

Minutes of the Meeting of Executive Council held on Tuesday, 12<sup>th</sup> February 2019 at  
10.00am in the Council Chamber

Present: Her Excellency the Governor (Mrs L Honan)  
Hon Chief Secretary (Mrs S O'Bey)  
The Hon Financial Secretary (Mr D L Richards)  
The Hon Acting Attorney General (Mr A T Cansick)  
The Hon A A Green  
The Hon L A Henry  
The Hon Ms C L Scipio  
The Hon D F Thomas

The Hon R K Yon

In Attendance: Clerk of Councils (Miss Anthea Moyce)  
Head of Corporate Support (Mrs C A George)

**OPEN SESSION**

40.1 Welcome

The Governor welcomed all present to the first meeting of the Executive Council for 2019, including members of the public that were present.

40.2 Proposed Excision of Parcels TH 020205, TH 020204, TH202203 and TH202202 from Green Heartland Zone to Intermediate Zone following failure to provide compensation by SHG or alternative land as agreed by Land Owners (ExCo Memo No. 60/2019)

The Head of Technical Services (David Goodrick) and Locum Chief Planning Officer (Andrew Chawora) were in attendance for this item.

Chairman of the Environmental and Natural Resources Committee introduced the Memorandum and explained the history of Parcels TH 020205, TH 020204, TH202203 and TH202202, with which Members were familiar.

Hon Christine Scipio requested clarification regarding the Design Brief referred to in "Advice Sought" paragraph of the Executive Council memorandum. The Head of Technical Services explained that the Design Brief as part of any future planning application process; it was therefore agreed that Council should not advise HE the Governor on this. It was also noted that any Environmental Impact Assessment that might be required would be carried out as part of the planning process.

Members were of the view that the Landowners had been disputing the matter for a long period and felt that it was only fair to transfer the four land parcels mentioned above, from the Greenbelt Zone to the Intermediate Zone, as no alternative land of similar quality could be offered.

After some discussion, Council advised and the Governor agreed the proposed excision of land Parcels TH 020205, TH 020204, TH202203 and TH202202 from Green Heartland Zone to Intermediate Zone and rezoning as land located within the Intermediate Zone.

**(Action: Clerk of Councils)**

40.3 St Helena National Trust (Amendment) Bill, 2019 (Exco Memo No. 62/2019)

The Director of the St Helena National Trust (Jeremy Harris) was in attendance for this item.

The Chairman of the Social and Community Development Committee presented the Memorandum and explained that recommendations had been made by the Public Accounts Committee (PAC) in 2015 to amend the principle Ordinance to allow for a six month reporting window for the Trust's audited accounts to be laid before Legislative Council instead of three months as presently prescribed. The option of appointing an Auditor other than the Chief Auditor was also proposed; such appointment would need the approval of the Chief Auditor. Whilst in the process of doing so, the Trust Council also identified that additional amendments should be made to the Ordinance to reflect the current operations of the Trust which had expanded since 2001 when the principal ordinance was enacted.

The Hon Christine Scipio questioned the decision to carry out public consultation once the Bill had been printed and published and asked whether any consultation had taken place with the public and with the Members of the National Trust and whether the Trust members had supported the changes to the Ordinance. Jeremy stated that Members of the National Trust appoints the Trust Council to serve as the Governing Body and therefore in this case the strategic decision had been taken by the Trust Council.

It was also explained that public information sessions would be carried out once the Bill had been published. The Director of the National Trust said that he did not anticipate any major concerns arising during the public information sessions which might result in any changes being required to the Bill, however should a major issue arise then the necessary changes would be made to the Bill.

Following discussion, Council advised and the Governor agreed that the St Helena National Trust (Amendment) Bill, 2019 be printed, published and presented as Government Business at the next formal meeting of the Legislative Council.

**(Action: Clerk of Councils/Hon Chairman, Social and Community Development Committee)**

At this point, the Director of Health joined the meeting.

40.4 Medical Practitioners (Qualifications) (Amendment) Regulations, 2019 (ExCo Memo 63/2019)

The Chairman of the Public Health Committee introduced the Memorandum and explained that a Medical Practitioner, qualified in Russia has been appointed to start employment nearer to the end of February 2019. Taking this into consideration, the Schedule to the Medical Practitioner Regulations needed to make provision for Russia to be included as a country from which qualified Medical Practitioners are allowed to practice Medicine in St Helena.

In response to a query from Members regarding the recruitment of doctors for the island, the Director of Health gave a comprehensive overview of the recruitment process. The Hon Christine Scipio requested that the recruitment process be publicised to educate the community. It was noted that Dr Akeem had already planned to do radio talk on Thursday the 14<sup>th</sup> February 2019 therefore he would include information about the recruitment process.

After some discussion, Council advised and the Governor agreed that the Medical Practitioners (Qualifications) (Amendment) Regulations, 2019 be enacted and gazetted accordingly.

**(Action: Clerk of Councils)**

40.5 Telecommunications (Amendment) Regulations, 2019 (Exco Memo 64/2019)

The Financial Secretary presented the Memorandum and indicated that Members will remember the negotiations with Sure during 2018 on the price review referred to in clause 6 of the Telecommunications Licence 2012. The proposals have been discussed and endorsed by Executive Council on the 26<sup>th</sup> June 2018.

Council noted that the proposed increases would come into effect on the 01<sup>st</sup> April 2019 and that the Minimum Income Standard (MIS) review that would come into force on 01 April 2019 would contemplate the increased rates to avoid negative impacts on the most vulnerable persons of society.

The Hon Lawson Henry questioned why there was no other option for customers that subscribe to the highest broadband package to upgrade in the event they exceed the data usage allowance, particularly businesses. **The Financial Secretary stated that he would follow this up with Sure.**

**(Action: Financial Secretary)**

Following discussion, Council advised and the Governor agreed, that the Telecommunications (Amendment) Regulations, 2019 should come into effect from 1 April 2019.

**(Action: Clerk of Councils)**

#### 40.6 Tax Reforms 2019 (Exco Memo 65/2019)

The Financial Secretary introduced the Memorandum and stated that the proposed the Tax Reforms changes had been agreed by the Economic Development Committee (EDC). He mentioned that an additional request for introducing an Inheritance Tax had arisen but would not be considered until the next Financial Year.

The tax options were chosen based on the capacity to meet a set of agreed tax principles which would support one of the SEDP Goals.

The Financial Secretary went through the proposed changes. Some Members had concerns on the “Gift Aid” They felt that 25% was too high as some organisations would already be in receipt of a subsidy from SHG. In addition to that, there were no evidence/data to show how many people would donate in a year and therefore possibly paying substantive amount of money from the Consolidated Fund. They were ambiguous about it all, knowing the uncertainty of SHG’s budget.

The Financial Secretary explained that the highest amount that could be given to an organisation would be £5000 and that a review would be taken yearly to identify if any amendments would be necessary. The Governor stated that the public should be asked, what their views were on the Gift Aid, then SHG would have some guidance as to whether it should be introduced.

Regarding the draft Customs and Excise (Approved Investors), Hon Lawson Henry felt that an Elected Member from the Economic Development Committee (EDC) should be on the Investment Enabling Group and this was agreed. .

The Chief Secretary also commented that Part 2 of the Regulations were set out rigidly, as the Approved Investment Group were not a decision making group. After some discussion it was agreed that Paragraph 2 should read “The members of the Committee must be appointed by the Governor.” And the words thereafter should be deleted being “and the Chair of the Board is the Member of the Board so nominated by the Governor.” Furthermore, all “board” word should be amended to “Committee” and would read the Investment Enabling Committee.

The Honourable Derek Thomas was concerned that the way the Regulations were set out, SHG could possibly loose a potential Investor who had a trivial offence. Discussion was made on the process of bringing an Investor to St Helena and the Governor suggested that a request for a vetting certificate from the applicant should be included on the Regulations. The Financial Secretary reported this would be included in the final version of the Regulations.

Referring to the Property Tax Bill, 2019, the Honourable Christine Scipio was in the view that two years was too long to give a person who has had planning permission granted and had not made any renovation or construction to the property during that time. The Financial Secretary stated that they will wait to see the outcome of the Public Consultation and then consider shortening the length of time accordingly.

Members felt that the proposed Consultation period did not allow the public sufficient time to submit comments. The Financial Secretary was in the view that the process

should be moved swiftly, in order to reach the deadline of getting the Bills printed, published and presented at the formal meeting of the Legislative Council Meeting to be held on the 22<sup>nd</sup> March 2019. He also reminded Members that amendments could be made during the Committee stage of the Bill when being debated at a formal Legislative Council Meeting.

After much discussion, Council advised and the Governor agreed that the proposed tax reforms should be taken to forward for public consultation.

**(Action: Financial Secretary)**

40.7 Confirmation of the Open Session Minutes of 11<sup>th</sup> December 2018.

The open session minutes for the 11<sup>th</sup> December 2018 were confirmed.

40.8 Confirmation of the Open Session Minutes of 18<sup>th</sup> December 2018.

Councillor Scipio questioned why her comment was not included in the minutes. It should be included to read after paragraph 6 of 39.2 the following - The Honourable Christine Scipio queried why the documentation did not include any recommendation in respect of details of the methodology and classes of exclusions as per s11 (2) of the Employment Rights Ordinance. Council was advised that there were no changes to the methodology and any class of person for exclusions hence not provided in the report.

She also highlighted that the word “Action” should be included as an Action for the GE under Paragraph 5 of 39.2

40.9 Matters Arising from the Open Session Minutes of 11th December 2018

40.9.1 (38.5.1) Matters Arising from the 2016/17 SHG Financial Statements Audit

The Financial Secretary advised that work relating to the definition of ‘close of accounts’ was still pending. The Governor asked that this should be given some priority attention so that this could be concluded before the next Executive Council.

**(Action: Hon Acting Attorney General)**

40.9.2 (38.5.2) Guidelines for Executive Council

**The Acting Chief Secretary advised that she anticipated that the revised guidelines would be presented at the next Executive Council meeting.**

**(Action: Hon Chief Secretary)**

40.9.3 (38.5.3) Social Impact Assessment (SIA) of the MOU

**The Acting Chief Secretary stated that the SIA would be finalised by the SHG Economist soon.**

**(Action: Hon Chief Secretary)**

40.10 Matters Arising from the Open Session Minutes of 18<sup>th</sup> December 2018

40.10.1 (39.3.1) Wine Cooler for Napoleonic Exhibition in Cape Town

The Governor made Members aware that the Wine Cooler was shipped today for the Napoleonic Exhibition in Capetown and would remain there for four months, until it is shipped back

40.11 Any Other Business

40.11.1 Protocols for Recording Executive Council

The Hon Christine Scipio asked when would recordings of open sessions of Executive Council be made and broadcast. . It was agreed that this would commence with effect from the next meeting of Executive Council.

**(Action: Clerk of Councils)**

There being no further business, the meeting closed at 16:30.



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Clerk of Councils



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Governor

26<sup>th</sup> March 2019

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Date