

# MINUTES OF THE ASCENSION ISLAND COUNCIL (AIC)

## MEETING HELD IN THE COURT HOUSE,

Thursday, 27<sup>th</sup> March 2014 at 09:00 hrs

Present: (by telephone) HE The Governor, Mark Capes  
Colin Wells, Administrator  
(by telephone) Frank Wastall, Attorney General  
Catherine Leo, Director of Resources  
Councillor Samantha Arms-Lawrence  
Councillor Toni Bendall  
Councillor Keturah George  
Councillor Nicholas John  
Councillor Cyril Leo  
Councillor Larry Poultney  
Councillor Caroline Yon

In attendance: Walter Scott, Solicitor General  
Ed Haynes, Director of Operations  
Nicola Dillon, Clerk of Council

### 1. Introductory Remarks

Following a welcome to all present and introductions, the Administrator reported to the Governor that there were a few members of the public in the gallery, including the Speaker of the St Helena Legislative Council, Eric Benjamin and Laura Benyohai from the Foreign Office.

### 2. Confirmation of Minutes

The minutes of the AIC meeting held on 12 February 2014, were confirmed as a true record.

### 3. Matters Arising

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

This item first appeared on AIC business following a paper submitted by Cllr Leo on 10 January 2014. Cllr Leo's paper requested that an independent review is carried out on the school by OFSTED.

Prior to the formal meeting, the Administrator circulated a copy of a paper from the Head Teacher of Two Boats School relating to this issue. The paper was entitled 'A More Ambitious Approach to School Inspection' and sought the support of the AIC and the SGC (School Governor's Committee) for the leadership of the school and the government to achieve accredited British Schools Overseas status for the school during 2014.

The paper came up with a number of options, including directions of where the school might go and proposed a full inspection in November with a trial run in June. The Administrator proposed to members that Council discussed the paper further in a later meeting – he invited Cllr Yon<sup>1</sup> to comment. Cllr Yon said that she would defer her comments until Council discussed the paper in depth as by then the SGC would have had a chance to comment and she would be in a position to feed that into the discussions as well.

**Decision: To meet to discuss the Paper, 'A More Ambitious Approach to School Inspection'**

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<sup>1</sup> Cllr Yon also holds the position of Chairman of the School Governors' Committee

**following Cllr Yon's return from leave in May.**

### **3.2 Training for new Councillors**

The Administrator informed members he was seeking training opportunities for Councillors through a former Governor of Montserrat and the British Virgin Islands, Frank Savage, who has agreed in principle to come to the island in June or July to deliver training to Councillors. The Administrator originally sought assistance from the CPA (Commonwealth Parliamentary Association) to provide training. Mr Savage has experience of delivering training for Councillors elsewhere and more importantly on Ascension in the past. The Administrator hoped to get some detail in the form of dates and structure to circulate to members soon.

**Action: to progress training programme with Mr Savage for delivery in June/July 2014.**

### **3.3 Legislation**

The Administrator reported to members that the following pieces of legislation were enacted on 17 February.

- i) The Island Government (Ascension) Ordinance, 2008  
Council Committees (Procedures) Rules, 2014
- ii) The Island Government (Amendment) Ordinance, 2014
- iii) Customs (Export Control) (Amendment) Regulations, 2014

The Administrator advised that he had already discussed the Customs (Export Control) (Amendment) Regulations with the Commanders of the two military Bases and asked them to put measures in place at the airport. The regulations prohibited the export of Spiny Lobster without a permit.

It was agreed that the Conservation Office, along with the Administrator's Office, should circulate details of these regulations, so that the public is aware of the restrictions. The Administrator said that until a policy approach for licencing of exports was in place, there was effectively a ban on exporting lobster.

**Action: To publicise the Customs (Export Control) (Amendment) Regulations, 2014**

### **3.4 Saturday Swimming Club**

The issue of the lack of a qualified swimming instructor following the departure of WO Kersey was raised by Cllr Yon under AOB at the meeting on 12 February. The Administrator told Council that he had written to the Wing Commander and said that if he could identify a suitable swimming instructor who come visit the island to carry out training of local instructors that AIG would support the cost element of the visit.

**Action: To follow up with the Wing Commander**

## **4. Legislation**

The following pieces of legislation had been looked at in-depth at informal sessions and were placed before the AIC for recommendation to the Governor.

- i) Ascension Island Appropriation Ordinance, 2014

The Director of Resources (DoR) presented Council with the draft Appropriation Ordinance, which both the Finance Committee and the Island Council had looked at prior to the meeting.

The Appropriation Ordinance provided funds for the financial management of Government services for the Financial Year 2014/15. The Constitution for Ascension states that no monies can be drawn from the Consolidated Fund without the authorisation of the Appropriation Ordinance.

The Appropriation Ordinance proposed the following funds:

|                   |            |
|-------------------|------------|
| Consolidated Fund | £6,846,675 |
| Development Fund  | £545,300   |

The expenditure heads for both Funds were set out in the schedule attached to the draft Ordinance.

In response to a question from the Governor, the DoR said that the budget envelope for the last financial year, 2013/14, was £7,650,472; this year's budget envelope was a decrease on this sum. One of the main reasons was a decrease in staff incentives which this year was £70,000 (down from £450,000 last year) and movement in various other budgetary areas.

The draft Ordinance was put to members to recommend to the Governor for enactment.

**All 7 elected members voted in favour of recommending the proposed legislation. There were 0 votes against and 0 abstentions.**

ii) Road Traffic (Fees) (Amendment) Regulations, 2014

DoR told members that the current fees dated back to 2010. The draft Regulations were designed to increase fees at a fixed rate over the next five years and were necessary to keep up with inflation and to eventually reach a sustainable level. Included in the list of fees was an increase for vehicle inspection, which was currently £17.50 with a proposed increase to £25. This was deemed a fee which better reflected the time and work involved in conducting the inspection and would be charged by all Inspectors, not just those employed by AIG.

The fees were discussed at length by Council in informal meetings. The Administrator followed up an enquiry from Cllr Poultney which he raised at the last informal meeting of Council (25 March 2014) regarding MOTs and he reported that he had visited the garage. The Garage Team Leader and the Administrator looked at the MOT test and felt that there was sufficient flexibility to decrease the time of the MOT (without reducing the quality of the job), and have settled on the suggested fee of £25, instead of the originally proposed fee of £30.

In response to a query from Cllr John who enquired about the calculation that the new fee structure was based on, DoR explained that there was a vast difference between the revenue raised from road traffic fees and the expenditure which AIG put into the maintenance of the road system and it would be very difficult to fully recover these costs. The proposed fees were considered sustainable and by increasing the fees over a five year period, it meant that they could be phased in rather than being increased to sustainable levels within a short space of time.

The Administrator agreed that this was a good approach and said that while AIG would attempt to recover some of the costs, the fees were too low to achieve a full recovery of expenditure for road maintenance.

In drawing the discussion to the close Cllr Poultney said that it was an error on behalf of the Government that there had not been any increases over the last four years.

**All 7 elected members voted in favour of recommending the proposed legislation. There were 0 votes against and 0 abstentions.**

### iii) Post Office Rates of Charge (Ascension) Order, 2014

This was the final piece of legislation before Council and the DoR explained that the post office charges were last increased in 2012. The proposed increase was around 10% and it was anticipated that this would increase revenue from counter services and will also have a knock on effect on philatelic sales. It was anticipated that the new charges would generate around £8,000 per year and would help to restore philatelic income back to previous levels as they had decreased in recent years.

**All 7 elected members voted in favour of recommending the proposed legislation. There were 0 votes against and 0 abstentions.**

The Administrator thanked the Finance Committee for their input into the budget discussions and the Director of Resources for managing the process.

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

## 5. Resolutions:

### i) Use of Wasp Block

Council were asked to consider a paper entitled “Future Use of the Residency and Wasp Block”, which was dated 25 March 2014. The purpose of the paper was to agree an effective use for Wasp Block and to look at the future use of the Residency. The paper was not to be interpreted as an endorsement of the management of the Wasp Block development, but was intended to draw a line under the project and to move forward.

The Administrator sought Council’s direction on the future use of both buildings with Wasp Block being renamed “Two Boats Lodge” and being assigned to the Administrator and his team to support. Two Boats Lodge would be used to accommodate VIPs, but it could also be used as accommodation for future Administrators if they choose this as their residence instead of the Residency.

Councillors supported the paper and agreed that it was important to move forward from past mistakes.

A vote was taken and all seven elected members voted in favour.

### ii) Access to Unallocated Capital Spend Pot

The second resolution which was before Council was to agree a more flexible and open approach when drawing monies from the Development Fund for urgent capital expenditure.

The resolution made provisions for capital expenditure for projects of a value under £3,000 to be approved without reference to the Island Council. This expenditure would be noted in a quarterly report, with businesses cases, to the Finance Committee.

Capital projects with a value of £3,000 or more, which were not already approved within the Capital programme, could only proceed to the Island Council with the approval of the Finance Committee and on submission of a business case.

Under the Development Fund, which formed part of the Appropriation Ordinance 2014, funds of £76,000 were allocated for such cases.

When put to the vote all seven elected members voted in support of the resolution.

**Both Resolutions received Council's support.**

#### **6. Update from the BCF meeting on 4 March 2014**

The Administrator recently attended a meeting of the BCF (Business Consultation Forum), which was held in London on 4 March. This meeting was attended by representatives from four of the major Users on island, the MOD, BBC, Sure and CSO.

There were two key agenda items which the forum looked at including a replacement for the Business Levy Ordinance which expires at the end of the 2014/15 Financial Year. Members of the BCF felt that the year on year reduction, which was part of the current Ordinance, was difficult to sustain and they suggested that the current year's figure of £1,421,000 should remain for the duration of the next Ordinance. Members of the BCF agreed that the next Ordinance should cover a five year period.

The DoR would lead on conducting a snapshot census to update the figures from the 2011 Torlot Report and this would be used to calculate Users contributions.

The second key item which came out of the BCF Meeting was agreement in principle from the Users for the following capital projects: Roads Project, Pier Head and Waste Project. The latter project was on hold until final discussions with the US Base had concluded.

The Administrator reported to Council that the BCF would meet again in May at which time he hoped to have agreements on both of these issues.

#### **7. Report by the Chairman of the Biodiversity and Fisheries Committee**

The first meeting of the Biodiversity and Fisheries Committee took place on 18 March and members of the Island Council had already received a copy of the minutes of this meeting from the Chairman, Cllr Yon. The Committee looked at the National Protected Areas Ordinance which they were tasked to update and made various suggestions and comments. The next step was to meet with the Solicitor General and then come back to the Island Council with a draft Ordinance for discussion.

The protected areas also included the beach reserves, some of which were located on the US Base and the committee planned to meet with management to discuss this further.

The Committee were also given a presentation by Jonathan Hall from the RSPB who was on island at the time. The RSPB had recently contributed funding to the Conservation Section; Dr Hall underlined the RSPB's commitment to the Overseas Territories especially on biosecurity and fisheries issues.

The Committee also briefly looked at the Dogs and Cats Ordinance which needed addressing to put better measures in place for imports and exports of pets and information on change of ownership.

#### **8. Ascension Island Council Representation at JMC (Joint Ministerial Council)**

This item was intended to gauge members' thoughts about membership at future meetings of the JMC following the St Helena Legislative Council's move to elect a permanent member to attend meetings. Cllr George asked if discussion could be postponed on this issue; her view was that she did not agree that Council should elect a permanent representative. It was agreed to defer discussion for the next informal meeting.

**Action: To raise this issue at the next informal meeting**

## 9. UKOTA Membership

In her feedback to Council at their formal meeting in January, Cllr Bendall updated members regarding that the United Kingdom Overseas Territories Association (UKOTA) had extended an invitation to Ascension to be a member of the Association. The Island Council formally accepted the invitation of membership of UKOTA and agreed to proceed with this.

**Action: To respond to the invitation and to proceed with enrolment as a member of UKOTA**

## 10. Paper: Economic, Political and Social Study of Ascension Island (Cllr Leo)

Cllr Leo tabled a paper calling for an economic, political and social Study of Ascension to be carried out. In introducing the paper Cllr Leo said that elected representatives have a responsibility and obligation to serve with loyalty and strive to achieve good governance. Cllr Leo said that elected members of the previous council were unable to do this to the full because AIG officials failed to fully consult, involve and include them accordingly at Council level.

Cllr read out an extract from a letter which written by elected members of the previous Council to the Governor and the FCO, which was copied to the Administrator, and said that this summed up the need to strengthen democracy on Ascension. The letter said, "It is worryingly apparent that the higher levels of government are now losing respect for the influence of the council and for the importance of the democratic process. It can be evidenced in correspondence between the administrator and the council that decisions are made with no regard for public representation."

Cllr Leo said that he had done his utmost to bring his concerns to the Governor's attention and he acknowledged the improvements to the way in which Council business has been conducted and he thanked the Administrator for this. He noted that in recent months Council had approved a paper to enhance Council business and were currently considering a resolution for improved financial control.

Cllr Leo said that after a decade, democracy on Ascension should by now be more firmly established through set legislation and policy. On behalf of the Electorate, he could not accept a democratic system whereby officials can simply choose to ignore and circumvent democratic process and elected representation at will; an example of this was using public money without consultation. He concluded by saying that the paper which he was introducing was another step to find ways of strengthening democracy on Ascension. The paper focussed attention on the need for improvements in other areas that will benefit the community of Ascension.

The Governor responded by saying that he was interested in what other Councillors had to say, however, he disagreed that democracy was weak. He reminded Council that Ascension had its own Constitution, in addition, there was currently a strong Island Council made up of seven elected representatives. The current situation takes in the context of Ascension and has a framework that works well for the island's special circumstances. The Governor said that democracy was an evolving process.

Cllr George said that she did not feel that the issues that the previous council faced still existed; the issues that Cllr Leo highlighted had been addressed.

Cllr Yon said the there was no doubt that the issues from the past was a learning curve for Council and she feels that there has been a change since. She fully supported any improvements to the democratic process, however, she has been quite heartened by the huge change in consultation between officials and elected representatives and recent admissions of mistakes made have consolidated the desire by officials to work with Council. There was a will on both sides to seek a common view.

Cllr Bendall commended Cllr Leo for his perseverance although she did not feel that the way

forward was to have a study of democracy. Cllr Poultney agreed with the views given and said that the Island Council had moved on from past issues. Council business was conducted within due democratic processes.

The Administrator said that he would seek to provide an AIG position paper which he would feed into the discussion.

In his response to members' view Cllr Leo said he understood some of the views expressed, he was encouraged that Council was at a place today which was removed from the position of a few months ago where the previous Council were forced to write to the Governor.

The Governor concluded discussion by saying how encouraged he was by councillors' responses. Ascension, he said, had experienced 10 years of democracy and putting it into context, the UK had had several 100 years of democratic process, as well as countries around the world, and it was still possible to get it wrong. It was important to learn from this and to use these mistakes to move forward. There was a complete commitment to make sure that the Constitution worked as well as it possibly can and there was an overarching commitment to transparently handle Government. The Governor felt confident that where there have been learning curves, that Government has evolved from them, which is how democracy works. It is only right that as part of the democratic process that councillors concerns should be voiced and for Government to adjust its processes as necessary.

**Action: The Administrator to present an AIG position paper to Council**

## **11. Any Other Business**

### **11.1. Community Service Order**

Prior to the meeting, the Chief Justice presented the Administrator with a paper that outlined a suggestion to introduce Community Service Orders. The Community Service Order would be an additional sentencing option for JPs besides fines and custodial sentences. From initial discussions with the Solicitor General this seemed potentially achievable. It is intended to consult within Government on some of the issues that might arise, and the Administrator intended in due course to bring to Council a set of proposals for consideration.

### **11.2. Swimming Pools (Cllr George)**

Cllr George raised the issue of the two Swimming Pools (at Two Boats and Georgetown). The Pool in Georgetown had been closed for an extraordinarily long period due to various maintenance issues, in addition, the Two Boats Pool was being misused with Users drinking alcohol in the vicinity, bringing pets into the pool area or diving into the pool while covered in work dust. The DoO explained the issues at Georgetown Pool, which had recently been re-opened due to the pool at Two Boats being closed for repairs, were unavoidable mishaps and began with a pump failure, followed by issues encountered with routine painting of the pool. Cllr George suggested that the maintenance of the pools take place during the winter months and not during peak summer months.

### **11.3. Update on the Road to Two Boats (Cllr George)**

DoO circulated a report to Councillors on the Roads Project. The project was on track and due for completion by the end of April. The project was on budget and a financial report would be produced on completion. DoO said that there was approximately another 2½ weeks work left; he reported that it was anticipated that the One Boat to Two Boats road would be open by the end of the week.

### **11.4. Medical Examinations (Cllr George)**

Cllr George enquired whether cholesterol checks could be included in the employment medical examinations. The Administrator responded by saying that the requirements for medical examinations depends on each employer, however, he advised that anyone who wanted a cholesterol test could have one. Anyone who is on treatment for high cholesterol gets routinely checked.

#### **11.5. Laundry Facilities for Visiting Yachties (Cllr George)**

Cllr George asked whether it was possible for a small laundry room to be provided for visiting yachties. The only laundry on island which is open to yachties is at the Obsidian Hotel and they are only able to assist when the Hotel is not busy. The Administrator agreed that he would work with the DoO to put together a business plan which would be submitted to the Finance Committee for funding from the Development Fund Unallocated Capital Expenditure Pot.

#### **11.6. Small boat for use by boat owners (Cllr George)**

Cllr George explained that boat users and yachties previously were able to use a small boat which was in place and owned by two members of the Ascension Island community, both of whom have since passed away. Yachties and boat owners were able to access their vessels using this boat and a simple pulley system. The boat was maintained by the marine team.

Unfortunately this service is no longer available. Cllr George asked whether it was possible for a small boat to be provided so that this service could be reinstated.

The Administrator felt that this was something that boat users should contribute towards themselves, although he recognised the difficulty for visiting yachties. He invited boat users to collectively write to him as a Boat Users Group with a business case that could be considered. Cllr George was asked to take this forward in her role as Harbour Master.

#### **11.7. Use of Clerk of Council to circulate Councillors' emails (Cllr Leo)**

Cllr Leo asked whether the Administrator could review his position regarding the Clerk of Council circulating messages on behalf of members. The Administrator was asked to review this to allow the Clerk to continue this function.

In his final address the Governor had a few items which he wished to bring to Council's attention. He updated members that Kedell Worboys and Matthew Young, two of the Directors of St Helena Line, which is responsible for managing the contract for the RMS St Helena, would be visiting St Helena to discuss the future of the RMS. The Governor told Councillors that he would report back soon.

The Governor reassured Councillors that the outbreak of avian cholera on St Helena was not a threat to humans. Cllr Bendall enquired whether it would be a threat to the sea-bird population on Ascension and whether it would be necessary to put bio-security measures in place during the next visit of the RMS St Helena on 4 April. The AG undertook to follow this up and get an answer back to members of the Island Council soon.

The AG also spoke about an enquiry regarding harvesting minerals on the seabed, which highlighted a concern that St Helena, Ascension Island and Tristan da Cunha did not have protection to prevent this happening. The AG was in consultation with FCO and would be in touch further regarding this.

The Council's business came to a close at 11.00am.

Nicola Dillon  
Clerk of Council