

EXECUTIVE COUNCIL TOP LINES – TUESDAY 15 JUNE 2021

Removal of Crown Land from the Airport Development Order

- **Executive Council advised that various parcels of Crown Land should be transferred back to the Crown Estate by removing them from the control and restriction imposed under the Airport Development Order, 2008**

At the meeting

- It was noted that the Executive Council Memorandum stated that the removal of the six parcels of land from this Order would make the parcels available to SHG administration for other uses. One such use would be to enable Connect Saint Helena Limited at Rupert's to support the development of the port facility
- In response to a question regarding the transfer of land to Connect Saint Helena Limited, it was explained by the Head of Infrastructure who was present that the land would be leased to the company at a cost
- The Financial Secretary explained also that the removal of the land from the Order would also formalise the transfer of land parcels, which had been agreed in principle to existing tenants who need to vacate specific areas to enable the development of the port and cargo handling facility.

Background

- The Airport Development Ordinance was enacted to facilitate the design and construction of the Airport and provided authority for the Governor-in-Council to designate any land on the Island as an Airport Development Area for the purposes of the Airport development
- The Airport Development Order, 2008 identified a number of land parcels that were essential in the development of the Airport; these totalled an area of around 1748 acres
- Following the opening of the Airport, some of those parcels of land no longer need to be listed in the Order and can transfer back to Crown Land
- Some of the land is in the Rupert's area and will assist in development of the Port and thus supports development of economic activity
- Other areas of land to be removed from the Order are in Prosperous Bay and White Hill.

Development Application – Proposed Development of Trade Winds Ocean Village Comprehensive Development Area, Horse Pasture, Thompson's Hill

- **As this development application consisted of a considerable amount of documentation, it was decided that discussion would be deferred and a special meeting held on 22 June 2021 to consider it**

Development Application – Proposal to retain the structures within the Mule Yard

- **Executive Council advised that Full Development Permission, with Conditions, should be approved to retain the structures within the Mule Yard in Jamestown**

At the meeting

- The Chief Planning Officer presented the application
- The applicant was SHG and would therefore take on the responsibilities of the development permission
- The structures in the Mule Yard were the property of a previous lease holder who had been granted temporary planning permission in 2009; this permission had lapsed in June 2018 and no action had been taken, such as an enforcement notice, hence the need to remedy the situation
- The Mule Yard had since been leased to a new lessee
- The development application and conditions attached to it would enable SHG and operators of the Mule Yard to work together to improve the area in the longer term
- The Land Development Control Authority (LDCA) had requested minor amendments to two of the conditions attached to the granting of the development permission
- The amendments were to conditions numbers 2 and 5
- Condition 2 would be reworded as follows ‘assessment of the existing buildings and structures that are built against the listed structures and where possible these should be moved away and the areas repaired and appropriate restoration undertaken.’
- Condition 5 related to Condition 4 requiring the submission of a landscaping scheme to the Chief Planning Officer by the applicant within six months from the date of the development permission. The original wording of condition 5 stated that the implementation of a landscaping scheme should be completed within two years of approval; ExCo agreed with the LDCA request that the condition be amended to state that the implementation of a landscaping scheme should be *started* within one year of the approval and discharge of Condition 4
- Council noted that if development permission was not approved, the existing structures would need to be removed and all business activity at the site would have to cease immediately.
- These two conditions are key to improving the site. They would require improvements to the site to be presented to SHG Planning within six months. Once approved, the improvements would need to be implemented within one year.

- Council noted the social benefits that were associated with the development application by allowing the continuation of the leisure, recreation and entertainment use of the Mule Yard for the community and wanted these to continue.

Background

- This was an application proposing to retain the structures which already exist in the Mule Yard
- It is expected the granting of full development permission would encourage operators of the Mule Yard to invest in structures which enhance the current leisure and entertainment offering and which are more conducive to the historic environment
- The original temporary planning permission was approved by the Governor-in-Council in 2009 and this permission lapsed in 2018 but the use of the site and the structures has continued with no action taken by the Planning section to ensure compliance. This situation could not continue.
- Conditions attached to the 2009 permission were not complied with or enforced, so this application provides the opportunity to re-address those issues.

Employment Rights (Amendment) Bill, 2021 and Employment Rights (Labour Regulating Authority) (Amendment) Regulations, 2021

- **Executive Council advised that the Employment Rights (Amendment) Bill, 2021 should be printed and published and tabled as Government business at the formal meeting of the Legislative Council scheduled for 18 June 2021**
- **Executive Council advised that the Employment Rights (Labour Regulating Authority) (Amendment) Regulations, 2021 should be approved for publication on commencement of the amended Ordinance**

At the meeting

- Council noted that the preparation of guidelines and best practice had not been done before now and going forward, Executive Council would be consulted on these matters as part of the preparation
- Concern was raised that despite extensive consultation when the Employment Rights Ordinance was brought into force in 2010, some employers were still not complying with the responsibilities set out in the Ordinance and some employees were reluctant to come forward to the Labour Regulating Authority (LRA) with complaints in fear of losing their jobs
- There was a view that the opportunity should be taken to strengthen the Ordinance to ensure oversight of employers but it was agreed that this should be taken forward at a later date

- It was suggested that SHG's Procurement processes could be strengthened to ensure that Contractors have issued Statements of Particulars to their employees as part of the Tenders evaluation process.

Background

- The LRA is established under the Employment Rights Ordinance, 2010
- The LRA has responsibilities to promote and protect the rights of employees under the Ordinance; advise the governor-in-Council and relevant Council Committee on labour protection issues; to investigate and determine claims made by employees under the Ordinance; and to prepare and publish guidelines on best practice and codes of practice in employment protection for employees, employers and workers
- The Chairman of the LRA had written to the Education and Employment Committee requesting that the responsibility of the LRA to determine claims should be removed from the Ordinance and for provision for political endorsement when developing best practice and codes of practice. The Chairman had also requested the appointment of a Clerk to the LRA, as well as provision for the appointment of a Deputy Chairman. These requests were approved by the Education and Employment Committee
- The amendments to the Ordinance now mean that responsibility for the promotion of employee rights moves to the Employment Rights Committee (ERC); the protection responsibility has been removed from the LRA but not transferred to the ERC as this does not sit correctly with either. The amendment also means that the LRA must consult with Executive Council before preparing and publishing guidelines. Other amendments requested have also been incorporated into the amendment Bill.

Elections (Amendment) Bill, 2021

- **Executive Council advised that the Elections (amendment) Bill should be printed and published and presented as Government business at the formal meeting of the Legislative Council to be held on 18 June 2021**

At the meeting

- Council noted that the amendment to the Elections Ordinance was a 'tidying up' exercise to remove ambiguity that existed currently
- A question was asked about other proposed amendments to the Elections Ordinance recommended by the sub-committee of the Social and Community Development Committee (SCDC) which had been set up in 2020 to review the Ordinance
- It was explained the SCDC was currently working through the various recommendations which the sub-committee had proposed.

Background

- This amendment clarifies an anomaly regarding the interpretation and application of section 4 so that a person who is absent from St Helena at the time of applying for registration is deemed to be present as prescribed and may be registered as an elector.

AOB

- The Attorney General informed Council it was necessary to amend the COVID-19 Regulations following the Incident Executive Group (IEG) decision to reduce the required period of quarantine for arrivees from the UK from 14 days to 10 days
- The Chief Secretary asked Members whether they were content for the Social Impact Assessment prepared by the Social Policy Planner to be taken forward; they were in agreement with this
- HE the Governor informed Council of the approval of additional funding for the Island of over £1m for environmental related projects. The FCDO has made available £165k for a modern waste materials recycling facility and demonstration of natural lighting improvements at ENRD to replace electric lights; this is part of the funding for projects in respect of COP26 in Glasgow. Further funding of £900k has been made available for the restoration of the St Helena cloud forest, which will have a key role in the Island's long-term climate resilience, water security and safeguarding wildlife from further extinctions.

ExCo

15 June 2021