

ASCENSION ISLAND GOVERNMENT

Clerk of Council's Office
Ascension Island
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Formal meeting of the Ascension Island Council

1630 on Thursday 30 Apr 2020 at the Court House

MINUTES

Present: HE Dr Philip Rushbrook, Governor
HH Sean Burns, Administrator
Gareth Morris, Director of Resources
Allen Cansick, Attorney General

Councillor Katharyn Chadwick
Councillor Andrew Ellick
Councillor Kitty George
Councillor Andrew Hobson
Councillor Alan Nicholls

In attendance: Xander Halliwell, Head of Administrator's Office
One member of the public

Rob Cheeseman, Crown Counsel
Jane Disley, Clerk of Council

1. Welcome and approval of minutes

The Administrator welcomed all parties and explained who was present for those attending by phone.

The minutes of the previous formal meeting on 11 Mar were accepted. In accordance with the Council Rules these had already been agreed by Council members and published.

2. Matters arising – actions tracker

- a. **A levels [23 Jan 20]:** There had been no movement on this topic.
- b. **Chandlery:** The Administrator had emailed councillors to ask for any inputs. Contact had been made with the Chandlery in the Falklands to initiate a meeting with the Manager.
- c. **COVID-19 testing for contractor flights:** This would be raised at the teleconference next week.
- d. **Memoranda:** See items 5-8 below.
- e. **Military visitor:** The Administrator had emailed councillors with information.
- f. **Solar lighting trial:** The Administrator read an update from Director of Operations & Facilities:

The roll out of the trial and erection of the lighting finished towards the end of March 2020 in specified areas in Two Boats and Georgetown, including a trial still ongoing on the pier head. The community was asked to give formal feedback through Darren Reynold in MEP but only one formal reply was received, which positively praised the lights and their operation. Although it was felt that there should be some six months of a trial period, we have solicited informal input which again has been positive and so feel the need to move forward with further installations.

Now that the Council has given*money for further rollouts, we are in the process of continuing to monitor the installations but concurrently getting prices for more solar lighting as well as for an alternative – L.E.D. wired lights – both types to be of the motion sensor type. Accordingly we shall move forward with orders and further installations as part of our 2020/2021 Capital Works programme and shall involve and inform SMT in the process of roll out, likewise keeping Council abreast of the use of the funding.

It is a project for which, as acting overall Facilities team manager, I am taking responsibility (as agreed at a meeting yesterday).

** Chair's Note: Council do not 'give' AIG money since they do not have any money to give. Legislative power, including the power to 'give' money, rests with the Governor, hence the Council is an advisory body only.*

- g. **Fishing during ship to shore ops:** The Policy Officer had circulated a draft to pertinent members of AIG and was awaiting final clearance. The Administrator expected the policy to be distributed by next week.
- h. **Waste Management:** The Policy Officer had circulated the waste management report to councillors. It was proposed that in light of the information received, the topic be included for discussion at the next informal Council meeting. **Action: Clerk to ensure it is included on the agenda.**

3. Coronavirus update

The Head of Administrator's Office [HoAO] provided an update on the AIG's coronavirus work:

- The testing machine had been secured and should arrive on the next RAF flight.
- The cartridges for the testing machine had been sourced by Crown Agents.
- Ascension was in a good state with regard to PPE and the Hospital had identified an additional source.
- New staffing requirements [doctor and nurse from South Africa] had been agreed to cope with a potential increase in the response level. Work was underway to source a nurse for a short term contract.
- Following the issue of the temporary regulations, incoming flights had had quarantine notices issued. These were welcome and had been working well.
- Work was underway on another humanitarian flight, possibly on 18/19 May in order to tie in with the RAF flight. It was a complicated process to ensure agreement with various parties but should allow some movement between islands if approved.
- The oxygen compressor was currently being built in the US and would arrive via USAF flight probably within the next 4 weeks.

Cllr Ellick asked if the humanitarian flights could be achieved without an overnight stay on Ascension in order to minimise the risk. HoAO explained that it was possible in theory, but there were significant constraints on numbers by having the overnight stop on St Helena. In contrast, the procedure to manage the stay on Ascension was effective with risk minimised. Cllr Ellick said that people thought the process lacked discipline; he noted that key hospital workers were involved and asked about the use of mask and gloves. HoAO explained that the PPE used was in line with Public Health England [PHE] and World Health Organization [WHO] advice and that the use of hospital personnel allowed coronavirus plans to be exercised so provided useful training. HoAO invited Cllr Ellick to pass on any feedback from the public so this could be factored in to future planning adjustments where necessary. **Action: Cllr Ellick to provide HoAO with points collated from the public.**

Cllr Ellick asked about the second testing machine. The Administrator confirmed that two routes had been pursued from the start. The first had been sourced in South Africa, while the second had been sourced by Crown Agents within the UK, although both were from the same company. Two machines would allow greater throughput of testing.

Cllr Ellick asked about testing at other borders and highlighted that there had been talk of symptoms lying dormant for 21 days. The HoAO advised that it was not possible to mandate testing at other borders, but confirmed that if people exhibited symptoms they would not be permitted to fly; those who did fly would be subject to quarantine on arrival. Cllr Hobson explained that the potential for people carrying the virus hugely diminished after 14 days thus making transmission unlikely. The Governor confirmed that the AIG [and SHG] were following advice from the PHE and WHO only.

Cllr Nicholls asked who was paying for the additional resources. The HoAO explained that some equipment and PPE was being provided by the UK Govt while others would be paid for by the AIG. The Administrator confirmed that Council had previously endorsed a policy of not holding back where resources were needed in order to minimise the coronavirus risk to Ascension Island residents. The Director of Resources (Dir Res) explained that a special warrant had been prepared to authorise the AIG's unbudgeted spend, but it was hard to find a suitable point at which to confirm the level of over-spending since circumstances were constantly changing. It would be ready soon but a second warrant might be required in due course. Cllr Hobson suggested that the AIG had reserves for precisely this kind of unique, non-repeating situation and it was

therefore an acceptable use of reserves provided that the coronavirus expenses were dealt with separately. He felt that the warrant system was not effective in these circumstances as it was impossible to say at the point of application how much additional funding was required.

Cllr Hobson suggested that a clear definition was needed of essential travel in order to avoid future debate. The Administrator explained that whilst tourists were still free to come to Ascension (during Amber level), in practice they could not actually get here. The HoAO also explained that work was underway to ensure that the entry clearance policy would be applied in a manner consistent with COVID-19 regulations.

Cllr Nicholls asked if people in isolation were monitored to ensure compliance. The HoAO explained that with the new regulations in place the Police were able not only to monitor but also to take appropriate action if necessary. He noted that resources were limited, however, and that a community response was also key. The Administrator agreed; he felt that people were and had been compliant and that the community would soon notice and respond if people were seen to break isolation. He also advised that the other alternative would be to set up a Bradley's-style camp on Ascension. He said he could see why it was necessary on St Helena but believed that Ascension was different. Cllr Ellick disagreed and suggested that people got desperate as time went on. He noted that the best defence was to keep people out. The Governor explained that the community on St Helena had wanted the safest option possible, which was believed to be Bradley's camp. However, the SHG had to build it, staff it and cover living residents' living costs. He explained that different communities [UK, Caribbean islands] had different solutions, but concluded that a centralised, government-run quarantine facility such as Bradley's was an extremely expensive option.

4. Biosecurity Ordinance

It was confirmed that the relevant documents had been circulated and that this should now be the final discussion before recommending approval to the Governor. Cllr Hobson noted that the exemplary policy documents were a credit to the Director Conservation & Fisheries. He was therefore sad to confirm that he would be voting against the legislation, his reason being that the legislation "hasn't been properly proof read". Although acknowledging that he ought to have taken the time to read it in detail for the previous informal meeting, he had done so on this occasion, and in the first 9 pages [of 30] had raised 31 comments, 3 of which he considered to be "fatal flaws". Cllr Hobson indicated that these comprised 1 missing preposition and 2 'typos' which "absolutely changed" the meaning. He said that it was not his job to proof read legislation, that he had "better things to do with my life" and that was not what he was here for. When asked for examples, he said that there was no point talking about it and no point in giving examples; he could if required, but the draft legislation was "just wrong" and so it would not – or should not – be passed today. He confirmed that there was nothing wrong with the content of the legislation, however. Crown Counsel expressed his disappointment that, despite councillors having had the draft legislation in more or less final form for a number of weeks, and having discussed it informally on two previous occasions (6 Mar and 16 Apr), these concerns were only being raised now. He asked if, typos aside, there were any issues with the way in which the legislation implemented the (agreed) policy. Cllr Hobson replied that, "You can't apply this when it's not written in English," and when asked again said, "I can't tell you because the English doesn't make sense. If I've got a sentence that is meaningless, how can I say that that supports Dee's policy? If I've got a gobbledegook sentence... are you asking me to go through Dee's policy and cross-reference it to every line in the legislation to see if it's in or not? What are you asking me Rob? Why don't you just put it right?" Crown Counsel agreed to review Cllr Hobson's comments if he was willing to send them. The Administrator summarised by accepting that while the policy had been agreed, there was a need to go through the wording of the draft Ordinance. All councillors agreed.

The Attorney General returned to this topic under AOB; he confirmed that in his view this comprised good, comprehensive legislation and asked if it was possible to agree to recommend it to the Governor today but sort out the alleged faults in the drafting later. Cllr Hobson confirmed that he would analyse the document with a view to resolving the errors but only after completing his work on employment legislation (referred to within AOB). There was further discussion about the merits and alleged faults in the draft Ordinance and about whether or not it was possible to vote on making a recommendation to the Governor at this meeting. All agreed that the principles of the legislation were sound and all were in agreement with them. However, it was felt that the concerns raised by Cllr Hobson required further investigation before the draft Ordinance

could be recommended to the Governor. In the interests of resolving the issue quickly to allow the legislation to be enacted, the Governor proposed that the legislation be proof-read and re-circulated as soon as possible so that the Council could come together again – at an additional formal meeting if required – to agree their recommendation. It was therefore agreed that any comments on the current draft would need to be provided to Crown Counsel, the draft would be amended and re-presented and a formal meeting would be arranged asap. **Action: Councillors to provide feedback to Crown Counsel within 7 days, Crown Counsel to amend the draft Ordinance and re-circulate to Council members and Clerk to make arrangements for another formal meeting.** *Sec's Note: Additional formal meeting has been proposed for 0830 on Wed 13 May 20.*

5. Public Works Committee – Terms of Reference (TOR)

Cllr Hobson's memorandum supporting this item presented TOR for the Public Works Committee, a draft of which had been circulated previously. Cllr Hobson advised that he had not had time to finalise the amendments to the TOR that had been suggested at the recent informal meeting, but would do so as soon as possible and share them with fellow councillors. Given that the substance of the memorandum had been agreed there was no requirement for it to be re-presented at a future meeting.

Action: Cllr Hobson to finalise TOR for the Public Works Committee and circulate to all Council members for approval.

6. Public Works Committee – review of hydroponics and solar street light trial

Cllr Hobson's memorandum supporting this item had proposed that the Public Works Committee review the AIG's hydroponics facility and monitor the solar street light trial. It had been adjusted and re-circulated to Council members ahead of the meeting. All had indicated they were content and it had therefore been accepted. **Action: Public Works Committee to regularly review the performance of the Hydroponics facility and make recommendations to reduce the annual loss where possible and to monitor the progress of the Solar Street Lights project.**

7. Welfare Committee – review of social care

Cllr Hobson's draft memorandum proposing a review of social care on Ascension had been adjusted by Cllr Chadwick and re-circulated to Council members ahead of the meeting. All had indicated they were content and it had therefore been accepted. **Action: Welfare Committee to engage with the current incumbent to better understand the services provided by the Social Worker and current/historic levels of service use and, within 3 months in conjunction with the incumbent, provide a brief report to inform the Council.**

8. Welfare Committee – post-18 A level students

Cllr Hobson's memorandum for this item proposed a temporary arrangement whereby the Administrator might grant a short extension to remain on Ascension beyond the age of 18 to allow students to finish their A level courses. This had been due for amendment and re-circulation after the informal meeting on 16 Apr. Cllr Hobson advised that he had been unclear about the action required. The Administrator explained that he had been unable to accept a policy that committed him to approving all applications and it therefore needed to indicate that approval would be considered on a case-by-case basis. He understood that parents wanted more certainty, so there needed to be a general expectation of acceptance. There was some discussion about how to provide sufficient confidence of success to parents while retaining flexibility of the Administrator's response. Cllr Hobson commented that his draft wording had allowed for this by providing that the extension would be granted only if it were "in the public interest", but Crown Counsel explained that that was not an appropriate test for issuing a visa. It was also noted that parents would need to initiate the application – possibly via the head teacher after her GCSE chats with students – at the earliest opportunity before students embarked on their A level course. In doing so, the Administrator could review each case and give assurance to parents and students on an individual basis without being held to a blanket approval for all cases. All accepted this proposal and Cllr Hobson would reword the memorandum then re-present it.

Action: Cllr Hobson to consult as required, reword the memorandum and re-circulate it to all Council members ahead of the next scheduled meeting.

9. Runway Reconstruction Project update

The HoAO provided an update on the runway project:

- The contractor was still subject to restrictions on movement of personnel [until 10 Jul], but movement of equipment could still take place.
- Liaison would continue via the weekly teleconference with Fluor.
- There had been a change of sub-contractor and this had resulted in a possible change to the plan for offloading aggregate. Rather than via the beach, it might now be offloaded via conveyor direct to the pier.
- There had been discussion about COVID-19 considerations eg how the testing/quarantine regime might work once movement of personnel had begun. The USAF might bring in portacabins to help satisfy the housing requirement while maintaining a quarantine environment.
- The separate contract for smaller runway repairs was due to get underway in the next 2 months; these temporary repairs were required in order to ensure that the runway would continue to remain usable while the major repair project was undertaken.

Cllr Ellick asked if the pier repairs would be complete in time. The HoAO advised that they would. He also reminded the Council that the contract contained a requirement for certain upgrades, eg any damage to the main road out of Georgetown would be made good during the period of the contract and the road would be replaced after the contract had ended. Details of some of the road requirements were yet to be finalised pending completion of the sub-contract negotiations, but the AIG's Conservation staff were providing advice on the environmental impact of different options.

10. Any other business

Several AOB points were raised:

a. UK Govt Financial Review. Cllr Nicholls asked if there had been any news on the UK Govt's Financial Review, given its impact on Ascension Island's MPA. The Governor advised that it was due in the summer but he believed the budget would probably be rolled over again in the circumstances. The HoAO offered to try to find out more information. **Action: HoAO to seek update on timescale of UK Govt's Financial Review.**

b. MPA Management Plan. Cllr Nicholls asked when the MPA Management Plan might be ready for circulation. The Administrator advised that a draft had been circulated internally, but would seek an update. **Action: Administrator to seek an update on the timescale for presentation of the draft MPA Mgt Plan.**

c. Future of Ascension. Cllr Nicholls asked for an update on the Future of Ascension work. The Administrator advised that in view of the COVID-19 work and restrictions this work was currently on hold.

d. Employment Legislation. Cllr Nicholls asked when the Employment Legislation work might continue. The Administrator advised that while the AIG's officials had been focusing on COVID-19 measures recently, the aspiration was to pick up the Employment Legislation work again in the next few weeks. Cllr Hobson noted that the previous meetings had resulted in some sensible agreements on the way forward, but that Crown Counsel and Policy Officer had understandably been concentrating instead on COVID-19 work. Therefore, he had been trying to progress this work in the interim eg he had had meetings with EOs better to understand how existing policies matched planned ones. He explained that he would continue to do such work because in his opinion it was the most important thing for the Council to be doing. He explained that his aspiration was to draft something similar in principle to the short term policy to permit over-18 A level students to remain on island. The essence of this would be to outlaw the practice of summary dismissal without due process and outlaw the practice of employers not renewing contracts without good cause. He confirmed that he would therefore be focusing on this work rather than proof-reading the biosecurity legislation because employment law was "our number one priority" and if he didn't devote his time to that he would be letting down his constituents.

e. Audit report FY18/19. Cllr Nicholls asked for an update on the audit report for FY18/19. The Dir Res advised that there had been some difficulties that the Assistant Director Finance had worked long and hard to resolve but he expected the final letter from the auditors the following day. In light of the Constitutional

requirement for the audit report to be delivered within 6 months unless authority had been given for a longer period, Cllr Hobson asked if the Governor had authorised such an extension. The Governor said that this had been done for St Helena and believed also for Ascension Island. Cllr Hobson was concerned that, if not, the AIG would be in breach of the Constitution and questioned what that would mean. He asked about when this had been done and for how long, about the exceptional circumstances on which it was based and about who was responsible for ensuring compliance with the Constitution. The Governor asked that Cllr Hobson pursue his enquiry via the Administrator. **Action: Cllr Hobson to provide details of his enquiry about the audit report to the Administrator.**

f. Police complaints. Cllr George summarised some complaints that had been passed to her about recent Police activity. Examples were given of people being followed closely by the Police Land Rover, of being stopped for no apparent/good reason and of being questioned in an overly-assertive or confrontational tone, all of which had made the subjects uncomfortable. She explained that there had been similar complaints in the past but the issue had been addressed by the Inspector, so it was disappointing to find it happening again. The Administrator asked if the subjects had made a complaint to the Police: one had but the others had not wanted to do so. Cllr George explained that now that it had been put on record she would pass the details to Inspector Kewley. Crown Counsel confirmed that the St Helena Police Detachment were operationally independent of the AIG but the Administrator offered to check what the Police complaints procedure was, if indeed one currently existed. **Action: Cllr George to pass details to the Police Inspector and the Administrator to check for any official procedure for registering complaints about Police activity.**

g. Animal welfare – vet visit. Cllr George raised a question about vet visits. She provided some detail from previous informal and formal meetings during which animal welfare had been discussed in detail and actions raised. Although much of the discussion centred on welfare of the donkey population [an outstanding action being to investigate a possible tranquiliser gun], part of the discussion was about welfare of pets and the adequacy of the one annual vet visit. The action from that discussion was for the Policy Officer to investigate the possibility of expanding Ascension’s vet cover from St Helena. Cllr George pointed out that not only had there been no reported progress on this since April 2019, but also there had been no annual vet visit since March 2019. Whilst she realised there was unlikely to be one for some time owing to COVID-19 restrictions she hoped that something could be arranged as soon as circumstances permitted. As background for the Administrator, the Dir Res explained that the PCA had agreed to provide one return seat from St Helena, while AIG provided accommodation and food for the visiting vet. Cllr Ellick suggested that pets were expensive and a burden to the island [Dir Res disagreed] so perhaps a deterrent should be considered, while Cllr George confirmed that the vet cover catered for feral animals too. Dir Res suggested that pet owners might be asked to contribute to the costs and Cllr George confirmed that some pet owners had indicated they would be willing to pay. The Administrator offered to look into the background and report back. Cllr George agreed to provide details of her initial question. **Action: Cllr George to provide details and Administrator to investigate and report back to Council.**

h. Dismissal of employee. Cllr Hobson raised a concern that an individual had been dismissed from their current employment resulting in their having to return to St Helena where they had no home and no prospect of gaining work. He questioned whether this could be classified as “inhumane treatment” and therefore asked what provisions there might be under the Constitution to protect such an individual. He confirmed that the subject had received legal advice but that the lay advocates and public solicitor had been unable to gain evidence from the CCTV in order to make a meaningful defence and therefore hold a fair hearing, hence his question about whether or not there were principles in the Constitution that could help to unblock this restriction. Crown Counsel explained that it was not possible to provide ad hoc advice in Council on individual cases like this. However, although he did not know the facts of the case, if the Public Solicitor or Lay Advocate wanted to speak to him they could follow this up offline.

i. 5-year strategic plan. Cllr Ellick asked if the 5-year strategic plan could be added to the actions tracker. It was explained that the purpose of the tracker was to record actions agreed at Council meetings. The Administrator agreed that the background would be reviewed and the subject raised on the tracker if appropriate. **Action: Clerk to check previous minutes to review mention of the strategic 5-year plan.**

j. Contract not renewed. [Cllr Hobson stepped outside for this item] Cllr Ellick reported that the contract of one of the teachers had not been renewed and that parents had raised concerns about the teaching of science next year. The Administrator advised that it was not appropriate for Council to be involved in discussions of this nature, but he did understand such concerns. In reply, he confirmed that arrangements were in place to ensure continuity of education. The Dir Res explained that the head teacher had engaged with parents and had offered to attend both the formal meeting and the next Welfare Committee meeting.

k. Recruiting policy. Cllr Ellick shared concerns about the recruitment of foreign nationals that had resulted in the employment in public service roles of people whose first language was not English which, in some instances, made communication difficult. He confirmed he was not pinpointing any particular individual, but stressed that fluency in English was very important and should be emphasised. The Administrator confirmed that the AIG's recruitment process was open and transparent and he felt that the interview process was sufficiently robust.

11. Date of next meetings

The proposed dates for the next few meetings are as follows:

- Informal – Thursday 28 May at 1630
- Formal – Thursday 11 Jun at 1630
- Informal – Thursday 9 Jul at 1630
- Formal – Thursday 23 Jul at 1630

There was no further business and the meeting ended at 1830.

J Disley

Jane Disley

Clerk of Council