

Good Government in the Isle of Man!

Written by PAG

Wednesday, 20 January 2016 19:44 - Last Updated Thursday, 21 January 2016 22:12

The question of how well we are governed rumbles below the surface of Manx political life. Peel resident, Trevor Cowin, has been openly critical of departmental behaviour for a number of years and gratifyingly has been influential in gradual improvement.

This time he's taken his concerns to the Lieutenant Governor!

Sent by e-mail

18 January 2016

His Excellency, Mr Adam Wood, the Lieutenant Governor of the Isle of Man

Government House
Onchan, ISLE OF MAN
IM3 1RR

Your Excellency

Re: Formal complaint against Mr Allan Bell, MHK, the Chief Minister, Isle of Man Government

I have your Personal Secretary's letter to me of the 7th January 2016, in response to my letter to you of the 6th January 2015, concerning the subject at caption.

I note that you agree with me that her Majesty the Queen is responsible for the good government of the Island and that you are Her Majesty's representative on the Island.

Unlike the Chief Minister who has failed to reply my correspondence with him and has failed to deal with a complaint which I made to him against Minister Gawne six months ago, you have

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clearly dealt with my complaint in some haste.

I note your selected extracts from the Report on the Crown Dependencies to which you refer, concerning the circumstances in which the UK Government should interfere in the insular affairs of the Crown Dependencies on the grounds of “good government”, which is described in extracts from the 2010 Kilbrandon Report in paragraph 37 of the Report, as only “being called into question in the most serious of circumstances, exemplified by the recent events in Turks and Caicos, which did indeed, lead to Government intervention. Such circumstances are likely to include a fundamental breakdown in public order or endemic corruption in Government”.

I take comfort, however, in the footnote to the paragraph referred to above which I repeat here –

“After allegations about corruption in the Turks and Caicos Islands, a Commission of Inquiry was set up in July 2008, under Sir Robin Auld, to examine the conduct of past and present elected members of the legislature. On 31 May 2009, Sir Robin reported confirming (inter alia) clear signs of political amorality and immaturity and of general administrative incompetence. He recommended the urgent suspension in whole or in part of the territory’s constitution and other legislative and administrative reforms. An Order in Council (Turks and Caicos Islands Constitution (Interim amendment) Order 2009) suspended Ministerial government and the House of Assembly from 14 August 2009. The Governor is leading a programme of reform”.

I note also that, because of the reasons enunciated in the Report referred to, you are content that my complaint does not evidence the breakdown of good government in the Isle of Man and does not warrant further investigation.

Although I have, in effect, alleged political amorality, general administrative incompetence and selective immaturity on the Chief Minister’s part, which were reasons given for suspending the constitution of the Turks and Caicos Islands, I can see that despite my arguments to the contrary, for the reasons which you explain, you are not to be persuaded that such incompetence in itself amounts to a lack of good Government. I don’t agree.

In this regard you were the person who appointed Mr Bell as Chief Minister on behalf of the Queen, and you will I’m sure be aware of the oaths which have to be taken and subscribed by law by all Members of the House of Keys, of which the Chief Minister is a Member, before they

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are permitted to sit and vote in the House of Keys which are –

“I, (full name), do swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors.

So help me God.”

“Her Majesty’s counsel, your fellows, and your own, you shall not reveal; you shall use your best endeavours to maintain the ancient laws and customs of this Isle.

You shall justly and truly deliver your opinion and do right in all matters which shall be put unto you, without favour or affection, affinity or consanguinity, love or fear, reward or gain, or for any hope thereof; but in all things you shall deal uprightly and justly and do wrong to no man.

So help you God, and by the contents of this Book.”

Since the Chief Minister has not dealt uprightly and justly with me with regard to my complaint against Minister Gawne and has done wrong to me by failing to communicate with me and by failing to investigate my complaint, he has, in my opinion, failed to honour the oath which he swore and as such failure must surely be of concern to Her Majesty the Queen, I am appalled that, as the Queen's Representative, should be so cavalier in dismissing my concerns.

I assume that you are aware that your power of appointment includes the power to suspend and dismiss. On the assumption that you are, it is apparent that the thought of you doing so hasn't even crossed your mind.

With the greatest of respect, your suggestion that if I wish to pursue this matter further I should take this up with the Chief Minister is derisory, given that, in part, the specific reason for asking for your Excellency's intervention was the Chief Minister's failure to communicate with me, which evidences both general administrative incompetence and selective immaturity. These poor selective standards of communication and disregard to rules of governance displayed by the Chief Minister are fundamental to my complaint and your Excellency's inclusion in this matter.

How can I possibly deal with the Chief Minister when he refuses to correspond with me and has failed to investigate a complaint which I made to him 6 months ago against Minister Gawne? For you to refer me back to Chief Minister in these circumstances is manifestly absurd.

With the greatest of respect also, although you say that you have considered my correspondence, it is clear to me that in the time available to you from the receipt of my letter until your Personal Secretary's reply, you have not had the time to consider the volumes of

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correspondence which gave rise to my complaint against the Chief Minister and Minister Gawne, who was the subject of my complaint to the Chief Minister. For this reason it is clear that you haven't carried out a proper investigation of my complaint; there isn't even any indication that you have spoken to the Chief Minister about it. This is unacceptable.

With the greatest of respect also it is clear that you haven't investigated my secondary complaint concerning the Chief Minister's failure to observe the normal standards required of him of acknowledging receipt of my correspondence, which renders him, in my opinion, in breach of the Ministerial Code under which he is required to behave according to the highest standards of constitutional and personal conduct in the performance of his duties and reflects badly on the Government of the Island. When do you intend to investigate this aspect of my complaint?

Although you weren't here at the time, the reference above to corruption provides an opportunity in the light of a recent event to remind ourselves that the Commission of Inquiry into Mount Murray investigated "allegations of corruption made in Tynwald Court (by Peter Karran MHK) in February 2002 as required by Tynwald in its resolution of 19th March 2002. In its Report the Commission commented –

"The allegations of corruption were not direct allegations of corruption. The sense and context of the allegations made related to maladministration and weakness in Government allied to lack of transparency in Government. Thus it was effectively contended in the Tynwald debate in setting up the Commission that it appeared that the Government had allowed a developer to do whatever it (the developer) had asked it to do to the extent that people seeking reasons for such a situation included corruption within the possibilities open to consideration given the lack of transparency which prevented the true reasons from being identified.

The results of our investigation show that there was no corruption in the ordinarily understood sense of the term, that is the passing or receiving of pecuniary gain or other consideration in return for actions taken or not taken. However, we do find that maladministration and weakness, allied to wrong doing by officers, and the lack of transparency in government dealings. This did allow a developer in effect to dictate to government, and, without in any way breaking the law, achieve in development terms exactly what it wanted to achieve, notwithstanding the consequential cost to the taxpayer generally, and affected members of the public particularly, in terms of safety, amenity and finance."

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In its Report, the Commission commented in relation to Mr Bell, who was at the material time the Minister for Tourism –

“The result of forces applied to the government by the developer through the Minister of Tourism, allied to the inherent weaknesses within government already identified, was that government could not handle the pressures applied to it on this matter and it succumbed, and in this sense was corrupted, leaving effective control of the Department of Tourism and planning office to the developer. As the minister said to the developer on one occasion in a telephone call – he had achieved a situation which “will allow you to do exactly what you want.” This telephone call was not the action of a responsible minister.”

In the light of those comments alone, how the Mr Bell survived the criticisms of him in the Report and subsequently became Chief Minister is, frankly, beyond me.

I look forward to receiving your reply.

Yours sincerely

Trevor Cowin