

Minutes of the Meeting of Executive Council held on Tuesday, 16th March 2021 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 C G Buckley
The Hon A A Green
The Hon L A Henry
The Hon D F Thomas

In attendance: Clerk of Councils (Mrs C C Johnson)
Head of Governor's Office (Mr Greg Gibson)
Acting Head of News (Mr L Yon)

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

OPEN SESSION

99.1 Welcome

The Governor welcomed all to the meeting.

99.2 St Helena Development Application - Proposed Construction of Pet Care Centre,
Merrimens Forest (ExCo Memo 14/2021)

The Governor advised that he had registered in advance with the Clerk of Councils a potential conflict of interest as he believed the applicant is connected to a member of staff at Plantation House.

The Chief Planning Officer, Mr Ismail Mohammad was in attendance for this item of business.

The Chief Secretary reminded Members that they were sitting as the Planning Authority for the three development applications.

The Chief Secretary introduced the Memorandum asking Council to consider and advise whether Full Development Permission should be granted, with Conditions for the development application for the proposed construction of a Pet Care Centre, at Merrimens Forest as recommended by the Land Development Control Authority (LDCA).

The Chief Secretary said Members would recall this application being presented last year whereby concerns were raised regarding the perceived noise that could be emitted and the impacts on the neighbours which the Chief Planning Officer had since been addressed with

the applicant.

The Chief Planning Officer explained all the details to Members covering the site location and confirmed that he had spoken with the applicant and the construction details were revised to include wall insulation which would reduce the noise and two further conditions regarding the access track and the requirement of ensuring the area was returned back to its original state should the development cease were added.

One Member questioned the status of the land and was informed by the Chief Planning Officer that this was crown land. The Member queried whether all processes relating to this lease/purchase were correctly followed; the Chief Secretary advised that she would check this and advise.

(Action: Hon Chief Secretary)

Members also asked:

- about the type of materials that would be used in the insulation; the Chief Planning Officer replied that a fibre-related material would be placed between the interior and exterior walls of the building and this would be specified by building control
- if there would be any recommendations on the number of dogs kept at the Centre; the Chief Planning Officer replied this could be a condition if Members were of the view this should be imposed and added that if this was an issue, then Environmental Health would have the authority to become involved
- if shutters should also be placed on the windows to combat the noise issues; the Chief Planning Officer advised that this condition could be added if recommended by Members.

One Member asked the Attorney General if the sale of crown land in the green heart land must be brought to Executive Council; the Attorney General advised that the Land Disposal Policy must be followed.

Another Member pointed out that approving the application would be contrary to 6(a), 7(a) and 7(b) of the Policy and questioned why we were going against Policies; the Chief Planning Officer replied that the Policies are clear, the development is not intrusive in the landscape and there is a need for this type of business on Island and there are less issues in a rural area so the justification is of material consideration whereby it is acceptable in this location. The Member reiterated that either the application complies with the Policy or does not, there is no in-between. Another Member added it could be seen as an essential service for the Island but he was unaware of the market research.

Members requested going forward that all development objections in the interest of openness and transparency must be presented in their entirety in an Annex to the Memorandum and not summarised.

(Action: Hon Chief Secretary)

Following discussion, Council advised and the Governor agreed, that Full Development Permission with Conditions for the development application for the proposed construction of a Pet Care Centre, at Merrimens Forest as recommended by the Land Development Control Authority (LDCA) should be granted and the following conditions added:

- 1) once the development is operational, and if noise from the dogs excessive, then a review could be held whereby a limit is set on the dog numbers for the centre

- 2) the addition of window shutters should also form one of the conditions to the development.

Members also reiterated that the development objections must be presented in their entirety in an Annex to the Memorandum.

(Action: Hon Chief Secretary/Clerk of Councils)

99.3 Development Application - Saint Helena Yacht Club, James Bay (ExCo Memo 15/2021)

The Chief Planning Officer, Mr Ismail Mohammad was in attendance for this item of business.

The Chief Secretary introduced the Memorandum asking Council to consider and advise whether Full Development Permission should be granted, with Conditions, for the Erection of a Notice Board to the Front Elevation of the Saint Helena Yacht Club Building in James's Bay in light of the views expressed and concerns raised by the Land Development Control Authority (LDCA).

The Chief Secretary reminded Members that this development application was brought to Executive Council because it is a requirement of the Chief Planning Officer to refer to the Governor-in-Council all applications for Development Permission for the development on any land covered by water or land within 50 metres of land covered by water as clarified in the April 2014 letter.

The Chief Planning Officer went through the application and explained all the details to Members and advised that he had discussions with the Attorney General regarding the logo. The applicant had said that a notice board had been on the wall in past but no evidence was supplied to collaborate this. The LDCA had suggested that approval be given, the board painted in a colour that matched the building and its impact reviewed after twelve months.

Members were generally content to give their support but questioned once again why such simple non-strategic applications were being presented to Executive Council and stated that the April 2014 letter must be reviewed; the Chief Secretary agreed to follow up this action.

(Action: Hon Chief Secretary)

Members also queried why the notice board needed to be painted and asked who owned the building; the Chief Planning Officer confirmed the building belonged to the Crown.

The Chief Planning Officer, when asked, advised that the revised Land Development Control Policy would be ready within the next 2 – 3 months; Councillor Derek Thomas, a member of the working group, suggested that it would be ideal to have this Policy ready before this Council was dissolved bearing in mind that adequate time would be needed for public consultations. The Chief Secretary informed Members that she had spoken with the Director regarding this matter and confirmed that this was one of his top priorities.

(Action: Hon Chief Secretary)

Following discussion, Council advised and the Governor agreed, that Full Development Permission should be granted, with Conditions for Erection of a Notice Board to the Front Elevation of the Saint Helena Yacht Club Building in James's Bay and the approval subject to the Notice Board being painted in an appropriate colour and for a review of the impact to be conducted after one year, after which further permission would be needed for the continued use of the development thereafter.

(Action: Hon Chief Secretary/Clerk of Councils)

99.4 Proposed Stevedores Building and Public Facilities in Lower Rupert's Valley (as Amended) (ExCo Memo 16/2021)

The Chief Planning Officer, Mr Ismail Mohammad was in attendance for this item of business.

The Chief Secretary introduced the Memorandum asking Council to consider and advise whether Full Development Permission should be granted, with Conditions, for a Proposed Stevedores Building and Public Facilities in Lower Rupert's Valley (as Amended). The Chief Secretary asked Members to note that the Land Development Control Authority (LDCA) considered the report at their meeting on 3rd March 2021. The consideration by the LDCA was for a development proposal that did not include Hyperbaric Chambers as that aspect of the development application had been withdrawn by the applicant prior to the meeting due to lack of supporting information on the specification of the Hyperbaric Chambers.

The Chief Planning Officer went through the application and explained all the details to Members and advised that whenever the existing facilities were unavailable then the new facilities would be used.

Members were content to give their support to the proposal recognising that area was a much used community facility but also historically important so whilst maintaining access was vital they also highlighted the need for developments to be balanced.

Following discussion, Council advised and the Governor agreed, that Full Development Permission should be granted, with Conditions, for a Proposed Stevedores Building and Public Facilities in Lower Rupert's Valley (as Amended).

(Action: Hon Chief Secretary/Clerk of Councils)

The Governor thanked the Chief Planning Officer for his informative advice and at this point, he left the meeting.

99.5 Investment Strategy and Policy update 2021 (ExCo Memo 17/2021)

The Chief Economist, Mrs Nicole Shamier and Senior Economist, Mrs Amanda Curry Brown, were in attendance for this item of business.

The Chairman of the Economic Committee (EDC) introduced the Memorandum asking Council to consider and advise whether the 2021 versions of the Investment Strategy and Investment Policy should be endorsed.

The Chairman of EDC gave Members some additional background information advising that at the Executive Council meetings held on 26th June 2018 and the 23rd April 2019 the Investment Policy 2018 and the Investment Strategy 2018 were endorsed respectively. The winding down of Enterprise St Helena means that the Strategy and Policy require minor updates to replace references to Enterprise St Helena, and include references to the Sustainable Development Team, and to refer to some policy progress. Changes were also suggested for Approved Investment Status B and with reference to an application for Approved Investment Status discussed in Executive Council on 2nd March 2021, it was proposed that the Strategy be clearer with regard to the backdating of the certification date, if applicable.

The Chief Economist and Senior Economist responded to the questions Members raised around green initiatives and the related policies, importation of vehicles, selling of the business assets and related customs duty refunds.

One Member queried who the Chairman of the Investment Enabling Group was; the Chief Secretary confirmed that she was the Chair and one Councillor was also a member of this group.

Members raised concerns because they said they had not yet seen the Land Plan and felt allowing prime land to be used without specifying in particular where the next graveyard, hospital or school would be situated was not in their view a satisfactory way forward; the Governor requested the Chairman bring the discussion back to the Memorandum being discussed.

One Member raised concerns about the issuing of the certificates, the financial implications, and the principles behind the policy issues and pointed out that the Membership of the Board should be clearly stated and not just state it included officials. He also queried why this was not presented at the Finance Committee; the Chief Secretary explained that the Investment Enabling Group was set up as an informal group developed at the request of EDC who felt that SHG blocked investment so she wanted to ensure that the officers worked cooperatively together but highlighted that she was happy to be flexible and agreed it was important that all Policies needed to be cohesive and linked. The Governor added that it was vital that the Policies attracted Investors to the Island.

Members reiterated they were not content to backdate investments for a long period of time and suggested this be reviewed in line with the relevant Regulations.

Following discussion, Council advised and the Governor agreed, that the 2021 versions of the Investment Strategy and Investment Policy be endorsed subject to a review of the Policy and assurance that the link between the Finance Committee and the processes be correctly aligned.

(Action: Hon Chairman EDC/Clerk of Councils)

The Attorney General was also requested to ensure that the relevant Regulations were brought back to Executive Council at the earliest opportunity.

(Action: Hon Attorney General)

99.6 Proposed Update to Customs Duty Concessions for Approved Investments (ExCo Memo 18/2021)

The Chief Economist, Mrs Nicole Shamier and Senior Economist, Mrs Amanda Curry Brown, were in attendance for this item of business.

The Chairman of the Economic Committee (EDC) introduced the Memorandum asking Council to consider and advise whether the Customs Duty concessions for Approved Investment Status (AIS) should be updated to reflect that Customs Duty on vehicles is now charged at a fixed rate rather than a percentage of value.

The Chairman of EDC gave Members some additional background information and added that at the Executive Council meetings held on 26th June 2018 and the 23rd April 2019 the Investment Policy 2018 and the Investment Strategy 2018 were endorsed respectively. In the policy, Approved Investment Status (AIS) provides for a reduction in Customs Duty from 20% to 5% or 0% for the import of capital items.

The Senior Economist advised this had been considered by the EDC and would have followed through to the Finance Committee but because the Chairman of EDC and Councillor Beard sat on EDC, it had been agreed that this administrative change be actioned at the same time as Memorandum 17/2021 above.

The Attorney General asked if Members were content for these amendments to be made in one set of Regulations with those arising from the Investment Strategy and Investment Policy; Members agreed.

(Action: Hon Attorney General)

Members were generally content to support the request but one Member raised concerns and said they did not want to be inundated with vehicles being imported that were contrary to existing environmental policies and another raised the issue of the level of personal use of vehicles against the business use.

Following discussion, Council advised and the Governor agreed, that the Customs Duty concessions for Approved Investment Status (AIS) should be updated to reflect that Customs Duty on vehicles was now charged at a fixed rate rather than a percentage of value subject to the Attorney General ensuring that the relevant revisions were actioned.

(Action: Hon Chairman EDC/Hon Attorney General/Clerk of Councils)

99.7 Confirmation of Open Session Minutes of 2 March 2021

The minutes of the open session of the 2nd March 2021 were confirmed.

99.8 Matters Arising from the Open Session Minutes

There were no Matters Arising from the Open Minutes.

99.9 Any Other Business

99.9.1 Covid Regulations Extension and Immigration Regulations Repeal

The Attorney General referred Members to an e-mail that he had sent on the 15th March and explained that at the Incident Executive Group meeting on 9th March it was decided:

1. That the Covid Regulations would be extended for 6 months from their expiry on 7th April; and
2. That the Immigration Entry restrictions would be repealed from 1 April 2021.

The Attorney General sought Members approval for these two Legal Notices to be ratified; Members agreed.

(Action: Hon Attorney General)

99.9.2 Visiting Cruise ships

The Hon Lawson Henry enquired whether there would be any opportunity going forward for Cruise Ships to visit the Island; the Governor suggested this be discussed at Incident Executive Group meeting.

There was no any other business for discussion in Open Session.

.....
P. Rushbrook
Governor

.....
U Johnson
Clerk of Councils
16.04.21

.....
16-4-21
Date

