

Minutes of the Meeting of the Executive Council held on 17<sup>th</sup> October 2017 at 9.30 am in the Council Chamber

Present: Her Excellency the Governor (Ms L Phillips)  
The Chief Secretary (Hon R D Burke)  
The Financial Secretary (Hon D L Richards)  
The Acting Attorney General (Mrs C Cooper)  
The Hon A A Green  
The Hon L A Henry  
The Hon C L Scipio-O'Dean  
The Hon D F Thomas  
The Hon R K Yon

In attendance: Head of the Governor's Office (Ms L MacMorran)  
Chief Secretary Designate (Mrs S O'Bey)  
Acting Assistant Chief Secretary (Support) (Mrs C A George)  
Clerk of Councils (Miss L H Buchanan)

Overseas: The Hon Attorney General (Hon A Berbotto)

**OPEN SESSION**

5.1 Welcome

HE the Governor welcomed all present including the members of the public who were observing. Special mention was given to the successful inaugural commercial flight that took place over the previous weekend. HE the Governor added that Executive Council would be pivotal in implementing key decisions that will impact the Island's future going forward; some people might be worried about the changes but it was the role of the Island's leaders to reassure them of the bright new future for the Island.

5.2 Application for Outline Development Permission to Establish an Acute Secure Mental Health Inpatient Unit within the Jamestown Hospital Complex (ExCo Memo 63/2017)

The Chief Planning Officer, Riana de Wet was present for this item and gave Executive Council a presentation on the outline development permission request. Head of Technical Services, David Goodrick was also in attendance on behalf of the applicant. She showed the Members the site that had been suggested for the development of the Mental Health Unit. She also highlighted that other areas around the proposed site could be excavated as access to the actual site would be needed, but that this would be dealt with once the full development permission is sought. Members noted that Connect infrastructure lay beneath the proposed site. It was asked by the Governor, whether the Prison had been consulted during the process as they were looking to have a 'safe cell' for any prisoner with mental health issues to be properly catered for in a safe and secure environment. Discussions had taken place but it had been agreed that it was not suitable for a prisoner to be housed in the proposed Mental Health Unit and that further discussions need to be had on the Prison needs. All agreed that as patients are currently being housed overseas, away from their families and at great expense to SHG, this proposal was very positive and a much needed step towards better facilities on

Island. Questions were however raised about the size of the proposed facility, with queries as to why there was not a second storey on the building. It was explained that if there were two storeys to the building, it would mean that a greater number of staff would be needed to monitor the patients inside. The Working Group had decided that a single storey building would be sufficient for the needs of St Helena. The question of sufficient land around the proposed site to allow for emergency access was also raised and it was confirmed by David Goodrick that this would be possible.

After some discussion, it was agreed that the period for which this outline development permission, was insufficient since funding has not yet been sourced for the project. Therefore, Council advised and the Governor agreed to grant the outline development permission for the Acute Secure Mental Health Inpatient Unit within the Jamestown Hospital Complex, but to extend the duration of the permission from one to two years, which was permitted in the Land Development Control Ordinance.

### 5.3 Discharge of Rupert's Wharf Planning Condition 1 (ExCo Memo 65/2017)

The Chief Planning Officer (CPO), Riana de Wet was present for this item, which was introduced by the Financial Secretary. The CPO made it clear that there were provisions in Section 30 of the Land Planning and Development Control Ordinance for Planning to amend or add conditions to decision notices and accordingly has added a condition to the Rupert's Wharf development. Condition 11 had been added to state:

- a) Approval by the Governor-in-Council of Standard Operating Procedures shall be obtained before operations in accordance with the Standard Operating Procedures are permitted; and
- b) The completion of all outstanding Mitigation Measures, as per the various assessments conducted, including the WA Fairhurst report, and approved by Governor-in-Council, before any further use is permitted.

Members still felt that there were still significant concerns of the risk of rockfall, but that the Wharf needed to be brought into use to enable the loading and unloading of shipping containers. It was explained that the discharging of Conditions 1 -10 would allow the partial use of Rupert's Wharf and that Condition 11 could only be satisfied once Conditions 1-10 were discharged.

Following discussion, Members agreed to make one amendment to the Standard Operating Procedures, in Section 10.1 on Page 7, inserting the word 'unauthorised' before the statement 'photography is prohibited during cargo operations'.

Council advised and the Governor agreed to discharge Condition 1, which meant that Conditions 1-10 regarding this planning application had now all been discharged, enabling Rupert's Wharf to come into partial use.

#### 5.4 Application for Full Development Permission to Expand the Endemic Nursery (ExCo Memo 66/2017)

This item was withdrawn from the Executive Council agenda as further information received the previous afternoon demonstrated that approval of the development permission by the Executive Council was not necessary.

#### 5.5 Liberated African Remains (ExCo Memo 64/2017)

The Chief Secretary introduced the Memorandum and emphasised the three requests that are being asked of Executive Council. He also highlighted that Members would have seen additional documents that were predominantly letters of support from various bodies for the proposed research.

The first two requests were discussed first; to authorise a loan request from the Museum of St Helena and to grant permission for Howard University to conduct research on the remains. All agreed that the research would provide benefits to the Island, including potential economic growth. However, it was felt that the research method is quite invasive and could the researcher be asked if there is a less intrusive method to retract the DNA from the skulls. All agreed that there would also be a huge educational benefit to St Helena, if this research was conducted, but would like to ask the researcher if an educational booklet can be produced by them outlining the facts from the research. **The Governor agreed that this can be done and the researcher would be asked about these two issues.**

**(Action: Governor)**

It was mentioned that a time limit should be put on the research to allow for the burial of the remains to take place in a timely manner. It was noted that the research was expected to last for 4-5 months.

All members of Executive Council agreed to authorise a loan request made by the St Helena Heritage Society, for display in Jamestown Museum, the artefacts that are currently being held in the International Slavery Museum in Liverpool.

Discussions then ensued on the proposed burial site of the liberated African remains and everyone felt that burial should not take place straight away, as adequate time was required to allow for the research to take place. All felt that this issue should go back to the Working Group, which should be issued with revised Terms of Reference, to ensure the best possible options could come back to Executive Council. The Working Group would be given a deadline of six months to deliver a proposal for the burial of the remains.

Executive Council advised and the Governor agreed that the loan request from the St Helena Heritage Society should be approved as well as the research request from Howard University, USA. The Working Group to be issued with revised Terms of Reference and given a deadline of six months to present new proposals for the internment of the liberated African remains, the timing of which would also be subject to funding availability.

#### 5.6 Legislative Programme

Christine Cooper, the Acting Attorney General presented the Legislative Programme to Executive Council and explained which Bills had already been agreed for presentation as

Government Business at the next formal meeting of Legislative Council in December but that future priorities need to be considered. It was noted that the Freedom of Information Bill and the Data Protection Bill were still the top priorities for the Elected Members but that the current drafts were not suitable and would need to be reviewed and simplified for St Helena's circumstances. However, these might be ready for the third meeting of the Legislative Council, estimated to be held in March 2018.

Members noted that the Vetting Bill is not likely to be ready for the third sitting and would have to be pushed back to a later sitting. There were some new items of business that had recently arisen that would need to be added on to the programme of Bills, including the Charities Bill and National Trust Bill. There was also special mention to the financial Bills that would need to be tabled at a Legislative Council meeting early next year to ensure they can come into effect by 1<sup>st</sup> April. **A new version of the Legislative Programme would be drawn up by the Acting Attorney General comprising all the additional Bills and would be circulated to all Elected Members, with a view to this being published online for the public to see.**

(Action: Acting Attorney General)

**It was also agreed that the Legislative Programme should be brought back to Executive Council in 2 months' time, along with the Programme of Regulations, which would also firstly need to be updated.**

(Action: Clerk of Council)

#### 5.7 Confirmation of Open Session Minutes of 3<sup>rd</sup> October 2017

The Open Session minutes of the Executive Council meeting held on the 3rd October 2017 were confirmed.

#### 5.8 Matters Arising from Open Session Minutes

##### 5.8.1 – (4.5) The Viability of Trials by Jury on St Helena (ExCo Memo 58/2017)

Work would commence on this once the Attorney General was back on Island.

(Action: Attorney General)

##### 5.8.2 – (4.7) Potential Sites for Proposed New Build Prison (ExCo Memo 59/2017)

The Chief Secretary Designate, Susan O'Bey, stated that the existing Working Group will be called upon to organise the consultation process. **The first meeting of the group will take place in the next few days and the process will be discussed then.** It was also mentioned that the issue of Site 2 possibly lying within the 500m radius of the Radionuclide Station could be mitigated if suitable dust protection measures were put in place, should this prove to be the preferred site.

(Action: Chief Secretary)

## 5.9 Any Other Business (Open Session)

### 5.9.1 Social and Community Development Committee (SCDC) Public Consultation

The Chair of the SCDC stated that the first public consultation went ahead on the Marriage Ordinance, Domestic Abuse Bill and the Welfare of Children (Employment) Bill at the Blue Hill Community Centre the previous evening. He stated that aside from the media, Councillors and the Human Rights Office personnel, there were only two members of public present. All expressed disappointment that there were not more people present, however all were hopeful that more people would attend the meetings that had been arranged in the other districts.

### 5.9.2 Inaugural Commercial Flight

Special mention was made of the momentous occasion that took place over the weekend, and thanks were given to all members of the public who took part with preparations and to those who went to the Airport to see the plane landing. Special thanks were also given to Saint FM for broadcasting the event live.