

EXECUTIVE COUNCIL TOP LINES - TUESDAY 28 JANUARY 2020

Public Solicitor's Fees

- **Executive Council agreed the proposal to increase the maximum rate charged for legal services provided by the Public Solicitor's office**
- **Council also agreed for the fee structure to include a charge for dealing with medical negligence claims**
- Public Solicitor, Duncan Cook, attended the Executive Council meeting to provide clarity on a number of issues that were raised by Council at its meeting on 18 December 2019. These issues related to the current fees charged for legal services provided by the Public Solicitor's Office and a proposed change to the maximum rate
- The Public Solicitor explained that the aim is to charge the right fee to the right people, hence the proposed flexibility in the fee structure to charge up to a maximum amount for those who can afford to pay. The ability to pay is assessed on a case-by-case basis
- The current maximum rate that is charged to expatriate workers, businesses and individuals/businesses off-Island is £75 per hour. Recognising that the Public Solicitor's Office should work towards decreasing its reliance on the public purse; and, noting that the most vulnerable are not charged for legal services, Council agreed the proposal to increase the maximum rate to £150 per hour
- In response to the issues raised at the meeting in December, Council noted/agreed the following:
 - The fee structure should continue to be based on household rather than individual income as to do otherwise would mean that few people would be eligible to pay thus increasing reliance on the public purse
 - Based on the running costs of the Public Solicitors' Office the proposal to increase the maximum rate to £150 per hour for people and businesses outside of St Helena would amount to full cost recovery. This maximum rate is in keeping with UK High Street prices and would not necessarily deter clients from seeking legal services from the Public Solicitor's Office
 - There have been incidents when people have not been able to obtain legal advice due to the current inflexible fee structure where all commercial clients and overseas clients are charged £75 per hour
 - Expatriate workers are defined as non-St Helenians who come from overseas to work on the Island
 - Lay Advocate services are free and, more often than not, family disputes are referred to Lay Advocates
 - The fee structure should include charges for dealing with medical negligence claims
 - The Public Solicitor will now submit a revised fee structure for Executive Council to consider at its next meeting.

Background

- The Public Solicitor's Office is currently charging for legal services but no evidence can be found as to whether the fee structure was properly

approved and published by notice in the Government Gazette in accordance with section 30 (2) of the Ordinance

- Council was asked to consider one change to the current fee structure i.e. to charge 'expatriate workers', businesses and individuals/businesses off-Island up to a maximum rate of £150 per hour rather than the current rate of £75 per hour. The actual amount charged will be decided on a case-by-case basis
- No other changes to the fee structure were proposed
- The fee structure is specifically designed to protect against any negative social impact. Those on a household income of less than £10,000 per annum are not charged fees and this is to ensure that the most vulnerable are provided access to justice and not discouraged from approaching the Public Solicitor
- The proposed increase in fees for expatriate workers, businesses and individuals/businesses off-Island will contribute to meeting the running costs of the Public Solicitor's Office but will not cover all of the running costs and the Public Solicitors Office will continue to require funding support from St Helena Government
- Whilst the law requires the Public Solicitor to consult Council, it is for the Chief Justice to approve the change in fees.

St Helena World Heritage Status

- **Executive Council noted the findings of the St Helena World Heritage Status Scoping report and agreed that full application for World Heritage should be explored and that a study should be undertaken to provide everyone with a full understanding of the implications of applying for World Heritage Status**
- Dr Rebecca Cairns-Wicks attended the meeting for this item
- Council acknowledged the work that was undertaken by the Scoping Group that was established to review St Helena's current position in relation to the Island's 2012 UK Tentative Listing for World Heritage Status
- The Tentative Listing only recognises St Helena's natural heritage but there might be potential to include our cultural values as well. However, evidence is needed to support the inclusion of the cultural aspect in any follow-up application and we will need to demonstrate that we can protect both natural and cultural heritage in perpetuity
- There are only two years left to pursue a full application
- Benefits associated with World Heritage Status include being part of the bigger UNESCO family which will in turn lead to more publicity that will allow us to capitalise on business opportunities and secure external funding
- The Scoping Group will provide further details on the scope and cost of the study that will be needed to fully understand the implications of lodging a full application for World Heritage Status, following which consideration will be given as to how the study will be resourced.

Background

- Scoping Group established in 2019 to review St Helena's current position in relation to the Island's 2012 UK Tentative Listing for World Heritage Status (WHS)
- UK Tentative Listing is the first step to designation of WHS
- The Group's intention was to collate and synthesize the available information and knowledge
- The Group did not set out to answer the question of whether or not a full application should be made, but it did set out to create an understanding of the Island's current position
- The original application was for mixed site status (i.e. meeting both natural and cultural criteria). However, the Tentative Listing only recognised the natural criteria. It did not meet the cultural criterion and further investigation is needed if we are to pursue mixed site status in any full application
- Commitment to a full application should only be taken forward with the full support of the community once there is a clear understanding of any obligations that WHS designation would involve, hence the need for a study.

AOB

Executive Council has agreed to provide interim support to the fishing industry to enable fishermen to continue their business. Members have agreed that the fuel rebate will continue, and that fishermen will be able to purchase ice and have cutting up facilities should their business require it. Full details will be published shortly.

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28 January 2020