

**Local Government (Amendment) Bill 2021 –
Third Reading approved**

The Speaker: I call therefore on Mr Baker to move Third Reading.

Mr Baker: Thank you very much.

I would like to thank the Hon. House for supporting Third Reading at this stage and for the support at both Second Reading and at clauses stage.

I would also like to thank my seconder, Mr Callister.

Mr Speaker, it must be acknowledged that the main driver of this Bill is to facilitate the implementation of a number of recommendations of a Select Committee of Tynwald – the Select Committee of Tynwald on Local Authorities: Members' Interests (Petition for Redress). These recommendations have been agreed to by Tynwald.

The implementation of the Select Committee's recommendations, along with other amendments relating to access to meetings and documents, will greatly improve the governance of the Island's local authorities by making them more open and transparent to their ratepayers. Furthermore, the Bill is proposing to update enabling provisions relating to the Local Government Superannuation Scheme within the Superannuation Act 1984. These amendments will allow the Department to apply UK local government pension regulation to the Island that may be beneficial to the Island scheme.

The Bill also updates the provisions of the Local Government Act 1985 relating to joint boards and some minor amendments to other local government legislation, such as the Local Government (Miscellaneous Provisions) Act 1984.

Mr Speaker, this Bill will also change the procedure in which local authority byelaws are approved. Local authority byelaws will only require departmental approval. This change in procedure will help to streamline the approval process for local authority byelaws.

The Local Government (Miscellaneous Provisions) Act 1984 specifies that a local authority shall hold and manage open space for the purpose of allowing the enjoyment by the public. This Bill will allow local authorities to lease or license open space to other parties, so as to manage and to use those spaces for the benefit of the community.

Mr Speaker, this Bill will clarify the status of the local authority boundaries and how those boundaries can change, either through mergers or extensions. Furthermore, the Bill will also devolve the power to set members' expenses and allowances to the local authorities.

Finally, in light of the sale of the Old Market Hall on North Quay, the Douglas Market Act 1956 is no longer required. This Bill will repeal that Act.

I hope that Hon. Members will now give this Bill their full support. I beg to move that the Local Government (Amendment) Bill 2020 be read for the third time.

The Speaker: Mr Callister.

Mr Callister: Thank you, Mr Speaker. I beg to second.

The Speaker: Mr Hooper.

Mr Hooper: Thank you, very much, Mr Speaker.

Having not had answers to questions I raised at Second Reading, still not having had answers today, and seeing a letter this morning circulated by the Chairman of Peel Commissioners raising significant concerns about the Bill that actually we have not had time to digest yet, I will not be supporting Third Reading today.

The Speaker: I call on the mover to reply.

Mr Baker: Thank you, Mr Speaker.

It is interesting to know that the letter from Peel Commissioners once again was circulated to certainly many Hon. Members.

Several Members: No.

Mr Hooper: Just me then!

A Member: Just you!

Mr Baker: To some Hon. Members. At least this time Peel Commissioners did have the courtesy to send to me, which is an improvement, although they did send it very late last night – well, not very late; 17:46 – but thanks to my officers for being able to digest the contents –

A Member: What time do you go to bed? *(Laughter)*

Mr Baker: Thanks to the officers for being able to digest the contents of the letter and to give me some suitable points to make in response.

The Department did respond to all local authorities on 13th May, providing them with feedback in relation to the comments that were received. The 11th May sitting was its First Reading. The Bill was not discussed in any detail. All Tynwald Members and all local authorities were provided with feedback from the engagement sessions and any detailed comments submitted by the local authorities to inform the Second Reading debate.

The feedback provided to local authorities was intended to inform them of the way in which the commentary had been used to finalise the Bill and this was after a process of engagement, which I went through at length in previous Readings. It was not a further opportunity for local authorities to come to the Bill and seek additional changes. There has to be a time, Mr Speaker, when the Bill moves into the parliamentary process and is duly scrutinised by the House of Keys and subsequently Legislative Council.

As with all Bills, there are likely to be those who do not agree with every aspect of legislation, but at some point, the Department has to conclude the process and move the Bill forward. Whilst I am sure that the opinions of Peel Commissioners are honestly held by Peel Commissioners, there has not been a widespread wave of support endorsing their comments so I would suggest, Mr Speaker, that there are elements of this modernising scheme, which – let's not lose sight of – applies the findings of the Select Committee, after some serious issues were evidenced in historic local authority activity. It is in my calculation around 10 years since those issues were surfaced and the criticism should not be that we are somehow rushing into this. The criticism should be why hasn't this been addressed previously? We are implementing Select Committee recommendations here.

The final Bill: obviously, it is not a matter for Peel Commissioners to determine the drafting of a Bill. The Department has to weigh up feedback received from all local authorities and, indeed from Hon. Members. I would like to thank those Hon. Members who took advantage of the various points of engagement which the Department put on, including very recently. In reality, the Peel Commissioners should be very capable of complying with the provisions that are in this Bill.

There is no benefit to delaying it further; and going forward, the Department will, of course, be working with all local authorities to ensure that provisions within the legislation are taken forward appropriately, supporting them in their compliance with these new elements which they are going to be required to comply by. Peel Commissioners are obviously one of the larger local authorities on the Island. They should be more than capable of complying with the provisions. If there were to be concerns that perhaps some of the smaller authorities may perhaps find it more difficult ... but it is notable that this has only come from Peel Commissioners, it has come very late in the day and, Mr Speaker, it does not change my belief in this Bill as drafted.

Thank you.

The Speaker: I put the question that the Local Government (Amendment) Bill 2021 be read for a third time. Those in favour, please say aye; against, no. The ayes have it.

A division was called for and electronic voting resulted as follows:

FOR

Mr Ashford
Mr Moorhouse
Dr Allinson
Mr Baker
Mrs Barber
Mr Boot
Mrs Caine
Mr Callister
Mr Cannan
Mrs Christian
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Peake
Mr Perkins
Mr Quayle
Mr Quine
Mr Robertshaw
Mr Shimmins
Mr Skelly
Mr Speaker
Mr Thomas

AGAINST

Mr Hooper

The Speaker: There are 23 votes for; 1 against. The ayes have it. The ayes have it.