

Minutes of the Meeting of Executive Council held on Tuesday, 28th January 2020 at 9.30 am
in the Council Chamber

Present: His Excellency the Governor (Dr Philip Rushbrook)
The Hon Chief Secretary (Mrs S O'Bey)
The Hon Financial Secretary (Mr D L Richards)
The Hon Attorney General (Mr A T Cansick)
The Hon C R Beard
The Hon A A Green
The Hon L A Henry
The Hon D F Thomas
The Hon R K Yon

In attendance: Clerk of Councils (Mrs C C Johnson)
Deputy Chief Secretary (Mrs Gillian A Francis)
Head of Governor's Office (Mr Greg Gibson)

Apologies: Head of Corporate Support (Mrs C A George)
Head of News (Mrs K Yon)

OPEN SESSION

67.1 Welcome

The Governor welcomed all to the meeting. Members of the public and the media were in attendance.

67.2 Public Solicitors Fees (ExCo Memo 62/2019)

The Public Solicitor, Mr Duncan Cooke was in attendance for this item of business.

This item of business had been deferred for a decision when first considered by Executive Council on 18th December 2019.

The Chief Secretary advised that she would not be presenting the memo again because the Public Solicitor had been invited to provide clarification on the issues that Members had previously raised.

The Public Solicitor referred to the letter sent to him from the Clerk of Councils dated 21st January 2020 and provided the responses seriatim as follows:-

- the fee structure should continue to be based on the household rather than individual income because to do otherwise would mean that fewer people would be eligible to pay thus increasing reliance on the public purse because most individuals were below the £10k threshold anyway
- based on the running costs of the Public Solicitor's 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 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 so basically not those born St Helenians or those with St Helenian status
- Lay Advocate services are free and more often than not, family disputes are referred to the Lay Advocates
- the fee structure could include charges for dealing with medical negligence claims.

The Public Solicitor acknowledged that the Regulations under the Ordinance are outdated and advised that there is also a review ongoing as to how the Public Solicitor's Office should be funded. He also asked Members for their views as to whether a fee should be imposed for dealing with medical negligence claims.

Members submitted that their understanding of the household support was clearer and agreed that the fee structure should also provide for medical negligence claims and that expatriate workers should be more clearly defined. Members also confirmed that they were content with the proposal for commercial clients and overseas clients to be charged up to a maximum fee of £150 per hour.

The Governor thanked the Public Solicitor for attending the meeting to explain the issues.

Following discussion, Council advised and the Governor agreed, that the Public Solicitor should work on the feedback the Members provided and submit a revised fee structure for Executive Council to consider at its next meeting.

(Action: Public Solicitor/Clerk of Councils)

At this point the Public Solicitor, Mr Duncan Cooke left the meeting.

67.3 St Helena World Heritage Status (ExCo Memo 12/2020)

Dr Rebecca Cairns-Wicks was in attendance for this item of business.

(Dr Rebecca Cairns-Wicks had made an independent contribution to the Steering Group)

The Chief Secretary introduced the memorandum asking Council to firstly note and consider the findings of the St Helena World Heritage Status Scoping report and to consider the recommendations proposed by the Scoping Group and:

- i) Provide guidance if a full application for World Heritage Status should be explored
- ii) Provide guidance if an expert consultant should be engaged to understand the implications if a full status application is submitted
- iii) Provide guidance if a community led steering committee should be formed to appraise whether or not St Helena Government should progress to a full World Heritage Status and agree the terms of reference of this committee.

Dr Rebecca Cairns-Wicks explained to members that the original application in 2012 was for mixed site status (i.e. meeting both natural and cultural criteria) but the UK's Tentative Listing only recognised the natural criteria as the panel of experts were not convinced about St Helena's cultural values. She advised that St Helena has mechanisms in place to manage the environment but any application for World Heritage status, would need to be supported by evidence that St Helena can protect its ecological values in perpetuity. She was of the view that if a decision is taken to pursue full World Heritage status, there is merit in including the cultural aspect. However, the Scoping Group does not have the capacity to undertake a full investigation to understand the social and economic implications, hence the recommendation to engage a consultant. Dr Cairns-Wicks highlighted that the UK will be reviewing the Tentative List within two years and if St Helena wishes to pursue an application for World Heritage Site Status it needs to make progress quickly.

The Governor thanked Dr Rebecca Cairns-Wicks for her input.

Members acknowledged the good work that had been achieved so far but felt more information was needed with regard to understanding the impacts for the Island, what were the costs involved, the funding opportunities available, the community buy in and if a consultant was really needed or was the expertise accessible on Island.

Following discussion, Council advised and the Governor agreed, that the Scoping Group be tasked with providing further details on the scope and cost of the next phase of work 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 can be funded.

(Action: Hon Chief Secretary)

At this point, Dr Rebecca Cairns-Wicks left the meeting.

67.4 Confirmation of Open Session Minutes of 18 December 2019

The minutes of the open session of 18th December 2019 were confirmed subject to the following amendment

67.4.1 (63.2) Public Solicitors Fees (ExCo Memo 62/2019)

Delete the word “was” after the word “been” from the third paragraph on the second line.

67.5 Matters Arising from the Open Session Minutes

67.5.1 (63.4) Employment Rights Ordinance - Maternity, Paternity and Adoption Leave and the Labour Regulating Authority (ExCo Memo 64/2019)

The Attorney General advised this would be actioned at the formal Legislative Council Meeting planned for the end of February.

67.6 Any Other Business

67.6.1 Can France

The Hon Clint Beard asked if the work at Rupert’s by the Can France team would be hampered when the MV Helena called; the Financial Secretary advised that the MV Helena would take priority whenever the ship was in port.



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Clerk of Councils



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Governor

25 February 2020

Date