

**Minutes of the Social and Community Development Committee Meeting held on  
Wednesday, 10 July 2019 at 9 am in the Council Chambers**

<b><u>Present:</u></b>	<b>Chairman:</b>	Hon Anthony Green (Hon TG)
	<b>Deputy Chairman:</b>	Hon Cyril Leo (Hon CL)
	<b>Members:</b>	Hon Derek Thomas (Hon DT) Hon Gavin Ellick (Hon GE)
	<b>Non-Voting Members:</b>	Mrs Tracy Poole-Nandy, Director of Safeguarding (TPN) Mrs Kerisha Yon, Acting Deputy Chief Secretary (KY)
	<b>Secretary:</b>	Mrs Nicole Plato, Executive Assistant, Corporate Services (NP)
	<b>Apologies:</b>	Hon Kylie Hercules (Hon KH)
	<b>Invited:</b>	Ms Alison Carter, Crown Counsel
		One member of the public was present.

Hon TG welcomed all to the meeting with a special welcome extended to AC and KY. It was also recognised that this was the 40<sup>th</sup> meeting since the new Committee was enacted and there might be a new composition of this committee next month after the elections of a new Executive Council at the next sitting of Formal LegCo. In this regard, Hon TG thanked the committee for their hard work as a Committee, recognising the number of pieces of legislation that they had processed and the volume of work that was completed during their tenure as a Committee.

**Open Session**

**1. GDPR Update**

Hon TG gave a summary on progress of GDPR and FOI over the tenure of the Committee. He advised that the bill is currently on hold until a high level decision (*perhaps by ExCo*) is made on the way forward and is a matter that is with the Chief Secretary. NP to follow this up soon with the Chief Secretary.

**(Action: NP)**

**2. St Helena National Trust (SHNT) Regulations - Current Position**

Hon TG reported that the SHNT is in consultation with the AG's Chambers to produce draft regulations. NP to keep in views.

**(Action: NP)**

**3. Employment Rights Ordinance: Update on SHG Contracts**

Hon TG summarised the background where the Committee had previously recommended that SHG should consider stating in contracts for goods and services that recognition would be given where tenders are received from the private sector businesses that provide evidence of fully complying with the employment rights law in relation to sick/leave pay etc. The requirements are stipulated clearly in the ordinance but Council wanted to encourage better compliance. This decision had been conveyed to the Chief Secretary to take forward. NP to follow up with the Chief Secretary.

**(Action: NP)**

Hon DT informed the Committee that Hon KH will be attending his monthly radio programme the following day at SAMS to inform the private sector of their responsibilities in relation to leave and sick pay etc.

There is a lack of enforcement of the legislation in the private sector and Hon DT will also raise this issue in LegCo.

**(Action: Hon DT)**

#### **4. Prioritisation of SCDC legislation**

The Committee recognised the volume of legislation that had been processed during their tenure. HE the Governor would now like to reduce the list of outstanding legislation and Council Committees were to update and prioritise their legislative programme.

NP to update the SCDC tracker to ensure that all legislation is included on the Legislative Programme and circulate to SCDC for final agreement.

**(Action: NP)**

Members to also check the list of SCDC legislation to ensure nothing is missing.

**(Action: Members)**

The list of SCDC legislation on the programme was discussed as follows:

- *Information Bill* – this is still a priority and GDPR requirements will be followed up with the Chief Secretary as mentioned at the outset of the meeting.
- *Immigration Bill* – this bill is still with the working group and is progressing well.
- The *Asylum Bill* is being dealt with separately to the Immigration ordinance. It is a legal and national requirement and falls under the remit of the Safeguarding Board. A policy will be developed with key officers from each directorate and the FCO Policy Officer (William Spooner). The policy will be submitted to SCDC for their endorsement. NP to KIV.

**(Action: TPN/NP)**

- *Landholding Bill* forms part of the review of the immigration ordinance.
- *Safeguarding Board* – the remit of the board is currently in the Welfare of Children's ordinance and just needs a line added to combine the Children and Adults board; it has been done in practice but need to be reflected in law. TPN said that this should be a quick win. AC agreed that this should be fairly straight forward but would also have to check with the legislative drafter as to when this can be done amongst other priorities. The new legislative drafter will arrive on Island soon which will help to progress draft legislation.

*Adult's legislation* need to be included on the programme as currently is in place. NP to ensure this is communicated to the AG's Chambers.

**(Action: NP)**

- *Social Security Ordinance Review* – this is being progressed through the working group and their report should be with Committee soon.
- *Criminal Offences & Summary Offences* – NP to check with the Police/AG's Chambers for an update as they had been on the programme for a long time with no progress.

**(Action: NP)**

- *Health & Social Care Bill* – nothing has been progressed to the Committee. TPN advised that she still needed more information in order to take forward the social care part of the bill but this will be done.

**(Action: TPN)**

- *Employment Rights Ordinance* – currently with the AG’s Chambers to amend the Maternity and Paternity and adoption leave requirements and the committee awaits this draft legislation. NP to KIV.

**(Action: NP)**

Committee agreed that all of the above legislation are priorities.

Social housing – Hon GE expressed his concerns over the lack of social housing on the Island. When prisoners are released from jail, some are in dire need of a house. TPN advised that a policy is being written on homelessness which takes into account social housing. Hon DT agreed that this is a pressing issue to take forward and will raise this in Informal LegCo on Friday as there are a number of houses that can be changed into bachelor’s quarters etc. Committee therefore noted that this issue might require legislation.

Hon GE queried whether medical marijuana sits under this Committee and whether any documentation had been received. Hon TG said that he was aware that the Hon KH had been personally supporting a member of the public with a business idea but no formal proposal had been made to this Committee.

It was noted that the Committee can pursue matters with the Police that pertain to MTEF but clarity is needed as to whether legislation under the Police will also come to SCDC as the Police is HE’s responsibility. This matter is with the Chief Secretary (CS) to clarify with HE. NP to remind the CS accordingly.

**(Action: NP)**

## **5. Update on Review of the Immigration Ordinance**

Hon DT reported the following:

- The review of the ordinance by the working group has been completed but will be looked at by the Immigration consultant who will be arriving at the weekend and will hopefully be submitted to Committee thereafter.
- The policy that underpins the ordinance was finalised last week and a final check of the policy will hopefully be done next week.
- Consultation to start at the end of August which might take two months.

The Committee agreed that this review can be presented to the whole Council instead of two separate presentations. However, following this meeting the review is to be submitted to the next SCDC for formal endorsement by Committee so that due process is followed.

**(Action: Hon DT)**

NP to KIV the review of the Immigration ordinance as well as the Immigration policy for the Committee.

**(Action: Hon DT/ NP)**

## **6. Update on Review of the Social Security System**

Hon CL reported the following:

- A report with recommendations will hopefully be presented to Committee soon at a special meeting.
- There is still some work to be done on the review of OT, BLA, guardians allowance etc. and work will continue on this and be brought to SCDC when the reviews are completed.
- Funding will also need to be found for the recommendations.

Hon CL expressed concern to Members about BIP being awarded to people who do not need the benefit and therefore is not meeting the aim of the Social Security Ordinance (SSO) i.e. to

care for the vulnerable in society. It was noted that legal input would be needed if BIP was removed from the SSO and placed in the Pensions ordinance as there might be some implications of doing so. All options would need to be looked at.

**(Action: Members)**

The Committee recognised the tremendous work undertaken by Hon CL and his team and looks forward to receiving the report and recommendations.

A special SCDC meeting will be held on Monday 12 August at 10 am to allow the Social Security Review Working Group to present their report. NP to send an e-calendar invites to all.

**(Action: NP)**

TPN to feedback on the recommendations before she goes on overseas leave.

**(Action: TPN)**

Hon CL/NP to ensure that the Report is sent to the Committee at least 2 weeks before the Special meeting on 12 August for the committee to review, prior to the meeting.

**(Action: Hon CL/NP)**

## **7. Confirmation of Open minutes from the meeting held on 12 June 2019**

The open Minutes of the meeting held on 12 June were confirmed, subject to NP checking with Hon KH on the following line under 'Matters Arising', as it was vague:

*'KH to sit with AGs Chambers'*.

**(Action: NP)**

## **8. Matters Arising**

### **8.1 Disability Policy**

As a matter of urgency, the Committee requested a change in the Social Security policy as it seems to age discriminate which could cause bigger cost implications, in terms of claims etc. TPN to take forward and send the proposal to change the policy to the Committee by Friday, 19 July. Committee agreed that due to the urgency they would agree the way forward via email.

**(Action: TPN/Members)**

### **8.2 Occasional Liquor Licence**

NP to KIV a draft proposal form for change in time for restaurants.

**(Action: Hon DT/NP)**