



OFFICIAL REPORT

OF THE

EXTRAORDINARY (EMERGENCY)

MEETING OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Island Hall, Sark, Wednesday, 28th November 2018

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

Volume 4, No. 7

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

Deputy Treasurer

Mrs L Higgins

Constable

Mr M Fawson

Vingtenier

Miss A Diaper

Conseillers:

Diane Baker
Edric Baker
Helen Plummer
William Raymond
Alan Blythe
Reginald Guille MBE
Peter La Trobe-Bateman

Sebastien Moerman
Christopher Nightingale
Anthony Ventress
Paul Williams
Sandra Williams
Pauline Mallinson

Business transacted

Procedural	5
Welcome to His Excellency ADC Major Marco Ciotti	5
Apologies for absence	5
Funeral of Conseiller Stephen Taylor	5
Resignation of Conseiller Nicolas Moloney	6
Procedural – Electronic devices.....	6
Business of the Day	6
1. Michaelmas Meeting, 3rd October 2018 – No matters arising	6
2. Extraordinary Meeting, 10th October 2018 – Matters arising	6
3. Electricity Issues – Policy & Finance Committee Report considered – Propositions carried	6
4. Major Incident Command Structure – Policy & Finance Committee Report considered – Propositions carried	10
<i>Chief Pleas closed at 7.21 p.m.</i>	11

PAGE LEFT DELIBERATELY BLANK

Extraordinary (Emergency) 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 13 Conseillers, the Seigneur and the Speaker of Chief Pleas present.

Procedural

5 **The Speaker:** Apologies for the slow start. Also apologies for the report that has just been circulated – there are not enough for the Public Gallery because we have run them off on a rather cranky little machine in the office, having only received it a couple of hours ago.

Firstly, may I apologise for the extremely short notice – I seem to be doing that on a regular basis.

10 May I also explain to members of the public that this is not a public meeting; it is a formal Meeting of Chief Pleas, at which only Members will speak.

Welcome to His Excellency ADC Major Marco Ciotti

The Speaker: The Lieutenant-Governor is unable to attend due to other commitments, but I am pleased to welcome His Excellency ADC Major Marco Ciotti, who is in the Gallery.

Apologies for absence

The Speaker: I have apologies from Conseiller Roger Norwich, who is in hospital. I am sure we would all wish him a speedy recovery.

Funeral of Conseiller Stephen Taylor

15 **The Speaker:** On a sadder note, you will all be aware of the sad loss, the sad death of Conseiller Stephen Taylor. His funeral is due to take place at 12.30 p.m. on Friday, 30th November at St Peter's Church, and I will say more about his service to the Island at the Extraordinary (Special) Meeting of Chief Pleas to be held on 11th January 2019.

Resignation of Conseiller Nicolas Moloney

20 **The Speaker:** Since our last Meeting I have received Nick Moloney's resignation from Chief Pleas and I will say more about his service at the Extraordinary (Special) Meeting on 11th January 2019.

**Procedural –
Electronic devices**

The Speaker: Now in accordance with the Rules of Procedure, I would remind all present that mobile phones, cameras, recording devices and other electronic equipment should be switched off now, less for those allowed to Chief Pleas Members in accordance with Rule 18.

Business of the Day

**1. Michaelmas Meeting, 3rd October 2018 –
No matters arising**

Matters arising from the Michaelmas Meeting held on Wednesday, 3rd October 2018.

25 **The Speaker:** We go to Agenda Item 1, Matters arising from the Michaelmas Meeting of Chief Pleas held on Wednesday, 3rd October.
Are there any matters arising?

**2. Extraordinary Meeting, 10th October 2018 –
Matters arising**

Matters arising from the Extraordinary Meeting held on Wednesday, 10th October 2018.

30 **The Speaker:** In that case we go to Agenda Item 2, Matters arising from the Extraordinary Meeting of the Chief Pleas held on Wednesday, 10th October 2018.
Are there any matters arising?

**3. Electricity Issues –
Policy & Finance Committee Report considered –
Propositions carried**

To consider a Report with Propositions from the Policy & Finance Committee entitled 'Electricity Issues'.

Proposition 1:

That Chief Pleas instructs the Policy & Finance Committee to engage reporting accountants and specialist valuers to conduct due diligence on Sark Electricity Holdings Limited and its

subsidiary company and/or any other relevant person with a view to a negotiation for the acquisition of the company and/or any assets which are needed to ensure continuity of the supply of electricity to the people of Sark. The due diligence to include the preparation of a current statement of affairs including the up to date valuation of all assets and details of all outstanding liabilities including those relating to any pension fund.

Proposition 2:

That the Policy & Finance Committee reports back to Chief Pleas at as early a date as possible but no later than the Easter Meeting 2019, with a recommendation that, following agreement with the shareholders of Sark Electricity Holdings Limited and/or any other relevant person, a purchase of the Company and/or any assets as described in Proposition 1 should be made by Chief Pleas.

Proposition 3:

That the Policy & Finance Committee, in due course, confirm to Chief Pleas the details of the financial arrangements necessary to enable the purchase to be completed.

The Speaker: In that case we go straight to Agenda Item 3. For those members of the public who want copies, there are copies available, and it will also be on the website, hopefully within the next hour or so.

35 Agenda Item 3, to consider a Report with Propositions from the Policy & Finance Committee entitled 'Electricity Issues'.

Conseiller William Raymond ... Sorry, Conseiller Reg Guille.

40 **Conseiller Guille MBE:** I have been given the one point, sir, but if I can cast it across to Conseiller Raymond ...

The Speaker: We will put you in charge of the bouncing ball, if you like!
Conseiller William Raymond.

Conseiller Raymond: Is this where we ... *[Inaudible]? (Laughter)*

45 Following the statement by the Director of Sark Electricity that he intends to terminate the electricity supply to the Island from 30th November, much work has been undertaken to deal with the incident this will create. The Island Emergency Services have been working with Bailiwick authorities to plan necessary measures and the Ministry of Justice has been kept informed.

50 Whilst planning for the effect of the emergency that may be created, negotiations have been continuing to seek an agreed resolution to the potential problem. These negotiations have not been exclusively by Members of Chief Pleas, but have included the Seigneur and the Lieutenant-Governor.

55 The negotiations have been continuing today, and the latest email from the Director of Sark Electricity was received at 10 minutes past six this evening. We have considered it. We need further information and we will be going back to him in the morning. Unfortunately, it does conclude at the end that the power may still be turned off on 30th November, and I am very sorry that I have to report that, but that is what the email says.

60 At the root of this problem is the Price Control Order which was issued by the Price Control Commissioner, which is the subject of a legal appeal by Sark Electricity Limited. Chief Pleas as such are not a party to this action. It is very important that everybody knows that we are by-standers in this, although it is our liability under the law to fund the Commissioner's costs.

65 SEL has made requests to Chief Pleas to annul the Price Control Order, but there was no proposition brought and that did not take place. It has also requested £250,000 to fund the company appeal, but again, there was no proposition for it.

The court hearing of the appeal is adjourned until 3rd December, which unfortunately is less than three days after the threatened discontinuance of the supply.

70 The Policy & Finance Committee have considered the possible purchase of the companies, but to date have no financial information on which to base a valuation or indeed to agree a basis for valuation.

75 The bases upon which the Committee has been able to advise Chief Pleas to proceed are contained in the Propositions and, if passed, would be available to the shareholders of the company to accept as an alternative to discontinuing the supply of electricity. For the benefit of those who have not got copies of the Propositions, I will just read them out. We will be reverting to them with the Director of the company again tomorrow morning.

Proposition 1:

That Chief Pleas instructs the Policy & Finance Committee to engage reporting accountants and specialist valuers to conduct due diligence on Sark Electricity Holdings Limited and its subsidiary company and/or any other relevant person with a view to a negotiation for the acquisition of the company and/or any assets which are needed to ensure continuity of the supply of electricity to the people of Sark. The due diligence to include the preparation of a current statement of affairs including the up to date valuation of all assets and details of all outstanding liabilities including those relating to any pension fund.

Proposition 2:

That the Policy & Finance Committee reports back to Chief Pleas at as early a date as possible –

and we have speculated that we will try to achieve this by the middle of February at the latest –

but no later than the Easter Meeting 2019, with a recommendation that, following agreement with the shareholders of Sark Electricity Holdings Limited and/or any other relevant person, a purchase of the Company and/or any assets as described in Proposition 1 should be made by Chief Pleas.

Proposition 3:

That the Policy & Finance Committee, in due course, confirm to Chief Pleas the details of the financial arrangements necessary to enable the purchase to be completed.

Those are Propositions on which we hope that we can debate and then we will receive approval today and they can then be dealt with as part of the negotiations going forward.

80 **The Speaker:** Conseiller William Raymond, can I just ask you to clarify this: in Proposition 2, I assume that there was an additional piece of explanation there that is not actually part of the Proposition.

85 **Conseiller Raymond:** Can you be more specific?

The Speaker: I have the Proposition in front of me but it does not include your ... certainly no explanation –

90 **Conseiller Raymond:** I am sorry. Yes, I added that in. We *hope* to be able to do it by the middle of February.

The Speaker: But does that comprise part of the Proposition?

95 **Conseiller Raymond:** No, I am terribly sorry. I was ad-libbing!

The Speaker: I am easily confused!

Right, that is the Item moved. Can I ask if there are any questions from the floor or any debate, if anybody wishes to say anything on what has been said so far?

Conseiller Diane Baker.

100

Conseiller Diane Baker: I would just like to ask if the Sark Electricity Holdings Limited and its subsidiary company have agreed to give all the information needed to the people concerned, so that a valuation can be put on the company.

105 **Conseiller Raymond:** Without that information, nothing can proceed, so we think it is implied.

Conseiller Diane Baker: Sorry, you think it is ...?

110 **Conseiller Raymond:** Implied.

Conseiller Diane Baker: Implied.

115 **The Speaker:** Does anybody else wish to comment?
Conseiller Sandra Williams.

120 **Conseiller Sandra Williams:** I would like to thank Conseiller William Raymond for bringing us up to date with where we are here, but I cannot hide the fact that I am disappointed in what we are reading here this evening. I had hoped and the majority of the Island hoped that they would come here this evening to find out that actually we were not going to have the electric turned off on Friday, and that we were going to find our way forward. I would like to appeal to Sark Electricity Company to give us time to do that and leave our power switched on, please.

125 **Conseiller Raymond:** I can only quote from the email which was timed at 10 past six this evening in which the Director says: 'We will continue providing electricity until Friday p.m. to give time for these negotiations to complete. If they complete successfully, we will continue. Otherwise we will stop to enable us to go to court on Monday.'

130 **The Speaker:** Thank you. Anybody else?
Conseiller Sebastien Moerman.

Conseiller Moerman: Thank you, sir.

135 There is a very good song called, *I don't bend*. I would support Proposition 1 because if the professional evaluation on this company was made possible, I would suspect that we will not even have to look at Propositions 2 or 3. So I will support Proposition 1, but I really do not think that buying this company is a solution for the people of Sark.

Thank you.

The Speaker: In that case, we will move into the Propositions. Proposition 1:

That Chief Pleas instructs the Policy & Finance Committee to engage reporting accountants and specialist valuers to conduct due diligence on Sark Electricity Holdings Limited and its subsidiary company and/or any other relevant person with a view to a negotiation for the acquisition of the company and/or any assets which are needed to ensure continuity of the supply of electricity to the people of Sark. The due diligence to include the preparation of a current statement of affairs including the up to date valuation of all assets and details of all outstanding liabilities including those relating to any pension fund.

140 Those in favour; against. That is **carried**.
Proposition 2:

That the Policy & Finance Committee reports back to Chief Pleas at as early a date as possible but no later than the Easter Meeting 2019, with a recommendation that, following agreement with the shareholders of Sark Electricity Holdings Limited and/or any other relevant person, a purchase of the Company and/or any assets as described in Proposition 1 should be made by Chief Pleas.

Those in favour; those against. That is **carried** by a substantial majority.

Proposition 3:

That the Policy & Finance Committee, in due course, confirm to Chief Pleas the details of the financial arrangements necessary to enable the purchase to be completed.

Those in favour; any against? That is **carried** by a substantial majority.

**4. Major Incident Command Structure –
Policy & Finance Committee Report considered –
Propositions carried**

To consider a Report with Propositions from the Policy & Finance Committee entitled ‘Major Incident Command Structure’.

Proposition:

That Chief Pleas approve the Command Structure and other measures given in this Report.

145 **The Speaker:** We now go to Agenda Item 4, to consider a Report with Propositions from the Policy & Finance Committee entitled ‘Major Incident Command Structure’.
Conseiller Reg Guille to introduce this Item.

Conseiller Guille MBE: Thank you.

150 This Major Incident Command Structure is not new. There has been a Major Incident Command Structure in place in Sark for a least 10 years. Obviously with the threat of a disconnecting of the electricity supply, the Major Incident paperwork/documentation between us and Guernsey was reviewed and there have been some minor changes made to the structure.

155 Gold Command originally was being convened by the Seneschal, the President and then the Speaker of Chief Pleas. However, we have been advised that it should be a political procedure of command and therefore three Members of Chief Pleas have been nominated to be on that gold Command. They are myself from Policy & Finance; Conseiller Helen Plummer from Medical & Emergency Services; and Conseiller William Raymond, also from Policy & Finance.

160 The Silver Command (Tactical), as you can see from the report, that is for Mrs A Sturman, Maj. C M Beaumont and K N Adams. We are very fortunate to have Mrs Sturman here with us for this, what we hope will not be a requirement, but she has a vast experience in the Police of operating at very high levels of command. Two of the incidents that she did work on were the *Marchioness* disaster and one of the bombings in London.

165 So with that Command Structure in place, residents have seen information ... with regard to electricity being switched off. That is a command post will be in the Hall.

Gold Command will have to declare an incident, if the electricity is switched off and then the Civil Emergencies Authority, who have a regulation ready to be implemented, will swing into effect and immediately thereafter the civil contingencies will be put into place on Sark.

I am happy to take questions.

170

The Speaker: Are there any questions or discussion on Item 4?

Nobody is indicating. In that case I will go straight to the Proposition:

That Chief Pleas approve the Command Structure and other measures given in this Report.

Those in favour; those against. That is **carried**.

175 Before I close the Meeting, I have to acknowledge all those who have put in so much work behind the scenes: firstly to Sandra Williams and the staff of the Hall for arranging this meeting at very short notice and to Ray Lowe for organising the PA system.
I now close the Meeting.

PRAYER
The Greffier

Chief Pleas closed at 7.21 p.m.