

## **EXECUTIVE COUNCIL TOP LINES – TUESDAY 2 JUNE 2020**

Executive Council sat as the Planning Authority for the first two agenda items, the first of which comprised three minor development applications.

### **Development Applications**

- Retention of Advertisement Sign on Premises in Lower Wharf,
- Change of Use for Old Customs House in Lower Wharf and
- Erection of Zulu Remembrance Monument at Jacobs Ladder Viewing Platform
- Construction of a two bedroom dwelling near former Head O'Wain Clinic Blue Hill

### **Retention of Advertisement Sign on premises in Lower Wharf**

**Executive Council advised that Full Development permission should be granted, with conditions, for the retention of an advertisement sign on premises at the Lower Wharf, as recommended by the Land Development Control Authority.**

- Members noted this was a retrospective application to retain signage erected on a Grade III listed building advertising a scuba diving business that operates from the premises
- The signage was put in place 15 months ago, following approval given to another business to erect advertising signage on an adjacent building
- Members noted that approval had been given for the signage on the neighbouring building to be in place for a period of three years and that this would expire on 25 September 2021
- Members agreed that the development permission for signage for the second scuba diving business should be approved also until 25 September 2021.

### **Change of use for Old Customs House in Lower Wharf**

**Executive Council advised that Full Development permission should be granted, with conditions for the Old Customs House at the Lower Wharf to be utilised for a Fishmongers operation**

- Members acknowledged that the Old Customs House, a Grade II Listed building, had been vacant for a number of years and was in urgent need of repair and restoration

- Members noted that there would not be any structural changes to the interior of the building, as it was intended that stud partition walls would be put in place to form two rooms: a waiting area and a preparation area
- A water tank would be placed outside feeding the sink inside the building utilised for cleaning fish and this would require a small hole to be created through the existing wall. It was understood this would be a permanent arrangement but only until a longer term solution was possible
- Utilising the building as a Fishmongers operation would assist in rejuvenating the area once all wharf activities move to Rupert's.

### **Installation of a Zulu Remembrance Monument at Jacob 's Ladder viewing platform, Ladder Hill**

**Executive Council advised that Full Development Permission should be granted, with conditions, for the installation of a Zulu Remembrance Monument at Jacob's Ladder Viewing Platform, Ladder Hill, subject to finalising the wording on the plaque on the monument and confirmation of the type of material to be used as the monument base**

- Members noted that the installation of the monument provides an opportunity to utilise a vacant area at the Jacob's Ladder viewing platform at Ladder Hill for this piece of public art which attracts a number of visitors
- Final wording for the inscription on the Plaque accompanying the monument was to be agreed and it was felt by Members that the wording should include a respectful recognition for all who died in the period related to the Zulu conflict period

### **Development Application - Construction of a Two Bedroom Dwelling, Nr Former Head O'Wain Clinic, Blue Hill**

**Executive Council advised that Full Development Permission should be granted, with conditions, for the construction of a two bedroom dwelling near the former Head O'Wain Clinic in Blue Hill. However, this was subject to the area of land on which the construction was to take place being excised from the Green Heartland to the Intermediate Zone, which was a precedent that had already been set last year.**

- Members were of the view that a consistent approach should be adopted when dealing with applications which related to land upon which development would have been permitted prior to the adoption of the Land Development Control Plan adopted in 2012 but had thereafter been designated as Green Heartland, in which development was prohibited
- Members recalled a similar situation that had been dealt with earlier this year and were of the view that the same process should be followed
- If the excision of the land from the Green Heartland was successful, the development could go ahead without further recourse to Executive Council.

However should any difficulties arise, then the application would need to be brought back to Executive Council.

## **Background**

- **The Land Development Control Plan GH1: Primary Policy** is “There will be a presumption in favour of retaining the undeveloped nature of the Green Heartland and its natural ecology.”
- **The Land Development Control Plan GH5:** Where development permission is granted in the Green Heartland it shall be subject, in all cases, to the requirement to landscape the site sufficient to conceal the development or blend it in to the landscape, including a proportion of indigenous species appropriate to the scale and nature of the development.
- The proposal is to build a two bedroom single-story family house on a plot of land that has been in the ownership of the applicant for a number of years. The plot of land was originally within the geographical location on the Island zoned as Intermediate Area in the earlier development plans on which there were no restrictions on the development on policy grounds, subject to development permission being granted. However in the preparation of the current adopted Land Development Control Plan 2012-2022 (LDCP), there were a number of boundary changes that redefined the three zones (Coastal Area, Green Heartland and Intermediate) within the LDCP. A number of landowners with plots within the Intermediate Zone that they had purchased, acquired or inherited now found that their land was within Green Heartland Zone and with a policy restricting their future development. For many this only came to light after the LDCP was adopted. This has been an issue for number of the owners who requested that this issue should be readdressed to enable them to build on their land.
- It will be necessary for the land proposed for excision to be advertised in the Government Gazette to allow for any representation from members of the public.

## **Control Of Tobacco And Related Products Bill**

**Executive Council advised that the Control of Tobacco and Related Products Bill, 2020, should be printed and published and presented as Government Business at the next formal meeting of the Legislative Council.**

- Members noted that wide consultation had been undertaken with regard to the Bill, including public meetings and radio talks, the main issue arising from these had been the view that the sale of single sticks should continue rather than being disallowed
- Members noted that the advice of the World Health Organization and Public Health England had been sought by the Health Directorate with regard to the sale of single sticks and concluded that to continue to allow the sale of single sticks would undermine the Health policy

- Support would be available to those who wish to stop smoking
- Extensive publicity should be given to the provisions of the legislation and to the level of support available from the Health Directorate to those who wish to stop smoking. The Director of Health confirmed this would be done
- A programme setting out the approach to raise awareness of the support available to be prepared for approval of the Public Health Committee.

## **Background**

- The ultimate aim of the measures in the Bill is to reduce the harm caused by smoking to the community of St Helena. Currently the prevalence of tobacco use is high (considerably higher than, for example South Africa and the UK) with one third of men and women aged 20-65 years and half of young adults aged 20-29 smoking. Smoking is the leading risk factor for the main non-communicable diseases that are responsible for the majority of chronic illness, disability and early death in the St Helena community (cardiovascular disease, type two diabetes, cancer, and respiratory disease). Smoking is a highly preventable risk factor if the most effective measures to reduce consumption are used.
- The Bill includes proven, evidence-based measures that will address the current gaps in tobacco control on St Helena. For the community the desired outcomes will be fewer young people starting smoking, increased quitting among adult established smokers, reduced exposure to second-hand smoke, and creating a community culture where smoking is no longer seen and accepted as a commonplace/non-harmful activity.
- For smokers, the short-term impacts will be to adjust their usual routine by not smoking in a car with a minor present, and if they previously bought single stick cigarettes, instead purchase a pack when they receive their pay/pension and put these aside for the period they usually smoke them over (the amount spent will remain the same). Young people under 18 will be protected from second-hand smoke in vehicles, They will no longer be able to purchase cigarettes due to an ID requirement placed on retailers where there may be a suspicion someone is underage a proof of age is required. Adults will be unable to purchase tobacco for young people

### **Public Health (Amendment) Bill, 2020**

**Executive Council advised that the Public Health (Amendment) Bill 2020 should be printed and published and presented as Government Business at the next formal meeting of the Legislative Council.**

- The purpose of the Bill is to increase the penalties that may be imposed under the regulations whenever St Helena appears to be threatened with or affected

by any epidemic, endemic or infectious disease. This will allow penalties up to £5,000 or imprisonment for a period up to 18 months to be imposed in enforcing the regulations.

- This would apply to the Coronavirus Regulations introduced in April 2020
- Members noted that the penalties that could be imposed for breaching the Coronavirus Regulations were amongst the highest in any of the Overseas Territories

## **Background**

- The Public Health (Prevention of Formidable Diseases) (Coronavirus) Regulations 2020 make provision for isolation of persons who travel to St Helena and also those persons who are, or may be, infected or contaminated with coronavirus in order to mitigate or remove the risk of that person infecting or contaminating others. The regulations also make provision for detaining a person where there are reasonable grounds to suspect that the person will breach an isolation requirement, order or direction or any condition relating thereto. It also makes provision for the Governor in Council to impose social and business restrictions for the purpose of minimising the risk of the spread of coronavirus.
- The offences for those who might breach a Court Order made pursuant to the Regulations have maximum penalties of a fine of up to £5,000 or imprisonment for 12 months, or both
- The term of imprisonment can be increased to up to 18 months if a person commits an offence when they know they are infected or contaminated with the coronavirus

## **Road Traffic (Amendment) Bill, 2020**

**Executive Council advised that the Road Traffic (Amendment) Bill, 2020 should be printed and published and presented as Government business at the next formal meeting of the Legislative Council.**

- The Bill gives the Governor-in-Council the power by Order to extend the validity of vehicle and driving licences

## **Background**

- The need for the Bill has arisen as a result of concerns that in the event of an outbreak of a virus on the Island some services may not be available; these include: medical examinations for those aged over 70 years which are required in order to renew driving licences; MOT inspections for the renewal of vehicle licences; and administrative services at the Customer Services Centre relating to the renewal of driving and vehicle licences
- In the event of these services not being available could mean that licences expire and those affected are unable legally to drive
- The Road Traffic Ordinance 1985 currently provides no power for extensions to be made in such circumstances

- The Bill allows for extension of the following licences: Vehicle Licences, Full and Provisional Driving Licences and Foreign Driving Licence exemptions.
- The Bill allows for extension of licences for up to three months at a time

### **Magistrates' Court (Amendment) Bill, 2020**

**Executive Council advised that the Magistrates' Court (Amendment) Bill should be printed and published and presented as Government business at the next formal meeting of the Legislative Council.**

- Council noted that the Bill seeks to amend the Magistrates' Ordinance to permit the Chief Justice to sit with the same power and authority as the Chief Magistrate and to permit the remote attendance of Justices to constitute the Court.

### **Background**

- The Bill amends the principal Ordinance to enable the Chief Justice to have the same power and authority as the Chief Magistrate when sitting in the Magistrates' Court
- The amendment is required to address situations where St Helena does not have Chief Magistrate, or the Chief Magistrate is conflicted and the case is one that could need increased sentencing powers
- The amendment also addresses a situation where a Justice sits remotely and is outside of St Helena. The amendment will allow either the Chief Justice or Chief Magistrate to sit when they are off island if a case requires such and constitute the Court

### **Council Committees Orders and Directions**

**Executive Council advised that the following should be approved which allow updates to the present Council Committee system:**

- 1) The Council Committees (Rules of Procedure) (Amendment) Order 2020 – to come into effect on publication**
- 2) The Council Committee (Constitution) (No 2) (Revocation) Order 2020 – to come into effect on publication**
- 3) The Direction - Appointment of Council Committees and Direction to Council Committees Regarding Responsibility**

- Members noted that some of these changes to existing Orders had been in the pipeline for some time and were pleased to have seen them come to fruition
- The Council Committee Rules of Procedure would allow Committee Secretaries a longer period of time to prepare draft minutes from Committee meetings, from two days to seven working days, as Members acknowledged that Committee Secretaries have varied duties and responsibilities alongside their Secretary roles. Additionally, it would no longer be necessary to send draft minutes to ex officio members of the Legislative Council
- Members welcomed the move to balance Committee responsibilities by transferring responsibility for Employment from the Social and Community Development Committee to a renamed Education and Employment Committee, recognising that the Social and Community Development Committee has a wide remit
- Members welcomed the responsibility of Air Access falling within the remit of the Economic Development Committee, as it previously was not allocated to any Council Committee
- Members welcomed the reinstatement of a Finance Committee which have policy responsibility for Finance and Audit and be comprised on the Chairmen of the five Council Committees as well as the Financial Secretary
- Members supported the proposal to allow Chairs of Council Committees to make a decision themselves if a matter has not been decided upon by the Committee after a reasonable amount of time has passed, noting that it would be possible to appeal to the Governor or the decision to be quashed if the committee members disagreed with the determination of the Chair. This is separate to the powers of Executive Council to determine cross cutting policy issues and their legislative powers
- A change to provide that the Governor must be consulted on matters relating to shipping or air access involving international considerations

**ExCo**  
**2 June 2020**