

EXECUTIVE COUNCIL

PUBLIC

COPY NO:

MINUTES OF THE MEETING OF EXECUTIVE COUNCIL (No: 01/25) HELD TUESDAY 28 JANUARY 2025

PRESENT:

Her Excellency The Governor
(Alison Blake CMG)

The Acting Chief Executive
(Colin Summers)

The Acting Financial Secretary
(Steven Cannon)

The Honourable Jack Ford
The Honourable Mark Pollard
The Honourable Leona Roberts

CLERK: Claire Law

MINUTES: Cherie Clifford

PRESENT IN ACCORDANCE WITH SECTION 61(1) OF THE CONSTITUTION:

Commander British Forces, South Atlantic Islands
(Brigadier Daniel Duff)

Attorney General
(Simon Young)

APOLOGIES

The Honourable Chief Executive - Ill
(Andy Keeling)

The Honourable Financial Secretary - Overseas
(Pat Clunie)

Clerk of the Executive Council - Overseas
(Cherie Clifford)

Minutes of the Meeting of Executive Council held on Tuesday 28 January 2025

REF: EXCO 6/1 1 Confirmation of the minutes of the meeting of Executive Council held on 26 November 2024

The minutes were confirmed with the following amendments:

REF: DEV 36/1 1.1 Falkland Islands Tourism Development Strategy 2024-2030 - 183-24 DPECS/ED FITB

The minute was amended as follows:

MLA Ford commented that the person he was referring to was not the FI Tourism CEO but the Director Policy Economy and Corporate Services, therefore first para second sentence “He stated that the FI Tourism CEO did not find it very clear.....” should be amended to read the “He stated that the Director Policy Economy and Corporate Services did not find it very clear.....”

REF: PLB 1/1 1.2 Annual Review of Falkland Islands Development Plan 2015-2030 - 186-24 DCS

The minute was amended as follows:

MLA Pollard commented that paragraph 15, the sentence “Some private sectors have been stepping up and other being putting in for planning and not then following through.” He stated that this did not read correctly and suggested amending the sentence to read: “Some private sector companies have been stepping up and others have been putting in for planning and then not then following through.”

Confirmation of the minutes of the meeting of Executive Council held on 10 December 2024

REF: SHIP 44/2 1.3 Port Replacement Project: Funding for pre-contract works and development – 205/24 DDCS

The minute was amended as follows:

MLA Ford commented that on paragraph 35, 3rd sentence he mentions “the whole broken causeway”, that should read “the whole road and causeway...”

MLA Ford referred to page 17 last paragraph “MLA Ford referred to 3.9 on the financial affordability and management has been kept in some potential changes surrounding the projects.” He suggested that this sentence be amended to reflect the wording of 3.9 of the report to read “MLA Ford referred to 3.9 “Financial affordability of the project and proposed levels of external borrowing have been modelled using the H&W cost submission and it is expected that this work will still be valid.

The potential lenders have been kept informed of the potential changes surrounding the project and have stated that they remain comfortable lending to FIG for the project, so the supplier isn't of concern to them.””

Page 20 – Additional questions posed, should read MLAs Spink and Ford, not Pollard.

Confirmation of the minutes of the meeting of Executive Council held on 17 December 2024

REF: MIN 29/3 1.4 Navitas Investment Protection Agreement key principles - 162-24 DNR

MLA Pollard commented that the minute relates to an update from the Attorney General he stated that the paragraphs did not make sense and probably was missing some context. The Attorney General advised that he would, reformulate the minute so that it captures the key points of the briefing.

The minute was amended to read:
REDACTED

REF: EXCO 6/1 2 Matters arising from the minutes of the meeting held on 26 November 2024

REF: DEV 49/1 2.1 Professional Services Framework - 190-24 DCS

MLA Pollard referred to his comment on page 32 of the minutes: **REDACTED** He advised that this is an outstanding action, however he suggested that perhaps the Acting Chief Executive could advise what could be provided.

REDACTED

Executive Council requested that a breakdown of projects and costs under the Professional Framework Services be provided to Members.

ACTION: DPW/DCS

REF: EXCO 8/3 3 Forward Plan

The purpose of this report was to enable Executive Council to consider the schedule of reports due for submission.

The Acting Chief Executive advised that Directors did have a review of the forward plan and there have been some rescheduling of reports.

The Attorney General advised for the February meeting it had been indicated that the:

Port Replacement Project – Award of Contract for Marine side works would be rescheduled to March, the Director does not believe they will meet the date due to awaiting some information, however the land side (access road and causeway) part of the project would be ready. MLA Pollard commented that there is a discussion being had as to whether they try and group all the reports or take them as they come. If the reports are grouped, this could mean taking a decision at the last possible point and pushing the costs up, he stated that this is a live discussion and something that they need to understand. HE The Governor commented that if there is a need for a special EXCO as the Port project has lots of moving parts and if it is something that needs to be done out of sequence this can be facilitated. The Acting Chief Executive advised that this was discussed at the Board, and it was agreed that to keep the momentum going they would leave the access road and causeway on the plan for February and move the marine side report. And should the access road and causeway report need to be moved, this will be done as required.

Housing Strategy and Tenancy Agreement, there was a suggestion that this would be rescheduled to March.

Review of Land Non-Residents Policy, the Attorney General commented that he did not believe this report would be ready and with other workstreams he did not have a firm timeframe.

The Attorney General advised that there was a further report not listed for February that he needed to include arising out of the complaints received from the Fishing Companies around publication of an EXCO report. He advised that they have drawn a line under the complaints and written to the companies. He needed to discuss the implications of that and there are some recommendations he would be asking EXCO to agree.

The Acting Chief Executive advised that he too has added one – “Funding for MPA Road” as was discussed in December for the small sum of money required to complete the MPA road for February.

The Director Development and Commercial Services has also indicated a report from the Courts Services for amendments to the Legal Aid Scheme which deals with rates of legal aid for February. The Director was of the view that a report might need to come to EXCO to take that forward, but it might also be able to be taken as part of the Budget process

In respect of the March meeting, the Attorney General commented that it is fairly unlikely that the FIG/BFSAI SAR MoU would be coming forward and also the SOLAS Convention, these will be rescheduled accordingly.

Additional reports to be listed for March are:

Stanley House – BFSAI use of the accommodation. Discussions are progressing and a report will be submitted.

Education Needs Assessment issues, which are relevant to the Immigration Appeals, but this will be submitted to review the £6,000 threshold. The Attorney General advised that Education have hit a buffer on some of the resources required and it is not necessarily a cash value that is the issue but resources available to meet the needs.

Members noted that a report was submitted to the Education Board, and they had a briefing scheduled.

Beneficial Ownership – The Attorney General advised that there would be a report to February. HE The Governor enquired as to whether London had been in touch, the Attorney General advised that he wasn't aware, Mary Katerere (Legal Policy Advisor) was working through the issues.

ACTION: COLA

REF: INT 36/43

4 **Mid-year bid for additional subvention for the Media Trust to cover the cost of an urgently required survey of Falklands Radio's broadcast and IT equipment - 18-25 FS**

The purpose of this report was to enable Executive Council to consider a request for additional subvention for the Media Trust to cover the cost of purchasing urgent broadcast and IT equipment for Falklands Radio.

The Acting Financial Secretary advised that this paper proposes an additional subvention of £30K to the Media Trust to facilitate an independent survey of its operational requirements.

The provision of a radio service is a legal requirement under the Media Trust Ordinance.

BFBS quoted in their report - "The current Studio equipment used by Falklands Radio (FR) was installed and commissioned in 2007 and is very much end-of-life... the output of the Station is at risk of failing... [and of being taken] off air indefinitely."

The latest FIG/BFBS contract contained a clause, whereby BFBS would conduct a technical audit of current Falklands Radio operations.

The BFBS engineer's recommendation is for Falklands Radio; "to commission a full survey of the building, IT and Broadcast Technology, which would allow for a fully costed plan to be produced and provide a way forward to be agreed".

Approval of this report for a relatively immaterial amount of £30K for a survey, would generate a follow up ExCo paper in due course,

requesting a significantly higher, material amount – to request funding for the survey recommendations.

HE The Governor sought clarification around the survey, and to confirm that the survey would look at the two options: (1) Completely refurbishing the existing studios (2) Building a completely new radio station.

MLA Ford commented that he had raised some financial questions with the Chair of the Media Trust and the FIRS Manager, and they don't have the funds and not a lot sat in the bank, they only have the funds to fund salaries up to June 2025 and did not have the funds available to facilitate this work. He raised concerns that there were perhaps more efficient ways for the Trust to operate and find the saving as they currently manage the Penguin News and Falklands Radio separately rather than keeping them as a whole.

The Acting Financial Secretary commented that there is scope with the potential options going forward, the technical assets need replacing. He stated that the current capital budget for the Radio Station is £11K per year, he stated that the need to refresh the assets is coming in at the one time.

MLA Pollard commented that continuation of the core service is important, however he had lots of issues with the report. He stated that MLA Ford raised questions of the Media Trust, however this report should have come from the Media Trust, not from the Radio Station. He explained that the Radio Station put the case together, but it should have come from the Media Trust Board that oversees the operation of the facility. He stated that he could not in good faith approve funds on the case that is listed within the report. He stated that the idea that FIG would build a new Radio Station in the current financial climate was fanciful. He stated that if they need to be looking at the building and its maintenance, that, is something that they should be including in the rolling capital plan. He stated that when identifying the risk of not being able to provide the current service that is a big risk, in his view they need to be undertaking a risk assessment on what is going to take them off air and what isn't. MLA Pollard commented that building a new building has nothing to do with whether the station remains on air or not. He stated that the staff are there to deliver the service and therefore they may not understand exactly what pieces of equipment need replacing, those that are close to not being serviceable, but that is the first thing that needs to be understood and then have a rolling capital replacement programme over a period of years. He stated that if they are concerned about going off air that is what needs to be tackled. If, however they had put in a submission specifying a capital replacement programme indicating what equipment is needed now, he stated he would have been inclined to agree. He stated he would encourage them to think about that, if they need to bring someone in to look at the equipment and do a survey and undertake the risk assessment and identify exactly

what needs replacing and when, that would, probably get his support. He stated he would not support £30K to go and look at buildings.

MLA Roberts commented that the radio provides a vital service, and she wouldn't want to see it lost. She felt that there was some urgency to the request, the equipment is old. She agreed that the building is also very old, cold, and leaky, but that should not be the focus. She stated that FIG are not going to be able to build them a new premise at this time. MLA Roberts agreed that their focus should be on understanding what critical equipment needs to be replaced, the urgency and where. She stated that whether that support/advice is provided through BFBS or another organisation is not the major concern, but the technical expertise to understand what is needed is not in the Radio station currently.

MLA Roberts commented that discussion around DAB and a Multichannel system is unrealistic, they need to be focusing on the core equipment. She stated that (although she had no technical expertise) she found it hard to believe that two very small radio studios would be incredibly complicated, if she were to vote for the £30K she would prefer to see it go towards actual replacements.

MLA Roberts asked in relation to the FIG/BFBS contract, acknowledging the report included in the audit is light, she asked what was the scope of that contract. She wasn't aware that FIG had a contract with BFBS. The Attorney General advised that although he has looked at the contract, he was not hugely familiar with it, but it would cover the provision of the broadcasting of TV channels and Miplayer (albeit that is a separate contract) that are available to the Islands. FIG also has to issue BFBS broadcasting licences as well. MLA Roberts stated that it would be good to understand if BFBS can provide technical advice to FIRS as part of the contract.

HE The Governor stated that it would be worth replying to Falklands Radio noting that they haven't got the ability from within their own resource to do a full survey of the building, she stated it would be good to understand what BFBS could provide in terms of an equipment audit.

HE The Governor commented that she was grateful to those who volunteered on the Trust, but queried whether they had the capacity to facilitate what is being asked. She stated that she did not want to put forward an EXCO action that would fail at the next hurdle. The Attorney General commented that it's not wrong to highlight the concern, but they ought to be able to carry out the action. MLA Pollard commented that Trust should be sponsoring the report and agreeing the way forward, not necessarily doing the survey but deciding the approach.

HE The Governor agreed that the report should be returned for further work including a report from BFBS Engineers on what the immediate risk of failure is and request that the Media Trust undertake a proper risk

assessment and understand what level of support BFBS could offer. HE The Governor acknowledged by the comments made that Members were not in a position to approve the requested £30K for the wider survey but would like a more detailed case brought forward on what is at risk of failure, what requires replacement and evidence of why it cannot be funded from the Capital funding.

MLA Pollard stated that ultimately, he would like to see, as part of their subvention bid to Budget Select Committee, a rolling capital replacement plan of the equipment that they have. Immediately, he would like the Radio Station to narrow the scope of their request, removing the proposal for new buildings, digital radio, and additional channels, and focussing on what it will take to keep the service operating now. The Attorney General noted that if this required further EXCO approval, it can be issued via email EXCO to expediate the decision.

MLA Pollard commented that in the past reports such as this have been submitted to Standing Finance Committee, and thus any funding request would also require approval via that route, he queried the requirement for the report to come back to EXCO. The Attorney General advised that if the decision is effectively to take that work forward, then it would only need to come back to EXCO if SFC needs more guidance based on the information provided.

MLA Ford queried the need for dispensation from Government as they are private sector. HE The Governor commented that although not required, it is good practice that they not take for granted the need to seek quotes from others when procuring.

MLA Ford queried whether the work being undertaken by Cambridge Management Consultancy will at some point cover the radio and if can feed into the long-term view of the service. The Attorney General stated he was not sure of the degree to which the consultancy will cover that sort of the broadcasting. MLA Pollard commented that he would hope that at some point the long-term review would cover as it is the delivery and platforms that are available to deliver these services and whether broadcast radio is in the future plans of the Islands or whether it is delivered via mobile data services, networks or satellite. He would hope that the whole piece of work on telecoms across the islands would encapsulate both radio and TV.

Executive Council:

- (a) Requested that the Media Trust lead the requirement for additional work to be undertaken, to understand what is required to keep the service operating, noting that technical advice would be necessary for the costing of any replacement equipment.
- (b) Did not approve or refer to Standing Finance Committee for

financial approval, the allocation of additional subvention funding of £30,000 to the Media Trust to be used by Falklands Radio to enable a survey to be carried out of broadcast and related IT equipment.

(c) Agreed that the report containing a risk assessment and costed options to ensure the continued operation of the service need not be returned to Executive Council but referred direct to Standing Finance Committee.

(d) Agreed that some funding may be agreed, subject to the Radio Station evidencing why those additional funds could not be financed from within their Capital programme.

**ACTION: FS/MEDIA TRUST
PUBLIC**

REF: MED 41/2 5 Supported Living Service Outline Business Plan - 09-25 DHS

The purpose of this report was to enable Executive Council to consider the proposed business plan for the new supported living service.

The Acting Chief Executive explained that the purpose of this Business Plan is to propose the development of a Supported Living Service, to meet the care and support needs of all adults with a learning disability in the Falkland Islands.

Executive Council approved the recommendations and outlined in the report.

**ACTION: DHS
NOT PUBLIC**

REF: LEG 31/1 6 Legislation Programme Report - 05-25 AG

The purpose of this report was to enable Executive Council to consider the quarterly update on the legislation programme.

The Attorney General explained that they are trying to focus the programme on the items that are going to be actioned prior to dissolution. He stated that other items will still be actioned, but the focus will be on the core list.

The Attorney General advised that there are some items that are being added to the programme, these are:

Amendments to Animal Health legislation, this legislation has been used practically for the bird flu issue, and some issues have been identified for changes to be made. This work is already underway with the Department Natural Resources and legal team.

Proposals in relation to Communications, the Attorney General advised that there are several different issues that will be dealt with. This particular issue relates to the Peraton project should that come forward. This is one of the issues that if it comes forward, it will require actioning very quickly. No decisions have yet been made as to what is going forward or what it will look like, but there have been conversations in relation to potential changes (i.e. a licence under Part 4 of the Ordinance cannot be granted for longer than 10 years, whereas the proposals in relation to this would be to have a longer term arrangement in place and therefore the Ordinance would need to be amended). The Attorney General advised that this could be as simple as changing the figure, but there might be more substantive changes required.

Mental Capacity Bill – a policy was approved in December, they would look to progress that and add it to the programme, it might be completed this year but noting that there are other priorities.

Loans Ordinance – it was identified when approval was given for the Capital Financing arrangement that there are some tweaks required to this Ordinance to facilitate the loan financing arrangements.

The Attorney General advised that there are a couple of projects that have been removed and there are further projects that will also be considered for removal, this is due to the underlying policy work with the departments have been delayed:

- Work in Fishing – International Labour Organisation Convention 188 – this is a Maritime issue, there are other Maritime projects move on the Forward Plan (Pilotage and SOLAS), they are higher priorities to action, therefore until they are complete the Work in Fishing will be delayed.

In discussion with the Director of Education, there are indications that the school term provision might be amended, this is in the Ordinance and would require a Bill to amend. It could be a small item, but this is at the early stage.

Vaping was an item that was removed from the programme previously. The Attorney General advised that there have been discussions on whether they can deal with issues such as single use vapes, by setting a very high duty on those products so de facto they are made unfriendly for retailers to import and also to introduce a duty on Vape products. This will come through as part of the standard Finance Bill process via the Budget process.

MLA Roberts queried if the intention would be to bring this forward into this year's budget. The Attorney General confirmed, stating that the intention is to bring them forward as potential proposals.

MLA Pollard commented that everyone is spinning a lot of plates, but as this is a public report, it is difficult for public to know exactly the intention by different items. He stated that this has been under continuous refinement and a far better report than previously provided, but he requested in Annex 2 around projects removed from the programme, that some context is added to advise exactly what the problem was initially. Likewise for the listed items (i.e. Biosecurity) he stated he would need to cross-reference with the previous report to ascertain why, but to provide some narrative and what the policy issue is that is being fixed with the legislation.

The Attorney General advised that there is still the commitment to do the work, but it is not a priority at the moment and not likely to proceed this year.

HE The Governor queried the Commemorative Coins Order. The Attorney General advised that the Commemorative Coins Order is in progress, but the issues currently experienced relates to some coins that have been made in advance of any approval and that needs to be rectified by a Bill, which will come forward as a validating Bill. That is in addition to the normal Orders.

MLA Roberts commented that Mr Middleton had raised concerns with her about coins that are not legal, but he also added that there is another coin due to be released within the next month. The Attorney General advised that whilst there are other coins that FIG are intending to produce, they haven't gotten to the point of them being minted and issued. The Acting Financial Secretary advised that the company had been following a process that they use with Gibraltar and doing things retrospectively. The Financial Secretary has discussed this and advised that they shouldn't be doing it this way. HE The Governor agreed that they previously had the same problem with Pobjoy, and they shouldn't be producing the coins and then seeking approval retrospectively. HE The Governor advised that in terms of the counterfeits there have been a set of discussions, and they understand that they cannot be issued until the Government gives approval. The Acting Financial Secretary advised that they have pushed back on the release date in February so that they can sort out the current issue.

The Attorney General commented that they need to tighten up on the process and ensure that FIG are driving the processes and there is greater oversight.

MLA Pollard commented that they are also on a path to approving a design that they do not like, he stated that it is really unfortunate and would reflect badly on the Government when they approve a coin design of a snowflake at Christmas, just because they have been minted and sold. HE The Governor agreed it is not a great place to be and therefore the internal processes for approving coin designs needs to be improved.

MLA Ford suggested that perhaps the coin designs could be reviewed the same way as stamps and have someone to look over them. The Acting Financial Secretary advised that the three Commissioners of Currency have authority to review, it is very involved. HE The Governor suggested that a process to tighten up could be included in the Bill to tidy that up. The Attorney General suggested perhaps the review function could be extended to the Stamp Advisory Committee.

MLA Roberts raised concern about paragraph 5.18 and highlighted that although the Marine Managed Areas and Mental Capacity are large pieces of work, she hoped that they could get the Marine Managed Areas completed. She stated that her understanding from Environment was that all the policy work and the instructions were all being covered by the consultant that they are paying so should hope that they won't see those pieces of work falter. The Attorney General advised that they are still in the plan, they expect that it might not be completed before the end of this financial year (June/July) but certainly within this calendar year. He advised that it is understood that it is a priority area of work. He advised that they have two legislative drafters, one is dedicated to the oil related work, with the other looking at this work and other matters.

MLA Roberts also raised the Communications Fees; she commented that currently this sits under Law and Regulatory. Members have discussed and suggests it might better sit with Director Development and Commercial Services, as this is a public report, she stated that having some transparency about where this sits and where the work is, whether that should be amended. The Attorney General advised that as it stands at the moment it is in the right place with the Director Development and Commercial Services leading on the consultancy work, however the issues that needs to be addressed sit with both departments. There are some FIG issues and there are some Regulatory issues (i.e. a decision to licence Starlink as an operator, is a decision for the Regulator) FIG might set some of the underlying policies, but the decision, is one for the Regulator and that she is accountable for.

MLA Roberts stated that her concern is where members of the public see things sitting and being absolutely clear.

MLA Pollard commented on the Marine Managed Areas there is the potential for embarrassment. For the 7 years he has been involved as a Member, they have been telling the UK Government that they don't want their MPAs imposed, or to participate in the Blue Belt initiative, as FIG are producing their own, and yet this work is not complete. He stated it has the potential of being another "Beneficial Register of Interest" issue and if it is not progressed, it could result in being pressured to do something that may not be the right thing for the Falklands. It is a reputational issue.

HE The Governor asked that the Attorney General highlights when there

are pressure points so that they can support and consider additional capacity and resource to support the drafting programme.

Executive Council:

- (a) Noted the Legislation Programme at Annex 1 and the Summary/Programme Highlights at Annex 2; and
- (b) Approved inclusion of new projects in the 2024/25 Legislation Programme (paragraph 1 of Annex 2) and removal of a further item from the Programme (paragraph 3 of Annex 2)

**ACTION: AG/HOLS
PUBLIC WITH REDACTIONS**

REF: ESA 1/1A 7 Annual Review of Market Supplements - 03-25 DPECS

The purpose of this report was to enable Executive Council to consider the annual review of the market supplement scheme.

The Acting Chief Executive advised that this report gives monitoring information on the use of Market Supplements in the public service, a policy development agreed in 2022 to help with difficult to fill posts. This information is contained in paragraphs 3.7 to 3.9. In summary 9 FTEs across 7 roles. The table at 3.9 really highlights the specialist nature of some of the roles the policy has been applied to.

The report also makes recommendations on review mechanisms and conditions, in future to report monitoring information into Standing Finance Committee rather than EXCO but that for any changes to the application or policy to be brought back to EXCO.

Members may recall some nervousness about how far reaching the application of this policy would be and so asked for EXCO to monitor its application. The last eighteen months have demonstrated that the public service have been very responsible in being careful both about its use of the policy and also about considering any wider ripples. As many of the concerns were financial in nature, using SFC to monitor it in future does make sense whilst decongesting the EXCO agenda.

The Attorney General comment that the key issue is that SFC cannot make the decision around policy. He stated that if the reason for SFC to monitor the financial impacts, the report does not set out any financial implications.

HE The Governor stated that she did think EXCO need to be aware of this as it gives context and background around recruitment pressures etc, she stated that she was not saying it shouldn't go to SFC but that it should continue to be submitted to EXCO. It is useful context for EXCO to see what is going on in the labour market and FIG recruitment.

MLA Pollard suggested that perhaps it could be submitted as an appendix to the Clerk's Report (if that fits) rather than a standalone report. He agreed that it lacked financial implications in the report. He stated that he looked back at previous reports, he questioned what uplifts could a person get, is there a cap? He understood that there is a panel that decides on the uplift/market supplement on a specific position. He stated that he was not suggesting that there should be a cap but when producing the report, it would be useful to know how much has been offered on top of the salary. What has been used, what is the market supplement?

The Acting Chief Executive advised that he did not believe that there is a cap, as it would depend on the role. But it is based on that market information, what the market value is elsewhere (UK is used as a benchmark). Examples have to be provided and then a decision is taken based on that information. The Acting Chief Executive advised that it is the hiring manager that makes the application to the Board and provides that information for the Board to consider. That information is verified by the Director Policy, Economy and Corporate Services before the panel considers.

The Acting Chief Executive commented in terms of submissions, he would suggest that it would not need to go to both EXCO and SFC unless it requires changes to the budget.

MLA Pollard advised that he was ambivalent as to which meeting the report was submitted to as part of the process whether on EXCO or not Members of the Assembly had access to the report as part of the process.

HE The Governor commented that she would prefer for the report to come to EXCO as she would not necessarily have sight of the SFC reports and as Governor in Council, the Governor has responsibility for public appointments, general governance, and assurance, but would give that oversight even as a starred item on the agenda.

MLA Roberts agreed that it should continue to be submitted to EXCO as it speaks to the broader issue around the job evaluation system that has issues, it is helpful to understand where there have been issues, where the supplements are needing to be applied and if it continues to grow, it reinforces the need for the broader piece of work.

MLA Roberts stated that she was also concerned that there was nothing in the report in relation to the finance and what additionally is being spent, she requested that that information is included in future reports.

MLA Roberts stated that it was helpful to understand how that comparison is done with UK, she had assumed it was with other similar posts locally. She asked whether this is monitored to across the

department to see the impact? The Acting Chief Executive advised that it is applied to all posts under that policy (i.e. if a market supplement is offered for an electrician, all the electricians would receive it). It is applied where is needed and where a post cannot be filled, not across other posts. He advised that they do use local comparisons where there is a post and if not, they go to the wider market.

MLA Roberts asked whether the market supplements were reported to Budget. The Acting Chief Executive advised that it would, depend on how the supplement was funded. It would not be reported if it didn't require a request for additional funding. MLA Roberts suggested that might have been another reporting route. It was suggested that the financial detail for these posts could be reported to the Budget Select Committee for information.

MLA Ford supported the recommendation and requirement for the report continue to be submitted to EXCO.

Executive Council:

- (a) Noted the report regarding implementation of market supplements from 1 October 2023 – 31 December 2024.
- (b) Agreed that market supplements that have been approved and required should be reviewed at the end of the current contract to which they were applied (i.e., at such time recruitment would be required).
- (c) Agreed that market supplements that have been approved but not required due to successful recruitment should be withdrawn and a new proposal submitted at such time difficulty in recruitment is identified.
- (a) Agreed that, going forward, a summary of the use of market supplements to include the financial information related to approved supplements should continue to be reported annually to ExCO.

**ACTION: DPECS
PUBLIC WITH REDACTIONS**

REF: CON 1/35 8 Energy Strategy and Implementation Plan - 04-25 DPECS

The purpose of this report was to enable Executive Council to consider the proposed strategy and implementation plan.

The Acting Chief Executive advised that this report asks for Exco to approve the energy strategy and implementation plan. It has previously approved it for consultation and now it's being brought back after incorporating the consultation results. There is no request for any

legislation or further policy development. But there is a request for semi-annual progress reports be submitted to the Environment Strategy Programme Board to facilitate oversight of delivery and review of the strategy.

The consultation report is at appendix D. The Strategy has been informed through a workshop with the Chamber of Commerce and meetings with FIDC and FIG directorates. It also reflects the views and results gathered following the public consultation. The proposed list of prioritised actions recommended in the Implementation Plan also reflects the feedback and results from formal public consultation, which included reevaluating the effectiveness, availability, and accessibility of supports available, including grant schemes, loans, or training opportunities to increase their use of renewable and sustainable energy solutions.

HE The Governor sought clarity that there was no request for legislation, policy development or investment financial or resources at this point, noting that approving strategy implies a readiness to invest. The Acting Chief Executive advised that they are not, he stated that some of the items in the implementation plan may require funding, but those requests would be brought forward separately.

The Attorney General advised that the strategy would support investment in those areas, providing a framework if requested.

MLA Ford commented that it is a bit late, with phase 3 being underway with wind farm and power station. HE The Governor, commented that this is quite a huge step, and ring fences the power station project, while considering the need for green energy. The Acting Chief Executive agreed that it is a bit late, they have been working towards it and part has been updating and changing wording to potentially allow the use of investment from elsewhere (i.e. offsetting from the oil industry), but they have now firmed up the commitments as committed to under the Islands Plan (investment in renewables, power infrastructure, etc). The strategy enables FIG to look at the future phases.

MLA Roberts commented that she had sent questions through to the Head of Environment, she stated that there has been a huge amount of work on it, but she would struggle to approve it as is. She stated that given this report is due to be a public document, and one of considerable interest, she felt that there was quite a lot of information was out of date, noting that the work started some time ago and references the consultation. She stated for example page 29 implementation plan refers to phase 3 and the issues of transporting the turbines and the next steps being to assess the next best available technology suitable for the Falklands. She commented that they are quite a way through that stage in the process. She raised concern about publishing a document that doesn't reflect the current position. Also, the thermal efficiency, she commented that she did not believe that this

has been defined, what it may look like, or whether an incremental improvement would equal thermal efficiency. She commented that some of the targets may be achievable, but will they be achieving what they are setting out to achieve. The Acting Chief Executive commented that they are looking for improvements where improvements need to be made, assessing where the buildings are now and whether improvements need to be made and putting those improvements in place. MLA Roberts stated that could be reflected in the plan by stating “improving the thermal efficiency” as opposed to “making 200 buildings thermally efficient” she stated that she wouldn’t want them to set themselves up to fail. She stated that it would be good to be optimistic and ambitious, but perhaps the wording could be realistic, noting that they don’t have clear measurements for thermal efficiency, but an improvement is an improvement.

MLA Roberts referred to page 33 on the plan which refers to the solar array and trial. It states that an array will be trialled at Sand Bay Wind Farm – she questioned that she thought the trial was already up and running and underway. The Head of Environment responded that he did not believe it had been installed. The Acting Chief Executive advised that it has been installed, and the trial is underway, but they feel that there is a lot more data that needs to be gathered to respond to the Assembly question. Work has started but is a long way from being finished, he did not feel that the information in the plan was sufficiently out of date that would concern him. MLA Roberts commented that if she was a member of the public reading the document, it would appear as though the work had not begun and that would be an unfair representation of the current status and the work that has already gone into installation.

The Acting Chief Executive advised that there has been some discussion around the setting of the goals, and he stated that they should be optimistic around some of the goals rather than pessimistic. If the goals are set low, there would be no pressure on them to try and achieve or place an emphasis behind them. He stated the 200 houses target, they believe that that can be achieved, 75% by FIG which is already in train. He commented that resource constraints might slow that down a bit, but by 2027, they should be able to make those improvements across the estate. In respect of the private sector, work around the grants etc would give the support required to make that happen.

HE The Governor commented that in respect of taking the report forward there may be a need for a quick redrafting and amendments or based on the points raised, and there may be quite a lot of work to be done. She asked whether in the introduction it could be noted that this is a very ambitious plan and our vision and that it may not all be achievable. She stated that there may be a danger that the report disappears for work, and it would not return for another 6 months.

MLA Roberts stated that she did not feel it needed massive reworking,

but there are some bits that need to be reworded. HE Governor suggested that in the MLAs introduction some of these caveats could be included to enable the report to go forward.

MLA Pollard agreed with MLA Roberts that there were items within the plan that implied that they aren't happening but are, and there are some wordsmithing issues. He wondered whether the plan could be reviewed so that MLAs can highlight areas of concern, so that it can be returned for correction rather than a rewrite. He suggested that getting that steer back to the officers and then the report reverts back to the next EXCO.

The Acting Chief Executive cautioned against some of the suggested wordsmithing (i.e. more thermally efficient) he stated that once something is thermally efficient it won't be made more, it has reached the agreed standard. He stated as they are building new properties the expectation is that they will be made thermally efficient, however those properties built in 80-90's will need enhancements. He suggested that a solution may be to add a column (rather than change what is there) which gives the current status of a specific target, which could help address the concerns raised. MLA Roberts stated that she would have been reluctant to bounce the report back, and she agreed that the proposed solution would address reflecting where items are now.

The Attorney General proposed the authorisation of the Chief Executive or the Director Policy, Economy & Corporate Services to approve a final version of the document following the incorporation of comments from Members of the Assembly. This was agreed.

MLA Pollard stated he is happy with the proposed way forward but asked that they not wait for the minutes to come back to action in 3 weeks' time, he asked that they authorised the Chief Executive to communicate with Members today to feedback by a set date.

MLA Roberts stated that there was a question the Head of Environment was not able to reply to. She asked the Acting Chief Executive in Appendix 2 – page 28, it speaks about redundancy in the power system. She asked for his understanding of this section, as conversations have been held about capacity, she assumed that this relates to distribution as opposed to generation. The Acting Chief Executive advised that they have the ability to generate a lot of power but cannot necessarily distribute. MLA Roberts stated that she assumed that was the case and perhaps that could be clearly explained as it might be assumed as capacity of generation resource.

MLA Pollard commented that more generally, the top priority in energy is the building of a new Power Station and staffing the current facility. He stated that it feels like power cuts are becoming more common, he commented that he was not sure of the reason for those power cuts. But those two items sit at the top of his list. He supported having the

strategy and plan, it is important but would not wish to lose sight of the immediate goals.

The Acting Chief Executive agreed that the absolute priority is to keep things operating, but they do differ slightly. He would not wish to see one tempered because of the other.

The Attorney General commented that the strategy is very much about recognising climate change, needs to increase use of renewables etc. He stated that they would be agreeing the strategy a month or two in advance of potentially authorising the removal of oil from the sea floor. He stated that he did feel a slight conflict between some of the statements within the strategy and what is intended.

HE The Governor noted this stating that if they haven't got a strategy, it makes it hard to explain what they will be doing with oil. Oil revenues would help fast track some of the investment and technologies. Having an Energy strategy, shows the route to increased use of renewables and the vision. The Attorney General advised that should they be judicially reviewed for oil decision; FIG should not be surprised if this is one of the documents used in any case against the government. HE The Governor commented that that might be the awkwardness of having removed references within the strategy to the use of oil revenues to fast-track projects.

The Acting Chief Executive commented that if oil revenues were referenced and did not come about, it would not mean that the aspirations would not occur, they would occur at a slower pace.

The Attorney General commented that they will need to address the Energy Strategy in the later decisions in relation to oil. HE The Governor commented that none of the oil is coming onshore and therefore she believe it was separate.

MLA Ford commented he was pleased when reading the report, it stressed more of the energy security and resilience benefits which he believed was right for the Falklands but also included the environmental benefits. The Acting Chief Executive commented that a sustainable solution does both, he stated that it gives the security that they are not reliant on fossil fuels but also offsets the hydrocarbon omissions as well.

Executive Council:

- (a) Approved in principle the Falkland Islands Energy Strategy and Implementation Plan, which includes proposed actions considered high priority for early implementation to address energy challenges in the Islands, subject to the Chief Executive following consultation with Members of the Legislative Assembly and the Governor updating the plan to better reflect the current

position.

- (b) Noted that there would be no immediate requirement for legislation, policy, or investment.
- (c) Agreed that semi-annual progress reports be submitted to the Environment Strategy Programme Board to facilitate oversight of delivery and review of the Strategy.
- (d) Requested that an annual update against actions and delivery to Executive Council.

**ACTION: DPECS/HoE
PUBLIC WITH REDACTIONS**

REF: CON 1/35 9 Pollution Prevention and Waste Management Policy - 06-25 DPECS

The purpose of this report was to enable Executive Council to consider the proposed pollution prevention and waste management policy.

The Acting Chief Executive advised that this report is asking ExCo to approve the Pollution Prevention and Waste Management Policy. ExCo had previously approved it for consultation and now we're bringing it back after incorporating the consultation results. The paper asks for authorisation to draft a more detailed policy which will contain all the specific information on how the policy and proposed regulatory framework will work in practice, in order to inform a new ordinance for pollution and waste. This policy didn't go into such specific details because this is a big change for the Falklands, and Exco approval is sought on the broader policy before committing more time and effort on the details.

Executive Council deferred the report for discussion with Members.

**ACTION: DPECS/HoE
NOT PUBLIC**

REF: NAT 9/1 10 Hill Cove Mountains National Park Policy and Management Plan - 07-25 DPECS

The purpose of this report was to enable Executive Council to consider the proposed policy and Management plan for the Hill Cove Mountains National Park.

Executive Council approved the recommendations as outlined in the report.

**ACTION: DPECS/HoE
NOT PUBLIC**

- REF: IMM 31/4** 11 **Immigration Review –11-25 DESIS/PIO**
- The purpose of this report was to enable Executive Council to consider the Immigration decision to refuse an accompanying dependent permit.
- Executive Council agreed to uphold the decision of the Principal Immigration Officer to refuse the application for Accompanied Dependent Permit.
- ACTION: DESIS/PIO**
NOT PUBLIC
- REF: IMM 31/4** 12 **Immigration Review –15-25 DESIS/PIO**
- The purpose of this report was to enable Executive Council to consider the Immigration decision to refuse a work permit.
- Executive Council agreed to uphold the decision of the Principal Immigration Officer to refuse the application for a work permit.
- ACTION: DESIS/PIO**
NOT PUBLIC
- REF: IMM 35/1A** 13 **Applications for Falkland Islands status – January 2025 - 12-25 DESIS/PIO**
- The purpose of this report was to enable Executive Council to consider the applications for Falkland Islands Status.
- Executive Council approved the granting of Falkland Islands status for 11 adults and 2 children
- ACTION: DESIS/PIO**
NOT PUBLIC
- REF: SHIP 44/3** 14 **Falkland Islands Maritime Authority Annual Report - 10-25 DESIS/HFIMA***
- The purpose of this report was to enable Executive Council to consider the annual report for the Falkland Islands Maritime Authority.
- As this was a starred report, there was no discussion and Executive Council:
- (a) Noted the Annual Report of the Falkland Islands Maritime Authority (FIMA).
 - (b) Agreed that under Section 161(3) of the Maritime Ordinance 2017,

the report be laid before the next sitting of the Legislative Assembly on 27 February 2025.

**ACTION: DESIS/HFIMA/COLA
PUBLIC**

15

ANY OTHER BUSINESS

REF: EXCO 3/1 15.1 **Date of Next Meeting**

Tuesday 25 February 2025, 10am