

MINUTES OF THE ASCENSION ISLAND COUNCIL (AIC)

MEETING HELD IN THE COURT HOUSE,

Monday, 28th July 2014 at 10:00 hrs

Present: (by telephone) HE The Governor, Mark Capes
Colin Wells, Administrator
(by telephone) Morag Stevenson, Acting Attorney General
Catherine Leo, Director of Resources
Councillor Toni Bendall
Councillor Keturah George
Councillor Cyril Leo
Councillor Larry Poultney
Councillor Caroline Yon

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

Overseas: Councillor Nicholas John

Apologies: Councillor Samantha Arms-Lawrence

1. Introductions

The Governor attended the meeting by telephone from St Helena and he was joined by Morag Stevenson, Acting Attorney General. Following introductions, the meeting moved on to the next item of business.

2. Confirmation of Minutes

The minutes of the AIC meeting held on 4 July 2014 were confirmed as a true record.

3. Matters Arising

3.1 Training for new Councillors

The Administrator informed Council that Frank Savage would be on island in September. His visit would have two purposes, to provide a Disaster Management assessment and training for councillors. Mr Savage has visited Ascension in the past and provided training to members of the previous Island Councils.

3.2 UKOTA Membership

The Clerk of Council was asked to follow up membership with UKOTA (United Kingdom Overseas Territories Association) so that Cllr Yon and Cllr Arms-Lawrence can begin engaging UKOTA ahead of the JMC (Joint Ministerial Council) later this year.

Action: Clerk to liaise with UKOTA re. Ascension Island's membership

3.3 Redecoration of the Residency

At the last formal meeting, Council formally agreed for Bell Contractors to be awarded the bid to redecorate the Residency. The Administrator advised that work was progressing well and was due to be completed soon.

3.4 Repairing of pathway from China Town to Scandal Terrace

At the last meeting Cllr George asked if the pathway leading from China Town to Scandal Terrace could be repaired as it was unsafe. DoOps advised members that this would take place soon.

3.5 Donkeys

In her capacity as Lay Veterinarian, Cllr Yon informed Council that she had spoken to staff at the Refuelling Station who were having a problem with donkeys walking across the forecourt. Cllr Yon spoke to staff about ways in which this issue can be managed; it was apparent from discussions that the problem was not as great as initially thought.

3.6 Youth Trainee Scheme

The DoOps updated Councillors on the immediate plans to replace the Youth Trainee Scheme which had recently been brought to an end. There were longer term plans for an NVQ/apprenticeship scheme to be put in place by September 2015. In the short term, the existing youth trainees on the former scheme will have their training period honoured to completion and AIG was looking at a few options for work experience for other individuals. DoOps said that IDL had also expressed interest in buying into the scheme, along with Sure and Babcock who were already involved in the former scheme. With regards individuals with special needs, it was hoped to provide a reduced scheme. Cllr Leo who raised the issue at the meeting on 4 July said that he was very encouraged by the update and the efforts by AIG to continue to offer training and work experience to the island's youths.

3.7 Road Safety

Cllr Poultney previously raised the issue of walkers and joggers not being visible when using the road, which was a hazard for drivers who found it difficult to see them, especially when driving in poor visibility conditions. The local police force was about to embark on a road safety campaign and it was felt that this could be included in their awareness programme.

Action: to follow up with Sgt Everden

4. Review of UK Media Reports

The Administrator invited the Governor to update Councillors about the recent newspaper articles which were published in the Daily Mail and Daily Mirror. The Governor said that the strength of feeling about the publication of these articles was still very strong. The Governor confirmed that the FCO had commissioned an independent panel to review the allegations as a result of the publication of the confidential report by the Lucy Faithfull Foundation. It was anticipated that the report would be completed by the end of the year.

Following the publication of articles, an online petition was launched and Councillors felt that the response to the petition demonstrated the strength of feeling that the Saint community and others, at home and abroad, felt towards the allegations.

Cllr Leo responded by saying that AIG officials and Councillors were totally committed to the protection of children on Ascension. He went on to say that if there is one child on Ascension suffering from any form of abuse, then this was one child too many. He said that in any society throughout the world there is always the potential for good and bad. In areas of the community where there were concerns about proper safeguarding of children, these have been assessed and addressed by local authorities. This included police officers holding awareness meetings with some members of the public; as a councillor Cllr Leo was more than satisfied with the progress that had been maintained for the protection of the children of the island. Cllr Leo took the

opportunity to thank the Police in particular for the work they had done.

The Governor thanked the Cllr Leo for his comments. He said that amidst the maelstrom and the headlines all the good work that has been done had been overlooked. Although there was still a long way to go in respect of safeguarding issues, progress had been made. The Review will give a more balanced and clearer picture.

5. Legislation

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

i) Wildlife Protection (Amendment) Ordinance, 2014

The Chairman of the Biodiversity and Fisheries Protection Committee, Cllr Yon, introduced the topic by saying that the most up to date version of the Ordinance included the phrase “and to include hammerhead sharks to the list of prohibited wildlife product”. It was important that this was taken into account when enacting the ordinance as it was only hammerhead sharks which were being added to the list of prohibited wildlife product. Otherwise the draft ordinance was as discussed in various meetings.

As well as adding hammerhead sharks to the prohibited wildlife schedule the Wildlife Protection (Amendment) Ordinance was also intended to prohibit the molestation and disturbance of prohibited wildlife. This particular amendment was brought about by a recent incident of turtle-riding and made this type of activity an offence. Hammerhead sharks were being added as they were critically endangered and already on the CITES (Convention on International Trade in Endangered Species) list of endangered species. It is intended that other sharks would be added later once there is a better understanding and better data to support their protection and a wider consultation held.

The five elected members present voted in favour of recommending the enactment of the Wildlife Protection (Amendment) Ordinance 2014 with the addition of ‘hammerhead’ sharks in the opening paragraph. There were 0 votes against and 0 abstentions.

The following three pieces of legislation were presented to Council collectively as they arose out of the discussions that the Administrator had held with the BCF (Budget Consultative Forum). The Administrator explained that to date three of the four members had given agreement, he expected to get the fourth member’s agreement, however, the ordinances were presented to Council with a caveat that they would not be enacted until all four organisations had signed up.

ii) Business Levy (Amendment) Ordinance, 2014

The Business Levy Ordinance was enacted in 2012 and introduced a business levy which was payable by the four members of the BCF. The provisions of the ordinance would come to an end on 31 March 2015, so a new provision for the next period was needed. The Business Levy (Amendment) Ordinance, 2014 set out a fixed amount that the four members would have to contribute for the next three years. Unlike the last ordinance, the amount payable was fixed and would not decrease year on year. For the next three years the contribution would be:

Ministry of Defence	67.6%
British Broadcasting Corporation	23.7%
Sure South Atlantic Ltd	6.1%
Secretary of State for Foreign and Commonwealth Affairs	2.6%

The ‘relevant total amount’ was in the sum of £1,421,000.00.

The five elected members present voted in favour of recommending the enactment of the

Business Levy (Amendment) Ordinance, 2014. There were 0 votes against and 0 abstentions. The Ordinance would not be enacted until all four members of the BCF were signed up to the Agreement.

iii) Road Works Levy Ordinance, 2014

The Road Works Levy Ordinance introduced a legal requirement for each of the four Users to contribute towards the maintenance and repair of the island's roads. The Ordinance provided for a four year period, including the current financial year.

The five elected members present voted in favour of recommending the enactment of the Road Works Levy Ordinance, 2014. There were 0 votes against and 0 abstentions. The Ordinance would not be enacted until all four members of the BCF were signed up to the Agreement.

iv) Ascension Island Supplementary Appropriation Ordinance, 2014

The BCF discussions included proposals for improvements to the Pierhead and Waste Management. The Ascension island Supplementary Appropriations Ordinance, 2014 allowed for the funds to be drawn from reserves to be used in this current financial year to provide maximum funding capacity to undertake these projects. The total funding required was £890,909, which was made up as follows:

Pier Head	£323,360
Waste	£567,549

The project funding would continue with the new Business Levy Ordinance which would be effective from 1 April 2015.

The five elected members present voted in favour of recommending the enactment of the Ascension Island Supplementary Appropriation Ordinance 2014. There were 0 votes against and 0 abstentions. The Ordinance would not be enacted until all four members of the BCF were signed up to the Agreement.

v) Income Tax Extra-Statutory Concession (Sure South Atlantic Ltd), 2014

The final piece of legislation before Council dealt with an Extra-Statutory Concession in respect of profits derived by Sure South Atlantic Ltd, from the +247 Project. Any profits accrued from the Project would not be considered part of Sure South Atlantic Ltd's taxable income as long as the +247 Agreement existed between the company and the Ascension Island Government.

The five elected members present voted in favour of recommending the Income Tax Extra-Statutory Concession (Sure South Atlantic Ltd), 2014. There were 0 votes against and 0 abstentions.

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

6. Policy Papers:

i) Policy Paper on improving the Enabling Environment for the Private Sector on Ascension Island (Administrator)

The Paper was a result of a meeting which the Governor and the Administrator held with small business owners from the private sector in January. The paper was designed to improve the business environment for small businesses so that they can thrive and continue to contribute to the local community. One of the proposals contained within the policy had been considered by Council at their meeting on 4 July and dealt with a 16% reduction in property

tax from 3% to 2.5%. The policy before Council proposed to introduce a more consistent and fairer rental structure which would be based on property size. A final proposal was to offer tax holidays and small businesses could apply for tax breaks in the initial start-up period for one year, although businesses will still be required to submit annual accounts for assessment.

Cllr Leo enquired about tax breaks and whether a new business which was already set up and was not aware of these provisions could apply for a tax holiday. A discussion followed about the period of tax holidays and it was agreed that the period should be extended for 'up to three years', although the period granted would be assessed on a case by case basis.

Small business owners would be contacted shortly about these proposals.

Council voted to adopt the policy with an amendment to extend the tax holiday period from 1 year to 3 years. There were 0 votes against and 0 abstentions.

ii) Policy Paper: Developing Ascension's Democracy and Governance Oversight (Administrator)

At a meeting of the Island Council on 27 March, Cllr Leo presented a paper to Council seeking a review of Democracy and Governance on Ascension Island. Cllr Leo argued in his paper that democracy needed to be improved and developed further. The Administrator presented Council with a position paper which sought to respond to Cllr Leo's paper and to reflect his view on where democracy on Ascension was and on the whole it was in a good place.

The paper set out examples of where areas of democracy had improved and put forward proposals for future improvements and looked at where Government had demonstrated openness and greater oversight. In his presentation, the Administrator compared the difficulty that the last Council experienced via the multiple by-elections which were held and the most recent General Election when a full Council of seven members was elected from a total of nine candidates. This was largely encouraged by the recognition for the role and work of Councillors by the introduction of stipends, but also by the openness which has continued to the current Council.

Cllr Leo responded by saying that compared to where things were and where they is now, he appreciated the efforts that had been made to strengthen democracy on Ascension. There were two points that he drew attention to:

- i) Open Government – Cllr Leo challenged the Administrator's statement that openness had improved over the last three years as he felt that this was not quite correct. Despite this, he agreed that it was moving in the right direction.
- ii) In his conclusion, the Administrator said that undertaking a study risked an unfavourable outcome for Ascension. Cllr Leo asked the Administrator to elaborate on this point. The Administrator responded by saying that asking an outside body to look at the way democracy is managed might not result in the kind of proposals that might suit Ascension Island. This was demonstrated by the Torlot report, which was carried out in 2011. A lot of the proposals were good, but many did not fit the Ascension model. The Administrator said that his preference was that Ascension tries to seek to develop democracy itself being mindful of what is achievable and also the democratic principles of the British Government.

Cllr Leo received the Administrator's explanation with thanks and said that he understood the Administrator points better and he now felt that Ascension should continue to strengthen its democracy.

Cllr Poultney commented that the paper before Council argued very strongly that democracy does exist on Ascension Island.

The Governor thanked the Administrator for preparing a very useful and thoughtful paper,

which pulled together all the various strands. He also agreed that democracy was in a better place; the issues have been examined as they came up. Ascension had a Constitution that worked well, provided that everyone approached it with the right attitude. The Governor said that on the back of openness and transparency you can build trust and as a result the Island can make the Constitution work well.

The paper was not for Council's approval, but was a useful document to draw from in the future as democracy evolves.

7. Finance Committee: Business Cases

The following business cases were brought to Council for approval having first been scrutinised by the Finance Committee. They were presented by the Director of Resources.

- i) **Public Transport Bus (£25,000)**
The public transport service was first introduced in 2013 and since this time has been quite successful. It has played a role in reducing drink driving on the island and has provided a much needed and appreciated community service. At the moment the bus is shared with the school and they also absorb some of the fuel and maintenance costs, so it is difficult to ascertain the true cost of the service. Due to the dual purpose of the bus, the school has been unable to entertain requests from other organisations as the public transport service has taken precedence. As the public transport service has become so successful it was timely to invest in a dedicated bus, which would also enable the school to retain ownership and management of the current buses for their own use.
- ii) **Two Boats Police Station (£3,635.46)**
The Police Station at Two Boats had fallen into disrepair in recent years due to disuse. The funding requested would restore and furnish the building and bring it back into use by the Police Force.
- iii) **Airhead Visitor Centre (£7,6258.91)**
The purpose was to establish a visitor centre at the Airhead terminal which would focus on the transit market. The centre, which was a tourism initiative, would raise awareness of the island and would also have a revenue raising potential.
- iv) **Wash Room for visiting yacht personnel (£5,000)**
This was initially an enquiry from Cllr George and the purpose was to provide a wash and laundry facility for visiting yachts. As well providing showers, there would also be washing and drying facilities for laundry. A small fee would be charged for the use of these facilities.
- v) **Re-development of Reflections (£10,913.68)**
Reflections Cafe has not been used for the past few years and as a result has deteriorated. In spite of this, potential small business owners have expressed interest in the property. Its current condition is a concern and a small investment is necessary to bring the property back online.

All of the above projects would be funded from the £76K development fund allocation in the 2014/15 Appropriation Ordinance.

- vi) **Proposed modernisation of the Georgetown Hospital Facilities**
This was a project that was raised by Cllr Leo and again by Cllr John about concerns with privacy at the hospital. As a result a proposal was submitted by the Senior Medical Officer to reconfigure the layout of the hospital to move the maternity ward, relocate the waiting area and to create a new physio room. Along with other minor

works it was hoped that the privacy and patient safety at the hospital would be improved and generally enhance and modernise the facilities already provided.

The DoOps would provide costings for the project; however, it was unlikely to happen in this financial year as the Operations Team was fully committed to other capital projects.

Cllr Leo asked whether Councillors could have a site visit at the Georgetown Hospital, which was supported by the Administrator.

Actions: To provide costings for the business plan (DoOps); and to organise a site visit to the hospital for members of the Council.

vii) The final business case was in the form of a collaborative proposal to part-fund an island cinema within the NAAFI complex in partnership with the MOD. The proposed cinema would benefit the whole community and would be in keeping with the 'Children in Bars' legislation and would provide entertainment that families can enjoy together. The MOD was asking AIG to assist with funding of £23K to get the project off the ground, which the DoR said would mean that the Development Fund ceiling would be reached, however, she could see the benefits of the project for the community.

Cllr Yon referred to correspondence in which she expressed concerns about whether access to the cinema would be restricted given that this would be through the bar area (children were prohibited from being in this area after 8.30pm). Cllr Bendall felt that although the required funding was quite a lot, she could see the benefit of the proposal and Cllr Leo felt that in principle it was a good idea. The Administrator suggested that if Council approved the funding that a caveat be issued to request the MOD to consult on the terms of the project.

The Administrator put the complete package of business cases to Council for approval and all five councillors present voted in support.

8. Review of Extended Hours Permit (one year on) (Cllr Leo)

Cllr Leo put forward a request to review the Extended Hours Permit (EHP) which was introduced following the enactment of the Control of Alcohol and Access to Bars (Children and Young Persons) Ordinance, 2013. The Extended Hours Permit enabled bars and clubs to apply to extend the hours during which young persons were permitted to be on bar premises.

In presenting his request Cllr Leo reflected on the discussions from a year ago regarding the legislation; at the time debate focussed around the two members clubs and arguments presented for a time limit of 10.30pm opposed to 11.30pm, which was the Island Council's preferred time limit at the time. The legislation was enacted with a time limit of 10.30pm for weekends (Friday and Saturday evenings).

Cllr Leo said that he still felt that 11.30pm was an appropriate time limit as the clubs provided a relaxed environment for family leisure at the weekends, however, he did not intend to return to this debate, but rather to ask that the EHP be reviewed to provide more flexibility to suit the needs of the community. Cllr Leo's aim was to find a sensible balance between maintaining community spirit on the island, respecting parents' intelligence and sense of responsibility towards their children, supporting family social activities and trusting the integrity and intentions of the management of the members' clubs and safeguarding the children of Ascension.

Cllr Bendall felt that in her view she was under the impression that the EHP was working well and that Council would need to be careful about making it too easy to have a permit as it ridiculed the

legislation. Council also needed to be careful especially given the recent media scrutiny of Ascension and St Helena; this is not the time to be considering allowing children to be in bars later.

Cllr George also agreed with Cllr Bendall; she felt that since the legislation was put in place everyone has adapted well and there hadn't been any negative comments surrounding this. Cllr Poultney also commented that he too did not think that this was the right time to review this as it could leave Council open to criticism.

The Administrator responded by saying that from his perspective the EHP on paper should work well, although there were some inconsistencies recently in permits that had been granted. Permits are granted by the Police Inspectors and there has been fluidity in staff recently which has led to inconsistencies. The Ascension Island Safeguarding Children Board (AISCB) was due to meet in August and they would be consulted on the guidelines of the EHP. The Board would be asked to come back to the Island Council with their comments and Council can continue its review.

Action: To ask the AISCB to review the Extended Hours Permit

9. Resignation: Cllr Bendall

Cllr Bendall formally submitted her resignation from the Island Council in a letter which she presented to the Administrator to forward to the Governor. Cllr Bendall's resignation came as a result of her decision to return to the UK and was effective from 31 July. She told Council that she had submitted a letter to the Islander informing the electorate of her resignation and to encourage others to come forward to stand in a by-election.

In responding to her resignation, the Governor said Cllr Bendall had served on the Island Council since February 2011 and that he, himself, had worked with Cllr Bendall for the last 2½ years. He had found her to be a strong, well-performing councillor who had contributed greatly to Council's decision-making. He thanked Cllr Bendall for her contribution over the last few years and hoped that others would be encouraged to put themselves forward for election.

10. Any Other Business

Before embarking on overseas leave Cllr Nicholas John submitted a number of items for Council's consideration.

10.1. Turtle Ponds Restoration (Cllr John)

Following a request from a member of the public Cllr John asked Council whether the seawall at the Turtle Ponds, Long Beach, could be repaired. The wall had fallen into disrepair in recent years, however, it was still a popular spot and well-used by the general public and youth organisations. It was suggested that the restoration of this area be submitted as a bid for capital funding in the next financial year.

10.2. Hospital (Cllr John)

Cllr John enquired about reconfiguring the layout of the Georgetown Hospital to provide more privacy for patients. This was a business case which was recently considered by the Finance Committee and was approved earlier in the meeting by Council.

10.3. Introduction of Raspberry Pi (Cllr John)

Raspberry Pi is a micro-computer which is a teaching tool which aids the understanding of computers. Cllr John enquired about introducing this system at Two Boats School. DoR told Council that the system was introduced at the start of the year, but there has been some

disruption but it should come back online by the start of the new school year in August.

10.4. Water Fountain at the MUGA (Cllr John)

Users of the MUGA asked about whether a water fountain could be installed as this would enable users to have access to a drink when the club is closed. Council was informed that a water fountain had been ordered for the MUGA by Two Boats School in a bulk order for the school.

10.5. Children's Playground Georgetown (Cllr John)

Cllr John asked whether the Playground in Georgetown could be refurbished as the equipment was corroding and worn and could present a safety issue for young children. The playground also did not provide much shade and he enquired whether Council would consider providing seating, shading and generally improving the aesthetics of the area to encourage families and children to use it more.

In response to this request both playgrounds in Georgetown and Two Boats would be reviewed and looked at with a view to enhancing and improving the facilities in the future.

10.6. Fire Alarm System and other outstanding capital works at Two Boat School (Cllr Yon)

Cllr Yon said that she was asked about the new fire alarm system at the School and when it was likely to be installed. DoOps said that unfortunately the fire alarm system would not arrive until September. He said that it was unfortunate as the ideal time would have been during the long school holiday, but the work will have to be phased in and the majority of work will be carried out after school hours. There are other works that can be carried out with minimal disruption and where work can be completed off-site and installed afterwards this will be done.

Cllr Yon said that she raised this issue in Council as the Headteacher believed that some of these works might impact on the inspection, which would take place later this year.

10.7. Joint Ministerial Council (JMC) 2014 (Cllr Yon)

Cllr Yon was recently nominated to be the lead representative at this year's JMC. She advised Council that she had already started corresponding with the FCO/OTD in the lead up to the conference in November. Cllr Yon said that she was having a teleconference in the coming week; she said that Ascension was being asked to provide a progress report on some of the issues agreed at the last JMC. Cllr Yon would circulate the emailed letter from the Minister to Council members and asked for feedback before her teleconference.

Action: Cllr Yon to circulate emailed letter and Councillors to provide feedback

10.8. Ascension Island residents participation in the Island Games (Cllr Leo)

Cllr Leo asked whether Ascension Island residents could be encouraged to participate in the next Island Games. The Games will take place in Jersey (27 June – 3 July 2015). The Administrator prefaced his response by saying that his knowledge of this was very sketchy; however, it was a good issue to put on record. He said that Ascension does not have a resident population but St Helenians would be included under St Helena's membership, similarly there is a St Helena Commonwealth team, but not an Ascension Island team. The Administrator was unsure of criteria for participation but he agreed that the more was done to encourage sport participation by the island's youth the better. He assured Cllr Leo that he would look into how participation at the Island Games 2015 could be achieved.

Action: to follow up and report back at next meeting

10.9. Wash Facility at English Bay (Cllr Leo)

Cllr Leo said that he had received an enquiry from a member of the public who wanted to know why the wash facility at English Bay beach was located low to the ground. DoOps said that the facility was intended to rinse the sand off beach users' feet. At the moment the cost of running this service is being monitored and the bills are manageable. If the costs get too great, then AIG would have to review the use of this facility.

Council business came to a completion and in his closing remarks the Governor drew attention to the fact that this was the Administrator's last formal Island Council meeting (the Administrator had also held his last informal meeting a few days earlier). The Governor said that he felt sure that Councillors would join him in recognising the Administrator's efforts in developing Council and the fact that the meetings were extremely well prepared and this was a result of the work that had gone on beforehand. He reflected that he and the Administrator took up their posts at the same time and he has seen how things have improved in the way Council conducts its business. The Governor ended by saying a huge debt of gratitude was owed to the Administrator and he was grateful to him for the way in which he had moved Ascension forward.

The Administrator thanked the Governor and said that it had been a pleasure to serve on Ascension Island. While he was excited to move on to a new challenge, he was very sad to leave the island.

The Council meeting closed at 11.45am.

Nicola Dillon
Clerk of Council