

## ASCENSION ISLAND GOVERNMENT

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## Formal meeting of the Ascension Island Council

17:00 on Thursday 18 November 2021 at the Courthouse

### MINUTES

Present: HH Sean Burns, Administrator  
Greg Gibson, Head of the Governor's Office [remotely]  
Allen Cansick, Attorney General [remotely]  
Gareth Morris, Director of Resources  
Aine Hurley, Acting Crown Counsel  
Councillor Andrew Ellick  
Councillor Douglas Miller  
Councillor Kitty George  
Councillor Nicholas John

In attendance: Xander Halliwell, Head of the Administrator's Office  
Siobhan Stewart, Clerk of Council

Apologies: HE Dr Philip Rushbrook, Governor  
Councillor Alan Nicholls  
FCDO Desk Officer, Luke Atkinson

#### 1. Welcome

The Administrator welcomed all parties and explained who was present for those attending remotely. The Administrator thanked the Head of the Administrator's Office (HoAO), Xander Halliwell for chairing the Informal meeting of the Ascension Island Council on Thursday 04 November whilst he was in isolation. The Administrator welcomed Aine Hurley, the Solicitor General from St Helena who will be supporting in the role of Acting Crown Counsel on Ascension Island until 12 December 2021.

The Administrator relayed HE the Governor's apologies for being unable to attend today as both he and the Chief Minister of St Helena were virtually attending the bilateral meeting with the FCDO Minister for the Overseas Territories at the Joint Ministerial Council.

The Administrator relayed Councillor Nicholls' apologies for being unable attend today as he had a conflicting meeting with the Right Honourable Minister Milling at the Joint Ministerial Council in London. The Administrator conveyed the following update from Councillor Nicholls;

Councillor Nicholls reported on a very successful Joint Ministerial Council, where Minister Milling was present for the duration of the meeting, with a visit from the Foreign Secretary also. It was the consensus from all the Overseas Territory representatives and various ministers that the meeting was well conducted, where frank and open discussion was able to be had with various interventions being made on behalf of Ascension Island. These interventions were in relation to the Environment and Oceans, Security and Law Enforcement, Economic Resilience and Health. Unfortunately there was no more time available to make an intervention on Inclusivity. Councillor Nicholls reported that Minister Millings was an excellent chair, and on a considerable number of occasions indicated that she was "our champion" at the FCDO. Councillor Nicholls explained that he felt that all the interventions that he had made had been clearly received, with various ministers making reference to them in their responses. In totality, Councillor Nicholls said that he felt that this had been a successful Joint Ministerial Council meeting, and hoped that much will come out of the meeting.

#### 2. Approval of Minutes

**Decision:** The summary of the Informal Council meeting held on 23 September 2021 were accepted with no feedback comments received. In accordance with the Council Rules these had already been agreed by Council members and published on 08 October 2021.

**Decision:** The minutes of the Formal Council meeting held on 07 October 2021 were accepted with no feedback comments received. In accordance with the Council Rules these had already been agreed by Council members and published on 25 October 2021.

### 3. Matters arising

The matters arising were addressed via the actions tracker and current topics discussed were as follows:

- **Animal Welfare [pets]:** A seat has been reserved on the 05 January 2022 Titan inter-island charter for the vet and his assistant to travel to Ascension Island. Communications have gone out to pet owners who have previously expressed an interest in their pet being seen by the vet, as well as a Public Notice today to gauge any new interest.
- **Connection Issues with telecommunications in the Courthouse:** The appropriate microphone and webcam system has been procured and is expected on the MOD FIRS in February 2022.
- **Progress of Employment Legislation:** Email sent to the ERWG (Employment Reform Working Group) regarding the Implementation Schedule from the Policy Officer on 14 October 2021 (redistributed 12 November 2021) as well as an information note by email on 11 November 2021 detailing that the consultation period is due to end on 29 November 2021 along with an implementation timeline. The Administrator noted that Councillors would like to see this progressing as expeditiously as possible.
- **Green Mountain Infrastructure:** The Administrator proposed that this action point be moved to the PWC (Public Works Committee). Councillor John, the Chair of the Public Works Committee agreed to move this over, however, highlighted more pressing priorities such as Two Boats School and Two Boats playground. Councillor John explained whilst funds are available, the manpower to complete the work is simply not present and with no defined use for the Red Lion he recommended that it be put to one side for now. The DoR confirmed that the new Director of Operations and Facilities was released from isolation today and suggested a meeting of the PWC soon, Councillor John agreed, noting that it would be helpful to go through the new organogram following major structural changes within the Directorate.
- **Public Notice regarding Convalescent COVID-19 rules:** A Public Notice was distributed on 15 October 2021 as well as an information note sent to Councillors on 04 October 2021 via email (redistributed 12 November 2021) as well as a further email explaining communications to the community around Convalescent COVID-19 sent on 17 November 2021. Councillor Ellick noted the need for consideration to be given to the work load put on the SMO (Senior Medical Officer), highlighting that the SMO's attention may be required to address more pressing issues. Councillor Ellick expressed concern over the policing of arrivals being released at different times and the challenges this may bring in negating any potential breaches of quarantine, noting that with only two police officers on island the public also play their part in being observant and protecting the community. The Administrator explained that there are currently three Police Officers on island any suspected breaches of quarantine should be reported to the Police in the first instance who will be able to address any concerns quickly and efficiently. The Administrator explained that the SMO reached out to Employing Organisations recently offering to address any concerns relating to Convalescent COVID-19 through them, to date no employers have requested a meeting and no members of the public have reached out for more information or reassurance from the SMO. It was agreed that this action would now be removed from the Actions Tracker.
- **Draft MOU to be circulated to Council once received from Blue Marine:** Director of Conservation and Fisheries sent draft MOU to Council members on 16 November 2021 for consideration. It was agreed that this action would now be removed from the Actions Tracker.
- **Queen's Platinum Jubilee 2022:** The Administrator confirmed that Ascension Island would have a beacon, as would other Overseas Territories and Crown Dependencies. Further discussion was had regarding the formation of a committee, Councillor John recommended that someone be hired temporarily for the role of organising the event, rather than volunteers alone, especially considering the scale of the event.

- **Commemoration of the 40<sup>th</sup> anniversary of the liberation of the Falkland Islands:** The Administrator confirmed that the AIG are liaising with the RAF, further discussion was had regarding previous years commemorations. It was suggested that if someone were to be temporarily hired to organise the Queen's Platinum Jubilee, they could lead on this event also.
- **Status update on the Police Department drone:** The drone was confirmed as being at the Police Station.

#### 4. Public Holidays 2022

Acting Crown Counsel provided a brief update and back ground to the declaring of Public Holidays on Ascension Island highlighting the schedule in the Public Holidays Ordinance where the official Public Holidays are listed. Councillors were requested to consider whether they wish to list the commonly observed Holidays which are not listed in the schedule, such as Whit Monday (06 June 2022), the August Bank Holiday (29 August 2022) and New Year's Day (03 January 2022) and HM the Queen's Platinum Jubilee (Friday 03 June 2022) as official Public Holidays or as Government Holidays. Councillor John explained that some Employing Organisations on island observe different days from others, such as Corporation day and Thanksgiving, recommending that Employing Organisations views are sought. All were in favour of observing these commonly observed days as Government Holidays.

Acting Crown Counsel pointed out that the Governor has declared that there will be an additional public holiday in St Helena on 03 June 2022 to mark HM Queen's Platinum Jubilee and asked if Council would wish for a declaration to be sought from HE Governor for 03 June 2022 to also be a public holiday on Ascension. All councillors agreed they would wish to seek such a direction from the Governor.

Ascension Day in 2022 falls on Thursday 26 May and Acting Crown Counsel proposed that Councillors may wish to direct that the Ascension Day Public Holiday be observed on Friday 27 May 2022 in order to provide a more efficient working week and greater flexibility to island residents. All were in favour of directing that Ascension Day be observed on Friday 27 May 2022.

Finally, the Acting Crown Counsel explained that the 14 June 2022 will mark the 40<sup>th</sup> anniversary of the liberation of the Falklands Islands and Councillors were requested to consider whether they wish to observe this day as a Government Holiday or a Public Holiday. All were in favour of it being observed as a Government Holiday. Councillor George expressed her support of observing Falkland Islands Liberation day, highlighting the pivotal role Ascension Island played in the Falklands Islands conflict. Councillors Miller and Ellick expressed their support also.

#### 5. Finance Committee

The DoR provided an update to Council following the informal meeting of the Finance Committee held on 03 November 2021. Focus remained on budget proposals for the financial year 2022/2023 where good progress is being made. Finance Committee members are expected to meet again in February informally, followed by a formal budget proposal in early March 2022 for recommendation. Work is continuing in considering AIG revenue sources and additional bids for funding.

#### 6. Coronavirus update [standing item]

The HoAO provided an update about **coronavirus** (COVID-19). The HoAO explained that the vaccine will arrive on the next A400, now expected on Saturday 20 November 2021 due to the flight overstay in Dakar. The administering of the Pfizer booster shots is due to begin on Monday 22 November 2021. The HoAO added that the initial uptake on appointments was encouraging. A Public Notice detailing the vaccine roll out plan has been distributed across island, with no further queries received from the public. Councillors were requested to receive their booster shot together on Monday 22 November 2021 to help publicise and encourage the community to attend for their booster shot.

#### 7. Runway project update [standing item]

The HoAO provided an update on the runway project, reporting of continuing progress with only 27000 metric tonnes of aggregate remaining to offload. The next aggregate vessel is expected to arrive at Ascension Island on 22 December 2021. Councillor Ellick requested more detail regarding the percentage of runway completed. The HoAO agreed to provide sight of a breakdown of completion at various stages around the runway, adding that the swap over of runway ends is currently scheduled to take place in February 2022.

## 8. Any other business

There was three items of **other business**:

- **Police and Criminal Evidence Ordinance Modification Order, 2021:** Acting Crown Counsel explained that the St Helenian Police and Criminal Evidence Ordinance (PACE) applies to Ascension by virtue of the St Helena Law (Application to Ascension) Ordinance 1988, however, any amendments made in St Helena after 01 April 2017 do not apply to Ascension unless specifically applied. Acting Crown Counsel explained that in or around May 2021 it was discovered following a ruling by the Chief Magistrate in St Helena, that the police did not have the power to impose conditions on pre-charge police bail. Following this discovery, urgent amendments were made to PACE in St Helena but those amendments do not apply to Ascension. The Acting Crown Counsel explained that pre-charge bail conditions are considered an essential tool in modern policing, ensuring safeguards are in place for both the alleged victims and the accused, and clarifying that currently the Police on Ascension do not have the power to impose conditional police bail pre-charge. Councillors were asked to consider applying the Police and Criminal Evidence (Amendment) Ordinance 2021 to the Police and Criminal Evidence Ordinance, as it applies to Ascension, by way of a modification Order. Councillor George conveyed her concern that persons have no legal obligation to abide by any pre-charge bail conditions set against them, offering her full support to the proposed amendments. Councillor John requested more time to consider the order as he had not yet seen the papers, recommending that as it may affect them, that Employing Organisations could be consulted. Councillor George disagreed, highlighting that the conditions set are to protect both the accused and the alleged victim. Councillor Ellick recommended approval of the order, noting the importance of law and order on the island. The Administrator requested that Councillor John consider the proposal and send his approval or non-approval in writing as soon as possible.
- **Telecommunications Licence:** Councillor John requested clarity on the conditions set against the current telecommunications licence holder and whether there are any terms around exclusivity set. Councillor John explained that any exclusivity offered may be viewed as a deterrent to alternative providers such as Starlink. Councillor George requested confirmation of when the current holders licence is due to expire, the Administrator reported it will expire in January 2024. Councillor George requested whether the current licence due to expire in January 2024 offers exclusivity as the provider on the Falkland Islands has been granted exclusivity recently. The Administrator confirmed that there was currently no exclusivity in place.
- **Holidays:** The Administrator wished Councillor George and Councillor Ellick a safe journey to St Helena for their holidays.

There was no further business and the meeting ended at 18:05

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 Governor, Dr Philip Rushbrook*