

MINUTES OF THE ASCENSION ISLAND COUNCIL (AIC)

MEETING HELD IN THE COURT HOUSE,

Thursday, 27th October 2014 at 10:00 hrs

Present: (by telephone) HE The Governor, Mark Capes
Marc Holland, Administrator
(by telephone) Morag Stevenson, Acting Attorney General
Catherine Leo, Director of Resources
Councillor Samantha Arms-Lawrence
Councillor Keturah George
Councillor Nicholas John
Councillor Cyril Leo
Councillor Larry Poultney
Councillor Caroline Yon

In attendance: Walter Scott, Solicitor General
Nicola Dillon, Clerk of Council

1. Introductions

The Governor and the Acting Attorney General attended the meeting by telephone from St Helena. This was the Administrator's first formal Island Council meeting and the Governor thanked him for the work and preparation that had been put into the meeting. Cllr Christine Scipio-O'Dean from the St Helena Legislative Council was observing the meeting from the public gallery.

2. Confirmation of Minutes

The minutes of the AIC meeting held on 28 July 2014 were confirmed as a true record.

3. Matters Arising

3.1 Business Levy (Amendment) Ordinance, 2014

The Business Levy (Amendment) Ordinance, 2014 was enacted on 22 August 2014. The date of commencement of the Ordinance was 1 April 2014. The Administrator informed members that all Users agreed the terms outlined in the Ordinance.

3.2 Review of Safeguarding Children Allegations

The review into safeguarding children allegations as a result of the publication of a draft confidential report produced by the Lucy Faithfull Foundation would not start until the New Year.

3.3 Policy Paper: Developing Ascension's Democracy and Governance Oversight

Cllr Leo thanked the Administrator for the efforts he had made in consulting elected representatives. He said that he believed that some of the past failures to communicate with elected members have been as a result of the wording in our laws and policies, which read 'at the Administrator's discretion'. As it stood, it could be interpreted that Administrators did not need to consult elected representatives. The Governor said that the underlying principle for AIG should be one of openness and the Administrator endorsed this by saying that he intended to continue the previous Administrator's initiative to hold Away Days and informal meetings and to continue to consult members.

The SG was asked to explain the wording of the law further to councillors and to work with Cllr Leo to clarify this point.

Action: To clarify and report back to Council

3.4 Finance Committee – Business Cases

Cllr Yon asked whether the DoR could update Councillors via email on the progress of the various business cases which were agreed at the last meeting. In response to a question from Cllr George, the DoR confirmed that the final cost for the Residency redecoration¹ had not changed.

Action: DoR to provide Councillors with an update on the recent business cases

4. Post 2016 Update

Toni Bendall joined the meeting by phone and updated members on the Post 2016 Project. The project has been comparing air and sea access and in the last two months she has been focussing on legal and regulatory requirements for these options and looking at what is achievable and viable. Toni had been working closely with DfID's Aviation expert, Simon Walker, who is producing a report, which will be circulated to the Island Council and will be a useful management tool to aid the decision making process. The report will look at cost estimates and will present an outline and initial recommendations for the remaining options. It was hoped that the report can be made available to Council in November.

The Administrator was committed to keeping Council informed of progress and confirmed that this would be a regular agenda item.

Action: to report back at the next Council meeting

5. Legislation

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

i) Ratification of the Importation Prohibition Order, dated 15 September

The item before Councillors sought to formally ratify an Order which the Governor signed on 15 September relating to Newcastle disease in Poultry. The Island Council was consulted beforehand and gave the Governor urgent advice via email to effect the Order so that it was in place before the next scheduled call of the RMS St Helena from St Helena on 21 September.

The Order prohibited the landing or importation into Ascension of live poultry and eggs from St Helena as a result of the spread of Newcastle Disease on St Helena. The Order would remain in place until the St Helena Veterinary Office advised that it can be lifted.

Cllr Yon asked the Governor what progress had been made in St Helena. The Governor told Councillors that the vaccination process was underway following the receipt of a batch of vaccinations from Ascension in September and a second batch of vaccinations from South Africa. Once the process was complete the Vet would take stock of the outbreak and would advise. He told councillors that the strain of Newcastle Disease was a unique one and as a result was being researched to ascertain where it came from.

All six elected members voted to formally ratify the Importation Prohibition Ordinance. There were 0 votes against and 0 abstentions.

ii) Viral Haemorrhagic Fever Order

The Viral Haemorrhagic Fever Order provided for all Viral Haemorrhagic Fever diseases, of which

¹ Island Council Minutes 4 July 2014. A sum of £56K was approved by the AIC to redecorate the Residency.

Ebola is one, to be included under Part III of the Public Health Ordinance Cap. A22. The Ebola Virus was not listed in the Ordinance; however, upon advice from the acting SMO, it was proposed to add all Viral Haemorrhagic Fever diseases.

All six elected member voted in favour of enacting the Viral Haemorrhagic Fever Order. There were 0 votes against and 0 abstentions.

iii) National Protected Areas (Amendment) Ordinance 2014

The amendment corrected a mistake in the National Protected Areas Order 2014, which wrongly cited Green Mountain National Park Order 2008 which needed to be repealed under the 2014 Order. The amendment corrected this mistake and correctly cited the order to be repealed as the Green Mountain National Park Order, Cap. A20.

All six elected member voted in favour of enacting the Viral Haemorrhagic Fever Order. There were 0 votes against and 0 abstentions.

iv) Interpretation (Amendment) Ordinance, 2014

The Ordinance allowed the Attorney General (AG) to rectify printing or clerical errors appearing in any Ordinance or Subsidiary Legislation without having to first come to Council. This authority would apply to errors which did not affect the essence of a piece of legislation and could be dealt with administratively by the AG. The AG would have to inform Council at the next formal meeting following the correction.

All six elected member voted in favour of enacting the Interpretation (Amendment) Ordinance, 2014. There were 0 votes against and 0 abstentions.

v) Child Welfare (Amendment) Ordinance 2014

Since the enactment of the Child Welfare Ordinance 2011, it has been reviewed and a number of textual corrections were identified. The Child Welfare (Amendment) Ordinance 2014 sought to correct these errors (5 in total).

All six elected member voted in favour of enacting the Child Welfare (Amendment) Ordinance, 2014. There were 0 votes against and 0 abstentions.

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

6. Items in brief (oral update from the Administrator):

The Administrator updated Council on the following issues:

i) By-Election

The Administrator informed members that the deadline for nominations for the forthcoming by-election was 6pm on Monday, 3 November. If more than one candidate was nominated a By-Election would be held on Tuesday, 18 November. At a recent meeting of Heads of Major Employing Organisations, the Administrator spoke to Heads about removing any impediments which might prevent employees from standing for election. He hoped that this would encourage a greater turnout of candidates.

ii) JMC 2014

Arrangements were in place for two elected representatives from the Ascension Island Council, Cllr Caroline Yon and Cllr Samantha Arms-Lawrence, to attend this year's JMC. The Administrator

informed the Governor and Council that the Ascension Island Council still needed to submit their report to the JMC on last year's communiqué.

iii) Wideawake Agreement

The Administrator referred to the temporary lapsing of the Wideawake Agreement which expired on 30 September. Negotiations have been on-going for the last year to review the agreement and to look at additional changes for an airlink between Ascension and St Helena. Unfortunately a late legal problem delayed the settlement of a new agreement; at this time the Administrator was unable to say when the new agreement would be finalised.

iv) Bicentenary

The bicentenary was officially launched on 22 October with a reception at the Residency for the Island's long-term residents. Alongside the official launch was the formation of two committees, one to oversee the infrastructure projects to celebrate the bicentenary and the other committee which would organise a series of events to celebrate the event. The bicentenary commemorated the 200th anniversary of the arrival of the British Garrison on Ascension on 22 October 1815.

7. Youth Training Scheme

i) Disabled Young Person (16-18 year olds) Post School Training Policy

The Administrator presented the above policy to Council for approval. The policy was formulated as a result of the cessation of the 'Ascension Island Youth Training Programme' in June 2014. Interim measures were brought in place for this year's school leavers and at a recent council meeting, the previous Administrator agreed to create opportunities for individuals with special needs to redress the balance. The aim was to meet the current and future needs of disabled young persons between the ages of 16 and 18 years.

Councillors were happy to support the policy and Cllr Leo in particular was pleased that the matter was being addressed.

The Disabled Young Persons (16 – 18 year olds) Post School Training Policy was adopted.

8. Ebola Briefing (Dr Marcel Schutgens)

Dr Marcel Schutgens, Acting Senior Medical Officer, provided Council with a briefing about the draft Ebola Management Plan, which was circulated to Council prior to the meeting. The draft plan identified the route by which Ebola would reach Ascension and the associated risks and measures that have been taken and the medical procedures in place for dealing with suspected cases. In his briefing Dr Schutgens said that the risk of Ascension was practically zero but Ascension needed to be prepared for the unlikely event of Ebola slipping through our borders. The Administrator said both the UK and US Military Bases on Ascension had also prepared plans and he proposed to bring all three plans together. He advised that sensible publicity was the key to keeping the public informed and assured. The Governor agreed that it was an emotive issue that affected many countries around the world. He was satisfied that the work being done on island was being recognised at the FCO.

9. Two Boats School Inspection (Mr David Blunt)

Council was given a briefing by the Head Teacher of Two Boats School, David Blunt, regarding the forthcoming school inspection. In an accompanying paper Mr Blunt referred to discussions that the Island Council held in January 2014 about the school and subsequent discussions. An Inspection Readiness Review was conducted in June and the resulting report was very positive. It highlighted areas which showed the school in a good light. Mr Blunt said that he hoped that the report assured councillors that the school environment was conducive and acceptable for both teachers and pupils; that the level

and quality of education provided by the school gave value for money based on exam results and feedback from pupils; and that the decisions taken by the previous Administrator and the Head Teacher of the school had been in the best interest of the pupils.

Council was informed that the inspection would take place in late November 2014 by School Inspection Service. Councillors were pleased with the positive interim report and looked forward to receiving the final report following November's inspection.

In subsequent discussions Cllr Leo said taxpayers on Ascension invested some £600,000 last year into educating the island's children. He said questions were asked in Council in January 2014 because there were numerous complaints and concerns expressed by pupils, parents and teachers. Cllr Leo said he was pleased with the report from the Head Teacher, which stated that this year 71% of pupils achieved 5 or more A* - C grades including English and Maths at GCSE, Two Boats School's best results, and the best results in the South Atlantic by some distance, with pleasing results at other key areas.

The Governor echoed the sentiments of members and said that the interim report provided a good degree of reassurance that the school was doing well. He enquired about what publicity would be given to the report and it was agreed that the final report would be published on the school website. Parents were also kept informed of the process and had already received an update from the interim report.

Action: To publish the final report on the Two Boats School website following the school inspection in November

10. Fisheries Update (Dr Judith Brown)

Dr Judith Brown recently took up a post with AIG as Director of Fisheries. Dr Brown attended the meeting to provide an update on the Fisheries Review and the licensing of offshore fishery. Council was told that a commercial licencing regime was run from 1988 to 2004 and reintroduced in 2010 until 2013 when it was ceased pending a fisheries review and an update of the management regime. Currently a review of the offshore and inshore waters is being carried out by Cefas with an aim to producing reports by the end of November.

The Administrator invited Dr Brown to the November meeting of the Island Council to give an update.

Action: To report back to the Island Council at the next meeting in November

11. Any Other Business

11.1. AIG Appointments (Cllr Leo)

Cllr Leo asked the Administrator about various new posts which have been created within AIG since the budget was approved in April and which would require additional funding which was not budgeted for. Cllr Leo asked why Finance Committee was not consulted on the additional expenditure.

The discussions that followed looked at whether the new posts required additional expenditure and whether it was the remit of Finance Committee to approve individual salaries. The SG clarified that the overall budget was approved by Finance Committee and then the Island Council and suggested that the new posts were being funded from the existing budget package. The DoR confirmed that this was the case.

The Administrator advised that he would ask the DoR and the DoHR to set out the changes that were made, what the vacant places were and the size of the AIG wages budget. It was agreed that this information would be presented at the next formal meeting.

Action: To report back to Council at the next formal meeting (DoR)

11.2. AIG Bonus Scheme (Cllr Leo)

Cllr Leo put forward concerns raised by taxpayers in respect of the incentive payments made to AIG staff. Taxpayers were concerned that public money was being used to reward staff with bonus payments. Cllr Leo said that in the last financial year (2013 – 2014) £450K was allocated for staff bonuses without consulting elected representatives; bonus payments were stopped after £50K was paid out because there was no policy in place. This year's allocation was £70K, a reduction of the £200K which was originally put forward. Finance Committee agreed this figure on condition that no bonuses were paid out until a bonus policy was in place.

The Administrator told Council that he would bring a report on the Bonus Scheme to the next meeting. He said that following the recent round of bonus payments he had made amendments to the policy; it was planned that the bonus payments would eventually be linked to an appraisal system. Cllr Yon supported this suggestion as she felt that the bonus scheme (as she knew it) lent itself to certain members of staff being more likely to qualify for a bonus than others because of the nature of their employment.

The Governor concluded discussion by commenting that more needed to be done in establishing a more rigorous policy that everyone is comfortable with and understands.

Action: To report back to Council at the next meeting (Administrator)

11.3. Feasibility Study for a Bakery (Cllr Leo)

Cllr Leo asked whether AIG could carry out a feasibility study into funding a bakery on Ascension for a trial period of 12 months. The Administrator said that he had an open mind and wanted to listen to other views. Previous attempts to run a bakery in the private sector were unsuccessful due to high overheads. Cllr George said it would be good to have a bakery on island but she was interested in seeing a report on the running costs for such an establishment. Cllr Arms-Lawrence also supported the idea of an island bakery, which she felt might be more successful if run under the umbrella of AIG.

Action: to circulate indicative costs for running a bakery to Council

11.4. Training for Councillors run by Frank Savage

Members of the Island Council recently attended a two-day course run by Frank Savage. The training looked at Good Governance, the roles of Councillors and their day to day responsibilities as well as ethics and standards in public services and team working. Councillors agreed that the sessions were useful and informative and agreed that all new councillors would benefit from receiving this type of training early on in their terms of office. Councillors also found the presentation by the SG on Legislative Procedures to be very useful.

11.5. Rats (Cllr Yon)

Cllr Yon said that it seemed that the island was overrun by rats at the moment and she asked whether it was a case that more resources needed to be put into Environmental Health. The problem was the worst that she had seen for a long time. The Administrator said that he would follow this up with the Environmental Health Section and would report back to Council at the next meeting.

Action: to follow up and report back to Council

11.6. Financial arrangements to sustain +16 Education and the Apprenticeship/Youth Training Schemes (Cllr Yon)

Cllr Yon asked whether AIG could look at the whole of the Education Policy and to look at ring-fencing a portion of the reserves over the next few years, so that future training schemes could be sustained in the long-term. This will give some guarantee of consistency that any training schemes which are begun now will not be subject to a lack of funding in the future and need to be stopped.

It was decided that this could be looked at once the report from School Inspection Service had been received. It might be necessary to bring in a consultant to look at this.

11.7. Passport Photo Service (Cllr George)

Cllr George asked what had happened to the passport photo service which AIG was going to provide. She understood that the equipment is on island and is being used to produce photo driving licences.

The DoR and the Administrator were unable to give a reply about the AIG Passport Photo Service as this was raised at Council prior them taking up their positions. The DoR said that there was a private individual who was interested in offering a passport photo service as a small business.

11.8. The Provision of Sterling on island (Cllr George)

Cllr George told Council that there is always a problem with procuring sterling on the island by people travelling to the UK, especially during peak holiday season. The Bank of St Helena wasn't always able to provide sterling when required. Cllr George asked whether the law allows to designate the UK sterling and dollars as the official currency of Ascension. Can the Bank of St Helena be asked to deal only with British Sterling on Ascension?

The Administrator said that he was meeting with the Manager of the Bank of St Helena soon and he would raise this issue. If it was an issue of inhibiting people's ability to travel to the UK then it should be raised with the Bank.

The Governor said that the problem had arisen in St Helena and had been addressed and there were sufficient stocks of Sterling in St Helena. He said that it was worth talking to the bank about this to see if they could come to some arrangement to ensure that a sufficient amount is channelled to Ascension. The Governor also mentioned that there was an on-going discussion on St Helena about switching from the St Helena Pound to UK Sterling and part of the reasoning behind these talks was the introduction of air access.

Action: The Administrator would speak to the Manager of BoSH when she transits Ascension²

11.9. Arrangements for Youths with Special Educational Needs who have reached 18 plus (Cllr George)

Cllr George asked what happens to youths with special educational needs who have reached 18 years and can no longer be provided for under their parents' contracts as a dependant are they allowed to remain on island? The SG advised that the duties of repatriation and medical care cuts off at the age of 18, so once a youth reaches this age they are no longer dependants. The SG said that he had spoken to the previous Administrator about this and had touched on this lightly with the current Administrator; it was a subject that needed to be debated.

The Administrator set out the policy for able-bodied youths who are still in full-time education off-island and said that once they are 18 they are no longer covered by their parents. This situation is addressed by granting the youths multiple entry tourist entry permits so that they travel back and

² The Administrator subsequently spoke to the Manager of BoSH and was reassured that more sterling would be held on island and made available for Travellers. If further shortages arise, please alert the Administrator's Office.

forth regularly; they have to make arrangements for their own health insurance. There were no such arrangements for youths with special educational needs; however, the SG asked whether Cllr George had a suggestion that could guide the policy. The SG said that the purpose of any policy that is developed would be to prevent a drastic result that forced parents to leave because of their circumstances.

The discussion threw up many questions and it was recognised that the issue will need to be addressed at a future date. Cllr George said that she would elaborate on this at the next Council meeting.

Action: Cllr George to raise at next Island Council meeting

11.10. Two Boats Playground (Cllr George)

Cllr George asked about cleaning within the children's playgrounds as she had received a complaint of broken glass being found at Two Boats Playground. The Administrator said that at the moment no one looks after the public spaces, and perhaps this should be a budget consideration for the next financial year. As a public policy question, should Government take on the role of tidying up the public spaces? He would follow up and get the glass removed from the playground.

Action: To remove the broken glass from the playground area

11.11. TV Equipment (Cllr George)

Cllr George referred to a meeting that councillors had with the Commander of the British Forces about a year ago and they mentioned about reusing the TV equipment from Germany on Ascension. Given the recent discussions that Council had regarding the provision of a digital service for Ascension, Cllr George asked for an update. The Administrator said that he was meeting the Commander at the weekend and would raise this with him.

Action: To follow up with the MOD

11.12. Work Permits for Tourists (Cllr Leo)

Cllr Leo referred back to a subject which was raised a while ago. It concerned a system that would allow persons on island on a tourist permit to find temporary work. He referred especially to people who were already on island and went from employment to tourist 'condition of entry' permits. He referred to an enquiry about providing 'temporary work permits' for these types of situations. Cllr Leo requested an update on the outcome.

The SG clarified that under the current situation, the tourist and employment 'condition of entry' permits were separate and if tourists found employment they then needed to obtain employment permits too.

Action: To look back on previous minutes and to provide clarification

The Council meeting closed at 12.40pm.

Nicola Dillon
Clerk of Council