

**Open Minutes of the Social and Community Development Committee Meeting held on
Wednesday, 12 September 2018 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 Derek Thomas (Hon DT) Hon Gavin Ellick (Hon GE) Hon Kylie Hercules (Hon KH)
	Non-Voting Members:	Mrs Stephanie Jones, Director of Safeguarding (SJ) Mrs Nicole Shamier, Government Economist (NS)
	Secretary:	Miss Nicole Plato, Executive Assistant (Corporate Services) (NP)
	Invited:	Mrs Christine Cooper, Crown Counsel (Community Care) (CC) – for item 2 Mr Derek Henry, Director of ENR (DH) – for item 5 Miss Glynis Fowler, Crown Estates Buildings Manager (GF) – for item 5 Mr Derek Pedley, Head of Property (DP) – for item 5 Mr Nicholas Yon, Deputy Financial Secretary (NY) – for items 5-9 Mrs Catherine Turner, CEO/Commissioner Equality & Human Rights Commission (CT) – for item 8 only Mrs Carol Thompson Executive Manager, Equality & Human Rights Commission (CarolT) – for item 8 only Miss Justine Joshua, Statistics, Senior Statistics Assistant – for item 9 only

Hon TG welcomed all to the meeting.

1. SHNT (Amendment) Ordinance Next Steps

Members agreed for section 12 (*Trust Council*) of the SHNT ordinance to be removed and placed in the regulations which will make it easier to change in the future. NP to update the decision form accordingly and send to the AG and promotor.

(Action: NP/Hon TG)

2. Update on work commenced on the Information Bill

CC was welcomed to the meeting.

A good meeting was held with the Chamber of Commerce on 4 September with representation from different sized businesses which was good and made for a useful discussion. A Consultation letter was sent to large businesses to submit comments by 18 September 2018.

CC gave the following report on the meeting with the Chamber of Commerce:

- One of the issues concerning them was in relation to what information is exempt when it comes to commercial in confidence information as this is always exempt otherwise the business can't function.

- Who would be subject to the legislation was another question raised. There need to be debate and a policy decision taken on whether arm's length organisations would be included.
- There was also a point raised about private businesses coming under FOI but this would have to be a policy decision whilst also noting that no other countries subject private businesses to FOI and CC would therefore advise against this.
- There was a divide between having a light touch regime that we are advocating for and others felt that a full blown GDPR should be taken forward. However, the general consensus was that we need it.

CC advised that separate legislation can be taken forward for FOI and Data Protection. FOI could be progressed first. Due to capacity constraints, both pieces of legislation cannot be dealt with at the same time. Legislation need to be in place by 2020 in readiness for the Cable.

Hon TG was conscious of the fact that the timetable has slightly delayed and CC will be leaving SHG soon. Members expressed their sentiment for CC leaving and requested CC to ensure that legal support is in place for this legislation before she departs on end of contract.

(Action: CC)

Although the Chamber of Commerce represents a large number of businesses, the Committee felt that there are still a number of businesses that are not part of the Chamber and therefore meetings should be held with these to give them an opportunity to express their views. CC said that there will also be a public consultation session later on in the year where the draft bill will be discussed.

NS to check with Tony Fisk whether satellite ground stations is dependent on data protection being in place on Island and advise CC accordingly.

(Action: NS)

NP to ensure that SAMS receive a copy of the consultation letter and the deadline for comments from them might need to be extended.

(Action: NP)

NP to request the President of the Chamber of Commerce to send a list of businesses who are registered with the Chamber so that we can ensure businesses who are not part of the Chamber are also given an opportunity to feed into the stakeholder consultation phase on the Information Bill.

(Action: NP)

NP/CC/Hon TG to liaise on a suitable date/venue for the combined CLG/ERC consultation meeting on the Information Bill.

(Action: NP/CC/Hon TG)

3. Occasional Liquor Licences

Hon TG and Hon DT had received a query from Ryan Beckhouse regarding the above matter i.e. Judicial Services was interpreting the law in a different way to what SCDC had. Hon TG had subsequently met with Judicial Services, Chief Magistrate and CC to take it forward. The midnight boundary also applies in law and if it crosses the midnight boundary then it is interpreted as 2 days. It was agreed for Hon DT to advise Ryan Beckhouse that he need to submit another 6 month application for Francis Plain and the correct interpretation of the law

should be applied i.e. one licence for one occasion on two days e.g. Saturday and Sunday. If any problems with this arise in Court then CC is happy to assist.

(Action: Hon DT)

4. Confirmation of open minutes from the meeting held on 8 August 2018

The minutes from the open session of the meeting held on 8 August was confirmed.

5. Matters Arising

5.1 Disabled Facilities Grant

SJ is working with ENRD on this but they are not keen to have any part in the project management side however, discussions are ongoing. As a suggestion by Hon GE, SJ agreed to explore the possibility of the SHNT being involved with some of these projects as they have a skilled work force.

(Action: SJ)

To check with ENRD why checks throughout the projects were not followed through as per the policy. The process in the policy is not being followed in practice.

(Action: SJ)

Modifications to the OT policy is also being made and a joined up approach from Safeguarding and Health OT is needed so that the new policy suits the needs of both directorates.

(Post note) It was noted in step 9 of the process in the policy, it mentions Proarc as Project Managers. Hon TG agreed to follow this up with the Director of Safeguarding as to whether Proarc is engaged for all of the projects which could be costly.

(Action: Hon TG)

Minutes Approved.....
Chairman

Date: