

Minutes of the Meeting of Executive Council held on Tuesday, 28<sup>th</sup> April 2020 at 9.30am 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)  
Head of Corporate Support (Mrs C A George)  
Head of News (Mrs K Yon)

Apologies: Head of Governor’s Office (Mr Greg Gibson)

**OPEN SESSION**

76.1 Welcome

The Governor welcomed all to the meeting.

76.2 Policy Statement on the Licensing of Permanent Earth Stations and Receive Only Earth Stations (ExCo Memo 33/2020)

The Chief Economist, Mrs Nicole Shamier and the Acting Chief Digital Officer, Mr Jeremy Roberts, were in attendance for this item of business.

The Chairman of the Economic Development Committee (EDC) introduced the Memorandum asking Council to consider and advise whether the Policy Statement on the Licensing of Permanent Earth Stations and Receive Only Earth Stations should be approved. Members noted that the Economic Development Committee had endorsed the policy, with various caveats, on 26 March 2020.

The Chairman of the EDC advised that the Chief Economist, Mrs Nicole Shamier and Acting Chief Digital Officer, Mr Jeremy Roberts, were present to answer any questions.

The Chief Economist explained that there were three main streams the first was about licensing the earth station or antenna, the second was about the interference between the frequencies and third around the fee schedule.

The Chief Economist went through a power point presentation and explained:-

- what satellites are used for
- what is a satellites
- what are the typical earth orbits
- what is a satellite system
- how are satellite earth stations regulated
- what is regulated
- what is an earth station licence

The Chief Economist explained that Earth Stations need to comply with international rules and the policy being considered sought to ensure that, at the same time creating a fee Schedule. Fees received from licence fees would benefit SHG and could potentially be utilised to fund further digital development.

The Chairman of the EDC drew Members' attention to paragraph no 31 of the ExCo Memorandum and stated the EDC preferred for the fees to be made by Regulations made by Governor-in-Council, rather than as being included in the policy; the Chief Economist advised that this could be considered as part of the ongoing review of the Telecommunications policy.

Members were happy to give their support to the policy, recognising that it would bring economic growth for the Island as well as employment opportunities; they also agreed that the fees should be dealt with by Regulations made by the Governor-in-Council. One Member asked whether any benchmarking had been carried out, as he expected the fees to be higher; the Chief Economist advised that consultations had been carried out and eight companies had responded providing details of their budgets, so the fees had been revised to make St Helena attractive to them. The Chief Secretary added, in accordance with SHG's policy, fees would be reviewed on a regular basis. Another Member asked what impacts the fees would have on existing installations on Island; the Chief Economist advised that it was proposed that the price for an amateur radio license would increase from £23 to £25. Members asked what effect this would have on Sure South Atlantic Limited (Sure); the Chief Economist replied that under the provisions of the current Telecommunications Licence, Sure was exempt from payment of a Licence fee; the Chairman of the EDC explained that this would change going forward.

Members asked whether there was any limit to the number of earth stations and the Chief Economist replied that this was related to land use and not covered by this policy. A Member also queried whether frequencies could be block bought to avoid competition; the Chief Economist advised that one of the principles was that companies must be open to sharing frequencies; it should not be possible to block buy and block frequencies.

The Attorney General advised there were no issues with the policy but highlighted that existing Regulations would need to be amended if it was agreed to increase the fee for an amateur Radio Licence, adding that the review of the Telecommunications Ordinance was due to be completed by the end of 2020.

In response to a query as to the Regulatory body, the Chief Economist advised that it would continue as is for the time being but could change in the future. The Governor suggested that creation of new bodies should be avoided; adding to existing ones would be preferable.

The Governor asked where radio telescopes would fit in the Policy; the Acting Chief Digital Officer explained that these operate outside of the spectrum so would be looked at separately but could be inserted in the Policy at a later stage.

The Chief Economist informed Members that there had also been some interest with regard to launching satellites from the Island so some work would need to be undertaken in the next year or two as an extension to the current policy.

Following discussion, Council advised and the Governor agreed, that the Policy Statement on the Licensing of Permanent Earth Stations and Receive Only Earth Stations should be approved with the caveat that the fees should be set by Regulations in due course. Council also advised and the Governor agreed, that the proposed increase in the licence fee for amateur radios should not increase at this time; rather this could go ahead when Regulations for other fees set out in the policy were drafted.

**(Action: Clerk of Councils)**

The Governor thanked the Chief Economist and the Acting Chief Digital Officer for their input and at this point, they left the meeting.

### 76.3 Covid-19 Related Regulations

The Attorney General reminded members of the urgent legislation that had been required in recent weeks to deal with the Covid-19 pandemic and which had been approved by Governor-in-Council by email and at the formal Legislative Council meeting on 27<sup>th</sup> March, as follows:-

#### **1) Immigration (Prohibited and Controlled Entry) Regulations 2020**

Governor in Council approved the Regulations by email on 13<sup>th</sup> March 2020.

#### **2) Immigration (Prohibited and Controlled Entry) (Amendment) Regulations 2020**

Governor in Council approved the Regulations by email on 20<sup>th</sup> March 2020.

### **3) Public Health (Prevention of Formidable) Diseases Regulations, 2020**

Governor in Council approved the Regulations by email on 20<sup>th</sup> March 2020.

### **4) Consumer Protection (Control of Sales During Limited Supply) Bill 2020**

Governor in Council agreed by email on 25<sup>th</sup> March 2020 that the Bill should be printed, published and presented as Government Business at the formal meeting of the Legislative Council that was due to be held on 27<sup>th</sup> March 2020. It had also been agreed that a Certificate of Urgency would be required to accompany the Bill.

Bill was passed by Legislative Council on 27<sup>th</sup> March and had since had assent from the Governor and the Ordinance enacted.

### **5) Public Health (Prevention of Formidable) (Coronavirus) Diseases Regulations, 2020**

Governor in Council approved the Regulations by email on 3<sup>rd</sup> April 2020.

The need for the various approvals to be formally recorded in the Minutes was noted.

#### **76.4 Confirmation of Open Session Minutes of 24 March 2020**

The minutes of the open session of 24<sup>th</sup> March 2020 were confirmed.

#### **76.5 Matters Arising from the Open Session Minutes**

##### **76.5.1 (73.2) Small Island Developing State Status (ExCo Memo 26/2020)**

The Governor advised that HMG had insisted on Entrustment and HE was working on this which required the consent of the Minister. Once approval had been received, correspondence with the United Nations could go ahead.

**(Action: HE the Governor)**

##### **76.5.2 (73.3) Social Security (Amendment) Regulations, 2020 (ExCo Memo 27/2020)**

The Chairman of the Social and Community Development Committee (SCDC) reported that a review of the Policy which was seven years old, was an agenda item for the SCDC meeting scheduled for May.

#### **76.6 Confirmation of Open Session Minutes of 31 March 2020**

The minutes of the open session of 31<sup>st</sup> March 2020 were confirmed.

76.7 Matters Arising from the Open Session Minutes

76.7.1 (74.2) SHG Financial Statements & Audit Management Letter 18/19 (ExCo Memo 32/2020)

The Chief Secretary advised that the Policy on the non-disclosure agreement was ongoing and the Financial Secretary reported that the Financial Statements had been signed.

76.7.2 (74.4.2) (71.8.1) Criminal Justice (Fixed Penalties) Bill

The Attorney General advised that preparation of the Regulations was ongoing and the Chairman of the Social and Community Development Committee would be meeting with him to discuss progress the following day.

**(Action: Hon Attorney General)**

76.7.3 (74.5.1) Bradleys Visit

Members noted the letter to Baroness Sugg and Mr Tom Tugenhat, MP Chair of Foreign Affairs Committee had been issued but no response had been received from Mr Tugenhat.

76.8 Confirmation of Open Session Minutes of 7 April 2020

The minutes of the open session of 7<sup>th</sup> April 2020 were confirmed.

76.9 Matters Arising from the Open Session Minutes

76.9.1 (75.2) St Helena Equality and Human Rights Commission Framework Agreement (ExCo Memo 28/2020)

The Chief Secretary advised that the Framework Agreement had been signed on the 27<sup>th</sup> April 2020.

76.9.2 (75.4) Development Application - Renewal of Development Permission 2012/66 and 2015/119 (SHELCO) at Broad Bottom (ExCo Memo 31/2020)

The Attorney General advised that there were no issues resulting from the SHELCO application now standing in the name of Paul O'Sullivan (Trade Winds).

76.10 Any Other Business

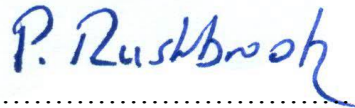
76.10.1 Late ExCo Papers

The Hon Russell Yon, Elected Members Chairman of the month said that when they caucused last Friday, Members raised again the issue of Executive Council decision papers being issued after the set deadline and whilst it was noted that it was only one Memorandum that week, it was a large document so the Members wanted to stress the importance of ensuring they received the papers on time. The Governor agreed that it would not be efficient to have to defer meetings due to the late issuing of memoranda.

**(Action: Clerk of Councils)**



.....  
Clerk of Councils



.....  
Governor

19 May 2020

Date