



OFFICIAL REPORT

OF THE

EXTRAORDINARY MEETING

OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Thursday, 7th December 2017

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

Volume 3, No. 14

Present:

Seigneur

Maj. C M Beaumont Esq.

Speaker of Chief Pleas

A J Rolfe Esq.

Prévôt

Mr K N Adams

Greffier

Mr T J Hamon

Treasurer

Mrs W Kiernan FCA

Constable

Mr P Burgess

Conseillers:

Diane Baker
Edric Baker
Peter Byrne
Charles Maitland
Nicolas Moloney
Elizabeth Norwich
Helen Plummer
William Raymond
Stephen Taylor
Robert Cottle

Antony Dunks
Reginald Guille MBE
Peter La Trobe-Bateman
Sebastien Moerman
Cormac Scott
Anthony Ventress
Paul Williams
Sandra Williams
Pauline Mallinson

Business transacted

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Extraordinary Meeting of Chief Pleas

Chief Pleas met at 7.00 p.m.

[THE SPEAKER *in the Chair*]

PRAYER

The Greffier

ROLL CALL

The Greffier

The Greffier: There are 19 Conseillers, the Seigneur and the Speaker of Chief Pleas present.

Apologies for absence

The Speaker: I have apologies from Conseillers Alan Blythe, Hazel Fry, Chris Nightingale and
5 Roger Norwich.

The Lieutenant-Governor is unable to attend our meeting due to other commitments, but may I welcome the Seigneur to our meeting.

Tribute to Phyllis Rang

The Speaker: I would like to say a few words, firstly, about Phyllis Rang, who passed away on
the morning of 29th November, four weeks after her 93rd birthday.

10 To many of us in this Island and to many visitors, Phyllis was the front-of-house manager of the jewellery and watch shop in the Avenue, where she engaged in conversation with all comers whilst her husband worked in the back room replacing watch straps or providing advice on their range of jewellery.

15 To those who knew her work in Chief Pleas, Phyllis Rang played an important and pivotal role over a considerable number of years. Phyllis Rang first took her seat as a Deputy of the People on 18th January 1967 and served until 1st October 1969. She took a seat in her own right as a tenant on 14th July 1992, serving until 1st October 2008. Prior to that, Phyllis had, on occasions, represented her mother at Chief Pleas.

20 During the 41-plus years that Phyllis served in Chief Pleas, she served on the ad hoc Human Rights Opinion Committee that sought independent legal advice for Sark on proposals by the United Kingdom government on human rights issues. She was active on the Constitution 2007 Committee that worked on the transition arrangements leading up to the 2008 General Election. Phyllis also served on the All Management Housing Advisory and Public Conveniences Committees.

25 On behalf of Chief Pleas, I extend our condolences to Werner and the members of the wider Rang family.

I would ask you all to stand for a minute's silence in memory of Mrs Phyllis Rang.

Members stood in silence.

The Speaker: Thank you.

**Finance and Resources Committee –
Resignation of Peter Bryne**

30 **The Speaker:** I have to announce that Conseiller Peter Byrne has resigned as a member of the Finance and Resources Committee. We would like to thank him for his services to that Committee. There is an additional item on the Agenda to fill the vacancy on F&R later.

**Vingtenier –
Statement by Conseiller Edric Baker**

The Speaker: Statement by Edric Baker regarding the Vingtenier.

35 **Conseiller Edric Baker:** Thank you, sir.
At the Michaelmas Meeting of Chief Pleas, Sue Daly was appointed as Vingtenier of this Island. Sometime after her appointment and during a period of police training in Guernsey, Ms Daly felt that this was not what she had expected in the role as Vingtenier, and there were other personal reasons. Ms Daly, after that, resigned as Vingtenier.

40 The Constable, with the assistance of the special constables – mainly Mr Adrian Guille, who has been a tremendous help – has continued in office. I can say the Independent Policing Panel is actively seeking a replacement Vingtenier.

The Speaker: Thank you.

**Commonwealth Games –
Statement by Conseiller Jane Norwich**

45 **The Speaker:** Statement by Conseiller Jane Norwich regarding the Commonwealth Games.

Conseiller Jane Norwich: Following on from the successes at the Island Games, Stefan Roberts will be representing the Bailiwick at the Commonwealth Games on the Gold Coast, Australia in April 2018 in the six-man shooting team.

50 **The Speaker:** Thank you.

**Procedural –
Electronic devices**

The Speaker: In accordance with the Rules of Procedure, I would remind all present that mobile phones, cameras, recording devices and other electronic equipment is switched off now, less for those allowed to Chief Pleas Members in accordance with Rule 16.

Business of the Day

1. Questions not related to the Business of the Day – None

Questions not related to the Business of the Day.

55 **The Speaker:** We go to Agenda Item 1: Questions not related to the Business of the Day. I have not received any.

2. Data Protection (Bailiwick of Guernsey) Law, 2017 – Policy and Performance Committee Report considered – Proposition carried as amended

To consider a Report with Proposition from the Policy and Performance Committee entitled 'EU General Data Protection Regulation – New Bailiwick of Guernsey Data Protection Legislation' and approve a Projet de Loi entitled 'The Data Protection (Bailiwick of Guernsey) Law, 2017'.

Proposition

That Chief Pleas approves the Projet de Loi entitled 'The Data Protection (Bailiwick of Guernsey) Law, 2017'.

The Speaker: Agenda Item 2: To consider a Report with Proposition from the Policy and Performance Committee entitled 'EU General Data Protection Regulation – New Bailiwick of Guernsey Data Protection Legislation' and approve a Projet de Loi entitled 'The Data Protection (Bailiwick of Guernsey) Law, 2017'.

60 Since the Agenda went out, an amendment has been approved by the States of Guernsey. This amendment, together with a version of the Law incorporating those changes to the Law approved by the States has been circulated to Members of Chief Pleas and put on the Government website. It is my intention to call the amendment first and, if approved by Chief Pleas, we will then approve the Projet de Loi as amended.

65 Conseiller Reg Guille to introduce the amendment.

Conseiller Guille MBE: Thank you, Mr Speaker.

The legislation before you has involved a massive amount of work within the Bailiwick to get this Projet de Loi ready to be approved and to be sent for Royal Assent to fit in with the implementation requirements of the EU. The General Data Protection Regulation of the EU comes into force on 28th May next year.

The rather slim volume you were sent has been amended, not massively but the amendment was sent to you as soon as possible after the States of Guernsey had approved it at their meeting on 29th November, which they did without further amendment.

The amendment of the Projet deals with two issues, in that the bulk of the changes were proposed by the P&P Committee to the Law Officers, who agreed with our submission. The other part was to take the opportunity by the Law Officers to propose some other changes required, as explained in the first paragraph of the explanatory memorandum that accompanied the amendment.

So, in accordance with the Rules of Procedure, the Committee bring to Chief Pleas the amendment, and that amendment requires your approval prior to any debate on the *Projet de Loi*. We just read out from the explanatory memorandum:

This Amendment makes amendments to the provisions of the draft *Projet* entitled 'The Data Protection (Bailiwick of Guernsey) Law, 2017'. The amendments in paragraphs 1, 5(c) and 7, are intended to correct minor errors. The amendment in paragraph 2 is intended to allow further consideration to be given to the scope and extent of any exemptions or limitations to the power of the Authority to order administrative fines. All the other amendments are proposed following representations made on behalf of the Chief Pleas of Sark.

Paragraph 1 of the proposed amendments amends clause 21(1) and (3) of the *Projet* to clarify that the right to erasure applies in any of the circumstances set out in paragraphs (a) to (f) of clause 21(1), regardless whether or not the data subject disputes the accuracy or completeness of the personal data.

Paragraph 2 of the proposed amendments substitutes clause 74(9) with a new subclause (9) that provides for the States of Deliberation to make provision by Ordinance to exempt specified persons from the power of the Authority to order an administrative fine, to limit the amount of administrative fine that may be ordered against a specified person, or to otherwise restrict the power of the Authority to order such fines against a specified person. This amendment would allow further consideration to be given to the appropriate scope of any exemptions to or limits on administrative fines, as such exemptions and limitations would be prescribed in an Ordinance and not in the *Projet* itself.

Paragraph 3 of the proposed amendments inserts new subclauses (6) to (8) in clause 108 of the *Projet*. These new subclauses enable the States of Alderney to disapprove an Ordinance within four months of its approval by the States of Deliberation, and the Chief Pleas of Sark to disapprove an Ordinance at their first or second meeting following its approval by the States of Deliberation. If so disapproved, the Ordinance ceases to have effect in Alderney or (as the case may be) Sark, but without prejudice to anything done under it, or to the making of a new Ordinance, in relation to Alderney or (as the case may be) Sark.

That was put in by us because the original *Projet* said the States would be required to consult with the Policy and Performance Committee of Chief Pleas and the Policy and Finance Committee of Alderney, but if they did not consult then the Ordinance would just come into effect.

70

Under the *Projet* the Committee for Home Affairs has powers to make regulations which have effect throughout the Bailiwick. Paragraph 4 of the proposed amendments inserts new subclauses (6) to (8) in clause 109 of the *Projet* (general provisions as to regulations). As with the amendment to clause 108, these new subclauses enable the States of Alderney to disapprove regulations

– and the same for Sark, so exactly the same as we had for the disapproving of an Ordinance.

Paragraph 5 of the proposed amendments amends three definitions in clause 111(1) of the *Projet*.

The definition of 'parental responsibility' is amended to reflect the fact that in Guernsey and Alderney, parental responsibility is determined in accordance with the Children (Guernsey and Alderney) Law, 2008, while in Sark, it is determined in accordance with the Children (Sark) Law, 2016.

There is no provision in the original draft for that Law of Sark to be included.

The definition of 'police officer' is amended to reflect the fact that in Sark, a special constable is appointed by the Constable and not the Court of the Seneschal.

So that was an error in drafting.

The definition of 'safeguard data subject rights' is amended to correct the omission of the word 'means'.

Paragraph 6 inserts a new paragraph 3 in Schedule 1 to the *Projet*. This new paragraph makes it clear that the Law applies to both the Constable of Sark and the Vingtenier, and that the Assistant Constable of Sark and any special constable are, for the purposes of the Law, to be regarded as servants of the Constable.

Paragraph 7 amends paragraph 2 of Schedule 4 to the *Projet* to require the registration of controllers and processors to be carried out in accordance with regulations made by the Committee for Home Affairs.

75

So the bulk of the major changes were at our request.

I and the Committee are happy to take any questions on the amendment, at the end of which you will be asked to approve the amendment, and it is a new Proposition, which reads: 'That

Chief Pleas approves the amendment as provided to the Data Protection (Bailiwick of Guernsey) Law, 2017.’

80 Thank you.

The Speaker: Thank you.

Are there any questions or comments from the floor? In that case, I will put the new Proposition: That Chief Pleas approves the amendment as provided to the Data Protection (Bailiwick of Guernsey) Law, 2017. Those in favour; those against. That is **carried**.

85 We now move to the Proposition as amended: That Chief Pleas approves the Projet de Loi entitled ‘The Data Protection (Bailiwick of Guernsey) Law, 2017’ as amended and approved by the States of Deliberation on 29th November 2017.

90 Do you wish to speak to this?

Conseiller Guille MBE: Yes, please, sir.

The Speaker: Try not to make it as confusing as the last one! (*Laughter*)

95

Conseiller Guille MBE: We have just debated the amendment – there was no debate, but we have approved the amendment before us. We now turn to the main Projet, so if you have got any questions on the main Projet, now is the time to ask them, and I and other members of the Committee will be happy to answer those questions.

100 That is all I intend to say. I recommend that you approve the Projet de Loi as amended and as read out by the Speaker.

Thank you, sir.

The Speaker: Does anybody wish to comment or speak to this?

105

In that case, I will move the Proposition as amended: That Chief Pleas approves the Projet de Loi entitled ‘The Data Protection (Bailiwick of Guernsey) Law, 2017 as amended and approved by the States of Deliberation on 29th November 2017. Those in favour; those against. That is **carried**.

3. Protecting the Interests of the Bailiwick of Guernsey as the UK leaves the EU – Policy and Performance Committee Report considered – Proposition carried

To consider a Report with Proposition from the Policy and Performance Committee entitled ‘Protecting the Interests of the Bailiwick of Guernsey as the UK leaves the EU’.

Proposition

That Chief Pleas approves the legislative proposals set out in the States of Guernsey Policy Letter, as reported in the second paragraph of this Report.

110 **The Speaker:** We go to Agenda Item 3: To consider a Report with Proposition from the Policy and Performance Committee entitled ‘Protecting the Interests of the Bailiwick of Guernsey as the UK leaves the EU’. Conseiller Reg Guille to introduce the Report.

115 **Conseiller Guille MBE:** The proposals in the policy letter of the States that is enclosed with this Report is, in essence, the Bailiwick’s equivalent of the Great Reform Bill of the United Kingdom Government, more accurately called the European Union Withdrawal Bill. That Bill is going through the UK parliamentary processes now – not terribly smoothly either, but there we

go. As legislation is drafted, as set out in the policy letter, it will be sent to Sark for Chief Pleas' approval as a draft Projet de Loi, thereby giving us in the Assembly the opportunity to scrutinise the legislation as it is developed.

120 **The Speaker:** May I ask you to add two words at the end of the second paragraph of the Report where it says 'of the Policy'. It should be delete the full stop, insert 'is required' and then full stop. It did not quite finish the sentence properly.

Happy to take any questions, but I ask you to support the Proposition. Thank you.

125 **The Speaker:** Could I just ask – that is the memo to the Report rather than the Proposition?

Conseiller Guille MBE: That is an amendment to the Report. It is in the second paragraph of the Report.

130 **The Speaker:** Thank you.

Does anybody wish to comment or question this? Conseiller William Raymond.

Conseiller Raymond: Thank you, sir, a point of clarification. If we get into a situation where there will be tariffs, duties, required on imports of goods, then the goods will presumably come in through Guernsey, who will collect the duty. Will some of that be passed on to Sark?

135

The Speaker: Does anybody else wish to comment or question?

In that case, Conseiller Reginald Guille, can you answer that?

140 **Conseiller Guille MBE:** If I could pass this over to the Chairman of the Finance and Resources Committee. *(Laughter)*

Conseiller Moerman: Thank you!

145 **The Speaker:** Conseiller Sebastien Moerman.

Conseiller Moerman: We will find out that answer and revert shortly.

The Speaker: I thought that might be the case!

150 If there is nobody else, we will go to the Proposition: That Chief Please approves the legislative proposals set out in the States of Guernsey policy letter, as reported in the second paragraph of this Report. Those in favour; any against. That is **carried**.

**4. The Role of the Treasurer –
Finance and Resources and Policy and Performance Committees Joint Report considered –
Propositions carried**

To consider a Joint Report with Propositions from the Finance and Resources and Policy and Performance Committees entitled 'The Role of the Treasurer'.

Proposition 1

That Chief Pleas notes that the Deputy Treasurer, Mrs Lynda Higgins, will perform all the duties and exercise all the powers of the Treasurer under the Reform (Sark) Law, 2008 (as amended) during a vacancy in the office of Treasurer – see (Section 51 (3) (a) (b)), pending the appointment of a professionally qualified Treasurer, and that the remuneration for the Deputy Treasurer shall be £15.00 per hour during this period of vacancy.

Proposition 2

That Chief Pleas enters into a consultancy agreement (a copy of which is attached to this joint report as Appendix 2) with Mrs Wendy Kiernan.

Proposition 3

That a suitable qualified and experienced person, either a Chartered or Management Accountant, is engaged from off island (see Appendix 1 for outline terms).

The Speaker: Before I go to Item 4, the Treasurer, Mrs Wendy Kiernan, has requested to be absent from this Item.

155 Agenda Item 4: To consider a Joint Report with Propositions from the Finance and Resources and Policy and Performance Committees entitled 'The Role of the Treasurer'. Conseiller Sebastien Moerman to introduce the Report.

Conseiller Moerman: Thank you, sir.

160 As the House should be aware, Treasurer Kiernan will be retiring at the end of this month. Conseiller Raymond has recently resigned from the Finance and Resources Committee, Conseiller Byrne has recently resigned from the Finance and Resources Committee, and Conseiller Cottle will resign from the Finance and Resources Committee and from Chief Pleas at the end of this month.

165 Chief Pleas has recently voted a transitional budget with some reservations from the Finance and Resources Committee. As you will remember, some adequate recommendations made at Michaelmas Chief Pleas for supporting a soon to be smaller Chief Pleas were rejected, even though this Committee did demonstrate that it could have been funded without any rise in taxation for 2018.

170 Some of us might possibly, eventually – one day, in the fullness of time, maybe – remember that Chief Pleas adopted in 2015 the principle of applying contemporary professional standard when it is prudent to do so in all its Government functions. The Committee is therefore minded to recommend the appointment of a qualified accountant to hold the office of Treasurer in order to ensure proper financial control. This is particularly required in view of the need to review our fiscal policy and strategy and to develop an economic plan in consultation with all stakeholders in order to finally put our economy and economic development as the top priority. However, the Reform Law requires the Treasurer to be a resident of Sark and this has prevented us from finding an appropriate replacement for Mrs Kiernan.

175 This issue has been discussed with the Law Officers and the following temporary arrangements are being recommended: (1) the Deputy Treasurer will perform all the duties and exercise all the powers of a Treasurer under the Reform Law pending the appointment of a professionally qualified Treasurer, and the remuneration of the Deputy Treasurer shall be £15 per hour during this period of vacancy; (2) Mrs Kiernan will be retained as a consultant for a limited period of time to assist in the transitional period; (3) a suitable qualified accountant will be engaged from off Island to assist with fiscal policy and strategy.

185 Thank you.

The Speaker: Thank you.

Conseiller Maitland, you are a joint signatory to the Report – do you wish to speak?

190

Conseiller Maitland: Just to support this Proposition.

The Speaker: Thank you.

Are there any questions or comments from the floor? Conseiller Reg Guille.

195 **Conseiller Guille MBE:** The use of the term ‘applying temporary professional standards
where it is prudent to do so in all Government functions’ is, in my opinion, a Trojan horse
leading the Chief Pleas to outsource initially this role, but how many more to follow when that
phrase is used, and send money off Sark to buy in professionals who are not resident and pay no
200 tax to us, and many positions that we have always done from within the resource of the Island
and its residents. I said much on this aspect at our meeting on the 23rd of last month.

I am not in accord with the members of F&R and my fellow P&P members on this Joint
Report. They know that well. I always think it is healthy to have a little bit of dissention and
debate both in committee and Chief Pleas because it does mean that the Committees have to
justify what they are doing.

205 My concern is that I believe that the Treasurer and Deputy Treasurer should be Sark residents
in accordance with the Reform Law. I have conceded that if the appointees are not considered
capable by the F&R Committee of performing the higher technical aspects of the role, then I
could see that oversight from a qualified chartered accountant or management accountant
would be bought in, but not for that post to be called the Treasurer of Sark. How can we possibly
210 contemplate having a Treasurer of Sark that is resident in another jurisdiction?

In the first paragraph of the section ‘The way forward’, the Committee say that they have
been unable to identify a qualified chartered accountant who is ordinarily resident on Sark and
willing to hold the office of Treasurer. Well, have they advertised the position? The answer is, of
course, no, they have not. So we are in a position where there has not been enough training
215 given to the Deputy Treasurer over the past year and the post of Treasurer has not been
advertised. Of course, if the F&R Committee will only accept a fully qualified accountant for the
role and that person moves to Sark, then the taxpayer will be faced with another huge salary to
support.

In the first bullet point, the Committee are looking to engage someone temporarily at £450
220 per day for four days of the month, which comes to £1,800 and for six months totals £10,800, or
were it to be longer, at a cost of £21,600 per annum – and that is for somebody just doing four
days a week; whereas the current Treasurer, after her resignation, is to be paid £40 per hour for
a period of four months. Although there is no set period of engagement in the consultancy
agreement attached at appendix 2, it says it in the Report – nor a minimum or maximum
225 number of hours to be worked. Under ‘Duration’ in that appendix – that is appendix 2 – I do
believe that should be four months. That is what we are told in the Report: Mrs Kiernan will be
engaged for four months to oversee the enhanced Deputy Treasurer role performing during the
most difficult time for the Treasurer. I do believe that should be changed to four months with an
option to extend if both parties agree.

230 I would like to ask a question here: is it the intention that the off-Island accountant is to be
employed over the same timeframe as Mrs Kiernan is employed? The second bullet point is
contradictory in the Report, in that it implies that the off-Island accountant will offer support to
the Deputy Treasurer, when at Proposition 1 the support to the Deputy Treasurer is to be given
by Mrs Kiernan as a consultant to Chief Pleas. However, appendix 1, ‘Treasurer support and
235 Financial Strategy Advisor Role’ says at paragraph 6, ‘support and oversee the work of the
Deputy Treasurer’. So, our new, enhanced role of Deputy Treasurer is to be overseen by two
people – and, of those two, who has the final say? That is not made very clear.

Remaining with that appendix for the moment, what does that mean in the first paragraph:
‘to determine what taxation system’? I am sorry, but is this person to devise a new taxation
240 system for us? I thought we had one. Paragraph 5, further down the page, implies that it is the
current system that is to be evaluated, tweaked, to promote economic prosperity, rather than a
new system. There is a contradiction in the wording in that appendix, in my opinion.

What you have not been told in the Report is that the advice from the Law Officers in regard
to not having a Treasurer is that Sark should not be without a filled post of Treasurer for any
245 great length of time and that six months is probably the maximum you would want to go.

The provision in the law for the Deputy to assume the full duties of the Treasurer is provided for temporary absences such as holidays and illness, not to cover vacancies caused by resignations when long notice has been given, or for that matter death in post. Chief Pleas is subject to the law and it is for Chief Pleas to hold the Committees to account. Under the current
250 law, this vacancy should have been subject to a notice asking persons to apply for the position of Treasurer of Sark, and you might well have had an application from off Island from somebody who is prepared to come and live and work in Sark as our Treasurer, but done in such a timely manner that the person appointed by Chief Pleas on recommendation would have been taking over the role of Treasurer on 1st January 2018. i.e. at this or an earlier meeting. The Report
255 admits that we are now coming up to the busiest time of the year for the office of Treasurer and, sink or swim, the Deputy Treasurer enhanced is just going to have to get on with the job of Treasurer in all but name for a period of up to six months. No one else has the authority which is laid down in the Reform Law.

I am also not happy with the remuneration package being offered to the Deputy Treasurer.
260 Both the role of Treasurer and Deputy Treasurer are salaried, and here we have it in Proposition 1 that the enhanced Deputy Treasurer role should be paid an hourly rate. Why, I ask, has that not been converted to a monthly rate or salary? Remember that our salaried posts work as many hours as are required to do the job they are employed for. They do not get overtime. They might get time off in lieu in quiet periods but they work for a salary. I believe it to be a
265 mistake to suddenly change the system of payment. I have worked it out that the hourly rate of £15 per hour, as we are told in the Report, for a maximum of 15 hours per week ... Is there to be no overtime if that hourly worker is required to work longer hours at times? Is there a contract in place? If we convert that to a salary, 15 hours a week times £15, that salary would be £11,700 per annum, this being based upon the offer to the Deputy Treasurer for the enhanced role, as I
270 am told by Conseiller Cottle. Could I ask the Committee to consider amending the Proposition to be a salary-based sum of money rather than an hourly rate? I know that in order to have an amendment debated I should have had a seconder and had it with the Committee and Speaker four days ahead of the meeting. I regret that I was unable to meet that deadline as set out in our procedures, as I did not have all the information to hand and a lot is not in the Report – I have
275 had to dig it out. However, if enough Conseillers wanted to go down that route and support a salary rather than an hourly rate, I hope that the Committee would request a recess to discuss changing the Proposition.

The current Treasurer has also performed the function of Douzaine Secretary, has run the Cadastre on a day-to-day basis for the Douzaine and is also a trustee of the Isle of Sark Shipping
280 Company. These roles have been part of the Treasurer's remit, albeit subject to an hourly rate of pay over and above the salary that they are given for their main role. What happens to those positions now? As I understand, a CSO is to become the Douzaine Secretary. What about the Cadastre? Are we now to pay someone other than the Treasurer, or enhanced Deputy Treasurer, to do the work? On 1st January we have an enhanced Deputy Treasurer in post. The
285 Cadastre is hers under the current remit. Has she had training on the Cadastre? I do not know. Who will fill the IOSS trustee role? Surely that must be the Deputy Treasurer – or is that to be hived as well to someone else by altering the memorandum and articles of the company? However, in less than a month's time we have an enhanced Deputy Treasurer.

And finally on this particular subject, the Treasurer is ex officio the F&R Committee and takes
290 a seat in Chief Pleas. How are these roles to be paid when it is an hourly rate rather than a salary for a job?

Let me just end by saying that since time immemorial – and I do not remember that far back – the Treasury function has been conducted by someone resident on Sark, a taxpayer. Are we
295 about to fully outsource our Treasury function? And where will all this outsourcing end? What other jobs are being lined up for this treatment that we do not know about? Money straight out of the Island, no taxes paid, no spend on Sark. Do the powers that be know, because I do not, what the end cost would be if a full-time off-Island Treasurer – under another name, because I

do not think they can be a Treasurer of Sark if they do not live on the Island – was to be employed at commercial rates in order to comply with the phrase ‘contemporary professional standards’?

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Thank you for your indulgence, sir.

The Speaker: Does anybody else wish to speak?

In that case, Conseiller Rob Cottle.

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Conseiller Cottle: Thank you.

I obviously respect the position of Conseiller Guille in bringing all that questioning to the Committee. I do not think I can answer all of those. I cannot remember the last two questions – it must be an age thing! (*Interjection*) I don’t think we’ve got that long!

310

I will try and touch on some of the things that he has mentioned. One that I have written down last was the Douzaine Secretary part and the Cadastre that goes with it. The Douzaine Secretary is not a function of the Treasurer. They happen to be done by the same person at the moment, but they are not tied together by any means, and neither is the Cadastre. It is a role that can be performed by somebody else, if appointed to do that. The current Treasurer obviously has a lot of experience in that role and it will take some replacing, but that is not being proposed for the Deputy Treasurer at this time.

315

The IOSS trustee representative function, again Sark Shipping – you mentioned are we to change the memorandum and articles, and possibly we may. Because Chief Please now has legal personality, it may be that the current trustees are not required and it may be that in the future a memorandum and articles contains a representative for Chief Pleas that is not one of those, given the legal personality of Chief Pleas.

320

Where else do we start ...? I would be quite happy, and I think I am speaking for the Chairman of our Committee as well, to have included in appendix 2 – that is the agreement for Mrs Kiernan to act as a consultant – the addition of the words ‘for four months’ at some point because that is the intention. There is not any intention for her to perform an assistance role beyond the four months when we think it will be needed, both because it is the time of year when tax is collected and that is how long we think we probably need to have that assistance there; and also, given that Mrs Kiernan is not wanting to be endlessly staying on in the role, she has a limit to how long she wants to be committed to providing that service and thinks that that will suffice. So, four months, happy to put that in there.

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330

I will go through what I intended to say now, because I think it covers most of what has been questioned there.

At the Extraordinary Meeting of 23rd November, it was approved that the budgeted amount for the Treasurer’s office function for 2018 would be set at £24,200. The proposal about how that amount will be used is now set out in this further Report. The reason for proposing this structure for the first six months of 2018 is to ensure that the Finance and Resources Committee can fulfil two of its obligations as set out in its mandate. They are namely: (1) to regulate and control the financial and resource related affairs of Chief Pleas; and (2) to regularly undertake the review of revenue raising and advise on the need for update or modification. This Committee must place ensuring that the financial affairs of Chief Pleas are managed properly as its highest priority; it would be negligent otherwise.

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340

The three proposals are for a six-month period of what might be seen as a transition following the 12 years during which the financial management has been so ably handled by the retiring Treasurer. I would add that the chartered accountant that we believe is needed is a qualification that takes in the region of five years to achieve (**A Member:** Three.) and we need the experience that has been accumulated from being in practice after that, the kind of accumulated knowledge that the current Treasurer brought with her. She had 36 years’ experience as a chartered accountant before she took on the role of Treasurer for the Island.

345

350 Looking for somebody like that is not easy and the hope that we could pass all that knowledge on in 18 months of two afternoons a week is probably beyond what we should have expected.

355 It is proposed that the Deputy Treasurer will continue to fulfil that role during the six months that we are recommending at an enhanced rate of £15 per hour, as has been said, for an estimated 15 hours per week. It is required in the Reform Law at section 51(5) that 'A person appointed to hold the office of Deputy Treasurer shall be paid such remuneration out of public funds as the Chief Pleas may from time to time resolve.' Therefore, we bring the second proposal, I think it is, seeking approval to set the rate of pay during this period, and this rate of pay is for the six-months period so we are not setting a precedent that we would anticipate to carry on beyond that period.

360 The third part of the proposals is for an up to six months' engagement – it is six months, not the same as the four months for the assistance from the current Treasurer – of an experienced management accountant required to provide both Treasurer support and also oversight, which is different from what we will be engaging Mrs Kiernan to provide further assistance with, and at the same time as this also to carry out a piece of work to assist Finance and Resources Committee in recommending future fiscal policy, medium-term financial planning and options for taxation. We are not going to have this person imposing a taxation system on us; we are going to have them looking at our current taxation and its suitability – whether it is fit for purpose still and whether it will be fit for purpose in the future – and advising us of options that we may wish to consider. If Chief Pleas wishes to be financially supported in future and have funding provided for all of its obligations and aspirations, then we consider that this piece of work is vital to inform us on how we may do that.

365 A highly suitable candidate has been offered to us by the States of Guernsey Treasury department on a contracted basis. The person is an experienced management accountant whose current role includes the development and implementation of financial strategy, including the medium-term financial plan and budgeting, and would bring a great deal of experience within the public and private sector, both in the UK and in Guernsey, to Sark on this six-month secondment on a contract basis.

370 We request that you support the Propositions contained in this Report to enable Finance and Resources Committee to fulfil its financial control and review obligations.

Thank you.

380

The Speaker: Thank you.

Could I just ask you to clarify one thing. You mentioned an amendment to appendix 2 – I presume that that does not imply that you are requesting an amendment to the Proposition itself.

385

Conseiller Cottle: Not to the Proposition, but we will note Conseiller Guille's request that it should be in there and we have verbally said that it will be put in there before it is signed.

390 **The Speaker:** Okay. I will call Conseiller Sebastien Moerman, if he wishes to wind this debate up.

Does anybody else wish to speak? Conseiller Ventress first.

395 **Conseiller Ventress:** My understanding is that the Committee have known about this since the beginning of this year and it seems very odd that we have reached this impasse at the moment with not having advertised the post, not having tried to find a person and whether in fact they will actually find somebody. Secondly, I propose that we have a named vote on this.

The Speaker: Okay, thank you.

400 Conseiller Reg Guille, you indicated the same. Does anybody else wish to come in? Conseiller Reg Guille.

Conseiller Guille MBE: Could I ask a question of the Douzaine, please, in regard to the Cadastre? At the moment, the postholder of Treasurer has been doing the Cadastre on a daily basis. She will not be the Treasurer on 1st January next year; therefore, somebody will be doing the Cadastre. As the Cadastre is in the Treasurer's office, probably there is a lot of work on the Treasurer's computer dealing with the Cadastre. Could I ask the Douzaine if it is their intention that the enhanced-role Deputy Treasurer will take that on until such time as the final decision is made as to what happens to the Cadastre?

The Speaker: Thank you.
Conseiller Edric Baker.

Conseiller Edric Baker: Thank you, sir.
The simple answer to this is this has not been discussed as yet. We are meeting as the Douzaine next week and that will be on the agenda to discuss.

The Speaker: Thank you. Anybody else?
Could I just clarify one thing with Conseiller Ventress, who has asked for a named vote: there are three Propositions here – do you want a named vote on all three of them?

Conseiller Ventress: Yes, please.

The Speaker: Okay. Conseiller Edric Baker.

Conseiller Edric Baker: I did want to speak, rather than answer a question.

The Speaker: Oh, sorry.

Conseiller Edric Baker: One thing that Conseiller Guille had asked for was that Proposition 1 be changed – rather than £15 an hour, that it would be a salaried position, and I would certainly support that.

The Speaker: Okay. Is there anybody else? In that case, Conseiller Sebastien Moerman, do you wish to sum up?

Conseiller Moerman: Yes. First of all, it does sound to me like the dark side of the force has returned. I do appreciate the jobs for the boys mentality, but we have some difficult times ahead of us.

I appreciate Conseiller Guille's comment that we do have a tax system. We may have a very good tax system, but the problem is literally going to be to find taxpayers, so it is indeed necessary to review the tax system and I think we need expertise for that that we do not have at the moment. I think, off the top of my head, there are probably only three or four qualified accountants on the Island and if none of them are prepared to work for the amount being offered, let alone being advertised – if this was ever approved, an advertisement budget.

Regarding the consultancy role of Mrs Kiernan, I would like to say that £40 an hour for a qualified accountant is close to charitable work and I think we should be very grateful to her rather than criticising her.

Thank you.

The Speaker: Conseiller Reg Guille.

Conseiller Guille MBE: Sir, if I am 'dark forces', my hair has gone grey.

I am not criticising the exiting Treasurer at all. I think her offer of assistance is very reasonable and I have not said anything about that in my speech to you today. The Treasurer has done a sterling job for a large number of years for us and I have not criticised her in any way.
455 Any criticism I have raised has been, in my opinion, directed at the Finance and Resources Committee, who 12 months ago should have started the process of looking for a replacement. That is the issue that I have had, supported by Conseiller Ventress.

I am delighted if I am a dark force, sir. I might be in *Star Wars* next year – you never know!

460 We have also just had, in the summing up by Conseiller Moerman, that they are actually going to be looking at changing our tax system. Why don't we know anything about that?

The Speaker: But that is not the issue –

465 **Conseiller Guille MBE:** The only thing we have got in here –

The Speaker: That is not actually in front of us tonight, anyway.

Conseiller Guille MBE: It isn't, sir, but I did not raise it; it was raised by Conseiller Moerman. Chief Pleas does not know about this review of the tax system, other than if you happen to have
470 read the appendix and picked it up, as I did. Thank you very much indeed for your indulgence.

The Speaker: I have now got two more. Conseiller Robert Cottle first, and then Conseiller Sebastien Moerman.

475 **Conseiller Cottle:** Thank you, sir.

I take on board what Conseiller Guille has said about no intention to say anything about the current Treasurer and praise for her past work, and I understand completely and agree with that.

480 There was a request that we change the Proposition to a salary rather than £15 per hour. We do not wish to do that because this is a proposal for a transitional period of six months. We cannot be sure how many hours it will take for the Deputy Treasurer to fulfil the parts of the role that she will be undertaking while there are other people available as well, so we do not want to be possibly pinning her down to a salary which then means that she has to do way more hours than she is expecting and suddenly find that she says that she cannot cover all the work in 15
485 hours and we would have to review that. There is no reason why that cannot be an ongoing discussion between the Committee and the Deputy Treasurer to make sure that she is comfortable in the role and able to fulfil it within the hours she is able to give to the role and to the satisfaction of everybody.

490 There is no intention to make it difficult for anybody or undercut the job or whatever. We have done the assessment based on what we put in the Budget for next year, which was £24,200 and my sums basically come to 15 hours at £15 per week, which gives a basis for the Deputy Treasurer of £10,500 for the year. We have also got, at the hourly rate we have got for the oversight from Guernsey fiscal policy, a budget of £10,800 for the number of hours for the six months, giving a couple of weeks of holiday, and that leaves us with a contingency for the
495 support from the current Treasurer, if needed, of £2,900. That brings us to the total of £24,200. That is the basis of that, but there is some flexibility in all that because we are having to do this.

500 It has been said that we have not started thinking about a new Treasurer early enough. We did. We started, at least two and a half years ago, thinking who could we get. Our first thought was we would look for a Deputy Treasurer and train them up, and at that point it seemed a quite reasonable thing to do. We advertised once and got nobody; nobody on the Island at all applied. We were going to advertise again and ended up twisting the arm of the current Deputy Treasurer, who agreed she would give it a go and see where it went. In that time we said, 'Should we be advertising? Is there any point in advertising on the Island?' and we came to the

505 conclusion ... It is a small Island and we know what people's qualifications are – it is a small
world – and in the end we came to that conclusion. If we have been negligent in pursuing the
right person, qualified, absolutely the right person on the Island, then I suppose we should
apologise, but I do not think we would have got anywhere by doing it. We have given it a lot of
thought this year and we have brought this Proposition. We have no other Propositions, so if we
do not carry this then I am not quite sure where we are. So that is what we are putting before
510 you.

Was there any other question that I needed to answer? I cannot think of anything else,
having rambled on like that, so I will sit down now. Thank you.

The Speaker: Thank you – that is not just for sitting down.
515 Conseiller Sam La Trobe-Bateman.

Conseiller La Trobe-Bateman: Thank you.

I think if these Propositions came a year ago I would have voted against, but because we are
so late in the day I think we have got no other choice but to vote for, so I will be supporting but
520 very reluctantly.

The Speaker: Thank you.
Conseiller Stephen Taylor.

525 **Conseiller Taylor:** I would like to agree with what Sebastien and Conseiller Bateman just said,
and also I think it is important to note that I agree again with Conseiller Bateman that it is a
shame it has taken so long, but now we are in a position where we do have the current
Treasurer resigning and there is quite a lot to do, and I think on the proposals here they are all
temporary, for a fixed period of months.

530 I think to vote against this Proposition would leave us in a very precarious position. Bearing in
mind they are temporary positions, we will be able to consider, hopefully, from Finance and
Resources in the short to medium term and have the ability to make further decisions on what is
an appropriate structure for Treasurer, Deputy Treasurer etc.

Thank you, sir.

535 **The Speaker:** Thank you.
Conseiller Reg Guille again.

540 **Conseiller Guille MBE:** I raised the issues that I did because I felt they needed airing. We have
had a robust debate, I think, although the majority of the Assembly has been silent. However, I
will be supporting the Propositions because we have no other option at this late stage in the
day. We are less than a month away from the Treasurer resigning, therefore I will be supporting
the Propositions but I will be watching very carefully what happens over the next six months
with regard to the future of the Treasurer role on the Island.

545 Thank you, sir.

The Speaker: Thank you.
Conseiller Rob Cottle again.

550 **Conseiller Cottle:** Can I just say one last thing which suddenly occurred to me, or it was
asked, and that was the taxation matter. It is correct that Finance and Resources Committee
considers taxation. To suggest that we should not be doing it without telling everybody we are
going to do it first seems a bit daft to me. What we are doing is we have got the opportunity to
have a very qualified person to look at the options for us, make suggestions to us and we will
555 consider what may be appropriate for the Island out of whatever he brings to us, and if anything

comes out of it we will bring it to the House for the normal debate and discussion, and nothing will be put in place without the normal process. So do not expect your taxes to be changing any time soon.

Thank you.

560

The Speaker: Conseiller Sam La Trobe-Bateman, following by Conseiller Ventress.

Conseiller La Trobe-Bateman: Just a quick question: will this appointment need to be an appointment by Chief Pleas or just by the Committee?

565

Conseiller Cottle: Could I ask you to clarify which one you are talking about?

Conseiller La Trobe-Bateman: The chartered accountant, the off-Island accountant.

570

Conseiller Cottle: It is a contract between Finance and Resources Committee and Guernsey States. If it is approved by the House tonight, then we will undertake the contract. It will be a straightforward hourly rate for services received.

The Speaker: Conseiller Anthony Ventress.

575

Conseiller Ventress: Just to correct a previous speaker, Proposition 3 is not a temporary appointment; the other two are.

The Speaker: Okay. Conseiller Sebastien Moerman.

580

Conseiller Moerman: That will be for a period of six months. (*Interjection*) It is in the Report. I just wanted to reiterate to Conseiller Guille on the taxation that it is obvious we have expenditure going like that and we have tax returns going like that with people leaving the Island with the economy, so there will have to be consideration about our tax system but he can rest assured that the House will be fully informed and consulted.

585

Thank you.

The Speaker: Okay. We will move to the Proposition ... Conseiller Sandra Williams.

590

Conseiller Sandra Williams: I just wanted to come back on what Conseiller Cottle said and then Conseiller Moerman has just said too. I can begrudgingly agree to having an off-Island person to come and oversee the books, but I would not like to think we were paying £450 an hour to someone to come over here (*Interjection*) – £450 a day to review the tax system.

595

The Speaker: Do you wish to respond to that, Conseiller Moerman?

Conseiller Moerman: I am sorry, do you know the average rate of a qualified accountant of that level in Guernsey is between £500 and £700 an hour?

600

Conseiller Sandra Williams: Yes, but we started off being asked to agree that we would have somebody here, an experienced person, a chartered or management accountant, to oversee what was going on in the office, and now, all of a sudden, we are being told later on in the Report that he is going to be asked to determine a new system regime for us while he is here, which seems to me a very expensive way of dealing with it.

605

The Speaker: Conseiller Rob Cottle.

610 **Conseiller Cottle:** Fiscal policy and taxation policy is complex. It is not the sort of thing that Finance and Resources Committee, nor indeed the current Treasurer, have experience of. It is a high-level skill that we are hoping to take advantage of as part of the work that will be undertaken during that six months' period. It is not the aim of engaging this person; it is to do an overall financial look at Sark and advise how we could do things better, be more efficient and have alternative ways of looking at what we do, how we raise money and how we spend it. It is the role of a professional person to do that and we believe this is the right person, which is why we want to take the opportunity.

615 Thank you.

The Speaker: Can we now move to the Propositions.

620 Proposition 1: That Chief Pleas notes that the Deputy Treasurer, Mrs Lynda Higgins, will perform all the duties and exercise all the powers of the Treasurer under the Reform (Sark) Law, 2008 (as amended) during a vacancy in the office of Treasurer – see (Section 51 (3) (a) (b)), pending the appointment of a professionally qualified Treasurer, and that the remuneration for the Deputy Treasurer shall be £15.00 per hour during this period of vacancy.

We have been asked for a named vote. Greffier.

There was a named vote.

Carried – Pour 19, Contre 0, No Vote 0

POUR	CONTRE	NO VOTE
Conseiller Diane Baker	None	None
Conseiller Edric Baker		
Conseiller Peter Byrne		
Conseiller Charles Maitland		
Conseiller Nicolas Moloney		
Conseiller Elizabeth Norwich		
Conseiller Helen Plummer		
Conseiller William Raymond		
Conseiller Stephen Taylor		
Conseiller Robert Cottle		
Conseiller Antony Dunks		
Conseiller Reginald Guille MBE		
Conseiller Peter La Trobe-Bateman		
Conseiller Sebastien Moerman		
Conseiller Cormac Scott		
Conseiller Anthony Ventress		
Conseiller Paul Williams		
Conseiller Sandra Williams		
Conseiller Pauline Mallinson		

The Speaker: That is carried by 19 votes Pour and none Contre.

625 We now to go Proposition 2: That Chief Pleas enters into a consultancy agreement (a copy of which is attached to this joint report as Appendix 2) with Mrs Wendy Kiernan. Again, a named vote has been called for.

There was a named vote.

Carried – Pour 19, Contre 0, No Vote 0

POUR	CONTRE	NO VOTE
Conseiller Diane Baker	None	None
Conseiller Edric Baker		
Conseiller Peter Byrne		
Conseiller Charles Maitland		
Conseiller Nicolas Moloney		
Conseiller Elizabeth Norwich		
Conseiller Helen Plummer		
Conseiller William Raymond		
Conseiller Stephen Taylor		
Conseiller Robert Cottle		
Conseiller Antony Dunks		
Conseiller Reginald Guille MBE		
Conseiller Peter La Trobe-Bateman		
Conseiller Sebastien Moerman		
Conseiller Cormac Scott		
Conseiller Anthony Ventress		
Conseiller Paul Williams		
Conseiller Sandra Williams		
Conseiller Pauline Mallinson		

The Speaker: That is carried with 19 votes Pour and nil Contre.

630 Proposition 3: That a suitable qualified and experienced person, either a Chartered or Management Accountant, is engaged from off island (see Appendix 1 for outline terms). Again, a named vote has been called for. Greffier.

There was a named vote.

Carried – Pour 14, Contre 5, No Vote 0

POUR	CONTRE	NO VOTE
Conseiller Peter Byrne	Conseiller Diane Baker	None
Conseiller Charles Maitland	Conseiller Edric Baker	
Conseiller Nicolas Moloney	Conseiller Helen Plummer	
Conseiller Elizabeth Norwich	Conseiller Anthony Ventress	
Conseiller William Raymond	Conseiller Paul Williams	
Conseiller Stephen Taylor		
Conseiller Robert Cottle		
Conseiller Antony Dunks		
Conseiller Reginald Guille MBE		
Conseiller Peter La Trobe-Bateman		
Conseiller Sebastien Moerman		
Conseiller Cormac Scott		
Conseiller Sandra Williams		
Conseiller Pauline Mallinson		

The Speaker: That is carried with 14 votes Pour and 5 Contre.

**5. Isle of Sark Shipping Company Directors –
Harbours and Shipping and Finance and Resources Joint Report considered –
Propositions carried**

To consider a Joint Report with Propositions from the Harbours and Shipping and Finance and Resources Committees entitled 'Isle of Sark Shipping Company Directors'.

Proposition 1

That Chief Pleas approves that Mr Yan Milner be appointed to the post of Full Time Executive Director commencing 8th December 2017 at a gross annual salary of £51,600.

Proposition 2

That Chief Pleas approves that Colonel Richard Graham be appointed to the post of Non-Executive Director for a further term of 3 years commencing 1st November 2017.

The Speaker: We go to Agenda Item 5: To consider a Joint Report with Propositions from the Harbours and Shipping and Finance and Resources Committees entitled 'Isle of Sark Shipping Company Directors'.

Conseiller Sandra Williams to introduce the Report.

Conseiller Sandra Williams: Thank you, sir.

I am just going to pass this Report straight over to Conseiller Robert Cottle, please.

The Speaker: Okay. Conseiller Robert Cottle.

Conseiller Cottle: Thank you, sir. Firstly, I would like to make two thank-yous.

We are very grateful to Mr Yan Milner for agreeing to step in as caretaker manager since August of this year, ensuring that the ferries have kept running well and maintaining the operations of the company while we have considered how to put something more permanent in place. I particularly want to thank him for his patience and for just getting on with doing his job.

Also, I would like to thank Mrs Julie Mann, who, as explained in the Report, does not wish to serve a further term as non-executive director, and her current term ends at this meeting so I will repeat the thank you to Julie that is in the Report for nine years of committed service to the Isle of Sark Shipping Company. I am sure we would all agree with that, (**Several Members:** Hear, hear.) that Julie Mann deserves a thank you from Chief Pleas.

The purpose of this Report is to propose two appointments. Firstly, that of Colonel Richard Graham for a further term of three years as non-executive director, having served two one-year terms to date. His continued willingness to fill this role is appreciated and we request support for his reappointment.

Then there is the proposed appointment of the Executive Managing Director to fill the vacancy. Mr Milner is eminently suitable for the appointment to this role. He was recommended to Chief Pleas by Mrs Mann as being the man who could carry out a review of our lifeline shipping company in 2014 and has been with the company since October that year. He acted as caretaker manager while carrying out an 18-month review and then was appointed as Marine Operations Manager with business development responsibility after that time. Mr Milner has demonstrated his great knowledge and understanding of the running of a shipping company during that time and also his ability to make decisions and to implement change when needed. The Board of Directors of Sark Shipping have approached us, rightly concerned about the absence of a managing director and the potential implications of that, particularly as the only other executive director is only part time in a finance capacity. We fully understand that concern and agree with their recommendation that Mr Milner should be proposed for the appointment

670 as full-time managing director. As the Report says, the board consider him an outstanding candidate with great knowledge of the company and of the industry and that he is committed to the success of the company for the benefit of Sark.

675 Further to that, I have received the provisional financial figures ended 30th September this year, and while it has been a difficult year in some ways for the company, I can report that, subject to confirmation and audit, the company has recorded an above-budget profit again. That has been possible due to the team effort that goes into running the service, led by the organisational skills of Mr Milner.

680 There are going to be great challenges to the company soon, the most pressing being maintenance of the fleet, complying with changing regulations and licensing requirements and vessel replacement. The *Bon Marin* does not have a long-term future, due to compliance issues, and this has to be addressed very soon. Discussions have been started, including the masters of the vessels in that discussion, and Mr Milner has advised that the fleet structure and specific vessel requirements is a vitally important element for the company and for the Sark economy and a snap decision is not an option – the *Condor Liberation* purchase being a lesson from that point of view. He says:

I would expect the scoping, business plan, cost and finance part of the project of replacement to take between six to 12 months, and then possibly 12 to 18 months for the acquisition of a replacement.

685 Mr Milner's ability to take that forward is our best way of making sure that the company does not get caught out. His knowledge and experience is very valuable to the Island's lifeline service and the board of directors have recommended the salary in the Proposition to reflect that value and as appropriate and affordable within the company budget. That salary is supported by the two Committees. It is also appropriate when comparison is made with
690 previous director remuneration, as set out in the Report, and also for the responsibility of the position.

Finance and Resources Committee and Harbours and Shipping Committee request that you approve the appointments as set out in the Propositions to ensure the continued future success of our lifeline shipping service.

695 Thank you.

The Speaker: Thank you.

Conseiller Sebastien Moerman, you are a joint signatory to the motion – do you wish to speak at the moment?

700

Conseiller Moerman: No, sir.

The Speaker: Okay. Does anybody else wish to raise any questions or comments? Conseiller Reg Guille, followed by Conseiller William Raymond.

705

Conseiller Reg Guille.

Conseiller Guille MBE: Whilst I am in support of the proposals set out in the Report, may I ask what is Mr Milner's current salary in his role as Marine Manager, so that we can work out the uplift to the new salary as the managing director, effectively one combining his old role and that of the managing director previously filled by the late Mr Paul Garlick prior to his dismissal by Chief Pleas?

710

I would ask a further question regarding Captain Peter Gill, one of the four NEDs. Now that he has been elected a Jurat of the Royal Court – and may I, on behalf of Chief Pleas, offer our congratulations to him on being elected to that prestigious new role – will he be required to stand down as an NED? Is there any conflict there?

715

Thank you.

The Speaker: Conseiller William Raymond.

Conseiller Raymond: Thank you, sir.

720 Just a quick question on the contractual terms that may be contemplated: will this be a contract for services for a fixed period, or will it be a rolling contract subject to three months' notice on either side at any time?

The Speaker: Does anybody else wish to speak?

725 Can I ask Conseiller Rob Cottle to respond, please.

Conseiller Cottle: Thank you, sir.

730 The question of Peter Gill and his appointment as a Jurat, which I am pleased to hear about – I do not know that answer to that. I will find out and obviously if there is a conflict then we would have to do something about it, but I do not know is the answer.

735 The current salary question: we have to approve the salary of the directors of Sark Shipping, so this is being brought to Chief Pleas. I think it is in the M&As or the MoU – I will not say which, in case I get it wrong, but it is in there – that we have to bring it to Chief Pleas, so that is what we are doing. I do not know what the current salary of Yan Milner is because that is a company appointment. I do not know if I need to or should disclose that salary in Chief Pleas, but at the moment I do not have that answer.

740 The third question, from Conseiller Raymond: the proposal is a permanent appointment. There will be the normal terms and conditions within the contract that is drawn up. The final contract will be drawn up and approved by the board and it is an appointment by the board to appoint the managing director. There obviously will be terms of notice within the contract, but that is not something we are asked to consider in this Report.

Thank you.

745 **The Speaker:** Anybody else? In that case, we will move to Proposition 1: That Chief Pleas approves that Mr Yan Milner be appointed to the post of full-time Executive Director commencing 8th December 2017 at a gross annual salary of £51,600. Those in favour; any against. That is **carried**.

750 Proposition 2: That Chief Pleas approves that Colonel Richard Graham be appointed to the post of Non-Executive Director for a further term of three years commencing 1st November 2017. Those in favour; any against. That is **carried**.

6. Committee elections –

Conseiller Pauline Mallinson elected to Finance and Resources Committee

To elect Conseillers to Committees, as required.

The Speaker: We now go to the addendum, which adds one more Item on to the Agenda, Committee elections: To elect Conseillers to Committees, as required.

There is a vacancy on the Finance and Resources Committee and I have received one nomination: Conseiller Pauline Mallinson. Are there any nominations from the floor?

755 In that case, I declare Conseiller Pauline Mallinson to be elected to serve on the Finance and Resources Committee and congratulate her. You got there in the end!

Conseiller Guille MBE: Sir, do we not have to vote her in? Thank you.

760

The Speaker: Well, I am quite happy to vote, but it seems absurd to be voting on one person. All those in favour; any against. Right, that is **carried**.

That concludes the business of this, our 14th meeting of Chief Pleas this year. I would just request that we do not have so many next year – I would like some of my life back! Okay?

I am closing the meeting at 20 past eight. Greffier, the Prayer, please.

PRAYER

The Greffier

Chief Pleas closed at 8.20 p.m.