

Response to Members Queries and Questions re Local Government Amendment Bill

Member (in order of who spoke on the 25 <sup>th</sup> May 2021 sitting of the House of Keys)	Extract of Hansard	Department response
Mr Thomas	<p><i>The first one is that the Public Sector Pensions Authority is being required – it must – give advice when requested by the Department of Infrastructure. I just wonder why the Department of Infrastructure, given it does not have the obvious capacity in respect of public sector pensions, why it is even still involved. Would it not be better to actually have the Public Sector Pensions Authority actually having the legal responsibility from under the UK legislation, rather than having to give advice to the Department of Infrastructure, which does not have great history and capacity in terms of public sector pensions?</i></p>	<p>This is something that has not as yet been discussed with the Pension Authority and was not the focus of this particular legislation, it may be something that could be explored going forward.</p> <p>The Department is grateful to have formally secured the assistance of the PSPA and will review this matter for future legislation changes.</p>
Mr Thomas	<p><i>why it has taken so long for Mr Hamilton's Petition that was made in July 2011 and for the Tynwald Report that was agreed by the end of 2012-13 from memory ... why has it taken so long?</i></p>	<p>The priority for progression of this Bill was set by previous administrations, however over the last year significant progress has been made including briefings for Local Authorities and other stakeholders and further drafting of the Bill prior to it being taken to the House of Keys for consideration.</p>
Mr Hooper	<p><i>so there is language in one of the schedules around confidential information, so where a meeting is public and obviously the minutes are public, there is an ability to withhold confidential information from publication, but it is very specifically limited to information that has been furnished to the local authority by the Department or by a Department, which specifically forbids it being disclosed and information which is prohibited under any enactment from being disclosed. It does not talk about any other types of confidential information, legally privileged information, commercially</i></p>	<p>Paragraph 1(2) of the new Schedule 3A deals with the mandatory exclusion of the public from meetings where confidential information is to be discussed at Local Authority meetings.</p> <p>Confidential information is defined in paragraph 1(3) of the same schedule.</p> <p>The query from Mr Hooper referred to other</p>

Response to Members Queries and Questions re Local Government Amendment Bill

	<p><i>sensitive information; it very specifically references those two types. So again, I think some clarity from the Minister on what they are trying to achieve with that.</i></p>	<p>confidential information, legally privileged information and commercially sensitive information. Some of this information would be classed as exempt information. Exempt information is that listed in paragraph 10 of the new schedule 3A.</p> <p>Therefore, if a local authority were to discuss any exempt information, the public may be excluded under paragraph 1(4) of the new schedule 3A. This is a discretionary power.</p>
<p>Mr Hooper</p>	<p><i>I would also like to get a better understanding of the clauses around relevant interests. We passed a law very recently which codified 'relevant interests' in statute. The election is coming up, we have all been sent these detailed lists of what is a relevant interest per the law that exists, but instead of just pointing to that law, this Bill says the Department can make its own regulations about what relevant interests are, so we could end up in a situation where local authorities have one set of rules and Members of the House of Keys have another set of rules about relevant interests.</i></p>	<p>Mr Hooper referred to the definition of relevant interest which has been set out in the Elections (Keys and Local Authorities) Act 2020. This new definition is wide ranging and goes further than recommendation 2 of the select committee report that prompted this legislation. The definition will in time be applicable to local elections and will mean members will have to declare their relevant interests when they become a candidate at local election level and when they accept office as a member of a Local Authority. Regulations will be drafted under this Bill on this issue and it is likely they will be made under the same definition of relevant interests.</p>
<p>Mr Hooper</p>	<p><i>but it is strange that we are applying one set of rules to local authorities and a different set of rules to ourselves. So again, some explanation from the Minister as to why that is considered appropriate.</i></p>	<p>This was in relation to participation of members in meetings when they have declared an interest. It is generally accepted that local</p>

Response to Members Queries and Questions re Local Government Amendment Bill

		<p>authorities are different to Tynwald in that there are more operational matters such as contracts and planning matters that are dealt with locally which may lead to unavoidable conflicts of interest which in Local Authorities would arise more often and be more significant than at Tynwald level.</p>
Mr Hooper	<p><i>Again, I would like to get some understanding of if I am a local authority and I am trying to get the byelaws passed, what is the time limit? What is the trigger point at which point I can then come to Tynwald directly and make that petition?</i></p>	<p>This question can be explained in terms that the legislation has been drafted to say where the Department has withheld its approval the Commissioners can then petition Tynwald, there is no set time limit in which a Local Authority could then go direct to Tynwald because Byelaws have not been drafted to a particular timeframe. From experience Byelaws can be delayed due to numerous reasons but should not necessitate a direct petition to Tynwald.</p>
Ms Edge	<p><i>I just really want to ask the Minister with regard to the public sector pensions, clause 33, where it clearly states that reasonable costs for the scheme to allow for administration and maintenance, expenses etc. are to be paid out of the scheme. Does the Minister know whether there was any consideration to go a little bit further on this to do a review of the pension scheme and the contributions from Members, because clearly they are way off the mark from the reform that has been taking place within the rest of the public sector and certainly with regard to ratepayers of the Isle of Man? I think it was 28% contribution from the ratepayers. I think it might even be up to 30% now and here we are possibly passing in clause 33 that they can also now start charging for the administration, etc. I just want to know if</i></p>	<p>The Department are aware of the disparity of contributions referred to by Ms Edge and the Department continue to liaise with officers of Douglas Borough Council in relation to that issue. In terms of a suggestion of the need for a review this is something that the Department would require further discussion on with the administering authority (Douglas Borough Council).</p>

Response to Members Queries and Questions re Local Government Amendment Bill

	<p><i>the Department did take any of that into consideration to do some of that pension reform that is urgently required.</i></p>	
--	---	--