

**Open Minutes of the Social and Community Development Committee Meeting held on
Wednesday, 11 October 2017 at 9 am in the Council Chamber**

<u>Present:</u>	Chairman:	Hon Anthony Green (Hon TG)
	Deputy Chairman:	Hon Cyril Leo (Hon CL)
	Members:	Hon Gavin Ellick (Hon GE) Hon Derek Thomas (Hon DT) Hon Kylie Hercules (Hon KH)
	Secretary:	Miss Nicole Plato, PA to the Chief Secretary (NP)
	Invited:	Mr Matthew Ansell, Director of Safeguarding (MA) Mr Nicholas Yon, Asst. Financial Secretary – <i>for item 1</i> Mrs Catherine Turner, Human Rights Facilitator (CT) – <i>for item 2 only</i> Mrs Christine Cooper, Crown Counsel (Community Care) (CC) - <i>for items 2– 3 only</i> Miss Nikita Crowie, Legal Officer (NC) – <i>for item 3 only</i> Mr Jeremy Harris, Director of St Helena National Trust (JH) - <i>for item 4 only</i> Ms Ethel Yon, President of the St Helena National Trust Council (EY) - <i>for item 4 only</i> Mr Tony Clingham, Police Sergeant (TC) – <i>for item 5 only</i>

Hon TG welcomed all to the open session.

1. Update - Social Security Ordinance review

NY gave the following update on the Social Security Ordinance review:

- The amended regulations for the urgent cases will be implemented by the Benefits Office but this may not mean an immediate change but the people affected will receive money retrospectively from the 6 October.
- Publicity– a separate press release will be issued and recipients will receive separate letters on the changes.

Review – work will now begin on the wider review. Some Members felt that if the review can be undertaken locally then it should and will save money. There were approx. 26 Sainsbury recommendations to be taken forward, with 10 already being implemented and 6 no longer of relevance. NY agreed to circulate to Members an update on the implementation of the Sainsbury Recommendations.

(Action: NY)

NY, in liaison with the Government Economist, when she returns from overseas leave, to produce a collective list of issues on the Social Security system.

(Action: NY)

It was also noted that the Government Economist had drafted a paper with options which had been sent to MA and should be shared with NY to ensure that all information is available for the review. NY to keep the Committee updated.

(Action: NY)

2. Employment Rights Proposal to amend Legislation

CT and CC was welcomed to the meeting.

CT advised that since speaking to CC, it is now clear that the proposal to amend legislation is not the right way to deal with this issue as it will not tackle the entire problem, rather they will

now look at changing terms of contracts that are issued through the SHG Procurement process to ensure that all employers have contracts in place for their staff. When the draft proposal is ready, then CT will bring it to the Committee for endorsement.

CC said this is a much more effective and practical way forward.

A discussion will need to be held with the Corporate Procurement Executive, however an informal meeting was held with the Deputy Head of Procurement who said that there shouldn't be a problem with it, as the contracts would only need to be updated but this would only tackle part of the problem and would only target big businesses.

Hon GE declared his interest, as an owner of a small business.

Hon TG said that the other issue is in relation to labour as he has been told that employment has been taken off the SCDC list of responsibilities and transferred to EDC. In any event It is a cross cutting issue.

There is an appeals process for people to make a complaint with the LRA and people should use this. CT said that many are too afraid to log a complaint for fear that they won't get employed elsewhere. The legislation is in place and employees are entitled to leave and sick pay but businesses are not honouring this.

Hon KH suggested that the employment rights ordinance extends the duty of employers to keep records and the LRA to keep records or TORs as well but CC said this is already in place for employers but it is not being complied with. The regulator already has those powers; they have sufficient powers to tackle this but we do not have a dedicated body to investigate employers. Hon KH suggested a penalty e.g. £1000 and if you set one person as the example then the rest will comply. The penalty of £1000 could possibly be the third stage or implemented as a last resort.

It was agreed for a cross committee working party to be set up to work with Procurement to help tackle the big businesses and for an education campaign to be undertaken in line with the Legislation to target small businesses; the campaign will have to be held regularly to capture new businesses.

(Action: CT/CC)

Marriage Bill public meetings – MA agreed to work with the Mental Health Team on ensuring there is help in the community for teenagers during this time. The Samaritans helpline has also been re-advertised.

(Action: MA)

3. Charities Amendment Bill Proposal to amend Legislation

NC advised that the charities commission undertook a review of the charities on St Helena and reviewed the applications received. One of the problems that arise was that a number of them were not complying with handing in audited accounts to the registrar therefore, they could not ascertain whether they were being properly operated etc. They had looked at the current provision in the ordinance and there is provision under section 8 to deal with this and the Commission felt that Charities do a lot of good work for St Helena and did not want to revoke their status for non-compliance as this would be the last resort and we would need to have risk management in place.

The commission identified as a measure, to incur compliance was to prescribe a penalty of £20 as a reasonable charge for those who fail to comply with the chairperson, treasurer or other person of the Charities having the supervision of the accounts of that organisation.

Some other minor amendments has been made to the ordinance in terms of revoking the provision for a registrar and amending the inspection fee and fee for the new charity

applications. NC also advised the Committee of a drafting error located in the bill in that keeping accounts creates an offence for a Chair which creates a criminal offence of non-compliance but this is not the intention but non-compliance will be a civil responsibility.

Hon TG declared his interest as he is a member of the Golf club. The amended bill can be circulated to the Committee.

Members gave the mandate for the Charities Bill to be amended as discussed and for the amended Regulations to be submitted to ExCo on 31 October 2017. The decision document was completed and NP to send to promotor and the AG.

(Action: NC/NP)

3.1 Welfare Of Children Ordinance (Child Labour)

Hon TG advised that it was brought to his attention by another Councillor that the above amendment also seeks to repeal section 63 of the Education ordinance where it speaks about child employment and Hon TG had initially assumed that this had already been submitted to the Education Committee but Hon TG failed to deal with the cross cutting issue for which he apologised. Hon KH agreed on behalf of Hon TG to feed this back to the Education Committee.

(Action: Hon KH)

4. SHNT Amendment Bill

JH and EY was welcomed to the meeting. An extensive presentation was made to the Committee at the last meeting on the various changes to be made to the SHNT Amendment bill. JH advised that he had taken Hon DT's comment into account and included it in the ExCo memo regarding the responsibility of SHG and not of the Trust.

The Committee gave the Mandate for this bill to be submitted to ExCo on 17 October. The decision document was completed. NP to send the decision document to the promotor as well as the Ag Attorney General.

(Action: JH/NP)

5. Liquor Licence

TC was welcomed to the meeting.

Hon DT advised that this was discussed by the previous Council. The owner of the mobile bar and food business, Ryan Beckhouse operates most weekends and during the week but has to go to Court for a liquor licence every time he wants to operate his bar, which is both time consuming and costly. To help solve this problem, Ryan is asking whether he could have an annual licence and he is fully aware that this would mean that he can't set up his mobile bar wherever he wants but with this annual licence, there perhaps could be a measure put into place whereby he could approach the Police and they would determine whether the location is suitable. Currently, it costs £40 per week. Ryan has also said that he is unable to recover the costs for the licence when he sets up the Mobile bar.

TC said that this is an occasional licence and under the law he can have it for two consecutive days and would also need to take advice from the AG's Office as to whether it can be under the law as it also defeats the purpose of an occasional licence. An occasional licence should not be for a whole year but is willing to take advice from the AG's office.

CC advised that under the ordinance, there is no way to provide for the result that Ryan would like. The difficulty with the licences is that we need to have a process in place. There could perhaps be a blanket licence. In some countries, they have a block licence and we could change the Ordinance to allow this but would not want to do this for the Wharf. It would be

difficult to legally devise the licence to fulfil all of Ryan's hopes but we could have in place an interim licence that will make his life easier. Hon DT said that Ryan already has a blanket permission from the Education Committee for him to set up at Francis Plain during the football season on weekends and therefore this could perhaps be replicated for the licence at Francis Plain and other venues, whilst recognising that the Wharf will be a difficult one.

Hon GE declared his interest.

The court will play an important role in this as well. Hon TG said that he had also mentioned this to the Judicial Services Manager, in case the Court wanted to make any comments but they said that their comments would no doubt reflect the input from the Police at today's meeting.

After much discussion, it was clear that there will not be a quick fix but options can be explored and we need to clearly define what Ryan's Licence cover. Hon DT agreed to take this forward with Ryan and send to Ag AG and the Committee.

(Action: Hon DT and Ag AG)

6. Confirmation of Open Minutes from the meeting held on 13 September 2017

The minutes from the open session meeting held on 13 September was confirmed.

7. Matters Arising

7.1 Marriage Bill

It has been agreed that a second round of public consultation be held on the Marriage bill. It was also noted that other Councillors also support this bill.

A Press Release on the Public Meetings on the Marriage Bill, the Welfare of Children's Ordinance (Child Cruelty) and Domestic Abuse Bill had been issued. Secretarial support will be needed for the meetings as well. NP to take this forward with the Corporate Services Executive Manager.

(Action: NP)

It was agreed that all Members will attend the public meetings.

Hon TG agreed to draft key areas to cover at the meetings and send to the Committee. The Bills will be uploaded on the SHG Website from 16 October and will also be placed at the Customer Services Centre. NP advised that social media could be used for consultation as well on the SHG Facebook page as this tool was used in the past and the comments received helped to inform the decision. NP queried about a Council FB page but Councillors were not sure of the status, therefore NP agreed to check with PR.

(Action: Hon TG/NP)

Members to familiarise themselves with the legislation that will be discussed at the Public Meetings. If not done so already, Members to diarise the public meetings.

(Action: Members)

7.2 Council Committee ToRs

As a result of the previous SCDC meeting, the AG had to make some further amendments to the SCDC ToRs. NP to ensure that the draft amended Council Committee ToRs is brought back to the SCDC to agree.

(Action: AG/NP)

A handwritten signature in black ink, consisting of a stylized 'O' followed by a horizontal line and a small mark.

Minutes Approved.....
Chairman

Date: 8 November 2017