

**Minutes of the Meeting of Executive Council held on Tuesday, 11th October 2018 at
9:30am in the Council Chamber**

Present: Her Excellency the Governor (Mrs L Honan)
The Hon Chief Secretary (Mrs S O'Bey)
The Hon Financial Secretary (Mr D L Richards)
The Hon Attorney General (Mrs S O'Donnell)
The Hon A A Green
The Hon L A Henry
The Hon C L Scipio
The Hon D F Thomas
The Hon R K Yon

In Attendance: Clerk of Councils (Miss Anthea Moyce)
Deputy Chief Secretary (Mrs Gillian Francis)

OPEN SESSION

35.1 Welcome

The Governor welcomed all to the meeting. Councillor Kylie Hercules and Councillor Clint Beard were present for the Open Session.

35.2 Public Finance (Amendment) Bill, 2018 (ExCo Memo No. 51/2018)

The Hon Financial Secretary introduced the memo and stated that he had discussed the Public Finance (Amendment) Bill, 2018 with Members at the Chairpersons Assembly meeting on the 9th October 2018. He explained that in seeking to increase the level of advances that can be disbursed by SHG under the Public Finance Ordinance, it was noted that a second amendment needed to be made to ensure compliance with the Constitution. This amendment had been discussed with and supported by the FCO. Thus Council was being asked to consider two amendments to the Public Finance Ordinance.

The first amendment sought to make provision to increase the total amount that can be advanced, from £1,000,000 to £2,000,000 which would give some flexibility to be able to respond to the requirements of different organisations. Regarding the second amendment, it was noted that the Constitution requires that the terms and conditions of any such advance (including guarantees and indemnities) be laid before the Legislative Council for approval before coming into operation. However, the Constitution further provide for legislation to be made to exempt any category of loan from these requirements, in which case the Public Finance Ordinance already provide for certain advances to be exempted whereas the proposed amendment would extend this exemption to all types of advances.

The Hon Financial Secretary highlighted that monies will not be taken from the Consolidated Fund but rather from cash balances held by SHG. Hon Members felt that these amendments could be made providing that a breakdown of the advances be published to demonstrate accountability and transparency, noting that this provision should only apply to business entities and not in respect of personal advances to SHG staff.

Hon Members considered that such publicity should be done via a Sessional Paper twice yearly and should include the name of the organisation and the amount. . It was also agreed that a loan to any one entity should be capped at £500k.

Following discussion Council advised and the Governor agreed that the Public Finance (Amendment) Bill should be printed, published and presented as Government business at the Legislative Council meeting being held on 26 October 2018 subject to the details of any advances made, being set out and laid in a Sessional Paper in accordance with the Constitution, twice yearly.

Council further advised and the Governor agreed that the SHG Financial Regulations should be updated to include a cap of £500,000 on the maximum amount that could be advanced to any one organisation. .

(Action: Attorney General/Clerk of Councils)

35.3 Confirmation of the Open Session Minutes of 18 September 2018.

The open session minutes of 18th September 2018 were confirmed.

35.4 Matters Arising from the Open Session Minutes

35.4.1 (34.3.1) The Legislative Council (Remuneration and Allowances) (Amendment) Bill, 2018

The Chief Secretary stated that the report by the Independent Body regarding the above Bill had been published.

35.4.2 (34.3.2) Increase in the Minimum Income Standard for the Up-rating of Income Related Benefits and Basic Island Pension 2018

The Financial Secretary reported that the Deputy Financial Secretary had informed the Social and Community Development Committee that work had been completed. However, an additional £37,000 is needed. At the initial stage it was envisaged that only £90,000 would be required but after the work had been completed a total amount of £127,000 is needed. Corporate Finance are now waiting to receive the Year end forecasts from the Directorates to see if there are any savings, which can be used to finance the uplift.

(Action: Hon Financial Secretary / Hon Anthony Green)

35.4.3 (34.3.3) Matters Arising from the 2016/17 SHG Financial Statements Audit

The Attorney General advised that work relating to the definition of ‘close of accounts’ was still pending.

(Action: Hon Attorney General)

35.4.4 (34.3.4) Pharmacists (Qualifications) Regulations, 2018

The Chairman of the Public Health Committee reported that the draft regulations would be ready in 4 weeks' time for presentation to Executive Council meeting.

(Action: Hon Derek Thomas)

35.4.5 (34.3.5) Protocols for Recording Executive Council

The Attorney General reported that protocols for recording open sessions of Executive Council meetings had been approved for implementation in the New Year 2019. She further advised that following discussion at Informal Legco and at the Chairpersons Assembly Meeting, it was agreed that the recordings should be edited to capture snapshots of the meeting rather than releasing the whole recording to avoid likely misinterpretation of noises eg coughing and possible financial implications.

(Action: Hon Elected Members / Hon Attorney General)

35.4.6 (34.3.6) Guidelines for Executive Council

The Chief Secretary apologised that she had not presented the revised guide at Chairpersons Assembly. She will liaise with Clerk of Councils to put on the Agenda for the next meeting.

(Action: Hon Chief Secretary)

35.4.7 (34.3.8) Telecommunications (Amendment) Regulations, 2018

The Financial Secretary reported that he had read the ECCC minutes and advised that it was recorded that SHG will expect to see a decrease in Internet charges, once the submarine cable is laid and associated infrastructure is in place.

35.4.8 (34.3.9) Medical Services Overseas (MSO) Contract

The Chairman of the Public Health Committee advised that the Director of Health will be following this matter up with the Head of Procurement, Mr Marc Lockley who is now back on island.

(Action: Hon Derek Thomas)

35.4.9 (34.3.10) Social Impact Assessment (SIA) of the MOU

The Chief Secretary confirmed she is still waiting for Tom Holvey to finalise the draft SIA.

(Action: Hon Chief Secretary)

35.5 Any Other business

35.5.1 Fisheries Legislation

Hon Christine Scipio as Chairman of the SHFC Board requested an update on the drafting of legislation as she was concerned that two years had already passed without much progress.

She mentioned that the Chairman of the Sub Committee and members of the Fisheries Association were also asking for an update. The Hon Attorney General stated that some work had been done but that there were issues around enforcement. She would nevertheless check progress and report back to Executive Council. She further advised that the Legislative Programme had already been circulated to Elected Members for prioritisation and comments. It was suggested that the Hon Attorney Generals' PA, Cilla Isaac should be the point of contact for the Legislative Programme with responsibility for updating the programme in liaison with officers in the AG's Chambers, and forwarding to the Clerk of Councils, so the programme can be discussed every two months at Executive Council Meetings.

Hon Elected Members were asked to review and prioritise the Legislative Programme at an Informal LegCo meeting.

(Action: Elected Members)