

## **EXCO TOP LINES – TUESDAY 26 NOVEMBER 2019**

### **Mid-Year Changes to Customs Duty Tariffs**

- Executive Council approved the Customs & Excise (Tariffs) (Amendment No 3) Regulations 2019 to come into effect from 1 December 2019

### **Background**

- In August ExCo approved to amend the structure of the Customs Tariff so that the basis of duty payable is based on fixed incremental rates of duty rather than a percentage applied to the value of the vehicle
- In preparing for the implementation two issues were identified which had been missed during the initial process:
  - there now exists a disparity between the method of calculating duty under the new tariff for vehicles and the method for calculating duty payable under the exemption should the vehicle be sold. The new tariff is based on fixed rates of duty rather than a percentage of sale price at the date of sale
  - The second issue is in relation to the timing of importation of the vehicle against the implementation date. There are currently vehicles already imported for which this exemption has been applied and could be sold after the implementation date. The owners will now pay duty under the new tariff rather than under the old tariff and might as a result have to pay more duty.
- ExCo considered three options to address the two issues raised:
  - Option 1 - make no changes and leave it as it is
  - Option 2 - align the method of calculation under the exemption to the new method under the new tariff
  - Option 3 - apply the new tariff only for vehicles imported and sold after 1 December 2019
- As recommended by EDC, ExCo approved Option 2 and saw this as a tidying up exercise of the Regulations
- Option 2 addresses both issues and requires the least amount of changes to the Regulations. There is also minimal impact on revenues
- Customs staff have already contacted individuals affected to give them advance notice following approval from EDC to bring forward to ExCo
- This potentially affects 40-60 vehicles currently on-Island
- Members fully supported the change
- Going forward we will ensure that Corporate HR communicates this change to new incoming staff members.

## **For the following four items ExCo sat as the Planning Authority**

### **Development Application – Security Office**

- ExCo approved full development permission be granted with conditions for the siting of a Port Security Office and installation of Security Fence for a period of two years at Rupert's Wharf as recommended by the Land Development Control Authority (LDCA)

#### Background

- This application came to ExCo as the proposed development is within 50m of the sea and in the Rupert's Development Area
- Currently we have Officers situated in an area where there is very limited accommodation for them to carry out their work, this plan addresses this by proposing temporary accommodation
- This is a basic development to the west of Rupert's Bay and is a containerised solution which can be moved when no longer required
- One representation was received on the application regarding the proposed development not being in the right place
- Members noted that Security workers sometimes have to work in unpleasant conditions including in adverse weather conditions and saw this development as a way to improve conditions for people working there
- Existing funds will be used for this development
- If the building is needed for longer than two years an extension can be applied for
- The Rockfall Protection works should not impact the development as the Wharf will be closed when the Ship is in port
- Members fully supported the application.

### **Development Application – Internal Refurbishment of ex-Police Headquarters for the relocation of Judicial Services**

- ExCo approved Full Development Permission with Conditions, for Internal Refurbishment of the Ex-Police Headquarters for the relocation of Judicial Services as recommended by the Land Development Control Authority (LDCA).

#### Background

- This has been to ExCo previously

- The development will bring the former Police Headquarters back into use while addressing issues raised by the Chief Justice of the current unsatisfactory conditions to properly administer justice and for people to access the service
- Number of problems with existing set up including no proper facilities for jury - defendants and victims enter via the same entrance which is not ideal at this day in age
- The building is a Grade 1 listed building in Jamestown
- It is one of the projects included in the EDIP and was put forward to high level panel to be brought to ExCo
- The application has been to the LDCA three times. It was deferred the first time to allow more information to be gathered – the biggest issues raised were around accessibility to the building which does not meet requirements for people with disabilities, the second time a site visit was conducted and then at the third meeting small reservations around accessibility were once again raised
- Phase 2 will look at accessibility but there were concerns from the LDCA that this should be included in Phase 1
- The building is quite a difficult place to refurbish but Members noted that refurbishment needs to happen
- Members had undertaken a site visit which provided the confidence that the administration of justice can be carried out in the required manner under the proposed development
- Benefits include the Jury having a private place to confer
- Members supported the application
- There was discussion around disability access and Members felt we should be doing as much as we possibly can to make our buildings on St Helena ‘Disabled Friendly’
- Members were reassured that as part of the EDIP there is a requirement to provide disabled access in any case and this will take place in Phase 2.

### **Development Application – Rockfall Mitigation work in James Valley and Rupert’s Valley**

- ExCo approved Full Development Permission be granted, with Conditions, for the Rockfall Mitigation Works at James Valley and Rupert’s Valley as recommended by the Land Development Control Authority (LDCA).

### Background

- The rationale is to put in place mitigation to reduce the risk of future serious events
- Aim of development to protect life and to enable implementation of Rupert’s Development Plan

- Few issues were raised during consultation
- Work is necessary to make Rupert's operational
- Members were pleased to see this has been brought forward

### **Development Application – Comprehensive Development Residential Service Plots, Bottom Woods**

- ExCo approved Full Development Permission for Comprehensive Development Residential Service Plots, Government Landlord Housing
- ExCo approved Outline Development Permission for Green Space, Retail Park, Road and Car Parking at the Bottom Woods Comprehensive Development Area as recommended by the Land Development Control Authority (LDCA).

### Background

- Members noted that this has been part of the LDCA allocation for a number of years
- The proposed development will see a number of plots developed for residential purpose for GLH and first time house owners
- At moment the area is used as a grazing site
- First phase will be to construct the access road and services needed by the area ie. Water, sewerage, electricity
- EIA Screening opinion was undertaken and it was felt that an EIA is not required after screening
- Did consult widely and the applicant did consult before the application was submitted
- One objection – the road proposed will be an issue in terms of highway safety including speeding as well as retail proposed not being compatible with residential area including the two storey proposal
- Members noted this was a much welcomed proposal and gave their full support
- This is a positive and long overdue project that will provide much needed housing and also create job opportunities and will be well received in terms of affordable housing, GLH, leisure facilities
- It has the potential to kick start the economy and construction industry
- It is an enormous step forward for St Helena as a whole
- Enabling a major commercial development will be beneficial to St Helena going forward.

**Late paper, hence reason not online**

**Public Accounts Committee (Procedure) Bill 2019**

- ExCo approved the PAC (Procedure) Bill to be printed, published and presented as Government business at the next formal meeting of Legislative Council to be held on 6 December 2019

### Background

- The Constitution does not make provision for a quorum of the PAC. It is therefore accepted that for the PAC to be properly constituted all five members must be present for decisions to be made. If for any reason the member cannot attend the PAC cannot meet and where circumstances arise urgent matters cannot be considered
- Agreed that three people are needed to make a decision – a Chair and Elected Member should always be present
- Where a vote is tied the casting vote is with the Chairman
- Recommended by the AG as a certificate of urgency for the next formal LegCo meeting
- Members saw this as a sensible proposal for the PAC to be able to function properly
- Members were very happy that action is being taken to address the problem that we've been experiencing for years
- The Bill with the exception of a slight change will be amended and submitted for the next formal LegCo meeting.

**ExCo**

**26 November 2019**