

# MINUTES OF THE ASCENSION ISLAND COUNCIL (AIC)

## MEETING HELD IN THE COURT HOUSE,

Friday, 4<sup>th</sup> July 2014 at 10:00 hrs

Present: (by telephone) HE The Governor, Mark Capes  
Colin Wells, Administrator  
Walter Scott, Crown Counsel/Solicitor General  
Catherine Leo, Director of Resources  
Councillor Toni Bendall  
Councillor Keturah George  
Councillor Nicholas John  
Councillor Cyril Leo  
Councillor Larry Poultney  
Councillor Caroline Yon

In attendance: Ed Haynes, Director of Operations  
Nicola Dillon, Clerk of Council

Overseas: Councillor Samantha Arms-Lawrence

### 1. Introductory Remarks

In his introductory remarks the Governor told members that he was looking forward to hearing members' views and comments on what was an interesting agenda. In the absence of the Attorney General the Governor had given authorisation for the Solicitor General, Walter Scott, to sit in as the AG's representative.

### 2. Confirmation of Minutes

The minutes of the AIC meeting held on 27 March 2014 were confirmed as a true record.

### 3. Matters Arising

#### 3.1 Paper: Education: Two Boats School

The Administrator informed Council that a pre-inspection of Two Boats School took place between 23 and 27 June. Early indications were very positive; there were some management points to address as well as implementing an annual safeguarding check, however, overall the school was in a good position for the full inspection which would take place in December.

Cllr Leo commented that he was pleased that the pre-inspection showed that the school was running at an acceptable level. He hoped that the final outcome would be acceptable to the community as a whole. The Administrator said that he shared Cllr Leo's aspirations. He hoped that the final inspection would be carried out either by a different inspector or a different organisation so that there is a 'second look' which will further reassure the parent community at the school.

The Governor said the Inspector's Report should be made public as this would reduce public concern in relation to the school.

#### 3.2 Training for new Councillors

The Administrator updated councillors about training. Frank Savage was coming to the Island in

September to deliver disaster management training and arrangements were being made with Mr Savage to deliver training to councillors.

### **3.3 Saturday Swimming Club**

The Administrator told members that he had raised the issue of the lack of a trained swimming instructor with the Wing Commander. One suggestion was that the school might invest in training staff, which might provide continuity of the service for a longer period.

### **3.4 BCF (Business Consultation Forum)**

The Administrator hoped that Council would meet again in a few weeks' time (end of July/early August) to look at the BCF proposal. He told members that he had started discussions with two of the four BCF representatives and would have meetings with the remaining two within the next couple of days. It was anticipated that a Finance Committee meeting would take place in the ensuing week and then the full council would meet informally to fine-tune the proposals.

### **3.5 UKOTA Membership**

The Ascension Island Council formally agreed to accept an invitation from UKOTA (United Kingdom Overseas Territories Association) to become a full member at their last meeting on 27 March. The Administrator would be responding to the invitation soon and Ascension Island would have membership in place by this year's JMC.

### **3.6 Paper: Economic, Political and Social Study of Ascension Island**

A formal response will be provided soon to Cllr Leo's paper, which was entitled Economic, Political and Social Study of Ascension Island. It would be tabled as an Agenda item at the next formal meeting.

### **3.7 Small boat for use by Boat Owners**

At the previous Island Council meeting the Administrator invited boat-owners, via the Harbour Master's office, to write to him with a business case for the procurement of a small boat. He was still waiting on a response.

### **3.8 Email circulation of Councillors' messages**

The Clerk of Council had set up a new email address which will be used to circulate messages to the community from elected members.

### **3.9 Laundry facilities for visiting yachts**

A business case has been collated and submitted to the Finance Committee for the provision of laundry facilities. Finance Committee would be asked to consider the proposal and give approval for funding.

### **3.10 Swimming Pools**

The DoOps gave an update on the two local swimming pools, both of which were operational at the current time. The DoOps was pleased to report to Council that the new pump had been installed at the Georgetown Swimming Pool and was very efficient at draining and re-filling the pool, which meant that the weekly downtime at the pool was shorter.

## **4. Legislation**

The following pieces of legislation were placed before the AIC for advice to the Governor.

The first two ordinances, National Protected Areas Order, 2014, and National Protected Areas Regulations, 2014, were presented to Council by the Chair of the Biodiversity and Fisheries Protection Committee (B&FPC), Cllr Yon. Cllr Yon said that members of the public had been widely consulted about the ordinances and both the B&FPC and Council had also discussed the Ordinances.

The Solicitor General told Council that the final amendments to the draft regulations resulted from feedback from the Americans to ensure that the regulations were compliant with the Bahamas Agreement. The ordinance had been checked with FCO lawyers.

The Administrator noted that the public consultation period helped to enhance the community's understanding of the ordinances.

i) National Protected Areas Order, 2014

The National Protected Areas Order dealt with the establishment of six Nature Reserves (Long Beach, South West Bay, North East Bay, Letterbox Peninsula, Mars Bay, Waterside Fairs), a Sanctuary (Boatswain Bird Island) and an Area of Historical Interest (Turtle Ponds). The Order also included the Green Mountain National Park keeping all the protected areas under one Order and revoking the existing Green Mountain National Park Order.

**The six elected members present voted in favour of recommending the enactment of the National Protected Areas Order 2014. There were 0 votes against and 0 abstentions.**

ii) National Protected Areas Regulations, 2014

The National Protected Areas Regulations were designed to regulate the access and use of the National Protected Areas as outlined in the National Protected Areas Order, 2014. Incorporated in the Regulations were restrictions relating to development, building and dumping as well as general prohibitions on public behaviour within the confines of the reserves.

**The six elected members present voted in favour of recommending the enactment of the National Protected Areas Regulations, 2014. There were 0 votes against and 0 abstentions.**

The Administrator thanked the Biodiversity and Fisheries Protection Committee and members of the Conservation Team for their work on these two pieces of legislation, which was a positive step for Ascension. The Governor commented it would be good to give some publicity to the enactment of these ordinances, which would be welcomed by the RSPB and other international organisations.

iii) Entry Control (Ascension) Ordinance, 2007

The Administrator introduced a revised list of entry permit fees under the Entry Control (Ascension) Ordinance, 2007. The fees were designed to address the concerns raised by several of the employers on island with regards the income tax collection process which was currently being applied to their short-term business visitors. This involved introducing a fee for business visitors whose stay is less than 7 days that was higher than longer term business visitors; the object being that their tax liability would be waived. The fast-track fees for Contractors were also reduced by £10 per category.

**The six elected members present voted in favour of the proposed revision of the Entry Permit Fees under the Entry Control (Ascension) Ordinance, 2007. There were 0 votes**

**against and 0 abstentions.**

iv) Income Tax Extra-Statutory Concession (Short Term Business Visitors), 2014

This Gazette Notice introduced an extra-statutory concession for short-term business visitors on island for seven days or less to be exempt from income tax. The exemption derived from the revised fees introduced under the Entry Control (Ascension) Ordinance, 2007.

**The six elected members present voted in favour of recommending the Extra-Statutory Concession. There were 0 votes against and 0 abstentions.**

v) Public Offices (Disqualification for elected membership) (Amendment) Regulations 2014

The purpose of this piece of legislation was to ensure persons sworn in as Special Constables appointed under the Police Force Ordinance were not deprived of their ability to be members of the Island Council. The current legislation could disqualify them from being elected as a member of the Council.

**The six elected members present voted in favour of recommending the enactment of the Public Offices (Disqualification for elected membership) (Amendment) Regulations 2014. There were 0 votes against and 0 abstentions.**

vi) Gazette Notice July 2014: Property Tax Ordinance 2010

The purpose of the Gazette Notice before Council was to reduce the rate of Property Tax from 3% to 2.5%, which formed part of proposals contained in the draft "Policy Paper on Improving the Enabling Environment for the Private Sector on Ascension Island". Although the policy paper would not be tabled until the next formal session, councillors had looked at the gazette notice at their informal meetings on 5 June and again on 1 July so were acquainted with the intentions of the notice. The reduction in property tax would be retrospective and would take effect from 1 April 2014.

**The six elected members present voted in favour of recommending the enactment of the gazette notice. There were 0 votes against and 0 abstentions.**

Council thus recommended to the Governor that the above Ordinances and Gazettes are enacted.

## **5. Legislation (St Helena):**

i) Minerals Vesting (Amendment) Ordinance, 2014

This was an Ordinance which was proposed by the St Helena Government and would be put to the St Helena Legislative Council for consideration soon. The Ordinance proposed amendments to the Minerals Vesting Ordinance which was first enacted in 1956. It was brought to the attention of the Ascension Island Council by the Attorney General as there were implications for both Ascension and Tristan da Cunha if the legislation is enacted in St Helena.

The thrust of the amended ordinance was that it extended the mineral rights for the Crown from 12nm (nautical miles) to 200nm, which was the extent of the EEZ (Extended Economic Zone). The legislation would allow Ascension to establish a regulatory framework for the protecting and extraction of minerals found within the EEZ, which would give AIG the potential to raise revenue from licences.

**The six elected members present voted in favour of the legislation being considered for enactment by the St Helena Legislative Council. There were 0 votes against and 0**

**abstentions.**

## **6. Ascension Island Council representation at JMC (Joint Ministerial Council) 2014**

This topic was raised at the last AIC meeting on 27 March and was discussed by council at their subsequent informal meetings. Cllr Caroline Yon was nominated as 'Lead' delegate to represent Ascension at the JMC later this year. Members also proposed that a second delegate be nominated. The second delegate would be promoted to the 'lead' delegate in the following year and a new second delegate would be nominated, thus creating continuity and support for members. Members felt that this was an important learning experience and both the island and councillors would benefit. Cllr Arms-Lawrence was nominated in her absence to be the second delegate at this year's conference.

Cllr Leo thanked last year's delegate Cllr Bendall for her impressive input during the last JMC. These sentiments were echoed by the Administrator and the Governor. The Governor added that he also hoped to attend the JMC this year.

## **7. Council Committee Briefings**

### **i) Finance Committee (Cllr Larry Poultney)**

Cllr Poultney presented an update from the Finance Committee. The Finance Committee recently considered a business case from the Administrator for the redecoration of the Residency. The business case presented two options for the redecoration of the Residency properties. The first option was to use Bell Group, a contractor used by the MOD, who was currently on island. In their bid Bell gave an undertaking to carry out a full internal and external redecoration of the Residency as well as Cook's and Maid's cottages. The cost quoted was £56K and the job was expected to take the team five weeks.

The second option was to use the team at AIG. AIG's small team of decorators would take an average of 10 weeks and the project was expected to cost £37K.

After taking into consideration all the pros and cons of each bid, it was decided to use Bell Group. The underlying reason in favour of using Bell was largely to do with the timeframe and to avoid disruption to the new Administrator and his family (the job would be completed before he arrived). Another reason in favour of using Bell was the impact on other AIG projects if the AIG team was assigned to this job.

Council had discussed this in detail at recent meetings. DoR confirmed that the project would be funded using excess funding from last year's development fund, so would not require new funding.

**The six elected members present voted in favour of Bell being awarded the contract for decorating the Residency properties. There were 0 votes against and 0 abstentions**

The other topics that the Finance Committee looked at recently included the reduction in property tax and improvements that would enhance the small business environment.

### **ii) Biodiversity and Fisheries Protection Committee (B&FPC) (Cllr Caroline Yon)**

The Administrator preceded Cllr Yon's report by informing Council that the Wildlife Protection Ordinance, which Council had looked at in informal meetings had been postponed so that the additional clause relating to sharks being added to the schedule of prohibited wildlife product could be discussed further. The proposed addition might need to be introduced through a community education campaign and sensitisation.

Cllr updated Council that the B&FPC recently looked at updating the Endangered Species Ordinance, under guidelines issued by DEFRA (Department for Environment, Food & Rural Affairs) to comply with CITES (Convention on International Trade in Endangered Species). The SG was tasked with drafting a new ordinance which is currently with CITES for advice. The draft Ordinance will be looked at in detail by the B&FPC and will be brought to Council in due course.

One of the reasons for the withdrawal of the Wildlife Protection Ordinance amendment was the inclusion of Sharks being added to the schedule of prohibited wildlife. Cllr Yon said that the Committee would want Hammerhead Sharks to remain on the schedule as there was real evidence that their numbers were in decline and they are on the CITES critically endangered list. The Administrator concluded the reporting of this topic by saying that the Wildlife Protection Ordinance amendment would be brought back to Council soon to enable an amendment to prohibit the molestation and disturbance of prohibited wildlife product, i.e. turtle riding, to be passed, so Council would be asked to take action on the Ordinance in one form or other.

### iii) Post 2016 Committee (Cllr Larry Poultney)

The Post 2016 had recently met with Cllr Bendall in her role as lead AIG Officer on the Post 2016 project. Cllr Bendall gave a very informative PowerPoint presentation which explored the current thinking for post Airport/RMS arrangements. Cllr Poultney thanked Cllr Bendall for her efforts to date, which were appreciated. The Administrator confirmed that AIG was working with Cllr Bendall on the project – the Government's position was to maintain travel links with St Helena. Cllr Bendall was asked to circulate copies of her presentation to the Governor and the remaining members of Council.

**Actions: Cllr Bendall was invited to give a presentation of the Post 2016 Project at a future meeting, and to circulate her presentation to all members of Council, including the Governor.**

## 8. Briefing by Director of Operations

### i) Charcoal Project (Cllr Kitty George)

Cllr George enquired about the status of the Charcoal Project which was set in motion during the last financial year with the procurement of a charcoal burner. In his briefing to Council, DoOps said that the project was put on hold at the moment as there were a number of issues, including a lack of resources to progress the project. DoOps said that advice was needed to see if this project would be viable; there were two options, use the burner to carry out trials, which would provide this information, or to sell the equipment unused. The first option was a risky one - if the trials proved unsuccessful, it would be difficult to sell the equipment at a good price because it would be used.

Cllr Leo enquired whether the project had the support of management, to which DoOps responded that there was value to be gained, but until there was more data available he was unable to put a measure on the performance of the equipment.

A discussion ensued about the future of the equipment, which unfortunately had been procured without being fully researched. Trials might reveal that it would be too costly to make it a viable business so the Government was seeking guidance at this stage. Cllr Yon suggested that the equipment might sit better within the future waste management project.

### ii) Re-paving pathway to China Town (Cllr Kitty George)

The pathway leading from China Town was in a poor condition following recent rains which had

made the pathway unsafe. Cllr George asked whether AIG could repair the pathway, which was used as access to and from China Town. Having visited the area the DoOps said that AIG could do some low-level repairs to the pathway, which would make it safe.

### iii) Status of the new road to Two Boats from Georgetown (Cllr Kitty George)

Cllr George told Council that she had been approached by members of the community who asked about the cones along the Two Boats road. Road users were concerned that the cones made it difficult to drive along the road at night because the cones 'blinded' them. DoOps explained that the cones had been placed along the road because of safety concerns; without them it was difficult to see the sides of the road when driving at night. DoOps told Council that work on painting the lines along the edge of the newly refurbished road would recommence within the week following the departure of the MOD ship which was due to arrive on 7 July. Cllr Leo enquired about possible improvements to the other roads within Two Boats, to which the DoOps responded that further remedial works to roads in and around Two Boats village would continue.

## 9. Any Other Business

### 9.1. Director of Resources/Chief Executive Post (Cllr George)

In response to a question from Cllr George on when the substantive role of Director of Resources would be filled, the Administrator told Council that the role would be filled after the new Administrator was in post. This would enable the new Administrator to gain an understanding of the position.

### 9.2. Donkeys (Cllr Leo)

Cllr Leo reiterated a question that he had previously raised in an informal meeting, which was the problem of donkeys 'terrorising' locals especially in the One Boat area. Following the informal meeting, the Administrator had spoken to staff at the Refuelling Station at One Boat, where the problem seemed to be localised and he got an unpleasant picture of how the situation affected them. Cllr Bendall suggested that it might help the community as a whole if people were educated in ways to conduct themselves around donkeys. Cllr Yon observed that there was a decline in the number of donkeys and these issues were becoming fewer and far between.

### 9.3. Youth Trainee Scheme (Cllr Leo)

At the recent informal meeting of Council on 1 July, Councillors were informed that the Youth Trainee Scheme operated by AIG in conjunction with Sure and Babcock would no longer be offered to school leavers with effect from this year. Young people who were halfway through the two-year scheme would continue their training and work experience to the end of their tenure, however. Cllr Leo raised this issue because there was much concern about the scheme coming to an end. After being told the reasons for ending the scheme at a recent informal council meeting, Cllr Leo supported the decision, and hoped that an improved, more widely acceptable Youth Training Scheme would be in place in the near future. He thanked AIG, Sure and Babcock for their input into the scheme over the last few years.

The Administrator said that the replacement scheme would offer school leavers a better experience through apprenticeships which would create better prospects for participants. Government would also look at creating opportunities for individuals with special needs. The Administrator concluded that the next stage would be to consult and come up with a way forward.

### 9.4. Privacy at the Georgetown Hospital

Cllr Leo said that he had been asked whether AIG had any plans to improve privacy at the Georgetown Hospital. DoR told Council that this query would be developed further with the SMO at the Hospital.

The Administrator took the opportunity to inform Councillors that, following the tragic death of Dr Milenko Gradinski, Dr Bill Hardy had been appointed Senior Medical Officer (SMO) of the hospital. Dr Bill, who had been planning to leave at the end of his contract as Medical Officer, accepted the appointment and the Administrator and the medical team were very grateful to him for agreeing to stay for a further term.

#### **9.5. Road Safety (Cllr Poultney)**

Cllr Poultney raised the issue of people wearing dark clothing while running or walking along the island's roads, making it especially difficult for motorists to see them and dangerous to all road users. He felt that it was worth making road users aware of the danger and to encourage people to wear light-coloured clothing while out running and walking.

There was no further business to be discussed. In closing the Governor paid tribute to Dr Milenko and said what a tragic loss it was to Dr Milenko's family and friends. He knew how much Dr Milenko's passing meant to the island; he himself had lost a friend. The Governor asked to pass on his thanks to Dr Bill for his willingness to step in at such a difficult time.

The Council meeting closed at 11.30am.

Nicola Dillon  
Clerk of Council