



## WESTERN CIVIC AMENITY BOARD ORDER 2013

### Index

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Article	Page
1 Title .....	3
2 Commencement .....	3
3 Interpretation.....	3
4 Constitution of board .....	3
5 Chair of board .....	4
6 Meetings of the board .....	4
7 Functions of board .....	4
8 Expenses of board.....	5
9 Borrowing by the board.....	5
10 Transitional provisions .....	6



Statutory Document No. 0183/13



*Local Government Act 1985*

## WESTERN CIVIC AMENITY BOARD ORDER 2013

*Approved by Tynwald:* 18 June 2013  
*Coming into Operation:* 1 July 2013

The Department of Infrastructure makes the following Order under section 7 of the Local Government Act 1985 after consulting every local authority affected by the order.

### 1 Title

This Order is the Western Civic Amenity Board Order 2013.

### 2 Commencement

If approved by Tynwald, this Order comes into operation on 1 July 2013<sup>1</sup>.

### 3 Interpretation

In this order –

“**board**” means the joint board established under article 4;

“**constituent authority**” means the local authority for the town district of Peel, the local government district of Michael or the parish district of Patrick, German or Marown;

“**Department**” means the Department of Infrastructure; and

“**notice**” means a notice in writing.

### 4 Constitution of board

- (1) There is established a joint board by the name of the Western Civic Amenity Board.
- (2) The board must consist of 5 members, of whom one must be appointed by each constituent authority from among the members of that authority.
- (3) A member of the board –
  - (a) may resign by notice to the chair or secretary of the board;

<sup>1</sup> Tynwald approval is required by section 7(6) of the Act

- (b) must go out of office if he or she ceases to be a member of, or is voted out by, the constituent authority responsible for their appointment.
- (4) On receipt of a notice under paragraph (3)(a) the chair or secretary of the board, must immediately send a copy of the notice to the relevant constituent authority.
- (5) A retiring member of the board and any alternate must continue to act until his or her successor is appointed.
- (6) The secretary of the board must send written notification to the Department of any change in the board's membership.
- (7) Each constituent authority may appoint up to 2 alternates, either of whom may attend board meetings when the constituent authority's appointed member is unable to attend.

## **5 Chair of board**

- (1) At its first meeting after a vacancy in the office of chair arises the board must appoint one of its members to be the chair.
- (2) The chair of the board must go out of office —
  - (a) if he or she resigns by notice to the secretary of the board;
  - (b) if he or she ceases to be a member of the board;
  - (c) if he or she is removed by a resolution of the board; or
  - (d) on the 1 May next after the day on which he or she is appointed.

## **6 Meetings of the board**

- (1) No business may be transacted at a meeting of the board unless at least 4 members of the board are present.
- (2) The board must at its first meeting adopt standing orders regulating meetings of the board as required by section 27 of the Local Government Act 1985.
- (3) The minutes of the meetings of the board must be forwarded to the constituent authority.

## **7 Functions of board**

- (1) The board must within the districts of the constituent authorities carry out the functions of the constituent authorities under section 69 of the Public Health Act 1990 (provision by local authorities of places for deposit of refuse).
- (2) The board may employ staff and lease land in order to perform its functions.

## 8 Expenses of board

- (1) After consulting each constituent authority and the Department, the board must before 30 September in each year —
  - (a) prepare an estimate of the expenses of the board in performing its functions in the following year (including loan charges on money borrowed by the board), and
  - (b) send a copy of the estimate to each constituent authority and to the Department.
- (2) Before the 31 December in each year the board must agree to the budget by obtaining the approval of—
  - (a) four of the constituent authorities where the increase in budget over the previous year is less than or equal to the Island's RPI; or
  - (b) five of the constituent authorities where the increase in budget over the previous year is in excess of the Island's RPI.
- (3) Each constituent authority must in each year raise the appropriate proportion of the expenses of the board, as so estimated (giving credit for any surplus from the previous year), by a rate levied on the district of the authority; and must pay the amount to the board in 4 unequal quarterly instalments, to be paid direct into the board's nominated account no later than the 10 April, 1 July, 1 October and 1 January in that year amounting to 30%, 30%, 20% and 20% respectively.
- (4) Capital expenditure by the board of up to £12,000 per annum may be approved by a majority of the members of the board.
- (5) Other capital expenditure may be made only if all constituent authorities agree.
- (6) In this article —

**“appropriate proportion”**, in relation to a constituent authority, means the proportion which the rateable value of the hereditaments (excluding agricultural hereditaments) within the district of the authority bears to the rateable value of all the hereditaments (excluding agricultural hereditaments) within the area of the board as calculated at the start of each year;

**“RPI”** means the annual rate of inflation as measured by the Retail Prices Index (RPI) for the month of August in the given year and published by the Island's Government.

**“year”** means a year commencing on 1 April.

## 9 Borrowing by the board

- (1) The board must by notice to the Department and the constituent authorities, specify the total amount to be borrowed and the rate of interest and term of repayment.

- (2) After obtaining the approval of the Department and all five constituent authorities, the board may borrow money for the purpose of providing any equipment necessary for the exercise of its functions.

## 10 Transitional provisions

- (1) Each constituent authority must, as soon as practicable after the commencement of this Order, appoint one member to the board and up to two alternates and give the Department notice of the appointment.
- (2) The amount payable by each constituent authority under article 8(3) in the year commencing 1st April 2013 must be the appropriate proportion of the amount agreed by the constituent authorities before 1 July or, in default of agreement, determined by the Department and article 8(3) shall have effect in that year with the substitution for —
- (a) “4 unequal quarterly instalments” for “3 unequal instalments”;
  - (b) “10 April and 1 July” of “10 July”; and
  - (c) “30%, 30%, 20% and 20% respectively” of “60%, 20% and 20% respectively.”

MADE: 22 MAY 2013

**D C CRETNEY**  
*Minister for Infrastructure*

*EXPLANATORY NOTE*

*(This note is not part of the Order)*

This Order establishes a Western Civic Amenity Board, consisting of representatives of the local authorities of Peel town district, Michael district and Patrick, Marown and German parish districts, to exercise the functions of those authorities relating to the provision of places for the deposit of refuse.