

Minutes of the Meeting of Executive Council held on Tuesday, 1<sup>st</sup> June 2021 at 11am in the Council Chamber

Present: His Excellency the Governor (Dr P E 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: Assistant Clerk of Councils (Miss A R Legg)  
Head of Corporate Support (Mrs C A George)  
Acting Head of Governor's Office (Mr R Wilkinson)

**OPEN SESSION**

105.1 Welcome

It was agreed to defer item 8, under the closed agenda and to advise the relevant body immediately.

The Governor welcomed all to the meeting.

105.2 Customs and Excise (Approved Investment) (Amendment) Regulations, 2021 (ExCo Memo 30/2021)

The Senior Economist was in attendance for this item of business.

The Chairman of the Economic Development Committee (EDC) introduced the Memorandum, advising that updated policy changes had been agreed by Executive Council in March 2021. The Regulations were now brought back for approval, mainly to allow for a change in the charging mechanism.

It was noted under s6 of the Regulations, "the Committee" referred to the Approved Investment Committee, which was defined at the beginning of the Regulations. The Senior Economist agreed to seek clarity from the Head of Sustainable Development, whether the use of vehicles was personal or for business.

**(Action: Hon Chairman, EDC/Senior Economist)**

The Senior Economist later advised, the full text of the regulation specifies that "The concessions provided in this regulation apply in respect of any capital goods imported by an Approved Investor during the concession period for the purposes of an Approved Investment." Thus vehicles would have to be for business use. She had also communicated

ExCo's interest in ensuring the concessions were being used appropriately and people were not importing vehicle for personal use.

Following discussion and subject to clarification, Council advised and the Governor agreed that the Customs and Excise (Approved Investment) (Amendment) Regulations, 2021 (Annex A) should be published.

**(Action: Clerk of Councils)**

### 105.3 Environmental Protection (Amendment) Bill, 2021 (ExCo Memo 32/2021)

The Portfolio Director of Environment, Natural Resources and Planning and the Legislative Drafter were in attendance for this item of business.

The Chairman of the Environment and Natural Resources Committee (E&NRC) introduced the Memorandum, stating the intention was to introduce legislation to achieve Dark Sky Community accreditation.

Members supported the Bill in terms of growth and development of the Island, subject to consideration of Members' queries. The Legislative Drafter also agreed to revise s28B to include an exemption for safety lighting at the Wharf; this was later achieved.

Following discussion, Council advised and the Governor agreed, that the Bill (Annex A), to amend the Environmental Protection Ordinance, 2016 should be printed, published and presented as Government Business at the next formal meeting of the Legislative Council, to be held on 18<sup>th</sup> June 2021.

**(Action: Clerk of Councils)**

### 105.4 Control of Tobacco and Related Products (Amendment) Bill, 2021 and Control of Tobacco and Related Products Regulations 2021 (ExCo Memo 29/2021)

The Health Promotion Lead (HPL) and the Legislative Drafter, were in attendance for this item of business. The Chairman of the Public Health Committee (PHC) introduced the Memorandum.

Under the Bill "Objection s8C", it was agreed to make this wider to members of the public. The Attorney General explained the grounds for objection related to s8D and highlighted the importance of the Gazette Notice in s8(4), which the HPL agreed to follow-up. Under the Regulations, Schedule 1 and 2, Prince Andrew School would be removed, as this was already provided for and members felt all schools should be smoke free environments.

**(Action: Hon Attorney General)**

It was suggested the Bill should be brought into force in stages, linked to the Police round of inspections thus under s8 due time would be given from September to December, for people to apply for registration as a registered dealer in tobacco products. Concern was raised regarding the low fee of £10 per annum to become a registered dealer. The Chairman acknowledged but advised this would go some way in starting the programme and would then be subject to an annual review through the MTEF process. The amended Bill was not seen as a matter for public consultation.

The HPL reiterated the importance of the ban of flavoured tobacco, particularly in relation to the health of young people. Members were pleased to hear the plans for engaging with and educating young people. In a related matter, the Chief Secretary explained the progress of the photo ID, which formed part of the licensing amendments in the Road Traffic Ordinance.

Subject to amendments and considerations, Council advised and the Governor agreed:

- a) the Control of Tobacco and Related Products (Amendment) Bill, 2021 should be printed, published and presented as Government Business at a formal meeting of the Legislative Council; and
- b) the Control of Tobacco and Related Products Regulations 2021 should be published upon the commencement of the Ordinance.

**(Action: Clerk of Councils)**

#### 105.5 Public Access to Government Information Bill, 2021 (ExCo Memo 31/2021)

The Chairman of the Social & Community Development Committee (S&CDC) introduced the Memorandum and advised the intention was to put the current SHG Code of practice into legislation.

The most substantial change was the addition of an independent appeals mechanism, which the Attorney General explained mirrored the Secretary of State process in the UK, where GIC was able to control whether the information was important or not. Members agreed there should be reserve veto powers for exceptional eventualities. The Attorney General agreed to look at and report back on “subject to judicial review”.

**(Action: Hon Attorney General)**

Members supported the Bill as a step forward in transparency for the Island. It was noted that resources would be reviewed, as and when necessary. The Bill was not recommended to come into effect until the Guidance Booklet and the Regulations were completed therefore the Governor asked for this to be undertaken quickly. It was agreed s8 should not be altered during formal LegCo.

Following discussion, Council advised and the Governor agreed, the Public Access to Government Information Bill, 2021 should be printed, published and presented as Government Business at the formal meeting of Legislative Council, due to be held on 18<sup>th</sup> June 2021.

**(Action: Clerk of Councils)**

#### 105.6 Confirmation of the Open Session Minutes of the 11<sup>th</sup> May 2021

The Open Session Minutes of the meeting held on 11<sup>th</sup> May 2021 were confirmed.

105.7 Matters Arising from the Open Session Minutes of 11<sup>th</sup> May 2021

105.7.1 (103.6.1) General Data Protection Regulation

The Chief Secretary reiterated that the Strategic and Social Policy Coordinator, Ms Ann Muir, would take forward this work but it would unlikely conclude during this term of Council.

105.8 Any Other Business

105.8.1 Writ of Election

It was queried whether there would be further opportunity for the public to add their name to the Register of Electors, once the Writ had been issued. This was not the normal procedure, as the Elections Ordinance, 2009 did not permit this; however the Attorney General and the Head of Corporate Support were tasked with reviewing the procedures in relation to latecomers.

**(Action: Hon Attorney General/Head of Corporate Support)**

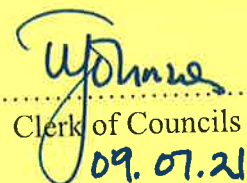
105.8.2 National Honours and Awards Bill, 2021

Members discussed the above Bill, which had not been approved at the last formal Legislative Council and therefore could not be brought back for another six months. It was noted the Badge of St Helena could also be given to St Helenians however the Badge of Honour was a higher award. A suggestion was made that Standing Orders could be suspended, in order for this Bill to return to the House within the next month. This would be discussed with the remaining LegCo members.

**(Action: Hon Cruyff Buckley)**

105.8.3 Arrival of Mr Rob Wilkinson

Mr Rob Wilkinson introduced himself formally to Members, as the interim replacement for Mr Greg Gibson.

  
Clerk of Councils  
09.07.21

  
Governor

9-7-21  
Date