MINUTES OF ISLE OF MAN MUNICIPAL ASSOCIATION MONTHLY MEETING HELD AT BRADDAN COMMISSIONERS’ OFFICES AT 7PM ON THURSDAY 30 JUNE 2016

Present:

Vivien Quane  Lezayre Commissioners  Chairman
Rob Callister  Onchan District Commissioners  Vice-Chairman
Raina Chatel  Douglas Borough Council  President
Andrew Jessopp  Braddan Commissioners
Neal Mellon  Braddan Commissioners
Richard McAleer  Castletown Commissioners
Betty Quirk  Douglas Borough Council
Liam Miller  Garff Commissioners
Robert Moughtin  Garff Commissioners
Christine Faid  German Commissioners
Martyn Faid  German Commissioners
Alison Lynch  Marown Commissioners
Bob Pilling  Malew Commissioners
Steve Debnam  Michael Commissioners
Krystine Malcolm  Michael Commissioners
Mike Neary  Michael Commissioners
Chris Quirk  Onchan District Commissioners
Eddie Convery  Peel Town Commissioners
Alan Jones  Peel Town Commissioners
David Greenwood  Ramsey Commissioners
Luke Parker  Ramsey Commissioners
Graham Connor  Secretary
Barbara Dunworth  Former secretary

1. Apologies for absence

Apologies for absence were received from Ann Corlett of Douglas Borough Council, Alex Toohey of Marown Commissioners, Alec Merchant and Andrew McPhair of Port St Mary Commissioners, and Peter Gunn of Rushen Commissioners

2. Welcome

The Chairman welcomed Chris Thomas MHK, our guest speaker accompanied by Emily Curphey, Director of Strategy, Policy and Performance. The Chairman also took the opportunity both to greet new Members and to encourage people round the table to introduce themselves as it was recognised that quite a number of fresh faces were present.

3. Mr Chris Thomas MHK

Mr Thomas advised that he wished to consider two distinct issues at the meeting. Firstly, he wished to take the opportunity to discuss the training requirements for Local Authority Members and what the Department can do to assist/facilitate any training needs. Emily Curphey would take the lead on this subject. Secondly, Mr Thomas wanted to provide
feedback from the Local Authority briefing meetings which concluded this evening giving a round-up of how these have gone and to pass on some key messages from the Minister.

a) Training requirements

Ms Curphey advised that new Commissioners had been asked about their training needs at the Local Authority Drop In session on 13 June. The following areas had been identified:

- How planning works
- Housing allocation criteria
- Communications training
- Financial regulations
- Freedom of Information – from January 2017 for Local Authorities being pursued through Clerks’ forum meetings.
- Data protection – much useful information can be found at the website of the Isle of Man Information Commissioner https://www.inforights.im/
- Public interest

Both Members and the Department were aware of the Local Authority Guidance Book. This had been in existence for many years and it was felt was in need of redrafting to make it more user friendly. It was hoped that Commissioners’ clerks might be able to collaborate in this updating process. In the meantime, it was suggested the current volume would still contain a wealth of useful information and copies should be made available. It was unclear whether this could be done electronically as well as in paper form, and if a search facility could be incorporated. The Secretary would make arrangements to obtain copies as appropriate but it needed to be borne in mind that some sections would be well out of date. AP Secretary

Members felt that there was disparity between Government Departments in terms of the way they spoke to Commissioners and the information which they were prepared to give. To help eliminate such inconsistency it was felt that an in house guide for Civil Servants on such matters was essential rather than just something which might be helpful. Situations where it was not possible for Commissioners to go to their Clerk also needed to be addressed.

Members recalled that there had previously been a training day in the Barrule Suite which had been both informative and useful. Given that there had been a significant intake of new Commissioners Members agreed that a similar event might be worthwhile. However, this ought not to be available to all Commissioners since it was felt that many would appreciate a refresher/update. If possible, the event should use the current Guidance Book as its starting point broken down into appropriate sections and updating material necessary. This should cover many of the foundation issues detailed above. The Secretary and Ms Curphey would liaise regarding arrangements. AP Secretary

Mr Thomas concluded by saying that it was clear that training needs should be considered a joint effort. The Chairman thanked Ms Curphey for the information provided and advised that training for Commissioners and Clerks was a separate agenda item for later in this meeting. Members would consider options in addition to those already put forward and be in touch through the Secretary shortly.
b) Briefing meetings feedback and key messages

There are five specific areas where feedback and messages were appropriate:

1) Regional briefings had considered Local Authority Waste Management, Housing and Governance and were now complete. We are now in a transition period prior to adopting an agreed policy which would then need to be widely communicated.

2) Following the Election in September 2016 the new administration would be seeking a steer on proposals for a new Local Authority Election Act and Representation of the People Act. Clearly there would also be an opportunity to provide feedback on the areas which the Municipal Association felt government should be prioritising. **AP Members**

3) Tynwald members have a Code of Conduct in place with a report and recommendations regarding how this is working due from the committee by November. It was important to consider the relationship between the government and commissioners and the government and other departments in this context. It was suggested that the Municipal Association might wish to gather and submit evidence, particularly in the areas of bullying and malpractice. Members noted that Douglas Borough Council already had a members’ standards committee of its own but were concerned that despite there being a process in place it was important to set up such enquiries using independent people. **AP Members**

4) Mr Thomas advised that although legislation for the introduction of an Ombudsman had been passed in 2011 the Office had yet to be set up. There was some discussion among Members regarding the areas in which the Ombudsman should operate. It was felt that a key role would be to consider maladministration in planning and some concern was expressed regarding the make-up of standing committees and the need for parties to declare an interest where appropriate. The position of Ombudsman would not be a full-time role and potential costs needed to be taken into account but proposals were currently being worked up.

5) Although the end of the consultation on Local Authority transition had been reached implementation (Phase III) had still not been determined and the opportunity was still there for Local Authorities to put forward what this phase should comprise. Emily Curphey advised that an audit of community facilities was currently being undertaken and any feedback regarding under- or overprovision would be gratefully received. Mr Thomas spoke about whether there should be a national libraries policy. A variety of views were expressed by Members. These included:

   i. There was little to be gained by putting more facilities in place where they were not going to be used
   ii. Local Authorities should discuss what their needs are and submit these views to government.
   iii. On a policy level do Local Authorities want to run sports halls, libraries etc.?
   iv. Government should do the big things.

Mr Thomas advised that the Report of the Select Committee on Planning and Building Control (Petition for Redress)– the findings of the Jenkins petition committee will be debated and decided in July Tynwald. Details of the recommendations and a link to a full copy of the report would be provided for distribution to Members. **AP – Secretary**

On planning issues Members made the following comments:

i. Despite there being clear zoning guidelines planners did not stick to these.
ii. There should be potential for councillors or commissioners to be involved within the planning decision making process. This would require legislative changed but could be included within the new Town and Country Planning Bill scheduled for 2017/19.

iii. Garff Commissioners advised that they always took particular care and paid attention to detail in respect of planning matters and always made appropriate responses. Nevertheless, they were sometimes baffled by the decisions made. Peel Town Commissioners and Castletown Commissioners were also commended for their planning submissions. It was felt that there would be some benefit in Members sharing any examples of procedure or best practice, redacted if appropriate, which could be sent to the Secretary for distribution. **AP Members**

Mr Thomas concluded by saying that government was keen to collaborate with and encourage the involvement of the Municipal Association wherever possible. Indeed, he recalled a time when the Association had been represented on Government Committees. The Chairman thanked Mr Thomas and Emily Curphey for their attendance and the positive and open manner in which business had been conducted. The Secretary would be in touch regarding action points where appropriate.

4. **Minutes of May 2016 meeting**

The Minutes of the meeting held on 19 May 2016 were approved as a correct record and signed by the Chairman. The 2016 Annual General Meeting minutes and Treasurer’s Report had also been circulated for consideration but did not fall to be formally approved until the 2017 AGM.

5. **Matters arising from minutes**

There were no matters arising from the Minutes.

6. **Treasurer’s Report**

The report had been circulated and noted.

7. **Secretary’s Report**

The report had been circulated and noted. Mr Connor added that he had also written to the hosts, Douglas Borough Council, and the Meadows Pavilion to thank them for their hospitality and the service provided at the 2016 Annual General Meeting.

8. **Public Services Commission**

There was no further update at this time.

9. **Richmond Hill Consultative Committee**

Andrew Jessopp and Alan Jones reported back on a meeting held on 29 July 2016 with Minister Ronan and Richard Loll Chief Executive of DEFRA. They saw value in the work of the RHCC but did not have this at the top of their priorities. Certainly there was no desire to disband the committee. A number of Clerks had written to the Minister as urged in the Secretary’s e-mail of 25 May 2016. Effective monitoring of the Energy from Waste Plant was
essential. A further meeting was due to be held towards the end of August but it would also be necessary to consider the remit and constitution of the committee.

Bernard Warden, Head of the Health and Safety at Work Inspectorate would be writing to all Clerks shortly and copy the Municipal Association into that letter. Braddan Commissioners expressed appreciation for the work being done through the Municipal Association to ensure that effective monitoring continued to be undertaken. Going forward Members agreed that Eddie Convery would attend the RHCC along with Andrew Jessopp who already participates on behalf of Braddan Commissioners. Chris Quirk said that he would also go along if needed and it is believed that Cath Turner attends representing Douglas Borough Council.

10. World War I Commemorations

There were local events to commemorate the 100th anniversary of the start of the Battle of the Somme. Details could be found on the Government Website.

11. Training Forum for all Clerks and Commissioners

This section should be read in conjunction with item 3a above.

Members considered who should be invited to speak at meetings from August to November. The following names were suggested (subject to availability):

August – Michael Gallaher (Planning) AP Bob Pilling to provide contact details
September – Kath Ashton (Human Resources) Douglas Borough Council
October – Department of Infrastructure
November – DEFRA

The format of a basic overview course to Commission and Councillors was considered with the aim being to have this delivered by September at the very latest. This should be run by the Department with Municipal Association support. As a bare minimum it needs to cover statutory duties and powers along with financial and employment matters. As mentioned earlier there may be scope for further sessions using the contents of the current Guidance Book as a template. If there are any further specific topics for inclusion details should be sent to the Secretary. AP Members (topics) and Secretary (organisation)

12. Topics for discussion with Minister Teare in July

a) Brexit and challenges arising
b) Public Sector pension
c) Members would consider and identify other areas and issues of interest between now and the next meeting and put them forward on the night. AP Members

13. Any other business

There were three items:

1. Pricing structure at the Energy from Waste Plant
Rob Callister spoke about the new pricing structure at the Energy from Waste plant which was initially due to be implemented in 2017 but which had been brought in a year early. Fixed costs were in place until 2029 but there need to be a fair pricing structure. Rob considered there to be three ways in which this could be done:

I. By weight with lower tonnages attracting a higher tariff. This had the potential to set Local Authorities against each other
II. Using the rating system. This could be the way forward in the longer term but would need a review of usage
III. By Population. There would be losers and winners but the effect would be spread across the entire Island

Members were concerned that charges had been implemented arbitrarily by officers and without full consultation. There was some discussion regarding the amount which should be paid this year. Rob and Bob Pilling were to take up the matter at a meeting with government scheduled for 06 July. It was also suggested that Local Authorities might wish to take legal advice on the validity of the charges. Notes from the meeting would be sent to the Secretary who would circulate them and ensure that this was a separate topic on the next meeting agenda.

2. Removal of people from the electoral register

Alan Jones expressed his concern regarding actions taken to remove individuals from the electoral register without good reason. He had provided copies of what he considered to be an unsatisfactory exchange of correspondence with government on this matter. This was not simply a matter of people themselves failing to register but rather people being removed from the register without their knowledge and contrary to current law. The view of Peel Commissioners was that regulations should be followed or legislation should be amended to reflect current practice.

3. Badges

The sample badge obtained was approved and it was agreed that further badges would be obtained for the President, Vice-Chairman and Secretary. **AP Secretary**

The Chairman thanked everyone for attending and the meeting closed at 9.10pm.

Date of next meeting: Thursday 28 July at 7pm.

Signed………………………………………………..Chairman

Date………………………………………………….