

**Open Minutes of the Social and Community Development Committee Meeting held on Monday, 20 January 2020 at 10 am in the Council Chamber**

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| <b><u>Present:</u></b> | <b>Deputy Chairman:</b> Hon Anthony Green, Chairman (Hon TG)  |
|                        | <b>Members:</b> Hon Cyril Leo (Hon CL)<br>Hon Derek Thomas (Hon DT)<br>Hon Gavin Ellick (Hon GE)<br>Hon Jeffrey Ellick (Hon JE)   |
|                        | <b>Non-Voting Members:</b> Mrs Victoria Kellett, Asst. Director of Children & Adults Social Care (VK)<br>Mrs Gillian Francis, Deputy Chief Secretary (GF)   |
|                        | <b>Secretary:</b> Mrs Nicole Plato, Executive Assistant, Corporate Services (NP)  |
|                        | <b>Invited:</b> Miss Tara Sutcliffe, SHNT Director (TS) – <i>for item 2 only</i><br>Mr Phil Sharman, Chief Auditor (PS) – <i>for item 2 only</i><br>Mr Shepherd Mwamuka, Locum Social Worker (Children's Social Care) (SM) – <i>for item 3 only</i> |
|                        | <b>Apologies:</b> Mrs Tracy Poole-Nandy, Director of Children & Adults Social Care (TPN)  |

One Member of the public attended for item 2.

Hon TG welcomed all to the first SCDC meeting of 2020.

**1. Declaration of Interests**

As a recommendation from the Internal Audit Governance report, Committees need to have a specific item on the agenda that deals with the above so that Members can declare their interests at the start of the meeting, however this does not stop Members from declaring their interest later on if items arise that conflicts with them. Going forward, this will be a standard item on the agenda.

**(Action: NP)**

VK declared her interest for item 6 on the agenda.

Hon CL and Hon GE declared their interests for item 2 on the agenda as they are both involved in SHNT activities.

**2. Additional amendment to the St Helena National Trust (SHNT) Regulations**

PS and TS were welcomed to the meeting. Hon TG said that the authority already exists within the ordinance for the Chief Auditor to be the Auditor for the SHNT unless they request the services of another Auditor of whom the Chief Auditor has to approve. The 2019 amendment ordinance introduced this amendment but the regulations will implement how it should be carried out. PS confirmed that this was correct and reiterated that this amendment is about how that power is exercised. However, the default position is that the Chief Auditor is the Auditor but this amendment regulation gives the SHNT the ability to suggest an alternative Auditor which is to be approved by the Chief Auditor.

TS said that there is no provision in the governing documentation which is the ordinance and regulations to set the Auditor at the AGM and that the Trust council is not in agreement with this amendment to the regulations; they only agreed on the amendment regulations submitted to Committee in December 2019.

PS advised that the usual place to decide on the Auditor is at the AGM and this is standard practice. This is entirely about good governance and certainty of who should be the Auditor.

Comments from the committee were as follows:

- The reason for the change is to do with finance to get better value for money but the SHNT is subsidised by SHG therefore when subsidy come through, certain part of it should be ring-fenced for Audit and this could be a solution. However at the same time we don't want to be telling the SHNT how to spend their money. *PS said that this is a valid point but these fees cover audit costs and they are not for profit. The Chief Auditor will ensure that the Auditor appointed is competent to carry out the role. Admin, governance and audit is part of the subsidy but this is a matter for the SHNT Council to spend that money but notionally there is a part that pays for the ordinance. It is simply about knowing who the Auditor is for the year. TS clarified that they do not have a budget line for Audit but they are included under staff costs so if there was a section for audit it would have a knock on effect on the staffing costs. TS noted that having the ability to request another auditor could create cost efficiencies.*
- Deciding who the Auditor is at the AGM is best practice; we should not get involved with the fee as this is operational. The Chief Auditor wants to ascertain whether the person is competent enough to do the job which is good governance.  
*TS said that the Trust Council did discuss this and did not agree that the Auditor need to be agreed at the AGM partly because the AGM is next week therefore there is limited time and therefore they would be forced into appointing the Chief Auditor so it takes away the autonomy from the SHNT to set the Auditor.*  
*PS clarified that by law, the Chief Auditor is the Auditor unless another one is appointed so it is reasonable that 10 months into the financial year that the Trust continues with the default Chief Auditor to audit this years accounts; if the SHNT wants to change the Auditor then this can be agreed for 2020-21 audit. The regulation will bring in an orderly process if the Auditor is changed.*
- The Trust council need to understand that this regulation does not stop them requesting someone else to do the auditing but that the Auditor should not be chosen at the 11<sup>th</sup> hour but should be done in a timely manner.
- In the pink estimates book, the SHNT is grouped with 17 other bodies and 12 of those receive a lot more subsidy from SHG than the SHNT therefore do they have to appoint an Auditor or state at their AGM who the Auditor will be? *PS said that the SHNT is responsible for built, environmental and cultural heritage of St Helena; the other organisations are voluntary clubs and societies and they are not regulated under an Ordinance like the SHNT is due to the national assets that they are responsible for. PS clarified that they do not audit the subsidy of the SHNT but the whole accounts. Even if they had no subsidy he would have to audit the full accounts.*
- Other organisations who receive more subsidy than the SHNT should be having the same standard setup with Audit. *PS said that this might be something that Councillors might wish to pursue and take a recommendation forward on this.*

After much deliberation, the Committee endorsed the additional amendment to the SHNT regulations in line with good governance for onward transmission to ExCo on 21 Jan.

**(Action: HonTG/NP)**

HonTG/NP to complete the decision form and send back to the Promoter and AG to process.

**(Action: HonTG/NP)**

The Committee requested that TS explain to the Trust Council that they cannot pick someone at the 11<sup>th</sup> hour to be their Auditor and that this amendment to the regulations ensures that an orderly process is in place.

**(Action: TS)**

Hon TG thanked PS and TS for attending and explaining both sides of the argument.

### **3. Introduction to new Staff Member**

Hon TG welcomed SM to the meeting and apologised for the delay in his item. SM was introduced to the Committee and informed of the remit of SCDC.

SM informed the Committee that he had joined the Social Care directorate in December 2019 as a Locum, working with the Children's Social Care team for eight months. VK said that the service is happy to have SM as he brings a wealth of experience in relation to child social care to the service.

SM said that he had worked in Child Safeguarding as a Child Protection social worker for the past 11 years, working in the UK in a number of different roles across child safeguarding. SM expressed his happiness to be here and offer the service as best as he can on Island.

Hon DT invited SM to let him know if there is anything he could do as a politician to take things forward as the Children's Champion. Hon DT also advised that a Youth Parliament is in place to which SM was very happy to hear as he is passionate about the needs of the child.

**(Action: SM)**

The committee was happy to welcome SM to the island and to the service and wished him well in his role and requested that he informs them of any feedback on how to improve the welfare of children on Island.

**(Action: SM)**

### **4. Confirmation of Open minutes from the meeting held on 11 December 2019**

The minutes of the open meeting held on 11 December 2019 was confirmed.

### **5. Matters Arising**

#### **5.1 Amendment to the Equality & Human Rights Commission (EHRC) Ordinance**

The above amendment had been submitted to ExCo and will be taken to LegCo tomorrow.

#### **5.2 St Helena National Trust (Amendment) Regulations**

The initial amendments to the SHNT Regulations brought to the Committee in December 2019 will be submitted to LegCo tomorrow.

#### **5.3 Consultation Plan – Fixed Penalty Notices**

Hon TG advised that they were in the midst of conducting public consultations on the FPN's and despite limited attendance from the public at these meetings, those who have attended has given their full support to this legislation. Members were reminded of the last three meetings to attend this week and the deadline for comments is 21 February. Hon TG requested that if Members had any comments from the community on this legislation to feed them back to himself or NP.

**(Action: Members)**

#### **5.4 Disability Legislation Update**

TPN as the SHG promoter is taking forward the above legislation. TPN to keep the Committee updated.

**(Action: TPN)**

### 5.3 Information Bill

GF advised that she is still awaiting the advisory note from AG's Chamber and have also sent them a subsequent reminder. 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 he had received feedback from the administration and this feedback was reviewed with the working group to incorporate it in to the policy. When comments have been reflected into the policy, the revised Immigration policy will be circulated to Committee following which it is hoped that it can be submitted and discussed at SCDC for onward transmission to ExCo and thereafter public consultation.

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.

**(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/NP)**