

GENERAL MEETING

The MINUTES of the GENERAL MEETING held in the Boardroom, Town Hall, Derby Road, Peel on Tuesday 4th August 2015 at 7.00p.m.

Present Mr. R K Harmer (Chairman)
 Mrs. C A Moughtin (Vice Chairman)
 Miss K M Felton
 Mr. A G Jones
 Mr. D J Lace
 Mr. I G Davison
 Mrs. J O'Halloran

Apologies Mr. E C Beale

In attendance Mr. D Sewell (Clerk to Commissioners)

Action

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| CHAIRMAN'S WELCOME | 15/140 | The Chairman welcomed everybody to the meeting and congratulated the organisers of both the Peel Carnival and the Peel Boat Festival. In addition he congratulated the ladies golf team from Peel who were doing very well in a United Kingdom competition. The Board AGREED the Town Clerk should send a letter of congratulations and thanks on behalf of Peel Town Commissioners to these organisations. The Chairman reported he had received a letter from a member of the public expressing their satisfaction with the general quality of the public areas in the town particularly the headlands and the number of seats that were available for public to use. This letter recognised the good work done both the Commissioners and their staff. | DS |
| MINUTES | C15/141 | The Board <i>APPROVED</i> the Minutes of the meeting held on 21 st July 2015. Ian Davison and David Lace proposed and seconded these Minutes respectively. | |
| MATTERS ARISING | C15/142 | 15/103 Roundabout at the Campsite - Mr. Davison reported that Manager of the swimming pool believed the works already undertaken to reduce the height of the foliage had improved safety at this location. The need to reduce the size of the roundabout would be reviewed over forthcoming months. Should the works | |

undertaken to date prove unsuccessful in the long term.

15/104 Fenella Beach Car Park – The Board noted the contents of the letter received from the Department of Infrastructure dated 22nd July 2015. The Board *AGREED* subject to not having to pay the Department of Infrastructure to operate this car park they would be happy to take on this service. DS

15/112 Peel Town War Memorial – Mr. Jones reported he had spoken to the Legion about this matter and was awaiting a response from the Cathedral. The Town Clerk reported he had recently received a letter from the Cathedral which included their support for a project to improve the legibility of the inscription on the war memorial in the grounds of St. Germans Cathedral. A copy of this letter was to be provided to Mr. Jones. DS

15/121 St. Peters Church Clock – The Town Clerk reported no additional progress had been made on this item since the meeting on 21st July 2015. DS

15/130 Isle of Man Strategic Plan 2015 Enquiry – The Board noted the contents of a letter received from the Cabinet Office dated 24th July 2015 and that the Inquiry was scheduled to commence on 28th September 2015. The Board *AGREED* the Town Clerk should prepare a statement for the Strategic Plan enquiry and circulate this to Members prior to its submission to the Cabinet Office. DS

15/135 Transfer of Functions – Mr. Jones confirmed he had attended the meeting at the QEII High School on 28th July 2015 with another Member from the Board. Also present at the meeting was the Minister for Infrastructure, Sian Christian from the Department of Infrastructure and Debbie Reeves from the Department of Infrastructure. There were four representatives from Kirk Michael Commissioners, one representative from Patrick Commissioners and one representative from Onchan Commissioners. There were no representatives present from Marown Commissioners. Mr. Jones reported that he had received no further enlightenment on the transfer of functions and Debbie Reeves had tried to claw back some of her position from

previous meetings. Mr. Jones had been unable to get any additional information in relation to the business case provided by the local authorities who would form part of any Western Housing Authority. The Board *AGREED* the Town Clerk would get this feedback from the Department of Infrastructure to allow further discussions to take place. Mr. Jones believed the slow progress was probably a result of concerns about Department of Infrastructure jobs although this would not be confirmed by the Department. No further information concerning the waste escalator and refuse had been forthcoming from this meeting. It was unlikely that much progress would be made until the working parties had reported back. The Town Clerk was the Peel Town Commissioners representative on these working parties and he would provide updates to the Commissioners when these meeting had taken place. The Chairman asked if this is likely to happen by December 2015 which was the date set by the Minister for Infrastructure for the next transfer of functions to the local authorities. Mr. Jones stated that this was a tight deadline however both local authorities and the Department of Infrastructure needed to show they had better working relationships in place prior to the 2016 general election. DS

15/135 Isle of Man Tourism – Have Your Say – Mr. Davison report he had been unable to attend the meeting on 29th July 2015 and had rescheduled his attended to a meeting in August. Mr. Davison undertook to update the Commissioners on the outcome of this meeting at a forthcoming general meeting. ID

15/138 Recycle Bin Update – The Town Clerk reported the recycle bins from clothing in Shoprite car park had been relocated to the recessed area adjacent to the Commissioners car parking area which had formerly been a grass verge prior to its conversion from a surgery to a car park. The planning application for the recycling station facilities in the fish yards had not received consent to date and no further update was available at this time. The new recycle bins at Ballawattleworth were installed last week and the Commissioners had received a complaint from a local resident concerning noise and visual nuisance. The Town Clerk reported the bins had been located adjacent to neighbourhood shop facilities for the

convenience of local residents and that their location was screened by a turf hedge and bushes from local residents housing. The Chairman requested additional recycling facilities are required on Rearyt ny Keylley and proposed a location adjacent to the sewage processing station.

15/139 Seagulls – The Town Clerk reported that the number of complaint about seagulls had increased in recent years. When a member of the public complained about being attacked by a seagull the Commissioners staff asked for them to provide this information in writing to enable the Commissioners to report the issue to the Department of Environment Food and Agriculture. This approach was required because seagulls are a protected species and the individual nuisance bird much be identified prior to taking steps to secure its removal. The Town Clerk highlighted Peel Town Commissioners did not have any bylaws in relation to feeding seagulls. The Chairman stated that this issue had been raised at a previous board meeting and it had been *AGREED* that bylaws would be brought forward to prevent the feeding of seagulls in Peel. Mr. Jones agreed that individual nuisance birds must be identified and a blanket approach in regard to the removal of seagulls or the imposition of bylaws would not be defensible because seagulls are a protected species. Mrs. O’Halloran stated seagulls are a nuisance in all coastal towns and this problem was becoming more prevalent in recent years. She stated the measures available to local authorities were limited and this reduced their general effectiveness. Mr. Davison proposed the removal of eggs from nests and their replacement with fake eggs could limit growth in the population of seagulls in Peel. The Town Clerk stated that in other local authority areas the Commissioners had paid for spikes which had been placed on prominent buildings to prevent the rousting of seagulls and the depositing of bird muck. In addition, the Commissioners had removed a number of nests at problem locations where seagulls had sought to defend their young by swooping on to members of the public. Mr. Davison believed the increased seagull activity was in part cause by the open skips for seafood processing in the fish yards and the disposal of shell waste off Peel Hill. The Town Clerk confirmed that the Board had previously

resolved to invite a member of the Department of Environment Food and Agriculture to a forthcoming meeting in September 2015. The seagull issue in the fish yards was one of the issues which could be discussed with the Government representatives at this meeting. The Board *AGREED* that the Town Clerk should provide some costings for the spikes and netting of buildings to the next meeting to ascertain if this approach would be cost effective.

The Chairman requested an update on item 15/117 from the general meeting held on 21st July 2015 in which the Board had asked the Town Clerk to prepare a report to modernise the Standing Orders for Peel Town Commissioners following a reduction in the numbers of Board Members earlier this year. The Town Clerk circulated a report called “Variations to Standing Orders” and provided the following summary on this report.

The variation to Standing Orders paper assesses a number of options which will vary the Peel Town Commissioners Standing Orders following a reduction in the number of Commissioners in accordance with the Peel (Number of Commissioners) Order 2015, made under the Local Government Act 1985, which was approved by Tynwald on 17th March 2015 and came into operation on 1st April 2015. This Order will see the number of elected Members on Peel Town Commissioners Board reduce to seven from nine by 1st May 2016. The options contained within the report particularly concentrate on the areas of the Standing Orders where the number of Commissioners is either specified or designated. Option 1 retains the existing Standing Orders including Section 2a quorum, no business shall be transacted at a general meeting unless five members of the Commissioners are present, Section 6b Change of Policy – no motion under this Standing Order shall be declared carried unless there are at least six voters in favour, Section 12b Classification of Business – all matters considered to be confidential will be marked for discussion In Committee, all such matters will be discussed privately unless not less than six Members support the transfer of any such business into the public business, Section 16b Standing Orders – a motion to suspend Standing Orders shall not be moved without notice unless at least six

Members shall be present and the support of at least six Members shall be necessary for such a motion to succeed and Section 24a Duties of Lead Members – the Board shall nominate and appoint Lead Members as follows: Finance and General purposes – Works – Housing – Recreation and Entertainments and Planning. The advantages of retaining the status quo will result in no additional staff costs or general costs in re-printing new Standing Orders. The disadvantages are that as the number of Board Members reduce it will become harder to undertake current business effectively and many individual members will have to undertake multiple roles as Lead Members. In addition, the number of Members required to be quorum, change policies or Standing Order could be seen as undemocratic and obstructive in the future with a smaller number of overall Board Members.

Option 2 seeks to reduce the number of Members specified in the Standing Orders by one Members in every instance. This includes the number of Lead Members by removing the requirement for a Planning Lead Officer. The advantages are the Commissioners will become more effective on their day to day operations and it will remove the Lead Member for Planning because this issue is placed before the whole Board at each Board meeting. The disadvantage are there will be a small cost in reprinting new Standing Orders and when the number of elected Members is reduced by two by 1st May 2016 it will become harder to undertake day to day Board activities.

Option 3 reduce the number of Members specified in the Standing Orders by two Members and removes the Lead Member for Planning. This option is consistent with the overall reduction in Board Members and should enable the Board to carry out its day to day business effectively from 1st May 2016. However, the main disadvantage in relation to option 2 is that the number of Members to be quorum would be reduced to three Members. This could be seen to be too low and undemocratic.

Option 4 reduces the number of Members specified in Standing Orders to four in all instances and remove the Lead Member for

Planning this option overcomes the difficulties previously highlighted with Option 3.

The Board *AGREED* Option 4 should be implemented which reduced the number of Members specified in Standing Orders to four Members in all instances and removes the Lead Member of Planning. The Town Clerk is to provide a report for the next General Committee meeting concerning the duties undertaken by Lead Members and their remits. The Chairman confirmed that these proposed changes to Standing Orders would come into force the next meeting and then would be enacted for the first meeting in September. This was *AGREED* by all Members of the Board with the exception of Mrs. O'Halloran who abstained from the vote. The variation for Standing Orders was proposed and seconded by Alan Jones and Christine Moughtin respectively. DS

LOCAL ELECTION 15/143
ACT 1986

The Chairman proposed a Motion to bring forward from In Committee to the General Meeting item 7 on the Local Election Act 1986. This motion was supported by six Commissioners. Mrs. O'Halloran abstained from the vote. The Chairman asked the Town Clerk to provide the background information. The Town Clerk reported that prior to 31st March 2015 you were carried forward on the electors register automatically unless you notified the Cabinet Office that you had changed your details or wished to be removed. If you did not return your annual form you were automatically retained on the electoral register. The Town Clerk advised an email was sent to all Commissioners on 24th December 2014, Christmas Eve, at 11.05a.m. had included a general news release **for information purposes**. The Town Clerk read part of this news release verbatim: "to ensure the accuracy of the Islands electoral register names will be removed from the voters list next year if forms are not completed and returned by March 18th 2015. The reason stated was residents **cannot** vote in the House of Keys or local authority elections unless they are registered being unregistered can also affect a person's credit reference history and exclude them from jury service". Within this document to the Commissioners there was no reference to the Local Elections Act 1986 issue which had now come to light. Section 6 of the Local Election Act 1986 includes specific legal

requirements for local authority members. The Town Clerk read Section 6 from the Local Election Act 1986 verbatim, 2Section 6 is titled Qualifications for Election and Holding Office as a Member of a Local Authority. A person shall, unless disqualified by virtue of this act or any or enactment, be qualified to be elected and to be a member of a local authority for any district if his name is entered on the register of electors for that or any other district and on the day of the election he has attained the age of eighteen”. Therefore Section 6 covered both the qualifications for election **and** for holding office. The Town Clerk’s interpretation of this legislation was. He then re-read the pertinent parts of Section 6 by stating a person shall be qualified to be a member of a local authority for any district if his name is entered on the Register of Electors for that or any other district.

On 1st June 2015 the Commissioners received a letter from the Cabinet Office which stated the following “Dear Clerk – please find enclosed an amended list of additions to the April 1st electoral register. There are electors that have been omitted from the 1st April register due to a clerical error. Please accept my apologies for the need for this correction. This indicated that the April electoral register was inaccurate and if the contents of Section 6 were to be applied robustly persons not on the register should not be Members of a local authority from 1st April 2015. The Town Clerk advised he did not believe there was room for interpretation of Section 6 of the Act which was the stance that had been taken by other local authorities on recent days. The only issue is the current accuracy of the register of electors which were inaccurate by their own admission on 1st April 2015 and the public consultation which took place prior to changing the custom and practice of many years which had allowed electors who had not returned the forms to remain on the electoral register. Many of the Commissioners are aware that Government had a Code of Practice on consultation dated June 2008. This document has six consultation criteria. Criteria 2 states be clear about what your proposals are and who may be affected”. It is clear that Government when changing its custom and practice should have been able to identify that their own legislation would cause problems for existing Commissioners and when they wrote to

us on 24th December this issue was clearly not highlighted and should have been. The purpose of the email on 24th December was designed to highlight the issues for residents and not Commissioners. The current electoral register does not contain the name for two members of the Peel Town Commissioners which places these members in a difficult position. Mr. Jones confirmed this matter had been discussed at a Municipal meeting and that the legal advice received by Douglas Council, Port St. Mary, Ramsey and some of the local authority members who were affected by this change was consistent and robust in the need for these members not to take part in local authority decisions. The Municipal meeting had agreed to send a letter to the Department of Infrastructure to emphasise the difficulties it had placed their members in as well as general members of the public who would not be able to take part in forthcoming by-elections. Mr. Jones concluded by stating that the legal advice was consistent and had to be interpreted robustly and the only way to overturn this would be to take court action either on the procedure for the implementation of the change or on the accuracy of the records. The Chairman stated he did not believe we had to rush into a decision and there were other ways of dealing with this. He went on to say there was a broader issue with regard to people becoming disenfranchised with politics not being able to vote in local elections and by-elections in addition it was affecting a large number of people credit scores. Mr. Jones said there seemed to be a lack of concern by senior politicians and senior civil servants of the impact that this policy change had actually caused. He said this issue had come to light a reasonable period of time ago during the Douglas by-election and nothing had been done since he emphasised the difficulty people had getting back onto the electoral register and having to wait to re-register. Mrs. O'Halloran had confirmed she was one of the Board Members who was affected by this decision. She does not remember getting a reminder and feels embarrassed both as a member of the public and as a member of the Board. She confirmed she had been on the electoral register since she was twenty one and had always voted. Since she had been made aware of this problem she had written to the civil servants responsible for the electoral register and to the Minister John Shimmin. She

was upset by the position that she found herself in and thought it was unfair that she was unable to continue to contributing to the activities of the local authority. Mrs. O'Halloran confirmed she had a response from the Minister and the civil servant responsible for the electoral register. The Chairman asked the Clerk to get these communications so it could be circulated around the Board. The Town Clerk left the meeting. Mrs. Moughtin stated that Mrs. O'Halloran had been on the electoral role at the time of the election and the Peel electorate had voted for her to do a five year term. It appeared that with ten months to go she would not be able to complete that term based on the petty mindedness of somebody in government. She received a majority at the election from Peel's electorate and she should finish her term. She stated she was heartbroken for the Commissioners that this had affected and they had worked extremely hard for Peel and should be allowed to continue to do so. Mr. Davison highlighted that The Commissioners advertise in the public press recently for a new Commissioner and nobody had responded. His view on that basis was that Mrs. O'Halloran had been elected and she should be able to continue doing the job that she had been elected to do. The Chairman thought this process had shamed the Island and that the possibility that this decision could disenfranchise large members of the population is a disgrace and government need to be held to account for this decision. In addition it was unforgiveable they had not learnt from the problems that have happen earlier this year. The Chairman proposed the Commissioners should insist that our Members are reinstated onto the electoral register and rectify this situation as a matter of urgency. Until this matter is resolved the Chairman stated that Mrs. O'Halloran should remain in the meeting but should not take part in any votes voluntarily this would prevent any matters being agreed by the Board from being challenged legally. Mrs. O'Halloran stated she did not want to bring the Board into disrupt and that the Board should read the letter she had received from Mr. Shimmin and the civil servant for the electoral register. The Chairman stated that we need to make a stand on this type of issue being on the electoral register and being able to vote is an important part of democracy which people had fought to gain and retain. In addition he stated the Department of

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| | | Infrastructure had issued a statement recommending local authorities take a pragmatic approach to this problem. He wanted the Town Commissioners and Mrs. O'Halloran to take a unified stand together on an issue of this importance. The Board <i>AGREED</i> the Town Clerk should write to the relevant government departments challenging the process and the accuracy of the electoral register and get the Commissioners reinstated if at all possible onto the electoral register. The Board <i>AGREED</i> unanimously to allow Mrs. O'Halloran and the other Commissioner to remain part of the Board subject to them not voting voluntarily on Peel Town Commissioners businesses until this matter was resolved. Mrs. O'Halloran abstained from this vote. | DS |
| TOWN WARDEN'S REPORT | 15/144 | The Town Clerk reported there was no report available from the Town Warden for this meeting through his ill health in recent days. | |
| DERBY ROAD CAR PARK | 15/145 | The Board noted the letter asking for the trees to be cut back adjacent to this car park and <i>AGREED</i> the Town Clerk should write to the owners of the trees to secure this work. Mrs. O'Halloran abstained. | DS |
| DOGS | 15/146 | The Board considered the campaign materials produced by Port Erin Commissioners. Mr. Jones stated Douglas Borough Council had previous undertaken similar campaigns which only had a short term affect. He thought a letter to the Department of Infrastructure for an all-island view of dogs, litter and there access requirements should be considered for new legislation. The Chairman stated there was merit in a campaign and proposed Peel Town Commissioners should undertake an education campaign to reduce dog fouling. The Board <i>AGREED</i> to take forward this proposal. Mrs. O'Halloran abstained. | DS |
| PLANNING APPLICATIONS FOR COMMENT | 15/147 | The Board <i>AGREED</i> not to oppose planning application 15/00806 and 15/00852. Mrs. O'Halloran abstained | DS |
| PLANNING DECISIONS NOTIFIED | 15/148 | The Board noted there was no planning decisions for this meeting. | |
| MAROWN CIVIC SUNDAY | 15/149 | The Board <i>AGREED</i> Mr. Jones and Mrs. Moughtin would attend this meeting on behalf of | |

Peel Town Commissioners and the Town Clerk would send a confirmation of attendance letter. DS

ANY
BUSINESS

OTHER 15/150

The dates for future meetings proposed by the Town Clerk were *AGREED* by the Board. Mrs. O'Halloran abstained. Mr. Davison reported there were more holes coming in Peel Promenade blocked paved surface. The Board *AGREED* the Town Clerk to report this to the Department of Infrastructure. Mrs. O'Halloran abstained. DS

Mr. Davison highlighted a difficulty new children were having in obtaining access to Peel Clothworkers School children were already being taught in the staff room and in the hall. The question if there was enough space to deal with additional children who would be attending this school from September 2015. In addition he noted there were no plans within the government capital programme to increase the size of the Clothworkers School. The Board *AGREED* the Town Clerk would write to the Minister for Education and Infrastructure on this issue. Mrs. O'Halloran abstained. DS

Mr. Lace stated he had never seen the drainage surcharge issues on Peel Promenade during his time as a local Commissioner. He believes this problem was due to the high density of housing on the outskirts of Peel Town and a temporary solution should be found as soon as possible.

This part of the meeting ended at 8.09p.m.