

**MINUTES OF THE ISLAND COUNCIL (AIC)
MEETING HELD AT THE COURT HOUSE,
Thursday, 26th November 2015 at 09.30 hrs**

Present: HE Governor, Mark Capes
Marc Holland, Administrator
(by telephone) Nicola Moore, Attorney General
Walter Scott, Solicitor General
Jamie Manson, Director of Resources
Councillor Keturah George
Councillor Cyril Leo
Councillor Nicholas John
Councillor Caroline Yon
Councillor Larry Poultney
Councillor Jacqueline Ellick

In attendance: Judith Brown, Fisheries Director
Emma Stroud, Assistant Clerk of Council

Apologies: Councillor Samantha Arms-Lawrence (on leave)

1. Introductory Remarks

The Governor opened the meeting and welcomed Council. He told Council that he was happy to be back on Ascension and commended Councillors for their hard work.

The Administrator advised that a copy of the Governor's speech, which he gave at the reception at Long Beach the previous day, would be circulated to Council shortly after the meeting.

2. Confirmation of Minutes

- i. The minutes of the Ascension Island Council (AIC) meeting held on 25 September 2015 were confirmed as a true record, subject to the following amendments suggested by Councillor Leo and the Solicitor General (SG):
 - To amend the first sentence of paragraph four, item 2, so that it reads: *'In his response Cllr Leo said that the UK Government had allowed the people of Ascension democracy in 2002.'*
 - To replace *'the AG'* with *'Christell'* in paragraph two of item 4.
- ii. The minutes of the AIC meeting held on 22 October 2015 were confirmed as a true record.
- iii. The minutes of the AIC meeting held on 30 October 2015 were confirmed as a true record, subject to the following amendment suggested by the SG:
 - To replace *'instruction'* with *'vote'* in paragraph 24 of item 3.

3. Entry Control Amendment

i. Amendment to the Entry Control Ordinance

The SG explained that this amendment would remove dependants of the Ascension Island Government (AIG) from the list of persons exempt from requiring an entry permit. This would bring AIG dependants in line with other companies on island such as Babcock and Interserve.

Councillors took a vote on recommending the amendment to the Entry Control Ordinance to the Governor.

All six Councillors present voted in favour of recommending the amendment to the Entry Control Ordinance to the Governor.

ii. Amendment to Entry Permit Fast Track Fees

The SG advised that the decision to increase fast track fees was made so that all fast track fees amounted to a 50% uplift. It was hoped that the increase would encourage sub-contractors and businesses to submit applications earlier, which would give more time for checks and processing.

The Governor suggested that companies be contacted directly to make them aware of this change. The Administrator advised that the amended fees would be published in the Islander and on the AIG website.

4. Food

i. Hydroponics

The Administrator gave a brief update on the hydroponics. He advised that AIG had entered into a contract with Stephen Herron, who would provide a consultancy service for the setup of the hydroponics and assist with the recruitment of a hydroponics manager. A number of bids had been secured for the purchase of hydroponics equipment and a preferred bidder had been agreed. It was expected that the equipment would arrive in January and that produce would be on sale by June 2016. He explained that funding was needed for the design, build and implementation of the hydroponics facility and that £55K was sought for this through a Supplementary Appropriation Ordinance.

Councillor Yon recalled that it was minuted there would be a tender process for a consultant and queried whether other individuals had been approached. The Administrator advised that Tim Miller had been approached as well, but Tim was not interested in the public sector model, therefore the decision was made to hire Stephen. Councillor Yon said that she was not disagreeing with the approach that had been taken or the reasons behind it, but felt that the change of tack should be minuted. The SG agreed and assured that Council would be kept up to date with processes in the future.

Councillor John asked when it was likely that the recruitment process would start for a hydroponics manager. The Administrator said that this would happen in January whilst Stephen is on-island.

The Attorney General (AG) joined the meeting via telephone.

Councillor Leo had three questions that he put forward to the Administrator and Head of Policy Development, Amy Soar, to answer in due course (Annex A).

- 1) *'What are the plans for the provision of fresh vegetables such as potatoes, onions, cabbage, carrots and pumpkin?'*
- 2) *'There are a few keen gardeners already proving how well vegetables can grow on Ascension. Have you considered ways of encouraging private individuals and groups to provide more locally grown produce for sale to the public? What the gardener is achieving at the Residency is a very good example. Gardening plots*

don't have to be on Green Mountain, they can be in or nearby Two Boats village, or in Georgetown.'

- 3) *'Is it possible for Conservation to utilise some of the land on Green Mountain to grow produce, which is not too labour intensive, for sale to the public?'*

The Administrator provided a brief answer to Councillor Leo's questions and said that Amy would provide more detailed answers in due course. He said that the plan was to continue importing root vegetables via the FIRS after the RMS is decommissioned in 2016. The option of Conservation growing produce was unlikely, as the majority of their time and funding is dedicated to specific projects.

Councillors took a vote on recommending the Supplementary Appropriation Ordinance, 2015 to the Governor for enactment.

All six Councillors present voted in favour of recommending the Supplementary Appropriation Ordinance, 2015 to the Governor for enactment.

Action

- 1) Amy Soar to provide detailed answers to Councillor Leo's questions

ii. Bakery

Council had discussed the bakery proposal during the informal Council meeting held on Friday, 20 November. The Administrator informed Council that AIG was waiting on final costings from the prospective manager of the bakery and that the Director of Operations (DoO) would also confirm the cost of procuring parts for the bakery ovens. This item will be brought back to Council once costings have been confirmed.

Councillor Leo expressed his thanks to the DoO for the detailed information he had provided.

Action

- 1) Finalise costings in readiness for the next meeting of the Island Council

5. Trial without Jury Ordinance, 2015

The proposed Trial without Jury Ordinance had also been discussed during the informal Council meeting on Friday. Defendants on Ascension (and St Helena) currently have a statutory right to elect trial by jury. There have been concerns that it would be difficult to select an impartial jury, should a defendant exercise that right. Introducing the Trial without Jury Ordinance would not remove the right to elect trial by jury altogether, but would provide provisions to allow the Judge or any party involved in the proceedings to apply to have the trial without a jury.

The Governor said that he was pleased to see this particular paper as he was aware that the Chief Justice had concerns regarding this issue for a while.

Councillors took a vote on recommending the Trial without Jury Ordinance, 2015 to the Governor for enactment.

All six Councillors present voted in favour of recommending the Trial without Jury Ordinance, 2015 to the Governor for enactment.

6. The Control of Trade in Endangered Species Ordinance, 2015 (CITES)

This ordinance will provide the legal framework needed to control the trade of endangered species. The SG pointed out that various penalties within the draft ordinance had been amended so that they mirrored St Helena's penalties. An amended copy of the ordinance would be circulated to Councillors shortly after the meeting.

Councillors took a vote on recommending the Control of Trade in Endangered Species Ordinance, 2015 to the Governor.

All six Councillors present voted in favour of recommending the Control of Trade in Endangered Species Ordinance, 2015 to the Governor for enactment.

7. Childminder Policy & Associated Paperwork / Wass Inquiry update

The Ascension Island Safeguarding Children Board (AISCB) has drafted a child-minder policy, following an agreed understanding for the need to regulate and manage child-minders on Ascension. Paid child-minders will also be required to register as a small business.

The Governor wondered how child-minders felt about the introduction of the new system. The Social Worker advised that he had met and discussed the new policy with current child-minders and felt that it was generally accepted. He advised that he would also assist child-minders with completing their applications etc.

Councillor Leo suggested that the Social Worker inform child-minders that they can contact Councillors should they have any concerns or questions.

It was also suggested to hold another meeting with child-minders with the AISCB in attendance.

Councillor Ellick has taken on the role of 'Safeguarding Champion'. This role will support the communication of information from the AISCB to Council. Councillor Ellick will represent Ascension's interests on safeguarding at the Joint Ministerial Conference (JMC); she will have a briefing with the Social Worker before she leaves.

The Falklands have presented a discussion paper that they hope will work across the British Overseas Territories (BOTs) to better safeguard children. Councillors agreed with this concept.

The Administrator said that a precise date was still not known for the publication of the Wass report, but hopefully something would be received before the end of December. The AG advised that a date had been confirmed, however, it was not yet public.

Councillor Leo noted that the Christmas period is fast approaching and asked that requests for time extension permits from the members' clubs be considered favourably. The Governor said that the outcome of permit requests shouldn't be anticipated and that all applications will go through the established process.

Actions

- 1) Social Worker to inform child-minders that they can speak to Councillors regarding the child-minder policy if they wish to
- 2) Hold another meeting with child-minders with the AISCB present

8. Blue Marine MOU

The Director of Fisheries (DoF) informed the group that there had been an issue with the signing of the MOU, for the £300K Blue Marine donor funding for the enforcement of the closed area and opening of the fishery. She said that the Foreign and Commonwealth Office (FCO) had advised that the MOU should only be signed by Blue Marine and AIG and that the MOU would have to

be amended redacting any reference to the UK Government. FCO had assured the DoF that this was not unusual and that nothing had changed, the funding would still be received. Blue Marine has also requested a letter of commitment from the UK Government to reassure their donor. The SG said that he was not surprised by FCO's response and that there was no need for concern. Councillor Yon felt that the UK Government should take responsibility and sign the MOU as it was the UK Government that had engineered the agreement with Blue Marine in the first instance. Councillor Poultney agreed with Councillors Yon's comment.

The AG noticed that there were no funds assigned for prosecution costs. The DoF said that should there be a need for monies for a prosecution case, this will have to be taken from other areas such as money generated from licences etc.

The DoF concluded that she would continue dialogue with FCO and Blue Marine regarding the MOU.

9. Councillor Leo's letters to Minister Duddridge and the Governor

Councillor Leo took the lead on this item and conveyed the following message to the Governor.

'Governor,

I would like to make reference to the minutes of 25th September 2015, section 6. I requested a review of the Land and Business Policy. Councillors were not given the opportunity to have an input into the review and advise the Governor according to current legislation. The Administrator said that it would have been misleading to Council to ask for their views on the policy, if AIG was unable to deliver these views.

I find this confusing. We have the elected members of the Ascension Island Council wanting to address and improve legislation and policy for the people of Ascension according to constitutional good governance, but this is refused by the Ascension Island Government.

So, within our democracy, the FCO is the permanent dominant political force on Ascension, AIG can choose to operate independently of proper political oversight by local Council, and elected representatives are simply attached as superficial democratic dressings.

We have a strange system of government on Ascension, and my letters to you and to the Minister is an attempt to have the matter addressed and hopefully improved.'

The Governor summarised Councillor Leo's letter to him and understood that he was requesting for Council to be reformed as Legislative Council. The Governor asked whether this view was shared by other Councillors.

Councillor Yon said that it was frustrating at times being an advisory Council and felt that Councillors were asked to be involved in a process when it suited. She felt that Ascension missed out on support and assistance because Council is not a legislative body. She asked that Council be involved in discussion earlier with a thorough consultation process. The Governor advised that it was not intentional to take work forward without first consulting Council and that he fully agreed with the Councillors sentiment.

10. Air Link Update

The Administrator advised that final costs for the air link are still being negotiated and that once costs have been established they will be divided between companies. He said that positive feedback had been received from some of the larger employers and smaller employers. Wolf Creek are still to confirm whether they're going to sign up, but it won't cause problems should

they decide not to. The SG and Toni Bendall have drafted a preferred customer agreement that will be signed by each company wanting access to tickets. There was no further news regarding a sea freight service.

The Governor referred back to his speech which he gave at the Long Beach reception the previous day. He told Councillors that the sea freight service was a difficult matter, as there would be no subsidy for St Helena or Ascension to support the service. He concluded that negotiations for a sea freight service will continue.

11. Any Other Business

i. Police Constables' Salary

Councillor Poultney expressed his concern regarding the local Police Constables' low level of salary. He advised that local Police Constables earned substantively less than Police Constables in St Helena. He also believed that local Fire Fighters earned £4K more per annum than local Police Constables and that they also received an on call allowance of £1600 per annum. He felt that local Police Constables should receive the same level of pay as those in St Helena.

The AG informed the group that she had to leave the meeting and gave her apologies. The Governor thanked her for her time.

The Governor advised that salaries had been increased on St Helena due to recruitment problems. Councillor Poultney commented that numerous Police Officers have left Ascension over the years, which results in extra expenditure because of the recruiting process.

The Director of Resources (DoR) advised that he was aware of discrepancies within the salary structure and that this had been on his radar for a while. He advised that the publication of the WASS Inquiry Report could potentially provide a catalyst to address this matter. He had received information from St Helena with regards to their grade structure, but had found that their system diverse. Another complication is that local Police Officers are provided with accommodation and subsistence allowances which form a part of a benefits package, which wouldn't be provided in St Helena. The SG added that AIG is working with the Chief of Police and St Helena Human Resources to address the issue of Police salaries. This would hopefully be addressed by the end of January 2016.

Action

- 1) DoR to provide an update on Police salaries to Council at its next meeting

ii. Children's Park (Georgetown)

Councillor John noticed that the material of the playground equipment had changed from stainless steel to wood and queried the reason for this. The DoR told him that he would check this with procurement.

Action

- 1) DoR to check spec of playground equipment with procurement

iii. Bicentenary Weekend

Councillor Leo took the opportunity to extend his gratitude to all the volunteers and AIG staff that were involved with the organisation of the Bicentenary weekend. He also commended the Royal Marine Band for their performance.

The Governor had visited the Bicentenary Park the previous day and said he was very impressed with the transformation of the area.

12. Closing Remarks

The Governor thanked Councillors again for their hard work throughout the year and wished them a pleasant and happy Christmas.

The meeting drew to a close at 11am.

Emma Stroud
Assistant Clerk of Council

Annex A

1. What are the plans for the provision of fresh vegetables such as potatoes, onions, cabbage, carrots and pumpkin?

At present, our main supply of root vegetables comes through the RMS and Solomons shop, with a limited amount also supplied by the MOD FIRS and distributed through the NAAFI. AIG still views the importing of these items as the responsibility of the distributors on Island, but in view of the final RMS next year and considering the new hydroponics venture will be unable to grow root vegetables, it is appropriate to wonder how we will secure our supply of these items. As root vegetables are essentially 'inert', they can be easily sourced from the UK and shipped at low cost and with relatively little risk of deterioration. This was supported by Stephen Herron when he conducted an assessment of the Island's food supply, his recommendation was that Ascension not burden itself with costly and labour-intensive local production of root vegetables as they are easily and cheaply imported (please see attached report). As a result, AIG has successfully negotiated with the MOD four container spaces on the FIRS for the shipment of dry/frozen/chilled products, ample space to transport root vegetables. Whilst AIG will assist where possible, it is now the responsibility of the local supermarket to take up this freight space and begin to establish relationships with UK suppliers.

2. There are a few keen gardeners already proving how well vegetables can grow on Ascension. Have you considered ways of encouraging private individuals and groups to provide more locally grown produce for sale to the public? What the gardener is achieving at the Residency is a very good example. Gardening plots don't have to be on Green Mountain, they can be in or nearby Two Boats village, or in Georgetown.

Ascension has a great climate for growing some varieties of vegetables very effectively. You are right in your observation that some green-fingered Islanders are doing particularly well, especially Godfrey on the mountain. We would of course be keen for private individuals to grow and sell more, however we are aware that for most people it is something they do in the spare time for their family. Growing on a larger scale for the island would demand more time which many who have full time employment don't have. Council have just committed £55,000 of investment into a hydroponics facility, and as part of this there will be someone employed in the facility with training provided by Stephen. Once Stephen and I have got through the busy procurement and shipping period, we will be discussing how we can encourage involvement from the local community in the hydroponics project, including the possibility for a weekend 'garden club', volunteering and even a part-time position to assist the site manager should production prove popular. Once we have established a means for the sale of the hydroponics produce we can examine the possibility to encourage local growers to sell their produce through this same channel, hopefully encouraging them to increase their production.

3. Is it possible for Conservation to utilise some of the land on Green Mountain to grow produce, which is not too labour intensive, for sale to the public?

As Marc stated in the formal Council meeting, it would be incredibly difficult to integrate the supervision of vegetable plots into the work streams for the Conservation department. Many of the Conservation staff are externally funded meaning that AIG does not have the power to alter their terms of reference and those who do sit under AIG are dedicated to a wide variety of demanding Conservation projects, which would make it very difficult for them to oversee any plots in an effective way. It is my hope that if we focus our efforts on making a success of the hydroponics project and at the same time, a proactive supermarket is also able to secure a food supplier in the UK, we will be able to cater to local demand for a wide variety of fresh fruit and vegetables without the need to create additional burden on existing AIG resources.

Annex B

Letter from Councillor Cyril Leo to Governor Mark Capes

26 November 2015

Dear Governor,

As you attend the Joint Ministerial Council – which is really the highest forum for political level debate between Territory Leaders and UK Ministers, can you kindly request the UK Government allow elected representation on Ascension to progress from advisory to legislative function.

Democracy was introduced on Ascension by the United Kingdom 13 years ago. Elected representatives on Ascension still only have an advisory role in local Government, and during the past 13 years we have seen how the weakness and limitations of this political role has made a mockery of the principle of democracy - which is basically: Government of the people, by the people, for the people.

UK Government Ministers must stop overruling and defeating good governance on Ascension. We have the advanced modern democracy of the United Kingdom imposing its mighty dictatorial will on the work of local elected representatives and on the scant pathetic democracy we have on Ascension.

A recent typical example: As Councillors used their valuable time and effort, over the last 12 months, working towards a decision on the 200nm EE Zone in accordance with the delivery of good governance, the FCO had already decided and predetermined the final decision, and the Secretary of State simply imposed it by dictatorship. And in so doing, the Minister has once again reinforced the long-held local opinion that the democracy provided to Ascension is just a cosmetic contraption of convenience for the UK Government to exploit and manipulate at will.

The JMC Communique will make specific reference to Article 73 of the United Nations Charter and to the United Kingdom's 2012 White paper on the Overseas Territories. Both Article 73 and the White Paper emphasises the importance of self-determination and political, economic, social and educational advancement for all the Overseas Territories; on paper, maintaining the status quo is not an option. Unfortunately, our local legislation and policies have been designed to impede advancement, development and progress for the people of Ascension.

Unless the Ascension Constitution, local legislation and policies and the 1956 Bahamas Agreement are reviewed and improved accordingly, the cosmetic reality on Ascension will always make a mockery of the International and National written obligations of her Majesty's Governments.

Yours sincerely,



Cyril Leo
Member, Ascension Island Council