

## **EXECUTIVE COUNCIL TOP LINES – TUESDAY 10 MARCH 2020**

### **Pensions (Amendment) Ordinance 2020 - Pension Entitlements for Divested Officers**

- **Executive Council approved the Pensions (Amendment) Bill, 2020 to be printed, published and presented as Government Business at the next formal meeting of Legislative Council to be held in March 2020**
- The proposed changes to the Ordinance provide for the award of pensionable entitlements to qualifying officers who have been transferred on divestment and are medically boarded before their normal retirement age
- The Economic Development Committee had agreed to the amendment on the basis that:
  - Employees who transferred with the divested service are considered to be at a disadvantage in comparison to SHG employees
  - Most employees who have moved with the divested service are employed by wholly owned entities of SHG
  - Pensions entitlements are intended to provide financial support during retirement; and
  - Medical boarding is likely to result in limitation on the individual's ability to independently support themselves financially during retirement
- Members agreed that it was right and fair that people who are medically boarded are able to access their pension
- The proposed amendments were fully supported by Council.

### **Background**

- The pension entitlements for officers who have been transferred to other entities as part of SHG's divestment strategy when medically boarded are currently inconsistent with the pension entitlements for officers employed by SHG
- Under the Pensions Ordinance 2012, officers employed by SHG may access pensionable entitlements immediately following termination of employment on the basis of medical boarding
- The Pensions Ordinance 2012 and accompanying regulations do not provide for the award of pension entitlements to persons who have moved with a divested service, if they are medically boarded. Pension entitlements for these persons can only be accessed before normal retirement age if the officer opts to retire between the ages of 60 years and their normal retirement age. The entitlements on medical boarding for officers who are employed by SHG are therefore considered to be better in comparison with those officers who have been transferred on divestment of services and therefore persons who have moved

with the divested service are at a disadvantage to SHG officers in terms of pensionable entitlements.

- The policy intention for differentiating between the award of pensionable entitlements for officers in employment with the Government and those who have transferred on divestment of services is unclear. However, this difference appears inequitable, particularly where officers have transferred to entities owned by the government.

## **Waste Management Policy**

- **Executive Council endorsed the Waste Management Policy, January 2020**
- The draft Policy had been approved by the Environment & Natural Resources Committee as had the Implementation Plan which had been shared with Members
- Members recognised this was a good piece of work that aligned with the goals of the Island's 10 year Plan
- Members recognised the benefits the Policy would have for our environment and also in putting us in a good position to access and attract other funding streams to help implement the various actions of the Implementation Plan
- A query was raised around the period for review of the Policy being three years but Council was assured that the objectives of the Policy would be monitored and progress reported on annually
- Members noted that the Policy is timely and in line with the Island's strategy of becoming a Green and Blue exemplar
- Members fully supported the Policy and look forward to seeing the subsequent work that will now be carried forward.

## **Background**

- Volumes of waste being landfilled on-Island are increasing and the available landfill space is rapidly reducing. This has significance for SHG as the need to replace and restore Horse Point Landfill Site (HPLS) will need to take place within a reduced timeframe
- There is an opportunity to delay the replacement of this asset through introducing a recycling programme to the Island, reducing volumes of waste being produced and landfilled and consequently increasing the life of the landfill site closer to its design life. This would bring the following benefits:
  - Reduce short to medium term capital expenditure by increasing the life of HPLS
  - Provide cost efficiencies to SHG and the private sector through export of recyclable wastes and substitution for imported new raw materials; and
  - Enables Waste Management Services to be more financially self-supporting.

- SHG acknowledges the need to create a Waste Management Policy with a view to planning for short, medium and long term environmental changes that are likely to impact on the quality of Island life if left unmanaged.
- If not properly managed waste is a problem because it:
  - Takes up valuable and limited landfill space
  - Can cause pollution and other negative social impacts
  - Uses up natural resources that could be used again
  - Creates reputational impacts on eco-tourism
  - Creates greenhouse gases and contributes towards Climate Change
  - Creates a lasting problem for future generations.

### **Executive Council sat as Planning Authority for these three items**

#### **Proposed Custody Suite, Coleman House, Jamestown**

- **Executive Council advised that FULL Development Permission should be granted, with Conditions, for the Proposed Custody Suite at Coleman House, Jamestown as recommended by the Land Development Control Authority (LDCA)**
- Members recognised that the current Custody arrangements are suboptimal and the proposed application would be an improvement on what we have currently
- The Custody Suite will allow short term custody of people prior to release or going before the Court
- Concerns were raised around the safety of officers having to navigate steps with people needing to be detained as well as security measures and sound proofing, noting that the custody suite is in a residential area
- Members were reassured that adequate sound proofing will form part of building control requirements to minimise any noise disruption as would the issues around adequate security measures
- The Prison Manager was able to clarify issues raised and highlight improvement on current arrangements
- Council approved the application with Conditions.

#### **Background**

- The custody suite at present is situated within the complex of Her Majesty's Prison (HMP) Jamestown; as such it has been condemned as not fit for purpose, either for now or future use following advice from the FCO Prison Adviser and the Human Rights Commission.
- The ultimate objective is to provide St Helena with a purpose built custody suite that is safe, secure and fit for use at Coleman House, that can deal with Police

and criminal evidence prisoners and those interviewed under caution, as well as being somewhat future proofed against a potential rise in the criminal population

- St Helena Government intends to build a new prison in the Bottom Woods area of the Island, with a police custody suite as part of the prison project. The current building and environment does not lend itself to further development without considerable financial implications.
- It has been highlighted that the site at Bottom Woods is not practical for the custody suite from a location standpoint, as it's a 25- 30 minute drive from the current police station, meaning additional staffing requirements and increased time travelling between two locations. It is proposed that a purpose built suite of four custody cells be created at Coleman House, as it greatly reduces the cost than the proposed design at the new prison site and combats the issues raised above.
- The existing block to be demolished, which contains the toilets, showers and CSI unit, and will now be constructed within the open yard adjacent to the office blocks as a separate block. The footprint will measure approximately 39 square metres and be constructed out of concrete block work and IBR roof sheeting. The roof will be of a hip design
- It is envisaged once demolition works are completed, ground works will be undertaken to create a platform at the same level as the existing office building. This will enable accessibility to all members of the public, relinquishing the need for ramps or lifts to be used on site with exception of that which already exists.
- Two representations were received from the stakeholders; Sure SA Limited and St Helena National Trust (SHNT)
- With the history of the site and previous development applications, this is something that will be conditioned as such to ensure any artefacts and or human remains are not affected by the proposals.
- The proposed development will provide improved and more functional facilities for the police and immigration services that operate from the building. Whilst there is some historic significance of the site due to its historic use as a burial ground, the impact of the development can be managed through the use of appropriate Conditions.

### **Proposed New HM Prison and Custody Building, Bottom Woods**

- **Executive Council advised that FULL Development Permission should be granted, with Conditions, to build a new prison and custody building on the land in Bottom Woods as recommended by the Land Development Control Authority (LDCA)**
- Outline Permission for the proposed new Prison and Custody Building was granted in September 2019 and the Chief Planning Officer reminded Council of the various timelines of this planning application process and again presented the proposed site layout to Members

- Members took comfort that the LDCA had considered all the issues and adequate mitigating measures were in place
- Questions were raised around the sewage system and impact on the environment but Council was advised that a separate septic tank would manage the sewage requirements
- Members recognised this was a long overdue project and would like to see this project progressed as soon as possible
- Members gave their full support noting that a Wirebird Management Plan would also be in place

### **Background**

- St Helena Government has noted the concerns raised in the FCO Adviser's 2010 report that conditions within the prison may not withstand a challenge under Article 3 of the Human Rights Act 1998 and also recognises that a new purpose-built building would provide better facilities for prisoners
- The Prison population is rising and is likely to continue to rise. The current building and environment does not lend itself to further development without considerable financial implication. Therefore a project to lead a full relocation of the Prison has been initiated.
- The proposed development is to provide a new prison centred around 26- single occupancy cells, in a single-storey block configured in a cross shape, together with associated rooms to provide: education, rehabilitation, training, medical room, sports, healthcare, worship, kitchen, recycling, storage, visiting, administration works, horticulture and security.
- There were two representations received to the development application advertised in December 2019 from St Helena Airport Limited (SHAL) and St Helena National Trust (SHNT).
- The SHAL questions and comments raise concern in respect of the impact of the proposed development on the functions of the Airport and its aviation operations, however some are very general questions, comments or concerns about the overall development plans for the Bottom Woods and Horse Point area which cumulatively may have a direct or indirect effect on the Airport and aviation operations.
- The issues raised by SHNT in this representation are regurgitation of the matters that were previously raised at the outline development application stage and discussed in the reports.

### **Proposed replacement of existing and additional Solar Type Street Lights in Jamestown Conservation Area and James Bay**

- **Executive Council advised that FULL Development Permission should be granted, with Conditions, for the replacement of existing and additional Solar Type Street Lights in the Jamestown Conservation Area as recommended by the Land Development Control Authority (LDCA)**
- The Chief Planning Officer took Members through the specifics of the application
- Concerns were raised around lighting in the Castle Gardens and whether there would be additional lighting and also electricity powered lights as part of this Project. Members were advised that the new lights will increase the illumination in the Public Gardens although additional lighting would not be provided under this Project
- Members recognised the concerns from the public and Children & Adults Social Care Directorate around additional lighting in the Gardens particularly to protect our younger people, but were reassured that there will be more illumination in this area. An assessment would be taken when this project has been completed and if lighting is still deemed to be unsatisfactory in this area further steps would be taken to ensure the area is as well lit as possible as recommended by various parties including the public and as a result of the recent exploitation training carried out on the Island
- Members noted that the new solar powered lights would reduce the amount of funding requirements currently on electricity. The reduction in costs in one year alone has already allowed eight additional lights to be procured from these savings
- Council fully supported the application subject to planning Conditions

### **Background**

- The replacement of street lights is a continuation of the programme for upgrading the environment of the Jamestown and in particular the historic area of the town.
- The programme is to upgrade the street lights and also to be more energy efficient. The programme now includes the replacement of the standard street lamps with designs of street lamp stands that would be more reflective of the historic and heritage character of the area. Whilst the funds available are not sufficient to replace all street lamps within the whole conservation area of Jamestown and part of the Heritage Coast Conservation Area with the heritage style street lamp stands, an assessment has been undertaken to identify parts of the conservation area that are of greater historic, heritage architecture value; areas of greater pedestrians; visitors and tourist attractions that would provide greater conservation and heritage benefit and merit and that it should also be the main area of focus for heritage, preservation, restoration and conservation enhancement.
- The proposal developed has formulated the programme for the replacement street lamps within Jamestown. Outside of the main area identified for heritage street lamps the existing street lamps will be replaced by solar street lamps that will not have the heritage embellishment on the standards. The design and

appearance of these new solar street lamps will be an improvement from those currently in place around Jamestown

- There is a positive social, economic and environmental impact arising from the proposed development as it will restore and conserve the historic and heritage value of the conservation area with street lights that are more in-keeping with the historic and architectural character and appearance of the area. The new street lights will also be more energy efficient and in particular the solar street lights for part of the project.
- The street lighting project will ensure that the historic areas are preserved, restored and enhanced by ensuring that the street furniture is more reflective of the historic landscape and will also continue to contribute to the economic well-being of the Island through jobs in the construction sector. Furthermore, the project will also ensure that street lighting is more energy efficient, particularly for the solar street lights in part of the project. The design and details of the street lights will compliant with the 'Dark Sky' initiative.

**ExCo**  
**10 March 2020**