

ASCENSION ISLAND GOVERNMENT

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Formal meeting of the Ascension Island Council

10:00 on Monday 01 March 2021 at the Court House

MINUTES

Present: HE Dr Philip Rushbrook, Governor [by phone] Councillor Alan Nicholls
HH Sean Burns, Administrator Councillor Kitty George
Gareth Morris, Director of Resources Councillor Andrew Ellick
Allen Cansick, Attorney General [by phone]

In attendance: Robert Cheeseman, Crown Counsel Catherine Leo, Assistant Director of Resources
Xander Halliwell, Head of Administrator's Office Dr Diane Baum, Director of Conservation & Fisheries
Luke Atkinson, FCDO Desk Officer [by phone]
Siobhan Stewart, Clerk of Council

Apologies:

1. Welcome

The Administrator welcomed all parties and explained who was present for those attending by phone. The Administrator welcomed HE the Governor, Dr Philip Rushbrook who was back on St Helena after his recent four week visit to Ascension.

2. Budget approval and recommendation

The Director of Resources apologised for the late submission of revised figures and noted that this was predominantly due to the short notice increase to utility charges. Councillors indicated that they were happy to proceed.

Councillor Ellick requested that the caveats previously discussed in relation to the freeze on the business levy be included in the agreed budget pack. Crown Counsel explained that whilst the ordinance only allows one year, the publicised, distributed minutes give a clear indication that the intention is to freeze for a second year, pending the caveats mentioned in the minutes, highlighting that the AIG is not binding its self to the two-year freeze. The Administrator added that if after year one we see an increase in e.g. utility or other charges that result in the AIG running at a cash operating loss, the AIG reserve the right to increase the business levy after year one.

The DoR acknowledged that it may appear contradictory that the AIG froze the business levy and then Encompass increased their utility charges almost simultaneously, however the level of increase from Encompass might have been larger if the commitment of freezing the business levy for the next two years had not been made, noting that ultimately an increase in the cost of utilities is felt by each customer.

Councillor Ellick conveyed his disappointment in the short notice period of the increase by Encompass and encouraged the AIG to find out why an increase was required. The Administrator explained that he intends to meet with Encompass on behalf of the AIG and ask for more details as to why the increase was required.

Councillor Nicholls raised concern over freezing the business levy and how the public may view Council's decision following Encompass reporting an increase in utility charges, Councillor Ellick added that he would like Encompass to give an indication now as to whether they plan to increase Utility charges for the next

bits and pieces, with a lack of appropriate information, resulting in Councillors being unable to make an informed decision on bids. Councillor Nicholls requested that this feedback be taken on board to prevent very worthwhile projects being disapproved due to lack of information. The DoR and Administrator both thanked Councillor Nicholls for his feedback, noting that it has been taken on board.

	Proposal	KG	AE	AN	Governor
1	Budget approval for 2021/2022	Yes	Yes	Yes	Accepted

HE the Governoracknowledged Councillors recommendation and thanked them for their input leading up to today. The Administrator thanked Councillors and the Resources team for their hard work in preparing the budget.

Crown Counsel requested that Councillors recommend to HE the Governorthe draft appropriation ordinance. Councillor Nicholls highlighted one small typing error in the schedule and the DoR assured Councillor Nicholls that this will be rectified.

	Proposal	KG	AE	AN	Governor
1	Appropriation Ordinance	Yes	Yes	Yes	Accepted

Crown Counsel confirmed that the Business Levy amended ordinance, having been dealt with at a previous meeting and the draft appropriation ordinance have now been approved and he will now finalise the necessary paperwork to bring them into force.

4. MPA Management Plan and Legislation approval

The Administrator began by explaining the action point from the previous Informal meeting of the Ascension Council regarding the commitment of funding. An email to this effect has since been received from the FCDO's Blue Belt Programme team providing councillors the reassurance of three years of financial commitment they had requested.

Crown Counsel added that the draft legal note from the previous informal meeting has not changed. However he will send a final version to elected members for the record. He explained that when considering the Biosecurity Ordinance, Councillors felt that they had not been taken through the draft legislation in sufficient detail. Crown Counsel added that he hoped the legal note, keeling schedule for the National Protected Areas Ordinance, 2003 and the keeling schedule for the Fisheries (Conservation and Management) Ordinance, 2015 previously provided gave sufficient detail. Councillor Nicholls expressed his thanks to Crown Counsel, noting that the documents were very useful.

Crown Counsel thanked Councillor Nicholls for the feedback he had provided following the recent informal meeting, noting that minor amendments being made to the Ordinance. Crown Counsel went on to say that the final revised Ordinance had been sent to Councillors along with a tracked changed version to clearly show the amendments made.

Crown Counsel provided a brief overview of the key areas covered in the legal note dated 17 February 2021. He went on to explain the two key areas that were subject to change. Firstly, changes to the National Protected Areas Ordinance, 2003, specifically around how building development and mining are to be controlled within the MPA, highlighting that mining will be prohibited within all parts of the MPA, with the exception of scientific purposes. He noted that the licensing for scientific purposes will be detailed within regulations.

Secondly, Crown Counsel explained the decision-making process around managing building and development with the MPA, drawing attention to the key areas, such as the need for Administrator's permission and the requirement for an Environmental Impact Assessment, reference to the MPA management plan and advice from the DoCF to inform that decision. Crown Counsel explained that to

addressed by modifying an existing piece of secondary legislation, the Offshore Fisheries Order. Crown Counsel confirmed that once the practical side of the licensing is organised, the secondary legislation can be completed. The DoCF added that in order to amend the offshore fisheries order, the ordinance needs to be changed first.

Councillor Ellick conveyed his concerns over the lack of clarity and mixed messages between the Ordinance and Management plan.

Councillor Nicholls conveyed his contentment, noting that that MPA management plan specifically refers to large scale commercial fishing, which regulates what people can do on a large scale basis. The DoCF explained that the restrictions to large scale commercial fishing from zero to 200 nautical miles will ensure even within the 12 nautical mile inshore area, there will be no long line fishing, adding that with Ascension Islands steep drops offshore commercial vessels may be attracted to fish within the inshore area.

Councillor Ellick recommended that it be taken away for further consideration. Crown Counsel explained that it is difficult to see what could be changed, whilst clarifying the two specific areas. Firstly there is the prohibition of large scale commercial fishing within the entire MPA, secondly the controlled fishing zones, where the offshore order from 2015 will change to allow fishing only for research purposes within the 12 to 200 nautical miles zone. These changes to the legislation are consistent with the policy described in the management plan, The DoCF confirmed that the management of the inshore fisheries will be dealt with separately.

Councillor George confirmed her contentment with the MPA management plan and the planned changes to legislation, adding that there is nothing contentious relating to inshore fishing within it, however she would be very interested in the inshore fisheries management plan, as this is likely to affect the community of Ascension Island.

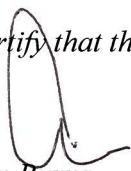
	Proposal	KG	AE	AN	Governor
1	Consulted on the MPA Management Plan	Yes	Yes	Yes	Accepted
2	MPA Management Plan approval	Yes	Abstained	Yes	Accepted
3	Marine Protection Management Plan Ordinance be made in order to implement the Management Plan	Yes	Abstained	Yes	Accepted

There was no further business and the meeting ended at 10:55

Siobhan

Siobhan Stewart
Clerk of Council

I certify that this is a true record of the meeting to which it relates.



Sean Burns

On behalf of HE the Governor, Dr Philip Rushbrook