1320 **Conseiller Makepeace:** Yes, sir.

1320 So can Conseiller Tighe reassure us then that we will be receiving a full summary of 18th November meeting of the Joint Ministerial Council?

1325 Thank you.

1325 **Conseiller Tighe:** As I previously said, I cannot speak on what went before because I have not attended any of those meetings or been privy to that myself. Perhaps I can ask the office to also address that as well when they are addressing the APPG and the Bailiwick Council meeting.

1330 **The Deputy Speaker:** Conseiller Kennedy-Barnard.

1330 **Conseiller Kennedy-Barnard:** Thank you, Mr Deputy Speaker.

1330 It might be an idea then if Conseiller Guille answers that question for us, rather than Conseiller Tighe.

1335 Thank you.

1335 **The Deputy Speaker:** Conseiller Guille?

1340 **Conseiller Guille:** Yes, I am happy with Conseiller Tighe's answer. The office will prepare a –

1340 **The Deputy Speaker:** Conseiller Barker, you were next.

1340 **Conseiller Barker:** Thank you, Mr Speaker.

1345 Regarding the meeting in November 2024, does anyone else in P&F actually know what has happened, or is it just the rest of us that do not?

1345 **The Deputy Speaker:** Conseiller Guille:

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH 2025

Conseiller Guille: Yes, it was not a meeting in November, it was a reception. I think the office have drafted a summary of it, yes, and that will be shared. But it was not an around the table meeting. It was a reception. I primarily went to have the chance to meet Lord Ponsonby again, which I managed to, very briefly. But these guys can play games, that is fine for them.

1350

The Deputy Speaker: Conseiller Bateson.

Conseiller Bateson: Thank you, Mr Speaker.

1355

I am just going to ask: would it be possible to get back to the agenda and discuss Proposition 9, please?

Thank you.

The Deputy Speaker: Yes, Proposition 9 is the one about joining the Parliamentary Association. Does anybody have any more remarks to make about that or comments?

1360

Conseiller Cragoe.

Conseiller Cragoe: Thank you, Mr Deputy Speaker.

1365

Only to say that I think this is a great idea and looking at their website they have all sorts of exciting things. But I would just definitely encourage us to try and make – there are only 18 of us – sure that everybody gets an opportunity to take some of the advantages. There are so many interesting things that they do.

Thank you very much.

The Deputy Speaker: Conseiller Lord.

1370

Conseiller Lord: Just to echo Conseiller Cragoe's points and also to raise a couple of points that have been raised about spending money. For example, the cost of the McCullough Report, I think £560 is excellent value for money for what we are going to get from this, but it falls on us as Conseillers to make the most of it. I would like us to start using it as a tool in PDG for training us, because we are all basically amateurs.

1375

The Deputy Speaker: Conseiller Nicolle.

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Conseiller Nicolle: Could I ask that it is noted that while there are Members of the House that have a great deal of experience, all 18 of us are here to serve the Island to the best of our abilities and all, I believe, deserve equal respect.

The Deputy Speaker: Right. I think we could go to the vote on Proposition 9, which is: that Chief Pleas approve Sark joining the Commonwealth Parliamentary Association.

1385

All those in favour? Anybody against? **Carried.**

Proposition 10 reads: that Chief Pleas notes that the Policy and Finance Committee is to publish summaries of its minutes and decisions on the Chief Pleas website.

Anybody like to remark upon that?

Conseiller Makepeace.

1390

Conseiller Makepeace: Yes, sir.

1395

Publishing summaries of minutes online should be a step towards transparency, but given the nature of the Policy and Finance Committee and its failure to report to the greater majority of Conseillers, I think this should be viewed with caution. The core problem remains that there is no independent oversight or scrutiny of Policy and Finance's decision. Publishing summaries does not create external accountability, as the Committee still decides what to disclose. I see this as nothing

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

more than an attempt to appease growing demands for transparency without actually changing internal practices. If this is voted through tonight, I believe it could actually delay real scrutiny efforts.

1400 Thank you, sir.

The Deputy Speaker: Thank you.

Does anybody else wish to comment upon this?

Conseiller Barker.

1405

Conseiller Barker: Thanks, Mr Speaker.

I think it is a really good idea so thank you very much to everyone on P&F. I think it is a big step forward. January, December 2023 is when everyone pretty much took office and obviously this is January 2025. So I would like to kindly ask if the Policy and Finance can publish minutes from, which makes sense to me, January 2023. I would really appreciate that because there is a little bit of interest in situations with communication. I think that would be a really positive step.

1410

The Deputy Speaker: Are you able to respond to that, Conseiller Guille, as chairman of P&F?

1415 **Conseiller Guille:** I am glad everybody thinks it is a good idea. Yes, we will go away and consider that.

The Deputy Speaker: Councillor Barker.

1420 **Conseiller Barker:** Can the Policy and Finance Committee decide, instead of one person, 'Listen, this is just good transparency, there are obviously issues in the House regarding this, I do not see a problem, let's do it'?

The Deputy Speaker: Conseiller Rose.

1425

Conseiller Rose: I am just aware of the huge amount of pressure that the office is under. So although I see why and I know why he is asking to do that, but it is a huge amount of work to go back and do that when the office is under severe pressure. As someone who is in Policy and Finance and has heard all of the things that are said against Policy and Finance, and I have been involved in many committees, we are in the same situation that all of the committees are in, that we have been under-sourced for a long time. We have only now got the numbers that we need. So there has been firefighting going on in all of the committees until we had the numbers that we now have.

1430

So I think the suspicions that people have is unwarranted. I think it is a huge amount of work to put on the office for no reason. That is my initial thought on it, but I would be happy to see what the rest of the Committee thought.

1435

The Deputy Speaker: Conseiller Kennedy-Barnard, you were next.

1440 **Conseiller Kennedy-Barnard:** Thank you, Mr Deputy Speaker.

My own views on this one, being a member of the Policy and Finance Committee, are I do not see any problem backdating things to the beginning of 2023 regarding disclosing minutes notes and that kind of thing. We should be striving to be a much more transparent Government. Our other Conseillers should understand what is happening.

1445 I presume there is nothing to hide there, so what would the harm be in releasing those minutes and notes?

Thank you.

The Deputy Speaker: Conseiller Locke.

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Conseiller Locke: Thank you, sir.

The issue with confidentiality in certain classes of minutes is quite important and I think it would be a very onerous job to go back through the confidential minutes that have been kept and try and work out which ones can be reasonably released in the interest of transparency, and also there may be some commercial or other matters which definitely should not be released.

1455

In the PDG, Conseiller Lord was considering perhaps a traffic light type of system for which matters could be considered like that and I think that to ask the office, or indeed anybody, to go back through two years of minutes to try and work out what is okay to release and what is not would be extremely onerous. Maybe it is something that can be considered going forwards.

1460

The Deputy Speaker: Conseiller Barker.

Conseiller Barker: Thanks, Mr Speaker.

P&F meet every two weeks so you are looking at 20-odd emails that have been sent to Conseillers. I do not think it is that much of a big job to do and perhaps to solve an issue that has been here since I have been a Conseiller in two years, I just think it makes pure common sense. Why would we not do it?

1465

The Deputy Speaker: Conseiller Tighe.

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Conseiller Tighe: The intention when I first joined Chief Pleas was to help with transparency and it was put to the PDG at the first meeting to share the summaries of the agendas, minutes, decisions, and collectively it was not really endorsed there were concerns raised for that. So the PDG had caveats. They put caveats on the issuing of the summaries of their meetings. The intention of Policy and Finance was to lead the way with the publication of their minutes, summaries and decisions with the intention that other committees would also follow suit in the interest of transparency. So rather than backdating, I agree with Conseiller Rose's comments that put the office under pressure, which is already under undue pressure, perhaps it could be something that it can be revisited at a later date when there is more capacity within the office.

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The Deputy Speaker: Conseiller Lord.

Conseiller Lord: Yes, just to respond a bit to Conseiller Locke's statement about the Traffic Light Protocol (TLP) system. It is for meetings, it is designed to — it is based on a thing that the National Infrastructure Security Co-ordination Centre used. The whole purpose of this is to make certain things shareable and certain things not, so that we can have that transparency but we do not expose important details that we perhaps find more sensitive. Perhaps a way forward in this would be to use the Teams system. We could potentially go and have a more backdated view within Teams, therefore it is kept in Chief Pleas and we can use levels of the TLP system other than just what would be white, which is public, and then we could just use the public stuff moving forwards, perhaps with the attendance. Would that be a potential way through? I guess that is for Conseiller Guille or Conseiller Tighe, sorry.

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Conseiller Tighe: I actually think this conversation is for the PDG and not for in the House, so perhaps we can make sure that that is on the agenda for our next PDG.

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The Deputy Speaker: Conseiller Makepeace.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH 2025

1500 **Conseiller Makepeace:** I would just like to ask, who would have the final say in what is included in the minutes or not? Would it be a Committee decision with P&F, would a vote be taken or would it be just the chair that decided?
Thank you.

1505 **The Deputy Speaker:** Conseiller Rose, can you answer that?

Conseiller Rose: We have already started to do a test run of the minutes and creating a summary, and we are signing them off as a Committee.

1510 **The Deputy Speaker:** I think that answers your question, Conseiller Makepeace. Do you wish to say anything further?

1515 **Conseiller Makepeace:** It is just an observation really. I think that the Committee actually has good intentions, but as one who studies other jurisdictions, the minutes, for example, in Guernsey are very much general stuff, nothing too revealing that you would probably hear in general debate or such. I do not think they are too – anyone is expecting any surprises or anything else. That is the same all over the world actually. Nothing really gets disclosed in minutes.

1520 **The Deputy Speaker:** I think we could probably go to the vote on Proposition 10, which is: that Chief Pleas notes the Policy and Finance –
Conseiller Barker.

1525 **Conseiller Barker:** Thanks, Mr Speaker.
Is that a no then? Can Conseiller Guille confirm that he does not want to backdate the minutes from January 2023?

1530 **Conseiller Guille:** I said we will consider it in a meeting. I do not think anybody is massively impressed by this trying to bring propositions and things out of the blue from on the floor. It is not how we should be doing business here in Chief Pleas. I have said the Committee are going to consider it and we will give it some thought.

The Deputy Speaker: I was about to read the Proposition I will start again. Proposition 10 reads: that Chief Pleas notes that the Policy and Finance Committee is to publish summaries of its minutes and decisions on the Chief Pleas website.

1535 All those in favour? Anybody against? **Carried.**
Proposition 11: that Chief Pleas accept the amended Constitution and Operation of Chief Pleas Committees, as attached to this Report.
Who would like to introduce this?
Conseiller Guille, please.

1540 **Conseiller Guille:** Yes, this is about attendance at committee meetings, so it is on the back page of appendix 5, section 21.

A failure by a Committee member to attend in person or online three consecutive Committee meetings (including Special Committees and Sub-Committees) without a valid and justifiable reason (for example, but not limited to, bereavement, medical emergencies) is to result in that member's dismissal from the Committee concerned. After the second absence, the Committee's chairman, or if not available the Committee's deputy chairman, is to provide a written notification to the member concerned, namely that that failure to attend the following (third) meeting will result in that member's dismissal from the Committee concerned.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

1545 **The Deputy Speaker:** I take it, Conseiller Guille, that is the only adjustment to the document, that one article? Anybody wish to comment upon that?
Conseiller Locke.

1550 **Conseiller Locke:** Sir and Conseiller Guille, I note that the wording might be taken to read that say a member has a justifiable reason for absence and then has an unjustifiable reason for absence that might trigger the two missed meetings notice. Was that the intention or was it only intended to be for the non-justifiable absences?

Conseiller Guille: It is meant to be for the non-justifiable absences.

1555 **The Deputy Speaker:** Conseiller Locke.

Conseiller Locke: In which case might I suggest that that should read 'after the second such absence'?

1560 **The Deputy Speaker:** After the second such absence. Conseiller Guille, could you accept that amendment on behalf of the Committee? That is in the fourth line up. Fourth word in.

Conseiller Guille: Yes.

1565 **The Deputy Speaker:** Would you ask for it to be amended for the –

Conseiller Guille: Yes, please, sir.
Can you add in the fifth line after 'the second' add 'such' before 'absence'.

1570 **The Deputy Speaker:** 'After the second such absence, the Committee chairman, or if not available, the deputy chairman.' Does that address your concerns, Conseiller Locke?

Conseiller Locke: Certainly does, thank you.

1575 **The Deputy Speaker:** Anybody else wish to comment upon this?
Conseiller Makepeace.

Conseiller Makepeace: Yes, sir. Slightly off topic, I would like to know when my photo will be included on the picture of all Conseillers.

1580 **The Deputy Speaker:** Yes, thank you.
Conseiller Baker.

Conseiller Baker MBE: Do the committees include the PDG? I was not sure about that.

1585 **The Deputy Speaker:** I cannot answer from here.
Conseiller Tighe.

1590 **Conseiller Tighe:** The Policy Development Group is a group and not a committee, so that does not come under that mandate.

Conseiller Baker MBE: The reason I ask that, if I just finish, is that we had an email from Conseiller Makepeace saying that he would not be attending the PDGs, so that would have caused quite a problem. That is why I brought it up.

EXTRAORDINARY MEETING OF CHIEF PLEAS, WEDNESDAY, 19th MARCH
2025

1595 Thank you.

The Deputy Speaker: Conseiller Makepeace.

1600 **Conseiller Makepeace:** I am surprised. I thought the information regarding the PDG was confidential. But, however, the reason I said that I would not be happy and comfortable to attend PDG meetings was there was mention in correspondence that people were feeling unsafe. I found this, I must admit, to be hopefully not the stark of woke-ism within our Parliament.

1605 **The Deputy Speaker:** Can I just stop you there, Conseiller Makepeace.

Conseiller Makepeace: Yes, of course, sir. Of course.

The Deputy Speaker: This does not really have any relevance to this proposition.

1610 **Conseiller Makepeace:** No, but it is just a defence of myself, sir, which I understand under Article 6, Human Rights, I am entitled to. Thank you, sir.

1615 **The Deputy Speaker:** Would you like to sit down? Anybody else like to comment on Proposition 10? Eleven, yes, it has been a long day. Proposition 11 reads: that Chief Pleas accepts the amended Constitution and Operation of Chief Pleas Committees, as attached in this Report.

All those in favour? Anybody against? **Carried.**

1620 Now that concludes the Business of the Day. I do not have anything further to add, so I am going to ask the Greffier to do the grace.

PRAYER
The Greffier

Chief Pleas closed at 6.56 p.m.