

Minutes of the Meeting of the Executive Council held on 5th December 2017 at 9.30 am in
the Council Chamber

- Present: HE the Acting Governor (Ms L MacMorran)
The Chief Secretary (The Hon R D Burke)
The Financial Secretary (The Hon D L Richards)
The Attorney General (The Hon A Berbotto)
The Hon Dr C S Essex
The Hon A A Green
The Hon L A Henry
The Hon C L Scipio-O'Dean
The Hon D F Thomas
- In attendance: Chief Secretary Designate (Mrs S O'Bey)
Attorney General Designate (Ms S O'Donnell)
Acting Assistant Chief Secretary (Support) (Mrs C A George)
Clerk of Councils (Miss L H Buchanan)
- Overseas: Her Excellency the Governor (Ms L Phillips)
The Hon R K Yon

OPEN SESSION

9.1 Welcome

The Acting Governor welcomed all present to the meeting and welcomed back all members of Executive Council who had recently been away on Government business. She also noted the absence of Hon R K Yon, who was currently in Brussels attending an Energy Conference, and welcomed the Hon Dr C S Essex who had been appointed a temporary member of Executive Council during his absence.

9.2 Application To Amend The Previously Approved Development Consent 2008 to Relocate the Fuel Pipeline to the Power Station in Rupert's Valley (Exco Memo 71/2017)

Executive Council sat as the Planning Authority for this memorandum. The Acting Director of the Environment and Natural Resources Directorate (ENRD), David Goodrick, was present for this item (representing the Chief Planning Officer) and gave Executive Council a presentation outlining the key points of the planning proposal. He explained that option 1, which has been endorsed by the Planning Authority, was above ground and would therefore require the least amount of excavation, compared with the other options that were available. There was confusion over why the plans for the pipeline have needed to be changed and it was explained by Miles Leask, from Halcrow (who was present in the public gallery), that other options were considered, as the originally proposed route was not included in the Airport Development area and that they had identified other routes that were more suitable.

Following discussion, Council advised and the Acting Governor agreed, that Option 1, which was recommended by the Chief Planning Officer, of the planning application should be approved with conditions.

9.3 Marriage Bill, 2017 (ExCo Memo 76/2017)

The Crown Counsel (Community Care), Mrs Christine Cooper, was present for this item. The Chairperson of the Social and Community Development Committee (SCDC) introduced this memorandum and explained fully the background to this Bill, including the decisions taken by the previous Council. He went on to explain the consultation process that took place and stated that the overall feedback was split between those opposed to the Bill and those who welcomed the change to legislation. He also was able to state that if the Marriage Bill were to be enacted by the Legislative Council at the formal meeting planned for the 19th December 2017, then Regulations would need to be drawn up in order to authorise the different venues that would be able to host marriage ceremonies.

The Acting Governor asked for clarification from the Crown Counsel (Community Care) as to whether the members of Executive Council were bound to support Bills presented as Government Business at Legislative Council if they have supported such Bills in the Executive Council forum. The advice from the Crown Counsel (Community Care) was that it is a convention that Executive Council members vote in favour of Bills that they have supported in Executive Council, but that there is no legal obligation to do so.

All Members were pleased that a thorough consultation had been undertaken by the SCDC and they felt that members of the public had been granted the opportunity to have their say on the matter. A question was raised by the Hon Dr C S Essex about whether we would still be discriminating against a minority group if a member of the Mormon religion came to St Helena and wanted to have a polygamist marriage. The Crown Counsel (Community Care) explained that this is not a group that the UN defines as a discriminatory category and that polygamy is still illegal in UK and most countries in the world.

Members advised and the Acting Governor agreed to approve the Bill to be put forward as Government business at the next sitting of Legislative Council.

9.4 Confirmation of Open Session Minutes of the 17th November 2017

The Minutes of the Open Session of the meeting held on the 17th November 2017 were confirmed, subject to the following amendments:

7.2 Increase in the Minimum Income Standard for the second up-rating of Income Related Benefits and Basic Island Pension 2017 (ExCo Memo 69/2017)

Page 2, line 15 remove the word 'the' and replace with 'on' and remove the letter 'r' from 'haver'. So the sentence reads: 'The press release on Executive Council would have to be worded carefully'.

9.5 Any Other Business

9.5.1 Public Solicitor

The issue was raised as to whether or not there is a substantive Public Solicitor currently in place. The Attorney General was able to state that Helen Scott, currently on Ascension, is presently the Acting Public Solicitor and that an advert for the post was put out for the role on the 20th November. The Attorney General Designate was able to add, that she has been in contact with Corporate Human Resources seeking funding for Helen Scott to come to St Helena until the role is filled. She also stated that as so many of the legal team at the Public Solicitor's Office would be off Island over the next few months, she has asked for a locum lawyer to be appointed during this time. **The Chief Secretary agreed to take up this matter with Human Resources and inform members of any updates.**

(Action: Chief Secretary)

9.5.2 Constitutional Amendment

An update was requested on the progress of the Constitutional Amendment that had been called for by Elected Members. The Attorney General confirmed that he had been in correspondence with the FCO for the format of the amendment and was waiting for a response from them; **he would follow up on this.**

(Action: Attorney General)