

**Minutes of the Open Social and Community Development Committee Meeting held on
Wednesday, 9 October 2019 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)
	Non-Voting Member:	Mrs Gillian Francis, Deputy Chief Secretary (non-voting member) (GF)
	Secretary:	Mrs Nicole Plato, Executive Assistant, Corporate Services (NP)
	Invited:	Mrs Catherine Turner CEO & Commissioner Equality & Human Rights Commission – <i>for item 1 only</i> Mrs Vyona Young, Equality & Human Rights Commission (VY) – <i>for item 1 only</i> Ms Allison Carter, Crown Counsel (Community Care) (AC) – <i>for item 1 only</i> Ms Catherine Williams, Legislative Drafter (CW) – <i>for item 1 only</i>
	Apologies:	Hon Gavin Ellick (Hon GE)

Hon TG welcomed all to the meeting with a special welcome extended to CT, LY, AC and CW.

Open Session

1. Disability Legislation Proposal

CT and Hon TG declared their interest.

CT advised that for the last couple of years they had been looking at ways to introduce legislation applicable to the private sector and had been talking about equality legislation. There are many people who are denied jobs because of their disability, their religion etc. There are also a number of issues regarding disabled access to buildings etc. CT said that there is currently no legislation in place to protect people working in the private sector. The St Helena Disabled society had also been looking at disability legislation and therefore VY had asked the EHRC Commission to take it forward and CT felt that it could be a combined ordinance for equality and disability.

Whilst the SCDC supported the introduction of legislation to protect the vulnerable and disabled people on St Helena, a mandate was given to the AG's Chambers to first clarify the position as to what precisely is required, what already exists in law and might need strengthening (employment legislation) and what the needs are in legislation terms after this review is conducted. The AG's Chambers will need to clarify whether the Constitution only applies to SHG, as understood by CT, or includes the Private Sector in which case if it does then the legislation proposal for separate legislation for Disability & Equality might not need to be drafted. CT/VY can assist where appropriate.

(Action: AC/CW/CT/VY)

CT had been advised by Ian Hendry that a person cannot sue an organisation for discrimination under the Constitution but can only do so under an Ordinance. CT to locate the advice that Ian Hendry had given her in the past and send to AG's Chambers to review.

(Action: CT)

NP/Hon TG to complete the decision form and send to the Promotor/AG's Chambers.

(Action: NP/Hon TG)

NP/Hon TG to keep in view position update from the AG's on this matter.

(Action: NP/Hon TG)

2. Confirmation of Open minutes from the meeting held on 11 September 2019

The open minutes from the meeting held on 11 September was confirmed.

3. Matters Arising

3.1 Equality & Human Rights Update

NP to check with CEO/EHRC on the Equality & Human Rights Annual Report to circulate to the Committee.

(Action: NP)

3.2 Update on Review of the Immigration Ordinance

Hon DT reported that work had been slightly delayed on the above due to the new Immigration officer reviewing the draft legislation and the policy. However the review is nearing completion and will be taken to all Elected Members as previously agreed, with separate endorsement after from SCDC.

NP to keep in view (KIV) the Immigration Ordinance Review and draft Policy for Committee endorsement after it has been discussed with all Councillors for their buy-in. Consultation to be held thereafter.

(Action: Hon DT/NP)

3.3 GDPR

Hon TG advised that this matter had been discussed in Chairpersons Assembly but this information is not available to publish as of yet but the Chief Secretary is organising a form of words to inform the public about this matter.

4.5 SHNT Ordinance/Regulations

The draft SHNT Regulations are still with the AG's Chambers. NP to KIV further drafting from the AG's.

(Action: NP)

4.6 Occasional Liquor Licence

NP to KIV a draft proposal for Committee from Hon DT.

(Action: Hon DT/NP)