

**Open Minutes of the Social and Community Development Committee Meeting held on  
Wednesday, 11 December 2019 at 9 am in the Council Chamber**

<b><u>Present:</u></b>	<b>Deputy Chairman:</b> Hon Cyril Leo (Hon CL)
	<b>Members:</b> Hon Derek Thomas (Hon DT) Hon Gavin Ellick (Hon GE) Hon Jeffrey Ellick (Hon JE)
	<b>Non-Voting Members:</b> Mrs Tracy Poole-Nandy, Director of Children & Adults Social Care (TPN) Mrs Gillian Francis, Deputy Chief Secretary (GF)
	<b>Secretary:</b> Mrs Nicole Plato, Executive Assistant, Corporate Services (NP)
	<b>Invited:</b> Mrs Catherine Turner, CEO/Commissioner, Equality & Human Rights Commission (CT) – <i>for item 1 only</i> Miss Tara Sutcliffe, SHNT Director (TS) – <i>for item 2 only</i>
	<b>Apologies:</b> Hon Anthony Green, Chairman (Hon TG)

Hon CL welcomed all to the meeting and advised that he would be chairing the meeting in Hon TG's absence. A special welcome was also extended to Hon JE as a new Member of the SCDC.

**1. Amendment to the Equality & Human Rights Commission (EHRC) Ordinance**

Hon CL welcomed CT to the meeting and was wished a belated happy Human Rights day and thanked CT and the Commission for all the work that they do for Human Rights on the Island.

CT advised that HE requested a change to the EHRC Ordinance as it was clear that HE appoints Commissioners but there was no transparent process in the selection of Commissioners and an independent process is needed.

In the past, people were chosen to be a part of the Commission and was appointed as Commissioners without a proper selection process in place. Going forward, the Commission should represent St Helena as a whole, not just a small group of society.

The amendment to the ordinance seeks to target a representative group from the public. Following discussions between the EHRC and Judge Ekins, the Judge agreed to allow the Judicial Services Committee (JSC) to review and recommend Commissioners and other statutory appointees to His Excellency the Governor for appointment to the EHRC. Instead of establishing a new body, it was agreed to use the existing JSC which will also save on money.

As a query raised, CT advised that their off island Commissioner has human rights experience that no other Commissioner has and she joins the meetings via video link to contribute to the meetings. She is an unpaid Commissioner and refuses to take any payment for her services; her advice is invaluable to the Commission. Hon CL requested CT to convey the Committees appreciation to the off island Commissioner for her invaluable advice and support to the Commission despite being off island and providing this service for free.

**(Action: CT)**

The Attorney General (AG) had said that a new policy for this amendment to the ordinance was not needed due to it being a relatively small change.

CT advised that this amendment will also help to achieve the Paris principles which is the international minimum standards set by the UN that the EHRC must meet if they are to be legitimate, credible and effective in promoting and protecting human rights; independence is one of the essential requirements to have in place.

The Committee endorsed the Equality & Human Rights Commission (Amendment) Ordinance subject to ensuring that the wording is correct under 4A.

**(Action: CT)**

NP/Hon CL to complete the proposal Decision document for this item and send to the promoter and the AG to take forward.

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

## **2. St Helena National Trust (Amendment) Regulations**

TS was welcomed to the meeting and introductions were made. Hon CL and Hon GE declared their interests as both are involved in the Trusts activities.

TS advised that that the amended Regulations will introduce a number of improved governance measures as part of the Trust's strategic and operational development. The accompanying table outlines the full suite of changes to the regulations but the two significant changes include the following:

- Placing the Trust's society members into Regulations following their removal from the Ordinance in March 2019.
- Removal of responsibility for the Historic Environment Record. Whilst the Trust remains committed to protecting and promoting Island heritage, this move recognises the reality of stretched resources and the Trust's inability over recent years to deliver on this responsibility.

TS said that another small change to the regulations is the replacement of the Farmers Association with the Fishermen's Association due to the former currently being inactive but could be included in the future if the group is re-established. A suggestion was made by GF to include this in the regulations but TS advised that they do have at large members on the Trust Council in any case; as part of cooperative working, a draft MOU has been created to show how the Trust Council can meet their shared aims.

The Committee recognised the length of time it had taken since the recommendation was made by SCDC for the changes to the regulations and was therefore happy to endorse the SHNT (Amendment) Regulations for onward transmission to ExCo.

**(Action: TS)**

NP/Hon CL to complete the proposal decision document for this item and send to the promoter and the AG to progress.

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

## **3. Consultation Plan – Fixed Penalty Notices**

NP reviewed the draft consultation plan for Fixed Penalties (FPM's) with the Committee and the following was agreed:

- The proposed dates for the consultation meetings subject to the availability of the venues – meetings to start on 9 January.
- Consultation meetings to be held in all of the districts as listed, due to FPN's being new to the Island.

- The whole Committee won't attend each meeting but SCDC reps will attend with the Chair, Attorney General and Director of Police/rep.
- Consultation should be for a 6-8 week period with an opportunity for written feedback to be sent to the Secretary and/or Chair within the consultation period.

It was also noted that this consultation could potentially be combined with the consultation on the Tobacco legislation that is also to be undertaken in mid-Jan 2020 whilst also ensuring that the length of time of the meetings are not too long as Members of the public have commented on this before.

**(Action: Members/NP)**

#### **4. Confirmation of Open minutes from the meeting held on 13 November 2019**

The minutes of the open meeting held on 13 November was confirmed.

#### **5. Matters Arising**

NP/Hon TG to ensure that documentation for meetings is ideally sent in one email if at all possible for Committee meetings, instead of a piecemeal approach. It was also noted that this depends on the receipt of information being sent by Officers within the deadline given.

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

##### **5.1 Disability Legislation Update**

TPN advised that she is taking this forward as the SHG promoter who will also meet with the AG's Chambers to discuss the requirements and take this piece of work forward; the adults legislation will incorporate some of the disability aspects. Reasonable, affordable and practical options will be looked at. TPN to keep the Committee updated.

**(Action: TPN)**

##### **5.2 Introduction to New Staff Member**

GF said that she had not received from Lynval Thompson the corporate parenting pack but it was noted that he was currently off island and would follow up with him when he returns.

**(Action: GF)**

##### **5.3 Information Bill**

GF reported that she is now awaiting an advisory note from the Attorney General (AG). A follow up meeting was held with the AG and the legislative drafter who felt that FOI legislation can go ahead without data protection, however from the beginning we have been told one legislation cannot be taken forward without the other, therefore further advice is needed. GF to share the advisory note with SCDC upon receipt.

**(Action: GF)**

##### **5.4 Update on Review of the Immigration Ordinance**

Hon DT reported that the draft Immigration Policy is currently with SHG officials for feedback. The ordinance review has been completed.

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: NP/Hon DT)**

##### **5.5 Amendments to the Liquor Ordinance**

Hon DT and Hon TG to meet to discuss and draft a proposal to include two amendments to the Liquor Ordinance. NP to KIV.

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

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