

Minutes of the Meeting of Executive Council held on Tuesday, 11th May 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 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 Corporate Support (Mrs C A George) – from 10.01 am
Head of News (Mrs K Yon)
Head of Governor's Office (Mr Greg Gibson)

Apologies: The Hon C R Beard

OPEN SESSION

103.1 Welcome

The Governor welcomed all to the meeting.

103.2 Exempting Better Life Allowance Payments from Income Tax (ExCo Memo 23/2021)

The Financial Secretary introduced the Memorandum asking Council to advise whether payments of the Better Life Allowance should be exempted from income tax.

The Financial Secretary explained that the Better Life Allowance (BLA) was introduced in 2015 to replace the old disability allowance and was designed to cover additional costs that having a disability can often incur and also to help to meet the additional costs of people who have a disability and therefore give them a 'better life' but the BLA is excluded from the calculation to determine Household Income Level under the Social Security Ordinance and Regulations and therefore not part of the overall Income Related Benefits payment. He advised that the BLA is paid over and above these payments but the BLA is not, however, exempt from income tax.

Members were generally content to support the exemption for those receiving the Better Life Allowance not to be charged any income tax.

The Chairman of the Social and Community Development Committee (SCDC) noted that it had initially been the intention for this allowance to be tax free but said that unfortunately this process had not been followed through. He added that the review of these allowances had started with the criteria being recently revised and reviewed by the SCDC and also asked if

this allowance could be backdated; the Financial Secretary replied that this was not possible but the changes would be factored into this financial year.

The Governor cautioned that Members had only recently agreed an amendment to the Income Tax Bill that would charge income tax on allowances and advised that there might be some negative feedback; Members were adamant this situation could not justifiably be compared with the earlier one and advised that they were prepared to address this should the need arise.

Following discussion, Council advised and the Governor agreed, that payments of the Better Life Allowance should be exempted from income tax and the Regulations updated with effect from the 14th May 2021.

(Action: Hon Financial Secretary/Clerk of Councils)

103.3 Excision of National Forest Land from the Government Forest Estate (ExCo Memo 24/2021)

The Director of Environment, Natural Resources and Planning, Mr Darren Duncan, (DoNR&P) and Forestry Officer, Miss Myra Young were in attendance for this item of business.

The Chairman of the Environment and Natural Resources Committee (E&NRC) introduced the Memorandum asking Council to consider and advise whether the land parcels listed in the draft Legal Notice attached to the Memorandum, designated as National Forest, should be excised from the Government Forest Estate through variation of Orders 8 and 12 of 1955. He further explained that variation of Statutory Rules and Orders 8 and 12 of 1955 constituting land as National Forest is required through the excision of 9.51 acres of land within the Government Forest Estate and release of this National Forest land is required to allow the Crown Estates Section to:

- a) support land requirements for the Hooper Campsite Project (5.04 acres);
- b) take over land that is unproductive for forestry purposes (4.12 acres);
- c) support a small amount of land required for bank stabilisation requirements for current residential properties;
- d) meet land requirements to enable extension of Government Landlord Houses at Plantation Stables;
- e) meet land requirements for their residential property reparcelation exercises.
- f) provide additional land for Connect St Helena Limited to make improvements at their Levelwood Treatment Plant.

The Forestry Officer explained in detail to Members the specific information relating to all the excision plots. The DoNR&P reiterated that the values for the land being excised is costed on forestry value and not monetary value.

Members were content to support the land excisions and felt that utilising non-productive land was more beneficial for the Island and acknowledged that these processes should be encouraged.

One Member queried if this application was separate to the recent land excisions and whether these were parcels of land that people had specifically asked for; the DoNR&P replied that this was a separate application and Crown Estates had requested some applications after recognising that some small parcels of land had not been correctly demarcated but the campsite which was the largest area had been approved in principle a while ago by Executive Council.

The Attorney General also explained the four conditions which needed to be considered under the Forestry Orders and Members agreed that the information provided in the Memorandum and the additional advice supplied by the Forestry Officer met this criteria.

The Attorney General also explained to Members that the Order would come into effect on the 25th May 2021 because of the time period required in the Ordinance after public consultation had concluded; Members agreed.

Following discussion, Council advised and the Governor agreed, that the land parcels listed in the draft Legal Notice designated as National Forest attached to the memorandum should be excised from the Government Forest Estate through variation of Orders 8 and 12 of 1955 was approved and would come into force on the 25th May 2021.

(Action: Hon Chairman of the E&NRC/Clerk of Councils)

103.4 Confirmation of the Open Session Minutes of the 27th April 2021

The Open Session Minutes of the meeting held on 27th April 2021 were confirmed.

103.5 Matters Arising from the Open Session Minutes of 27th April 2021

103.5.1 (102.2) National Honours and Awards Bill, 2021

Members noted the Legislative Council Meeting planned for April 2021 had been cancelled; the Attorney General confirmed that the National Honours and Awards Bill, 2021 should be ready for the meeting scheduled for the 28th May 2021.

103.5.2 (102.5.2) Yacht Club Signage

The Chief Secretary confirmed that this matter had been discussed with the Chief Planning Officer and the Attorney General and it was agreed that a public response was no longer required.

103.5.3 (102.5.6) Criminal Procedure (Amendment) Bill, 2021

The Attorney General reiterated his apologies to Members for the withdrawal of the Criminal Procedure (Amendment) Bill, 2021 advising that this was not the simple amendment as had been previously communicated and policy considerations were required. A special Social and Community Development Committee meeting would be held to discuss this soon with the expectation that this would be presented at the Legislative Council Meeting planned for June 2021.

103.6 Any Other Business

103.6.1 General Data Protection Regulation

The Hon Anthony Green raised concerns regarding the delay in taking forward work on the General Data Protection Regulation, acknowledging that funding for TC support was being sought but was mindful of whether SHG was working together to ensure certain milestones were being met. The Chief Secretary advised that she would pass this on to the Strategic and Social Policy Coordinator, Ms Ann Muir to ensure that all policy areas are incorporated into this.

(Action: Hon Chief Secretary)

The Governor added that it was unlikely that this would progress to a conclusion during the life of this Council and recommended that the focus should be on developing the policy.

103.6.2 St Helena - Green List by the HMG

The Head of Governor's Office advised that St Helena had been included in the UK's green list of countries which were safe for travel which meant that from 17th May 2021, those persons entering the UK from St Helena would not be subject to quarantine restrictions; a check was being made as to whether a pre-departure COVID test would be required..

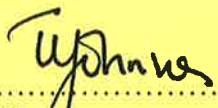
103.6.3 Reply from Lord Ahmad

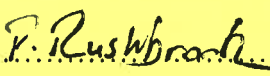
The Head of Governor's Office said that following the letter to Lord Ahmad from the Chairman of the Social and Community Development Committee, a reply had been received giving approval to proceed with changes to the Constitution and early indications were that this process was not overly complicated and there was a positive possibility that this could be presented to the UK Privy Council before the August break.

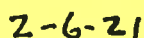
The Hon Cruyff Buckley asked if the Oath of Confidentiality would also be addressed; the Attorney General confirmed that it would be.

103.6.4 Arrival of Mr Rob Wilkinson

The Head of Governor's Office advised that Mr Rob Wilkinson would be arriving on the flight on Wednesday to assist in the Governor's Office for six weeks.


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Clerk of Councils
02.06.21


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Governor


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Date