

**Open Minutes of the Social and Community Development Committee Meeting held on
Wednesday, 12 May 2021 at 9 am in the Council Chamber**

<u>Present:</u>	Chairman:	Hon Anthony Green, Chairman (Hon TG)
	Deputy Chairman:	Hon Cyril Leo (Hon CL)
	Members:	Hon Derek Thomas (Hon DT) Hon Jeffrey Ellick (Hon JE) Hon Gavin Ellick (Hon GE)
	Non-Voting Members:	Mrs Tracy Poole-Nandy, Director of Children & Adults Social Care (TPN) Mrs Gillian Francis, Deputy Chief Secretary (GF)
	Secretary:	Mrs Nicole Plato, Executive Assistant, Corporate Services (NP)
	Invited:	Mr Allen Cansick, Attorney General (AG) – <i>for item 2 only</i>

Hon TG welcomed all to the meeting.

1. Declarations of Interest

No declarations of interest were made. Members were reminded to declare their interest when necessary throughout the meeting.

2. Draft Public Access to Information Bill

The AG advised that the draft Public Access to Government Information Bill had previously been considered by SCDC and ExCo last year but at the request of ExCo, an independent appeals mechanism has now been included in the Bill. The draft Bill is currently out for public consultation and can be accessed on the SHG website.

The AG reviewed the updated draft bill with the Committee.

Comments/questions from the meeting were as follows:

- Under section 4, if the AG's Chambers provided advice to the Information Officer but the Information Officer said that they can't have the information requested they can appeal to the Chief Magistrate (CM) and the CM don't have to see advice by the AG's Chambers? Is this correct? *The AG confirmed that was correct because it is legally privileged advice.*
- Why are we sending this to ExCo and not anyone else? It would be best to have guidance and education on the process for appeals. *The AG said that the reason for just taking this to ExCo was because this bill covers SHG information.*
- Suggest that it should remain with the Chief Magistrate and not escalated to ExCo because it would be controversial.
- Having an appeals section included is essential to the law but why was it not included at the start? *The AG said that at the beginning it was deemed that such a mechanism would be too expensive and burdensome but ExCo since agreed that the appeals mechanism have to be included otherwise it is not much more than the original code.*

It was noted that Linda Benjamin is the Information Officer.

Hon TG requested the Committee to review the amendment bill and send NP any comments on the newly added section on appeals to the bill by cop 21 May for NP to collate comments and send to the AG.

(Action: All)

The AG said that he can attend another session with the Committee to discuss this further next Wednesday if needed.

3. Review of the Elections Ordinance (Plan for the next 3 months)

The Committee agreed for the combined review of the Elections Ordinance report to be uploaded to the SHG website and for a link to the report to be included in the SCDC meeting summary for the month of May.

(Action: NP/Hon TG)

Hon TG reviewed the recommendations with the Committee and reminded them what the Committee had agreed:

- Recommendation 1 – Committee did not agree the compulsory voter registration therefore no action required.
- Recommendation 2 – the Committee did not agree this recommendation therefore no action is required.
- Recommendation 3 – the Committee agreed this recommendation and is an action for the Registration Officer to take forward i.e. to maintain a register of those serving sentences of 12 months or more for the purposes of updating the register of electors.

(Action: Registration Officer)

- Recommendation 4 – the Committee noted that this provision already exists in law, therefore no additional change to legislation is needed. NP was requested to inform Aldhelm, Crown Counsel (Marine) about this.

(Action: NP)

- Recommendation 5 – the Committee agreed this recommendation; no further action required.
- Recommendation 6 – the Committee agreed this recommendation for which the law will need to be changed. GF agreed to request the Head of Corporate Support to draft a policy for recommendation 6 (proxy voting).

(Action: GF/Head of Corporate Support)

- Recommendation 7 – the Committee felt that this was a recommendation that could possibly be looked at in the future but not at this time; any proposal would have to be well thought through. Committee agreed that this recommendation should not be taken forward at this time.
- Recommendation 8 – the Committee agreed this recommendation which will also require a law change. GF agreed to request the Head of Corporate Support to draft a policy for the law change as well as a plan to take forward the practicalities (postal voting).

(Action: GF/Head of Corporate Support)

- Recommendation 9 - the Committee agreed this recommendation. No Further Action required.
- Recommendation 10 - the Committee agreed this recommendation. No Further Action required.
- Recommendation 11 - the Committee agreed this recommendation. No Further Action required.
- Recommendation 12 - the Committee agreed this recommendation. No Further Action required.
- Recommendation 13 - The Committee agreed this recommendation but action to be deferred to the next Council. Public consultation would also need to be held in due course.

(Action: New Council)

- Recommendation 14 – committee agreed and noted that this linked to recommendation 13.
- International Observers – the Committee agreed this recommendation in the supplemental note but a law change is needed as well as a policy but Hon TG agreed to check first for a further update from the Deputy Speaker on this before it is taken forward because the Deputy Speaker had been in touch with the CPA on this. GF said that the only concern with doing monitoring virtually would be our bandwidth constraints.

(Action: Hon TG)

- Saint status - the Committee agreed that this would depend on the new Immigration ordinance. Currently the legislation does not include the provision of a Permanent Resident Status but the new one will. This recommendation needs further consideration in the future and will therefore need to be placed on hold until the new Immigration Ordinance comes into force and will need to be taken forward by the new Council.

(Action: New Council)

The Committee requested NP to produce a summary document of SCDCs agreement on all of the recommendations.

(Action: NP)

4. Confirmation of open minutes from the meeting held on 14 April 2021

The Open Minutes of the meeting held on 14 April were confirmed subject to the following amendments:

- Item 2, paragraph 4 – insert the word ‘in’ between the words ‘process’ and ‘any’.
- Item 2 – replace ‘Members gave full support’ with ‘There was majority support’ as Hon GE did not give support to the archives lending policy.
- Item 2 – replaces ‘excludes’ with ‘exclusion of’.

(Action: NP)

5. Matters Arising

5.1 Elections Ordinance Recommendations

The Committee requested NP to check with CG if she had managed to clarify the point about the Ascension right of abode issue with the AG’s Chambers which could potentially affect the current law on the 30 month stipulation of being continuously resident on island and could affect their eligibility to register to vote.

(Action: NP/ CG)

5.2 World Café Event

NP to KIV for the Committee the graphic recording from Sam Dunn.

(Action: NP)